



MEMORANDUM
COUNTY EXECUTIVE OFFICE
ADMINISTRATION
County of Placer

TO: Honorable Board of Supervisors
FROM: David Boesch, County Executive Officer
SUBJECT: Resolution Updating the County's Department of Transportation Alcohol & Drug Program to Version 1.4

ACTION REQUESTED

Adopt a Resolution updating Placer County's Department of Transportation (DOT) Alcohol & Drug Program Policy to Version 1.4.

BACKGROUND

The U.S. Department of Transportation includes regulations for the Federal Transit Administration (FTA) as well as Federal Motor Carrier Safety Association (FMCSA). The FTA issued an Alcohol and Drug program policy template and mandated employers to meet or exceed the language and requirements of the template. Placer County's safety sensitive employees are covered by the regulations contained in both the FTA and FMCSA. The DOT Alcohol and Drug Policy has been revised in accordance with the second-chance template and includes FMCSA regulations where appropriate. It has been approved by the FTA, and is ready for publication.

FISCAL IMPACT

None.

ATTACHMENTS

Resolution
Updated DOT Alcohol & Drug Program Policy

Before the Board of Supervisors County of Placer, State of California

In the matter of:

Department of Transportation Alcohol &
Drug Program Policy update, Version 1.4

Resolution No.: _____

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chair, Board of Supervisors

Attest:

Clerk of said Board

WHEREAS, this Resolution recognizes the U.S. Department of Transportation (DOT) includes regulations for the Federal Transit Administration (FTA) as well as Federal Motor Carrier Safety Association (FMCSA). The FTA issued an Alcohol and Drug program policy template and mandated employers to meet or exceed the language and requirements of the template. Placer County's safety sensitive employees are covered by the regulations contained in both the FTA and FMCSA. The DOT Alcohol and Drug Policy has been revised in accordance with the second-chance template and includes FMCSA regulations where appropriate.

BE IT RESOLVED, by the Board of Supervisors, County of Placer, State of California, that the Placer County Board of Supervisors hereby adopts the attached updated policy, effective November 2014.



PLACER COUNTY
DEPARTMENT OF TRANSPORTATION
ALCOHOL & DRUG POLICY

Placer County Human Resources
Version 1.4
November, 2014

DOT Alcohol and Drug Policy
Packet

- Alcohol and Drug Policy
- Supervisor's Guidelines

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**PLACER COUNTY
DEPARTMENT OF TRANSPORTATION
ALCOHOL & DRUG POLICY**

1.0 POLICY STATEMENT

The purpose of this policy is to establish an alcohol and controlled substance testing program for safety-sensitive employees. The Federal Transit Administration (FTA) of the U. S. Department of Transportation (DOT) has published 49 CFR Part 655 which mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. This policy is also established consistent with the Federal Highway Administration (FHWA) regulations relating to testing on controlled substances and alcohol use, pursuant to the Omnibus Transportation Employee Testing Act of 1991, and consistent with applicable parts of the Congressional Federal Register (CFR).

Employees must be in a condition to perform their duties safely and efficiently in the interests of their fellow workers and the public as well as themselves. The presence of alcohol and drugs on the job, and/or the influence of these substances on employees during working hours, are inconsistent with the Department of Transportation requirements, as well as the County's objective of eliminating substance abuse and its effects on the workplace.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the County's Employee Assistance Program. While the County will be supportive of those who seek help voluntarily, the County will be equally firm in identifying and disciplining those who continue to participate in substance abuse, even if enrolled in counseling or rehabilitation programs.

Supervisors of safety-sensitive employees will be trained to recognize symptoms of substance abuse and become involved in this control process. Alcohol or drug abuse will not be tolerated and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

While use of validly prescribed medications and drugs is not per se a violation of this policy, failure by an employee to notify his or her supervisor, before beginning work, when taking medications or drugs which could foreseeably interfere with the safe and

effective performance of duties, or the operation of County equipment, can result in discipline up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be detained for a reasonable period of time to allow for testing and arranging for the employee's safe transportation from the worksite.

Employees who test positive for alcohol or drugs, refuse to complete a required drug test, adulterate a sample, substitute a sample, have a test cancelled because their specimen failed laboratory validity testing, fail to report for a drug test when scheduled, refuse to sign forms required for the completion of any test, or refuse to cooperate in the testing process in any way that prevents completion of any test, will be subject to discipline up to and including termination.

The County established a voluntary Employee Assistance Program (EAP) to assist those employees who voluntarily seek help for alcohol and/or drug problems. Employees interested in this service should contact the County's benefit provider directly for additional information.

Copies of 49 CFR Parts 655, 382 and 40 are available in the Designated Employer Representative's (DER) office in Human Resources and can be found on the internet at the Office of Drug & Alcohol Policy & Compliance's website <http://www.dot.gov/ost/dapc/index.html>.

2.0 SCOPE

All employees in a safety sensitive position shall be subject to urine drug testing and breath alcohol testing pursuant to the provisions of this program. Further, all safety sensitive employees shall be subject to previous employer investigations for drug and alcohol purposes. Outside contractors and vendors who provide transportation services or who service transportation vehicles will also be required to comply with federal regulations including 49 CFR Parts 655 and 40, as amended.

3.0 COVERED EMPLOYEES: SAFETY SENSITIVE DEFINITIONS

This policy applies to every applicant and employee performing a “safety-sensitive function” as defined herein. A list of safety-sensitive County positions and the authority under which employees are tested is included in Attachment 2.

Under FTA an employee is performing a safety sensitive function if they are operating a public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintaining of a revenue service vehicle or equipment used in revenue service, security staff who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Drivers License to operate.

Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. Supervisors are only safety sensitive if they perform one of the above functions.

Under Federal Motor Carrier Safety Administration (FMCSA), an employee is performing a safety sensitive function if they are, driving a commercial motor vehicle which requires the driver to have a commercial driver’s license; inspecting, servicing, or repairing any commercial motor vehicle; waiting to be dispatched to operate a commercial motor vehicle; performing all other functions in or upon a commercial motor vehicle; loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded; performing driver requirements associated with an accident; or repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

4.0 TERMS AND DEFINITIONS

Accident: For FTA, an occurrence associated with the operation of a vehicle even when not in revenue service, if the accident results in a fatality, or have injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operators performance can be completely discounted as a contributing factor to the accident. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance cannot be completely discounted as a contributing factor to the accident.

All FMCSA safety-sensitive employees will be required to undergo urine and breath testing if the employee is involved in a vehicle accident while engaged in a safety-sensitive function and the accident results in the death of an individual; the driver is issued a citation within 8 hours of the occurrence for a moving violation and either; body injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurs disabling damage as a result of the accident, requiring the motor

vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

Adulterated specimen: A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Canceled Test: A drug test that has been declared invalid by a MRO. A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled A canceled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function and all covered FTA contractors. (Please see the Attachment 2 for a list of safety sensitive classifications.

Covered Employee Under County Authority: An employee, applicant, or transferee that will not perform a safety-sensitive functions as defined by FTA but is included under the County's own authority.

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

Department of Transportation (DOT): For the purposes of Drug and Alcohol regulatory oversight, DOT is the department of the federal government which includes the, Federal Transit Administration, Federal Railroad Administration, Federal Highway Administration, Federal Motor Carriers' Safety Administration, Pipeline & Hazardous Materials Safety Administration, Unified States Coast Guard, and the Office of the Secretary of Transportation.

Dilute Specimen: A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Employee Assistance Program (EAP): A program provided directly by the employer, or through a contracted service provider, to assist employers' access and make appropriate referrals for employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and re-entry to the work force after a positive drug/alcohol test are not arranged through an EAP.

Evidentiary Breath Testing Device (EBT): A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list.

Initial Drug Test: (Screening Drug Test): The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an Department of Health & Human Services (HHS)-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted results cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: *For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.*

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative Result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative Test Result: A test result found to be adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive Result: . The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Post Accident Test: Please refer to the section entitled "Types of Testing"

Pre-Employment Test: Please refer to the section entitled "Types of Testing"

Prohibited Drug: Identified as marijuana, cocaine, opiates, amphetamines (including ecstasy), or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for s specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Reasonable Suspicion Test: Please refer to the section entitled "Types of Testing"

Return to Duty Test: Please refer to the section entitled "Types of Testing"

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-Sensitive functions:

Safety-sensitive functions: Employee duties identified as:

1. The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.

2. The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
3. Maintaining a revenue service vehicle or equipment used in revenue service.
4. Controlling the movement of a revenue service vehicle and
5. Carrying a firearm for security purposes.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed family and marriage therapist, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse (ICRC) or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted Specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Test Refusal: The following are considered a refusal to test if the employee:

1. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer.
2. Fails to remain at the testing site until the testing process is complete.
3. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations.
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen.
5. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
6. Fails or declines to take a second test the employer or collector has directed him/her to take.
7. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures.
8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
9. If the MRO reports that there is verified adulterated or substituted test result.

10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
11. Fails or refuses to sign Step 2 of the alcohol testing form.
12. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
13. Admit to the collector or MRO that you adulterated or substituted the specimen.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified Negative Test: A drug test result reviewed by a MRO and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified Positive Test: A drug test result reviewed by a MRO and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity Testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

5.0 EDUCATION AND TRAINING

- 5.1 Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655, CFR 382 and Part 40, as amended.
- 5.2 FTA. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use. Under County Policy a copy of policy receipt is required.
- 5.3 FMCSA: Every covered employee will receive a copy of this policy prior to the start of alcohol and controlled substances testing, and safety sensitive work, and will have ready access to the corresponding federal regulations. A receipt of policy is required.
- 5.4 All supervisory staff or County officials who are in a position to determine objective indicators of impairment will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of

probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

- 5.5 Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in Appendices 7 of the Supervisor's Guidelines.

6.0 PROHIBITED SUBSTANCES

- 6.1 Prohibited substances addressed by this policy include the following:

A. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.

FTA and FMCSA drug testing regulations (49 CFR Part 655 and Part 382) require that all covered employees be tested for marijuana, cocaine, amphetamines (including methamphetamine and ecstasy), opiates (including heroin), and phencyclidine. Employees covered under company authority will also be tested for these same substances. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

B. Legal Drugs: The appropriate use of legally prescribed medications and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Placer County supervisor prior to performing safety sensitive work, and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

- C. Alcohol: The use of beverages containing alcohol including any mouthwash, medication, food, candy or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random or reasonable suspicion alcohol test can only be performed on a covered employee under 49 CFR Parts 655 and 382 just before, during, or just after the performance of safety-sensitive job functions. Under Placer County's authority, a NON-USDOT alcohol test can be performed any time a covered employee is on duty.

7.0 MANAGEMENT RESPONSIBILITIES AND GUIDELINES

Department Heads, managers, and supervisors are responsible for:

- 7.1 Enforcement of this policy.
- 7.2 Requesting that an employee submit to an alcohol and drug test when there is a "reasonable suspicion" that an employee is under the influence of alcohol and/or drugs while on duty, on stand-by, or returning for a call-back.
- 7.3 Documenting the facts and circumstances that articulates and substantiates that the employee in question is reasonably suspected of being under the influence of alcohol or drugs.
- 7.4 Reminding the employee who refuses an order to submit to an alcohol and drug analysis of the requirements and disciplinary consequences of County Policy. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or supervisor should arrange but not provide for the employee to be safely transported home.
- 7.5 Managers and supervisors should notify the Department Head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the County. If the Department Head or designee concurs that there is reasonable suspicion of illegal drug possession, the Department Head shall notify the appropriate law enforcement agency.
- 7.6 Managers and supervisors should immediately notify the Department Head or designee and DER at Human Resources of any action taken under this Policy.

8.0 EMPLOYEE RESPONSIBILITIES: PROHIBITED CONDUCT

A covered employee must:

- 8.1 Not report for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.

- 8.2 Not report to work or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.

If an employee has been contacted for a call-back and has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of stand-by responsibilities and be subject to discipline up to and including termination.

- 8.3 The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol

- 8.4 Not consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

- 8.4 Not consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

- 8.5 Not possess or use alcohol, drugs (illegal and prescription), or substances that cause impairment during working hours or while subject to duty, on breaks, during meal periods, or at anytime while on County property.

- 8.6 Consistent with the Drug-free Workplace Act of 1988, all Placer County employees are prohibited from engaging in the unlawful manufacture, distribution, or dispersing possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

- 8.7 Placer County, under its own authority also prohibits the consumption of alcohol all times employee is on duty, or anytime the employee is in uniform.

- 8.8 Notify his or her supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of County equipment.

- 8.9 Provide within 24 hours of request bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name.

9.0 DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify Placer County management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action up to and including termination.

10.0 CONTACT PERSON – DESIGNATED EMPLOYEE REPRESENTATIVES

The Designated DOT Employer Representatives for Placer County are Cindy Martin and Radha Gold in Human Resources, or their successors. Telephone 530.886.2600.

11.0 TESTING REQUIREMENTS

- 11.1 Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49CFR part 40 as amended. All covered employees shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Sections 14.0 – 19.0 of this policy and return to duty/follow up. All employees covered under company authority will also be subject to testing for reasonable suspicion, post-accident, random and return to duty/follow up using non-DOT testing forms
- 11.2 A drug test can be performed any time a covered employee is on duty. A reasonable suspicion and random alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function. An alcohol test can be performed just before, during, or after the performance of a safety-sensitive job function. Under the County's authority, a NON-USDOT alcohol test can be performed at any time the employee is at work.
- 11.3 All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Placer County. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline up to and including termination. Any covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection.

12.0 DRUG TESTING PROCEDURES

- 12.1 Testing shall be conducted in a manner to assure 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 Service (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 12.2 The drugs that will be tested for include marijuana, cocaine, opiates (including heroin), amphetamines (including methamphetamine and ecstasy), and

phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

- 12.3 The test results from the HHS certified laboratory will be reported to a Medical Review Officer (MRO). A MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the Placer County's Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM.
- 12.4 If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 12.5 Any covered employee who questions the results of a required drug test under this policy may request that the split sample be tested. The split sample test must be conducted at a second DHHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the MRO within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the

delay was due to documentable facts that were beyond the control of the employee. Placer County will ensure that the cost for the split specimen are covered in order for a timely analysis of the sample.

- 12.6 If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled. If the split specimen is not able to be analyzed the MRO will direct Placer County to retest the employee under direct observation.
- 12.7 The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the MRO or by the employer, by the MRO, or by the relevant DOT agency.

12.8 Observed Collections

Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- A. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Placer County that there was not an adequate medical explanation for the result.
- B. The MRO reports to Placer County that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
- C. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2mg/dL, but less than or equal to 5mG/dL, and the MRO reported the specimen to you as negative-dilute and that a second collection must take place under direct observation (see Part 40.197(b)(l)).
- D. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.
- E. The temperature on the original specimen was out of range.
- F. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.

- G. All follow-up tests; or
- H. All return-to-duty tests.

13.0 ALCOHOL TESTING PROCEDURES

- 13.1 Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the screening test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 13.2 An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy and will result in discipline up to and including termination.
- A. Under FTA regulations, an employee with a confirmed alcohol concentration between 0.02 and 0.039 shall be removed from safety sensitive duty for 8 hours.
 - B. Under FMCSA regulations, an employee with a confirmed alcohol concentration between 0.02 and 0.039 shall be removed from safety sensitive duty for 24 hours.
 - C. Under the County's DOT Drug and Alcohol policy, an employee whether in FTA or FMCSA with a confirmed alcohol concentration between 0.02 and 0.0399 shall be removed from safety sensitive duty for 24 hours.
- 13.3 Placer County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will

be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

- 13.4 The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

TYPES OF TESTING

14.0 PRE-EMPLOYMENT TESTING

All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function

- 14.1 All offers of employment for covered positions shall be extended conditionally upon the applicant passing a drug test. An applicant shall not be placed into a safety -sensitive position unless the applicant takes a drug test with verified negative results.
- 14.2 An employee shall not be placed, transferred or promoted into a position covered under FTA or company authority until the employee takes a drug test with verified negative results.
- 14.3 If an applicant fails a pre-employment drug or alcohol test, the conditional offer of employment shall be rescinded and the applicant will be referred to a SAP. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
- 14.4 When an employee being placed, transferred, or promoted from a non-covered position to a covered position submits a drug test with a verified positive result, the employee shall be subject to disciplinary action up to and including termination.
- 14.5 If a pre-employment/pre-transfer test is canceled, Placer County will require the applicant to take and pass another pre-employment drug test.
- 14.6 In instances where a covered employee is on extended leave for a period of 90 days or more regardless of reason, and is not in the random testing pool the FTA employee will be required to take a drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions. Alternately when a covered FMCSA employee is on extended leave for a period

of 30 days or more regardless of reason, and is not in the random testing pool, the employee will be required to take a drug test under 49 CFR Part 382 and have negative test results prior to the conduct of safety-sensitive job functions.

- 14.7 Following a negative dilute test, the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 14.8 Applicants are required (even if ultimately not hired) to provide Placer County with signed written releases requesting FTA drug and alcohol records from all previous, DOT-covered employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. Placer County is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a DOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer, the applicant must provide Placer County with proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

15.0 REASONABLE SUSPICION TESTING

- 15.1 All Placer County covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably conclude that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Placer County's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty. All employees covered under the sole authority of Placer County will also be subject to non-USDOT reasonable suspicion testing procedures modeled off the provisions in 49 CFR Part 40.

- 15.2 Placer County shall be responsible for arranging but not transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in this policy.
- 15.3 A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to Placer County management and the DER and shall be attached to the forms reporting the test results.
- 15.4 When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with Section 19 of this policy. Testing in this circumstance would be performed under the direct authority of Placer County. Since the employee self-referred to management, testing under this circumstance would **not** be considered a violation of this policy or a positive test result under Federal authority. However, self-referral does not exempt the covered employee from testing under Federal authority or the associated consequences as specified in this policy.

16.0 POST ACCIDENT TESTING

- 16.1 FATAL ACCIDENTS. All employees covered under FTA authority will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle which results a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any others whose could have contributed to the accident.
- 16.2 NON-FATAL ACCIDENTS. A post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident.
- 16.3 FTA covered employees will be required to undergo urine and breath testing if they are involved in an accident which results a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the

accident and any others whose performance cannot be completely discounted as a contributing factor to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident.

As soon as practicable following an accident, as defined in this policy, the supervisor investigating the accident will notify the employee operating the vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

- 16.4 All FMCSA covered employees will be required to undergo urine and breath testing if the employee is involved in a vehicle accident while engaged in a safety-sensitive function and the accident results in:
- A. The death of an individual.
 - B. The driver is issued a citation within 8 hours of the occurrence for a moving violation and either:
 - i. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - ii. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- 16.5 As soon as practicable following an accident, as defined in this policy, the supervisor investigating the accident will notify the employee operating the vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
- 16.6 The appropriate supervisor shall ensure that an employee required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and within 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within

- (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
- 16.7 Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.
- 16.8 An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
- 16.9 If the accident does not meet the thresholds for conducting a post accident test, a "Record of Decision Report" will be completed documenting the reasons the employee was not tested and a copy sent to the DER.
- 16.10 Nothing in this section shall be construed to require the delay of necessary medical attention for injured passengers following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- 16.11 In the rare event that Placer County is unable to perform a drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Placer County may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

See Appendices in the Supervisor's Guidelines for the FTA and FMCSA Post Accident Test Flow charts, and Post Accident Record of Decision Report.

17.0 RANDOM TESTING

- 17.1 All covered employees will be subjected to random, unannounced testing. Employees covered under FTA and FMCSA authorities will be selected from a pool of DOT-covered safety-sensitive employees. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
- 17.2 The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 17.3 The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal

regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals twenty-five percent of the number of covered employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of covered employees in the pool.

- 17.4 Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 17.5 Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. However, under Placer County's authority, a non-DOT random alcohol test may be performed any time the employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 17.6 Employees are required to proceed immediately to the collection site upon notification of their random selection.

18.0 RETURN-TO-DUTY TESTING

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the SAP before returning to work. For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undo concerns for public safety.

19.0 FOLLOW-UP TESTING

Covered employees will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter

and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

20.0 CONSEQUENCES: RESULT OF DRUG/ALCOHOL TEST

20.1 Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be immediately removed from his/her safety-sensitive duties, informed of educational and rehabilitation programs, and be referred to a Substance Abuse Professional (SAP) for assessment. In addition the Department Head will be immediately notified. The employee will be subject to discipline up to and including termination. The employee will not be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP and the employer.

20.2 DILUTE / NEGATIVE DILUTE. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.

Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination and referral to a SAP. A test refusal includes the following circumstances:

- A. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer.
- B. Fails to remain at the testing site until the testing process is complete.
- C. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations.
- D. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen.

- E. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- F. Fails or declines to take a second test the employer or collector has directed you to take.
- G. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures.
- H. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
- I. If the MRO reports that there is verified adulterated or substituted test result.
- J. Failure or refusal to sign Step 2 of the alcohol testing form.
- K. Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- L. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- M. Admit to the collector or MRO that you adulterated or substituted the specimen.

20.3 For the first instance of a verified positive test from a sample submitted as the result of a random, drug/alcohol test (≥ 0.04 BAC), disciplinary action against the employee shall include:

- A. Mandatory referral to a SAP for assessment, formulation of a treatment plan, and execution of a return to duty agreement;

- B. Failure to execute, or remain compliant with the return-to-work /return to duty agreement shall result in termination from Placer County employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a return-to-duty drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy.
 - ii. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
 - iii. A periodic unannounced follow-up drug/alcohol test which results in a verified positive shall result in termination from Placer County employment.
- C. The second instance of a verified positive drug or alcohol (≥ 0.04 BAC) test result including a sample submitted under the random, reasonable suspicion, return-to-duty, or follow-up drug/alcohol test provisions herein shall result in termination from Placer County employment.
- D. A verified positive post-accident, or reasonable suspicion drug and/or alcohol (≥ 0.04) test shall result in discipline up to and including termination.
- E. An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for 24 hours under County Policy as stated in the Alcohol Testing Procedures. If the employee has an alcohol test result of ≥ 0.02 to ≤ 0.039 two or more times within a six month period, the employee will be removed from duty and referred for assessment and treatment consistent with of this policy.
- F. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave to participate in the SAP prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and

releases him/her to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.

- G. In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
- i. Mandatory referral for an assessment by an employer-approved substance abuse professional for the formulation of a treatment plan and execution of a rehabilitation agreement.
 - ii. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Placer County employment.
 - a. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in this policy; however, all follow-up testing performed as part of a return-to-work agreement required in the Supervisor's Guideline of this policy is under the sole authority of Placer County and will be performed using non-DOT testing forms.
 - iii. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. All tests conducted as part of the rehabilitation agreement will be conducted under company authority and will be performed using NON-USDOT testing forms.
 - iv. A self-referral or management referral to the employer's approved substance abuse professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to progressive discipline.
 - v. Periodic unannounced follow-up drug/alcohol tests conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result which will result in termination.
 - vi. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Placer County.
 - vii. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.

- H. Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.
- I. Prior Employer Inquiry. Inquiries from Prior Employers or their Prospective Employers must be sent to the Human Resources for processing.

21.0 GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

22.0 PROPER APPLICATION OF THE POLICY

Placer County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

23.0 INFORMATION DISCLOSURE

23.1 Drug/alcohol testing records shall be maintained by Placer County Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

23.2 The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.

23.3 Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, Department Supervisor and Human Resources Director on a need to know basis.

23.4 Records will be released to a subsequent employer only upon receipt of a written request from the employee.

23.5 Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the preceding.

23.6 Records will be released to the National Transportation Safety Board during an accident investigation.

23.7 Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.

23.8 Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.

23.9 Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Placer County or the employee.

23.10 If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken

23.11 In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

Attachment 1 : Board of Supervisors Resolution

**Before the Board of Supervisors
County of Placer, State of California**

In the matter of: A RESOLUTION AMENDING
THE PLACER COUNTY ALCOHOL AND DRUG
ABUSE POLICY AND IMPLEMENTING THE
PLACER COUNTY DEPARTMENT OF PUBLIC
WORKS ALCOHOL AND DRUG TESTING POLICY
FOR SAFETY SENSITIVE EMPLOYEES

Resol. No: 95-42

Ord. No:

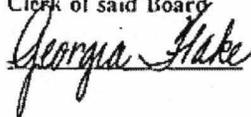
First Reading:

The following RESOLUTION was duly passed by the Board of Supervisors
of the County of Placer at a regular meeting held February 21, 1995,
by the following vote on roll call:

Ayes: SANTUCCI, WEYGANDT, UHLER, BLOOMFIELD, LICHAU
Noes: NONE
Absent: NONE

Signed and approved by me after its passage.


Chairman, Board of Supervisor

Attest:
Clerk of said Board


WHEREAS the County of Placer supports the elimination of substance abuse and its effects in the workplace;

WHEREAS the County of Placer wishes to be in compliance with the Federal Omnibus Transportation Employee Testing Act of 1991;

NOW, THEREFORE, BE IT RESOLVED, that the Placer County Board of Supervisors adopts the attached Alcohol and Drug Abuse Policy as amended and the Placer County Department of Public Works Alcohol and Drug Testing Policy for safety sensitive employees.

A-116 01

Attachment 2 : Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s)

Placer County Drug and Alcohol Program Manager

Name: Cindy Martin
Title: Risk Management Administrator
Address: 145 Fulweiler Avenue, Auburn, CA 95603
Telephone Number: 530-886-2606 Fax: 530-886-2609

Placer County Drug and Alcohol Program Manager

Name: Radha Gold
Title: Administrative Technician
Address: 145 Fulweiler Avenue, Auburn, CA 95603
Telephone Number: 530-886-2611 Fax: 530-886-2609

Placer County Transit Manager

Name: Will Garner
Title: Public Works Manager – Transit Services
Address: 11432 F Avenue, Auburn, CA 95603
Telephone Number: 530-745-7582 Fax: 530-745-3560

Medical Review Officer

Name: Brian Heinen, M.D.
Company: Heinen Medical Review
Address: 151 Leon Avenue, Eunice, LA 70535
Telephone Number: 800-457-0493

Substance Abuse Professional

Name: Robert Bruener, CEAP, C-SI
Company: National SAP Network
Address: 1615 Orange Tree Lane, Suite 101, Redlands, CA 92374
Telephone Number: 800-879-6428

HHS Certified Laboratory Primary Specimen

Name: Alere Toxicology
Address: 1111 Newton Street, Gretna, LA 70053
Telephone Number: 800-433-3823

Attachment 3 : Safety Sensitive Classifications Subject to Testing

Federal Transit Administration

Administrative Dispatch (Transit Only)
Assistant Fleet Services Supervisor
Automotive Mechanic
Automotive Mechanic, Supervising
Bus Driver I, II, and Senior
Equipment Mechanic/Welder
Equipment Service Worker I / II
Transportation Supervisor

Federal Motor Carrier Safety Association

Agricultural Inspector I/II/Senior
Assistant Road Superintendent
Bridge Construction Maintenance Worker
Bridge Construction Supervisor
Bridge Construction Worker, Senior
Building Crafts Mechanic, Sr.
Deputy Sheriff I and II
Equipment Mechanic, Master
Equipment Mechanic/Welder
Equipment Operator
Equipment Operator, Senior
Equipment Service Worker I / II
Fleet Services Technician
Library Assistant II
Library Bus Driver II (bookmobile)
Maintenance Worker
Master Mechanic
Parks & Grounds Maintenance Worker
Parks & Grounds Maintenance Worker, Senior
Road District Supervisor

Federal Motor Carrier Safety Association

Senior Traffic Sign Maintenance Worker
Sheriff – Supv Building Crafts Mechanic
Sheriff Captain
Sheriff Lieutenant
Supervising Automotive Mechanic
Supervising Equipment Mechanic
Traffic Sign Maintenance Worker
Traffic Sign Supervisor
Tree Maintenance Supervisor
Tree Maintenance Supervisor, Sr.
Tree Maintenance Worker
Tree Trimmer, Senior
Utility Service Worker
Utility Service Worker, Senior
Utility Service Worker, Supervisor
Wastewater Plan Operator II

