

**McCLOUD COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:**       **Substance Abuse**  
**POLICY NUMBER:**   **2192**  
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**SECTION 1**

## **POLICY STATEMENT**

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

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

All employees, including new hires, shall receive a copy of this policy and be informed of their responsibilities with respect to compliance with Federal drug and alcohol testing regulations 49 CFR 382.601. All employees are required to read and sign the acknowledgement of receipt of this policy attached hereto as Appendix D.

The District shall not be responsible for the cost of rehabilitation, treatment or to reinstate employees who test positive for controlled substances or alcohol pursuant to this policy.

**2192.10** Applicability: This policy applies to all employees when they are performing any District related business, regardless of locale. Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when an employee is scheduled to return to work.

**2192.11** A safety-sensitive employee is:

**2192.111** An individual in any classification requiring the use of a Class A or Class B commercial drivers license, as listed in Appendix A.

**2192.112** An individual who has voluntarily driven a District vehicle requiring a commercial license within the last 12 month period, or who desires in the future to voluntarily drive a District vehicle requiring a commercial license, or

**2192.113** An individual who performs safety-sensitive functions as specified in Appendix A.

**2192.12** A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform or immediately available to perform any safety-sensitive function.

**2192.20** Prohibited Substances: Prohibited substances addressed by this policy shall include the following:

**2192.21** Drugs: marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.

**2192.22** Alcohol: The use of beverages or substances, including any medications containing alcohol, such that it is present in the body at a level in excess of that stated in DOT guidelines while actually performing, ready to perform or immediately available to perform any District business is prohibited. *Alcohol* is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol, including methyl or isopropyl alcohol.

**2192.23** Legal Medications: Using or being under the influence of any legally prescribed medication(s) or non-prescription medication(s) while performing District business is prohibited to the extent that such use or influence affects job safety or impairs an employee's effective and efficient job performance. An employee taking any medication which carries a warning label that indicates that mental functioning, motor skills and/or judgment may be adversely affected must report such use to his/her supervisor and medical advice should be sought before performing work-related duties. In the above instance, an employee using legally prescribed medication or non-prescription medication may continue to work if the supervisor determines that the employee does not pose a safety threat and that job performance is not adversely affected by such use. Failure to notify the supervisor of the use of such legally prescribed medication or non-prescription medication may result in disciplinary action up to and including termination of employment.

**2192.30** Prohibited Conduct

**2192.31** Manufacture, Trafficking, Possession and Use: Conviction of the unlawful manufacture, distribution or dispensing of a controlled substance, dispensing or consuming alcohol on District premises or in a District vehicle while conducting District business is absolutely prohibited and will result in termination of employment. Law enforcement shall be notified, as appropriate, where criminal activity is suspected. Engaging in unlawful possession or use of a controlled substance or alcohol on District premises or in a District vehicle while conducting District business is

absolutely prohibited. Violation will result in discipline, up to and including, termination of employment.

**2192.32 Impaired/Not Fit for Duty:** Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass, receiving a negative dilute controlled substance test result or refusing to take this reasonable suspicion controlled substance or alcohol test shall remain off duty and shall be subject to disciplinary action up to and including, termination of employment.

**2192.33 Alcohol Use:** No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.02 or greater. No employee shall use any alcohol during working hours or operate any District vehicle or equipment while under the influence of alcohol regardless of the amount. No safety sensitive employee shall use alcohol within four (4) hours of reporting for duty. Violation of this provision will subject the employee to disciplinary action up to and including, termination of employment.

**2192.34 Compliance and Testing Requirements:** All employees are subject to employment entrance, reasonable suspicion and post-accident controlled substance testing and breath alcohol testing. In addition, all safety-sensitive employees are subject to random controlled substance testing and breath alcohol testing. Any employee who refuses to submit to a required test, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration or substitution shall be removed from duty immediately and subject to disciplinary action up to and including, termination of employment. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

**2192.40 Notifying the District of Criminal Drug Conviction:** Pursuant to the *Drug Free Workplace Act of 1988*, any employee who fails to notify the District prior to reporting to work of any criminal controlled substance statute conviction shall be subject to disciplinary action up to and including, termination of employment.

**2192.50 Proper Application of the Policy:** The District is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy or who is found to deliberately misuse the policy with respect to his/her subordinates, shall be subject to disciplinary action up to and including, termination of employment.

**2192.60** Testing for Prohibited Substances: Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under DOT guidelines. All employees shall be subject to testing prior to employment and for reasonable suspicion of unlawful use and following an accident defined in the DOT guidelines during employment with the District. All safety-sensitive employees shall also be subject to testing randomly as defined in the DOT guidelines.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and, using up to date techniques, equipment and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS) under the National Laboratory Certification Program, including split-sample testing. All testing will be conducted consistent with the procedures put forth in the DOT guidelines. An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmation test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the DOT guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. The employee being tested may request that a urinalysis or blood analysis be performed for the alcohol confirmation test. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04, will be removed from his/her position for at least twenty-four (24) hours unless a re-test results in an alcohol concentration of 0.02 or less. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of DOT guidelines and this policy.

Circumstances under which employees may be tested:

**2192.61** Employment Entrance Exam: All job applicants who have been offered District employment shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the candidate from further consideration for employment. Current employees, who promote, demote or transfer from non-safety-sensitive to safety-sensitive positions must test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new safety-sensitive employees in conformance with DOT guidelines. Job applicants for safety-sensitive positions are required to complete an authorization form allowing previous employers to release the results of alcohol and controlled substance testing records obtained while under their employ. The release authorization form is attached to this policy as Appendix E. Job applicants who refuse to release prior employment alcohol and controlled substance testing results or have received a positive alcohol and/or substance abuse test within the two (2) years prior to submitting a job application to the District will be disqualified for consideration for District employment.

**2192.62** Reasonable Suspicion Testing: All employees will be subject to urine and/or breath testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made by a trained supervisor on the basis of documented objective facts and circumstances which are consistent with the effects of substance and/or alcohol abuse. Examples of reasonable suspicion include, but are not limited to, the following:

**2192.621** Adequate documentation of unsatisfactory work performance or on-the-job behavior.

**2192.622** Physical signs and symptoms consistent with prohibited substance or alcohol use.

**2192.623** Occurrence of a serious or potentially serious accident that may have been caused by human error.

**2192.624** Fights (i.e. physical contact), assaults and flagrant disregard or violations of established safety, security or other operational procedures.

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

**2192.63** Post-Accident Testing: Employees are required, as a condition of employment, to notify the General Manager or his/her designee as soon as possible following any accident in a District vehicle. All employees will be required to undergo controlled substance and/or breath alcohol testing as soon as possible if they are involved in an accident while on District business that results in a serious injury or a fatality. In addition, post-accident tests will be conducted if an accident results in injuries requiring transportation to a medical treatment facility, or where one or more vehicles incurs disabling damage that requires towing from the site, or the employee receives a citation under state or local law for a moving traffic violation arising from the accident.

**2162.631** Any employee who leaves the scene of the accident without authorization from the General Manager or his/her designee prior to submission to controlled substance and alcohol testing will be considered to have refused the test and be subject to disciplinary action up to and including, termination of employment as set forth herein. All post-accident controlled substance and alcohol testing will be conducted in accordance with DOT guidelines.

**2192.64** Random Testing: Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, during duty or just after the safety-sensitive employee has finished performing his/her duty.

**2192.641** When safety-sensitive employees are off work due to long-term lay-offs, illness, injury or vacation, the employee's name will be placed back into the pool and another employee name selected.

**2192.642** The number of safety-sensitive employees selected for random testing will be determined pursuant to DOT guidelines.

**2192.65** Employee Requested Testing: Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing and testing the split sample will be consistent with the procedure set forth in the DOT guidelines. The safety-sensitive employee's request for a retest must be made to the General Manager or his/her designee within seventy-two (72) hours of notice of the initial test result. Requests after seventy-two (72) hours will only be accepted if the delay was due to documentable facts that were beyond the reasonable control of the employee.

**2192.66** Records Retention: The District shall maintain complete records of alcohol and/or controlled substance test results for each employee in a secure location with access restricted to the Designated Employee Representative (DER). For the purposes of this policy, the District General Manager is designated as the DER. Employee records are confidential and will be available only to the DOT or any state or local officials with regulatory authority over the District or any of the District's employees. Records will be kept for a minimum of:

**2192.661** Five (5) years regarding the following: employee alcohol tests, positive controlled substance tests, documentation on refusals to take alcohol or controlled substance tests and employee evaluations and referrals.

**2192.662** Two (2) years regarding the alcohol and controlled substance collection process.



**2192.663** One (1) year regarding the following: collection process, collection logbooks, documents of random selection process, calibration documents for breath testing device and documentation of breath alcohol technician training.

District employees may request access to review or receive copies of records contained in their personnel files. All employee requests for copies of personnel information shall be submitted in writing on forms provided by the District.

**2192.70** Contact Person: Any questions regarding this policy should be directed to the following District representative: Title: General Manager

Address: P.O. Box 640, McCloud, CA 96057

Telephone: (530) 964-2017

Fax: (530) 964-2872

**2192.80** Definitions:

**2192.81** Accident: An unintended happening or mishap where there is loss of human life, regardless of fault, bodily injury or significant property damage.

**2192.82** Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

**2192.83** Alcohol Concentration: The alcohol in a volume of breath, blood or urine.

**2192.84** Alcohol Use: Consumption of any beverage, mixture or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the DOT prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing effect due to the presence of other elements (e.g., antihistamines).

**2192.85** Breath Alcohol Technician (BAT): A person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATs are the only personnel authorized to administer the EBT tests.

**2192.86** Chain of Custody: The procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of collection to final disposition.

**2192.87** Collection Site: A place designated by the District where individuals present themselves for the purpose of providing a specimen of urine and/or breath.

**2192.88** Commercial Motor Vehicle: A motor vehicle, or combination of motor vehicles, used in commerce to transport passengers or property if the motor vehicle:

**2192.881** has a gross combination weight ratio of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds, or

**2192.882** has a gross vehicle weight rating of 26,001 or more pounds, or

**2192.883** is designed to transport sixteen (16) passengers, including the driver, or

**2192.884** is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the hazardous materials regulations.

**2192.89** Confirmation Test: For alcohol testing, a second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing, this is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry ,GC/MS, is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines and phencyclidine.)

**2192.90** Definitions Continued:

**2192.91** Controlled Substance (Drug) Test: A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

**2192.911** Controlled substances will be tested under the DHHS guidelines. The primary (initial or screening) controlled substance test thresholds (subject to change based on DHHS guidelines) for a verified positive test result are those that are equal to or greater than:

Marijuana Metabolites	50 ng/ml
Cocaine Metabolites	300 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates Metabolites <sup>1</sup>	2000 ng/ml

Amphetamines 1000 ng/ml

<sup>1</sup> 25 ng/ml if immunoassay

**2192.912** A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. The confirmatory controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:

Marijuana Metabolite (THC) <sup>2</sup>	15 ng/ml
Cocaine Metabolite <sup>3</sup>	150 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates – Morphine	2000 ng/ml
Codeine	2000 ng/ml
Amphetamines – Amphetamine	500 ng/ml
Methamphetamine <sup>4</sup>	500 ng/ml

<sup>2</sup> Delta-9-tetrahydrocannabinol-9-carboxylic acid

<sup>3</sup> Benzoylcegonine

<sup>4</sup> Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

**2192.92** Covered Employee: A person, including a volunteer or applicant, who performs any function for the District.

**2192.93** Department of Transportation Guidelines: The controlled substance and alcohol testing rules – 49 CFR Part 382 (FWHA-Commercial Motor Vehicle) – setting forth the procedures for controlled substances and alcohol testing (49 CFR Part 40) in all transportation industries.

**2192.94** Designated Employee Representative: The District employee responsible for direct contact with the testing laboratories and Medical Review Officer in the receipt, review, processing and retention of controlled substance and alcohol testing records. For the purposes of this policy, the Designated Employee Representative is the General Manager of the District or his/her designee.

**2192.95** District: McCloud Community Services District.

**2192.96** District Time: Any period of time in which an employee is actually performing a District function. Any period of time in which a safety-sensitive employee is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

**2192.97** Driver: Any person who operates a commercial motor vehicle for the District. This includes full-time, regularly employed drivers and casual, intermittent or occasional drivers.

**2192.98** Drug (Controlled Substance) Metabolite: The specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

**2192.99** Evidential Breath Testing Device (EBT): The device to be used for breath alcohol testing which shall be compliant with current industry standards.

**2192.100** Definitions Continued:

**2192.101** Medical Review Officer (MRO): A licensed physician responsible for analyzing laboratory results generated by the District's substance abuse policy testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.

**2192.102** Performing a Safety-Sensitive Function: A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which the safety-sensitive employee is actually performing, ready to perform or immediately available to perform such function(s).

**2192.103** Post-Accident Alcohol and/or Controlled Substance Testing: Testing conducted after accidents on employees whose performance could have contributed to the accident.

**2192.104** Employment Entrance Controlled Substance Testing: Testing conducted after an offer to hire has been extended to a job applicant, but before actually performing District functions as an employee. Also required when employees transfer to a safety-sensitive position.

**2192.105** Prohibited Drugs (Controlled Substances): Marijuana, cocaine, opiates, amphetamines or phencyclidine.

**2192.106** Prohibited Substances: Synonymous with drug abuse and/or alcohol misuse or abuse.

**2192.107** Random Alcohol and/or Controlled Substance Testing: Testing conducted on District time on a random, unannounced basis just before, during or just after performance of safety-sensitive functions.

**2192.108** Reasonable Suspicion Alcohol and/or Controlled Substance Testing:

Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol use or controlled substance abuse.

**2192.109** Refuse to Submit (to an Alcohol and/or Controlled Substance Test):

Failure by an employee to provide an adequate breath or urine sample for testing after that employee received notice of the requirement to be tested or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test).

**2192.110** Definitions Continued:

**2192.111** Safety-Sensitive Employee (Function and/or Position): An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform or immediately available to perform any safety-sensitive function(s). A complete list of safety-sensitive classifications and function is listed in Appendix A of this policy.

**2192.112** Screening (Initial) Test: An analytical procedure in alcohol testing to determine whether an employee has a prohibited concentration of blood alcohol. A controlled substance test is an immunoassay screen to eliminate negative urine specimens from further consideration.

**2192.113** Substance Abuse Professional (SAP): A licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP) or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.

**2192.114** Supervisor: General Manager and/or management level employees in accordance with DOT guidelines that has had one (1) hour of training on the signs and symptoms of alcohol abuse and an additional (1) hour training on the signs and symptoms of controlled substance abuse.

**2192.115** Vehicle: Bus, electric bus, van, automobile, truck, rail car, trolley bus or vessel used for mass transportation.

**SECTION 2**  
**PROCEDURES**

**2192.120** Reasonable Suspicion Testing: An employee who may possibly be under the

influence of alcohol and/or controlled substances is observed by a supervisor. Any employee may report someone suspected of alcohol and/or controlled substance abuse to any supervisor. Employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action. The supervisor trained to detect the signs and symptoms of controlled substance and alcohol use must witness first-hand the employee's signs and symptoms.

**2192.121** The supervisor trained to detect the signs and symptoms of controlled substance and alcohol use is then obligated to ensure that the matter is immediately investigated. If possible, two (2) supervisors determine (independently or together) that the employee in question may be under the influence of alcohol and/or controlled substances.

**2192.122** When the supervisor(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by a District employee (or others designated) to the District specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification such as a driver's license photo or state-issued photo identification card.

**2192.123** At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected by the on-duty technician, or both. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample. Confirmation tests for alcohol shall be EBT unless urine or blood analysis is requested by the employee being tested.

**2192.124** The District will take precautions to prevent the employee being tested from going back to work and driving their own car home if any of the tests are positive. Instead, the employee will be taken home from the collection site by a District employee (or other designated).

**2192.125** The employee whose alcohol test results are negative (less than 0.02 alcohol concentration) will be reinstated immediately. The employee whose confirmation test results indicate an alcohol concentration of 0.02 or greater but less than 0.04 will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be subject to disciplinary action up to and including termination of employment and provided information regarding the educational and/or treatment options readily available to him/her.

**2192.126** The employee whose controlled substance test results are verified negative will be reinstated immediately. The employee whose controlled substance test is

verified negative dilute by the Medical Review Officer will not be allowed to return to duty during his/her current shift and will not be subject to recollection. The employee whose controlled substance test is verified positive by the Medical Review Officer will be subject to disciplinary action up to and including termination of employment and provided information regarding the educational and/or treatment options readily available to him/her.

**2192.130** Random Testing: The compliance company notifies the General Manager or his/her designee who, in turn, directs the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing.

**2192.131** The General Manager or his/her designee notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification such as a driver's license photo or state-issued photo identification card.

**2192.132** At the collection site, the safety-sensitive employee will be required to submit a urine sample (in the event that controlled substances are to be tested for) or a breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample. Confirmation tests for alcohol shall be EBT unless urine or blood analysis is requested by the employee being tested.

**2192.133** The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04 will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be subject to disciplinary action up to and including termination of employment and provided information regarding the educational and/or treatment options readily available to him or her.

**2192.134** The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified dilute negative shall be re-tested. The safety-sensitive employee whose controlled substance test is verified positive or positive dilute by the Medical Review Officer will be subject to disciplinary action up to and including termination of employment and provided information regarding the educational and/or treatment options readily available to him or her.

**2192.140** Post Accident: As soon as possible following the accident, the employee shall notify the General Manager or his/her designee that an accident has occurred.

**2192.141** The General Manager or his/her designee determines that the circumstances of the accident warrant a post-accident test. Thereafter, the General Manager or his/her designee directs the employee to carry his/her photo identification and immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification such as a driver's license photo or state-issued photo identification card.

**2192.142** If law enforcement is on scene at the accident, the employee is to notify the investigating police officers that it is a condition of his/her employment to undergo a drug and alcohol screening test as soon as possible after such an accident, ask the officer to include that information in the accident report and request the investigating officers to utilize their radios to assist the employee in arranging for testing. If that is unsuccessful, the employee shall contact the testing facility as soon as possible to arrange for such testing.

**2192.143** At the collection site, the employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample. Confirmation tests for alcohol shall be EBT unless urine or blood analysis is requested by the employee being tested.

**2192.144** The employee whose test results are negative (less than 0.02 alcohol concentration) will be released to return to work. The employee whose confirmation test results indicate an alcohol concentration of 0.02 or greater but less than 0.04 will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be subject to disciplinary action up to and including termination of employment and provided information regarding the educational and/or treatment options readily available to him or her.

**2192.145** The employee whose controlled substance test results are verified negative or dilute negative will be released to return to work. The employee whose controlled substance test is verified positive by the Medical Review Officer will be subject to disciplinary action up to and including termination of employment and provided information regarding the educational and/or treatment options readily available to him or her.

**2192.150** Chain of Custody for Controlled Substance Specimens: Prior to the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.

**2192.151** Urine will be collected in an appropriate clinical specimen container which



will remain in full view of the employee until split, transferred to, sealed and initialed in two (2) tamper-resistant urine bottles.

**2192.152** Immediately after the specimens are collected, the urine bottles will, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the secured transportation container. The container will be sealed in the employee's presence and the employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.

**2192.153** a chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

**2192.160** Specimen Collection of Strange and/or Unrecognizable Substances: An employee is observed with a strange and/or unrecognizable substance.

**2192.161** The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and the witness.

**2192.162** An incident report is written by the supervisor and signed by both the supervisor and the witness.

**2192.163** The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

**2192.170** Alcohol Concentration: The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.

**2192.171** After an explanation of how the breathalyzer works, an initial breath sample is taken.

**2192.172** If the results of the initial test show an alcohol concentration of 0.02 or greater, a second or confirmation test must be conducted. If the employee chooses an EBT for the confirmation test, such test must not be conducted less than fifteen (15) minutes after, nor more than twenty (20) minutes after, the screening test.

**2192.173** The confirmation test will utilize Evidential Breath Testing (EBT) devices that print out the results, date and time, a sequential test number and the name and serial number of the EBT device to ensure the reliability of the results. If a urine or blood analysis the chosen by the employee, such test shall be conducted as soon as possible following the positive initial test.

**2192.180** Deviations from Procedures: Unless otherwise provided in DOT guidelines, minor deviations from the foregoing procedures shall not invalidate the results of any prohibited substance tests verified positive by the Medical Review Officer.

**APPENDIX A**

**SAFETY-SENSITIVE CLASSIFICATIONS AND FUNCTIONS**

McCloud Community Services District Safety-Sensitive Classifications

Utility Worker I and II  
Interim Utility Worker  
Maintenance Worker  
Park Maintenance Worker

Safety-Sensitive Function: Operating any vehicle where a Class A or Class B driver's license would be required.

**APPENDIX B**

**VOLUNTARY PARTICIPATION IN RANDOM TESTING**

In accordance with Appendix A of the District's Substance Abuse Policy, my classification is not considered safety-sensitive. Therefore, I am not required to participate in the random testing for controlled substances even though I may have a Class A or Class (commercial) driver's license.

However, for the convenience of the District, and because I would like to have the opportunity to operate District vehicles and equipment requiring a commercial license designated as safety-sensitive functions in the District's policy, I hereby request that I be included, during the current calendar year, in the pool of safety-sensitive employees for the purpose of controlled substance random testing, in conformance with the District's Substance Abuse Policy.

Date: \_\_\_\_\_

Employee's Printed Name: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

## APPENDIX C

### STATEMENT OF DRUG ABUSE POLICY

The McCloud Community Services District has a firm commitment to its employees and their families to provide a safe work environment and to its customers to safely provide municipal services. For these reasons, the McCloud Community Services District strives to achieve and maintain a drug free workplace. The use of illegal drugs is not condoned by the McCloud Community Services District.

To achieve the goal of a drug free workplace, we have developed an on-going education program. On the date of adoption of this policy, the District will begin employment entrance testing pursuant to this policy. All applicants will be tested prior to starting employment and prior to assignment to a safety-sensitive position. Additionally, the McCloud Community Services District will screen employees when there is reasonable suspicion to believe they are under the influence of drugs or alcohol, when they return to work following any drug or alcohol rehabilitation program, when they have been involved in an accident while engaged in District business and a fatality has occurred or the driver received a citation for a moving traffic violation and a person involved in the accident needed medical care away from the scene, or if a vehicle is towed from the scene of an accident. In addition, all employees who hold safety-sensitive positions will be subject to Federal Highways Administration's (FHWA) mandated drug and alcohol regulations as prescribed by the 49 CFR Part 40.

Applicants and employees will be tested for the following drugs: Cocaine, Methamphetamines, Amphetamines, Marijuana, Opiates, PCP and Alcohol.

Conviction of a District employee for the possession, transfer, use or sale of illegal drugs while on District business is prohibited and is grounds for immediate discharge. In addition, the use of alcohol during assigned work hours, lunch or rest periods is prohibited and is grounds for immediate discharge.

The McCloud Community Services District's drug testing philosophy and policies should be communicated by the manager or his/her designee to both applicants and employees. It is not the intent of the McCloud Community Services District to intrude into the private lives of its employees. However, the District must take steps to ensure that employees report to work in the mental and physical condition necessary to perform their jobs safely and efficiently. Similarly, any employee reporting to work with measurable alcohol content in excess of the applicable statutes is in violation of the McCloud Community Services District's Substance Abuse Policy.

To be successful, we must all do our part to contribute and ensure that the McCloud Community Services District is a drug free workplace.

**APPENDIX D**

**ACKNOWLEDGEMENT OF TRAINING AND RECEIPT**

My signature below acknowledges that I have been informed of the McCloud Community Services District's Substance Abuse Policy through District training. I have received a copy of the Substance Abuse Policy and I have been offered an opportunity to review the McCloud Community Services District's Substance Abuse Policy and Procedures.

Furthermore, I understand that employment entrance, reasonable suspicion and post accident employee testing is a condition of continued employment in all positions with the District and, in addition, that random employee testing is a condition of continued employment for all safety-sensitive personnel. I agree to comply with the rules and regulations as described in the policy and that failure to do so may lead to disciplinary action being taken against me up to and including termination of employment.

Date: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Applicant's Printed Name: \_\_\_\_\_

**APPENDIX E**  
**PREVIOUS EMPLOYER INQUIRY FORM**

Date: \_\_\_\_\_ Applicant' Full Printed Name: \_\_\_\_\_

I authorize \_\_\_\_\_ to release and forward all information on my alcohol and controlled substance testing/training records to the McCloud Community Services District.

Signature of Applicant: \_\_\_\_\_

To Previous Employer: The above named individual has advised us that he/she has worked for your company in a safety-sensitive position or that he/she has applied to work for your company in a safety-sensitive position after \_\_\_\_\_ (date).

Regulations of the Federal Highways Administration (FHWA) 49 CFR 382.413 require our district to obtain from your company, and require you to provide us, information concerning the above name applicant's drug and alcohol test results for the past two (2) years including refusals to be tested. In accordance with FHWA's regulations, we are providing you with the applicant's written authorization requesting your company provide us with the following information concerning this applicant:

1. Has this person tested positive for a controlled substance in the past two (2) years?  
Yes \_\_\_\_ No \_\_\_\_
2. Has this person had an alcohol test with a breath alcohol concentration of 0.04 or greater in the past two (2) years? Yes \_\_\_\_ No \_\_\_\_
3. Has this person refused a required test for drugs or alcohol in the past two (2) years?  
Yes \_\_\_\_ No \_\_\_\_

If the answer is "Yes" to any of the above questions, please give the Substance Abuse Professional's name, full address and telephone number: \_\_\_\_\_

\_\_\_\_\_  
Signed: \_\_\_\_\_ Title/Company: \_\_\_\_\_

Date: \_\_\_\_\_