
St. Andrews Parish Parks & Playground Commission

Policy Manual

Section: 3 Topic: Substance Abuse

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SAPPPC is committed to safeguarding the health and safety of its staff members as well as promoting a drug-free community. Substance abuse, while at work or otherwise, seriously endangers the safety of staff members and the general public.

In keeping with this commitment and with the Drug-Free Workplace Act, SAPPPC conducts a drug and alcohol testing program to detect users and remove abusers of alcohol and illegal drugs from the workplace. SAPPPC also works to prevent the use and presence of these substances in the workplace, and assists staff members in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

Staff members are required to abide by the terms of this policy as a condition of employment.

HOWEVER, AGAIN, ALL EMPLOYEES OF SAPPPC ARE EMPLOYEES AT WILL. THIS SIMPLY MEANS THAT BOTH SAPPPC AND THE EMPLOYEE HAVE THE RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, WITH OR WITHOUT CAUSE OR REASON FOR TERMINATION, AND WITH OR WITHOUT NOTICE. THIS AT-WILL RELATIONSHIP EXISTS DESPITE ANY OTHER PROVISIONS OF THIS MANUAL OR ANY OTHER SAPPPC MANUAL, DOCUMENT, OR VERBAL STATEMENT.

Certain staff members may be subject to additional requirements under state and/or federal regulations.

Definitions of terms used in this policy are given at the end of this policy.

Prohibitions

Any staff member who is taking any legal drug which might impair safety, performance, or any motor functions must advise his supervisor before reporting to work. Failure to do so may result in disciplinary action, as will improper use of any legal drug.

The improper use of prescription drugs and/or use of prescription drugs prescribed for a person other than the staff member is prohibited and will result in disciplinary action up to and including discharge.

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The following acts are not permitted. Each will result in immediate discharge.

- a. The use, transfer, sale, purchase, possession, manufacture, distribution, or dispensing of illegal drugs or any form of alcohol on SAPPPC property or during working time.
- b. Reporting to work with the presence of illegal drugs in the body or under the influence of alcohol. A staff member will be considered under the influence of alcohol when in the judgment of his supervisor, a department head or director, his ability to perform the job safely and effectively is affected by the use of alcohol. An alcohol test result of (.04) or higher will be considered positive.
- c. Refusal to submit to any drug or alcohol test within that test's time frame.
- d. Attempting to tamper with a drug or alcohol test.
- e. Failure to pass a drug or alcohol test.
- f. Sale of illegal drugs or conviction of a drug-related crime away from SAPPPC property or during non-working time, that could adversely affect SAPPPC's reputation.

Should the truth of a reliable and credible report of illegal drug sale by a staff member or an arrest for the same be uncertain, the suspected staff member may be suspended from employment and/or banned from SAPPPC property until a determination of conviction is reached by law enforcement authorities. The type of suspension (paid or unpaid) will be determined on a case-by-case basis by the Executive Director.

The Drug-Free Workplace Act of 1988, which covers SAPPPC, requires staff members to report to SAPPPC any criminal conviction involving drug activity conducted on SAPPPC property or while on duty, within five days of the conviction. SAPPPC requires staff members to report any such conviction conducted outside of SAPPPC property or duty as well. The consequence of any such criminal conviction is immediate discharge; however, as an alternative, the staff member may submit their resignation effective immediately.

Asking for Help

Should any staff member feels he might have an alcohol or drug abuse problem, he should immediately approach the Executive Director, Deputy Director, or Human Resources Director. Any such communication, and all related conversations following, will be kept confidential to the fullest amount practicable.

SAPPPC management will go to great effort to assist any staff member who approaches them, prior to failing a drug or alcohol test, for assistance in recovering from a substance abuse problem, and who is willing and determined to defeat the problem.

As part of its efforts to help, SAPPPC may refer such a staff member to its Employee Assistance Program (EAP). SAPPPC maintains its EAP precisely to provide confidential help for staff members who suffer from substance abuse or other personal or emotional problems.

If after SAPPPC attempts to work with such a staff member for a reasonable period of time, however, and he does not cease all use of alcohol and/or drugs or no longer participates willingly in any substance abuse program or with SAPPPC or EAP staff, disciplinary action up to and including discharge may become necessary. SAPPPC reserves the right to utilize disciplinary action to the best of its judgment.

SAPPPC also reserves the right to grant a leave of absence to enable the staff member to recover or to protect the safety of other staff. If this is done, the staff member may use any available sick leave or vacation time during his absence, provided the EAP or substance abuse program administer supplies SAPPPC with periodic updates as to the staff member's participation. These updates must be provided in intervals of no longer than one week.

While SAPPPC applauds any staff member's efforts to stop personal substance abuse, **all** staff members are subject to the tests as listed below and to the disciplinary action resulting from a positive test. In addition, any staff member who enters a substance abuse program or notifies SAPPPC management of a substance abuse problem is subject to follow-up testing (see below). If a staff member feels he is unable to work or remain on duty without the use of illegal drugs and/or alcohol, he should request such a leave of absence.

Staff members *are* welcome to use the services of the EAP on a confidential basis to defeat a substance abuse problem without notifying SAPPPC of any such problem; however, this necessarily means the leave of absence option and support of management in defeating a substance abuse problem will not be available to them. The decision of notifying SAPPPC management, its EAP, or both, is solely that of the staff member.

Participation in any substance abuse program will be at the staff member's expense unless otherwise covered by SAPPPC's EAP contract, covered under that staff member's health plan, and/or except that the Executive Director may use his discretion to approve an amount up to \$50 per appointment or session (the number of sessions supported in this way also to be determined by the Executive Director) to be paid directly to the provider upon verification that the staff member attended a complete session.

Taking part in any substance abuse program or notifying SAPPPC of a substance abuse problem **does not** exempt any staff member from disciplinary action resulting from violation of any SAPPPC policy, procedure, or rule. **IT ALSO DOES NOT CONSTITUTE A CONTRACT; EMPLOYMENT FOR ALL STAFF MEMBERS IS ON AN AT-WILL BASIS.**

Testing

As a drug-free workplace, SAPPPC conducts several types of drug and alcohol tests.

In all cases, refusal to sign a drug testing consent form, to submit to a drug test in the required time frame, to tamper with a drug test, or to fail to pass a drug test, will result in withdrawal or refusal of any offer for hire, or immediate discharge.

All tests are conducted according to all applicable laws and regulations. SAPPPC's substance abuse testing provider(s) are selected by the Executive Director in consultation with the Commission Chairman.

Staff members who are taking any form of medication or substance which they feel may result in a positive drug or alcohol test have the option to notify SAPPPC's substance abuse testing provider at the time of a test, so that the laboratory can appropriately screen the staff member's sample.

Pre-Employment Testing: All applicants considered final candidates for a full time position, director-level position, Aquatics position, and/or any position requiring the transportation of children are tested for the presence of illegal drugs as part of the hiring process. Every such applicant is notified in writing of SAPPPC's drug testing program and requirements prior to a final offer of hire, and is asked to sign a Drug and Alcohol Testing Consent Agreement. Applicants must submit to the drug test within 24 hours of being notified.

For Cause Testing: Any staff member may be asked to submit to a drug or alcohol test if cause exists to indicate his ability to perform work safely and/or effectively may be impaired. Any staff member who is sent by any member of management to a "for cause" drug or alcohol test must submit to the test immediately.

Any staff member who is sent to a "for cause" drug or alcohol test will be transported to the site of SAPPPC's substance abuse testing provider, and transported home immediately afterward. Staff members may not transport themselves to such a test or home, as they may be impaired and endanger others on the road.

"Cause" in this instance is based on specific, objective facts and reasonable inferences drawn from these facts in light of experience. Testing for cause does not require certainty; however, mere "hunches" are not sufficient to require testing. Some examples of factors which could establish cause include, but are not limited to:

- a. Direct observation of a staff member engaged in drug-related activity
- b. Abnormal, irrational, or erratic behavior
- c. Swollen, bloodshot eyes
- d. Incoherent or slurred speech
- e. Confusion, lack of coordination, or obvious on-the-job impairment
- f. Odor or residual odor peculiar to some drugs or alcohol
- g. The presence of drugs, alcohol, or drug related paraphernalia in a staff member's possession or near a staff member's workplace
- h.
- i. Arrest for a drug-related crime

Random Testing: All staff members who serve in safety-sensitive positions or Aquatics positions, as well as all staff members dealing directly with children and all staff members required in the course of their job to drive or transport others are required to submit to drug

testing on a random basis, and are informed of this requirement at the time of hire, at the time they are sent to the test, and through use of signs displayed on the front door of every SAPPPC facility. Selection of staff members for random testing is conducted by SAPPPC's substance abuse testing provider.

Staff members must submit to the random test within 24 hours of being notified. If a staff member does not report for the test within that period, he has the option to have his employment terminated or submit, at his own expense, to a hair-based drug test. The hair-based test detects drug use during the past 90 days.

Post-Accident Testing: Any staff member who causes an accident or who is driving or operating any SAPPPC vehicle or piece of equipment at the time of an accident which involves injury to any individual, substantial damage to vehicles or equipment, or substantial damage to other property, **may be tested immediately for the presence of drugs and/or alcohol at the discretion of the Executive Director.**

Any staff member who is sent to a "post-accident" drug or alcohol test will be transported to the site of SAPPPC's substance abuse testing provider, and transported home immediately afterward. Staff members may not transport themselves to such a test or home, as they may be impaired and endanger others on the road.

Follow-up Testing: Any staff member who has entered a substance abuse program or notified SAPPPC management of a substance abuse problem is subject to unannounced follow-up tests for a two-year period after returning to work or completion of any substance abuse program, whichever is later. Staff members must submit to "follow-up" tests within 24 hours of being notified.

Any staff member who is sent to a "follow-up" drug or alcohol test may be transported to the site of SAPPPC's substance abuse testing provider, and transported home immediately afterward. If notified of such transportation, the staff member may not transport himself to such a test or home, as he may be impaired and endanger others on the road.

Additional Testing: Additional testing may be conducted as required by applicable state or federal laws, rules, or regulations or as deemed necessary by SAPPPC.

Appeal of Positive Tests

Any staff member who tests positive for drug and/or alcohol will immediately be notified by the Deputy Director or Executive Director and discharged from employment. In the case that neither the Executive Director or Deputy Director is immediately available, the staff member will be notified by the Human Resources Director, and immediately suspended without pay until such time as one of those directors becomes available.

Once notified, the staff member may appeal the test result at his own expense. To do so, the staff member must notify SAPPPC's substance abuse testing provider within 72 hours that he wishes

to appeal the positive drug test result through their Medical Review Officer (MRO). He must also submit a request to the provider for a certified laboratory to perform a retest on the initial specimen, within 72 hours of providing the specimen.

Should the retest result in a negative designation, or should the MRO declare the test negative, the staff member will be immediately reinstated to his position. However, depending on the circumstances, he may be subject to random additional or follow-up testing.

Investigations

To ensure that illegal drugs and alcohol do not enter or affect the workplace, SAPPPC reserves the right to search all vehicles, containers, lockers, personal property and other items on SAPPPC property when there is reasonable cause to suspect the presence of illegal drugs or alcohol, or SAPPPC has reason to believe a staff member has violated SAPPPC's substance abuse policy. Any such search will be conducted with respect and courtesy on the part of SAPPPC management. Failure to consent to or cooperate with such a search will result in immediate discharge and/or denial of access to SAPPPC property.

Any drugs or alcohol found will be turned over to the proper law enforcement authorities. SAPPPC also reserves the right to cooperate with or enlist the services of the proper law enforcement authorities in the course of any investigation.

Staff members are encouraged to approach any supervisor, department head, or director at any time with any questions about this policy.

Definitions

Illegal drugs: Drugs or controlled substances which are either not legally obtainable or are legally obtainable but not obtained or used in a lawful manner. Examples include, but are not limited to, cocaine, marijuana, and prescription drugs which are not lawfully obtained or which are used for a purpose for which they were not prescribed. Also refers to mind-altering and/or addictive substances which are not sold as drugs or medicines but are used for mind- or behavior-altering effects.

Legal drugs: Over-the-counter drugs or drugs proscribed which are legally obtained by the staff member and used for the purpose for which they were prescribed and sold.

SAPPPC property: All work sites, parking lots, vehicles, and offices owned, rented, utilized, or serviced by SAPPPC or any customer of SAPPPC; vehicles owned or rented by staff members on the property of SAPPPC or by any SAPPPC customer while on agency business; and locations where the staff member represents SAPPPC in any capacity.

On duty or working time: All working hours, meal periods and break periods regardless of whether on premises, and all hours when the staff member represents SAPPPC in any capacity.