

(D) AN APPOINTING AUTHORITY MAY IMPOSE APPROPRIATE DISCIPLINARY ACTION, INCLUDING TERMINATION, AGAINST AN EMPLOYEE UNDER THE STATE SUBSTANCE ABUSE POLICY, IF:

(1) THE EMPLOYEE RECEIVES PROBATION BEFORE JUDGMENT IN A SUBSTANCE ABUSE OFFENSE; AND

(2) THE APPOINTING AUTHORITY CAN DEMONSTRATE A RELATIONSHIP BETWEEN THAT SUBSTANCE ABUSE OFFENSE AND THE EMPLOYEE'S JOB RESPONSIBILITIES.

(E) AN EMPLOYEE WHO CONSUMES AN ALCOHOLIC BEVERAGE IN THE WORKPLACE OR HAS AN ALCOHOL CONCENTRATION OF .02 OR MORE WHILE ON DUTY:

(1) SHALL BE IN VIOLATION OF THE STATE SUBSTANCE ABUSE POLICY AND SUBJECT TO DISCIPLINARY ACTION; AND

(2) MAY NOT DRIVE A STATE VEHICLE OR OPERATE STATE CONSTRUCTION EQUIPMENT DURING THE EMPLOYEE'S NORMAL WORK DAY.

(F) (1) EMPLOYEES WHO ARE CALLED IN TO WORK OUTSIDE OF THEIR REGULARLY SCHEDULED HOURS SHALL BE PROVIDED THE OPPORTUNITY TO ACKNOWLEDGE THEY HAVE CONSUMED ALCOHOL WITHIN THE PREVIOUS FOUR HOURS OR HAVE REASON TO BELIEVE THAT THEIR ALCOHOL CONCENTRATION LEVEL WOULD BE .02 OR MORE.

(2) THE EMPLOYEES WHO MAKE AN ACKNOWLEDGMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE SUBJECT TO DISCIPLINARY ACTION AND MAY NOT BE ASSIGNED TO PERFORM A SAFETY-SENSITIVE FUNCTION.

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(A) A STATE EMPLOYEE MAY NOT DIRECTLY SUPERVISE THE EMPLOYEE'S PARENT, SPOUSE, SIBLING, OR CHILD.

(B) A STATE EMPLOYEE MAY NOT USE, THREATEN TO USE, OR ATTEMPT TO USE POLITICAL INFLUENCE OR THE INFLUENCE OF ANY STATE EMPLOYEE OR OFFICER IN GAINING AN UNFAIR ADVANTAGE IN ANY PERSONNEL DECISION AFFECTING THE EMPLOYEE, INCLUDING A DECISION ABOUT PROMOTION, TRANSFER, LEAVE OF ABSENCE, OR INCREASED PAY, OR IN DISCIPLINARY ACTIONS.

(C) A STATE EMPLOYEE MAY NOT USE, THREATEN TO USE, OR ATTEMPT TO USE PERSONAL INFLUENCE IN PROVIDING AN UNFAIR ADVANTAGE TO ANOTHER INDIVIDUAL IN ANY PERSONNEL DECISION, INCLUDING A DECISION ABOUT HIRING, PROMOTION, TRANSFER, LEAVE OF ABSENCE, OR INCREASED PAY, OR IN DISCIPLINARY ACTIONS.

(D) AN EMPLOYEE WHO VIOLATES THIS SECTION IS SUBJECT TO DISCIPLINARY ACTION, INCLUDING THE TERMINATION OF STATE EMPLOYMENT.