



EMPLOYEE MANUAL	
Policy Title: Drug Free Workplace Policy	
Policy No.: 5.0	Section Nos.: 5.0 - 5.9
Approval Date: 01/17/2018	Effective Date: January 2018
Approved By: Board of Directors	

5.0 DRUG – FREE WORKPLACE POLICY

It is the policy of The Agency to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The use of alcohol, marijuana, and/or controlled substances in the workplace is inconsistent with the behavior expected of Agency employees and subjects all employees, residents, and visitors to unacceptable safety risks, and undermines the Agency's ability to operate effectively and efficiently.

The Agency has established this Substance Abuse Policy to provide the greatest degree of protection possible to the public and to Agency employees. The purpose of this policy is to ensure worker fitness for duty and protect our employees and the public from risks posed by the use of alcohol and controlled substances, to ensure the safe and efficient performance of employee duties, to reduce absenteeism and tardiness, to promote productivity, and to cooperate with the rehabilitation of those employees who seek such help. The Agency recognizes that drug, alcohol, and another controlled substance abuse of employees in the workplace is a serious and growing problem of nationwide proportions. The Agency is taking this opportunity to reaffirm its commitment to a drug and alcohol-free workplace.

This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Department of Transportation Omnibus Transportation Act of 1991 mandates pre-employment, random, reasonable suspicion, post-accident, and follow-up/return to duty alcohol and drug testing of employees performing safety-sensitive functions. A copy of the Department of Transportation Guidelines is available in the Agency office.

5.1 Applicability

As a condition of employment, all employees are required to comply with all applicable personnel policies and rules.

1. This substance abuse policy applies to all Agency employees.
2. This policy applies at all times while Agency employees are on Agency premises, or off-Agency premises but engaged in an activity that is related to or may affect the Agency's business, reputation or public relations, including, but not limited to, the following: activities during work hours, including lunch and other breaks; attendance at seminars as a participant or speaker; and travel on behalf of the Agency. This policy applies to any Agency employee on stand-by duty during the entire period that employee is on stand-by duty.
3. This policy applies to Agency employees while off-duty and off-premises, to the extent that such employees engage in conduct prohibited by this policy and such conduct tends to create a risk to persons or property, or to Agency efficiency upon the employee's return to work.
4. A safety-sensitive position is defined as any position requiring the use of a Class "A" or Class "B" commercial driver's license, or any position involving the transport of hazardous materials and requiring hazardous materials endorsement on their driver's license. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in



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which that employee is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.

5.2 Prohibited Substances

As used in this policy, "prohibited substances" include, but are not limited to, the following:

5.2.1 Drugs

Recreational and medical marijuana (regardless of legal status in California), legally prescribed drugs to the extent they are abused, amphetamines, cocaine, opioids, and phencyclidine.

5.2.2 Alcohol

The use of beverages or substances, including any medication, containing alcohol, such that it is present in the body at a level in excess of that stated below while actually performing, ready to perform, or immediately available to perform any Agency business, is prohibited. "Alcohol" is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

5.3 Prohibited Conduct

5.3.1 Possession, Use, Manufacture and Trafficking

No employee shall engage in the unlawful manufacture, distribution, dispensing, possession, receipt, sale, purchase or use of a controlled substance or alcohol on Agency premises, in Agency vehicles, or while conducting Agency business off the premises.

5.3.2 Drug Paraphernalia

No employee shall engage in the possession, distribution, sale, manufacture or use of paraphernalia normally used for consumption or use of controlled substances or alcohol on Agency premises, in Agency vehicles, or while conducting Agency business off the premises.

5.3.3 Impairment

All employees are prohibited from being under the influence of alcohol, marijuana (regardless of whether prescribed or legally obtained), or other prohibited substances during working hours. Any person other than the person for whom they are prescribed is prohibited from using such prescription drugs in the workplace. Such drugs will be used only in the manner, combination and quantity prescribed, and the employee shall advise their supervisor prior to operating machinery, vehicles or equipment that they are taking such medication. Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or otherwise not fit for duty due to substance abuse shall be removed from their



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duties and be required to undergo a reasonable suspicion controlled substance or alcohol test, as hereinafter provided. Employees should be advised that the Agency has zero tolerance for any positive test indicating prior use of controlled substances, including marijuana. A positive test for controlled substances shall be grounds for termination, regardless of the level of impairment.

5.3.4 Alcohol

No employee may report for duty or remain on duty when his or her ability to perform assigned functions is adversely affected by alcohol or when his or her breath alcohol concentration is 0.04% or greater. No employee shall use alcohol while on duty or while performing safety-sensitive functions. No safety-sensitive employee shall use alcohol within four hours of reporting either for duty or during hours that he/she is on standby. Violation of this provision is prohibited and will subject the employee to removal from safety-sensitive duty and referral to a Substance Abuse Professional ("SAP").

5.4 Testing for Prohibited Substances

5.4.1 Testing Procedures

Analytical urine-controlled substance testing and breath testing for alcohol will be conducted as required under the Department of Transportation Guidelines. All employees shall be subject to testing prior to employment (drug testing only), based on reasonable suspicion, and following an accident, consistent with the Department of Transportation Guidelines. All employees will also be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests as determined by SAP. Safety-sensitive employees who perform safety-sensitive functions shall also be subject to testing on a randomly selected, unannounced basis, in addition to the testing outlined above. Testing shall be conducted in a manner designed to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which meet all applicable standards. All testing will be conducted consistent with established procedures, including those in the Department of Transportation ("DOT") guidelines.

The controlled substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). The Agency may add additional controlled substances for testing consistent with DOT guidelines as they may change from time to time. An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory gas chromatography/mass spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the DOT guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing (EBT) device operated by a trained Breath Alcohol Technician (BAT). If the initial test for safety-sensitive employees indicates an alcohol concentration of 0.02% or greater, a



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confirmation test will be performed to confirm the results of the initial test. An employee who has a confirmed alcohol concentration of 0.02%, but less than 0.04%, will be removed from his or her position for at least twenty-four hours unless a re-test results in an alcohol concentration of 0.02% or less. However, unless the alcohol concentration is 0.04% or greater, the fact that an employee was removed from duty in the interests of safety shall not form the basis for any discipline. An alcohol concentration of 0.04% or greater will be considered a positive alcohol test and in violation of this policy.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his or her position, informed of education and rehabilitation programs available, and evaluated by a SAP. The Agency will make every effort to, and affirms the need to, provide individual employees with dignity, privacy, and confidentiality throughout the testing process.

5.4.2 Pre-employment Screening

All applicants for employment with the Agency shall be subject to a fitness for duty examination, which shall include urine-controlled substance testing. Such pre-employment screening practices are designed to prevent the employment of individuals who use illegal drugs or whose use of legal drugs indicates a potential for impaired or unsafe job performance. If the applicant is under the age of 18, a consent form authorizing the examination and testing must be signed by the applicant's parent or guardian. All offers of employment shall be contingent upon the applicant passing the fitness for duty examination.

5.4.3 Reasonable Suspicion Testing

All employees shall be subject to urine and/or breath testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made based on documented, objective facts and circumstances, which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:

- a. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- b. Physical signs and symptoms consistent with prohibited substance abuse.
- c. The occurrence of a serious or potentially serious accident caused by human error.
- d. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operational procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and abuse and who reasonably concludes that an employee may be adversely affected or impaired in his or her work performance due to prohibited substance abuse or misuse.



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5.4.4 Post-Accident Testing

All employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with an Agency vehicle or with Agency equipment that results in a serious bodily injury requiring transportation to a medical treatment facility, death, or when one or more vehicles incurs disabling damage that requires towing from the site and there is reasonable suspicion that drug and/or alcohol use contributed to the accident. Employees will also be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident involving damage to Agency property estimated at greater than \$10,000.00 or constituting a threat to the public safety and health and there is reasonable suspicion that drug and/or alcohol use contributed to the accident.

Following an accident where reasonable suspicion has been determined to exist, the employee will be tested as soon as possible, but not to exceed eight hours after the accident for alcohol testing, and 32 hours after the accident for controlled substance testing. An employee involved in an accident shall not consume alcohol until they have undergone testing for alcohol. Any employee who leaves the scene of the accident without the appropriate authorities and without submitting to a controlled substance or alcohol testing will be considered to have refused the test and subject to disciplinary action, up to and including termination. Post-accident testing will include not only the affected employee but also any other employees whose performance could have contributed to the accident.

5.4.5 Random Testing

Those employees working in safety-sensitive classifications will be subject to randomly selected, unannounced testing, in accordance with Department of Transportation standards for safety-sensitive employees. The random selection will be performed using a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety sensitive employee has ceased performing his or her duty.

5.4.6 Return-to-Duty Testing

All employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released for duty by the SAP before being allowed to return to their jobs. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following return to duty, as determined by the SAP. The duration of the period during which the employee is subject to such testing, and the frequency of such testing, will be as determined by the SAP. However, it shall not be less than six tests during the first 12 months following return to duty, nor longer than 60 months total, following return to duty.



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5.4.7 Employee-Requested Testing

Any employee who questions the result of a controlled substance abuse test may request that an additional test be conducted. The additional test may be conducted at the same laboratory or at a different certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee, unless the second test invalidates the original test, in which event, the Agency will pay the cost of testing. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the DOT guidelines. The employee's request for a re-test must be made to the doctor responsible for analyzing the original laboratory results within 72 hours of receiving notice of the initial test result. Requests after 72 hours will be accommodated only where the employee can establish that the delay was due to circumstances beyond the control of the employee

5.5 Employee Assessment

Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum threshold set forth in this policy, will be assessed by a Substance Abuse Professional (SAP). A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge and clinically experienced in the diagnosis and treatment of alcohol and substance abuse related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse. If an employee is returned to duty following rehabilitation, he or she must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test, and be subject to unannounced follow-up tests for a period of one to five years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is to be paid by the employee. Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in a prescribed rehabilitation program. Employees will be given only one chance for rehabilitation under this policy. The affected employee will be immediately terminated on the occurrence of a second verified positive test result.

5.6 Compliance with Testing Requirements

All employees are subject to controlled substance testing and breath alcohol testing in accordance with this policy. Any employee who refuses to comply with a request for testing, who provides false information in connection with the test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid, medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test. Failure to comply with testing requirements or failure to comply with a referral to a SAP will result in immediate termination.



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5.7 Employee Assistance Program

The Agency encourages any employee who may have a substance abuse problem to seek confidential counseling and assistance of a qualified program or professional, or through the Agency's Employee Assistance Program. The Agency intends to support those employees who voluntarily seek such assistance, but also intends to promptly and firmly identify and discipline those employees who engage in substance abuse, which has a negative effect on job performance. An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

5.7.1. Positive controlled substance and/or alcohol test

A rehabilitation program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be immediately terminated on the occurrence of a second verified positive test result. The employee will pay program costs and subsequent controlled substance and/or alcohol-testing costs. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and/or complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one year or longer than five years.

5.7.2 Voluntary admittance

Employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program as long as the problem has not affected their job performance. An employee who tests positive for a controlled substance and/or alcohol before requesting voluntary admittance to a rehabilitation program will be disciplined in accordance with the applicable provisions of this policy. The Agency will approve entry into a voluntary program at the sole discretion of General Manager. The employee will pay program costs and subsequent controlled substance and/or alcohol testing costs. An employee failing to complete the program will be subject to termination from employment. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for 36 months following return to duty. A positive result on a return-to test or on the unannounced follow-up test within a 36-month period will result in termination from employment. Participants in the rehabilitation program may use accumulated sick leave, vacation, and floating holidays if any.

5.8 Notifying the Agency of Criminal Conviction

Any employee convicted of a crime involving the manufacture, distribution, possession, or use of a controlled substance or convicted of driving under the influence of alcohol or drugs, shall notify the Agency of such conviction not later than five (5) days after such conviction. A



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plea of no contest shall constitute a conviction for purposes of this rule, and for purposes of imposing discipline under Agency rules and regulations governing employee conduct. Upon conviction of a crime involving alcohol or drugs as specified above, the employee shall be referred to a SAP for rehabilitation assessment. The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

If an employee is returned to duty following rehabilitation, he or she must agree and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test, and be subject to unannounced follow-up tests for a period of 36 months. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is to be paid by the employee. Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in a prescribed rehabilitation program.

5.9 Alcohol at Agency-Sponsored Events

At Agency sponsored social events where alcohol is present, at age employees may consume moderate and responsible amounts of alcohol at their own risk. Any employee misconduct as a result of the consumption of alcohol is subject to disciplinary action. All employees are responsible for maintaining professional and courteous conduct standards consistent with Agency policy regardless of any consumption of alcohol.