



**HUMAN RESOURCE  
POLICIES AND PROCEDURES**

<b>Policy:</b> Substance Abuse Policy		
<b>Date:</b> April 15, 1996	<b>Revision Date:</b> December 19, 2023	<b>Approved by:</b> Human Resources

**I. PURPOSE AND SCOPE**

Eastern Municipal Water District ("EMWD") recognizes that substance abuse is a national problem, and that substance abuse results in injury, physical and monetary loss, death and human suffering. In response to this problem, the District prohibits the unlawful possession, use, manufacture, distribution, transferring, purchasing, sale, dispensing, or being under the influence of alcohol, intoxicating substances, or illegal drugs (as defined by federal and state law) while on EMWD property, during work hours, when performing work duties, or while operating a personal vehicle on EMWD business. EMWD reserves the right to require and conduct drug or alcohol tests whenever reasonable suspicion exists that an employee is under the influence of alcohol or drugs as prohibited by this Policy. Such testing will consist of scientifically valid testing which does not screen for nonpsychoactive cannabis metabolites.

Although cannabis may be legally obtained under California law, cannabis is still illegal under federal law. As such, the use, sale, possession, or being impaired by cannabis, whether prescribed or recreational, during working time, while on EMWD property, or while performing EMWD work violates this Policy. Physician-prescribed and over-the-counter medications are permitted, providing they do not adversely affect job performance or the safety of the employee or other individuals in the workplace. Employees are required to notify EMWD's Human Resources Department if they are taking any prescription or over-the-counter medication which may impair their performance of essential job functions or their ability to safely perform such essential functions. EMWD retains sole discretion as to whether it will be safe for those employees to remain on duty.

Furthermore, EMWD recognizes that in order to maintain a safe, effective, and productive work environment it is necessary to identify job applicants and employees who are currently using illegal drugs (as defined by federal and state law) that might interfere with job performance.

Any employee found in violation of this policy is subject to immediate discipline consistent with EMWD's Employee Discipline Policy and applicable law. Employees who are subject to Department of Transportation (DOT) regulations by virtue of their possession of a commercial driver's license are subject to the provisions and requirements in EMWD's Drug & Alcohol policy. To the extent the provisions of EMWD's Drug & Alcohol policy

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conflict with the provisions in this Policy, the provisions in the Drug & Alcohol policy shall apply instead of those in this Policy for those employees covered by the Drug & Alcohol Policy.

**II. POLICY STATEMENT**

The purposes of this policy are as follows:

1. To reaffirm our commitment to providing the highest caliber of public service available while building upon the public trust we have worked hard to develop.
2. To establish and maintain a safe, healthy working environment for all employees.
3. To reduce the incidence of accidental injury to persons or property.
4. To reduce absenteeism, tardiness and indifference to job performance.
5. To provide assistance toward rehabilitation for any employee who seeks EMWD's help in overcoming any addiction to, or problem with, alcohol or other drugs.

EMWD will not discriminate against employees based on (1) an employee's use of cannabis off-duty and away from the workplace that does not result in on-the-job impairment, or (2) the results of a drug test that reveals nonpsychoactive cannabis metabolites.

This policy supplements, but does not replace, EMWD's disciplinary policies, rules and procedures relating to the use of alcohol or other drugs or to job performance, as well as applicable memoranda of understanding.

**III. DEFINITIONS**

A. Drugs

Any chemical substance which (among other things) may result in impairment for the user. For purposes of this policy, the word "drugs" includes but is not limited to: Cannabis, Cocaine, Heroin, PCP, Methedrine, LSD, all prescription or over-the-counter medications, sedatives, and narcotics.

B. Alcohol

Alcohol is a drug. It is a central nervous system depressant. Alcohol is the major intoxicating ingredient in beer, wine, and distilled liquor.

C. Illegal Drugs

Any "drug" in which federal or state law prohibits the possession, use, or sale of that substance. Alcohol and physician-prescribed and over the counter medication is not considered illegal drugs. As noted above, "illegal drugs" does

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not include an employee's off-duty use of cannabis, unless it results in on-the-job impairment.

D. Intoxicating Substance

Any substance which produces physical, mental, emotional or behavioral changes in the user, including, but not limited to, glue, paint thinner, etc.

**IV. PROCEDURES**

A. PRE-EMPLOYMENT TESTING

EMWD requires that all job applicants complete a post-offer, pre-employment drug screening as part of the pre-employment medical examination. This drug screening shall not test for cannabis in any manner.

1. All applications for employment will contain a statement to prospective applicants advising them that the selection procedure includes taking and passing a post-offer pre-employment medical examination, which includes drug screening for the presence of illegal drugs.
2. Any applicant who is referred for a post-offer pre-employment examination will be required to sign consent forms authorizing the testing for illegal drugs and the release of the test results to EMWD.
3. Any applicant who refuses to sign the consent form(s) or to submit to testing will not be considered for employment by EMWD.
4. Test results are confidential and will not be released except to appropriate EMWD personnel, the applicant upon written request, or pursuant to Court Order or as required by applicable law.
5. Testing will be conducted by a clinical laboratory licensed by the State Department of Health Services, or a public health laboratory certified by the State.
6. Any applicant whose drug screening test results are negative will be deemed to have passed that portion of their post-offer pre-employment medical examination.
7. Test results indicating the presence of an illegal drug will automatically require a re-analysis of the original sample.
8. If the re-analysis reflects a negative indication, the applicant will be deemed to have passed that portion of the post-offer pre-employment medical examination.

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9. If the re-analysis results in a second indication of the presence of an illegal drug, EMWD reserves the right to rescind such applicant's conditional offer of employment. Further, such applicant will not be considered for employment by EMWD for a period of one year after the date of the test results.
10. Any applicant who is taking medication prescribed by a physician or over-the-counter medication must list such medication on the examination form, and any positive indications related to the presence of that medication will not prohibit employment.

B. EMPLOYEE SUBSTANCE ABUSE TESTING AND ASSISTANCE

It is EMWD's intention to not only identify employees with substance abuse problems, but also to offer assistance to those employees who are willing to accept help with their problems and are not concurrently charged with violation of this policy.

As required by the Drug Free Workplace Act of 1988, employees are required to notify the Director of Human Resources of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

C. NOTIFICATION AND INSTRUCTION

1. EMWD will give each employee a copy of this Policy, receipt of which will be acknowledged by the signature of each employee, to be kept in the employee's personnel file.
2. EMWD will conduct employee staff meetings prior to the initiation of this policy to explain the policy and procedure.
3. Supervisors will be given instructions in the implementation of this policy prior to its effective date.

D. WHEN TESTING WILL OCCUR

An employee will be required to submit to a test for the detection of alcohol, illegal drugs, or other intoxicating substances when the employee:

1. Reports to work and reasonable suspicion exists that the employee is under the influence of alcohol, illegal drugs, or an intoxicating substance; or
2. When any of the following incidents occur and a supervisory investigation (as described below in Part 3., Supervisory

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Investigation) indicates the possibility of use of alcohol, illegal drugs, and/or an intoxicating substance by the employee:

- a. An employee is involved in an accident while using a company vehicle.
- b. An employee is involved in an accident which causes injury to persons or property.
- c. An employee's attendance record indicates absenteeism beyond an acceptable rate, and the customary methods of improving attendance have failed to result in a positive change.

E. SUPERVISORY INVESTIGATION

When any of the above incidents triggers the possibility of requiring the employee to submit to a test for alcohol, illegal drugs, or intoxicating substances, a trained supervisor should, if at all possible:

1. Make personal contact with the employee to determine if there are factors present that would indicate that the employee may be under the influence of, or may have used alcohol, illegal drugs, or an intoxicating substance.
2. Collect and record all facts pertinent to the reasons for suspecting such use.
3. If it appears that the employee may be involved in such use of alcohol, illegal drugs, or intoxicating substances, refer the employee to the appropriate testing lab, or, if the employee is injured and being treated for injury, arrange for the collection of a test specimen at the treatment facility.

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F. TEST RESULTS

1. If test results are negative, the employee will continue with service.
2. Test analysis that results in a positive indication of the presence of alcohol, illegal drugs, or an intoxicating substance will automatically require a re-analysis of the original sample.
3. If the re-analysis reflects a negative indication, the employee will continue in service.
4. If the second test results in an indication of the presence of alcohol, illegal drugs, or an intoxicating substance, the employee will be disciplined pursuant to disciplinary procedures set forth in existing EMWD policy and/or applicable memorandum of understanding and may be placed on non-work-related health leave of absence until found to be medically fit to return to work.

G. VOLUNTARY ASSISTANCE

Alcoholism and drug addiction are treatable illnesses and EMWD encourages employees with substance abuse problems to seek professional assistance.

The following procedure is hereby implemented for those employees who voluntarily seek competent medical assistance:

1. Any employee who requests time off work to enter into a certified substance abuse treatment program, such as a hospital or a state licenses treatment center, will be given a non-work-related health leave of absence until found to be medically fit to return to work.
2. The cost of the treatment is the employee's responsibility in conjunction with his/her medical insurance.
3. An employee will not receive any pay or salary while on non-work-related health leave except for accrued sick leave, compensatory, vacation or floating holiday benefits or other disability benefits to which he/she is individually entitled.
4. An employee on non-work-related health leave may return to work upon furnishing a physician's statement which reflects that the employee is medically fit to return to work.
5. The personnel records of an employee who voluntarily seeks assistance shall not reflect the reason that a non-work-related health leave was granted, nor shall there by any diagnosis, the nature of the problem, or the place or type of treatment sought.

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6. Any information received by EMWD in regard to an employee who is requesting a non-work-related health leave for this purpose will be kept strictly confidential.
7. The fact that an EMWD employee has been on non-work-related health leave for treatment of a substance abuse problem shall not effect consideration for future advancement or transfer.
8. An employee may request up to two (2) separate periods of non-work-related health leave for substance abuse treatment while employed by EMWD. After a second leave is granted, EMWD may refuse to grant additional leave depending upon the medical circumstances of each case.

H. VOLUNTARY ASSISTANCE

EMWD will make arrangements with a local provider for the services of an Employee Assistance Counselor. The Counselor will be available to all employees to provide assistance in cases in which substance abuse is detected or suspected, or work performance indicates some type of problem that is affecting job performance.

1. PROCEDURES FOR REFERRAL TO EMPLOYEE ASSISTANCE COUNSELOR

a. Supervisory Referral

- i. When a supervisor has noted a decline in an employee's job performance, and supervisory action has failed to affect the desired change, a supervisor may refer the employee on a voluntary basis to the counselor for evaluation and recommendation.
- ii. The Counselor will determine if the employee's poor job performance is due to a substance abuse or other personal problem and will recommend a course of treatment or action as appropriate.
- iii. Participation by the employee in the evaluation and recommended course of treatment is voluntary.
- iv. Whether or not the employee enters or completes treatment, EMWD will take the usual and customary disciplinary steps pursuant to EMWD procedure, in the event that job performance does not improve.

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- v. EMWD personnel records will only reflect that, as part of establishing better job performance, the employee was referred to the Counselor, and shall not reflect any diagnosis or recommendation, unless the employee consents, in writing, to the release of such information by the Counselor.
- b. Self-Referral
  - i. Any EMWD employee may contact the Employee Assistance Counselor directly, and in strict confidence, for help with substance abuse.
  - ii. The Employee Assistance Counselor will assist the employee in terms of evaluation and guidance in obtaining proper treatment.
  - iii. If the employee and Employee Assistance Counselor determine that a non-work-related health leave of absence is appropriate, EMWD will grant the leave, upon request of either the employee or the counselor.
  - iv. EMWD personnel records will only reflect that, as part of establishing better job performance, the employee was referred to the Counselor, and shall not reflect any diagnosis or recommendation unless the employee consents, in writing, to the release of such information by the counselor.

**AUTHORIZED SIGNATURES ON FILE**



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**SUBSTANCE ABUSE POLICY ACKNOWLEDGMENT FORM**

This is to acknowledge that I have received a copy of Eastern Municipal Water District's Substance Abuse Policy and understand my responsibilities under this policy.

Further, I understand that Eastern Municipal Water District reserves the right to change, rescind or add to this policy and its procedures in EMWD's sole and absolute discretion with or without prior notice.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT OR TYPE NAME