


| | | |
|---|--|---|
|  | | Policy # 810 |
| Subject: Drug And Alcohol Testing | | |
| Responsible Department: Personnel Services | | |
| Effective Date: 01/1995 | | Revision Date: 07/2008 |
| | | |
| David Devine Director of Personnel Services | | Navdeep S. Gill County Executive |

1. **Purpose**

The objective of the Drug and Alcohol Testing Program is to ensure a safe and healthy work environment for all employees covered by this policy.

2. **Authority**

County Personnel Ordinance 2.78.030.

Federal and State laws requiring a drug-free workplace including the Omnibus Transportation Employee Testing Act of 1991.

3. **Scope**

The County shall ensure fair and equitable application of this drug and alcohol abuse policy. Therefore, supervisors and managers are required to administer all aspects of this policy in an unbiased and impartial manner.

4. **Policy**

THOSE AFFECTED:

All applicants and employees who are required to possess a State of California Commercial Class A or B Drivers' License as a condition of employment shall be subject to alcohol and drug testing, to include pre-employment, pre-assignment, reasonable suspicion, post-accident, random, and return-to-duty testing as proscribed by Federal law.

Additionally, employees providing security services for a Federal Transit Administration agency are subject to testing.

DRUG FREE REQUIREMENT:

Employment is contingent upon the applicant being found drug free.

Drug And Alcohol Testing, Policy # 810

WORDING FOR COUNTY JOB ANNOUNCEMENTS:

All County job announcements shall indicate that a pre-employment drug test will be administered to employees subject to this policy.

OBTAINING PRIOR TESTING DATA:

The County must, after obtaining written consent from the applicant or employee, request information from DOT-regulated employers who employed or tested but did not hire an applicant as a result of a pre-employment drug test during any period during the two years before the date of the application or transfer.

The information below is to be requested.

- Alcohol tests with a result of 0.04 or higher alcohol concentration
- Verified positive drug tests
- Refusal to be tested (including verified adulterated or substituted drug test results)
- Other violations of DOT agency drug and alcohol testing regulations
- Violation of the DOT drug and alcohol regulation, documentation of the successful completion of the DOT return-to-duty requirements

If the applicant or employee refuses to provide this written consent, you must not permit the applicant or employee to perform safety-sensitive functions, which may include rescinding a conditional offer of employment.

ALCOHOL POLICY:

No employee may be subject to duty, report to duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her blood alcohol concentration is 0.04 or greater.

No employee shall use alcohol while on duty or while performing safety-sensitive functions.

No employee shall use alcohol within four hours of reporting for duty nor during the hours that he/she is On Call, and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.

WHEN TESTING IS TO BE CONDUCTED:

1. PRE-EMPLOYMENT

- a. The County must obtain from the applicant (new hire or current employee transferring into a safety sensitive position), after

Drug And Alcohol Testing, Policy # 810

written consent, drug and alcohol testing records from any previous DOT-regulated employer which employed the employee during any period during the two years before the date of the application or transfer. The County will also inquire whether an applicant has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety sensitive transportation work covered by the DOT agency drug and alcohol testing rules during the past two years.

- b. No applicant shall be hired into a DOT position unless it can be established, at the time of offer, that the applicant has successfully completed the return-to-duty requirements.
- c. Applicants for DOT safety-sensitive positions, as defined in this policy, shall undergo urine drug testing. Failure of a drug test or refusal to participate shall disqualify the applicant from further consideration for employment.

2. PRE-ASSIGNMENT / RETURNING FROM LEAVE

- a. An employee must undergo and pass a pre-assignment drug test before returning to work when an employee has been on any type of leave and removed from the random drug testing pool for more than 30 calendar days.

3. PRE-ASSIGNMENT / TRANSFER OR PROMOTION

- a. Employees who transfer or promote from a non-DOT class to a DOT class that requires a commercial driver's license must undergo and pass a pre-assignment drug test in accordance with DOT regulations prior to starting their safety-sensitive assignment. Employees will also be asked whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety sensitive transportation work covered by the DOT agency drug and alcohol testing rules during the past two years.

4. REASONABLE SUSPICION

- a. A reasonable suspicion test will be conducted (urine and/or breath testing) when there are reasons to believe that an employee has used a prohibited drug and/or engaged in alcohol

use. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, observed by a trained supervisor, which are consistent with the long-term and short-term effects of substance abuse. Examples of reasonable suspicion include, but are not limited to:

- observations regarding appearance, behavior, speech or body odors
- indications of chronic and withdrawal effects of controlled substances
- fighting (physical contact), assaults, or flagrant disregard or violation of established safety or security procedures

Before an employee is tested for reasonable suspicion, a second supervisor must substantiate and concur with the decision to test. The two supervisors may concur by phone. The test will be conducted as soon as possible but not later than eight (8) hours after the observation.

5. POST-ACCIDENT

- a. Employees involved in an accident involving either a fatality or citation for a moving violation arising from the accident shall be required to submit to testing.
- b. Absent a fatality and if a citation has not yet been issued after an accident, an employee may be tested under reasonable suspicion if the criteria for such testing are met.
- c. An alcohol breath test shall be completed as soon as possible after the accident, but no later than eight hours after the event. An employee must refrain from alcohol use for eight hours following the accident or until he/she undergoes testing whichever occurs first.
- d. A urine test for controlled substances shall be completed as soon as possible but no later than 32 hours after an event.
- e. An employee who leaves the scene of the accident without appropriate authorization or a valid reason and prior to submission to drug and alcohol testing may be deemed to have

Drug And Alcohol Testing, Policy # 810

refused the test and subject to disciplinary action up to and including termination.

- f. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident, nor prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

6. RANDOM

- a. All employees in DOT-safety sensitive class are subject to random, unannounced testing for alcohol and controlled substances. Random selection shall be conducted using a scientifically valid method.

7. RETURN TO DUTY / FOLLOW-UP

- a. All employees who previously tested positive on drug and/or alcohol tests must test negative and be evaluated and released for duty by the Substance Abuse Professional (SAP) prior to returning to work.
- b. Employees will be subject to unannounced follow-up drug and/or alcohol testing for at least one year and up to five years subject to the recommendation of the SAP. Follow-up testing is separate from and in addition to the regular random testing program.

EMPLOYEE'S RESPONSIBILITY:

1. PARTICIPATION REQUIRED

- a. Affected employees must participate in the Drug and Alcohol Testing Program.
- b. Participation is a condition of employment.

2. CONSEQUENCE FOR NON-COMPLIANCE

- a. Employees who refuse to participate may be subject to termination of employment.
- b. Any employee subject to testing, and who refuses to comply with a directive for testing, or who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or

Drug And Alcohol Testing, Policy # 810

substitution shall be removed from duty immediately and subject to disciplinary action up to and including termination.

- c. Refusal can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal refusal, obstructive behavior, or physical absence resulting in the inability to conduct a valid test, or leaving the scene of an accident without a valid reason before the test has been conducted.

TESTING STANDARDS:

1. GENERAL PROTOCOL

- a. Analytical urine testing and breath testing for alcohol will be conducted as required by Federal regulations.
- b. Testing shall be conducted in a manner that assures a high degree of accuracy and reliability, and using techniques, equipment and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS).
- c. All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40.

2. DRUGS

- a. Drugs to be tested for are marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).
- b. An initial drug screen will be conducted on each specimen, and specimens testing positive will be confirmed using a Gas Chromatography/Mass Spectrometry (GC/MS) procedure. Minimum thresholds for a positive test shall be those established in 49 CFR Part 40.

3. ALCOHOL

- a. Tests for alcohol concentration will be conducted using a National Highway Traffic Safety Administration (NHTSA)-approved evidential breath testing (EBT) device operated by a trained breath alcohol technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results.

Drug And Alcohol Testing, Policy # 810

- b. An employee with a confirmed alcohol concentration of 0.02 but less than 0.04 will be removed from his/her position for at least twenty-four (24) hours following the administration of the test. An alcohol concentration of 0.04 or greater shall be considered positive and in violation of this policy.
- c. Violation of these provisions will subject the employee to disciplinary action up to and including termination from employment.

4. PENDING POSITIVE

- a. Once a department has been notified by the Medical Review Officer (MRO) of a pending positive test but has not yet confirmed the result, the department may not send the employee home.
- b. Pending the confirmation of the test result, the department should not have the employee perform safety sensitive functions until the test has been confirmed.

TREATMENT:

1. EVALUATION AND DETERMINATION

- a. Any employee who has a confirmed positive drug and/or alcohol test shall be evaluated by a Substance Abuse Professional (SAP).
- b. The SAP will evaluate the employee to determine what assistance, if any, the employee needs to resolve problems associated with prohibited substance abuse or misuse.
- c. The SAP will inform the employee of available educational and rehabilitation programs.

5. Review Not Applicable