

## SOUTH PLACER MUNICIPAL UTILITY DISTRICT POLICIES

<b>Policy Name:</b>	2030 – SUBSTANCE ABUSE		
<b>Approval Authority:</b>	SPMUD BOARD OF DIRECTORS	<b>Adopted:</b>	11/05/2020
<b>Resolution No.</b>	20-33	<b>Revised:</b>	

### PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect South Placer Municipal Utility District (District) employees and the public from risks posed by the use of alcohol and controlled substances.

### POLICY STATEMENT

This policy is 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 DFR 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 of safety-sensitive employees and others when so noted.

The District recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. 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.

#### **Section 1.**     Applicability

This policy applies to all employees when they are on District property or when performing any District related business. Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work.

A safety-sensitive employee is:

- one in any classification requiring the use of a Class “A” or Class “B” commercial driver’s license, as listed in Appendix A,

- one 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,
- one who performs safety-sensitive functions as specified in Appendix A. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Any questions regarding this policy should be directed to the Designated Employer Representative (DER) listed below.

Title: Superintendent  
 Address: 5807 Springview Drive, Rocklin, CA 95677  
 Telephone: (916) 786-8555

**Section 2. Definitions**

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

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

*Alcohol Concentration* - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy (e.g., 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air).

*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).

*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. BAT's are the only qualified personnel to administer the EBT tests.

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

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

*Commercial Motor Vehicle* - A motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight 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, (2) has a gross vehicle weight rating of 26,001 or more pounds; or, (3) is designed to transport 16 or more passengers, including the driver; or, (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

*Confirmation Test* - For alcohol testing, 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 (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

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

Controlled substances will be tested under the Department of Health and Human Services (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>	300 ng/ml

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 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
Morphine	300 ng/ml
Codeine	300 ng/ml
Amphetamine	500 ng/ml
Methamphetamine <sup>4</sup>	500 ng/ml

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

<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

*Covered Employee* - A person, including a volunteer or applicant, who performs a safety-sensitive function for the District.

*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 substance and alcohol testing (49 CFR Part 40) in all transportation industries.

*Designated Employer Representative (DER)* – The Superintendent is the Designated Employer Representative for the District in responsible charge for the implementation of this policy and is authorized to take immediate actions to remove employees from safety-sensitive duties and to make decisions in the testing and evaluation processes.

*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.

*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.

*Evidential Breath Testing Device (EBT)* - The device to be used for breath alcohol testing.

*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.

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

*Post-Accident Alcohol and/or Controlled Substance Testing* - Testing conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See "Accident."

*Pre-Employment Controlled Substance Testing* - 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.

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

*Reasonable Suspicion Alcohol and/or Controlled Substance Testing* - Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

*Refuse to Submit (to an Alcohol and/or Controlled Substance Test)* - Failure by an employee to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee

received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior, or physical absence resulting in the inability to conduct the test).

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

*Return-to-Duty and Follow-Up Alcohol and/or Controlled Substance Testing* - Testing conducted when an employee who has violated the prohibited alcohol or controlled substance conduct standards returns to performing duties. Follow-up tests are unannounced, and at least six (6) tests must be conducted in the first twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty upon the SAP recommendation.

*Return-to-Duty Agreement* - A document agreed to and signed by the DER or their designee, the employee, and the SAP, that outlines the terms and conditions under which the employee may return to duty after having had a verified positive controlled substance test result, or an alcohol concentration of 0.04 or greater on an alcohol test.

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

*Screening (Initial) Test* - An analytical procedure in alcohol testing to determine whether an employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it is an immunoassay screen to eliminate negative urine specimens from further consideration.

*Service Agent* – An agent (e.g., Consortium/Third party administrator) that performs random selections, conducts tests, and delivers test results. Service agents may prepare the MIS report on behalf of the District, although the DER must certify the accuracy and completeness of the MIS report.

*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 and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.

*Supervisor* - Lead Worker, Superintendent, Department Manager, or General Manager who has had one (1) hour of training on the signs and symptoms of alcohol abuse and an additional hour training on the signs and symptoms of controlled substance abuse. The training will include available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation and referral to an employee assistance program.

### **Section 3. Prohibited Substances**

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

- *Drugs.* marijuana, amphetamines, opiates, phencyclidine (PCP), cocaine and any other substance regulated and/or prohibited by state or federal law (a “controlled substance”).
- *Alcohol.* The use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of 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.
- *Legal Medications.* Using or being under the influence of any legally prescribed medication(s), or non-prescription medication(s) while performing District business or while on District property is prohibited to the extent that such use or influence affects job safety or effective and efficient job performance. An employee who feels their performance of work-related duties may be impaired by use of any legal substance which carries a warning label that indicates that mental functioning, motor skills and/or judgment may be adversely affected should report it to their 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 affected by such use.

### **Section 4. Prohibited Conduct**

“Prohibited conduct” addressed by this policy includes the following:

- *Manufacture, Trafficking, Possession and Use.* Engaging in the unlawful manufacture, distribution or dispensing of a controlled substance or alcohol on District premises, in a District vehicle, or while conducting District business off the premises is absolutely prohibited. Violation may result in discipline, up to and including termination. 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, in a District vehicle, or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP) and may result in discipline, up to and including termination of employment.

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

- *Alcohol Use.* No safety-sensitive employee may report for duty or remain on duty when their ability to perform assigned functions is adversely affected by alcohol or when their breath alcohol concentration is 0.04 or greater. No employee shall use alcohol during working hours. No safety-sensitive employee shall use alcohol within four (4) hours of reporting for duty. Violation of this provision is prohibited and will subject the employee to disciplinary action, including removal from safety-sensitive duty and referral to an SAP.
  
- *Refusal to Comply with Testing Requirements.* All safety-sensitive employees are subject to controlled substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who fails to appear for any test, who fails to remain at the testing site until the process is complete, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution will be treated as a having failed the controlled substance and/or alcohol test and shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test. An employee who refuses to submit to an alcohol or controlled substances test shall incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations.
  
- *Treatment/Rehabilitation Program.* An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:
  - *Positive Controlled Substance and/or Alcohol Test.* A Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one (1) year or longer than five (5) years.
  
  - *Voluntary Admittance.* All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to the Designated Employer Representative (DER) or their designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test, and be subject to unannounced follow-up testing for thirty-six (36) months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests will result in termination from employment.

- *Time during Rehabilitation.* Participants in the rehabilitation program may use accumulated sick leave, vacation, and floating holidays, if any.

#### **Section 5.** Notifying the District of Criminal Drug Conviction

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

#### **Section 6.** 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 their subordinates shall be subject to disciplinary action, up to and including termination of employment.

#### **Section 7.** Testing for Prohibited Substances

Analytical urine testing for controlled substances 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. All safety-sensitive employees shall be subject to testing randomly and following an accident, as defined in the DOT guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five (5) years, as determined by an SAP. Safety-sensitive employees who perform safety-sensitive functions as defined in the DOT guidelines shall also be subject to testing on a randomly selected and unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS), 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 confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the 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. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04 will be removed from their position for at least twenty-four (24) hours unless a retest 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.



Any employee who has a confirmed positive controlled substance or alcohol test will be removed from their position, informed of educational and rehabilitation programs available, and evaluated by an SAP.

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

Circumstances under which employees may be tested addressed by this policy include the following:

- *Pre-Employment Testing.* All job applicants who have been offered District employment in a safety-sensitive position, including current non-safety-sensitive employees who promote, demote, or transfer to such positions, shall undergo urine testing for controlled substances 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 position shall test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new employees in conformance with DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or who fail to provide “clean” records from previous employers will fail to complete the District’s probationary period.
- *Reasonable Suspicion Testing.* All employees will be subject to urine and/or breath testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:
  - Adequate documentation of unsatisfactory work performance or on-the-job behavior.
  - Physical signs and symptoms consistent with prohibited substance use.
  - Occurrence of a serious or potentially serious accident that may have been caused by human error.
  - 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 who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to prohibited substance abuse or misuse.

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

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol and thirty-two (32) hours for controlled substances. If an alcohol test required by this section is not administered within two (2) hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If an alcohol test required by this section is not administered within eight (8) hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. If a controlled substance test required by this section is not administered within thirty-two (32) hours following the accident, the employer shall cease attempts to administer a controlled substances test and prepare and maintain on file a record stating the reasons the test was not promptly administered. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and be subject to termination of employment. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other employees whose performance could have contributed to the accident. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver 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.

- *Random Testing.* Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing their duty. The dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.

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.

The number of safety-sensitive employees selected for random testing will be the amount required in the DOT guidelines. The employee pool will consist of all District safety-sensitive employees or, if the District participates in a consortium of employers, all safety-sensitive employees within the consortium.

- *Return-to-Duty Testing.* All employees who previously tested positive for a controlled substance or alcohol test must test negative and be evaluated and released to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The SAP will determine the duration and frequency. However, it shall not be less than six (6) tests during the first twelve (12) months, nor longer than sixty (60) months in total, following return to duty.
- *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 procedures set forth in the DOT guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) 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 control of the employee.

*Records Retention.* The District shall maintain complete records of alcohol and/or controlled substance test results for each employee in a secure location with controlled access. Employee records are confidential and will be available to the DOT or any state or local officials with regulatory authority over the District or any of its drivers only.

The following records are maintained according to the following schedule.

<b>Record</b>	<b>Retention Period (min)</b>
Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater	Five years
Records of driver verified positive controlled substances test results	
Documentation of refusals to take required alcohol and/or controlled substances tests	
Driver evaluation and referrals	
Records related to the administration of the alcohol and controlled substances testing program, including records of all driver violations	
Copy of each annual calendar year summary of the testing program (i.e., Management Information System (MIS) form)	
Records related to the alcohol and controlled substances collection process.	Two years
Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02.	One year

Records related to the education and training of supervisors and drivers shall be maintained by the District indefinitely while the individual performs the functions which require the training and for two (2) years after ceasing to perform those functions.

A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to their alcohol or controlled substances tests. The employer shall promptly provide the records requested by the driver. Access to a driver's records shall not be contingent upon payment for records other than those specifically requested.

Records shall be made available to a subsequent employer upon receipt of a written request from a driver.

*Reporting to the Drug and Alcohol Clearinghouse.* Effective January 6, 2020, the District is obligated to report the following information to the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse once obtained:

1. A verified positive, adulterated, or substituted drug test result,
2. An alcohol confirmation test with a concentration of 0.04 or higher,

3. A refusal to submit to any test required by this policy,
4. An employer's report of actual knowledge (as defined at 49 CFR 382.107) of:
  - a. On duty alcohol use pursuant to 49 CFR 382.205,
  - b. Pre-duty alcohol use pursuant to 49 CFR 382.207,
  - c. Alcohol use following an accident pursuant to 49 CFR 382.209, and
  - d. Controlled substance use pursuant to 49 CFR 382.213,
5. A substance abuse professional's report of the successful completion of the return-to-duty process,
6. A negative return-to-duty test, and
7. An employer's report of completion of follow-up testing.

**Section 8.** Employee Assessment

Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the DOT guidelines will be assessed by an SAP. An SAP is a District selected licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experienced in the diagnosis and treatment of drug and alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance or alcohol abuse or misuse.

If an employee is returned to duty following rehabilitation, they must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one (1) to five (5) years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the employee and is on a one-time basis only. An employee will be immediately terminated from employment on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation, administrative leave, personal leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.

**Section 9.** Test Related Time-Off Work Provisions

Any employee who is relieved from duty due to a positive drug or controlled substance test must use accumulated compensated leave (i.e., vacation, sick leave, administrative leave, personnel leave or floating holidays, if any) during the regularly scheduled work time missed. If the employee has insufficient accumulated compensated leave to cover the regularly scheduled work time missed due to a positive alcohol or controlled substance test, such time shall be without pay. In the event there is a false positive test the District, upon verification, will compensate the employee for any regularly scheduled work time missed as a result thereof.

**APPENDIX "A"**

**SAFETY-SENSITIVE CLASSIFICATIONS AND FUNCTIONS**

**District Safety-Sensitive Classifications**

Maintenance Worker I  
Lead Worker

Maintenance Worker II  
Maintenance Worker/Inspector

**Safety-Sensitive Function**

Operating any vehicle where a Class A or Class B driver's license would be required.

**APPENDIX "B"**

**CERTIFICATE OF RECEIPT OF SUBSTANCE ABUSE POLICY**

I hereby certify that I have received a copy of South Placer Municipal Utility District's Substance Abuse Policy.

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Employee's Signature

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Date

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Employee's Name Printed

**APPENDIX "C"**

**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 have a Class A or Class B (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.

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Employee's Signature

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Date

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Employee's Name Printed