



City of Wildomar

Drug- and Alcohol-Free Workplace Policy

Effective August 13, 2025

I. OBJECTIVE

- A. The City of Wildomar ("City") is committed to providing a healthy and safe work environment for its employees. The purpose of this policy is to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse ("substance abuse") by employees. There is a vital interest in maintaining safe and efficient working conditions for employees. Substance abuse is incompatible with health, safety, efficiency, and success. Employees who are under the influence of alcohol or who have any illegal drugs in their system, or who abuse legal drugs while on City premises, operating machinery, or performing City business endanger their own health and safety and the health and safety of others. Nothing in this policy limits the City Manager's ability to approve limited exceptions in relation to alcohol consumption for special events, receptions, or business meetings, provided such use does not impair judgment or safety.
- B. Substance abuse can also cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for coworkers, disruption to other employees, delays in the completion of work, inferior quality of service, and disruption of community relations. This policy governs not only the abuse of alcohol and illegal drugs but also the use and abuse of legal drugs in the workplace. Employees who use legal drugs, including prescription and over-the-counter drugs, should consult with a health care provider regarding the medication's impact on work and must comply with those provisions set forth in this policy that address such use.
- C. To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, to protect its business, property, equipment, and operations, and to comply with all federal and state requirements, including, but not limited to, the Drug-Free Workplace Act of 1988 (41 U.S.C. § 8103) and the California Drug-Free Workplace Act of 1990 (Government Code § 8355), the City has established this policy concerning employee use of alcohol and drugs. As a condition of hire and continued employment, each employee must abide by this policy. Each employee will be given a copy of this policy upon their hire.

D. In the spirit of creating a drug- and alcohol-free work environment, nothing in the policy shall be construed to restrict City's ability to use common sense, prudence, technology, or external resources to protect the safety of its employees, its customers, or the public, unless otherwise prohibited by law.

Nothing in this policy is intended to diminish the City's commitment to employ qualified disabled individuals or to provide reasonable accommodation to such individuals consistent with all federal, state, and local laws.

II. APPLICABILITY

A. This policy applies to all applicants and employees of the City.

B. Certain employees may be subject to the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. No. 102-143, 105 Stat. 952, as amended) which requires alcohol and drug-testing of safety-sensitive transportation employees who are required to have a commercial driver's license (49 CFR Parts 40, 382, 391, 392, and 395, as amended). To comply with Department of Transportation (DOT) regulations, the City has developed specific guidelines regarding when and how drug and alcohol testing will occur, as well as provisions on rehabilitative services available to all covered employees. The specific guidelines for covered employees who are required to have a commercial driver's license are set forth in a separate commercial driver policy. Covered employees who are required to have a commercial driver's license are covered by this policy except where this policy conflicts with the commercial driver policy or with the Omnibus Transportation Employee Testing Act of 1991, as amended, the Federal Highway Administration Regulations, as amended, Federal Motor Carrier Safety Administration, as amended, or any other applicable Department of Transportation City regulations governing drug testing of employees required to possess a commercial driver's license, in which case the commercial driver policy or transportation-specific legal requirement will control.

III. DEFINITIONS

A. **Controlled Substances.** Any drug or substance that is classified into the five schedules or classes on the basis of its potential for abuse, accepted use, and accepted safety under medical supervision by the federal Drug Enforcement Administration. Examples of controlled substances include, but are not limited to, marijuana metabolites, cocaine metabolites, opiate metabolites, amphetamines, and phencyclidine (PCP). Controlled substances may be further classified as illegal or legal drugs.

- B. **Illegal Drugs.** A controlled substance, a legal drug which has not been legally obtained, or a legal drug which was legally obtained, but that is being sold or distributed unlawfully.
- C. **Legal Drugs.** Any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
- D. **Abuse of any Legal Drug.** Abuse of any legal drug means the use of any legal drug (i) for any purpose other than the purpose for which it was prescribed or manufactured; or (ii) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
- E. **Drug Paraphernalia.** Drug paraphernalia means any device or instrument used for injecting, smoking, consuming, or otherwise administering a controlled substance/legal drug/illegal drug, which includes, but is not limited to the items set forth in California Health and Safety Code section 11364.
- F. **Reasonable Suspicion.** Reasonable suspicion means a belief based upon objective facts, evidence, or other indicators sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion (this is not an exhaustive list):
 - 1. Slurred speech;
 - 2. Alcohol odor on breath/person;
 - 3. Cannabis odor on breath/person;
 - 4. Unsteady walking and movement;
 - 5. Physical symptoms of impairment (e.g., glassy eyes, eye dilation, shaking, or erratic movement);
 - 6. An accident involving City property that provides a reasonable basis to believe that the accident was likely to have been caused by impairment from drugs or alcohol;
 - 7. Physical or verbal altercation;
 - 8. Unusual behavior;
 - 9. Job impairment;
 - 10. Possession of alcohol, drugs, or prohibited drug paraphernalia; or
 - 11. Information obtained from a reliable source with personal knowledge.
- G. **Possession.** Possession means that an employee has the substance on the employee's person or otherwise under the employee's control.

- H. Under the Influence. The use or misuse of any of the following in a manner and to a degree that impairs the employee's work performance or ability to use City property or equipment safely:
 - 1. Any alcoholic beverage;
 - 2. Any illegal drug or substance; or
 - 3. Any legal drug.
- I. Impaired. Diminished capacity, ability, mental acuity, or performance.
- J. Safety-Sensitive Employees. Safety-sensitive employees are employees who hold safety-sensitive positions. Safety-sensitive positions are those requiring the performance of duties that present risks to self and others so that even a momentary lapse of attention can have disastrous consequences, including, but not limited to the following:
 - 1. Positions that include interaction with children, where employees are directly responsible for protecting children, or where employees have continuous interaction or supervision that puts them in a position of influence over children.
 - 2. Positions that include working in or around traffic.
 - 3. Positions that have a history of drug or alcohol use include those where the City has established the existence of documented problems with drug or alcohol use by employees in a particular position or particular department.

IV. POLICY

A. No Right of Privacy.

The City respects the individual privacy of its employees. However, employee privacy does not extend to the employee's use of City-provided equipment, supplies, or property. Employees should be aware that the terms of this policy limit their privacy in the workplace and that employees have no reasonable expectation of privacy with respect to City property, which may be searched at any time.

B. Cannabis.

The City recognizes that the State of California has legalized the use of cannabis for recreational and certain medical uses. However, under federal law, the use of cannabis remains prohibited, and cannabis remains a controlled substance. The City will not take action against an employee solely because of the employee's lawful, off-duty use of cannabis. However, the City reserves the right to take disciplinary action under this policy, up to and including termination, when an employee is actually impaired by cannabis on duty or engages in any other conduct involving cannabis that

violates this Policy. Any action involving cannabis use will be consistent with Government Code Section 12954.

C. Advance Notification To City Of Use Of Legal Drugs.

1. **Use of Legal Drugs.** The City recognizes that it may be necessary for employees to use legal drugs from time to time. The City also recognizes that even legal drugs can impair the employee's ability to adequately or safely perform their duties. In order to accommodate employees who use legal drugs while helping avoid serious adverse consequences resulting from such drug use, employees are required to notify the City so that the City can determine if any work restrictions are advisable under the circumstances.
2. **When Notification is Required.** Employees who know or should know that their use of legal drugs might endanger their own safety or the safety of another person, might pose a risk of significant damage to the City's property, or might interfere with their job performance or the efficient operation of the City's business, are obligated to report such drug use to the Human Resources and Risk Manager. This includes, but is not limited to, side effects of increased drowsiness or dizziness. The City reserves the right to have either a City-designated physician or the employee's own physician determine whether it is advisable for the employee to continue working while taking such drugs.
3. **Duty to Disclose.** Employees who operate or who are responsible in any way for the operation, custody, or care of the City's property, or for the safety of other employees or other persons, have a duty to disclose the nature of their job duties to any prescribing physician or pharmacist and/or to a City physician or pharmacist and to inquire of the physician(s) or pharmacist whether their use of the prescribed drug might result in the dangers, risks, or impairment that this policy is intended to prevent.
4. **Restrictions on Work.** The City reserves the right to restrict the work activities of any employee who is using legal drugs or prohibit any employee from working entirely while the employee is using legal drugs.
5. **Duty to Refrain from Working.** No employee using legal drugs may report for or remain at work while impaired.

V. **Prohibited Conduct**

- A. **Scope.** Employees may not engage in any of the prohibited conduct identified in this policy any time the employee is:
 1. On City premises, in the workplace, or in uniform;
 2. Conducting or performing City business, regardless of location;

3. Operating or responsible for the operation, custody, or care of City vehicles, equipment, or other property; or
4. Responsible in any way for the safety of other individuals associated with the City, including, but not limited to, colleagues, management, visitors, residents, and vendors.

B. **Alcohol.** The following acts are prohibited, and commission of these acts may subject an employee to discipline, up to and including, termination:

1. The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or
2. Being impaired due to alcohol use.

C. **Controlled Substances.** The unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance are prohibited, and commission of these acts may subject an employee to discipline, up to and including, termination.

D. **Illegal Drugs.** The following acts are prohibited, and commission of these acts may subject an employee to discipline, up to and including, termination:

1. The purchase, sale, manufacture, distribution, transportation, dispensation, use, or possession of any illegal drug or drug paraphernalia; or
2. Having any illegal drug in an employee's system.
3. **Cannabis.** As it relates to testing for cannabis, consistent with Government Code section 12954, and except as otherwise required under federal law, this section shall only apply to an employee who has psychoactive cannabis metabolites in their system.

E. **Legal Drugs.** The following acts are prohibited, and commission of these acts may subject an employee to discipline, up to and including termination:

1. The abuse of any legal drug;
2. The purchase, sale, manufacture, distribution, transportation, dispensation, use, or possession of any legal prescription or over-the-counter drug in a manner inconsistent with law;
3. Working while impaired by the use of a legal drug in violation of this Section V;
4. Working without providing the required notice in violation of this Section V; or
5. Failure to make proper disclosure in violation of this Section V.

VI. SUBSTANCE SCREENING

A. Job Applicants

Job applicants may be required to undergo drug and alcohol testing as a condition of employment with the City. No drug and/or alcohol test shall be administered prior to the applicant receiving a conditional offer of employment. Only positions that present a “special need” for drug and/or alcohol testing will be subject to this section. For purposes of pre-employment drug and/or alcohol testing, “special need” includes safety-sensitive positions as defined in this policy and listed below.

1. Building Inspection Supervisor
2. Building Inspector I
3. Building Inspector II
4. Code Enforcement Manager
5. Code Enforcement Officer I
6. Code Enforcement Officer II
7. Code Enforcement Supervisor
8. Code Enforcement Technician
9. Community Services Director
10. Community Services Manager
11. Facilities Contract Specialist
12. Field Supervisor
13. Maintenance Worker I
14. Maintenance Worker II
15. Public Works Inspector I
16. Public Works Inspector II
17. Recreation Leader I
18. Recreation Leader II
19. Senior Building Inspector
20. Senior Code Enforcement Officer
21. Senior Facilities Maintenance Worker
22. Senior Maintenance Worker
23. Senior Public Works Inspector
24. Supervising Public Works Inspector

B. Employees

Current employees will be subject to drug or alcohol testing in the following circumstances:

1. Following a determination that reasonable suspicion exists in accordance with this policy; or
2. When an employee is subject to return to duty and/or follow-up testing following an employee's return from drug and/or alcohol rehabilitation and/or treatment.

C. Testing

1. **Circumstances Warranting Testing.** The City may conduct testing under any or all of the following circumstances:
 - a. Pre-employment testing;
 - b. Reasonable suspicion testing;
 - c. Post-accident testing; and
 - d. Testing authorized or required by federal or state regulations, including Department of Transportation regulations.
2. **Consent.** Prior to the administration of any drug and/or alcohol testing, the City's testing provider shall attempt to obtain from the employee a completed and signed consent form. This form will document the employee's consent in writing to examination and testing and will authorize the release of such information to the City. Refusal by the employee to sign a consent form is considered insubordination and may be independent grounds for disciplinary action, up to and including termination.
3. **Interference with a Required Test or Refusal to Cooperate.** An employee will be subject to the same consequences as a positive test if the employee:
 - a. Refuses the screening or test by engaging in behavior such as refusal to provide a urine specimen, body fluid specimen, hair, or breath sample without a valid medical explanation; a verbal declaration of refusal; or physical absence;
 - b. Adulterates, dilutes, contaminates, or tampers with the specimen, or attempts to do so;
 - c. Substitutes the specimen with that of another person, or sends an imposter to provide a specimen, or attempts to do either act;
 - d. Refuses to sign the required forms or documentation;
 - e. Otherwise refuses to cooperate in the testing process in such a way that prevents conducting or completion of the test.
4. **Results.** If the drug screen is positive, the employee may be requested to provide, within one (1) business day of the test results, bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name.

5. Cannabis. Consistent with Government Code section 12954, and except as otherwise required under federal law, the City will not screen for nonpsychoactive cannabis metabolites.

VII. CONSEQUENCES OF POLICY VIOLATIONS

Violation of this policy by any employee may result in discipline, up to and including termination, depending on the circumstances and at the sole discretion of the City.

A. Effect of Criminal Conviction

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace, while conducting or performing City business regardless of location, or during any City-related activity or event will be deemed to have violated this policy.

B. Effect of a Positive Test

An employee who receives a positive test for drugs or alcohol will be in violation of this policy. An applicant who receives a positive test result for drugs or alcohol may have their conditional offer of employment rescinded and may not be hired.

C. Refusal to Test

Whenever an employee refuses an order to submit to a drug or alcohol test upon appropriate direction, the employee shall be reminded of the requirements of this policy and the disciplinary consequences for refusal. Such refusal may be considered insubordination and is grounds for disciplinary action up to and including termination. Refusal to test includes, but is not limited to:

1. Failing to appear at the collection site in the time allotted;
2. Leaving the collection site before the testing process is completed;
3. Failing to provide a breath, urine, hair, or saliva specimen;
4. Failing to permit the observation or monitoring of specimen collection when required;
5. Failing to provide a sufficient amount of urine or breath specimen without a valid medical explanation;
6. Adulterating or diluting a urine, breath, or saliva specimen;
7. Failing or refusing to take a second test when required; and/or
8. Failing to cooperate with any part of the testing process; for example: refusing to sign the testing form when required.

D. Return to Duty/Follow-up Testing

Employees who violate this policy may also be required to participate in a drug and/or alcohol rehabilitation or counseling programs as a condition of continued employment. In certain instances (such as an employee who tested positive for drugs or alcohol or has successfully completed drug or alcohol rehabilitation), and solely at the City's discretion, the City may enter into an agreement with an employee who would otherwise be disciplined to permit the employee to keep their job upon fulfilling certain requirements pertaining to drug and/or alcohol rehabilitation, including, but not limited to, submitting to return to duty and/or follow-up testing when directed to do so by the City in accordance with this policy.

VIII. CRIMINAL CONVICTIONS

Employees must notify the City of any conviction under a criminal drug statute for a violation occurring in the workplace, while conducting or performing City business regardless of location, or during any City-related activity or event, in writing, no later than 5 days after any such conviction. For purposes of this policy, a conviction includes a finding of guilt, a plea of nolo contendre or no contest, and/or an imposition of sentence by any judicial body charged with responsibility to determine violations of federal or state criminal drug and alcohol statutes. When required by applicable law, the City will notify agencies under contract of any employee who has been convicted under a criminal drug statute for a violation occurring while conducting or performing City business, regardless of location.

IX. CONFIDENTIALITY

Disclosures made by employees to the Human Resources and Risk Manager concerning their use of legal drugs will be treated confidentially and will not be revealed to managers or supervisors unless there is an important work-related reason to do so, or disclosure is required by law. Disclosures made by employees to the Human Resources and Risk Manager concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially. Laboratory reports and/or test results shall not be maintained in an employee's general personnel file and information of this nature will be maintained in a separate confidential medical folder.

Managers and supervisors must restrict communications concerning possible violations of this policy to persons who have an important work-related reason to know. In addition, managers and supervisors must not disclose the fact of an employee's participation in any drug or alcohol counseling or rehabilitation program.

X. VOLUNTARY ASSISTANCE OR REHABILITATION

A. In General

The City encourages employees who suspect they may have alcohol or drug problems to seek voluntary assistance and rehabilitation at an early date. Accordingly, an eligible employee who decides to seek treatment or rehabilitation will not be subject to discipline solely because of seeking such treatment. However, the City reserves the right to discipline employees, up to and including termination, who are found to have engaged in activity prohibited by this policy.

B. Employee Assistance

The Employee Assistance Program (EAP) is available to assist employees in these efforts to overcome problems with drugs and/or alcohol. Information pertaining to such programs may be obtained by direct contact with the EAP agency or by contacting the Human Resources and Risk Manager.

C. Leave of Absence for Voluntary Receipt of Assistance and Rehabilitation

Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the Human Resources and Risk Manager, who will determine whether the City can accommodate the employee by providing unpaid leave to complete the program. The City reserves the right to deny such leave in accordance with applicable state or federal law if granting the leave is unreasonable or would impose an undue hardship on the City.

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