

COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject:
ALCOHOL and DRUG TESTING
and ABUSE POLICY

Policy Number:
C-10

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SECTION I: PRE-EMPLOYMENT

SECTION II: EMPLOYEE

SECTION III: DEPARTMENT OF TRANSPORTATION (DOT)

PURPOSE

It is the purpose of this policy to establish the requirements and procedures for drug and alcohol testing of job applicants and employees with the County of Riverside to assure worker fitness for duty and to protect County employees, customers, and the public from the safety and health risks posed by the misuse of alcohol and use of prohibited drugs.

POLICY

It is a policy of the County of Riverside and all agencies and special districts under the direct control and under the governing authority of the Board of Supervisors (hereafter referred to as County) that, as a condition of employment, finalists for full-time, part-time, temporary, and contract positions will be required to successfully pass the drug screening requirements that have been identified as appropriate for the position. Volunteers and interns may also be subject to pre-employment drug testing, dependent upon their assignment.

A finalist for a position in a classification that has been designated as meeting the criteria for pre-employment drug and alcohol testing must participate in and successfully pass a drug test as part of the County's post-offer, pre-employment screening process. Failure, refusal, or inability to successfully pass the drug and/or alcohol test will result in disqualification from eligibility for County employment for a period of six months.

A positive test result for unexplained legal drugs shall also be cause for disqualification. If an applicant is taking prescription medication, this must be substantiated by a physician's report or statement. The report should indicate whether or not the taking of these legal drugs will prevent or alter the person's ability to perform essential job duties. If the report indicates the person cannot perform essential job duties while under the influence of these prescribed legal drugs, and no reasonable accommodation can be made, this shall be grounds for disqualification.

A. Job Classes and Departments Requiring Pre-Employment Drug and Alcohol Testing

All finalists applying for a position where the job class essential functions generally

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require the incumbent to meet one or more of the following conditions will be subject to preemployment drug testing:

- 1) Operate commercial motor vehicles (as defined under State and Federal regulations and administered under the County's Department of Transportation Alcohol and Drug Testing Policy).
- 2) Perform public safety/law enforcement activities.
- 3) Carry a firearm.
- 4) Perform emergency response activities.
- 5) Operate heavy equipment, machinery, or power tools on a regular basis.
- 6) Routinely work with gases or hazardous materials.
- 7) Provide direct service or care to a sensitive/vulnerable population.
- 8) Provide medical advice.
- 9) Perform duties which include regular, frequent and/or unsupervised access to drugs, inmates, evidence, criminal databases and records, and/or sensitive security information.
- 10) Safety-sensitive positions where mistakes pose an immediate and severe risk of harm.
- 11) Other – Positions where errors in judgment, inattentiveness, or diminished coordination, dexterity, or composure while performing assigned duties could result in mistakes that could endanger the health and safety of others.

The criteria listed above is intended to provide guidance when evaluating a job class for pre-employment drug testing and is not intended to be exhaustive. Consideration is given to each job class with respect to assigned duties and the manner in which they are performed, environment, location, degree of involvement with sensitive populations, and the element of risk to one's self, others, and the public.

In addition to job classes that require preemployment drug testing, the following County Departments require drug testing for all positions assigned to that department regardless of classification:

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Sheriff
District Attorney
Probation
Office on Aging
Veteran's Services
County Counsel

B. Medical and Recreational Marijuana

Although California law exempts from criminal prosecution in state court those individuals who obtain a medical marijuana identification card from the California Department of Public Health, prohibits discrimination against non-DOT applicants and employees based on a person's use of marijuana off the job, and the passage of Prop 64 allows for off-duty recreational use of marijuana by adults who are over age 21 in certain locations without fear of criminal prosecution, none of these laws affect an employer's rights and obligations to maintain a drug and alcohol-free workplace. Similarly, these laws and case law, do not require employers to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace, or affect the ability of employers to have policies prohibiting the use of marijuana by employees on the job or at the workplace.

Under the federal Controlled Substances Act, marijuana remains an illegal drug, and California laws do not prevent employers from complying with Federal Law. Consequently, and consistent with a California Supreme Court decision upholding the right of an employer not to hire an applicant covered by DOT regulations who tested positive for marijuana recommended by his physician, employers in California can continue to rely on federal law and enforce their workplace substance abuse policies and can continue to test for use of and refuse to hire applicants covered by DOT regulations who test positive for controlled substances, including marijuana, even in instances where the applicant was legally using marijuana for medical reasons under the state's Compassionate Use Act and/or for non-medical, recreational use under Prop 64.

Accordingly, medical use of marijuana that may be legal under the State Compassionate Use Act or non-medical recreational use that may be legal under Prop 64 does not constitute an acceptable explanation or excuse for use of marijuana on the job or at the workplace, and does not hinder or affect the County's ability to fail to refuse to hire such applicants covered by DOT regulations as a result of the positive drug test. In such instances, the Medical Review Officer (MRO) will automatically verify such tests as "positive", and the candidate will be disqualified from further consideration.

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C. Pre-Placement Testing of Current Employees

Current employees applying for transfer, promotion, or demotion to a position which includes statutory or regulatory requirements for pre-employment screening will be subject to all mandated screening. In addition to any mandated screening, current employees will be subject to pre-placement testing as detailed below.

Alcohol and Drug Screening: Current employees are only subject to 1) drug screening if moving into law enforcement departments (District Attorney's Office, Probation Department, and Sheriff's Office), and within these departments into positions requiring additional background/medical screening requirements; and 2) alcohol and drug screening if moving into commercial driving positions, as detailed in the County's Department of Transportation (DOT) Alcohol and Controlled Substance Testing Program.

D. Rehires

Employees re-hired within ninety (90) days of separation will not be required to complete pre-employment screening unless otherwise specified by Peace Officer Standards and Training (POST), Standards and Training for Corrections (STC), Federal Department of Transportation (DOT), or other applicable state or federal regulations.

E. Notification

- A. Notification to all applicants through the recruitment bulletins that testing for drugs and alcohol may be a mandatory component of the pre-employment physical examination process.
- B. Notifications to all applicants through the recruitment bulletin that refusal to submit to required testing or receiving positive results for alcohol or drugs is an automatic disqualification for employment with the county.
- C. Notification to all applicants receiving conditional offers of employment of the process for required alcohol and drug testing including sample collection and appeal process.

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- D. Notification to all applicants through the recruitment bulletin that a positive test for unexplained legal (prescription) drugs will result in disqualification for county employment.

F. Procedure

Procedure for pre-placement drug screening, including the chain of custody of the specimen, is as follows:

- A. The drug screening procedure is explained to the candidate and any questions answered by the employee health medical director or occupational health nurse.
- B. The candidate is asked to sign a waiver giving permission to perform the drug screening.
 - 1. In the event the candidate refuses to consent to the drug screening, he or she will be advised that without the signed consent form, the medical examination will not be conducted and the candidate will subsequently be medically disqualified by the county on the basis of an incomplete medical examination. The candidate will further be advised that a second medical appointment will not be permitted at a later date and that the disqualification will remain in effect for the applicant's entire period of eligibility on the eligible list. The applicant would have a medical appeal right on such disqualification to the Human Resources Director. Such appeal must be filed within ten (10) working days of the notice of disqualification.
 - 2. If upon arriving at the medical facility and reviewing the drug and alcohol screening authorization form, the candidate announces he/she has another appointment and would have to reschedule the examination, the candidate would be asked to sign the authorization form and provide the urine sample before leaving the facility. The balance of the medical examination would be rescheduled. An applicant who refuses to remain for this limited portion of the medical examination would be medically disqualified.
- C. The medical provider presents the candidate with a special empty

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sterile container.

- D. The candidate is accompanied by a representative of the Occupational Health Division to a restroom to give the sample in order to prevent tampering with the sample.
- E. A minimum of 50 cc. of urine is necessary for the testing procedure. While the candidate is expelling the urine, the medical representative stands outside the door of the restroom to assure that there is no tampering with the urine sample; however, there is no direct observation of the applicant actually giving the urine sample.
- F. The toilet water in the restroom where the candidate is giving the sample is blue to prevent the applicant from diluting the urine sample with toilet water.
- G. Upon completing the giving of the urine sample, the applicant returns the container to the medical representative to see if it is cold or warm. If cold there would be reason to believe the urine has been tampered with since urine expelled from the human body will remain warm for this period of time.
- H. If the urine is cold, a discussion will be conducted with the candidate regarding the need for a new urine sample.
- I. The urine sample is labeled, and the container is closed and sealed with evidence tape, and the candidate is asked to sign a chain of custody slip. The medical representative also signs the slip verifying that the urine sample belongs to the individual. The chain of custody slip is enclosed as a part of the urine sample.
- J. The sealed urine sample and the original chain of custody slip are placed in a special laboratory envelope with the candidate's name written on the envelope.
- K. The urine sample is left in a special place for the representative of the laboratory to pick up the sample.
- L. The laboratory is certified by the National Institute on Drug Abuse (NIDA), licensed by the State of California Department of Health Services as a clinical laboratory and licensed by the U.S. Department of Health and Human Services under the Clinical Laboratory Act.

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- M. A certified testing laboratory picks up the sample and places it in another sterile container.
- N. At the laboratory, the candidates' urine is tested by enzyme immunoassay (EMIT) and if there is a positive finding, it is then confirmed by using a different methodology, the gas chromatography/mass spectrophotometry (GC/MS).
- O. If the tests result in one positive and one negative result, the overall test is considered negative. If both the EMIT and GC/MS tests are positive the overall test is considered positive. The positive test samples are retained frozen by the county certified laboratory for a period of one year so applicants appealing their disqualification to the Human Resources Director have the opportunity to have their sample retested if the Human Resources Director so directs.
- P. In the case of marijuana, the level of the positive test is set high enough to exclude people who have had a casual encounter with the drug, such as being in a room where it is smoked by someone else. A test threshold (100 ng/ml) for THC, which is the active substance in marijuana, is used for a cutoff level, which ensures that someone who registers positive has indeed ingested such a substantial amount of the drug that it precludes inadvertent exposure.
- Q. The results of the test are forwarded to Occupational Health Division in a written report, and the supervisor is notified of the determination (medical qualification or disqualification) by the Occupational Health Division. For specific information on the actual findings of the examination, the candidate must contact Human Resources.
- R. Any candidate who has a legitimate medical reason for taking of a drug is not disqualified, after taking the medication according to prescribed directions.
- S. The physical examination is not completed until the individual has given the urine sample for the drug screen.
- T. Any applicant who tests positive for the drugs listed in Section 6. Confirmation Testing of this policy and tests at or above confirmation cut off level without a satisfactory medical explanation is disqualified for the position for the period of disqualification outlined in Section 9.

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Reapplication Period.

- U. The chain of custody from Occupational Health to the laboratory consists of two parts 1) external and 2) internal. The external document titled Chain of Custody and Requisition for Drug Screening contains a patient certification, collection agent certification, courier receipt and laboratory receipt. This document accompanies the specimen to the laboratory where it is logged in. Collection procedure protocols assure that the specimen is taken in a secure manner sealed with a tamper-resistant seal in front of the patient, as they certify they have observed.

The laboratory receipt certification includes examination that the seal is intact and other examination for tampering. Following accessing the Laboratory's computer system, the specimens are grouped first for EMIT screening into a batch with an internal batch COC. The specimens are kept in a separated accessioning facility and accessioning personnel provide aliquots of the specimens to the EMIT screening analyst, who do not have access to the accessioning room. The aliquots are signed over to the analyst, and a positive chain of custody is kept on aliquots at all times. Additionally, the forensic urine drug screening laboratory is secured by magnetically controlled doors into the laboratory and the accessioning room. Thus the aliquots for EMIT screening are "blind" to the analyst, having only internal testing laboratory accessioning numbers for identification. Many clerical and scientific checks, as outlined in the NIDA Mandatory Guidelines and published in the Federal Register are performed.

If a specimen screens positive, the accessioning department pours a new aliquot for GC/MS confirmation, each confirmation with a new confirmation chain of custody signed by each person handling the aliquots. Following analysis, a certifying scientist reviews the external and internal chain of custodies, scientific data, etc., and certifies each report before it is reported to the physician.

G. Drugs Tested for and Disqualifying Levels (9)

The drug screening chemical analysis includes detection and screening cutoff levels of the following substances:

Drug Class	Screening Cutoff Level (EMIT)
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Amphetamines	1000 ng/ml
Barbiturates	300 ng/ml
Opiates	300 ng/ml
Benzodiazepines	300 ng/ml
Cocaine	300 ng/ml
Phencyclidine	25 ng/ml
Cannabinoids	100 ng/ml*
Volatiles (Alcohol)	0.08% (0.04%)`

- A. All screening is conducted on a 30 ml urine sample. All findings are reported in nanograms per milliliter (ng/ml) with the exception of alcohol, which is reported as a percentage of grams per decaliter.
- B. All initial screenings are conducted using a highly sensitive testing methodology based primarily upon an enzyme immunoassay technique (EMIT).

*For positions that come under DOT requirements.

H. CONFIRMATION TESTING (GC/MS)

If the results of this test are negative, they will be reported back to the occupational health physician and the urine sample will be discarded. If the sample tests positive for any of the above listed drug classes, the laboratory will immediately conduct further testing using an entirely different methodology on the same specimen of urine. This confirmation testing involves one of two processes known as gas chromatography (GC) or gas chromatography/mass spectrophotometry (GC/MS), both highly sophisticated testing methods accepted by the courts. Confirmation testing will be done individually for each drug within the classes listed above, with the following cutoff levels:

Drug Class/ Component	Confirmation Cutoff Level(GC/MS)
Amphetamines: Amphetamine/Methamphetamine	500 ng/ml
Barbiturates: Amobarbital, Butabarbital, Butalbital, Pentobarbital, Phenobarbital, Secobarbital	200 ng/ml

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Opiates: Codeine, Morphine	300 ng/ml
Benzodiazepines: Benzophenone (ACB), Benzophenone (MACB), Flurazepam, Metabolite, Lorazepam	200 ng/ml
Cocaine: Benzoyllecgonine	150 ng/ml
Phencyclidine: Phencyclidine	25 ng/ml
Cannabinoids: THC-COOH (THCA)	15 ng/ml
Volatiles (Alcohol): *Ethanol	0.07% (GC)

*It is understood that each time a sample containing alcohol is exposed to the air, an approximate .01% decrease in the alcohol/ethanol level will occur due to dissipation; therefore, an original reading of .08% will read .07% upon confirmation testing. Thereafter, should an appeal be filed, and additional testing conducted, the alcohol/ethanol level will confirm a positive result at a reading of .06% at the appeal testing.

In all cases where the second test confirms the presence of a drug or drugs in the sample, the sample will be retained by the laboratory in a locked freezer for one year to allow further testing in case of a dispute or appeal.

I. MAINTENANCE OF RECORDS

All records pertaining to any portion of a medical examination conducted for pre- placement purposes are confidential and are maintained with limited access in accordance with state law.

Medical records maintained on county employees are kept as separate, confidential files apart from the central personnel files, and are therefore exempt from inspection. All medical records are safely maintained within the Occupational Health Division and are treated as confidential.

J. MEDICAL DISQUALIFICATION APPEALS

Any candidate for employment who has been disqualified because of a confirmed positive drug screen result may appeal the results of the drug screen as follows:

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A. Appeal Procedure

Within five (5) working days of receipt of the notice of disqualification - positive drug screening test results the applicant must:

1. File a written appeal to the Human Resources Director.
2. Sign a release of information form and file it with the Human Resources Director.
3. Select a laboratory from a listing provided by the Occupational Health Division.
4. Deposit full payment for the requested test with the Occupational Health Division, cashier's check/money order (no cash or personal checks accepted) to be made out to one of the listed laboratories. Each positive result or test must be retested on appeal. Failure to perform these steps within the time period established will cancel the applicant appeal process.

The appellant obtains the drug screen appeal procedure from the Occupational Health Division, signs and returns a release of information form releasing all drug screen test results, including raw test data summary sheets, computer run and individually generated reports and notes to the employee health medical director.

C. Shipment of Specimen/Chain of Custody

Once the appellant has signed the release of information form and selected a laboratory to conduct the drug screen on the same specimen which was originally screened. The Occupational Health Division will arrange for the transportation of the specimen by courier to the selected laboratory. A strict chain of custody on the appellant's specimen is conducted as outlined above.

D. Second Laboratory Drug Confirmation Test Results

Should the appellant's second laboratory drug test verify the negative drug results, the employee health medical director will review the results and recommend qualifying or disqualifying appellant as a

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candidate. The employee health medical director will notify the Human Resources Director of the results and the employee health medical director will also notify the appellant. If the results are positive the appeal is denied, and the applicant is disqualified.

K. REAPPLICATION PERIOD

Candidates removed from an eligible list due to medical disqualification resulting from a positive drug screening and/or upheld through the appeal process, may reapply for employment with the county after one year from date of disqualification.

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**COUNTY OF RIVERSIDE
PRE-EMPLOYMENT DRUG AND ALCOHOL SCREENING
AUTHORIZATION AND ACKNOWLEDGMENT**

I hereby authorize the Riverside County Occupational Health Division or Certified NIDA Laboratory to draw blood and/or obtain a urine specimen from me as requested by Riverside County.

I understand that pre-employment screening tests will be conducted to determine if I have been taking/using any drugs and/or alcohol.

I further authorize the Riverside County Occupational Health Division to release to the Human Resources Department the results of these tests.

I am currently taking/using the following medications now:

DRUGS	CONDITIONS FOR USE	PRESCRIBING M.D.

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☐ I have read this notice and I understand these tests are to determine if I have been taking/using any drugs and/or alcohol and that a positive test finding of illegal substances, or absent a valid legal explanation for legal substances, is a violation of county policy and will be grounds for my disqualification.

Printed Name of Applicant

Signature

Date

Witness

Date

Signature of Parent/Guardian
(If Applicant is Under the Age of 18)

Date

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SECTION II: EMPLOYEE

PURPOSE

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the County of Riverside has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. The concern is that employees are in a condition to perform their duties safely and efficiently, in the interests of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program (EAP). While the county encourages employees to seek help voluntarily, it will be firm in identifying and disciplining those employees who violate this policy.

Supervisors will be trained to recognize abusers and become involved in this control process. Alcohol or drug abuse will not be tolerated and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

The county will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs, or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage to the county's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline, up to and including termination, or in not being hired.

In recognition of the public service responsibilities entrusted to the employees of the county and that drug and alcohol usage can hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the county.

POLICY

It is county policy that employees shall not be:

- a. under the influence of alcohol or drugs while on duty or on a standby or an on-call status;
- b. consume alcohol or illicit drugs while on county property or at work locations

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or while on duty; or

- c. possess controlled substances or prescription drugs without a prescription while on duty.

Employees shall not:

- a. manufacture, sell, provide, distribute, or dispense prescription drugs or controlled substances to any other employee or to any person while on duty unless authorized by law; or
- b. sell, provide, distribute, or dispense alcohol to any other employee while such employee is on duty.

While use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking medications or drugs which could potentially interfere with the safe and effective performance of duties or operation of county equipment can result in discipline, up to and including termination.

In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from the county medical director, or designee, may be required.

The county reserves the right to search, without employee consent, all areas and property in which the county maintains control or joint control with the employee, except the lockers of peace officers, or other space for storage that may be assigned to peace officers. No peace officer shall have his/her locker, or other space for storage that may be assigned searched except in the peace officer's presence, or with consent, or unless a valid search warrant has been obtained or where the peace officer has been notified that a search will be conducted. This section shall apply only to lockers or other space for storage that are owned or leased by the county. The county may notify the appropriate law enforcement agency that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the county.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and may be detained for a reasonable time until they can be safely transported from the work site.

The county is committed to providing reasonable accommodation to those employees whose drug or alcohol problem qualifies as a disability under federal and/or state law.

The county has established a voluntary EAP to assist those employees who

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voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors or the EAP directly for additional information.

A. Application

This policy applies to all county employees and to all applicants for positions with the county.

This policy applies to alcohol and to all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

A. Employee Responsibilities and as a Condition of Employment

An employee must:

- a. not report to work or be in a standby or an on-call status while his/her ability to perform job duties is impaired due to on or off duty alcohol or drug use;
- b. not possess or use controlled substances (legal or illegal drugs or prescription drugs without a prescription) at any time;
- c. not use alcohol at any time while on county property or while on duty;
- d. not directly or through a third-party manufacture, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at any time;
- e. not manufacture, sell, distribute, dispense, or provide alcohol to any employee while either or both are on duty;
- f. notify the supervisor, before beginning work, when taking any medications or drugs, prescription or non-prescription, which may interfere with the safe and effective performance of duties or operation of county equipment; and
- g. notify the employee's supervisor of any criminal drug statute arrest or conviction no later than five calendar days after such arrest or conviction.

B. Management Responsibilities and Guidelines

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- a. Managers and supervisors are responsible for reasonable enforcement of this policy.
- b. Except as otherwise lawfully permitted (e.g. search required for entering a secured facility), no persons shall physically search the person of employees, nor shall they search the personal possession of employees without the freely given consent of, and in the presence of, the employee.
- c. Managers and supervisors shall notify agency/department head or designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the county. If the agency/department head or designee concurs that there is reasonable suspicion of illegal drug possession, the agency/department head or designee shall notify the appropriate law enforcement agency.

B. Distribution

A copy of this policy was provided to every employee of the County of Riverside upon its adoption and shall be provided to each new employee hired on or after September 1, 1989.

C. Supersession

This policy shall supersede any previous drug and alcohol policy of the county of Riverside. However, the provisions of this policy are not intended to, nor is this policy to be construed to supersede the drug and/or alcohol policy and/or general orders of any agency/department of the county.

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**ACKNOWLEDGEMENT OF COUNTY OF RIVERSIDE
DRUG AND ALCOHOL ABUSE POLICY**

I have received a copy and am fully aware of the County of Riverside's Drug and Alcohol policy and I agree to abide by the terms of this policy. I also agree to remain apprised of future revisions to this policy and to abide by the terms of such revisions.

Employee Name

Employee Signature

Date

This form shall be retained in department files.

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SECTION III: DEPARTMENT OF TRANSPORTION (DOT)

POLICY

The County supports a policy of a drug-free workforce. To implement that policy, the County has instituted a program of drug abuse education for employees, drug and alcohol testing for all employees and applicants for employment in safety-sensitive positions, a statement of prohibited behavior(s), consequences for positive tests or a refusal to test, and resources for employee assistance and rehabilitation. The County recognizes that its employees' use of illegal drugs and misuse of alcohol pose a significant risk to public safety, as well as the employee's health and wellbeing. Drug use includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any substance which causes the presence of these drugs or drug metabolites such as hemp-related products, coca leaves or any substance not approved for medical use by the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. The "use" of drugs means presence in an employee's body system while on duty. A positive test is sufficient to support a finding of "use." In view of this, the County has adopted this policy that is designed to:

1. Create a work environment free from the adverse effects of drug abuse and alcohol misuse;
2. Deter and detect employees' use of illegal drugs and misuse of alcohol;
3. Prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and
4. Encourage employees to seek professional assistance anytime personal problems, including drug or alcohol dependency, adversely affect their ability to safely perform their assigned duties.

PURPOSE

This policy is intended to comply with all applicable federal, state and local legislation and regulations governing workplace anti- drug use and alcohol misuse including the regulations of federal Department of Transportation (49 CFR Part 40 ("Procedures for Transportation Workplace Drug and Alcohol Testing Programs"); 49 CFR Part 655 ("Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations"); 49 CFR Part 29 ("Drug-Free Workplace Act of 1988"); 49 CFR part 382 and 14 CFR part 121, appendix I & J.) This policy incorporates the requirements of above regulations for safety-sensitive employees and others

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when so noted.

Applicability

Unless otherwise noted in specific provisions, this policy applies to all employees working in safety-sensitive positions. Volunteers are exempt unless they operate vehicles that require to be operated by a Commercial Driver's License (CDL) holder or they perform a safety-sensitive function and receive remuneration in excess of their expenses. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work or is on-call.

Pre-Emption of State and Local Laws

If any conflict occurs between State and local laws and any requirement of the above-mentioned Federal regulations, the Federal regulations prevail. However, Federal regulations do not preempt provisions of State criminal laws that impose sanctions for reckless conduct attributed to prohibited drug use or alcohol misuse, whether the provisions apply specifically to transportation employees, employers, or the public in general.

Definitions

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

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath testing device.

Alcohol Screening Test: An analytic procedure to determine whether an employee may have a prohibited concentration providing breath or saliva for an alcohol test.

Alcohol Use: The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol. For purposes of this policy, alcohol is alcohol regardless of source.

Breath Alcohol Technician (BAT): An individual who instructs and assists employees or applicants in the alcohol testing process and operates an Evidential Breath Testing (EBT) device.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be

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or has not been corrected, or which Part 40 requires to be canceled. A canceled test is neither a positive nor a negative test and is declared canceled by a Medical Review Officer.

Collector: A person who instructs and assists individuals at a collection site, who receives and makes an initial inspection of the specimen provided by the individual, and who initiates and completes the Custody and Control Form (CCF).

Consortium/Third-Party Administrator: A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to the County.

Controlled Substances: Any drug classified by the U.S. Drug Enforcement Agency (DEA) into the five schedules or classes on the basis of their potential for abuse, accepted medical use, and accepted safety for use under medical supervision.

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

Disabling Damage: Damage that precludes departure of a motor vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated, but would have been further damaged if so operated, but does not include:

1. Damage that can be remedied temporarily at the scene of the accident without special tools or parts.
2. Tire disablement without other damage even if no spare tire is available.
3. Headlamp or taillight damage.
4. Damage to turn signals, horn, or windshield wipers that make them inoperative.

DHHS: Federal Department of Health and Human Services.

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

DOT: U. S. Department of Transportation.

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Drugs: The drugs for which tests are required under DOT and FTA regulations. They are marijuana, cocaine, amphetamines, phencyclidine (PCP) and opiates.

Drug Abuse: Use of any illegal drug or controlled substance without a valid prescription, misuse of legally prescribed drugs, or use of illegally obtained prescription drugs. This includes use of prescription drugs legally prescribed to another individual.

Employees: Includes all regular full-time, regular part-time, temporary, casual and leased or contracted employees.

Evidential Breath Testing (EBT) Device: A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath under DOT Part 40 and placed on the NHTSA's Conforming Products List.

FAA: Federal Aviation Administration

FMCSA: Federal Motor Carrier Safety Administration FTA: Federal Transit Administration. Invalid Drug Test: The result of a urine drug test that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an unknown substance at an abnormal concentration that prevents the DHHS certified laboratory from completing or obtaining a valid drug test result.

Mass Transit Vehicles: Vehicles that are used for mass transportation or ancillary services.

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

NHTSA: National Highway Traffic Safety Administration

Positive Alcohol Test: The presence of alcohol in the body at a concentration of 0.02 breath alcohol concentration (BAC) or greater as measured by an EBT device.

Positive Drug Test: Any urine that is chemically tested (screened and confirmed),

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shows verified presence of an identified drug or its metabolite of a controlled substance, and is verified by the MRO.

Refusal to Test: Includes circumstances or behaviors such as:

1. Failure to appear for any test (except a pre-employment test) at the collection site in the time allotted.
2. Failure to remain at the testing site/building until the testing process is completed, except in pre-employment situations where leaving the site before the testing process begins (before receiving the specimen collection cup) is not deemed to be a test refusal.
3. Failure to provide a urine, breath, or saliva specimen as required by DOT 49 CFR Part 40.
4. Failure to permit the direct observation or monitoring of specimen collection when it is required.
5. Failure to provide a sufficient amount of urine or breath specimen without a valid medical explanation.
6. Failure or refusal to take a second test when required.
7. Failure to undergo a medical examination or evaluation as directed by the MRO as part of the verification process, or as directed by the DER under 49 CFR 40.193 or 40.261(a)(5). In the case of a pre-employment test, the individual is deemed to have refused to test only if the pre-employment test is conducted following a contingent offer of employment.
8. Failure to cooperate with any part of the testing process. (Example: behave in a confrontational way that disrupts the collection process.)
9. Leaving the scene of the accident without just cause prior to submitting to a test.
10. If the MRO reports a verified adulterated or substituted test result.
11. Refusal to sign step 2 of the Alcohol Testing Form (ATF).

Note: A refusal to test is equivalent to a positive test result and the individual will be terminated.

Shy Bladder: When an employee does not provide a sufficient amount of urine to permit a drug test (i.e., 45 mL of urine) through a period of up to three hours or until the individual has provided a sufficient urine specimen, whichever occurs first.

Split specimen: In drug testing, a part of the urine specimen that is sent to a first DHHS certified laboratory and retained unopened, and which is transported to a second DHHS- certified laboratory for testing upon employee request following a verified positive or a verified adulterated or substituted test result on the primary specimen.

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Substance Abuse Professional (SAP): A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

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

Vehicles: Includes buses, electric buses, vans, automobiles, rail cars, trolley cars, trolley buses or vessels, non-revenue commercial motor vehicles, and vehicles used by armed security personnel.

Volunteer: A non-employee who performs a service as a charitable act. A volunteer is deemed a covered employee and subject to FTA drug and alcohol testing if they perform a safety-sensitive function and receives remuneration in excess of actual personal expenses incurred while performing the volunteer service, or they are required to hold a commercial driver's license to operate a vehicle.

EDUCATION AND TRAINING

The education and ongoing awareness component of this policy will include display of posters, distribution to all covered employees and representatives of employee organizations of the drug and alcohol policy and other informational materials, and periodic information seminars. Each employee will be required to sign an acknowledgment form.

The County will provide all safety-sensitive employees a copy of the County's Policy and information on the effects and consequences of substance abuse on personal health, safety and the work site, as well as indicators of substance abuse.

All supervisory personnel or County officials who are in a position to determine a safety-sensitive employee's fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

CONTACT PERSON(S)

Any questions about this policy or any aspect of the County's drug and alcohol-free program should be referred to:

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County of Riverside Safety Division Office
Safety Coordinator, DOT/DMV Compliance Officer/DER Address:

4080 Lemon St. 5th Floor
Riverside, CA 92501

Phone: (951) 955-3520
Fax: (951) 555-9200
E-Mail: SafetyDivision@rivco.org

Alternate contacts:

Title: Human Resources
Occupational Health

Address: 14375 Nason Street 1115
Spruce Street, Suite
Moreno Valley, CA 92555
Riverside, CA 92507

Phone: (951) 486-4546
Fax: (951) 486-5976
E-Mail: HROccHealth@rivco.org

Title: Human Resources
Employee Relations Division
Division

Address: 4080 Lemon Street, 7th Floor
Riverside, CA 92502

Phone: (951) 955-5838
Fax: (951) 955-9816
E-Mail: Employee-Relations@rivco.org

COVERED EMPLOYEES

As a condition of employment, all employees working in safety-sensitive whose duties include safety sensitive functions are required to submit to drug and alcohol tests administered in accordance with 49 CFR Parts 40 AND 655. A refusal to submit to a test as directed will be considered to be a positive test result and the employee will be terminated. (Please refer to DEFINITIONS for specific circumstances and behaviors that are considered a refusal to test.)

As defined by the FTA Regulations, safety-sensitive employees include those who perform, or may be called upon to perform, the following safety-sensitive functions:

1. Operating a commercial vehicle, even when the vehicle is not in revenue service;
2. Operating a non-commercial vehicle when required to be operated by a Commercial Driver's License (CDL) holder;
3. Controlling dispatch or movement of a commercial vehicle;
4. Maintaining (including repairs, overhaul and rebuilding) a commercial

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5. vehicle or equipment used in a commercial vehicle; and
Carrying a firearm for security purposes.

As defined by the FMCSA Regulations, employees who are subject to drug and alcohol testing are those employees who are required to hold a Commercial Driver's License (CDL) and who operate a commercial motor vehicle (CMV), when that vehicle:

Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit and a gross vehicle weight rating of more than 10,000 pounds; or

Has a gross vehicle weight rating of 26,001 or more pounds; or

Is designed to transport sixteen (16) or more persons including a driver; or

Is a vehicle of any size that transports materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 USC 5103b) and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations (40 CFR Part 172, Subpart F).

As provided by the FMCSA Regulations, Safety-Sensitive Functions: All time waiting to be dispatched; Loading or unloading, or supervising loading or unloading; All time at the driving controls; All time in or on the Commercial Motor Vehicle, with the exception of time spent resting in a sleeper berth; All time servicing or conditioning a Commercial Motor Vehicle; All time repairing or getting assistance with a disabled vehicle.

As provided by the FAA Regulations, Safety Sensitive Functions include: Flight Crew Member, Flight Instructor, Aircraft Dispatcher, Aircraft Mechanic, Ground Security Coordinator, Aviation Screeners

Supervisors are considered holding safety-sensitive positions only if they perform, or may be called upon to perform, any of the above safety-sensitive functions.

The County has analyzed the actual job duties performed, or may be called upon to perform, by all of its employees. The Human Resources Department shall maintain the list of job classifications that are governed by this policy.

Drugs Tested for and Confirmatory Cut-Off Levels

Confirmatory Cut-Off (ng/ml)

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• Marijuana metabolites/THC (delta-9- tetrahydrocannabinol)	15
• Cocaine	150
• Opiates	2000
• Amphetamines/includes methamphetamines	500
• Phencyclidine (PCP)	25

Prohibited Behaviors MCSA Prohibited Conduct

An employee shall not:

- Report for duty or remain on duty requiring the performance of safety- sensitive functions while having an alcohol concentration of 0.04% or greater.
- Use alcohol, including medications containing alcohol, while performing safety- sensitive functions.
- Perform safety-sensitive functions within four (4) hours after using alcohol, including the use of medications that contain alcohol.
- Use alcohol for eight (8) hours following an accident, or until the employee has undergone a post-accident test, whichever occurs first.
- Refuse to submit to a pre-employment, post-accident, random, reasonable suspicion, or follow-up alcohol or drug test.
- Report for duty or remain on duty requiring the performance of safety- sensitive functions when he/she uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance does not adversely affect the employee's ability to operate a commercial motor vehicle safely.
- Report for duty, remain on duty, or perform safety-sensitive functions if he/she tests positive for controlled substances.

The use or possession of alcohol by any County employee working in a safety-sensitive position while on County property is a violation of this policy, except when it is in conjunction with a County-sponsored event.

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Alcohol tests shall be conducted just before, during, and just after the employee's performance of a safety-sensitive function. An alcohol test is considered positive if the employee's BAC is at 0.04 or greater. Any employee testing positive for an alcohol test (0.04 or greater) will be terminated.

If an employee's alcohol test result is between 0.02 and 0.039, the employee will be removed from safety-sensitive functions for twenty-four (24) hours. After twenty-four (24) hours have passed, this employee may be allowed to return to work.

Types of Testing

1. **Pre-Employment Testing**

All candidates for employment for safety-sensitive positions, including any employee transferring from a non-safety-sensitive to a safety-sensitive position will be required to undergo a pre-employment drug test at a time and place designated by the County. A verified negative drug test result must be received from the MRO before an employee or applicant can be allowed to perform any safety-sensitive function for the first time. If a pre-employment test is canceled, the individual will be required to undergo another test and successfully pass the test with a verified negative result before performing safety-sensitive duties.

In accordance with the revised 49 CFR Part 40, the County must make good faith efforts to obtain the previous two (2) years DOT drug and alcohol testing results information for those applicants who worked for DOT regulated employers. As of January 6, 2023, the County will conduct a pre-employment query through the FMCSA Clearinghouse, as set forth in § 382.701(a), to comply with the inquiry requirement in §§ 382.413(b) and 391.23(e)(4). However, if a prospective employee was subject to drug and alcohol testing by a Department of Transportation (DOT) mode other than the Federal Motor Carrier Safety Administration (FMCSA), (Federal Railroad Administration, Federal Transit Administration, Federal Aviation Administration, etc.), the County will continue to request drug and alcohol violation information from those DOT-regulated employers in accordance with § 391.23(e)(4)(ii), since violation information for other DOT modes is not reported to the Clearinghouse.

The County will obtain an electronic consent through the FMCSA Clearinghouse that allows the County to conduct a full query through the

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FMCSA Clearinghouse, releasing drug and alcohol testing information. If the individual refuses to provide the written consent, he or she will not be hired into the safety-sensitive position. When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the employer proof of having successfully completed a referral, evaluation, and treatment plan, if such information is not provided through the FMCSA Clearinghouse.

If the employee or potential employee was subject to a DOT mode other than the FMCSA, the County must make good faith efforts to obtain the previous two (2) years DOT drug and alcohol testing results information for those applicants who worked for other DOT regulated employers, in accordance with the revised 49 CFR Part 40.

In addition, if the employee has not performed any safety-sensitive function for at least thirty (30) consecutive calendar days regardless of the reason, and has been out of the random pool during that time, the employee must pass a pre-employment drug test before he or she is allowed to return to performing safety-sensitive duties.

2. Reasonable Suspicion Testing

For all employees performing safety-sensitive functions as outlined in this policy, a reasonable suspicion drug and alcohol test will be conducted only if the reasonable suspicion observation is made just before, during, or just after the employee's performance of a safety-sensitive function. The employee will be escorted to the collection site and told not to put anything in his/her mouth until the drug and alcohol test has been completed. If the drug and alcohol test is not conducted within two (2) hours, the reason(s) for the delay must be documented and kept in the employee's reasonable suspicion test file. All attempts to complete the drug and alcohol test must cease after eight (8) hours. Under this policy, an employee is not allowed to perform any safety-sensitive function until the County has received a negative test result for both drug and alcohol tests. An employee whose drug test and alcohol test produces a negative result shall be promptly returned to his or her regular work and be made whole for any lost wages, unless the employee is suspended for any additional purposes concurrent with the waiting of the test results.

3. Post-Accident Testing

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Any employee who is involved in any accident while performing a safety-sensitive function or driving a commercial motor vehicle shall be tested for alcohol and drugs as soon as possible. The employee must remain available for testing or be deemed to have refused testing. Tests by the police meet this requirement if the County can obtain the results. For post-accident testing, a urine specimen for drug testing must be collected as soon as possible but no later than thirty-two (32) hours after the accident. The alcohol test should be administered within two (2) hours of the accident. If testing cannot be completed within two (2) hours a report must be filed documenting why attempts were unsuccessful and attempts to collect must continue. If the County is unable to obtain an alcohol test within eight (8) hours, attempts to collect must cease and the two (2) hours written report must be updated with an explanation of the reason(s) the test could not be performed. An employee is prohibited from alcohol use for eight (8) hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

If it is determined that a post-accident test is required, the employee's supervisor must notify the County Compliance Safety Officer/Safety Coordinator and the HR Services Manager within twenty-four (24) hours of the accident.

For purposes of this policy, "accident" is defined as an accident involving a motor vehicle where the result is:

- a. A fatality; or
- b. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
or
- c. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

- **Fatal Accidents**

Whenever there is a loss of human life, any surviving employee operating the County vehicle at the time of the accident shall be tested for drugs and

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alcohol. The County shall also test for drugs and alcohol, any other covered employee who could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

- **Non-fatal Accidents**

Following non-fatal accidents, the employee operating the vehicle at the time of the accident shall be tested unless his or her performance can be completely discounted by the County as a contributing factor to the accident. Any other safety-sensitive employee whose performance could have contributed to the accident also may be tested.

- **Other Post-Accident Testing Requirements**

Employees involved in an accident that requires testing must remain readily available for testing, including notifying the County of their location if they leave the scene of the accident before testing to obtain emergency medical care, or to obtain assistance in responding to the accident. They will be considered to have refused to submit to testing if they fail to do so.

If the County is unable to perform post-accident tests within the required period noted above, the County may use the post-accident test results administered by State or local law enforcement personnel under their own authority, provided the test conforms to applicable federal, state, and local requirements and the results are obtained by the County.

Following a post-accident test, the employee is not allowed to perform any safety-sensitive function until the County has received negative test results. An employee whose drug test and/or alcohol test produces a negative result shall be promptly returned to his or her regular work and be made whole for any lost wages, unless the employee is suspended for any additional purposes concurrent with the waiting of the test results.

4. **Random Drug and Alcohol Testing**

As required by DOT regulations, employees in safety-sensitive positions are required to undergo random drug and alcohol tests to deter the use of prohibited drugs and misuse of alcohol. The random selection will be conducted using a scientifically valid method, such as a random number table or a computer-based random number generator that gives each covered employee an equal chance of being selected every time a selection is made. As is the nature of the random method, it is possible that some employees will be selected several times in one year, and other employees

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not be selected for several years. US Investigation Services (USIS) will compile the random list and send the location Designated Employee Representatives (DER) a confidential list of employees who have been randomly selected to participate in the current random test group. Management does not have any discretion regarding who will be selected.

Every effort will be made by the County to spread random testing reasonably throughout the calendar year, all days of the week, and all hours when safety- sensitive functions are performed. The testing dates and times are unannounced and employees are required to immediately proceed to the designated collection site following notification. The employee will be notified of the type of test(s) for which they have been selected. If the individual was selected for an alcohol test, they will be instructed, not to put anything in his/her mouth until the alcohol test is completed.

The County will conduct random drug and alcohol tests at a minimum annual percentage of covered employees as required by the DOT (currently 50% for drugs and 10% for alcohol). The rates are subject to change on an annual basis, depending on the industry-wide positive rate determined by the DOT from the annual MIS reports submitted by covered employers.

5. Return-to-Duty Testing

Employees who have been on an approved or unapproved leave from the workplace for more than thirty (30) days are required to submit to a drug and alcohol test prior to performing a safety-sensitive position. The test must produce a negative result before the employee is returned-to-duty. The County has a zero tolerance policy regarding drug and alcohol abuse. Therefore, it is the policy of the County to terminate the employment of any employee who tests positive for drugs and/or alcohol for the first offense under this policy.

6. Follow-Up Testing

The County has a zero-tolerance policy regarding drug and alcohol abuse. Therefore, it is the policy of the County to terminate the employment of any employee who tests positive for drugs and/or alcohol for the first offense under this policy.

Drug & Alcohol Testing Procedures

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All DOT drug and alcohol tests required under this policy will be administered in accordance with the "Procedures for Transportation Workplace Drug and Alcohol testing Programs" (49 CFR Part 40).

Throughout the testing process, the privacy of the employee will be protected and the integrity and validity of the process will be maintained. The drug testing procedure will include a split specimen collection method, and a DOT Federal Drug Testing Custody and Control Form with a unique identification number will be used to ensure that the correct test result is attributed to the correct employee. An initial screening test using an immunoassay technique will be performed at a DHHS certified laboratory. If the specimen is positive for one or more of the drugs tested, a confirmation test will be performed using the state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis. If the test is confirmed positive, the MRO will conduct a verification process, which includes giving the employee an opportunity to provide a valid medical explanation for the positive test result.

Additionally, the laboratory may conduct analysis to determine if a urine specimen has been adulterated, tampered with, or diluted. As allowed per 49 CFR Part 40, the County requires its employees to take a second test with no advance notice (not directly observed) if the MRO reports a "negative-dilute" test result. The result of the second test, not that of the original test, becomes the test of record. If the employee declines to take another test, this will be considered a refusal to test and is equivalent to a positive test. However, if the second test is also negative and dilute, the County must accept the second test result and is not permitted to make the employee take a third test.

When the MRO gets a report from the laboratory that the creatinine level in a specimen is 2 mg/dL or above but less than or equal to 5 mg/dL, the MRO – in addition to reporting the specimen to the employer as dilute – must take an additional step. This step requires the MRO to direct the employer to require the employee to undergo an immediate recollection under direct observation. The employer must then ensure that this recollection takes place.

If the laboratory reports to the MRO an "Invalid Result" or "Rejected for Testing" (because of a fatal or uncorrectable flaw), a re-collection may be required by the MRO, and depending on the circumstances, the recollection may be directly observed.

If the employee does not provide a sufficient amount of urine (shy bladder) to permit a drug test, the collector must discard the insufficient specimen, and urge

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the employee to drink up to forty (40) ounces of fluid, distributed reasonably through a period of up to three (3) hours or until the employee provides a sufficient urine specimen, whichever occurs first. If the employee fails to provide the minimum specimen volume, the employee will be referred for a medical evaluation. If the medical evaluation determines that there is no legitimate medical explanation for the inability to provide an adequate specimen the employee will be deemed to have refused to test which is equivalent to a positive test.

If the employee has not provided a sufficient specimen within three (3) hours of the first unsuccessful attempt to provide the specimen, the collection will be discontinued, the reason for discontinuing the collection will be noted on the CCF and the DER will be notified immediately. The employee will not be returned to duty. The employee must obtain, within five (5) business days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the relevant medical issues due to the employee's failure to provide a sufficient specimen. If there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine, it will be deemed a refusal to test which is considered a positive test result. If, within five (5) business days, the employee can produce an accepted and legitimate medical explanation as to why he/she was unable to produce a sufficient specimen, the employee shall be reimbursed and returned to duty with full pay.

The laboratory is required to keep positive, adulterated, substituted or invalid specimens for five (5) years. Records for each specimen and employer-specific reports are required to be kept for five (5) years. The retention time may be extended upon written request by the MRO, the County, the employee or DOT agency.

The County may either conduct alcohol screening tests using an approved saliva screening device listed on the NHTSA Conforming Products list or will conduct initial, and when necessary, confirmatory alcohol testing with an approved EBT on the NHTSA CPL.

Detailed drug and alcohol specimen collection procedures are available upon request from the DER.

Directly-Observed Urine Specimen Collection

Under any of the following circumstances, the employee will be directed to undergo an immediate urine specimen collection under direct observation with no advance

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notice:

1. If the collector observes employee conduct that clearly indicates an attempt to tamper with a specimen;
2. If the temperature on the original specimen was out of range;
3. If the original specimen appeared to have been tampered with;
4. If the laboratory reported to the MRO that a specimen is invalid and there was no adequate medical explanation for the result;
5. If the MRO reported that the original positive, adulterated, or substituted test result had to be canceled because the split specimen testing could not be performed.

The observer shall be the same gender as the employee, but need not be the collector. The observer is responsible for ensuring that the specimen goes directly from the employee's body into the collection container. If the employee declines to allow a directly observed collection when required or permitted under this policy, it is deemed a refusal to test which is considered a positive test.

MONITORED URINE SPECIMEN COLLECTION

Under those circumstances when a multi-stall restroom has to be used for urine specimen collection and the facility cannot be adequately secured, the collector will conduct a monitored collection. The monitor shall be the same gender as the employee, unless the monitor is a medical professional. The monitor will not watch the employee void into the collection container. However, if the monitor hears sounds or observes attempts to tamper with a specimen, an additional collection under direct observation will be ordered. If the employee declines to permit a collection to be authorized or monitored, the employee is deemed to have refused to test which is considered a positive test.

SPLIT SPECIMEN TESTING

After notification by the MRO of a verified positive drug test or refusal to test because of adulteration or substitution, the employee has seventy-two (72) hours to request a test of the split specimen. After the seventy-two (72) hours have passed, the MRO may extend time up to sixty (60) days to receive the employee's request. If the employee can present information that demonstrates to the satisfaction of the MRO that extenuating circumstances unavoidably prevented the employee from making a timely request, the specimen may be tested.

Following the employee's timely request, the MRO shall send a written request to

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the primary laboratory to forward the split specimen to a second DHHS-certified laboratory for testing without regard to the cut-off concentration. If the second laboratory fails to reconfirm the substance detected in the primary specimen or the adulterant identified, or if the split specimen is unavailable for testing, the test shall be canceled. The MRO shall report the cancellation and the reasons for it to the DOT, the County, and the employee. In the case of the split specimen being unavailable, the employee shall be directed, with no advance notice, to submit another specimen under direct observation.

The employee will be placed on administrative leave without pay until the results of the split sample test is received from the MRO. The employee may use sick leave benefits to receive full pay. In the event the employee has no accrued sick leave balance, the employee may utilize vacation, compensatory time, or holiday benefits to receive full pay, or receive a leave of absence without pay. Should the result of the second test be positive, the County will require the employee to reimburse the County. Applicants are directly responsible for the cost of split sample testing under this provision, if they choose to exercise it. The employee shall be returned to duty with full pay if the second test invalidates the original test or if the test was canceled.

CONSEQUENCES

Any employee in a safety-sensitive position who has a verified positive drug test result, and/or alcohol concentration of 0.04 or above, or refuses to submit to a drug or alcohol test (including adulteration or substitution) shall be:

1. Immediately taken out of safety-sensitive duty;
2. Placed on administrative leave without pay;
3. Referred to an SAP for evaluation, education or treatment and provided educational materials; and
4. Terminated.

It is the County's policy to immediately terminate any employee whose BAC is 0.04 or higher.

It is the policy of the County to terminate employees after the first offense of drug use and/or alcohol abuse pursuant to this policy. Such disciplinary action will follow the DOT required actions outlined above.

REFERRAL, EVALUATION AND TREATMENT

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If an employee (including an applicant) tests positive for drug(s) and/or alcohol or refuses to submit to a test when required, the County shall advise the individual of the resources available for evaluating and resolving problems associated with prohibited drug use and alcohol misuse and document such referral. He or she shall be given the name, address and phone number of an SAP acceptable to the County and a list of community hotline numbers. The employee will be responsible for any costs associated with the SAP evaluation and recommendation(s), unless State law requires the employer to pay.

VOLUNTARY EMPLOYEE ASSISTANCE PROGRAM

The County encourages its employees to participate in the County-sponsored Employee Assistance Program (EAP) for counseling and treatment for drug use and alcohol abuse. The County's EAP can be contacted at (833) 954-1067 or by visiting AnthemEAP.com.

CONFIDENTIALITY AND ACCESS TO FACILITIES AND RECORDS

Employees have a right to examine their own drug and alcohol testing records, provide information to dispute the results, and have access to any pertinent data such as EBT calibration or drug testing laboratory certification. They also have a right to obtain a copy of their own drug and/or alcohol testing results by submitting a written request to the DER.

The County will safeguard the confidentiality of drug and alcohol testing records and protect the privacy of the individuals tested. Individual test results or medical information will be released to third parties (e.g. previous employer, unions) only with the employee's specific written consent, electronic consent through the FMCSA Clearinghouse, or to those parties authorized by the DOT or FTA to receive such information without the employee's consent. Specific written consent applies only to a particular piece of information released to a particular person or organization at a particular time. Blanket releases are specifically prohibited by the DOT.

The employee's written consent is not required in administrative or legal proceedings such as:

1. A lawsuit, grievance, or administrative proceeding brought by, or on behalf of the employee, resulting from a positive drug or alcohol test or a refusal to test; or
2. A criminal or civil action resulting from an employee's performance of

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safety- sensitive duties where the alcohol or drug test information is deemed relevant.

Access to County facilities and drug and alcohol program records also will be provided, without the employee's consent, to DOT or FTA agency representatives; the National Transportation Safety Board as part of an accident investigation; or a Federal, state or local safety agency with regulatory authority over the County or the employee.

UNANNOUNCED SEARCHES ON COUNTY PROPERTY

The County reserves the right to conduct unannounced searches for drugs and/or alcohol anywhere on County property.

Unannounced searches must be:

1. Approved in advance by the Employee Relations Division Manager or designee; and
2. Conducted in the presence of the highest ranking manager at the employee's work location.

Employees who do not cooperate with unannounced searches are subject to disciplinary action, up to and including termination.

DRUG-FREE WORKPLACE ACT of 1988 (DFWA) REQUIREMENTS

Under the DFWA, employees are prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. Employees are required to notify management in writing of any criminal drug statute convictions he/she receives for a violation occurring in the workplace, no later than five calendar days after such a conviction. Within 10 calendar days of receiving such notice, the County shall provide written notification of the conviction to the DOT. Within 30 calendar days of receiving notice of the conviction, the County shall take appropriate disciplinary action, or require the employee to participate and successfully complete a drug rehabilitation program. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

OTHER

County Human Resource Department shall be responsible for the administration

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and conformance with this policy. No other County department shall promulgate policies or rules that are inconsistent with or that interpret or administer this policy other than as permitted by the County Human Resources Department. The County reserves the right to revise this policy at any time, with the approval of the Board of Supervisors.

Reference:

Minute Order dated 07/10/1975
Minute Order 3.126b of 08/29/1989
Minute Order 3.10 of 02/26/1991
Minute Order 3.3 of 04/10/2007
Minute Order 3.48 of 06/29/2021
Minute Order 3.13 of 03/12/2024

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ACKNOWLEDGMENT OF COUNTY OF RIVERSIDE
DEPARTMENT OF TRANSPORTATION
DRUG AND ALCOHOL TESTING POLICY

I, the undersigned employee hereby certify that I have been furnished with a copy of the County of Riverside's Department of Transportation Drug and Alcohol Testing Policy (Board Policy C-34) and that I have read and understand same. I am fully aware, and agree, that I may be discharged or otherwise disciplined for any violation by me of said Policy.

Name: _____

Department: _____

Job Title: _____

Signature: _____

Date: _____

(Return this form to your Supervisor for inclusion in your personnel file)