

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2013-1321**

**A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING AND AUTHORIZING A DRUG FREE WORKPLACE POLICY
AND CERTIFICATION**

WHEREAS, the Board previously approved a Grant Agreement (the "Grant Agreement") between the San Luis Obispo County Flood Control District for an Integrated Regional Water Management (IRWM) Implementation Grant ; and

WHEREAS, the Grant Agreement requires the District to comply with the requirements of the Drug free Workplace Act of 1990 (Cal. Govt. Code section 8350 *et seq*) (the "Act"); and

WHEREAS, the District is required to publish a statement notifying employees, contractors, and subcontractors that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited; and

WHEREAS, the District is further required to establish a Drug Free Awareness Program to (1) inform employees, contractors, and/or subcontractors about the dangers of drug abuse in the workplace, (2) the District's policy of maintaining a drug free workplace, (3) any available counseling, rehabilitation, and employee assistance programs, and (4) penalties that may be imposed for drug abuse violations; and

WHEREAS, the District is required to provide that every employee, contractor, and/or subcontractor who works under the IRWM will receive a copy of the District's drug free policy statement and will agree to abide by the terms of that policy statement as a condition of employment, contract, and/or subcontract; and

WHEREAS, the District wants to ensure that it maintains a drug free workplace as required by applicable law and by the terms of the IRWM.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDERED BY THE NIPOMO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS AS FOLLOWS:

Section 1. The Board hereby approves and adopts the Drug Free Workplace Policy, attached hereto as Exhibit A and incorporated herein by reference. The Board hereby further approves and adopts (i) the form of certification required for the District to sign as a condition of receiving IRWM

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grant funds, and (ii) the form of certification to be required by contractors working with the District pursuant to the Grant Agreement, attached hereto as Exhibits B and C, respectively. The District will distribute this Drug Free Workplace Policy to all employees, contractors, and subcontractors working on projects funded by the Grant Agreement and post it at the District office. The District will require each contractor and subcontractor working on projects funded by the Grant Agreement to execute the appropriate certification as a condition of its contract with the District.

On the motion of Director Gaddis, and seconded by Director Armstrong, and on the following roll call vote, to wit:

AYES: Directors Gaddis, Armstrong, Blair, Vierheilig, and Harrison
NOES: None
ABSENT: None
CONFLICTS: None

The foregoing resolution is hereby adopted this 14th day of August 2013.



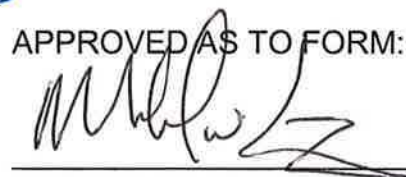
JAMES HARRISON
President of the Board

ATTEST:



MICHAEL S. LEBRUN
Secretary to the Board

APPROVED AS TO FORM:



MICHAEL W. SEITZ
District Legal Counsel

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Exhibit A

Drug Free Awareness Policy

NIPOMO COMMUNITY SERVICES DISTRICT

DRUG FREE AWARENESS POLICY

Nipomo Community Services District ("the District") is committed to protecting the health, well-being, and safety of individual employees, their co-workers, and the public at large from the hazards caused by employee misuse of drugs or alcohol. Because of the importance of this commitment and the addictive and secretive nature of substance abuse, accomplishing this goal will require the full support of all levels of management and supervision as well as that of each employee.

The following policy on drug free awareness applies to all persons involved in the operation of the District as well as consultants, contractors, subcontractors, and those under the control of contractors:

1. Drug abuse in the workplace poses a health and safety risk to all District employees, contractors, and members of the public. Drug abuse in the workplace inhibits a safe, healthy working environment, harms the reputation of the District, contributes to injuries and accidents, generates increased levels of absenteeism and tardiness, and impairs productivity.
2. The District maintains a drug free workplace consistent with the requirements of California and federal law. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is strictly prohibited in all work areas of the District, including District offices, facilities, jobsites, and construction areas.
3. Persons must not possess, use, furnish, sell, or offer to others alcohol, illegal drugs or other controlled substances (as defined under Federal and California Law) while on the job or on District premises. Proof that any person furnished, sold, or offered to another person illegal drugs or controlled substances while on the job or on District premises will result in termination of employment. Proof of possession or use of alcohol, illegal drugs, or prohibited controlled

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substances while on the job or on District premises will be the cause for disciplinary action up to and including termination of employment.

4. Evidence of persons who possess, use, or are involved in furnishing, selling, or offering to others illegal drugs while on the job or on District premises must be reported to the Contractor's superintendent (if the individual is an employee of a contractor or subcontractor) and the Finance Director. Any questionable substance found shall be submitted to the appropriate law enforcement agency for testing and will be subject to criminal investigation.
5. Persons who consume alcohol or engage in illegal drug activity off the job and/or off premises, where such activity impairs their work performance, causes damage to District property, or jeopardizes any person on the job, will also be subject to disciplinary action up to and including termination of employment. Contractors who do not abide by the requirements of this policy could be in breach of their contractual obligations, which may subject the contract to early termination or other applicable penalties.
6. Persons are required to perform their duties in a safe and efficient manner, and supervisors have a responsibility to assure that this is done. If a supervisor becomes aware that any person is working in an unsafe manner, the supervisor is responsible for taking those actions necessary to assure safe work conditions are maintained.
7. Persons who are using prescription drugs or other medication which may affect their ability to work safely are responsible for bringing the matter to their supervisor's attention. Supervisors should be alerted to the effects of medication or illness on an employee's capabilities to perform work safely and efficiently.
8. The use or possession of prescription or over-the-counter drugs does not violate this policy unless the drug impairs job performance and thereby affects the safety of the employee, co-workers, the general public, or the District. If needed as a form of reasonable accommodation, the District will allow employees to use lawful medications, provided that job performance is not impaired.

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9. Employees and supervisors are encouraged to seek assistance before drug or alcohol abuse affects job performance. The District abides by applicable California law regarding the provision of a leave of absence if an employee enrolls in a substance abuse treatment program. However, an employee's participation in any type of assistance program does not relieve the employee of responsibility to abide by the terms of this policy and otherwise meet work performance requirements. In addition, if an employee violates this policy, then a subsequent enrollment in a treatment program will not excuse the violation.

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Exhibit B

Form of Certification for District

DRUG FREE WORKPLACE CERTIFICATION

As a condition of receiving an Integrated Regional Water Management Implementation Grant ("IRWM") from the San Luis Obispo County Flood Control District, Nipomo Community Services District ("the District") hereby certifies compliance with Government Code Section 8355 in matters relating to providing a drug free workplace. The District will:

1. Publish a statement notifying employees and contractors that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations, as required by Government Code Section 8355(a).
2. Establish a Drug Free Awareness Program as required by Government Code Section 8355(b), to inform employees about all of the following:
 - (a) The dangers of drug abuse in the workplace,
 - (b) The District's policy of maintaining a drug free workplace,
 - (c) Any available counseling, rehabilitation and employee assistance programs, and
 - (d) Penalties that may be imposed upon employees for drug abuse violations.
3. Provide as required by Government Code Section 8355(c), that every contractor who works on any projects subject to the IRWM :
 - (a) Will receive a copy of the District's drug free awareness policy statement, and
 - (b) Will agree to abide by the terms of the District's statement as a condition of the contract.

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CERTIFICATION

I, the official named below, hereby swear that I am duly authorized legally to bind the District to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

OFFICIAL'S NAME: _____

DATE EXECUTED: _____

EXECUTED IN COUNTY OF: _____

CONTRACTOR/APPLICANT SIGNATURE: _____

TITLE: _____

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Exhibit C

Form of Certification for Contractors

CERTIFICATION OF DRUG FREE WORKPLACE REQUIREMENTS

DRUG FREE WORKPLACE CERTIFICATION

CONTRACTOR: _____
("Contractor")

The Contractor named above hereby certifies compliance with Government Code Section 8355 in matters relating to providing a drug free workplace as follows:

2. The Contractor acknowledges receiving a copy of the Drug free Awareness Policy ("Policy") provided by Nipomo Community Services District.
3. The Contractor agrees to abide by the terms of the District's Policy as a condition of its contract with the District.

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized legally to bind the Contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

OFFICIAL'S NAME: _____

DATE EXECUTED:

EXECUTED IN COUNTY OF:

CONTRACTOR/APPLICANT SIGNATURE: _____

TITLE: _____