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**PRE-EMPLOYMENT ALCOHOL and DRUG
TESTING POLICY**

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

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- 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

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, 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, neither 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 and prospective employees. 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 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 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 a positive drug test under this Policy, and does not hinder or affect the County's ability to fail to refuse to hire such applicant 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.

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.

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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 of all applicants receiving conditional offers of employment of the process for required alcohol and drug testing including sample collection and appeal process.
- D. Notification of 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.

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- 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 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.

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- 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.
- 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

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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. 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.

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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/DISQUALIFYING LEVELS (EMIT)

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

Drug Class	Screening Cutoff Level (EMIT)
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 milliter (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).

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:

*For positions that come under DOT requirements.

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Drug Class/ Component Confirmation Cutoff Level(GC/MS)

Amphetamines:

Amphetamine/Methamphetamine 500 ng/ml

Barbiturates:

Amobarbital, Butobarbital,
Butalbital, Pentobarbital,
Phenobarbital, Secobarbital 200 ng/ml

Opiates:

Codeine, Morphine 300 ng/ml

Benzodiazepines:

Benzophenone (ACB),
Benzophenone (MACB),
Flurazepam Metabolite
Lorazepam 200 ng/ml

Cocaine:

Benzoylcegonine 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.

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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:

A. Appeal Procedure

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

- i. File a written appeal to the Human Resources Director.
- ii. Sign a release of information form and file it with the Human Resources Director.
- iii. Select a laboratory from a listing provided by the Occupational Health Division.
- iv. Deposit full payment for the requested test with the Occupational Health Division, cashiers 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.
 - a. Failure to perform these steps within the time period established will cancel the applicant appeal process.

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B. Release of Information Form

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 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, alcohol, or marijuana.

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, alcohol or marijuana 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

Signature

Date

If the individual is under 18 years of age:

Signature of Parent or Legal Guardian

Date

Reference:

Minute Order 3.3 of 04/10/07

Minute Order 3.48 of 06/29/2021 (Deactivated by 3.48 of 06/29/2021)