



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 the "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 FONG
Secretary of State

