



ADMINISTRATIVE PROCEDURE

SUBJECT: ALCOHOL AND DRUG USE PROHIBITION POLICY

NO. II-38 Rev. 2
DATE 12/18/2017


CITY MANAGER

I. PURPOSE:

The City of Burbank recognizes that the impairment of employees due to consumption of alcohol, marijuana, illegal drugs, and abuse or misuse of controlled substances greatly reduces our ability to serve the community, and could have serious health and financial consequences for the City through increased safety risks, liability, increased Workers' Compensation costs, increased use of medical benefits, lost productivity and erroneous decision-making. The City of Burbank is thus committed to providing a safe, healthful, and drug and alcohol free work environment for all of its employees.

II. PROHIBITIONS:

The use or consumption of alcohol and/or marijuana or the possession, use, or consumption of illegal drugs while at work or on City premises; reporting to and/or being at work or on City premises under the influence of alcohol, marijuana and/or illegal drugs; being under the influence of legally prescribed medication that limits or impairs the employee from safely performing their duties; and the abuse or misuse of controlled substances by employees while at work or on City premises, is prohibited and shall be cause for disciplinary action, including but not limited to, suspension, demotion, or dismissal.

Employees who are in uniform and/or driving a City vehicle with or without a City logo, or who are readily identifiable through paraphernalia, such as a badge, as a City of Burbank employee, are prohibited from the purchase, sale, possession, and/or transportation of alcohol, marijuana or any illegal drugs/substance while wearing such uniform or paraphernalia or driving such vehicle.

Law enforcement employees are exempt from the above provisions on the use and consumption of alcohol and/or marijuana, and the provisions on the purchase, sale, possession and/or transportation of alcohol, marijuana, and illegal drugs/substances. This exemption is only in effect during the course and scope of official duties and while in accordance with Police Department rules/guidelines which govern these activities while on duty.

III. EXCEPTION:

This policy shall not apply to any event for which the City Manager has given prior written consent to allow for the purchase, possession, transportation, use, and/or consumption of alcohol on City property.



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IV. DEFINITIONS:

For purposes of this Policy the following definitions apply:

1. **Abuse or misuse of a controlled substance** means the use of or testing positive for a controlled substance, or taking and/or possessing a controlled substance without medical supervision or as prescribed by the manufacturer or physician.
2. **Alcohol** means any beverage or substance that contains ethyl alcohol (ethanol) including, but not limited to beer, wine, and distilled spirits.
3. **Marijuana** means all parts of the cannabis plant, whether growing or not, seeds, resin extracted from any part of such plant, and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin that is used in any consumable product, including, but not limited to marijuana cigarettes, foods, oils, and beverages.
4. **Controlled Substance** means a drug, substance, or immediate precursor which is listed in any schedule in Section 11054, 11055, 11056, 11057, or 11058 of the California Uniform Controlled Substances Act, California Health & Safety Code Sections 11000, et al., and/or Schedule I, II, III, IV, or V of Title 21, Subchapter I, Part B of the United States Code, Control Substances Act, or any other any drug which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; and any drug being used for a purpose not in accordance with bona fide medical therapy.
5. **Illegal or not legally obtained drugs** mean any controlled substance for which a person does not possess a valid prescription from a medical professional licensed to prescribe such controlled substance in the State of California.
6. **Under the influence** shall mean a condition in which a person displays indications of drug and/or alcohol use/consumption in any detectable manner and includes, but is not limited to, the odor of alcohol on an employee's breath and/or person, red and watery eyes,



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slurred speech, difficulty in maintaining balance, lack of concentration, excessive sleepiness, hyperactivity, etc. For the purposes of this Administrative Procedure the definition of under the influence need not conform to the standard of proof required for any criminal prosecution for driving under the influence pursuant to the California Vehicle Code.

7. **While at work** means any compensated time whether or not on City premises. It also includes lunch and rest periods that fall within an employee's regularly scheduled working hours whether or not such time is compensated.