



OPERATING POLICIES

O.P. NUMBER D-07	TITLE Drug- and Alcohol-Free Workplace	ISSUE DATE 6/15/06	REVISION DATE 4/27/09
----------------------------	--	------------------------------	---------------------------------

SUMMARY

Metropolitan recognizes that employee involvement with alcohol and drugs can be very disruptive and adversely affect safety and the quality of work and performance. This document states Metropolitan’s zero-tolerance policy for illegal drug and unauthorized alcohol use in the workplace.

SUPERSESSON

This Operating Policy supersedes Operating Policy D-07, dated June 15, 2006.

AUTHORITY

The General Manager delegates the authority to develop and implement this policy to Human Resources.

DEFINITIONS

Reasonable Suspicion Testing—Also known as probable-cause testing, Reasonable Suspicion Testing is conducted when managers document observable signs and symptoms that lead them to believe that the individual may pose a danger to himself or herself, other employees, or the public. Specific observations concerning appearance, behavior, speech, body odors, or performance; and violations of any safety rule or unsafe work incident, which after further investigation of the employee’s behavior leads the manager to believe the employee may be unsafe, justifies reasonable suspicion testing. Post-incident testing is covered in this definition.

Pre-Employment Testing—Conducted to prevent hiring individuals who illegally use drugs or alcohol. It typically takes place after a conditional offer of employment has been made. External applicants agree to be tested as a condition of employment and are not hired if they test positive for drugs.

Pre-Duty Testing—Conducted when an employee is transferred from a position where he or she was not subject to mandatory drug testing to a position where testing is required.

Employee Assistance Program (EAP)—Metropolitan’s pre-arranged program to assist employees and their families on specific personal life issues, including problems with alcohol or substance abuse.

Substance Abuse Professional (SAP)—A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission).



OPERATING POLICIES

O.P. NUMBER D-07	TITLE Drug- and Alcohol-Free Workplace	ISSUE DATE 6/15/06	REVISION DATE 4/27/09
-----------------------------------	---	-------------------------------------	--

POLICIES

1. Metropolitan’s zero-tolerance policy against illegal drug and unauthorized alcohol use in the workplace applies to all personnel at Metropolitan including regular and temporary employees, consultants, contractors, subcontractors, and vendors who work on Metropolitan property or any place where Metropolitan business is transacted.
2. It is a violation of the zero-tolerance policy to manufacture, distribute, dispense, use, possess, sell, trade, and/or offer for sale alcohol or illegal drugs in the workplace.
3. There are occasions where alcoholic beverages are permitted at Metropolitan-sponsored social events with the General Manager’s written approval. In all circumstances, Metropolitan expects its employees to conduct themselves in a responsible manner. Illegal, abusive, or excessive consumption of alcohol resulting in interference with the rights of other persons, jeopardizing of an employee’s own safety or the safety of others, personal injury or damage to property will result in disciplinary action.
4. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, or result in property damage, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify Human Resources) to avoid unsafe workplace practices.
5. All employees are absolutely prohibited from reporting to work or working under the influence.
6. Entering Metropolitan property constitutes consent to searches and inspections. If an individual is suspected of violating this drug- and alcohol-free policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted on Metropolitan property, including Metropolitan vehicles and equipment.
7. All testing of employees shall be on Metropolitan-paid time and at Metropolitan expense. Each employee, as a condition of employment, may be required to participate in drug and alcohol testing upon request of management and as required by applicable regulations.



OPERATING POLICIES

O.P. NUMBER D-07	TITLE Drug- and Alcohol-Free Workplace	ISSUE DATE 6/15/06	REVISION DATE 4/27/09
-----------------------------------	---	-------------------------------------	--

POLICIES (cont.)

8. An employee will be subject to the same consequences as those of a positive test if he/she: refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person, sends an imposter, will not sign the required forms, or refuses to cooperate in the testing process in such a way that prevents completion of the test.
9. External job applicants are required to pass pre-employment drug and alcohol testing. If he or she violates this policy, the offer of employment can be withdrawn.
10. Any employee who tests positive will be immediately removed from duty and remedial action will follow.
11. All drug- and alcohol-testing information will be maintained in separate confidential records. All information received by Metropolitan through this program is a confidential communication. Access to this information is limited to those who have a legitimate need-to-know in compliance with relevant laws and management policies.
12. Metropolitan recognizes that early intervention and support improve the success of rehabilitation. To support our employees, our policy:
 - Provides information on medical insurance benefits provided through Public Employees' Retirement System under the provisions of the Public Employee's Medical and Hospital Care Act for substance abuse programs.
 - Offers Employee Assistance Program (EAP) for community resources for assessment and treatment, and counseling programs.
 - Allows the use of available accrued paid leave while seeking treatment for alcohol and other drug problems.
13. The Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) and the State Drug-Free Workplace Act of 1990 require that Metropolitan employees directly engaged in the performance of work on a Federal or State contract or grant abide by this policy as a condition of employment.



OPERATING POLICIES

O.P. NUMBER D-07	TITLE Drug- and Alcohol-Free Workplace	ISSUE DATE 6/15/06	REVISION DATE 4/27/09
----------------------------	--	------------------------------	---------------------------------

POLICIES (cont.)

14. In addition, pursuant to the requirements of the Federal Drug-Free Workplace Act of 1988, employees working on Federal contracts and grants shall notify Metropolitan within five calendar days if they are convicted of any criminal drug statute violation occurring in the workplace or while on Metropolitan business.

This requirement also applies to all employees who perform support or overhead functions related to the Federal contract or grant and for which the Federal government pays its share of expenses.

Metropolitan is required to notify the Federal contracting or granting agency within ten calendar days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in available counseling, treatment, and approved substance-abuse assistance or rehabilitation programs within thirty calendar days of having received notice of such conviction.

RESPONSIBILITIES

Managers are responsible to:

- Reinforce to employees the provisions of this policy.
- Observe employee performance.
- Investigate reports of alleged violations of this policy with the guidance of the special agent on duty.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Refer employees to Employee Assistance Program (EAP).
- Clearly state consequences of policy violations.
- Determine appropriate corrective action in consultation with Human Resources, Employee Relations Unit.
- Attend applicable training.

Legal Department is responsible to:

- Notify the Federal contracting or granting agency within ten calendar days of receiving notice of an employee's drug conviction.

Human Resources Section is responsible to:

- Reinforce employees' awareness of this policy by reviewing the policy and assistance programs at safety meetings.
- Coordinate, schedule, and administer the contract for employees' drug and alcohol testing.
- Maintain all drug- and alcohol-testing-related records.



OPERATING POLICIES

O.P. NUMBER D-07	TITLE Drug- and Alcohol-Free Workplace	ISSUE DATE 6/15/06	REVISION DATE 4/27/09
----------------------------	--	------------------------------	---------------------------------

RESPONSIBILITIES
(cont.)

- Review this policy in orientation sessions with new employees.
- Provide managers with training to help the manager recognize and manage employees with alcohol and other drug problems.
- Provide guidance for managers regarding corrective action.
- Facilitate the Employee Assistance Program (EAP) process.
- Notify Legal Department immediately upon receiving notice of an employee’s drug conviction.

Security Team is responsible to assist the managers in investigating and determining observable signs and symptoms that may require reasonable suspicion testing for drugs and/or alcohol.

Employees are responsible to:

- Attend applicable training and safety meetings.
- Comply with the provisions of this policy.
- Use the EAP as needed and encourage support for fellow workers seeking help.
- Report alleged violation of this policy to their managers.

REFERENCE

Memoranda of Understanding

- AFSCME section 5.8
- MAPA article 48
- Supervisor Association article 42
- ACE section 6, article 12

Health, Safety, and Environmental Manual
40 CFR Section 36.200
Federal Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D)
State of California Drug-Free Workplace Act of 1990

APPROVAL

Original signed by Jeffrey Kightlinger 4/27/09

Jeffrey Kightlinger, General Manager

Date