



George Deukmejian, Governor

TO: AGENCY SECRETARIES AND DEPARTMENT
DIRECTORS

PERSONNEL MANAGEMENT LIAISONS

REFERENCE CODE: MM 89-05
EFFECTIVE DATE: April 14, 1989
EXPIRATION DATE: Indefinite
DATE OF ISSUE: April 14, 1989

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Employee Relations Officers
Personnel Officers

SUBJECT: Drug-Free Workplace Act of 1988

On March 24, 1989, the Department of Personnel Administration (DPA) issued Management Memorandum (MM) 89-04 informing departments of the requirements and the provisions of the Drug-Free Workplace Act of 1988. In MM 89-04, we informed you that an employee information package would need to be distributed to all employees affected by the Act and that this distribution should take place after DPA completed an employee organization notification process.

At this time, you should proceed to distribute the attached Drug-Free Workplace Statement and Executive Order D-58-86 to your affected employees. If there is a question on who is affected in your department, we encourage a broad dispersal of the materials. We would also note that this is an ongoing requirement so that any employee new to the department should be informed of the Act and provided with drug-free workplace information.

As previously stated, with this distribution, we believe that your department will now be in compliance with all provisions of the Drug-Free Workplace Act. Failure to comply can jeopardize receipt of Federal contract and grant monies.

Should departments be interested in additional information on drug abuse in the workplace, such as videos and educational brochures, DPA staff can refer you to these resources. Questions on the Drug-Free Workplace Act may be referred to Karen Neuwald at (916) 324-0526 or ATSS 454-0526.

David J. Tirapelle
Director

Attachments

DEPARTMENT OF PERSONNEL ADMINISTRATION
Management Memorandum

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DRUG-FREE WORKPLACE STATEMENT

To comply with the federal Drug-Free Workplace Act of 1988 and continue receiving federal grants and contracts, State agencies must certify that they provide drug-free workplaces and have issued drug-free workplace statements with these provisions to their employees. You are being issued this statement to meet this requirement.

It is the policy of the State of California (Refer to Title 2, Article 29, Rule 599.960 of the California Code of Regulations) that the State workplace be free from the effects of drug and alcohol abuse. This is to avoid the dangers arising from substance abuse in the workplace. These dangers include death and injury to the employee, co-workers, or the public resulting from accidents, dereliction of duty, poor judgment and carelessness. Substance abuse also results in lost productivity, reduced efficiency, and increased absenteeism by the substance abuser and interferes with the job performance of employees who do not use illegal or unauthorized substances.

This policy, which is consistent with Government Code section 19572 and Governor's Executive Order D-58-86 (attached), states that no State employee who is on duty or on standby for duty shall (1) use, possess, or be under the influence of illegal or unauthorized drugs or other illegal mind-altering substances; or (2) use or be under the influence of alcohol to any extent that would impede the employee's ability to perform his or her duties safely and effectively. Furthermore, no employee shall perform duties which, because of drugs taken under a legal prescription, the employee cannot perform without posing a threat to the health or safety of the employee or others.

California law also prohibits the unlawful manufacture, dispensation, possession, or illegal use of a controlled substance. That prohibition extends to all places and includes the worksite of California state employees.

Employees convicted of a violation of a criminal drug statute when the violation occurred at a State employee's worksite shall report the conviction to the State agency within five (5) days of the conviction.

In the event of the unlawful manufacture, distribution, dispensation, possession or illegal use of a controlled substance at a State worksite the State may take disciplinary action pursuant to applicable Government Code sections and/or require the satisfactory completion of a drug abuse assistance or rehabilitation program.

The State Employee Assistance Program (EAP) provides drug problem assessment and referral to appropriate counseling and rehabilitation services. The EAP is available to all State employees. Procedures exist to ensure the confidentiality of EAP records. Contact your personnel office for further information.

It is the intent of the State that each State employee abide by the terms of this drug-free workplace statement.



EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA



EXECUTIVE ORDER D-58-86

WHEREAS, the use of illicit drugs has substantially increased in recent years, and has serious adverse effects upon both the drug user and those who rely on the drug user for support and services; and

WHEREAS, employees who use illegal drugs, whether on or off duty, are generally less productive, less reliable, and prone to greater absenteeism than employees who do not use illegal drugs; and

WHEREAS, the use of illegal drugs has resulted in billions of dollars of lost productivity each year, occasioned by the reduced efficiency and increased absenteeism of employees who abuse drugs; and

WHEREAS, the impact of illegal drug use is felt in both the public and private sectors; and

WHEREAS, the use of illegal drugs by State employees generally is inconsistent with the law-abiding behavior expected of all citizens, and with the special trust placed in such employees as servants of the public; and

WHEREAS, the use of illegal drugs, whether on or off duty, by State employees impairs the efficiency of State departments and agencies, undermines public confidence in them, and interferes with the job performance of employees who do not use illegal drugs, and thereby increased the cost of government to the taxpayers of California; and

WHEREAS, the use of illegal drugs by State employees in certain positions of sensitivity and trust poses a special risk to public safety and the effective enforcement of the law; and

WHEREAS, the State of California, as an employer, has a responsibility to taxpayers to insure that state functions are performed efficiently, and without undue risk to the people of the state; and

WHEREAS, the State of California, as an employer, is also concerned with the well being of its employees and should encourage the identification and rehabilitation of employees with drug problems; and

WHEREAS, the President of the United States, in recognition of the serious problem of illegal drug use by federal employees, on September 15, 1986 issued an executive order establishing standards and procedures designed to achieve a drug free Federal work place; and

WHEREAS, a need also exists to establish standards and procedures to achieve a drug free State work place;

NOW, THEREFORE, I, GEORGE DEUKMEJIAN, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

1. The Department of Personnel Administration, in Consultation with the State Personnel Board, shall develop policies and guidelines designed to achieve a drug-free State work place, while protecting the privacy and with due regard for the constitutional rights of State employees.
2. Such policies and guidelines shall include the following:
 - a. Provision for identifying illegal drug users, including a program to test for the use of illegal drugs by employees in "sensitive" positions. The positions included in the drug testing program shall be determined by the Department based on the degree of risk created by the unauthorized use of drugs, with due consideration to the nature of the agency's mission, the employee's duties, and the danger to the public health and safety that could result from the drug related impairment of the employee.
 - b. Provision for suspension or removal of employees from "sensitive" positions based upon drug use.
 - c. Provision for treatment of employees with drug problems, including counseling and rehabilitation programs, with procedures to protect the confidentiality of treatment records.
 - d. Provision for confidentiality of test results.
3. All State agencies responsible to the Governor are directed, and all other public entities are requested, to assist the Department of Personnel Administration in discharging its responsibilities under this order.
4. Nothing in this order shall be deemed to abrogate any existing policy or directive relating to drug use by state employees, or to affect any existing or future state employee disciplinary proceeding.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 24th day of September 1986.

George Deukmejian
Governor of California

ATTEST:

March Frazier
Secretary of State

