

## **SECTION 15 EMPLOYEE HEALTH, SAFETY, AND ACCIDENT PREVENTION**

**15.1 WORKING SAFELY** Each employee must be informed of and observe established safety practices as determined by the supervisor and Safety Manager. Each employee is to take all possible precautions to avoid exposure to injury or illness to him or herself or others. Each employee must utilize appropriate personal protective equipment such as steel-toed shoes, safety vests, safety glasses, and hard hats. No employee is permitted to remove guards or other protective devices from machinery and equipment. Employees shall refrain from operating, modifying, adjusting or using equipment in an unauthorized manner or working alone. Employees are prohibited from engaging in "horseplay."

**15.2 DUTY TO REPORT HAZARDOUS OR UNSAFE CONDITIONS** Each employee has the duty to report each unsafe working practice or hazardous condition that he or she observes to the supervisor or Safety Manager so that the problem can be immediately corrected.

**15.3 SUPERVISION** Each supervisor has the duty to ensure that each employee is acquainted with proper safety practices and applicable safety rules, that safe practices and safety rules are uniformly followed, and that employees are properly outfitted with the proper safety equipment. In the event an accident occurs, the supervisor is required to immediately complete and forward to the County Risk Manager a *Notice of Claim Form*.

**15.4 SAFETY TRAINING** Each employee shall attend safety training sessions as required by the County.

**15.5 INJURIES ON THE JOB** Each employee is required to report all job-related injuries or illnesses to his or her supervisor immediately, and assist in any resulting investigation. The supervisor shall report all job-related injuries or illnesses to the County Risk Manager immediately.

**15.6 MOTOR VEHICLE ACCIDENTS** If a County employee is involved in a motor vehicle accident while performing his or her official duties, the employee must assist persons at the scene and contact law enforcement. The employee should also request that the parties and properties involved remain at the scene of the accident, if possible, until a law enforcement officer has released them. The employee's supervisor and the County Safety Coordinator or Risk Manager must be notified of the accident immediately. The employee shall refrain from making statements regarding the accident to anyone other than the investigating officer(s), County Attorneys, County Risk Manager, or representative of his or her own insurance company, if the employee's privately owned vehicle is involved.

**15.7 ACCIDENTS INVOLVING DEFECTIVE EQUIPMENT** When an accident occurs that raises the possibility of defective equipment, the employee should immediately

attend to any injuries of employees or others, and then refer the matter to his or her supervisor, who shall consult with the County Safety Coordinator and Risk Manager.

**15.8 SAFETY COMMITTEE** The County maintains a Safety Committee composed of County employees appointed by the County Manager. The Safety Committee meets at least quarterly to identify safety hazards, review accidents that have occurred, discuss recommendations for improved safety and formulate safety rules and procedures. Each County employee is required to cooperate with inquiries made by the Safety Committee.

**15.9 DRUG- AND ALCOHOL-FREE WORKPLACE** Santa Fe County is a drug- and alcohol-free workplace. Accordingly, no employee may use, possess, distribute, sell, or be under the influence of alcohol or drugs while on the job. Violations of this policy may lead to disciplinary action, up to and including termination of employment or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

**15.10 PRESCRIPTION MEDICATION** The use of prescription medications is permitted on the job so long as such use does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner. It is the employee's responsibility to report to his or her supervisor the use of prescription medication that may impair job performance. If the employee cannot perform his or her duties while taking a prescription medication, the employee may be required to perform other duties or take sick leave until the course of treatment is concluded. A statement from the employee's physician concerning the prescription may be required.

#### **15.11 DRUG AND ALCOHOL TESTING**

**15.11.1 RANDOM TESTING** Each holder of a Commercial Drivers' License (CDL) and each employee in a safety or security related position is subject to random drug and alcohol testing. A safety or security related position is one in which an employee operates equipment that is potentially dangerous to other employees or citizens of the County, one in which an employee has access to or dispenses drugs, one in which an employee works in a facility that requires the care of individuals, one in which an employee has access to or carries a firearm, or one in which an employee operates or maintains heavy equipment or coordinates, relays, or controls radio communication for law enforcement, fire or emergency medical services personnel.

**15.11.2 TESTING ON REASONABLE CAUSE** If there is reasonable suspicion to believe that an employee may be impaired by drugs or alcohol on the job, or if the employee is found with drugs or alcohol in the workplace, immediate drug or alcohol testing may be ordered. Reasonable suspicion exists when one's experience and training tends to indicate that a given person is under the influence of alcohol or a controlled substance. Acceptable indicators include, but are not limited to, odor of alcoholic beverage on the breath, slurred or incoherent speech, staggering walk, loss of physical coordination, bloodshot eyes, inability to successfully complete a field sobriety test, erratic behavior, unexplained or uncharacteristic irritability, excessive tardiness,

poor work performance, or excessive unexplained absences from work.

### **15.11.3 PROCEDURE FOR TESTING ON REASONABLE CAUSE**

**15.11.3.1 STEP 1** In the event any County employee has reasonable suspicion to believe an employee may be impaired by drugs or alcohol while on the job, the employee's supervisor must be notified. The supervisor shall notify the Risk Manager and the Human Resources Director. A trained supervisor, County Risk Management personnel or Human Resources personnel shall then directly observe the employee's behavior and document any irregularities. If a test is ordered, the observer must document the specific indicators observed within forty-eight (48) hours and submit to the Human Resources Director.

**15.11.3.2 STEP 2** If reasonable suspicion exists, the employee shall be asked to execute a written consent for immediate alcohol or drug testing. Failure to consent to testing may be grounds for discipline, up to and including termination.

**15.11.3.3 STEP 3** If reasonable suspicion exists, and consent is given, the employee shall be immediately transported for appropriate testing. Testing may include use of the breathalyzer or blood or urine testing. The employee shall be transported by a trained supervisor, the County Risk Personnel or the Human Resources Personnel to the testing location. Analysis of any samples collected will be performed by a laboratory selected by the County.

**15.11.3.4 STEP 4** Following completion of testing, the employee will be placed on administrative leave with pay until the test results are available. The County shall transport the employee home.

**15.11.3.5 STEP 5** If the testing discloses that the employee was not impaired by alcohol or drugs at the time of the test, the employee shall return to work. If the test discloses that the employee was not impaired at the time of the test but does disclose trace amounts of alcohol or drugs, or the test discloses that the employee was impaired by alcohol or drugs at the time of the test, the employee may be placed on unpaid leave until a decision on continued employment is made by the Department Director and Human Resources Director.

**15.11.3.6 PARTICIPATION IN A TREATMENT PROGRAM** An employee who is not terminated after a positive test result may be required to participate in an alcohol or drug treatment program through the Employee Assistance Program or another program, and comply with other conditions specified by the County as a condition of continued employment. Any employee who participates in such a program in addition to disciplinary action may be subject to other conditions as a condition of continued employment and shall be placed on leave without pay while participating in the program. However, an employee may be permitted to use accrued sick leave, annual leave, or compensatory time in lieu of unpaid leave while participating in the program. Upon successful completion of an agreed-upon treatment program, the employee shall be

permitted to return to his or her position.

**15.11.3.7 LOSS OF DRIVING PRIVILEGES** If the results of a drug or alcohol test indicate that the employee was impaired while at work, the employee shall not be permitted to operate any County vehicle (or operate any personal vehicle on County business), for a period of three (3) years, subject only to the exception below. If the loss of driving privileges makes the employee unable to perform his or her job, the employee may be terminated.

**15.11.3.8 RESTORATION OF DRIVING PRIVILEGES** An employee may be authorized to operate vehicles at the expiration of a one-year period from the date of a positive test if the employee: (1) has not been convicted of any traffic violation since the date of the positive test; (2) has a valid driver's license; (3) has performed satisfactorily in his or her position; (4) has completed a drug use assessment by an agency of the County's choice; (5) has followed each recommendation made as a result of the drug use assessment; and (6) otherwise satisfies the County of the employee's sobriety and responsibility. The decision whether to permit the restoration of driving privileges is discretionary on the part of the County and shall not be grievable.

**15.11.3.9 RANDOM TESTING** If an employee has had a positive drug test and has not been terminated, the employee will be subject to random testing for a subsequent period of two (2) years from the date of the positive test.

**15.12 DRUG AND ALCOHOL RELATED CONVICTIONS** Any employee who is convicted of a drug or alcohol related criminal offense may be terminated. If not terminated, the employee may be required to undergo periodic random testing, may be required to complete a course of treatment, or may be required to complete a program through the Employee Assistance Program. Employees convicted of illegal distribution or sale of drugs will be immediately terminated under the federal Drug-Free Workplace Act. Any employee must notify the Santa Fe County Attorney of a criminal conviction for drug related activity occurring in the workplace within five (5) days of the conviction. Any employee who is convicted of an alcohol-related driving offense shall notify his or her supervisor of the conviction within five (5) days of the date of conviction. Failure to report such convictions may be grounds for discipline, up to and including termination.

**15.13 DRUG OR ALCOHOL DEPENDENCY** Any employee who suffers from drug or alcohol dependency should immediately seek the assistance of the Employee Assistance Program or the appropriate resources within the community. The employee may also wish to discuss the matter in confidence with his or her supervisor or the Human Resources Director. Each employee who suffers from drug or alcohol dependency is urged to seek help before being the subject of disciplinary action.

**15.13.1 VOLUNTARY SELF-IDENTIFICATION BY EMPLOYEE** An employee who requests referral to a drug or alcohol rehabilitation program prior to being randomly selected for drug or alcohol testing shall be referred to such a program without reprisal or disciplinary action, provided that the self-identification is not made to avoid

disciplinary action. The employee shall be randomly tested during the rehabilitation period. A positive test shall be grounds for dismissal.

#### **15.14 MOTOR VEHICLE OPERATION AND EMPLOYEE DUI'S**

**15.14.1 PERSONS CONVICTED OF DUI MAY NOT DRIVE** If an employee is convicted of a DUI, the employee may be placed on unpaid leave until a decision on continued employment is made by the Department Director and Human Resources Director.

**15.14.2** It is the policy of Santa Fe County that any employee who is convicted of driving under the influence of an intoxicant such as alcohol or drugs shall not be permitted to operate any County vehicle (or operate any personal vehicle on County business), for a period of three (3) years, subject only to the exception applicable to the section in this handbook. If the loss of driving privileges makes the employee unable to perform his or her job, the employee may be terminated.

**15.14.3 REQUIRED REPORTING** If an employee's driving privileges are suspended or revoked, or if the employee is required to use an interlock device, the employee shall be prohibited from driving any County vehicle and shall immediately notify his or her supervisor. Any employee who fails to report a suspension, revocation, or mandatory usage of an interlock device may be subject to disciplinary action, up to and including termination. The County will not approve installation of an interlock device in any County vehicle.

**15.14.4 DEFINITION** For purposes of this policy, the word "conviction" includes a guilty plea, a non-contest plea, or an Alvord plea.