

ARTICLE 29. SUBSTANCE ABUSE

599.960. General Policy.

(a) It is the purpose of this article to help ensure that the State workplace is free from the effects of drug and alcohol abuse. These provisions shall be in addition to and shall not be construed as a required prerequisite to or as replacing, limiting or setting standards for any other types of provisions available under law to serve this purpose, including employee assistance, adverse action and medical examination.

(b) Consistent with Government Code Section 19572 and Governor's Executive Order D-58-86, 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.

(c) Employees serving in sensitive positions shall be subject to drug and alcohol testing, hereinafter referred to as substance testing, as provided in this Article when there is reasonable suspicion that the employee has violated subsection (b).

~~(d) In addition, when such~~ When any employee has already been found in violation of subsection (b) ~~or (e)~~, through the adverse action or medical examination processes under the Civil Service Act (Government Code Section 19253.5; Government Code Sections 19570-19593), as a result of substance testing under this article, ~~or~~ by the employee's own admission, or the employee refuses to test, the employee may be required to submit to periodic substance testing as a condition of remaining in or returning to State employment. Unless otherwise provided in the settlement of an adverse action the period for this testing shall not exceed one year.

~~(d)~~ (e) 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. Employees whose job performance is so restricted may be subject to reassignment, medical examination or other actions specified by applicable statutes and regulations.

~~(e)~~ (f) To protect the public and ensure the safety and security of its correctional institutions, the State must ensure that its peace officers do not use illegal drugs, or misuse prescription drugs, unauthorized or other illegal mind altering substances under any circumstances, and are not under the influence of alcohol while on the job. Consistent with a peace officer's sworn oath to uphold the laws of the State of California, all excluded and exempt State employees who are peace officers under Part

2, Title 3, Chapter 4.5, Section 830.2(d) and Section 830.5 of the Penal Code, will be subject to random drug and alcohol testing pursuant to this article.

(f) (g) For purposes of this Article, an excluded State employee is an employee as defined in Section 3527(b) of the Government Code; an exempt State employee is an officer or employee of the executive branch of government who is not a member of the civil service.

Note: Authority cited: Sections 19815.4(d), 19816 and 19820, Government Code.
Reference: Section 19261, Government Code.

HISTORY

1. New section filed 9-7-88; operative 10-7-88 (Register 88, No. 38).
2. New subsections (e) and (f) filed 1-25-2001; operative 1-25-2001 pursuant to Government Code section 11343.4(c) (Register 2001, No. 4).
3. Amendment of subsection (e) filed 12-21-2005; operative 1-20-2006 (Register 2005, No. 51).

2 CCR 599.960, 2 CA ADC 599.960

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2 CA ADC 599.960