



Approved:
Chief Marcia Harnden

Subject:

872. Alcohol and Drug Use

Effective:
November 17, 2017

Effective:
February 1, 2021

CALEA Standards:

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872.1: PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

872.2: POLICY

It is the policy of this department to provide a drug and alcohol-free workplace for all members.

872.3: GENERAL GUIDELINES

- a. Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated ([41 USC § 8103](#)).
- b. Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty.
 - 1) Affected members shall notify the Shift Supervisor or appropriate supervisor as soon as the member is aware that they will not be able to report to work.
 - 2) If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner.
 - 3) If the member is adversely affected while on-duty, they shall be immediately removed and released from work (see Work Restrictions section 872.6).

872.3.1: USE OF MEDICATIONS

- a. Members should avoid taking any medications that will impair their ability to safely and completely perform their duties.
 - 1) Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

- b. No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair their abilities, without a written release from their physician.
- c. Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

872.4: MEMBER RESPONSIBILITIES

- a. Members shall report for work in an appropriate mental and physical condition.
- b. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances on department premises or on department time (41 USC § 8103).
 - 1) The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition, except marijuana.
- c. Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.
- d. Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.
- e. Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

872.5: EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103).

- a. Insurance coverage that provides treatment for drug and alcohol abuse also may be available.
- b. Employees should contact the City of Albany Department of Human Resources, their insurance providers or the employee assistance program for additional information.
- c. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

872.6: WORK RESTRICTIONS

- a. If a member informs a supervisor, they have consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from their physician before continuing to work.
- b. If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

872.7: REQUESTING SCREENING TESTS

A supervisor may request an employee to submit to a screening test under the following circumstances (refer to Article 11 of the [Collective Bargaining Agreement](#)):

- a. The supervisor reasonably suspects, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing their ability to perform duties safely and efficiently;
 - 1) Reasonable suspicion must be supported by specific articulable facts which may include but are not limited to: reports and observation of the employee's drug-related activities; observations of the employee's behavior or work performance; an observed impairment of the employee's ability to perform his or her duties. (Collective Bargaining Agreement, Article 11, Paragraph B)
- b. The employee discharges a firearm, other than by accident, in the performance of their duties;
- c. During the performance of their duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to themselves or another person or substantial damage to property.

872.7.1: SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

- a. The test will be given to detect either alcohol or drugs, or both;
- b. The result of the test is not admissible in any criminal proceeding against the employee;
- c. The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

872.7.2: SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if:

- a. The employee fails or refuses to submit to a screening test as requested;
- b. After taking a screening test that indicates the presence of a controlled substance, the employee fails to provide proof, within 72 hours after being requested, that the employee took the controlled substance as directed, pursuant to a current and lawful prescription issued in their name;
- c. The employee violates any provisions of this policy.

872.8: COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

872.9: CONFIDENTIALITY

- a. The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.
- b. The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.