



**AGENDA AND MEETING NOTICE
OF THE NORTH TAHOE PUBLIC UTILITY DISTRICT
PERSONNEL COMMITTEE**

Monday, December 9, 2024, at 2:00 p.m.

**North Tahoe Public Utility District
Administrative Offices
875 National Avenue
Tahoe Vista, CA 96148**

**Welcome to a meeting of the North Tahoe Public Utility District
Personnel Committee**

A meeting of the North Tahoe Public Utility District Personnel Committee will be held on Monday, December 9, 2024, 2:00 p.m. at the North Tahoe Public Utility District Administrative Offices, 875 National Ave. Tahoe Vista, CA 96148

The District welcomes you to its meetings. Your opinions and suggestions are encouraged. The meeting is accessible to people with disabilities. In compliance with Section 202 of the Americans with Disabilities Act of 1990 and in compliance with the Ralph M. Brown Act, anyone requiring reasonable accommodation to participate in the meeting should contact the North Tahoe Public Utility District office at (530) 546-4212, at least two days prior to the meeting.

All written public comments received by 1:00 p.m. on Monday, December 9, 2024 will be distributed to the District Board Committee Members for their consideration at the meeting. Written comments may be emailed to mmoga@ntpud.org, mailed or dropped-off at NTPUD's Administrative Offices located at 875 National Ave., Tahoe Vista, CA. 96148.

1. **CALL TO ORDER**
2. **PUBLIC COMMENT** – *Any person wishing to address the Personnel Committee on items of interest to the committee not listed on the agenda may do so at this time.*
3. **TOPICS OF DISCUSSION**
 - a. [Review and Discuss Approving Updates to the District's Substance Abuse Policies and Authorize the General Manager to Execute a Side Letter with Local 39 – Recommendation to Full Board \(Pages 2-100\)](#)
4. **ADJOURNMENT**



**NORTH TAHOE
PUBLIC UTILITY DISTRICT**

DATE: December 10, 2024

ITEM: F-4

FROM: Office of the General Manager

SUBJECT: Approve Updates to the District's Substance Abuse Policies and Authorize the General Manager to Execute a Side Letter with Local 39

RECOMMENDATION:

Approve Updates to the District's Substance Abuse Policies and Authorize the General Manager to Execute a Side Letter with Local 39 Amending the Memorandum of Understanding (MOU) Appendix C – Substance Abuse Policy (Safety Sensitive) and Appendix D – Substance Abuse Policy (Non-Safety Sensitive).

DISCUSSION:

Staff has been working with the District's labor attorney and the Labor Management Committee to review and revise the two substance abuse policies contained within the District's MOU with Local 39: Appendix C – Substance Abuse Policy (Safety Sensitive) and Appendix D – Drug and Alcohol Policy (Non-Safety Sensitive).

At the time the MOU was adopted in 2022, it was agreed that these two policies were significantly out of date and in need of overhaul. The two revised policies were streamlined to ensure the processes, language, and format were consistent between them. This makes it easier for employees to understand the process and supervisors to administer the policies consistently.

In addition to the streamlining, the Safety Sensitive Policy, which applies to the District's commercial driver license holders, was updated to reflect the current federal regulatory language. The Non-Safety Sensitive Policy, which applies to the non-commercial driver license holders, was updated to reflect changes in state laws and take into account the legalization of marijuana in California.

The proposed Substance Abuse Policies before the Board of Directors were developed with support from the District's labor attorney and were reviewed by the Personnel Committee. Additionally, IUOE Stationary Engineers, Local 39 has also agreed to the proposed policies.

FISCAL ANALYSIS: No fiscal impact.

STRATEGIC PLAN ALIGNMENT:

Goal 1: Provide safe, efficient, sustainable water and wastewater services with a focus on industry best practices and continuous improvement – Objective A: Comply with all regulatory mandates and environmental standards.

Goal 3: Enhance District governance and partnerships – Objective A: Maintain best practices in public agency governance throughout all levels of the District.

Goal 4: Sustain and strengthen organizational resources, expertise, and culture – Objective A: Maintain a culture of an empowered and professional workforce.


ATTACHMENTS:

1. Existing Appendix C – Substance Abuse Policy (Safety Sensitive)
2. Proposed Appendix C – Substance Abuse Policy (Safety Sensitive)
3. Redline Version of Appendix C – Substance Abuse Policy (Safety Sensitive) comparing existing to proposed
4. Existing Appendix D – Drug and Alcohol Policy (Non-Safety Sensitive)
5. Proposed Appendix D – Substance Abuse Policy (Non-Safety Sensitive)
6. Redline Version of Appendix D – Substance Abuse Policy (Non-Safety Sensitive) comparing existing to proposed

REVIEW TRACKING:

Submitted By: 

Kim Harris
Human Resources Manager

Approved By: 

Bradley A. Johnson, P.E.
General Manager/CEO

APPENDIX C SUBSTANCE ABUSE POLICY (SAFETY SENSITIVE)

The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Highway Administration (FFIWA) of the Department of Transportation has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. The policy incorporates those federal regulatory requirements of safety-sensitive employees and others when so noted, and applicable law shall take precedence over any contrary policy language.

NORTH TAHOE PUBLIC UTILITY DISTRICT recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances. This policy defines prohibited conduct, testing requirements and procedures, and rehabilitation and return-to-work requirements.

A. APPLICABILITY

This policy applies to all safety-sensitive employees and contractors when they are on District property or when performing any District related business. It applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work. Visitors, vendors, and contracted employees are governed by this policy while on District premises, and they will not be permitted to conduct business if found to be in violation of this policy.

A safety-sensitive employee is defined as any employee having and using a Class "A" or Class "B" commercial driver's license. A safety-sensitive employee is considered to be performing a safety sensitive function during any period in which that employee is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

B. PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

Drugs:

Marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.

Alcohol:

This 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 in Department of Transportation guidelines while actually performing, ready to perform, or immediately available to perform any District 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.

C. PROHIBITED CONDUCT

Manufacture, Trafficking, Possession, and Use

Any safety-sensitive employee engagement in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on District premises, in District vehicles or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from safety-sensitive duty and referral to a Substance Abuse Professional (SAP), as well as potential disciplinary action.

Impaired/Not Fit for Duty

Any safety-sensitive employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from safety-sensitive job duties and be required to undergo a reasonable suspicion-controlled substance or alcohol test. Employees failing to pass this reasonable suspicion-controlled substance or alcohol test shall remain off duty and be referred to a Substance Abuse Professional (SAP). A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the Department of Transportation guidelines.

Alcohol Use

No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty or while performing safety-sensitive functions. No safety-sensitive employee shall consume alcohol within four hours of reporting for duty nor during hours that he/she is on call. 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), as well as potential disciplinary action.

Compliance with Testing Requirements

All safety-sensitive employees are subject to controlled substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a Substance Abuse Professional (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.

Treatment/Rehabilitation Program

An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

1. Positive Controlled Substance and/or Alcohol Test: A positive test subjects a safety-sensitive employee to discipline up to and including termination. However, a rehabilitation program with a Return-to-Work Agreement is available for safety-sensitive employees who have tested positive for a prohibited substance on one occasion or who receive a second verified positive test result more than five years after the first occurrence. Employees who receive a second verified positive test within five years of an initial verified positive test result will be terminated. The duration of any Return-to-Work Agreement shall be concurrent with any program recommended by a Substance Abuse Professional (SAP), and shall not exceed five

(5) years. Rehabilitation program costs and the cost of subsequent controlled substance and/or alcohol testing recommended by the SAP will be paid by the safety-sensitive employee (via employee's health insurance coverage, if available, or out-of-pocket). In addition, the District may require "on demand" testing during the period of a Return-to-Work Agreement at District expense and shall not exceed ten "on demand" tests per calendar year, unless recommended by the SAP. Participation in and completion of any rehabilitation program recommended by the SAP is mandatory for consideration of a Return-to-Work Agreement. Failure of a safety-sensitive employee to attend and/or complete a prescribed program or violation of the terms of a SAP Agreement, 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 SAP 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.

2. Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request leave for voluntary admission to a rehabilitation program administered by a SAP. Requests must be submitted to an Administrator or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the safety-sensitive employee (via employee's health insurance coverage, if available, or out-of-pocket). An employee failing to complete the program as recommended by the SAP will be subject to removal from a safety sensitive position, which may include termination from employment. An employee completing a SAP recommended rehabilitation program must agree to and sign a SAP Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to up to six (6) unannounced follow-up tests for 24 months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests within a 24 month period will result in termination from employment.

Employees who take leave to participate in a rehabilitation program may use accumulated sick leave, vacation, and compensatory time, if any. For those employees who are eligible, such leave will be designated as leave under applicable statutory medical leave programs (e.g. FMLA, CFRA, ADA/FEHA), and such leaves shall be provided pursuant those programs' requirements where applicable (e.g. benefit continuation, return-to-work certifications, etc.).

D. NOTIFYING THE DISTRICT OF CRIMINAL DRUG CONVICTION

Pursuant to the "Drug Free Workplace Act of 1988" any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

E. PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

F. TESTING FOR PROHIBITED SUBSTANCES

Controlled substance and alcohol testing will be conducted as required under Department of Transportation guidelines. All safety-sensitive employees shall be subject to testing prior to employment, randomly, for reasonable suspicion, and following an accident, as defined in the Department of Transportation guidelines. In addition, all safety-sensitive employees will 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 a Substance Abuse Professional (SAP), and on-demand as part of any Return to Work Agreement, which shall not exceed five years duration. Safety-sensitive employees who perform safety-sensitive functions as defined in the Department of Transportation guidelines shall also be subject to testing on randomly selected, unannounced basis.

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 Department of Health and Human Services (DHJ-IS). All testing will be conducted consistent with the procedures put forth in the Department of Transportation guidelines.

The controlled substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). California laws permitting various uses of marijuana have no bearing on these requirements or penalties, which arise out of federal law pertaining to employment in safety-sensitive positions. 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 Department of Transportation guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result 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/her position for at least twenty-four hours unless a retest results in an alcohol concentration less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of Department of Transportation guidelines and this policy.

Any safety-sensitive employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation program available, and evaluated by a Substance Abuse Professional (SAP).

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Employees in safety-sensitive positions may be tested under any of the following circumstances:

Pre-Employment Testing

All applicants for safety-sensitive classifications shall undergo urine-controlled substance testing prior to employment in, or to assignment to, a safety-sensitive position. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment. Pre-Employment testing requirements will be conducted in compliance with current law.

Reasonable Suspicion Testing

All safety-sensitive employees will 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 on the basis of documented objective, contemporaneous facts and circumstances concerning the appearance, behavior, speech, and body odors of the employee which are consistent with the effects of substance abuse.

The following may constitute reasonable cause to believe that an employee is under the influence of drugs or alcohol:

- 1) Incoherent, slurred speech;
- 2) Odor of alcohol on the breath;
- 3) Staggering gait, disorientation, or loss of balance;
- 4) Red and watery eyes, if not explained by environmental causes;
- 5) Paranoid or bizarre behavior;
- 6) Unexplained drowsiness
- 7) Occurrence of a serious or potentially serious accident.

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 who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Supervisors are required to document their observations and submit them to Human Resources or the General Manager (or designee) prior to transporting the employee to the collection site. Employees subject to a reasonable suspicion test shall be transported to the collection site by designated management personnel. When possible, a second supervisory employee will be present to confirm the reasonable suspicion observations.

Post-Accident Testing

Safety-sensitive employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; or if the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive employee will be provided a ride to the testing site and tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

Random Testing

Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by 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/her duty. Testing may occur any time the employee is performing duties for the District on a designated workday. Employee will not be called back to work just to be called in for a random test.

Return-to-Duty Testing

All safety-sensitive employees who previously tested positive on a controlled

substance or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to duty. Employees will be required to undergo unannounced follow-up-controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP and the terms of any SAP Agreement and in any event no longer than five years following return to duty.

Employee Requested Testing (Split Sample)

Any safety-sensitive employee who questions the result of a required controlled substance test under Department of Transportation guidelines may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS 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. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The safety-sensitive employee's request for a retest must be made to the MRO within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

G. EMPLOYEE ASSESSMENT

Any safety-sensitive employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the Department of Transportation guidelines will be assessed by a Substance Abuse Professional (SAP). An SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of alcohol 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. An employee who has tested positive for controlled substances or alcohol and who refuses to meet with the SAP for evaluation, or to participate in any rehabilitation recommended by the SAP, shall be subject to immediate termination.

If a safety-sensitive employee is returned to duty following rehabilitation, he/she must agree to and sign a SAP Agreement (and where applicable, a Return to Work 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 recommended by the SAP is borne by the safety-sensitive employee, except as may be covered by the Employee's group health insurance, if available. Costs of additional District ordered "on demand" testing as part of a Return-to-Work Agreement shall be borne by the District. An Employee will be immediately terminated on the occurrence of a second verified positive test result within five years of an initial verified positive test result. Employees may use available protected leaves (e.g. FMLA, CFRA, ADA/FEHA) to participate in the prescribed rehabilitation program and may utilize accumulated sick leave, vacation and floating holidays, if any, as wage replacement during such leave. Employees who exhaust leave balances shall be placed on an approved leave of absence without pay.

H. CONTACT PERSON

Any questions regarding this policy should contact the following Human Resources representative:

Name: Human Resources
Address: Post Office Box 139, Tahoe Vista, CA 96148
Telephone: (530) 546-4212

I. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION CLEARINGHOUSE RULES

The Clearinghouse rule requires FMCSA-regulated employers, medical review officers (MROs), substance abuse professionals (SAPs), third-party administrators and other service agents to report to the Clearinghouse information related to violations of FMCSA's drug and alcohol testing regulations by current and prospective employees. The following information will be reported to the Clearinghouse (by the District, MRO, SAP, or third party administrator/service agent) as required by law:

- A verified positive, adulterated or substituted drug test result;
- An alcohol confirmation test with a concentration of .04 or higher;
- A refusal to submit to a drug or alcohol test;
- The District's report of actual knowledge, as defined in 49 CFR 382.107;
- On-duty alcohol use, pursuant to 49 CFR 382.205;
- Pre-duty alcohol use, pursuant to 49 CFR 382.207;
- Alcohol use following an accident, pursuant to 49 CFR 382.209;
- Drug use, pursuant to 49 CFR 382.213;
- An SAPs report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- A report of completion of follow up testing.

The District will query the Clearinghouse for current and prospective employees' drug and alcohol program violations before permitting such employees to operate a commercial motor vehicle on public roads. The District will also annually query the Clearinghouse for each driver currently employed by the District.

J. DEFINITIONS

ACCIDENT - means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.

ALCOHOL - means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

ALCOHOL CONCENTRATION - means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air.

ALCOHOL USE - means consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the Department of Transportation prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing affect due to the presence of other elements (e.g., antihistamines).

BREATH ALCOHOL TECHNICIAN (BAT) - means a person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. EBT are the only qualified personnel to administer the EBT tests.

CHAIN OF CUSTODY - means the procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

COLLECTION SITE - means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

COMMERCIAL MOTOR VEHICLE - means a motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (2) has a gross vehicle weight rating of 26,001 or more pounds; or (3) is designed to transport 16 or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

CONFIRMATION TEST - for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent, of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CGIMS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

CONTROLLED SUBSTANCE (DRUG) TEST - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Controlled substances will be tested under the Department of Health and Human Services guidelines. **The primary (initial or screening) controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

Alcohol	0.02	grams
Marijuana Metabolites	50	ng/ml
Cocaine Metabolites	300	ng/ml
Phencyclidine (PCP)	25	ng/ml
Opiates Metabolites (1)	2000	ng/ml

Amphetamines 1000 ng/ml

1.25 ng/ml if immunoassay

A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. **The confirmatory controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

Alcohol	0.04	grams
Marijuana Metabolites (THC) (1)	15	ng/ml
Cocaine Metabolites	150	ng/ml
Phencyclidine (PCP)	25	ng/ml
Opiates Metabolites	2000	ng/ml
Morphine	2000	ng/ml
Codeine	2000	ng/ml
6-Acetylmorphine (3)	10	ng/ml
Amphetamines	1000	ng/ml
Amphetamine	500	ng/ml
Methamphetamine (3)	500	ng/ml

1. Delta-9-tetrahydrocannabinol-9-carboxylic acid
2. Benzoylecgonine
3. Test for 6-Acetylmorphine when morphine concentration exceeds 2000 ng/ml
4. Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

COVERED EMPLOYEE - means a person including a volunteer, applicant, or transferee, who performs a safety-sensitive function for the District.

DEPARTMENT OF TRANSPORTATION GUIDELINES - means the controlled substance and alcohol testing rules (49 CFR Part 199 (RSPA - Pipeline), Part 219 (FRA. Railroad), Part 382 (FHWA - Commercial Motor Vehicle), 654 (FTA - Mass Transit) and 14 CFR 61 (FAA - Aviation) et. al.) setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all the transportation industries.

DISTRICT - means NORTH TAHOE PUBLIC UTILITY DISTRICT.

DISTRICT TIME - means any period of time in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

DRIVER - means any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

DRUG (CONTROLLED SUBSTANCE) METABOLITE - means the specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

EVIDENTIAL BREATH TESTING DEVICE (EBT) - means the device to be used for breath alcohol testing.

MEDICAL REVIEW OFFICER (MRO) - means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.

PERFORMING (SAFETY SENSITIVE FUNCTION) - means a safety-sensitive employee is considered to be performing a safety sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.

POST-ACCIDENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See Accident.

PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING - conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Also required when employees transfer to a safety sensitive-position.

PROHIBITED DRUGS (CONTROLLED SUBSTANCES) - means Marijuana, Cocaine, Opiates, Amphetamines, or Phencyclidine.

PROHIBITED SUBSTANCES - means and is synonymous to drug abuse and/or alcohol misuse or abuse.

RANDOM ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted on a random unannounced basis just before, during or just after performance of safety sensitive functions.

REASONABLE SUSPICION ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

REFUSE TO SUBMIT (TO AN ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST) - means that a safety-sensitive employee fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that safety-sensitive employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test.)

REHABILITATION - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical, emotional, or mental problems which contributed to job problems

RETURN-TO-DUTY AND FOLLOW-UP ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING –conducted when an individual who has violated the prohibited alcohol or controlled substance conduct standards returns to performing safety sensitive-duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 24 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty upon the SAP recommendation.

RETURN TO WORK AGREEMENT – Means a written and signed agreement between the employer and the safety-sensitive employee which states the terms of testing following a return to work after a verified positive test for a controlled substance or alcohol and the consequences of a future positive test.

SAFETY-SENSITIVE EMPLOYEE (FUNCTION AND/OR POSITION) - An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

SAP AGREEMENT - means a document agreed to and signed by the employer, safety-sensitive employee and the Substance Abuse Professional that outlines the terms and conditions under which the safety-sensitive employee may return to duty after having had a verified positive controlled substance test result or an alcohol concentration of 0.04 or greater on an alcohol test.

SCREENING (INITIAL) TEST - In alcohol testing, it means an analytical procedure to determine whether a safety-sensitive employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

SUBSTANCE ABUSE PROFESSIONAL (SAP) - means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol- related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

SUPERVISOR - means a person in authority who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour of training on the signs and symptoms of controlled substance abuse.

VEHICLE - means a bus, truck, van, automobile, rail car, trolley car, trolley bus, or vessel used for operations of the District.

K. PROCEDURES - REASONABLE SUSPICION TESTING

1. A safety-sensitive employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor. When possible, a second supervisory employee will be present to confirm the reasonable suspicion observations.

Any employee may identify someone suspected of alcohol and/or controlled substance to any supervisor. Employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, the supervisor must witness first hand the safety-sensitive employee's signs and symptoms.

2. The supervisor is then obligated to insure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the safety-sensitive employee in question may indeed be under the influence of alcohol and/or controlled substances.
3. When the supervisor(s) suspect and believe that the safety-sensitive employee may be under the influence of alcohol and/or controlled substances, the safety-sensitive employee is then immediately suspended from duty (with pay) and driven by District staff (or others designated) to the District specified collection site. Because of a testing facility requirement, the safety-sensitive employee in question must show proof of identification, such as a photo driver's license or state-issued photo identification card. Whenever practical, an Administrator should be notified in advance of the employee being taken to the collection site.
4. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
5. The District will take precautions to prevent the safety-sensitive employee being tested from going back to work and driving their own car home. Instead, the safety-sensitive employee will be given assistance in obtaining a ride home from the collection site.
6. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
7. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

L. PROCEDURES - RANDOM TESTING

1. The compliance company notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.
2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
5. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

M. PROCEDURES - POST ACCIDENT

1. The safety-sensitive employee notifies a supervisor that an accident has occurred.
2. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor will provide a ride to the testing site and directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

4. An Administrator will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
5. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
6. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

N. PROCEDURES - RETURN-TO-DUTY and FOLLOW-UP

1. The compliance company notifies the District to send the safety-sensitive employee to the collection site for alcohol and controlled substance testing.
2. The supervisor notifies the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 or whose controlled substance test is verified positive will be terminated.

O. PROCEDURES - CHAIN OF CUSTODY FOR CONTROLLED SUBSTANCE SPECIMENS

1. At the time a specimen is collected, the safety-sensitive employee will be given a copy of the specimen collection procedures.
2. Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the safety-sensitive employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.
3. Immediately after the specimens are collected, the urine bottles will, in the presence of the safety-sensitive employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol

testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the safety-sensitive employee's presence and the safety-sensitive employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.

4. A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

P. PROCEDURES - SPECIMEN COLLECTION OF STRANGE AND/OR UNRECOGNIZABLE SUBSTANCES

1. A safety-sensitive employee is observed with a strange and/or unrecognizable substance.
2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and a witness.
3. An incident report is made and signed by both the supervisor and a witness.
4. The plastic bag containing the specimen, and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

Q. PROCEDURES - ALCOHOL CONCENTRATION

1. The safety-sensitive employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded
2. After an explanation of how the breathalyzer works, an initial breath sample is taken
3. If the results of the initial test show an alcohol concentration of 0.02 or greater a second or confirmation test must be conducted. The confirmation test must not be conducted less than 15 minutes after, or more than 20 minutes after the screening test.
4. The confirmation test will utilize an Evidential Breath Testing device that prints out the results, date and time, a sequential test number, and the name and serial number of the Evidential Breath Testing device to ensure the reliability of the results.

APPENDIX C SUBSTANCE ABUSE POLICY (SAFETY SENSITIVE)

As with any District policy, NORTH TAHOE PUBLIC UTILITY DISTRICT reserves the right to change, alter, amend, and interpret this policy without notice.

The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Highway Administration (FFIWA) of the Department of Transportation has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. The policy incorporates those requirements of safety-sensitive employees and others when so noted.

NORTH TAHOE PUBLIC UTILITY DISTRICT recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances.

A. APPLICABILITY

This policy applies to all safety-sensitive employees and contractors when they are on District property or when performing any District related business. It applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work. Visitors, vendors, and contracted employees are governed by this policy while on District premises, and they will not be permitted to conduct business if found to be in violation of this policy.

A safety-sensitive employee is defined as any employee having and using a Class "A" or Class "B" commercial driver's license. A safety-sensitive employee is considered to be performing a safety sensitive function during any period in which that employee is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

B. PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

Drugs:

Marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.

Alcohol:

This 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 in Department of Transportation guidelines while actually performing, ready to perform, or immediately available to perform any District 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.

C. PROHIBITED CONDUCT

Manufacture, Trafficking, Possession, and Use

Any safety-sensitive employee engagement in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on District premises, in District vehicles or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from safety-sensitive duty and referral to a Substance Abuse Professional (SAP).

Impaired/Not Fit for Duty

Any safety-sensitive employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from safety-sensitive job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to a Substance Abuse Professional (SAP). A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the Department of Transportation guidelines.

Alcohol Use

No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive 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 for duty nor during hours that he/she is on call. 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).

Compliance with Testing Requirements

All safety-sensitive employees are subject to controlled substance testing and breathe alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a Substance Abuse Professional (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.

Treatment/Rehabilitation Program

An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

Positive Controlled Substance and/or Alcohol Test: A rehabilitation Program is available for safety-sensitive employees who have tested positive for a prohibited substance on a one time basis only. Employee will be immediately terminated on the occurrence of a second verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the safety-sensitive employee. When recommended by the Substance Abuse Professional (SAP), participation and completion of the rehabilitation program is mandatory. Failure of a safety-sensitive 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.

Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to an Administrator or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the safety-sensitive employee. 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 the return-to-duty test or on the unannounced follow-up tests within a 36 month period will result in termination from employment.

Participants in the rehabilitation program may use accumulated sick leave, vacation and compensatory time, if any.

D. NOTIFYING THE DISTRICT OF CRIMINAL DRUG CONVICTION

Pursuant to the "Drug Free Workplace Act of 1988" any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

E. PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

F. TESTING FOR PROHIBITED SUBSTANCES

Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under Department of Transportation guidelines. All safety-sensitive employees shall be subject to testing prior to employment, randomly, for reasonable suspicion, and following an accident, as defined in the Department of Transportation guidelines. In addition, all safety- sensitive employees will 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 for up to five years, as determined by a Substance Abuse Professional (SAP). Safety- sensitive employees who perform safety-sensitive functions as defined in the Department of Transportation guidelines shall also be subject to testing on randomly selected, unannounced basis.

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 Department of Health and Human Services (DHJ-IS). All testing will be conducted consistent with the procedures put forth in the Department of Transportation guidelines.

The controlled substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). 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 Department of Transportation guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result 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/her position for at least twenty-four hours unless a retest results in an alcohol concentration less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of Department of Transportation guidelines and this policy.

Any safety-sensitive employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation program available, and evaluated by a Substance Abuse Professional (SAP).

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Employees in safety-sensitive positions may be tested under any of the following circumstances:

Pre-Employment Testing

All applicants for safety-sensitive classifications shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment. Pre-Employment testing requirements will be conducted in compliance with current law.

Reasonable Suspicion Testing

All safety-sensitive employees will 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 on the basis of 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 use.

- c. Occurrence of a serious or potentially serious accident that may have been caused by human error.
- d. Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation 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 who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Post-Accident Testing

Safety-sensitive employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; and the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

Random Testing

Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by 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/her duty.

Return-to-Duty Testing

All safety-sensitive employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP. However, it shall not be less than 6 tests during the first 12 months, nor longer than 60 months in total, following return to duty.

Employee Requested Testing

Any safety-sensitive employee who questions the result of a required controlled substance test under Department of Transportation guidelines may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS 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. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The safety-sensitive employee's request for a retest must be made to the MRO within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

G. EMPLOYEE ASSESSMENT

Any safety-sensitive employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the Department of Transportation guidelines 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 of and clinically experienced in the diagnosis and treatment of alcohol 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 a safety-sensitive employee is returned to duty following rehabilitation, he/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 borne by the safety-sensitive employee and is on a one time basis only. Employee will be immediately terminated on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in the prescribed rehabilitation program.

H. CONTACT PERSON

Any questions regarding this policy should contact the following Human Resources representative:

Name: Human Resources Manager
Address: Post Office Box 139, Tahoe Vista, CA 96148
Telephone: (530) 546-4212

I. DEFINITIONS

ACCIDENT - means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.

ALCOHOL - means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

ALCOHOL CONCENTRATION - means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air.

ALCOHOL USE - means consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the Department of Transportation prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing affect due to the presence of other elements (e.g., antihistamines).

BREATH ALCOHOL TECHNICIAN (BAT) - means a person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. EBT are the only qualified personnel to administer the EBT tests.

CHAIN OF CUSTODY - means the procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

COLLECTION SITE - means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

COMMERCIAL MOTOR VEHICLE - means a motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (2) has a gross vehicle weight rating of 26,001 or more pounds; or (3) is designed to transport 16 or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

CONFIRMATION TEST - for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent, of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CGIMS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

CONTROLLED SUBSTANCE (DRUG) TEST - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Controlled substances will be tested under the Department of Health and Human Services guidelines. **The primary (initial or screening) controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

Alcohol	0.02	grams
Marijuana Metabolites	50	ng/ml
Cocaine Metabolites	300	ng/ml
Phencyclidine (PCP)	25	ng/ml
Opiates Metabolites (1)	2000	ng/ml
Amphetamines	1000	ng/ml
	1.25 ng/ml if immunoassay	

A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. **The confirmatory controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

Alcohol	0.04	grams
Marijuana Metabolites (THC) (1)	15	ng/ml
Cocaine Metabolites	150	ng/ml
Phencyclidine (PCP)	25	ng/ml
Opiates Metabolites	2000	ng/ml
Morphine	2000	ng/ml
Codeine	2000	ng/ml
6-Acetylmorphine (3)	10	ng/ml
Amphetamines	1000	ng/ml
Amphetamine	500	ng/ml
Methamphetamine (3)	500	ng/ml

1. Delta-9-tetrahydrocannabinol-9-carboxylic acid
2. Benzoylecgonine
3. Test for 6-Acetylmorphine when morphine concentration exceeds 2000 ng/ml
4. Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

COVERED EMPLOYEE - means a person including a volunteer, applicant, or transferee, who performs a safety-sensitive function for the District.

DEPARTMENT OF TRANSPORTATION GUIDELINES - means the controlled substance and alcohol testing rules (49 CFR Part 199 (RSPA - Pipeline), Part 219 (FRA. Railroad), Part 382 (FHWA - Commercial Motor Vehicle), 654 (FTA - Mass Transit) and 14 CFR 61 (FAA - Aviation) et. al.) setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all the transportation industries.

DISTRICT - means NORTH TAHOE PUBLIC UTILITY DISTRICT.

DISTRICT TIME - means any period of time in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

DRIVER - means any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

DRUG (CONTROLLED SUBSTANCE) METABOLITE - means the specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

EVIDENTIAL BREATH TESTING DEVICE (EBT) - means the device to be used for breath alcohol testing.

MEDICAL REVIEW OFFICER (MRO) - means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.

PERFORMING (SAFETY SENSITIVE FUNCTION) - means a safety-sensitive employee is considered to be performing a safety sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.

POST-ACCIDENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See Accident.

PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING - conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Also required when employees transfer to a safety sensitive-position.

PROHIBITED DRUGS (CONTROLLED SUBSTANCES) - means Marijuana, Cocaine, Opiates, Amphetamines, or Phencyclidine.

PROHIBITED SUBSTANCES - means and is synonymous to drug abuse and/or alcohol misuse or abuse.

RANDOM ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted on a random unannounced basis just before, during or just after performance of safety sensitive functions.

REASONABLE SUSPICION ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

REFUSE TO SUBMIT (TO AN ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST) - means that a safety-sensitive employee fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that safety-sensitive employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test.)

REHABILITATION - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical, emotional, or mental problems which contributed to job problems.

RETURN-TO-DUTY AND FOLLOW-UP ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING –

conducted when an individual who has violated the prohibited alcohol or controlled substance conduct standards returns to performing safety sensitive-duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty upon the SAP recommendation.

RETURN-TO-DUTY AGREEMENT - means a document agreed to and signed by the employer, safety-sensitive employee and the Substance Abuse Professional that outlines the terms and conditions under which the safety-sensitive employee may return to duty after having had a verified positive controlled substance test result or an alcohol concentration of 0.04 or greater on an alcohol test.

SAFETY-SENSITIVE EMPLOYEE (FUNCTION AND/OR POSITION) - An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

SCREENING (INITIAL) TEST - In alcohol testing, it means an analytical procedure to determine whether a safety-sensitive employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

SUBSTANCE ABUSE PROFESSIONAL (SAP) - means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol- related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

SUPERVISOR - means a person in authority who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour of training on the signs and symptoms of controlled substance abuse.

VEHICLE - means a bus, truck, van, automobile, rail car, trolley car, trolley bus, or vessel used for operations of the District.

J. PROCEDURES - REASONABLE SUSPICION TESTING

1. A safety-sensitive employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor.
Any employee may identify someone suspected of alcohol and/or controlled substance to any supervisor. Employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, the supervisor must witness first hand the safety-sensitive employee's signs and symptoms.

2. The supervisor is then obligated to insure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the safety-sensitive employee in question may indeed be under the influence of alcohol and/or controlled substances.
3. When the supervisor(s) suspect and believe that the safety-sensitive employee may be under the influence of alcohol and/or controlled substances, the safety-sensitive employee is then immediately suspended from duty (with pay) and driven by District staff (or others designated) to the District specified collection site. Because of a testing facility requirement, the safety-sensitive employee in question must show proof of identification, such as a photo driver's license or state-issued photo identification card. Whenever practical, an Administrator should be notified in advance of the employee being taken to the collection site.
4. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
5. The District will take precautions to prevent the safety-sensitive employee being tested from going back to work and driving their own car home. Instead, the safety-sensitive employee will be given assistance in obtaining a ride home from the collection site.
6. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
7. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

K. PROCEDURES - RANDOM TESTING

1. The compliance company notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.

2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
5. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

L. PROCEDURES - POST ACCIDENT

1. The safety-sensitive employee notifies a supervisor that an accident has occurred.
2. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

4. An Administrator will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
5. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
6. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

M. PROCEDURES - RETURN-TO-DUTY and FOLLOW-UP

1. The compliance company notifies the District to send the safety-sensitive employee to the collection site for alcohol and controlled substance testing.
2. The supervisor notifies the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 or whose controlled substance test is verified positive will be terminated.

N. PROCEDURES - CHAIN OF CUSTODY FOR CONTROLLED SUBSTANCE SPECIMENS

1. At the time a specimen is collected, the safety-sensitive employee will be given a copy of the specimen collection procedures.
2. Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the safety-sensitive employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.

3. Immediately after the specimens are collected, the urine bottles will, in the presence of the safety-sensitive employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the safety-sensitive employee's presence and the safety-sensitive employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.
4. A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

O. PROCEDURES - SPECIMEN COLLECTION OF STRANGE AND/OR UNRECOGNIZABLE SUBSTANCES

1. A safety-sensitive employee is observed with a strange and/or unrecognizable substance.
2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and a witness.
3. An incident report is made and signed by both the supervisor and a witness.
4. The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

P. PROCEDURES - ALCOHOL CONCENTRATION

1. The safety-sensitive employee and the on duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded
2. After an explanation of how the breathalyzer works, an initial breath sample is taken
3. If the results of the initial test show an alcohol concentration of 0.02 or greater a second or confirmation test must be conducted. The confirmation test must not be conducted less than 15 minutes after, or more than 20 minutes after the screening test.
4. The confirmation test will utilize an Evidential Breath Testing device that prints out the results, date and time, a sequential test number, and the name and serial number of the Evidential Breath Testing device to ensure the reliability of the results.

As with any policy, the District reserves the right to change, alter, amend, and interpret this policy with or without prior notification.

APPENDIX C SUBSTANCE ABUSE POLICY (SAFETY SENSITIVE)

~~As with any District policy, NORTH TAHOE PUBLIC UTILITY DISTRICT reserves the right to change, alter, amend, and interpret this policy without notice.~~

The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Highway Administration (FFIWA) of the Department of Transportation has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. The policy incorporates those [federal regulatory](#) requirements of safety-sensitive employees and others when so noted, [and applicable law shall take precedence over any contrary policy language.](#)

NORTH TAHOE PUBLIC UTILITY DISTRICT recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances. [This policy defines prohibited conduct, testing requirements and procedures, and rehabilitation and return-to-work requirements.](#)

A.A. APPLICABILITY

This policy applies to all safety-sensitive employees and contractors when they are on District property or when performing any District related business. It applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work. Visitors, vendors, and contracted employees are governed by this policy while on District premises, and they will not be permitted to conduct business if found to be in violation of this policy.

A safety-sensitive employee is defined as any employee having and using a Class "A" or Class "B" commercial driver's license. A safety-sensitive employee is considered to be performing a safety sensitive function during any period in which that employee is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

B.B. PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

Drugs:

Marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.

Alcohol:

This 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 in Department of Transportation guidelines while actually performing, ready to perform, or immediately available to perform any District 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.

C.C. PROHIBITED CONDUCT

Manufacture, Trafficking, Possession, and Use

Any safety-sensitive employee engagement in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on District premises, in District vehicles or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from safety-sensitive duty and referral to a Substance Abuse Professional (SAP), [as well as potential disciplinary action](#).

Impaired/Not Fit for Duty

Any safety-sensitive employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from ~~safety-sensitive~~[safety-sensitive](#) job duties and be required to undergo a reasonable ~~suspicion-controlled~~[suspicion-controlled](#) substance or alcohol test. Employees failing to pass this reasonable ~~suspicion-controlled~~[suspicion-controlled](#) substance or alcohol test shall remain off duty and be referred to a Substance Abuse Professional (SAP). A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the Department of Transportation guidelines.

Alcohol Use

No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty or while performing safety-sensitive functions. No ~~safety-sensitive~~[safety-sensitive](#) employee shall [use/consume](#) alcohol within four hours of reporting for duty nor during hours that he/she is on call. 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), [as well as potential disciplinary action](#).

Compliance with Testing Requirements

All safety-sensitive employees are subject to controlled substance testing and ~~breathe~~[breath](#) alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a Substance Abuse Professional (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.

Treatment/Rehabilitation Program

An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

1. Positive Controlled Substance and/or Alcohol Test: A positive test subjects a safety-sensitive employee to discipline up to and including termination. However, a rehabilitation ~~Program~~program with a Return-to-Work Agreement is available for safety-sensitive employees who have tested positive for a prohibited substance on ~~a one time basis only. Employee will be immediately terminated on the occurrence of~~occasion or who receive a second verified positive test result.~~Program costs and more than five years after the first occurrence.~~ Employees who receive a second verified positive test within five years of an initial verified positive test result will be terminated. The duration of any Return-to-Work Agreement shall be concurrent with any program recommended by a Substance Abuse Professional (SAP), and shall not exceed five (5) years. Rehabilitation program costs and the cost of subsequent controlled substance and/or alcohol testing ~~costs~~recommended by the SAP will be paid by the safety-sensitive employee.~~When (via employee's health insurance coverage, if available, or out-of-pocket).~~ In addition, the District may require "on demand" testing during the period of a Return-to-Work Agreement at District expense and shall not exceed ten "on demand" tests per calendar year, unless recommended by the Substance Abuse Professional (SAP), participation. Participation in and completion of the any rehabilitation program recommended by the SAP is mandatory for consideration of a Return-to-Work Agreement. Failure of a safety-sensitive employee to attend and/or complete a prescribed program or violation of the terms of a SAP Agreement, 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~~SAP 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.

2. Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request leave for voluntary admission to a rehabilitation program administered by a SAP. Requests must be submitted to an Administrator or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the safety-sensitive employee (via employee's health insurance coverage, if available, or out-of-pocket). An employee failing to complete the program as recommended by the SAP will be subject to removal from a safety sensitive position, which may include termination from employment. An employee completing a SAP recommended rehabilitation program must agree to and sign a ~~Return-To-Duty~~SAP Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to up to six (6) unannounced follow-up ~~testing tests~~ testing tests for ~~3624~~ 3624 months following return to duty. A positive result on the ~~return-to-duty~~return-to-duty test or on the unannounced follow-up tests within a ~~3624~~ 3624 month period will result in termination from employment.

~~Participants in the rehabilitation program may use accumulated sick leave, vacation and compensatory time, if any.~~

Employees who take leave to participate in a rehabilitation program may use accumulated sick leave, vacation, and compensatory time, if any. For those employees who are eligible, such leave will be designated as leave under applicable statutory medical leave programs (e.g. FMLA, CFRA, ADA/FEHA), and such leaves shall be provided pursuant those programs' requirements where applicable (e.g. benefit continuation, return-to-work certifications, etc.).

D.D. NOTIFYING THE DISTRICT OF CRIMINAL DRUG CONVICTION

Pursuant to the "Drug Free Workplace Act of 1988" any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

E.E. PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy.

Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

F.F. TESTING FOR PROHIBITED SUBSTANCES

~~Analytical urine controlled~~Controlled substance and alcohol testing ~~and breath testing for alcohol~~ will be conducted as required under Department of Transportation guidelines. All safety-sensitive employees shall be subject to testing prior to employment, randomly, for reasonable suspicion, and following an accident, as defined in the Department of Transportation guidelines. In addition, all ~~safety-sensitive~~safety-sensitive employees will 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~~follow-up tests ~~for up to five years~~, as determined by a Substance Abuse Professional (SAP). ~~Safety-sensitive, and on-demand as part of any Return to Work Agreement, which shall not exceed five years duration.~~ Safety-sensitive employees who perform safety-sensitive functions as defined in the Department of Transportation guidelines shall also be subject to testing on randomly selected, unannounced basis.

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 Department of Health and Human Services (DHJ-IS). All testing will be conducted consistent with the procedures put forth in the Department of Transportation guidelines.

The controlled substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). [California laws permitting various uses of marijuana have no bearing on these requirements or penalties, which arise out of federal law pertaining to employment in safety-sensitive positions.](#) 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 Department of Transportation guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result 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/her position for at least twenty-four hours unless a retest results in an alcohol concentration less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of Department of Transportation guidelines and this policy.

Any safety-sensitive employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation program available, and evaluated by a Substance Abuse Professional (SAP).

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Employees in safety-sensitive positions may be tested under any of the following circumstances:

Pre-Employment Testing

All applicants for safety-sensitive classifications shall undergo ~~urine-controlled~~[urine-controlled](#) substance testing prior to employment [in, or to assignment to, a safety-sensitive position.](#) Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment. Pre-Employment testing requirements will be conducted in compliance with current law.

Reasonable Suspicion Testing

All safety-sensitive employees will 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 on the basis of documented objective, [contemporaneous](#) facts and circumstances [concerning the appearance, behavior, speech, and body odors of the employee](#) which are consistent with the effects of substance abuse. ~~Examples of reasonable suspicion include, but are not limited to, the following:~~ [The following may constitute reasonable cause to believe that an employee is under the influence of drugs or alcohol:](#)

~~a. Adequate documentation of unsatisfactory work performance or on-the-job behavior.~~

- 1) Incoherent, slurred speech;
- 2) Odor of alcohol on the breath;
- 3) Staggering gait, disorientation, or loss of balance;
- 4) Red and watery eyes, if not explained by environmental causes;
- 5) Paranoid or bizarre behavior;
- 6) Unexplained drowsiness

~~b. Physical signs and symptoms consistent with prohibited substance use.~~

7) ~~e. Occurrence of a serious or potentially serious accident that may have been caused by human error.~~

~~d. Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation 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 who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Supervisors are required to document their observations and submit them to Human Resources or the General Manager (or designee) prior to transporting the employee to the collection site. Employees subject to a reasonable suspicion test shall be transported to the collection site by designated management personnel. When possible, a second supervisory employee will be present to confirm the reasonable suspicion observations.

Post-Accident Testing

Safety-sensitive employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; ~~and or~~ if the safety-sensitive employee receives a citation under State of local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive employee will be provided a ride to the testing site and tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

Random Testing

Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by 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/her duty. Testing may occur any time the employee is performing duties for the District on a designated workday. Employee will not be called back to work just to be called in for a random test.

Return-to-Duty Testing

All safety-sensitive employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to duty. Employees will be required to undergo unannounced ~~follow-up-controlled~~ follow-up-controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP. ~~However, it shall not be less than 6 tests during the first 12 months, nor~~ and the terms of any SAP Agreement and in any event no longer than ~~60 months in total, five years~~ following return to duty.

Employee Requested Testing (Split Sample)

Any safety-sensitive employee who questions the result of a required controlled substance test under Department of Transportation guidelines may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS 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. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The safety-sensitive employee's request for a retest must be made to the MRO within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

G.G. EMPLOYEE ASSESSMENT

Any safety-sensitive employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the Department of Transportation guidelines will be assessed by a Substance Abuse Professional (SAP). ~~A~~An SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of alcohol 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. An employee who has tested positive for controlled substances or alcohol and who refuses to meet with the SAP for evaluation, or to participate in any rehabilitation recommended by the SAP, shall be subject to immediate termination.

If a safety-sensitive employee is returned to duty following rehabilitation, he/she must agree to and sign a ~~Return To Duty~~SAP Agreement (and where applicable, a Return to Work 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 recommended by the SAP is borne by the safety-sensitive employee ~~and is on a one-time basis only.~~ except as may be covered by the Employee's group health insurance, if available. Costs of additional District ordered "on demand" testing as part of a Return-to-Work Agreement shall be borne by the District. An Employee will be immediately terminated on the occurrence of a second verified positive test result within five years of an initial verified positive test result. Employees may use available protected leaves (e.g. FMLA, CFRA, ADA/FEHA) to participate in the prescribed rehabilitation program and may utilize accumulated sick leave, vacation and floating holidays, if any, ~~to participate in the prescribed rehabilitation program as wage replacement during such leave.~~ Employees who exhaust leave balances shall be placed on an approved leave of absence without pay.

H.H. CONTACT PERSON

Any questions regarding this policy should contact the following Human Resources representative:

Name: Human Resources ~~Manager~~
Address: Post Office Box 139, Tahoe Vista, CA 96148
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I. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION CLEARINGHOUSE RULES

The Clearinghouse rule requires FMCSA-regulated employers, medical review officers (MROs), substance abuse professionals (SAPs), third-party administrators and other service agents to report to the Clearinghouse information related to violations of FMCSA's drug and alcohol testing regulations by current and prospective employees. The following information will be reported to the Clearinghouse (by the District, MRO, SAP, or third party administrator/service agent) as required by law:

- A verified positive, adulterated or substituted drug test result;
- An alcohol confirmation test with a concentration of .04 or higher;
- A refusal to submit to a drug or alcohol test;
- The District's report of actual knowledge, as defined in 49 CFR 382.107;
- On-duty alcohol use, pursuant to 49 CFR 382.205;
- Pre-duty alcohol use, pursuant to 49 CFR 382.207;
- Alcohol use following an accident, pursuant to 49 CFR 382.209;
- Drug use, pursuant to 49 CFR 382.213;
- An SAPs report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- A report of completion of follow up testing.

The District will query the Clearinghouse for current and prospective employees' drug and alcohol program violations before permitting such employees to operate a commercial motor vehicle on public roads. The District will also annually query the Clearinghouse for each driver currently employed by the District.

I.J. DEFINITIONS

ACCIDENT - means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.

ALCOHOL - means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

ALCOHOL CONCENTRATION - means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air.

ALCOHOL USE - means consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the Department of Transportation prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may

have a greater impairing affect due to the presence of other elements (e.g., antihistamines).

BREATH ALCOHOL TECHNICIAN (BAT) - means a person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. EBT are the only qualified personnel to administer the EBT tests.

CHAIN OF CUSTODY - means the procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

COLLECTION SITE - means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

COMMERCIAL MOTOR VEHICLE - means a motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (2) has a gross vehicle weight rating of 26,001 or more pounds; or (3) is designed to transport 16 or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

CONFIRMATION TEST - for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent, of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CGIMS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

CONTROLLED SUBSTANCE (DRUG) TEST - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Controlled substances will be tested under the Department of Health and Human Services guidelines. **The primary (initial or screening) controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

Alcohol	0.02	grams
Marijuana Metabolites	50	ng/ml
Cocaine Metabolites	300	ng/ml
Phencyclidine (PCP)	25	ng/ml
Opiates Metabolites (1)	2000	ng/ml
Amphetamines	1000	ng/ml
	1.25	ng/ml if immunoassay

1.25 ng/ml if immunoassay

A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. **The confirmatory controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

Alcohol	0.04	grams
Marijuana Metabolites (THC) (1)	15	ng/ml
Cocaine Metabolites	150	ng/ml
Phencyclidine (PCP)	25	ng/ml
Opiates Metabolites	2000	ng/ml
Morphine	2000	ng/ml
Codeine	2000	ng/ml
6-Acetylmorphine (3)	10	ng/ml
Amphetamines	1000	ng/ml
Amphetamine	500	ng/ml
Methamphetamine (3)	500	ng/ml

- ~~1.~~1. Delta-9-tetrahydrocannabinol-9-carboxylic acid
- ~~2.~~2. Benzoylcegonine
- ~~3.~~3. Test for 6-Acetylmorphine when morphine concentration exceeds 2000 ng/ml
- ~~4.~~4. Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

COVERED EMPLOYEE - means a person including a volunteer, applicant, or transferee, who performs a safety-sensitive function for the District.

DEPARTMENT OF TRANSPORTATION GUIDELINES - means the controlled substance and alcohol testing rules (49 CFR Part 199 (RSPA - Pipeline), Part 219 (FRA. Railroad), Part 382 (FHWA - Commercial Motor Vehicle), 654 (FTA - Mass Transit) and 14 CFR 61 (FAA - Aviation) et. al.) setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all the transportation industries.

DISTRICT - means NORTH TAHOE PUBLIC UTILITY DISTRICT.

DISTRICT TIME - means any period of time in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any ~~safety-sensitive~~safety-sensitive functions.

DRIVER - means any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

DRUG (CONTROLLED SUBSTANCE) METABOLITE - means the specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

EVIDENTIAL BREATH TESTING DEVICE (EBT) - means the device to be used for breath alcohol testing.

MEDICAL REVIEW OFFICER (MRO) - means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.

PERFORMING (SAFETY SENSITIVE FUNCTION) - means a safety-sensitive employee is considered to be performing a safety sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.

POST-ACCIDENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See Accident.

PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING - conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Also required when employees transfer to a safety ~~sensitive-~~
~~position~~[sensitive-position](#).

PROHIBITED DRUGS (CONTROLLED SUBSTANCES) - means Marijuana, Cocaine, Opiates, Amphetamines, or Phencyclidine.

PROHIBITED SUBSTANCES - means and is synonymous to drug abuse and/or alcohol misuse or abuse.

RANDOM ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted on a random unannounced basis just before, during or just after performance of safety sensitive functions.

REASONABLE SUSPICION ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

REFUSE TO SUBMIT (TO AN ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST) - means that a safety-sensitive employee fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that ~~safety-sensitive~~[safety-sensitive](#) employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test.)

REHABILITATION - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical, emotional, or mental problems which contributed to job problems.

RETURN-TO-DUTY AND FOLLOW-UP ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING –

conducted when an individual who has violated the prohibited alcohol or controlled substance conduct standards returns to performing safety sensitive-duties. ~~Follow-up~~Follow-up tests are unannounced and at least 6 tests must be conducted in the first ~~12~~24 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty upon the SAP recommendation.

~~**RETURN-TO-DUTY AGREEMENT**—means a document agreed to and signed by the employer, safety-sensitive employee and the Substance Abuse Professional that outlines the terms and conditions under which the safety-sensitive employee may return to duty after having had a verified positive controlled substance test result or an alcohol concentration of 0.04 or greater on an alcohol test.~~

RETURN TO WORK AGREEMENT – Means a written and signed agreement between the employer and the safety-sensitive employee which states the terms of testing following a return to work after a verified positive test for a controlled substance or alcohol and the consequences of a future positive test.

SAFETY-SENSITIVE EMPLOYEE (FUNCTION AND/OR POSITION) - An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

SAP AGREEMENT - means a document agreed to and signed by the employer, safety-sensitive employee and the Substance Abuse Professional that outlines the terms and conditions under which the safety-sensitive employee may return to duty after having had a verified positive controlled substance test result or an alcohol concentration of 0.04 or greater on an alcohol test.

SCREENING (INITIAL) TEST - In alcohol testing, it means an analytical procedure to determine whether a safety-sensitive employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

SUBSTANCE ABUSE PROFESSIONAL (SAP) - means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol- related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

SUPERVISOR - means a person in authority who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour of training on the signs and symptoms of controlled substance abuse.

VEHICLE - means a bus, truck, van, automobile, rail car, trolley car, trolley bus, or vessel used for operations of the District.

J.K. PROCEDURES - REASONABLE SUSPICION TESTING

~~4-~~1. A safety-sensitive employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor. When possible, a second supervisory employee will be present to confirm the reasonable suspicion observations.

Any employee may identify someone suspected of alcohol and/or controlled substance to any supervisor. Employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, the supervisor must witness first hand the safety-sensitive employee's signs and symptoms.

- ~~2-~~ 2. The supervisor is then obligated to insure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the safety-sensitive employee in question may indeed be under the influence of alcohol and/or controlled substances.
- ~~3-~~ 3. When the supervisor(s) suspect and believe that the safety-sensitive employee may be under the influence of alcohol and/or controlled substances, the safety-sensitive employee is then immediately suspended from duty (with pay) and driven by District staff (or others designated) to the District specified collection site. Because of a testing facility requirement, the safety-sensitive employee in question must show proof of identification, such as a photo driver's license or state-issued photo identification card. Whenever practical, an Administrator should be notified in advance of the employee being taken to the collection site.
- ~~4-~~ 4. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- ~~5-~~ 5. The District will take precautions to prevent the safety-sensitive employee being tested from going back to work and driving their own car home. Instead, the safety-sensitive employee will be given assistance in obtaining a ride home from the collection site.
- ~~6-~~ 6. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to- duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
- ~~7-~~ 7. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety- sensitive employee's termination.

K.L. PROCEDURES - RANDOM TESTING

- 4.1. The compliance company notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.

- ~~2-~~2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
- ~~3-~~3. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- ~~4-~~4. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to- duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
- ~~5-~~5. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety- sensitive employee's termination.

~~L-~~M. PROCEDURES - POST ACCIDENT

- ~~4-~~1. The safety-sensitive employee notifies a supervisor that an accident has occurred.
- ~~2-~~2. The supervisor determines that the circumstances of the accident warrant a post- accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor **will provide a ride to the testing site and** directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety- sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
- ~~3-~~3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

- ~~4.~~4. An Administrator will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
- ~~5.~~5. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
- ~~6.~~6. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

M-N. PROCEDURES - RETURN-TO-DUTY and FOLLOW-UP

- ~~4.~~1. The compliance company notifies the District to send the safety-sensitive employee to the collection site for alcohol and controlled substance testing.
- ~~2.~~2. The supervisor notifies the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
- ~~3.~~3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- ~~4.~~4. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 or whose controlled substance test is verified positive will be terminated.

N-O. PROCEDURES - CHAIN OF CUSTODY FOR CONTROLLED SUBSTANCE SPECIMENS

- ~~4.~~1. At the time a specimen is collected, the safety-sensitive employee will be given a copy of the specimen collection procedures.
- ~~2.~~2. Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the safety-sensitive employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.

~~3.3.~~ Immediately after the specimens are collected, the urine bottles will, in the presence of the safety-sensitive employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the safety-sensitive employee's presence and the safety-sensitive employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.

~~4.4.~~ A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

Q.P. PROCEDURES - SPECIMEN COLLECTION OF STRANGE AND/OR UNRECOGNIZABLE SUBSTANCES

~~1.1.~~ A safety-sensitive employee is observed with a strange and/or unrecognizable substance.

~~2.2.~~ The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and a witness.

~~3.3.~~ An incident report is made and signed by both the supervisor and a witness.

~~4.4.~~ The plastic bag containing the specimen, and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

P.Q. PROCEDURES - ALCOHOL CONCENTRATION

~~1.1.~~ The safety-sensitive employee and the ~~on-duty~~on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded

~~2.2.~~ After an explanation of how the breathalyzer works, an initial breath sample is taken

~~3.3.~~ If the results of the initial test show an alcohol concentration of 0.02 or greater a second or confirmation test must be conducted. The confirmation test must not be conducted less than 15 minutes after, or more than 20 minutes after the screening test.

~~4.4.~~ The confirmation test will utilize an Evidential Breath Testing device that prints out the results, date and time, a sequential test number, and the name and serial number of the Evidential Breath Testing device to ensure the reliability of the results.

~~As with any policy, the District reserves the right to change, alter, amend, and interpret this policy with or without prior notification.~~

Summary report: Litera Compare for Word 11.8.0.56 Document comparison done on 10/15/2024 3:03:35 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: nd://4875-4126-2064/1/Appendix C - Substance Abuse Policy (Safety Sensitive) July 2022.docx	
Modified DMS: nd://4873-5723-6976/1/Appendix C - Substance Abuse Policy (Safety Sensitive) October 2024.docx	
Changes:	
<u>Add</u>	189
Delete	135
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	324

APPENDIX D SUBSTANCE ABUSE POLICY (NON-SAFETY SENSITIVE)

The purpose of this policy is to clearly define North Tahoe Public Utility District (Employer) Policy on non-safety sensitive employee and applicant drug and alcohol use, abuse, drug testing, and related matters as it applies to employment and to protect our employees and the public from risks posed by the use of alcohol and controlled substances.

NORTH TAHOE PUBLIC UTILITY DISTRICT recognizes that the use of alcohol and/or controlled substances, including marijuana and cannabis, in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances. This policy defines prohibited conduct, testing requirements and procedures, and rehabilitation and return-to-work requirements.

A. APPLICABILITY

This policy applies to all non-safety-sensitive employees of the District and applicants for such positions. It applies to off-site lunch periods and breaks when a non-safety-sensitive employee is scheduled to return to work. Applicants are governed by this policy while on District premises, and they will not be permitted to conduct business if found to be in violation of this policy.

A non-safety-sensitive employee is defined as any employee not having nor using a Class "A" or Class "B" commercial driver's license as required by their job description. Class "A" or Class "B" commercial drivers are subject to Appendix C – Substance Abuse Policy (Safety Sensitive).

This policy does not apply to Seasonal Employees. Seasonal Employees are subject to the District's Seasonal Employee Drug and Alcohol Testing Policy.

B. PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

Drugs:

Amphetamines, opiates, phencyclidine (PCP), cocaine, and Marijuana (psychoactive metabolites only).

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 0.05 while actually performing, ready to perform, or immediately available to perform any District 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.

C. PROHIBITED CONDUCT

Manufacture, Trafficking, Possession, and Use

Any employee engagement in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on District premises, in District vehicles or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP), as well as potential disciplinary action. Applicant engagement will automatically exclude them from the applicant process and individual will not be considered for District employment.

Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to a SAP. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in this policy.

Alcohol Use

No employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.05 or greater. No employee shall use alcohol while on duty or while performing functions. No employee shall consume alcohol within four hours of reporting for duty nor during hours that he/she is on call. Violation of this provision is prohibited and will subject the employee to removal from duty and referral to a SAP, as well as potential disciplinary action.

Compliance with Testing Requirements

All employees and applicants are subject to controlled substance testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a 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. Any applicant who engages in such conduct shall be excluded from consideration for employment for 12 months.

Treatment/Rehabilitation Program

An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

1. Positive Controlled Substance and/or Alcohol Test: A positive test subjects an employee to discipline up to and including termination. However, a rehabilitation program with a Return-to-Work Agreement is available for employees who have tested positive for a prohibited substance on one occasion or who receive a second verified positive test result more than five years after the first occurrence. Employees who receive a second verified positive test within five years of an initial verified positive test result will be terminated. The duration of any Return-to-Work Agreement shall be concurrent with any program recommended by a SAP, and shall not exceed five (5) years. Rehabilitation program costs and the cost of subsequent controlled substance and/or alcohol testing recommended by the SAP will be paid by the employee (via employee's health insurance coverage, if available, or out-of-pocket). In addition, the District may require "on demand" testing during the period of a Return-to-Work Agreement at District expense, and shall not exceed ten "on demand" tests per calendar year, unless recommended by the SAP. Participation in and completion of any rehabilitation program recommended by the SAP is mandatory for consideration of a Return-to-Work Agreement. Failure of an employee to attend and/or complete a prescribed program or violation of the terms of a Return to Duty agreement, 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 SAP 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.

2. Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request leave for voluntary admission to a rehabilitation program administered by a SAP. Requests must be submitted to an Administrator or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee (via employee's health insurance coverage, if available, or out-of-pocket). An employee failing to complete the program as recommended by the SAP will be subject to removal from their position, which may include termination from employment. An employee completing an SAP recommended 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 up to six (6) unannounced follow-up tests for 24 months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests within a 24-month period will result in termination from employment.

Employees who take leave to participate in a rehabilitation program may use accumulated sick leave, vacation, and compensatory time, if any. For those employees who are eligible, such leave will be designated as leave under applicable statutory medical leave programs (e.g. FMLA, CFRA, ADA/FEHA), and such leaves shall be provided pursuant those programs' requirements where applicable (e.g. benefit continuation, return-to-work certifications, etc.).

D. NOTIFYING THE DISTRICT OF CRIMINAL DRUG CONVICTION

Pursuant to the "Drug Free Workplace Act of 1988" any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

E. PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

F. TESTING FOR PROHIBITED SUBSTANCES

Controlled substance and/or alcohol testing will be conducted on employees for reasonable suspicion, following an accident, and prior to employment (applicant testing). In addition, all employees will 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 a SAP, and on-demand as part of any Return-to-Work Agreement, which shall not exceed five years duration.

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 Department of Health and Human Services (DHHS).

The controlled substances that will be tested for include marijuana (psychoactive metabolites only), cocaine, opiates, amphetamines, and phencyclidine (PCP). The test will be considered positive if the controlled substance levels present are above the minimum thresholds set forth below. California laws permitting various uses of marijuana may affect test procedures.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath

Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.05 or greater, a confirmation test will be performed to confirm the result of the initial test. An employee who has a confirmed alcohol concentration of 0.05 or greater will be removed from his/her position for at least twenty-four hours unless a retest results in an alcohol concentration less than 0.05. An alcohol concentration of 0.05 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/her position, informed of educational and rehabilitation program available, and evaluated by a Substance Abuse Professional (SAP).

The District affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

Employees may be tested under any of the following circumstances:

Pre-Employment Testing

All applicants for year-round classifications shall undergo urine controlled substance testing. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment for a period of 12 months.

Reasonable Suspicion Testing

All employees will 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 on the basis of documented objective, contemporaneous facts and circumstances concerning the appearance, behavior, speech, and body odors of the employee which are consistent with the effects of substance abuse.

The following may constitute reasonable cause to believe that an employee is under the influence of drugs or alcohol:

- 1) Incoherent, slurred speech;
- 2) Odor of alcohol on the breath;
- 3) Staggering gait, disorientation, or loss of balance;
- 4) Red and watery eyes, if not explained by environmental causes;
- 5) Paranoid or bizarre behavior;
- 6) Unexplained drowsiness;
- 7) Occurrence of a serious or potentially serious accident.

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 who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Supervisors are required to document their observations and submit them to Human Resources or the General Manager (or designee) prior to transporting the employee to the collection site. Employees subject to a reasonable suspicion test shall be transported to the collection site by designated management personnel. When possible, a second supervisory employee will be present to confirm the reasonable suspicion observations.

Post-Accident Testing

Employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality.

This includes all employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; or if the employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

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 to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up-controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP and the terms of any Return-to-Work-Agreement and in any event shall be no longer than five years following return to duty.

Employee Requested Testing (Split Sample)

Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS 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. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in this policy. The employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

G. EMPLOYEE ASSESSMENT

Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in this policy will be assessed by a SAP. A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of alcohol 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. An employee who has tested positive for controlled substances or alcohol and who refuses to meet with the SAP for evaluation, or to participate in any rehabilitation recommended by the SAP, shall be subject to immediate termination.

If an employee is returned to duty following rehabilitation, they must agree to and sign an SAP agreement (and where applicable, a Return to Work 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 recommended by the SAP is borne by the employee, except as may be covered by the Employee's group health insurance, if available. Costs of additional District ordered "on demand" testing as part of a Return-to-Work Agreement shall be borne by the District. An Employee will be immediately terminated.

on the occurrence of a second verified positive test result within five years of an initial verified positive test result. Employees may use available protected leaves (e.g. FMLA, CFRA, ADA/FEHA) to participate in the prescribed rehabilitation program and may utilize accumulated sick leave, vacation, and compensatory time off, if any, as wage replacement during such leave. Employees who exhaust leave balances shall be placed on an approved leave of absence without pay.

H. CONTACT PERSON

Employees with any questions regarding this policy should contact the following Human Resources representative:

Name: Human Resources
Address: Post Office Box 139, Tahoe Vista, CA 96148
Telephone: (530) 546-4212

I. DEFINITIONS

ACCIDENT - means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.

ALCOHOL - means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

ALCOHOL CONCENTRATION - means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.05 means 0.05 grams of alcohol in 210 liters of expired deep lung air.

ALCOHOL USE - means consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, this policy prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing affect due to the presence of other elements (e.g., antihistamines).

BREATH ALCOHOL TECHNICIAN (BAT) - means a person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. EBT are the only qualified personnel to administer the EBT tests.

CHAIN OF CUSTODY - means the procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

COLLECTION SITE - means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

CONFIRMATION TEST - for alcohol testing means a second test, following a screening test with a result of 0.05 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent, of the screen test and which uses a different technique and

chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CGIMS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

CONTROLLED SUBSTANCE (DRUG) TEST - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Controlled substances will be tested under the Department of Health and Human Services guidelines. **The primary controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

Alcohol	0.05	grams
Marijuana Metabolites (THC)	50	ng/ml
Cocaine Metabolites	300	ng/ml
Phencyclidine (PCP)	25	ng/ml
Opiates Metabolites (1)	2000	ng/ml
Amphetamines	1000	ng/ml
1.25 ng/ml if immunoassay		

A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. **The confirmatory controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

Alcohol	0.04	grams
Marijuana Metabolites (THC) (1)	15	ng/ml
Cocaine Metabolites	150	ng/ml
Phencyclidine (PCP)	25	ng/ml
Opiates Metabolites	2000	ng/ml
Morphine	2000	ng/ml
Codeine	2000	ng/ml
6-Acetylmorphine (3)	10	ng/ml
Amphetamines	1000	ng/ml
Amphetamine	500	ng/ml
Methamphetamine (3)	500	ng/ml

1. Delta-9-tetrahydrocannabinol-9-carboxylic acid
2. Benzoyllecgonine
3. Test for 6-Acetylmorphine when morphine concentration exceeds 2000 ng/ml
4. Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

COVERED EMPLOYEE - means a regular full-time employee, applicant for such a position, or transferee, who performs a function for the District.

DISTRICT - means NORTH TAHOE PUBLIC UTILITY DISTRICT.

DISTRICT TIME - means any period of time in which the employee is actually performing, ready to perform, or immediately available to perform any functions for the District.

DRUG (CONTROLLED SUBSTANCE) METABOLITE - means the specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

EVIDENTIAL BREATH TESTING DEVICE (EBT) - means the device to be used for breath alcohol testing.

MEDICAL REVIEW OFFICER (MRO) - means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive or negative drug and alcohol test results.

PERFORMING (JOB FUNCTION) – means an employee is considered to be performing a job function and includes any period in which the employee is actually performing, ready to perform, or immediately available to perform such functions.

POST-ACCIDENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted after accidents on employees whose performance could have contributed to the accident. See Accident.

PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING - conducted before applicants are hired or after an offer to hire, but before actually performing job functions for the first time. The District will not screen for marijuana metabolites on pre-employment controlled substance tests.

PROHIBITED DRUGS (CONTROLLED SUBSTANCES) - means Marijuana, Cocaine, Opiates, Amphetamines, or Phencyclidine.

PROHIBITED SUBSTANCES - means and is synonymous to drug abuse and/or alcohol misuse or abuse.

REASONABLE SUSPICION ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

REFUSE TO SUBMIT (TO AN ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST) - means that an employee or applicant fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test.)

REHABILITATION - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical, emotional, or mental problems which contributed to job problems

RETURN-TO-DUTY AND FOLLOW-UP ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING –conducted when an individual who has violated the prohibited alcohol or controlled substance conduct standards returns to performing job duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 24 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty upon the SAP recommendation.

RETURN TO WORK AGREEMENT – Means a written and signed agreement between the employer and the non-safety-sensitive employee which states the terms of testing following a return to work after a verified positive test for a controlled substance or alcohol and the consequences of a future positive test.

EMPLOYEE (FUNCTION AND/OR POSITION) - An employee is considered to be performing a job function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any job functions.

SAP AGREEMENT - means a document agreed to and signed by the employer, employee and the Substance Abuse Professional that outlines the terms and conditions under which the non-safety-sensitive employee may return to duty after having had a verified positive controlled substance test result or an alcohol concentration of 0.05 or greater on an alcohol test.

SCREENING (INITIAL) TEST - In alcohol testing, it means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

SUBSTANCE ABUSE PROFESSIONAL (SAP) - means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol- related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

SUPERVISOR - means a person in authority who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour of training on the signs and symptoms of controlled substance abuse.

VEHICLE - means a bus, truck, van, automobile, rail car, trolley car, trolley bus, or vessel used for operations of the District.

J. PROCEDURES - REASONABLE SUSPICION TESTING

1. An employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor. When possible, a second

supervisory employee will be present to confirm the reasonable suspicion observations.

Any employee may identify someone suspected of being under the influence of alcohol and/or controlled substance to any supervisor. Employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, the supervisor must witness first-hand the employee's signs and symptoms.

2. The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the employee in question may indeed be under the influence of alcohol and/or controlled substances.
3. When the supervisor(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by District staff (or others designated) to the District specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification, such as a photo driver's license or state-issued photo identification card. Whenever practical, an Administrator should be notified in advance of the employee being taken to the collection site.
4. At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
5. The District will take precautions to prevent the employee being tested from going back to work and driving their own car home. Instead, the employee will be given assistance in obtaining a ride home from the collection site.
6. The employee whose alcohol test results are negative (less than 0.05 alcohol concentration) will be reinstated. The employee, whose alcohol confirmation test results indicate an alcohol concentration greater than 0.05 will not be permitted to return to duty or perform a function for 24 hours after administration of the test. The employee whose alcohol confirmation test result indicates an alcohol concentration of 0.05 or greater for alcohol will be referred to a District specified outside SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to- duty and unannounced follow-up testing will result in the employee's termination.
7. The employee whose controlled substance test results are verified negative will be reinstated. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.

K. PROCEDURES - POST ACCIDENT

1. The employee notifies a supervisor that an accident has occurred.
2. The supervisor determines that the circumstances of the accident warrant a post-

accident test when an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; or if the employee receives a citation under State or local law for a moving traffic violation arising from the accident, or a fatality occurred. Thereafter, the supervisor will provide a ride to the testing site and directs the employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.

3. At the collection site, the employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
4. An Administrator will be notified that an accident has occurred and that the employee was instructed to go to the collection site.
5. The employee whose alcohol test results are negative (less than 0.05 alcohol concentration) will be reinstated. The non-safety-sensitive employee, whose alcohol confirmation test results indicate an alcohol concentration greater than 0.05 will not be permitted to return to duty or perform any duties for 24 hours after administration of the test. The non-safety-sensitive employee whose alcohol confirmation test result indicates an alcohol concentration of 0.05 or greater for alcohol will be referred to a District specified outside SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.
6. The employee whose controlled substance test results are verified negative will be reinstated. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.

L. PROCEDURES - RETURN-TO-DUTY and FOLLOW-UP

1. The supervisor notifies the employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification, such as a photo driver's license or government-issued photo identification card.
2. At the collection site, the employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
4. The employee whose confirmation test results indicate an alcohol concentration greater than 0.05 or whose controlled substance test is verified positive will be terminated.

M. PROCEDURES - CHAIN OF CUSTODY FOR CONTROLLED SUBSTANCE SPECIMENS

1. At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
2. Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.
3. Immediately after the specimens are collected, the urine bottles will, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the employee's presence and the employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.
4. A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

N. PROCEDURES - SPECIMEN COLLECTION OF STRANGE AND/OR UNRECOGNIZABLE SUBSTANCES

1. An employee is observed with a strange and/or unrecognizable substance.
2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled, and signed by both the supervisor and a witness.
3. An incident report is made and signed by both the supervisor and a witness.
4. The plastic bag containing the specimen, and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

O. PROCEDURES - ALCOHOL CONCENTRATION/CONFIRMATION

1. The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
2. After an explanation of how the breathalyzer works, an initial breath sample is taken
3. If the results of the initial test show an alcohol concentration of 0.05 or greater a second or confirmation test must be conducted. The confirmation test must not be conducted less than 15 minutes after, or more than 20 minutes after the screening test.
4. The confirmation test will utilize an Evidential Breath Testing device that prints out the results, date and time, a sequential test number, and the name and serial number of the Evidential Breath Testing device to ensure the reliability of the results.

APPENDIX D DRUG AND ALCOHOL POLICY (NON-SAFETY SENSITIVE)

1. PURPOSE.

To clearly define Employer Policy on drug and alcohol abuse, drug testing, and related matters.

2. POLICY.

The Employer and the Union are committed to protecting the health and safety of individual employees, their co-workers, and the public at large from the hazards caused by the misuse of drugs and alcohol on the job. The safety of the public, as well as the safety of fellow employees, dictates that employees not be permitted to perform their duties while under the influence of drugs or alcohol.

The Employer and the Union recognize that drug and alcohol abuse are treatable illnesses, and the preferable and proper response to these illnesses is education, treatment and rehabilitation, rather than punishment. It is therefore the Employer's policy to initially attempt rehabilitation rather than terminate the employment of workers who are drug or alcohol abusers. No bargaining unit member shall be discharged for drug or alcohol use, or being under the influence of drugs or alcohol on the job, without first having been offered the opportunity to discontinue use either through personal choice or by treatment for chemical dependency, if such treatment is needed.

3. APPLICATION.

This policy applies to all employees of and all applicants for positions with the Employer. This policy applies to alcohol and to all controlled or illegal drugs, which could impair an employee's ability to perform the functions of the job effectively and safely.

4. POLICY RULES.

A. An employee shall not work under the influence of any drug or alcohol which impairs his/her ability to safely and efficiently perform the required duties of the position.

B. An employee shall not purchase, possess, use, sell, or furnish alcoholic beverages during the course or performance of his/her assigned duties. Under no circumstances shall an employee report to the work site under the influence of an alcoholic beverage.

C. An employee shall not purchase, possess, use, sell, furnish, or be under the influence of any drug during the course or performance of his/her assigned duties.

D. An employee shall not purchase, possess, use, be under the influence of, sell, or furnish any prescription drug during assigned work hours, or while on duty or while using Employer equipment unless the prescription was issued by authorized medical personnel and the employee follows the prescription instructions;

E. An employee shall within five (5) days report to the appointing authority any criminal conviction for drug-related activity in the work place.

5. TERMS/DEFINITIONS.

A. Drugs - For the purpose of this policy, drugs shall be Amphetamine Group, Cocaine, Opiates, Phencyclidine and Marijuana.

B. Prescription Drug - A drug lawfully available for retail purchase only with a prescription.

C. Reasonable Cause - Reasonable cause shall exist only when two supervisors, who are trained in detection of drug use, can substantiate in writing specific behavioral, performance or contemporaneous physical indicators of being under the influence of drugs or alcohol on the job. The objective indicators shall be recognized and accepted symptoms of intoxication or impairment caused by drugs or alcohol, and shall be indicators not reasonably explained as resulting from causes other than the use of such controlled substances (such as, but not by way of limitation, fatigue, lack of sleep, side effects of prescription or over-the-counter medications, reaction to noxious fumes or smoke, etc.). Cause is not reasonable, and thus not a basis for testing, if it is based solely on the observations and reports of third parties. The grounds for reasonable cause must be documented by the use of an Incident Report Form (see Form A attached).

The following may constitute reasonable cause to believe that an employee is under the influence of drugs or alcohol:

- 1) Incoherent, slurred speech;
- 2) Odor of alcohol on the breath;
- 3) Staggering gait, disorientation, or loss of balance;
- 4) Red and watery eyes, if not explained by environmental causes;
- 5) Paranoid or bizarre behavior;
- 6) Unexplained drowsiness.

D. Post-Accident Testing. Employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; and the employee receives, a citation under State or local law for a moving traffic violation arising from the accident. Following an accident the employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and will be subject to termination. Post-accident testing of employees will include any other covered employees whose performance could have contributed to the accident.

6. PRIOR NOTICE OF TESTING POLICY.

The Employer shall provide written notice of its Drug and Alcohol Policy to all employees and job applicants. The Employer shall provide each employee with a copy of the Drug and Alcohol Policy, together with a full explanation as to its meaning and consequences.

7. IDENTIFICATION AND CONSENT PROCEDURES.

A. An employee may be required to submit to urine drug or alcohol testing by a physician or laboratory only if management has reasonable cause that the employee is under the influence of drugs or alcohol in violation of this policy. The Employer may order urine testing only.

B. If a supervisor makes observations of an employee which the supervisor believes may constitute reasonable cause for drug or alcohol testing, the supervisor shall immediately inform the employee of the suspicions, and inform the employee that he/she may have a Union representative present. If the employee wishes not to have a Union representative, then that desire should be put in writing, and signed off by the employee, on the Incident Report Form.

C. If the two trained supervisors believe that there is reasonable cause for a drug or alcohol urine test, then the Incident Report Form shall be filled out, including a statement of the specific objective facts constituting reasonable cause for the test, and the names of the persons making those observations.

D. A completed copy of this Incident Report Form shall be given to the bargaining unit employee before he/she is required to be tested, and one copy made available to the Union representative, if present. After being given a copy of the Incident Report Form, the bargaining unit employee shall be allowed enough time to read the entire document, and to understand the reasons for the test.

E. The employee will be offered an opportunity to give an explanation of his/her condition, such as reaction to a prescribed drug, fatigue, lack of sleep, exposure to noxious fumes, reaction to over-the-counter medication or illness. The Union representative shall be present during such explanation and shall be entitled to confer with the employee before the explanation is requested.

If the supervisor, after observing the employee, concludes that there is in fact reasonable cause to believe that the employee is under the influence of drugs or alcohol, then, by a written order signed by the supervisor, the employee may be ordered to submit to a urine drug test. The employee shall be informed that refusal to submit to testing may constitute a presumption of intoxication. This presumption will be raised if the Employer had reasonable cause to require a urine drug test in the first place.

F. Prior to the actual drug testing, the employee will be examined by a medical doctor at the designated hospital, laboratory or clinic. This examination will be conducted to determine if the supervisors' observations are caused by a reason other than being under the influence of drugs and/or alcohol. If the opinion of the medical doctor is that the supervisors' observations are for a reason other than possible influence of drugs and/or alcohol, no test will be given, and the employee will be returned to the work place without loss of pay. If the medical doctor releases the employee to return to work, such release must be in writing.

Failure to follow any of these procedures shall result in the elimination of the test results as if no test had been administered; the test results shall be destroyed and no discipline shall be imposed against the bargaining unit employee.

G. Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the clinic or laboratory to obtain a urine specimen. On a separate form, the employee will be asked to release the results of the testing to the General Manager and to Human Resources Representative. The consent form shall provide space for employees and applicants to indicate current or recent use of prescription or over-the-counter medication.

H. Unless there is an objective reason to believe that the employee has previously altered a sample, or unless the employee agrees in writing, individuals shall be allowed to provide the required specimen in the privacy of a stall or otherwise partitioned area.

I. A job applicant who refuses to consent to a drug or alcohol test will be denied employment for a period of three months.

J. An employee who refuses to consent to a drug or alcohol test shall not be subject to disciplinary action for that refusal. However, the fact of the refusal shall constitute a rebuttable presumption that the employee was under the influence of drugs and or alcohol at the time of the order to submit to the urine test.

8. DRUG TESTING PROCEDURES.

A. The testing shall be done by a laboratory licensed and certified by the California Department of Health Services, Laboratory Field Services, as a medical and forensic laboratory which complies with the Scientific and Technical Guideline for Federal Drug Testing Programs and the standards for certification of laboratories engaged in urine drug testing for Federal Agencies issued by the Alcohol, Drug Abuse and Mental Health Administration of the United States Department of Health and Human Services, and which is chosen jointly by the Union and the Employer. The parties also retain the right to audit and inspect the laboratory to determine conformity with the standards described in this policy.

B. At the time the urine specimens are collected, three separate samples shall be placed in separate containers. All samples must be immediately sealed in the presence of an Employer and Union witness, if present, with evidence tape, and the tape signed by the employee and both witnesses. Two samples, each in a separate container, shall be sent to the laboratory to be tested at the Employer's expense. In order to be considered positive, both samples shall be tested separately in separate batches and show positive results on the GC-MS confirmatory test. The third sample or specimen shall be collected in a separate container, and shall be kept refrigerated at the site where the sample is given. This third sample shall be made available to the employee for testing by a laboratory selected by the employee at the employee's expense, provided that the laboratory chosen by the employee must be licensed by the California Department of Health Services, Laboratory Field Services. The cost of testing the third sample shall be borne by the employee or applicant.

C. The specific required procedure is as follows:

1. Urine shall be obtained directly in a tamper-resistant urine bottle. Alternatively, the urine specimen may be collected at the employee's option in a wide-mouthed clinic specimen container which shall remain in full view of the employee until transferred to, sealed and initialed in separate tamper-resistant urine bottles.

2. Immediately after the specimen is collected, the urine bottle shall, in the presence of the employee, be labeled and then initialed by the employee and witnesses. If the sample must be collected at a site other than the drug and/or alcohol-testing laboratory, the specimen shall then be placed in a transportation container. The container shall be sealed in the employee's presence and the employee shall be asked to initial or sign the container. The container shall be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method. The same procedure shall be followed for a blood test.

3. A chain of possession form shall be completed by the hospital, laboratory and/or clinic personnel during the specimen collection and attached to and mailed with the specimen.

D. The initial test of the urine specimen shall utilize immunoassay techniques. The following standards shall be used to determine what levels of detected substances shall be considered as positive:

SUBSTANCE SCREENING TEST CONFIRMATION

<u>Drug Class</u>	<u>Initial Test</u>	<u>GC/MS Confirmatory</u>
AMPHETAMINES AMPHETEMINES (AMP) METHAMPHETEMINE	1000 ng/ml	500 ng/ml 500 ng/ml
COCAINE METABOLITES (COC)	300 ng/ml	150 ng/ml
OPIATES (OP12K) MORPHINE CODEINE 6-ACETYLMORPHINE	2000 ng/ml	2000 ng/ml 2000 ng/ml 10 ng/ml
PHENCYCLIDINE (PCP)	25 ng/ml	25 ng/ml
MARIJUANA METABOLITES	50 ng/ml	15 ng/ml
ETHYL ALCOHOL	0.05 g/dl	0.05 g/dl

D. All specimens identified as positive in the initial screen shall be confirmed utilizing gas chromatograph/y mass spectrometry (GC/MS) technique which identifies at least ten (10) ions. All information shall be by quantitative analysis.

E. If the testing procedures confirm a positive result, as described above, the employee or applicant shall be notified of the results in writing by the General Manager or Human Resources, including the specific quantities. If requested, the Employer will also provide the names of all the persons who were involved in the testing procedure and the preparation of the laboratory reports and forensic expert opinions. Employer will also provide, if requested, copies of all laboratory reports, forensic opinions, laboratory worksheets, procedure sheets, acceptance criteria and laboratory procedures; and all real evidence including the specimen collection kit.

F. All specimen confirmed positive shall be retained and placed in properly secured long-term frozen storage for a minimum of one (1) year, and be made available for retest as part of any administrative proceedings.

G. All information from an employee's or applicant's drug and alcohol test is confidential for purposes other than determining whether the Employer policy has been violated. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed.

H. Every effort will be made to insure that all employee substance abuse problems will be discussed in private and actions taken will not be made known to anyone other than those directly involved in taking the action, or who are required to be involved in the disciplinary procedure.

I. There will be one person in the human resources department who will be designated to receive testing results. He/she will notify other managers of the District strictly on a need-to know basis.

J. No laboratory or medical reports or test results shall appear in an employee's personnel folder. Information of this nature will be included in the medical file. The personnel folder will contain a marker to show that this information is contained elsewhere. All necessary measures shall be taken to keep the fact and the results of the test confidential.

9. CONSEQUENCES FOR VIOLATING THE RULES AND PROVISIONS OF THIS POLICY

A. Applicants: Job applicants will be denied employment with the Employer if their initial positive test results have been confirmed. Applicants will be informed in writing if they are rejected on the basis of a confirmed positive drug test result. The period of employment exclusion will last for three (3) months, and any applicant is free to reapply after that time.

B. Employees: If the result of the urine test administered by the Employer on the two samples shows that the employee was under the influence of drugs or alcohol while on duty, the appropriate disciplinary action may be imposed by the Employer after the following procedure has been followed:

1) The employee and the Union shall be presented with a copy of the laboratory report of both specimens before any discipline is imposed. The Union and the employee shall then have five (5) days to present the Employer any different results from the test of the third sample, conducted by a laboratory selected by the employee (The failure of the Union or employee to have the third test performed or to present the results to the Employer shall not be used against the employee in any arbitration proceeding.)

2) After considering the results of the third test performed by the employee, if presented, the Employer may discipline the employee provided that any discipline imposed for the first offense in any 24 month period and any grievance filed in response thereto shall be held in abeyance pending voluntary completion by the employee of a substance abuse treatment program mutually agreed upon between the Employer, and the employee, the cost of which shall be borne by the employee except as provided by the Employer's group health insurance as any other illness.

3) If the employee successfully completes such a program and is not disciplined for substance abuse for 24 months following the initial charge, the discipline shall be revoked and shall not be used as the basis for any other disciplinary action in the future.

4) If an employee's positive test result has been confirmed, the employee is subject to disciplinary action under the terms described above, up to and including termination. Among the factors to be considered in determining the appropriate disciplinary response are the nature and requirements of the employee's work, length of employment, current job performance, the specific results of the test, and the history of past disciplinary actions.

10. EMPLOYEE TRAINING.

The Employer will establish a Drug Free Awareness Program which will inform employees about: (1) the dangers of alcohol and drug abuse in the work place; (2) the Employer's policy of drug and alcohol abuse; (3) the availability of treatment and counseling for employees who voluntarily seek such assistance; and (4) the sanctions the Employer will impose for violations its Drug and Alcohol Abuse Policy.

11. SUPERVISOR TRAINING.

The Employer shall provide training to assist supervisors in identifying factors which constitute reasonable cause for drug testing, as well as a detailed explanation and emphasis on the terms and conditions of the drug policy.

12. EMPLOYEE ASSISTANCE PROGRAM.

A) An employee who engages in drug/alcohol abuse is encouraged to participate in the Employee Assistance Program. Employees who seek voluntary assistance for alcohol and or substance abuse may not be disciplined for seeking such assistance. Request by employees for such assistance shall remain confidential and shall not be revealed to other employees or management personnel without the employee's consent.

Such participation shall not relieve an employee of the obligation to follow the Employer Policy regarding drug/alcohol use, possession, or being under the influence on the job. An Employee Assistance Program Counselor shall not disclose information on drug/alcohol use received from an employee for any purpose or under any circumstances, unless specifically authorized in writing by the employee.

B) Employees shall be given the best available treatment through established benefit plans and health insurance coverage. Options that have proved of value include:

1) Where there is no evidence of dependency, 20 to 40 hours of instruction in the biologic effects of alcohol and drugs, symptoms of chemical dependency, and the methods of treatment for chemical dependency;

2) Where an individual has developed a pattern of dependence on drugs or alcohol, but has the ability to discontinue use for a period of time, an outpatient program which is usually of 4 to 6 weeks duration, and which adds group and individual counseling in support to the educational program noted above. Such programs are effective, less expensive than residential programs, and are normally adequate in early chemical dependence;

3) Where an individual cannot discontinue use long enough to make progress in outpatient treatment, or has returned to drug or alcohol use following outpatient treatment, inpatient treatment of 3 to 6 weeks in length and continuing care following discharge for 6 to 12 weeks providing individualized and intensive medical, psychological and environmental care not possible in the outpatient setting may be required.

C) An employee who self admits and needs inpatient care may request a leave of absence of up to 60 days, subject to extension by mutual agreement, without pay (except that employees may use their sick leave, vacation and CTO balances) and without loss of any seniority, for the purpose of personal rehabilitation. The employer will make every effort to accommodate this request.

D) Employees who previously failed a controlled substance or alcohol test and who took a leave of absence to participate in an in-patient program that required them to be off work for a minimum of 30 days must submit to a return to duty test and test negative prior to returning to duty at the District.

13. GRIEVANCE PROCEDURE.

All disputes concerning the interpretation or application of this drug and alcohol abuse and drug testing policy will be subject to the grievance and arbitration procedure of the collective bargaining agreement.

INCIDENT REPORT FORM "A"

Employee/s involved _____ Date of Incident _____

_____ Time of incident _____

Location of incident _____

Employee's Job Position/Assignment _____

Has employee been notified of his/her right to Union representation? _____

Time _____ Employee's initials _____

Witness to incident: _____

What Was Observed? _____

What is Employee's Explanation? _____

Action Recommended: _____

Action taken: _____

Signatures:

Name & Title of Employer Representative: _____

Name & Job Classification of Employee: _____

Name & Title of Union Representative: _____

Date/Time/Action taken: _____

CONSENT FOR URINE TEST FOR DRUGS AND/OR ALCOHOL

I, (name) _____ understand that my Employer has adopted a Drug and Alcohol Policy which allows for urine drug and or alcohol testing for reasonable cause. I have been requested to give a urine specimen which will be tested for the presence of Cocaine, Opiates, Phencyclidine, Marijuana, the Amphetamine Group and Ethyl Alcohol.

I may refuse to provide a urine sample, but disciplinary action by the District, up to and including discharge may result if a sample is not provided.

All charges for this urine test for drugs and/or alcohol will be paid for by the District, and not me.

I am presently taking the following medicines or prescription drugs:

I have read, understand and agree to the above.

Date _____ Time: _____

Employee: _____

Employee Witness: _____

APPENDIX D SENSITIVE)

DRUG AND ALCOHOL SUBSTANCE ABUSE POLICY (NON-SAFETY

1. PURPOSE.

~~To clearly define Employer Policy on drug and alcohol abuse, drug testing, and related matters.~~
The purpose of this policy is to clearly define North Tahoe Public Utility District (Employer) Policy on non-safety sensitive employee and applicant drug and alcohol use, abuse, drug testing, and related matters as it applies to employment and to protect our employees and the public from risks posed by the use of alcohol and controlled substances.

2. POLICY.

NORTH TAHOE PUBLIC UTILITY DISTRICT recognizes that the use of alcohol and/or controlled substances, including marijuana and cannabis, in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances. This policy defines prohibited conduct, testing requirements and procedures, and rehabilitation and return-to-work requirements.

~~The Employer and the Union are committed to protecting the health and safety of individual employees, their co-workers, and the public at large from the hazards caused by the misuse of drugs and alcohol on the job. The safety of the public, as well as the safety of fellow employees, dictates that employees not be permitted to perform their duties while under the influence of drugs or alcohol.~~

A. APPLICABILITY

~~The Employer and the Union recognize that drug and alcohol abuse are treatable illnesses, and the preferable and proper response to these illnesses is education, treatment and rehabilitation, rather than punishment. It is therefore the Employer's policy to initially attempt rehabilitation rather than terminate the employment of workers who are drug or alcohol abusers. No bargaining unit member shall be discharged for drug or alcohol use, or being under the influence of drugs or alcohol on the job, without first having been offered the opportunity to discontinue use either through personal choice or by treatment for chemical dependency, if such treatment is needed.~~

3. APPLICATION.

~~This policy applies to all non-safety-sensitive employees of the District and all applicants for positions with the Employer. This policy applies to alcohol and to all controlled or illegal drugs, which could impair an employee's ability to perform the functions of the job effectively and safely, such positions. It applies to off-site lunch periods and breaks when a non-safety-sensitive employee is scheduled to return to work. Applicants are governed by this policy while on District premises, and they will not be permitted to conduct business if found to be in violation of this policy.~~

4. POLICY RULES.

A non-safety-sensitive employee is defined as any employee not having nor using a Class "A" or Class "B" commercial driver's license as required by their job description. Class "A" or Class "B" commercial drivers are subject to Appendix C – Substance Abuse Policy (Safety Sensitive).

~~A. An employee shall not work under the influence of any drug or alcohol which impairs his/her ability to safely and efficiently perform the required duties of the position.~~

This policy does not apply to Seasonal Employees. Seasonal Employees are subject to the District's Seasonal Employee Drug and Alcohol Testing Policy.

~~B. An employee shall not purchase, possess, use, sell, or furnish alcoholic beverages during the course or performance of his/her assigned duties. Under no circumstances shall an employee report to the work site under the influence of an alcoholic beverage.~~

B. PROHIBITED SUBSTANCES

“Prohibited substances” addressed by this policy include the following:

~~C. An employee shall not purchase, possess, use, sell, furnish, or be under the influence of any drug during the course or performance of his/her assigned duties.~~

Drugs:

Amphetamines, opiates, phencyclidine (PCP), cocaine, and Marijuana (psychoactive metabolites only).

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 0.05 while actually performing, ready to perform, or immediately available to perform any District 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.

~~D. An employee shall not purchase, possess, use, be under the influence of, sell, or furnish any prescription drug during assigned work hours, or while on duty or while using Employer equipment unless the prescription was issued by authorized medical personnel and the employee follows the prescription instructions;~~

C. PROHIBITED CONDUCT

Manufacture, Trafficking, Possession, and Use

Any employee engagement in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on District premises, in District vehicles or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP), as well as potential disciplinary action. Applicant engagement will automatically exclude them from the applicant process and individual will not be considered for District employment.

Impaired/Not Fit for Duty

Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to a SAP. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the this policy.

~~E. An employee shall within five (5) days report to the appointing authority any criminal conviction for drug-related activity in the work place.~~

5. TERMS/DEFINITIONS.

~~A. Drugs—For the purpose of this policy, drugs shall be Amphetamine Group, Cocaine, Opiates, Phencyclidine and Marijuana.~~

Alcohol Use

No employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.05 or greater. No employee shall use alcohol while on duty or while performing functions. No employee shall consume alcohol within four hours of reporting for duty nor during hours that he/she is on call. Violation of this provision is prohibited and will subject the employee to removal from duty and referral to a SAP, as well as potential disciplinary action.

~~B. Prescription Drug—A drug lawfully available for retail purchase only with a prescription.~~

Compliance with Testing Requirements

All employees and applicants are subject to controlled substance testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a 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. Any applicant who engages in such conduct shall be excluded from consideration for employment for 12 months.

~~C. Reasonable Cause—Reasonable cause shall exist only when two supervisors, who are trained in detection of drug use, can substantiate in writing specific behavioral, performance or contemporaneous physical indicators of being under the influence of drugs or alcohol on the job. The objective indicators shall be recognized and accepted symptoms of intoxication or impairment caused by drugs or alcohol, and shall be indicators not reasonably explained as resulting from causes other than the use of such controlled substances (such as, but not by way of limitation, fatigue, lack of sleep, side effects of prescription or over-the-counter medications, reaction to noxious fumes or smoke, etc.). Cause is not reasonable, and thus not a basis for testing, if it is based solely on the observations and reports of third parties. The grounds for reasonable cause must be documented by the use of an Incident Report Form (see Form A attached).~~

Treatment/Rehabilitation Program

An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

1. Positive Controlled Substance and/or Alcohol Test: A positive test subjects an employee to discipline up to and including termination. However, a rehabilitation program with a Return-to-Work Agreement is available for employees who have tested positive for a prohibited substance on one occasion or who receive a second verified positive test result more than five years after the first occurrence. Employees who receive a second verified positive test within five years of an initial verified positive test result will be terminated. The duration of any Return-to-Work Agreement shall be concurrent with any program recommended by a SAP, and shall not exceed five (5) years. Rehabilitation program costs and the cost of subsequent controlled substance and/or alcohol testing recommended by the SAP will be paid by the employee (via employee's health insurance coverage, if available, or

out-of-pocket). In addition, the District may require “on demand” testing during the period of a Return-to-Work Agreement at District expense, and shall not exceed ten “on demand” tests per calendar year, unless recommended by the SAP. Participation in and completion of any rehabilitation program recommended by the SAP is mandatory for consideration of a Return-to-Work Agreement. Failure of an employee to attend and/or complete a prescribed program or violation of the terms of a Return to Duty agreement, 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 SAP 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.

2. Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request leave for voluntary admission to a rehabilitation program administered by a SAP. Requests must be submitted to an Administrator or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee (via employee’s health insurance coverage, if available, or out-of-pocket). An employee failing to complete the program as recommended by the SAP will be subject to removal from their position, which may include termination from employment. An employee completing an SAP recommended 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 up to six (6) unannounced follow-up tests for 24 months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests within a 24-month period will result in termination from employment.

Employees who take leave to participate in a rehabilitation program may use accumulated sick leave, vacation, and compensatory time, if any. For those employees who are eligible, such leave will be designated as leave under applicable statutory medical leave programs (e.g. FMLA, CFRA, ADA/FEHA), and such leaves shall be provided pursuant those programs’ requirements where applicable (e.g. benefit continuation, return-to-work certifications, etc.).

D. NOTIFYING THE DISTRICT OF CRIMINAL DRUG CONVICTION

Pursuant to the “Drug Free Workplace Act of 1988” any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

E. PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

F. TESTING FOR PROHIBITED SUBSTANCES

Controlled substance and/or alcohol testing will be conducted on employees for reasonable suspicion, following an accident, and prior to employment (applicant testing). In addition, all employees will 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 a SAP, and on-demand as part of any Return-to-Work Agreement, which shall not exceed five years duration.

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 Department of Health and Human Services (DHHS).

The controlled substances that will be tested for include marijuana (psychoactive metabolites only), cocaine, opiates, amphetamines, and phencyclidine (PCP). The test will be considered positive if the controlled substance levels present are above the minimum thresholds set forth below. California laws permitting various uses of marijuana may affect test procedures.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.05 or greater, a confirmation test will be performed to confirm the result of the initial test. An employee who has a confirmed alcohol concentration of 0.05 or greater will be removed from his/her position for at least twenty-four hours unless a retest results in an alcohol concentration less than 0.05. An alcohol concentration of 0.05 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/her position, informed of educational and rehabilitation program available, and evaluated by a Substance Abuse Professional (SAP).

The District affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process.

Employees may be tested under any of the following circumstances:

Pre-Employment Testing

All applicants for year-round classifications shall undergo urine controlled substance testing. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment for a period of 12 months.

Reasonable Suspicion Testing

All employees will 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 on the basis of documented objective, contemporaneous facts and circumstances concerning the appearance, behavior, speech, and body odors of the employee which are consistent with the effects of substance abuse.

The following may constitute reasonable cause to believe that an employee is under the influence of drugs or alcohol:

- 1) Incoherent, slurred speech;
- 2) Odor of alcohol on the breath;
- 3) Staggering gait, disorientation, or loss of balance;
- 4) Red and watery eyes, if not explained by environmental causes;
- 5) Paranoid or bizarre behavior;
- 6) Unexplained drowsiness;
- 7) Occurrence of a serious or potentially serious accident.

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 who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Supervisors are required to document their observations and submit them to Human Resources or the General Manager (or designee) prior to transporting the employee to the collection site. Employees subject to a reasonable suspicion test shall be transported to the

collection site by designated management personnel. When possible, a second supervisory employee will be present to confirm the reasonable suspicion observations.

Post-Accident Testing

~~D. Post-Accident Testing.~~ Employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a ~~post-~~post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; ~~and/or if~~ the employee receives, a citation under State ~~or~~of local law for a moving traffic violation arising from the accident.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and ~~will be~~ subject to termination. Post-accident testing of employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

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 to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up-controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP and the terms of any Return-to Work-Agreement and in any event shall be no longer than five years following return to duty.

Employee Requested Testing (Split Sample)

Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS 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. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in this policy. The employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

G. EMPLOYEE ASSESSMENT

Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in this policy will be assessed by a SAP. A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of alcohol 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. An employee who has tested positive for controlled substances or alcohol and who refuses to meet with the SAP for evaluation, or to participate in any rehabilitation recommended by the SAP, shall be subject to immediate termination.

If an employee is returned to duty following rehabilitation, they must agree to and sign an SAP agreement (and where applicable, a Return to Work 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 recommended by the SAP is borne by the employee, except as may be covered by the Employee's group health insurance, if available. Costs of additional District ordered "on demand" testing as part of a Return-to-Work Agreement shall be borne by the District. An Employee will be immediately terminated on the occurrence of a second verified positive test result within five years of an initial verified positive test result. Employees may use available protected leaves (e.g. FMLA, CFRA, ADA/FEHA) to participate in the prescribed rehabilitation program and may utilize accumulated sick leave, vacation, and compensatory time off, if any, as wage replacement during such leave. Employees who exhaust leave balances shall be placed on an approved leave of absence without pay.

H. CONTACT PERSON

Employees with any questions regarding this policy should contact the following Human Resources representative:

Name: Human Resources
Address: Post Office Box 139, Tahoe Vista, CA 96148
Telephone: (530) 546-4212

I. DEFINITIONS

ACCIDENT - means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.

ALCOHOL - means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

ALCOHOL CONCENTRATION - means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.05 means 0.05 grams of alcohol in 210 liters of expired deep lung air.

ALCOHOL USE - means consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, this policy prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing affect due to the presence of other elements (e.g., antihistamines).

BREATH ALCOHOL TECHNICIAN (BAT) - means a person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. EBT are the only qualified personnel to administer the EBT tests.

CHAIN OF CUSTODY - means the procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

COLLECTION SITE - means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

CONFIRMATION TEST - for alcohol testing means a second test, following a screening test with a result of 0.05 or greater, that provides quantitative data of alcohol concentration. For

controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent, of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CGIMS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

CONTROLLED SUBSTANCE (DRUG) TEST - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Controlled substances will be tested under the Department of Health and Human Services guidelines. **The primary controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

<u>Alcohol</u>	<u>0.05</u>	<u>grams</u>
<u>Marijuana Metabolites (THC)</u>	<u>50</u>	<u>ng/ml</u>
<u>Cocaine Metabolites</u>	<u>300</u>	<u>ng/ml</u>
<u>Phencyclidine (PCP)</u>	<u>25</u>	<u>ng/ml</u>
<u>Opiates Metabolites (1)</u>	<u>2000</u>	<u>ng/ml</u>
<u>Amphetamines</u>	<u>1000</u>	<u>ng/ml</u>

1.25 ng/ml if immunoassay

A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. **The confirmatory controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

<u>Alcohol</u>	<u>0.04</u>	<u>grams</u>
<u>Marijuana Metabolites (THC) (1)</u>	<u>15</u>	<u>ng/ml</u>
<u>Cocaine Metabolites</u>	<u>150</u>	<u>ng/ml</u>
<u>Phencyclidine (PCP)</u>	<u>25</u>	<u>ng/ml</u>
<u>Opiates Metabolites</u>	<u>2000</u>	<u>ng/ml</u>
<u>Morphine</u>	<u>2000</u>	<u>ng/ml</u>
<u>Codeine</u>	<u>2000</u>	<u>ng/ml</u>
<u>6-Acetylmorphine (3)</u>	<u>10</u>	<u>ng/ml</u>
<u>Amphetamines</u>	<u>1000</u>	<u>ng/ml</u>
<u>Amphetamine</u>	<u>500</u>	<u>ng/ml</u>
<u>Methamphetamine (3)</u>	<u>500</u>	<u>ng/ml</u>

1. Delta-9-tetrahydrocannabinol-9-carboxylic acid
2. Benzoylcegonine
3. Test for 6-Acetylmorphine when morphine concentration exceeds 2000 ng/ml
4. Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

COVERED EMPLOYEE - means a regular full-time employee, applicant for such a position, or transferee, who performs a function for the District.

DISTRICT - means NORTH TAHOE PUBLIC UTILITY DISTRICT.

DISTRICT TIME - means any period of time in which the employee is actually performing, ready to perform, or immediately available to perform any functions for the District.

DRUG (CONTROLLED SUBSTANCE) METABOLITE - means the specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

EVIDENTIAL BREATH TESTING DEVICE (EBT) - means the device to be used for breath alcohol testing.

MEDICAL REVIEW OFFICER (MRO) - means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive or negative drug and alcohol test results.

PERFORMING (JOB FUNCTION) – means an employee is considered to be performing a job function and includes any period in which the employee is actually performing, ready to perform, or immediately available to perform such functions.

POST-ACCIDENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted after accidents on employees whose performance could have contributed to the accident. See Accident.

PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING - conducted before applicants are hired or after an offer to hire, but before actually performing job functions for the first time. The District will not screen for marijuana metabolites on pre-employment controlled substance tests.

PROHIBITED DRUGS (CONTROLLED SUBSTANCES) - means Marijuana, Cocaine, Opiates, Amphetamines, or Phencyclidine.

PROHIBITED SUBSTANCES - means and is synonymous to drug abuse and/or alcohol misuse or abuse.

REASONABLE SUSPICION ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

REFUSE TO SUBMIT (TO AN ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST) - means that an employee or applicant fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test.)

REHABILITATION - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical, emotional, or mental problems which contributed to job problems

RETURN-TO-DUTY AND FOLLOW-UP ALCOHOL AND/OR CONTROLLED SUBSTANCE

TESTING –conducted when an individual who has violated the prohibited alcohol or controlled substance conduct standards returns to performing job duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 24 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty upon the SAP recommendation.

RETURN TO WORK AGREEMENT – Means a written and signed agreement between the employer and the non-safety-sensitive employee which states the terms of testing following a return to work after a verified positive test for a controlled substance or alcohol and the consequences of a future positive test.

EMPLOYEE (FUNCTION AND/OR POSITION) - An employee is considered to be performing a job function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any job functions.

SAP AGREEMENT - means a document agreed to and signed by the employer, employee and the Substance Abuse Professional that outlines the terms and conditions under which the non-safety-sensitive employee may return to duty after having had a verified positive controlled substance test result or an alcohol concentration of 0.05 or greater on an alcohol test.

SCREENING (INITIAL) TEST - In alcohol testing, it means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

SUBSTANCE ABUSE PROFESSIONAL (SAP) - means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol- related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

SUPERVISOR - means a person in authority who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour of training on the signs and symptoms of controlled substance abuse.

VEHICLE - means a bus, truck, van, automobile, rail car, trolley car, trolley bus, or vessel used for operations of the District.

~~6. **PRIOR NOTICE OF J. PROCEDURES - REASONABLE SUSPICION TESTING POLICY.**~~

~~The Employer shall provide written notice of its Drug and Alcohol Policy to all employees and job applicants. The Employer shall provide each employee with a copy of the Drug and Alcohol~~

~~Policy, together with a full explanation as to its meaning and consequences.~~

7. IDENTIFICATION AND CONSENT PROCEDURES.

~~A. An employee may be required to submit to urine drug or alcohol testing by a physician or laboratory only if management has reasonable cause that the employee is under the influence of drugs or alcohol in violation of this policy. The Employer may order urine testing only.~~

~~B. If a supervisor makes observations of an employee which the supervisor believes may constitute reasonable cause for drug or alcohol testing, the supervisor shall immediately inform the employee of the suspicions, and inform the employee that he/she may have a Union representative present. If the employee wishes not to have a Union representative, then that desire should be put in writing, and signed off by the employee, on the Incident Report Form.~~

~~C. If the two trained supervisors believe that there is reasonable cause for a drug or alcohol urine test, then the Incident Report Form shall be filled out, including a statement of the specific objective facts constituting reasonable cause for the test, and the names of the persons making those observations.~~

~~D. A completed copy of this Incident Report Form shall be given to the bargaining unit employee before he/she is required to be tested, and one copy made available to the Union representative, if present. After being given a copy of the Incident Report Form, the bargaining unit employee shall be allowed enough time to read the entire document, and to understand the reasons for the test.~~

~~E. The employee will be offered an opportunity to give an explanation of his/her condition, such as reaction to a prescribed drug, fatigue, lack of sleep, exposure to noxious fumes, reaction to over the counter medication or illness. The Union representative shall be present during such explanation and shall be entitled to confer with the employee before the explanation is requested.~~

~~If the supervisor, after observing the employee, concludes that there is in fact reasonable cause to believe that the employee is under the influence of drugs or alcohol, then, by a written order signed by the supervisor, the employee may be ordered to submit to a urine drug test. The employee shall be informed that refusal to submit to testing may constitute a presumption of intoxication. This presumption will be raised if the Employer had reasonable cause to require a urine drug test in the first place.~~

~~F. Prior to the actual drug testing, the employee will be examined by a medical doctor at the designated hospital, laboratory or clinic. This examination will be conducted to determine if the supervisors' observations are caused by a reason other being under the influence of drugs and/or alcohol. If the opinion of the medical doctor is that the supervisors' observations are for a reason other than possible influence of drugs and/or alcohol, no test will be given, and the employee will be returned to the work place without loss of pay. If the medical doctor releases the employee to return to work, such release must be in writing.~~

~~Failure to follow any of these procedures shall result in the elimination of the test results as if no test had been administered; the test results shall be destroyed and no discipline shall be imposed against the bargaining unit employee.~~

~~G. Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the clinic or laboratory to obtain a urine specimen. On a separate form, the employee will be asked to release the results of the testing to the General Manager and to Human Resources Representative. The consent form shall provide space for employees and applicants to indicate current or recent use of prescription or over-the-counter medication.~~

~~H. Unless there is an objective reason to believe that the employee has previously altered a sample, or unless the employee agrees in writing, individuals shall be allowed to provide the required specimen in the privacy of a stall or otherwise partitioned area.~~

~~I. A job applicant who refuses to consent to a drug or alcohol test will be denied employment for a period of three months.~~

~~J. 1. An employee who refuses to consent to a drug or alcohol test shall not be subject to disciplinary action for that refusal. However, the fact of the refusal shall constitute a rebuttable presumption that the employee was may possibly be under the influence of drugs and or alcohol at the time of the order to submit to the urine test. alcohol and/or controlled substances is observed by a supervisor. When possible, a second supervisory employee will be present to confirm the reasonable suspicion observations.~~

Any employee may identify someone suspected of being under the influence of alcohol and/or controlled substance to any supervisor. Employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, the supervisor must witness first-hand the employee's signs and symptoms.

2. The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the employee in question may indeed be under the influence of alcohol and/or controlled substances.

3. When the supervisor(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by District staff (or others designated) to the District specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification, such as a photo driver's license or state-issued photo identification card. Whenever practical, an Administrator should be notified in advance of the employee being taken to the collection site.

4. At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.

5. The District will take precautions to prevent the employee being tested from going back to work and driving their own car home. Instead, the employee will be given assistance in obtaining a ride home from the collection site.

6. The employee whose alcohol test results are negative (less than 0.05 alcohol concentration) will be reinstated. The employee, whose alcohol confirmation test results indicate an alcohol concentration greater than 0.05 will not be permitted to return to duty or perform a function for 24 hours after administration of the test. The employee whose alcohol confirmation test result indicates an alcohol concentration of 0.05 or greater for alcohol will be referred to a District specified outside SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or

refusal to submit to return-to- duty and unannounced follow-up testing will result in the employee's termination.

7. The employee whose controlled substance test results are verified negative will be reinstated. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.

8. DRUG TESTING PROCEDURES - POST ACCIDENT

~~A. The testing shall be done by a laboratory licensed and certified by the California Department of Health Services, Laboratory Field Services, as a medical and forensic laboratory which complies with the Scientific and Technical Guideline for Federal Drug Testing Programs and the standards for certification of laboratories engaged in urine drug testing for Federal Agencies issued by the Alcohol, Drug Abuse and Mental Health Administration of the United States Department of Health and Human Services, and which is chosen jointly by the Union and the Employer. The parties also retain the right to audit and inspect the laboratory to determine conformity with the standards described in this policy.~~

1. The employee notifies a supervisor that an accident has occurred.
2. The supervisor determines that the circumstances of the accident warrant a post- accident test when an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; or if the employee receives a citation under State of local law for a moving traffic violation arising from the accident, or a fatality occurred. Thereafter, the supervisor will provide a ride to the testing site and directs the employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.

~~B. At the time the urine specimens are collected, three separate samples shall be placed in separate containers. All samples must be immediately sealed in the presence of an Employer and Union witness, if present, with evidence tape, and the tape signed by the employee and both witnesses. Two samples, each in a separate container, shall be sent to the laboratory to be tested at the Employer's expense. In order to be considered positive, both samples shall be tested separately in separate batches and show positive results on the GC-MS confirmatory test. The third sample or specimen shall be collected in a separate container, and shall be kept refrigerated at the site where the sample is given. This third sample shall be made available to the employee for testing by a laboratory selected by the employee at the employee's expense, provided that the laboratory chosen by the employee must be licensed by the California Department of Health Services, Laboratory Field Services. The cost of testing the third sample shall be borne by the employee or applicant.~~

~~C. The specific required procedure is as follows:~~

3. At the collection site, the employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the

integrity of the sample.4. An Administrator will be notified that an accident has occurred and that the employee was instructed to go to the collection site.

5. The employee whose alcohol test results are negative (less than 0.05 alcohol concentration) will be reinstated. The non-safety-sensitive employee, whose alcohol confirmation test results indicate an alcohol concentration greater than 0.05 will not be permitted to return to duty or perform any duties for 24 hours after administration of the test. The non-safety-sensitive employee whose alcohol confirmation test result indicates an alcohol concentration of 0.05 or greater for alcohol will be referred to a District specified outside SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.

6. The employee whose controlled substance test results are verified negative will be reinstated. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.

L. PROCEDURES - RETURN-TO-DUTY and FOLLOW-UP

1. The supervisor notifies the employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification, such as a photo driver's license or government-issued photo identification card.

2. At the collection site, the employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.

4. The employee whose confirmation test results indicate an alcohol concentration greater than 0.05 or whose controlled substance test is verified positive will be terminated.

M. PROCEDURES - CHAIN OF CUSTODY FOR CONTROLLED SUBSTANCE SPECIMENS

1. At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
1. ~~2.~~ ~~Urine shall be obtained directly in a tamper-resistant urine bottle. Alternatively, the urine specimen may be collected at the employee's option~~ will be in a wide-mouthed clinic specimen container which ~~shall~~ will remain in full view of the employee until split, transferred to, sealed and initialed in ~~separate~~ two tamper-resistant urine bottles.

~~2-3.~~ Immediately after the ~~specimen is~~specimens are collected, the urine ~~bottle shall~~bottles will, in the presence of the employee, be labeled and then initialed by the employee ~~and witnesses~~. If the sample must be collected at ~~the~~ site other than the ~~drug and/or alcohol testing~~controlled substance and/or alcohol testing laboratory, the ~~specimen shall~~specimens will then be placed in ~~the~~ transportation container. The container ~~shall~~will be sealed in the employee's presence and the employee ~~shall~~will be asked to initial or sign the container. The container ~~shall~~will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method. ~~The same procedure shall be followed for a blood test.~~

~~3-4.~~ A chain of ~~possession~~custody form ~~shall~~will be completed by the ~~hospital, laboratory and/or clinic personnel~~on-duty technician during the specimen collection process and attached to and mailed with the specimen.

~~D. The initial test of the urine specimen shall utilize immunoassay techniques. The following standards shall be used to determine what levels of detected substances shall be considered as positive:~~

N. PROCEDURES - SPECIMEN COLLECTION OF STRANGE AND/OR UNRECOGNIZABLE SUBSTANCES

1. An employee is observed with a strange and/or unrecognizable substance.
2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled, and signed by both the supervisor and a witness.
3. An incident report is made and signed by both the supervisor and a witness.
4. The plastic bag containing the specimen, and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

Substance Screening Test O. PROCEDURES - ALCOHOL CONCENTRATION/CONFIRMATION

<u>Drug Class</u>	<u>Initial Test</u>	<u>GC/MS Confirmatory</u>
<u>AMPHETAMINES</u>	<u>1000 ng/ml</u>	
<u> AMPHETEMINES (AMP)</u>		<u>500 ng/ml</u>
<u> METHAMPHETEMINE</u>		<u>500 ng/ml</u>
<u>COCAINE METABOLITES (COC)</u>	<u>300 ng/ml</u>	<u>150 ng/ml</u>
<u>OPIATES (OP12K)</u>	<u>2000 ng/ml</u>	
<u> MORPHINE</u>		<u>2000 ng/ml</u>
<u> CODEINE</u>		<u>2000 ng/ml</u>
<u> 6-ACETYLMORPHINE</u>		<u>10 ng/ml</u>
<u>PHENCYCLIDINE (PCP)</u>	<u>25 ng/ml</u>	<u>25 ng/ml</u>

MARIJUANA METABOLITES	50 ng/ml	15 ng/ml
ETHYL ALCOHOL	0.05 g/dl	0.05 g/dl

1. The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
2. After an explanation of how the breathalyzer works, an initial breath sample is taken
3. If the results of the initial test show an alcohol concentration of 0.05 or greater a second or confirmation test must be conducted. The confirmation test must not be conducted less than 15 minutes after, or more than 20 minutes after the screening test.
~~D. All specimens identified as positive in the initial screen shall be confirmed utilizing gas-chromatograph/y mass spectrometry (GC/MS) technique which identifies at least ten (10) ions. All information shall be by quantitative analysis.~~
4. The confirmation test will utilize an Evidential Breath Testing device that prints out the results, date and time, a sequential test number, and the name and serial number of the Evidential Breath Testing device to ensure the reliability of the results.
~~E. If the testing procedures confirm a positive result, as described above, the employee or applicant shall be notified of the results in writing by the General Manager or Human Resources, including the specific quantities. If requested, the Employer will also provide the names of all the persons who were involved in the testing procedure and the preparation of the laboratory reports and forensic expert opinions. Employer will also provide, if requested, copies of all laboratory reports, forensic opinions, laboratory worksheets, procedure sheets, acceptance criteria and laboratory procedures; and all real evidence including the specimen collection kit.~~

~~F. All specimen confirmed positive shall be retained and placed in properly secured long-term frozen storage for a minimum of one (1) year, and be made available for retest as part of any administrative proceedings.~~

~~G. All information from an employee's or applicant's drug and alcohol test is confidential for purposes other than determining whether the Employer policy has been violated. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released until the results are confirmed.~~

~~H. Every effort will be made to insure that all employee substance abuse problems will be discussed in private and actions taken will not be made known to anyone other than those directly involved in taking the action, or who are required to be involved in the disciplinary procedure.~~

~~I. There will be one person in the human resources department who will be designated to receive testing results. He/she will notify other managers of the District strictly on a need-to-know basis.~~

~~J. No laboratory or medical reports or test results shall appear in an employee's personnel folder. Information of this nature will be included in the medical file. The personnel folder will contain a marker to show that this information is contained elsewhere. All necessary measures shall be taken to keep the fact and the results of the test confidential.~~

9. CONSEQUENCES FOR VIOLATING THE RULES AND PROVISIONS OF THIS POLICY.

~~A. Applicants: Job applicants will be denied employment with the Employer if their initial positive test results have been confirmed. Applicants will be informed in writing if they are rejected on the basis of a confirmed positive drug test result. The period of employment exclusion will last for three (3) months, and any applicant is free to reapply after that time.~~

~~B. Employees: If the result of the urine test administered by the Employer on the two samples shows that the employee was under the influence of drugs or alcohol while on duty, the appropriate disciplinary action may be imposed by the Employer after the following procedure has been followed:~~

~~1) The employee and the Union shall be presented with a copy of the laboratory report of both specimens before any discipline is imposed. The Union and the employee shall then have five (5) days to present the Employer any different results from the test of the third sample, conducted by a laboratory selected by the employee (The failure of the Union or employee to have the third test performed or to present the results to the Employer shall not be used against the employee in any arbitration proceeding.)~~

~~2) After considering the results of the third test performed by the employee, if presented, the Employer may discipline the employee provided that any discipline imposed for the first offense in any 24 month period and any grievance filed in response thereto shall be held in abeyance pending voluntary completion by the employee of a substance abuse treatment program mutually agreed upon between the Employer, and the employee, the cost of which shall be borne by the employee except as provided by the Employer's group health insurance as any other illness.~~

~~3) If the employee successfully completes such a program and is not disciplined for substance abuse for 24 months following the initial charge, the discipline shall be revoked and shall not be used as the basis for any other disciplinary action in the future.~~

~~4) If an employee's positive test result has been confirmed, the employee is subject to disciplinary action under the terms described above, up to and including termination. Among the factors to be considered in determining the appropriate disciplinary response are the nature and requirements of the employee's work, length of employment, current job performance, the specific results of the test, and the history of past disciplinary actions.~~

10. EMPLOYEE TRAINING:

~~The Employer will establish a Drug Free Awareness Program which will inform employees about: (1) the dangers of alcohol and drug abuse in the work place; (2) the Employer's policy of drug and alcohol abuse; (3) the availability of treatment and counseling for employees who voluntarily seek such assistance; and (4) the sanctions the Employer will impose for violations of its Drug and Alcohol Abuse Policy.~~

11. SUPERVISOR TRAINING:

~~The Employer shall provide training to assist supervisors in identifying factors which constitute reasonable cause for drug testing, as well as a detailed explanation and emphasis on the terms and conditions of the drug policy.~~

12. EMPLOYEE ASSISTANCE PROGRAM:

~~A) An employee who engages in drug/alcohol abuse is encouraged to participate in the Employee Assistance Program. Employees who seek voluntary assistance for alcohol and or substance abuse may not be disciplined for seeking such assistance. Request by employees for such assistance shall remain confidential and shall not be revealed to other employees or management personnel without the employee's consent.~~

~~Such participation shall not relieve an employee of the obligation to follow the Employer Policy regarding drug/alcohol use, possession, or being under the influence on the job. An Employee Assistance Program Counselor shall not disclose information on drug/alcohol use received from an employee for any purpose or under any circumstances, unless specifically authorized in writing by the employee.~~

~~B) Employees shall be given the best available treatment through established benefit plans and health insurance coverage. Options that have proved of value include:~~

~~1) Where there is no evidence of dependency, 20 to 40 hours of instruction in the biologic effects of alcohol and drugs, symptoms of chemical dependency, and the methods of treatment for chemical dependency;~~

~~2) Where an individual has developed a pattern of dependence on drugs or alcohol, but has the ability to discontinue use for a period of time, an outpatient program which is usually of 4 to 6 weeks duration, and which adds group and individual counseling in support to the educational program noted above. Such programs are effective, less expensive than residential programs, and are normally adequate in early chemical dependence;~~

~~3) Where an individual cannot discontinue use long enough to make progress in outpatient treatment, or has returned to drug or alcohol use following outpatient treatment, inpatient treatment of 3 to 6 weeks in length and continuing care following discharge for 6 to 12 weeks providing individualized and intensive medical, psychological and environmental care not possible in the outpatient setting may be required.~~

~~C) An employee who self admits and needs inpatient care may request a leave of absence of up to 60 days, subject to extension by mutual agreement, without pay (except that employees may use their sick leave, vacation and CTO balances) and without loss of any seniority, for the purpose of personal rehabilitation. The employer will make every effort to accommodate this request.~~

~~D) Employees who previously failed a controlled substance or alcohol test and who took a leave of absence to participate in an in-patient program that required them to be off work for a minimum of 30 days must submit to a return to duty test and test negative prior to returning to duty at the District.~~

~~**13. GRIEVANCE PROCEDURE**~~

~~All disputes concerning the interpretation or application of this drug and alcohol abuse and drug testing policy will be subject to the grievance and arbitration procedure of the collective bargaining agreement.~~

INCIDENT REPORT FORM "A"

Employee/s involved _____ -Date of Incident- _____

_____ -Time of incident- _____

Location of incident _____

Employee's Job Position/Assignment _____

Has employee been notified of his/her right to Union representation? _____

Time _____ Employee's initials _____

Witness to incident: _____

What Was Observed? _____

What is Employee's Explanation? _____

Action Recommended: _____

Action taken: _____

Signatures:

Name & Title of Employer Representative: _____

Name & Job Classification of Employee: _____

Name & Title of Union Representative: _____

Date/Time/Action taken: _____

CONSENT FOR URINE TEST FOR DRUGS AND/OR ALCOHOL

I, (name) _____ understand that my Employer has adopted a Drug and Alcohol Policy which allows for urine drug and or alcohol testing for reasonable cause. I have been requested to give a urine specimen which will be tested for the presence of Cocaine, Opiates, Phencyclidine, Marijuana, the Amphetamine Group and Ethyl Alcohol.

I may refuse to provide a urine sample, but disciplinary action by the District, up to and including discharge may result if a sample is not provided.

All charges for this urine test for drugs and/or alcohol will be paid for by the District, and not me.

I am presently taking the following medicines or prescription drugs:

I have read, understand and agree to the above.

Date _____ Time: _____

Employee: _____

Employee Witness: _____

Summary report: Litera Compare for Word 11.8.0.56 Document comparison done on 10/15/2024 3:05:50 PM	
Style name: Default Style	
Intelligent Table Comparison: Active	
Original DMS: nd://4894-7221-4768/1/Appendix D - Drug and Alcohol Policy (Non-Safety Sensivite) July 2022.docx	
Modified DMS: nd://4877-7810-9168/1/Appendix D - Substance Abuse Policy (Non-Safety Sensitive) October 2024.docx	
Changes:	
<u>Add</u>	174
Delete	204
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	2
Table Delete	1
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	381