

MENDOCINO COUNTY POLICY #30	ALCOHOL AND DRUG SCREENING POLICY FOR SAFETY SENSITIVE DRIVERS
ADOPTED: February 14, 1995	ADOPTED BY: Minute Order

POLICY STATEMENT

The purpose of this policy is to establish procedures for the administration of the Federal Highway Administration (FHWA) drug and alcohol testing rules for employees required to have commercial driver's licenses (CDL) for the County of Mendocino. These rules are a result of the passage of the Omnibus Transportation Act of 1991 which requires alcohol and drug testing of safety sensitive employees in the aviation, motor carrier, railroad and mass transit industries.

In order to comply with these Federal Regulations the County of Mendocino has developed the following policy which provides specific guidelines regarding the implementation of the requirements of the federal law. All employees covered by this policy will be given a copy of this policy. The County encourages employees to voluntarily and confidentially seek assistance at an early date prior to testing for any substance abuse problems through the Employee Assistance Program, health plan or other outside source.

The use of illegal drugs by employees in safety sensitive positions is prohibited.

The use of alcohol by employees in safety sensitive positions is prohibited as follows:

- a. Four (4) hours prior to performing a safety sensitive function;
- b. While performing a safety sensitive function; or
- c. Up to eight (8) hours following an accident or until an employee undergoes a post-accident alcohol test, which ever occurs first.

CLASSIFICATION COVERED

The following classifications are subject to alcohol and drug testing outlined in this policy and federal law:

- Equipment Operator I
 - Equipment Operator II
 - Equipment Operator III
 - Bridge Crew Worker
 - Bridge Crew Supervisor
 - Road Crew Supervisor I
 - Road Crew Supervisor II
 - Road Crew Supervisor III
 - Heavy Equipment Mechanic I
 - Heavy Equipment Mechanic II
 - Road Superintendent
 - Assistance Road Superintendent
 - Site Operator I (Solid Waste)
 - Site Operator II (Solid Waste)
- And any other position within the County that requires a Class A or B drivers license.

PROCEDURE

A. TYPE OF ALCOHOL AND DRUG TESTING

Employees subject to this alcohol and drug testing program are required to be tested under the following circumstances:

1. PRE-EMPLOYMENT TESTING

- a. Pre-employment alcohol and drug tests will be conducted when an individual is considered for hire in a classification listed in this policy. Applicants who refuse a test or test positive will not be hired.
- b. Alcohol and drug tests will be conducted when a current employee transfers or is promoted from a position not covered by this policy into a position listed in this policy. Employees transferring or promoted into a position requiring alcohol or drug testing who test positive may, upon request, have their sample retested.
- c. An employee who transfers or is promoted from one position covered by this policy to another covered by this policy does not require testing.

2. RANDOM TESTING

- a. All employees working in positions covered by this policy are subject to unannounced testing based on random selection.
- b. The testing rate shall equal 25 percent of all employees in safety sensitive positions for alcohol testing and 50 percent of the employees in safety sensitive positions for drug testing.
- c. To assure that the selection process is random, all employees covered by this policy whether full-time or part-time will be placed in a common pool.
- d. The random selection procedure may be a computer based number generator that is matched with an employee's payroll identification number.
- e. An employee who refuses to be tested will face disciplinary action which may include termination in accordance with Civil Service Rules and Regulations.

3. POST-ACCIDENT TESTING

- a. Employees working in positions covered by this policy whose performance contributes to an accident, as determined by a citation for a moving traffic violation, or is involved in any fatal accident event if the driver is not cited, will be tested.
- b. The employee will be available to be tested as soon as possible after the accident.
- c. All reasonable steps will be taken to obtain the necessary samples for testing from the employee after the accident. In case of a conscious but hospitalized employee, the hospital or medical facility will be requested to cooperate with the testing.

facility to obtain the necessary samples. If an employee is unconscious or otherwise unable to consent to the procedure, the treating physician will determine when the employee is able to understand a request to provide samples.

- d. If an employee who is subject to post-accident testing is conscious, able to provide samples normally in the opinion of a medical professional, and refused to be tested will face disciplinary action which may include termination in accordance with Civil Service Rules and Regulations.

4. REASONABLE CAUSE TESTING

- a. When there is reasonable cause to believe that an employee covered by this policy is under the influence of alcohol or a prohibited drug, the employee will be required to be tested. Refusal to submit to the tests will result in disciplinary action which may include termination in accordance with Civil Service Rules and Regulations.
- b. Before an employee is tested for reasonable cause, one supervisor in the employee's chain of command and the Risk Manager or his designee must concur in the decision to test. A union representative may be present and may confer with the employee and supervisor prior to testing. However, such discussion shall not interfere with or delay testing procedures.
- c. A decision to test must be based on a reasonable and distinct belief that the employee is under the influence of alcohol or a prohibited drug on the basis of specific contemporaneous physical behavior.
- d. Within 24 hours after observation of a reasonable cause event, the observing manager or supervisor will document in writing, with a copy to the employee, a description of the behavior or performance indicators leading to the reasonable cause test.

5. FOLLOW UP TESTING FOR RETURN TO DUTY

- a. An employee who at the recommendation of the Substance Abuse Professional (SAP) returns to work after rehabilitation will be given unannounced alcohol and drug tests as scheduled by the SAP. These tests are in addition to the other types of tests stated in this policy.
- b. The time period for "follow up" testing will not be more than 60 months. A reasonable minimum is twelve months. This period will be determined by the SAP based on individual circumstances of the case.
- c. Testing will be done on a daily, weekly, monthly or longer basis at the discretion of the SAP.
- d. An employee who undergoes rehabilitation and returns to work following release for duty by the SAP and refuses or fails additional testing will face disciplinary action which may include termination in accordance with Civil Service Rules and Regulations.

B. TESTING PROCEDURES

1. Alcohol and drug testing will be performed utilizing federally approved testing methods.
2. Tests for alcohol, marijuana, cocaine, opiates, amphetamines and phencyclidine will be performed.
3. An applicant who is offered a position covered by this policy will be required to report to the alcohol and drug testing site specified in this policy to be tested before beginning their duties.
4. Upon notification that an alcohol and drug test is required, an employee will report to the testing site immediately and will be considered "on County time". All testing will be scheduled during the employee's regular work shift. The County will provide transportation to and from the testing site. Failure to submit to testing will result in disciplinary action which may include termination in accordance with Civil Service Rules and Regulations.

C. MEDICAL REVIEW OFFICER (MRO)

1. The MRO for this policy will be provided by firm qualified and selected by the Board of Supervisors. Notification of the selected firm will be provided to each employee covered under this policy in writing.
2. The following is a listing of the MRO's specific responsibilities. For additional details of responsibilities please see the U.S. Department of Health and Human Resources (DHHS) *Medical Review Officer Manual*.
 - a. Review the results of all drug tests.
 - b. Review and interpret positive test results.
 - c. Request, if needed, a quantitative description of test results.
 - d. Receive a certified copy of the original chain of custody.
 - e. Inform the tested individual and provide results.
 - f. Conduct a medical interview with the tested individual.
 - g. Review the individual's medical history, or any other relevant biomedical factors.
 - h. Give the individual an opportunity to discuss test results.
 - i. Order a reanalysis of the original sample in a certified laboratory.
 - j. Not receive urinalysis results that do not comply with the Mandatory Guidelines.
 - k. Not declare as positive an opiate-positive urine without "clinical evidence".

- l. Determine whether a result is scientifically insufficient.
- m. Determine whether a result is consistent with legal drug use.
- n. Forward results of verified positive tests to the Personnel Director of the County of Mendocino.
- o. Maintain the required records to administrate this program.

D. TESTING LABORATORY

1. The testing laboratory for this policy will be selected by the Board of Supervisors or their designee.
2. The testing laboratory will comply with all methods and procedures of Federal Law and will provide annual reports to the County of Mendocino showing compliance.

E. COLLECTION FACILITY

1. The collection facility for this policy will be selected by the Board of Supervisors or their designee.
2. This collection facility will comply with all methods and procedures of Federal Law and will provide annual reports to the County of Mendocino showing compliance.

F. ALCOHOL AND DRUG USE EDUCATION

Every employee covered by this policy will receive the following alcohol and drug use education:

1. Alcohol and drug information will be periodically distributed and displayed in the work area.
2. A copy of this policy will be given to each employee and displayed in the work area.
3. The telephone number for the employee assistance program (EAP) will be given to each employee and displayed in the work area.
4. EAP referral information will be given to all employees by the Personnel Department upon receipt of initial positive testing.

G. TRAINING

1. Every supervisor that supervises employees covered by this policy and who will determine whether an employee must be tested based on reasonable cause will receive the following training.

A one-hour (minimum) training period per year on the signs and symptoms of alcohol abuse.

A one-hour (minimum) training period per year on the signs and symptoms of drug abuse.

2. Every employee covered under this policy shall receive yearly training on this policy, testing procedures, and the consequences of the misuse of alcohol or use of illegal drugs.

H. RECORDKEEPING

The County of Mendocino will keep the following records for the period specified:

1. Records that demonstrated the collection process conforms to 49 CFR Part 199 will be kept for a minimum of three years.
2. Records of employee alcohol and drug test results that show employees failed in an alcohol or drug test and the type of test failed and records that demonstrate rehabilitation, if any, will be kept for a minimum of five years, and include the following information:
 - a. The function performed by each employee who fails the alcohol or drug test.
 - b. The prohibited drugs which were used by each employee who fails the drug test.
 - c. The disposition of each employee who fails the alcohol or drug test (e.g. rehabilitation or termination).
 - d. The age of each employee who fails the tests.
3. Records of employee alcohol or drug test results that show employees passed an alcohol or drug test will be kept a minimum of three years.
4. A record of the number of employees tested by type of test will be kept for a minimum of five years.
5. Records confirming that supervisors and employees have been trained as required by this policy will be kept for a minimum of three years. Training records will include copies of all training materials.

I. CONFIDENTIALITY

1. Each individual's record of testing and results under this policy will be maintained private and confidential. With the exception of the testing laboratory, Medical Review Officer, Substance Abuse Professional, Personnel Director, Risk Manager, Department Head, or upon request of DOT or State agency officials as part of an accident investigation the results of individual alcohol or drug tests will not be released to anyone without the expressed written authorization of the individual tested. Prior to testing, the individual will be informed about who will receive test data.
2. All written records will be stored in locked containers or in a secure location with access available only by the individual listed above.

3. Unless an employee gives his or her written consent, the employee's testing and/or rehabilitation records will not be released to a subsequent employer.

J. DISCIPLINE

1. Any employee covered by this policy who refuses to be tested in accordance with this policy will face disciplinary action which may include termination in accordance with Civil Service Rules and Regulations.
2. Any employee who, under this policy, fails an alcohol test will immediately be removed from every safety-sensitive duty. An employee who fails a drug test will be immediately removed from every safety sensitive duty after the Medical Review Officer has interviewed and determined that the positive test resulted from the unauthorized use of a controlled substance.
3. Any employee who fails an alcohol or drug test subsequent to participation in a rehabilitation program will face disciplinary action which may include termination in accordance with Civil Service Rules and Regulations.
4. An employee who decides to return to his/her safety sensitive duties must:
 - a. Be evaluated by a substance abuse professional.
 - b. Have complied with any recommended treatment.
 - c. Take a return to duty test.
 - d. Will be subject to unannounced follow-up alcohol or drug tests.

K. REHABILITATION

Employees who elect rehabilitation may cover approved time off with available paid leave according to accrual balances or may request unpaid leave.