

Suggested policy format and content. RTPA specific policies should be developed in consultation with RTPA Legal Counsel, Board of Directors and appropriate regulatory agencies.

12. Substance Abuse

The purpose of this policy is to establish and maintain a safe and healthy workplace for all RTPA employees that is free of any adverse effects on job performance caused in any way by the use or presence of drugs or alcohol. Additionally, this policy is intended to inform employees that assistance toward rehabilitation is available if an employee needs help in overcoming addiction to, dependence upon, or problems related to the abuse of drugs or alcohol.

Involvement with drugs and alcohol, both on and off the job, takes a toll on individual job performance and employee safety. Impacts of substance abuse include higher health benefits usage and workers' compensation claims, increased safety and liability risks, and diminished productivity and quality of work. The RTPA goal is to prevent or reduce these and other negative effects associated with substance abuse. This policy will serve to establish prohibitions against conducting RTPA business or representing RTPA while under the influence of drugs or alcohol. Violation of this policy may result in disciplinary action up to and including termination.

Definitions

Alcohol means any alcohol or alcoholic beverage as defined in the California Business and Professional Code Sections 23003 and 23004.

Controlled Substance means alcohol, a drug, or an immediate precursor thereto.

Conviction means a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal and state criminal drug statutes.

Drug means any drug, including, but not limited to, an illegal drug or a prescription or over-the-counter drug (legal drug) which is listed in any schedule in Sections 11054, 11055, 11056, 11057, or 11058 of the California Health and Safety Code.

Illegal drug means any drug or immediate precursor which is specified or referenced in any provision of the California Uniform Controlled Substance Act (Division 10 of the Health and Safety Code) which may subject an individual to criminal penalties, or a legal drug which has not been obtained legally or is being used by an individual for whom it was not prescribed, or is not being used in a manner, combination, or quantity for which it was manufactured, prescribed, or intended.

Legal drug means any over-the-counter or prescription drug which has been obtained legally and is being used in a manner, combination, and quantity for which it was manufactured, prescribed, or intended.

Drug-Free Workplace means a site for the performance of work in which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.

RTPA Business means duties that are performed by an employee for RTPA, whether on or off RTPA premises, including, but not limited to, events at which an employee represents RTPA in his/her official capacity and occasions when an employee uses property such as a vehicle owned by RTPA.

Substance Abuse means the improper use of controlled substances or any other substance that impairs an employee's ability to safely and effectively perform the functions of a particular job.

Under the Influence means an employee's ability to perform RTPA business with normal effectiveness and efficiency is negatively affected due to the employee's use of a controlled substance.

Policy

RTPA is committed to providing a Drug-Free Workplace and preventing substance abuse by employees. It is the policy of RTPA that:

- An employee performing RTPA business shall not be under the influence of a controlled substance.
- An employee's job performance or safety shall not be jeopardized in any way because another employee is conducting RTPA business under the influence of a controlled substance.
- An employee shall not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance.
- An employee shall not possess or consume an open container of alcohol or an illegal drug on RTPA premises.
- An employee shall not allow an open container of alcohol or an illegal drug to be placed or carried in a RTPA vehicle or in any vehicle over which an employee has control while conducting RTPA business.
- An employee shall not sell, offer, or provide an illegal drug to another person while conducting RTPA business.
- RTPA discourages the consumption of alcohol by employees while conducting RTPA business whether or not such consumption will cause the employee to be considered under the influence of alcohol.
- Conviction of an employee of a crime involving a controlled substance while the employee is employed by RTPA must be reported by the employee to the Director of Finance and Administrative Services within five days.

Compliance with this policy is a condition of employment. Violation of this policy may result in disciplinary action up to and including termination. Violation of this policy also may result in RTPA contacting appropriate legal authorities. Disciplinary action that may be imposed against an employee for violation of this policy includes termination.

Responsibilities

It is the responsibility of the Executive Director to administer the provisions of this policy. It is the responsibility of the Director of Finance and Administrative Services to manage and maintain this policy, and to provide information to RTPA employees on obtaining assistance with substance abuse problems when requested or when appropriate.

Assistance with substance abuse and rehabilitation is the responsibility of the employee. All costs resulting from participation in a rehabilitation or other assistance program which are not paid for by the RTPA Employee Assistance Program, the employee's medical insurance carrier, or other available community resource are the responsibility of the employee.

Procedures

Any employee who feels he/she has developed an addiction to, dependence upon, or problems with a controlled substance is encouraged to seek assistance. Assistance may be sought initially by contacting an immediate supervisor, the Director of Finance and Administrative Services, or the RTPA Employee Assistance Program. All requests for assistance will be handled in confidence to the fullest extent permitted by law.

Any employee who believes another employee is under the influence of a controlled substance while carrying out RTPA business may report his/her suspicion and the reasons for that suspicion to the Director of Finance and Administrative Services. If the Director of Finance and Administrative Services believes it is warranted, he/she will discuss the matter with the employee who is suspected of substance abuse and refer the employee to the RTPA Employee Assistance Program or other appropriate resource.

No disciplinary action will be taken against any employee who discloses his/her substance abuse problem prior to RTPA learning of a violation of this policy, provided the employee begins a program of rehabilitation and strictly follows the rules and guidelines of that program. An employee who is not in a rehabilitation program, however, may be subject to discipline if his/her performance or attendance is affected negatively or RTPA business operations or other employees are affected negatively due to the employee's use of a controlled substance or the employee's conviction of a crime involving a controlled substance.

Employees may seek and may be granted rehabilitation leave. Rehabilitation leave will be subject to the leave policies established by RTPA.

Any employee convicted of a crime related to a controlled substance must notify the Director of Finance and Administrative Services no later than five days after such conviction. The Executive Director will determine whether discipline related to the conviction is appropriate. If discipline as severe as termination from employment is not merited, the employee's continued employment will be conditioned upon the employee's enrollment in a rehabilitation program and satisfactory completion of the program. All situations will be handled in confidence to the fullest extent permitted by law.