

## ALCOHOL IN THE WORKPLACE

The District prohibits the use and/or abuse of alcohol in the workplace. While the District endeavors to avoid unnecessary intrusion into employees' personal lives, it is committed to providing a workplace safe from the adverse effects of alcohol.

1. An individual is determined to be under the influence when affected by alcohol in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, not to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance, but may include symptoms such as the odor of alcohol.
  - a. Impairment is the emotional or physical inability of an employee to safely and effectively perform their job.
  - b. Reasonable suspicion is a belief based on objective facts and physical indicators sufficient to lead a reasonable, prudent person to believe that an employee is currently under the influence of, or in possession of alcohol.
2. A determination of impairment or reasonable suspicion of being under the influence can be established by a professional opinion (i.e.; Police Officer, Substance Abuse Counselor, Medical Practitioner) or by a manager(s) based upon observation of conduct and/or events.
  - a. When there is reasonable suspicion that an employee is under the influence, the employee should be lead into an area away from co-workers and students.
  - b. The employee should be informed that based upon observation he/she appears to be under the influence while on duty. The employee should be offered the opportunity to present a valid explanation or to undergo a drug and alcohol test. A drug/alcohol test will be administered by Police Services or by sending the employee to the District's physician.
  - c. If the employee refuses, the employee should be sent home by calling for a ride or by taxi.
  - d. The Associate Vice Chancellor, Chief Human Resources Officer should be notified immediately.
3. The following acts and/or conditions related to the use of alcohol and/or drugs are prohibited:
  - a. Consumption, use, possession, transfer, manufacture, solicitation, attempted or actual sale, purchase, distribution or dispensation. Selling, furnishing or providing alcohol to a person under the age of twenty-one is unlawful. The possession of alcohol by anyone under twenty-one years of age in a public place is illegal.
  - b. Consumption of alcohol or possession or transfer of open containers of alcohol except at sanctioned events<sup>1</sup> or when performing authorized job duties (i.e. science labs, hotel and restaurant management).
  - c. Being under the influence, or giving the appearance of being under the influence, of alcohol, while on District premises or conducting District business. To the extent that such use affects or gives the appearance of affecting the safety of co-workers, students or the general public, the employee's job performance; or the safe or efficient operation of facilities or business.

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<sup>1</sup> "Special events" means events that are held with the permission of the Governing Board of the District or designee that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the District and for which the principal attendees are members of the general public or invited guests and not students of the District.

4. Employees suspected of being under the influence of alcohol while on duty may be placed on administrative leave pending investigation.
5. Temporary personnel and independent contractors who fail to comply with this policy are removed from the premises and may be barred from any future service with the District.
6. Treatment is available for employees with problems related to alcohol dependency, and the District strongly encourages employees with such problems to seek treatment. It is the employee's responsibility for seeking, obtaining and cooperating in such treatment.
7. Any employee experiencing alcohol dependency is encouraged to seek available Employee Assistance Programs and/or any disability plans, treatment, and health plan coverage that may be appropriate. Employees may check with the District Human Resources Office regarding available resources.

Participation in such programs does not relieve the employee of the responsibility to meet job performance expectations. However, participation may help preserve employment when sought before serious absenteeism, performance problems or misconduct occurs.

34 Code of Federal Regulations Sections 86.1 and following  
Business and Professions Code Sections 24045.4, 24045.6, 25608