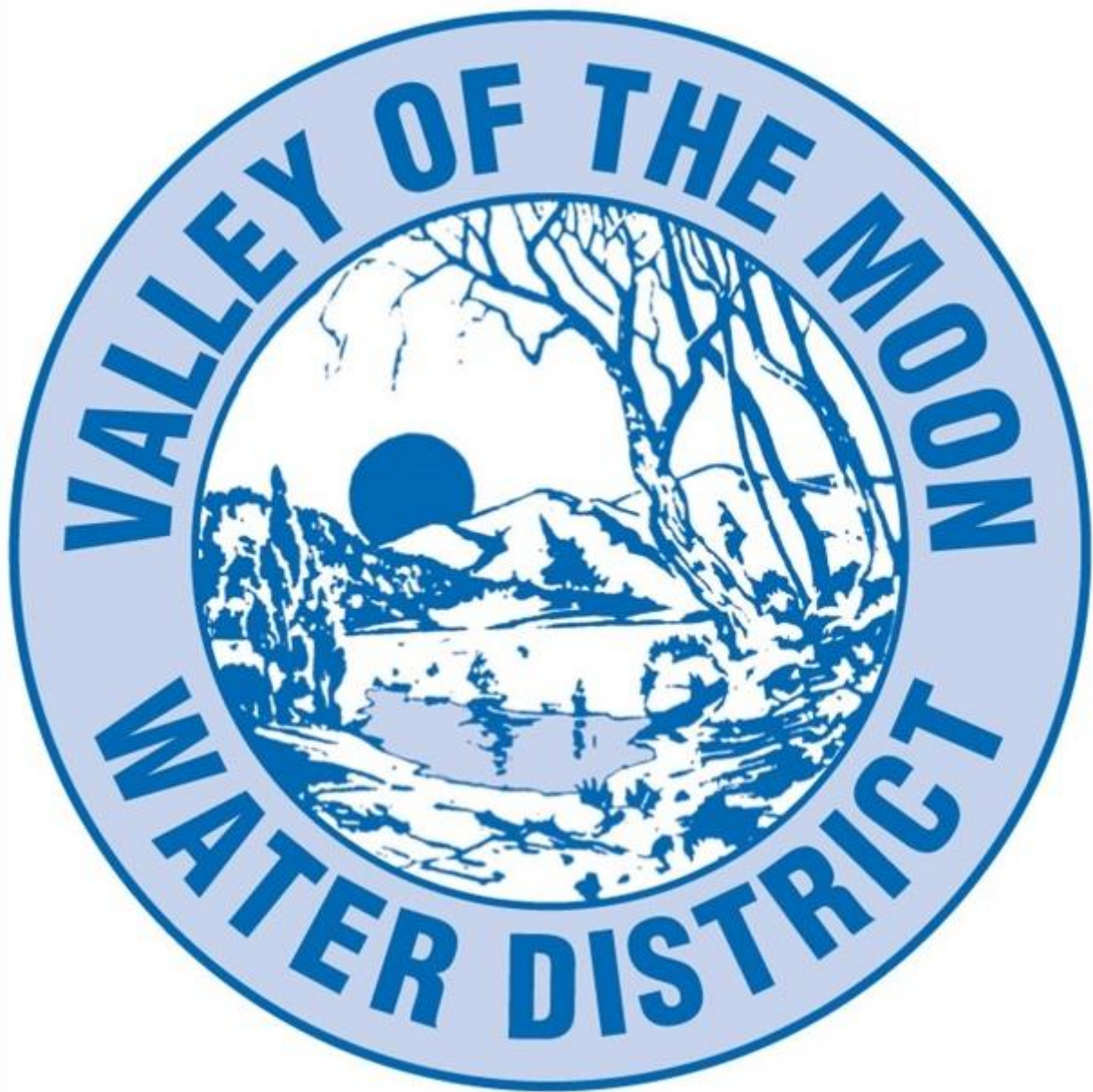


Drug and Alcohol Policy



Adopted by Resolution No. 250203 on February 4, 2025

TABLE OF CONTENTS

I.	PURPOSE OF POLICY	1
II.	SCOPE	2
III.	DESIGNATED EMPLOYER REPRESENTATIVE (DER).....	2
IV.	PROHIBITED SUBSTANCES	2
	A. Drugs.....	2
	B. Alcohol.....	2
V.	PROHIBITED CONDUCT	2
VI.	NOTIFICATION OF CRIMINAL DRUG CONVICTION	3
VII.	PRESCRIPTION AND NON-PRESCRIPTION SUBSTANCES	3
VIII.	VOLUNTARY ADMITTANCE	3
IX.	TESTING FOR PROHIBITED SUBSTANCES.....	4
X.	PROPER APPLICATION OF THE POLICY	5
	1. Post Offer, Pre-Employment Testing.....	5
	2. Reasonable Suspicion Testing	5
	3. Post Incident Testing.....	7
XI.	MANAGER / SUPERVISOR TRAINING	7
XII.	VIOLATION OF POLICY AND DISCIPLINARY CONSEQUENCES	7
XIII.	CONFIDENTIALITY	8
XIV.	DEPARTMENT OF TRANSPORTATION SAFETY/SECURITY SENSITIVE EMPLOYEES	9
	A. Scope.....	9
	B. Testing for Prohibited Substances	10
	1. Post Offer Controlled Substance (Drug) Testing.....	11
	2. Reasonable Suspicion Testing	11
	3. Post Accident Testing	12
	4. Random Testing.....	13
	5. Post Positive Return to Duty Testing.....	13
	6. Employee Requested Testing.....	14
	C. Manager / Supervisor Training	15
	D. REFUSAL TO SUBMIT	15
	E. DRUG AND ALCOHOL CLEARINGHOUSE	17

APPENDICES

- A. Alcohol and Drug Effects
- B. Covered Position by Job Title
- C. Search/Evidence (Discrepancy) Documentation Form
- D. Collection Center Locations
- E. Post-Accident Drug and Alcohol Testing Decision Form
- F. Reasonable Suspicion Documentation Form
- G. Drug and Alcohol Testing Program Acknowledgement Form

I. PURPOSE OF POLICY

The purpose of this policy is to protect Valley of the Moon Water District (District) employees and the public from risks associated with alcohol abuse and controlled substances use. This policy is also intended to comply with all applicable Federal and State regulations governing workplace anti-drug programs in the transportation industry. The District has a significant interest in ensuring the health and safety of its employees. It has an obligation to ensure that its employees do not present a safety risk to the general public. Drug or alcohol use may pose a serious threat to job performance, employee health and safety, and public safety.

For these reasons, it is the policy of the District to prevent substance use or abuse from having an adverse effect on its employees. The District maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on company property. Furthermore, employees have a legitimate expectation to work in an alcohol and drug-free environment and to work with employees free from the effects of alcohol and drugs. Employees who abuse alcohol or use drugs are a danger to themselves, their coworkers and the District's assets.

The District will be firm in identifying and disciplining those employees who do not voluntarily seek assistance and who continue to abuse alcohol or use controlled substances in violation of the following:

No employee who is on duty or on standby for duty will:

1. Use, possess, or be under the influence of illegal or unauthorized drugs or other illegal mind-altering substances; or
2. Use or be under the influence of alcohol to any extent that would impede the employee's ability to perform his or her duties safely and effectively.

No employee will perform duties that, because of drugs taken under a legal prescription, cannot be performed without posing a threat to the health or safety of the employee or others. This includes medications that may impair the employee's ability to operate machinery or motor vehicles.

Employees will be subject to drug and alcohol testing when there is reasonable suspicion that the employee has violated the rules expressed herein. In addition, when such an employee has already been found in violation through the adverse action or medical examination process under this policy, as a result of substance testing under this policy, or by the employee's own admission, the employee will be required to submit to periodic substance testing as a condition of remaining in or returning to District employment.

This policy does not apply to cannabis use by an employee off the job and away from the workplace, unless an exception under state or federal law

applies. However, employees may not consume, possess, use, or be impaired by cannabis while on duty or at work.

II. SCOPE

This policy applies to all District personnel and applicants for employment.

III. DESIGNATED EMPLOYER REPRESENTATIVE (DER)

The Designated Employer Representative (DER) who is to answer employee questions about drug and alcohol policies and procedures is:

General Manager or
Administration Manager
19039 Bay Street
Sonoma, California 95476
(707)996-1037

IV. PROHIBITED SUBSTANCES

Prohibited substances addressed by this policy include the following:

A. Drugs

Marijuana/cannabis, amphetamines, opiates, phencyclidine (PCP), cocaine, or any other illegal or regulated drug.

B. Alcohol

Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol.

V. PROHIBITED CONDUCT

No employee will report to any work site or will work impaired by any drug or alcohol, lawful or unlawful.

No employee at any work site will use or possess any quantity of any drug or alcohol, lawful or unlawful, except for authorized drugs. This prohibition generally does not apply to alcohol in those circumstances designated as social by the District, nor does it apply to the use or possession of alcohol in their residences by those employees who reside in District-owned residences except to the extent that such use or possession would interfere with the performance of their duties.

No employee at any work site shall manufacture, dispense, distribute, or sell any drug or alcohol, lawful or unlawful.

No employee may perform or continue to perform security-sensitive or safety-sensitive functions if the employee is using alcohol.

No employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

No employee shall consume alcohol within six (6) hours prior of the start of their shift or have a breath alcohol content that would constitute a positive test result (0.02 or greater) while at work.

VI. NOTIFICATION OF CRIMINAL DRUG CONVICTION

All employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off District premises while conducting District business. A report of conviction must be made to the Administration Manager within five (5) days after conviction, as mandated by the Federal Drug-Free Workplace Act of 1988 and the California Drug-Free Workplace Act of 1990. Failure to report such convictions may subject the employee to disciplinary action, up to and including dismissal.

The District will not use information obtained from a criminal history about an applicant or an employee's prior cannabis use, unless the District is permitted to consider or inquire about such information under the California Fair Chance Act, or other state or federal law. This does not prevent the District from otherwise following state or federal laws requiring applicants or employees to be tested for controlled substances.

VII. PRESCRIPTION AND NON-PRESCRIPTION SUBSTANCES

The District recognizes that prescribed medications can also have effects that prevent performance by an employee, impair his/her ability, seems to indicate use of alcohol or other intoxicants, or otherwise creates an unsafe working environment for the employee, their co-workers, or the general public.

Employees under a physician's care are responsible for informing the physician of their job duties and whether or not their jobs are classified safety sensitive. All medications that are prescribed or taken, that may affect an employee's ability to perform their job safely, must be disclosed in writing to the Administration Manager. A doctor's note may be required to verify job duties that the employee can perform while under their doctor's care. An employee may be reassigned to an alternative position, if available, or be required to take a leave of absence or comply with other appropriate action as determined by the District.

Failure to report the use of such drugs or failure to provide proper evidence of medical authorization may result in disciplinary action.

VIII. VOLUNTARY ADMITTANCE

Employees who believe they may have a substance abuse problem are encouraged to seek assistance for resolving that problem. An employee

voluntarily seeking help can make a confidential request for assistance to their supervisor. The employee will be referred to a Substance Abuse Professional (SAP) for assessment and rehabilitation recommendations.

Prior to the assessment, the employee must sign a release of information that will enable the Designated Employer Representative (DER) to receive the results of the assessment, and to receive subsequent reports related to the assessment, and the driver's successful completion of all recommendations for assistance.

Employees may use accumulated sick leave, vacation time, or compensatory time to participate in a rehabilitation program. **Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee unless such a plan is provided by the District's Health Plans.**

Employees who admit to alcohol misuse or controlled substances use are not subject to disciplinary measures provided the employee does not self-identify after the employee has been required to participate in testing under the requirements of this program.

IX. TESTING FOR PROHIBITED SUBSTANCES

Testing will be conducted in a manner to assure a high degree of accuracy and reliability, using techniques, equipment, and laboratory facilities approved by the Department of Health and Human Services ("DHHS").

Controlled substance testing includes tetrahydrocannabinol, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For specimens that test above initial screening thresholds, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. .

Tetrahydrocannabinol (THC) is the chemical compound in cannabis that can indicate impairment and cause psychoactive effects. After THC is metabolized, it is stored in the body as a nonpsychoactive cannabis metabolite. These metabolites do not indicate impairment.

The District will not discriminate against a person in hiring, termination, or any term or condition of employment, or otherwise penalize a person based on the person's use of cannabis off the job and away from the workplace or if an employer-required drug screening test finds the person to have nonpsychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids except when the applicant or employee is hired for positions that require a federal government background investigation, security clearance in accordance with US Department of Defense regulations, or equivalent regulations.

The District retains the right to make employment-related decisions based on tests that apply to current impairment, in particular scientifically valid pre-

employment drug screening conducted through methods that do not screen for non-psychoactive cannabis metabolites, such as those that test for THC.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing (EBT) device operated by a trained Breath Alcohol Technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. An employee who has a confirmed alcohol concentration of 0.02 or greater will be removed from their position for at least twenty-four (24) hours while the District determines disciplinary action which may include up to termination.

X. PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this 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 may be subject to disciplinary action, up to and including termination.

1. Post Offer, Pre-Employment Testing

All applicants shall undergo urine controlled substance testing. Post Offer, Pre-Employment Testing will be accomplished in conjunction with the required medical evaluation. Results will be kept in the employee's medical files.

Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment. Pre-Employment testing requirements will be conducted in compliance with current law.

Refusal to submit to Pre-Employment Testing will result in withdrawal of employment offer.

2. Reasonable Suspicion Testing

The District shall conduct a drug and/or alcohol test when a manager or supervisor has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.

The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. Examples of reasonable suspicion include, but are not limited to, physical signs and symptoms consistent with prohibited substance use such as red eyes or slurred speech; odor of alcohol or drugs; unsteady or

uncoordinated movements; fidgeting or inability to sit still; and identifying drugs or alcohol.

Any employee may identify someone suspected of being impaired due to alcohol and/or controlled substance to any manager/supervisor. However, it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, reasonable suspicion determinations must be made by a manager or supervisor who is trained to detect the signs and symptoms of drug and alcohol use.

The manager or supervisor requesting an employee to submit to a drug or alcohol test based on reasonable suspicion must document facts constituting reasonable suspicion in writing (**See Appendix F – “Reasonable Suspicion Documentation Form”**).

Employees reasonably believed to be under the influence of drugs or alcohol will not be permitted to engage in further work. In addition, such employees will not be permitted to drive themselves from the worksite. A supervisor will see that the employee is transported to the designated collection center (**See Appendix D – “Collection Center Location”**).

A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or District official who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier..

The records will be shared with the Administration Manager for inclusion in a separate confidential medical folder. The General Manager shall be notified as soon as practical.

All employees will be tested for the following substances in accordance with this policy:

- alcohol, ethyl (u) (etoh)
- amphetamines (amp)
- barbiturates (barb)
- benzodiazepines (bzo)
- bicyclic (bca)
- cocaine (coc)
- hydrocodone (hydc)
- marijuana (thc)
- methadone (mtd)
- methamphetamine (mamp)
- mdna (mdna)
- morphine (mop)
- opiates (opi)
- oxycodone (oxy)
- oxymorphone (oxym)
- phencyclidine (pcp)
- propoxyphene (ppx)
- tricyclic (tca)

The employee is required to remain available and is not permitted to refuse testing. Refusal to submit to the above tests may result in termination from employment.

3. Post Incident Testing

Employees involved in certain accidents or incidents will also be required to undergo drug testing. Accidents or incidents requiring post-incident testing include: any incident involving or resulting in a fatality, any incident which results in \$5,000 or more in damage, or any incident where the supervisor or General Manager have reasonable suspicion that drugs or alcohol may have played a role.

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 employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. 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; and the employee receives a citation under state or local law for a moving traffic violation arising from the accident.

The employee will immediately be escorted, by their supervisor, to the collection site where they will be requested to provide a urine sample. All employees will be tested for the substances found in the Reasonable Suspicion Testing section, above, in accordance with this policy.

XI. MANAGER / SUPERVISOR TRAINING

Managers and supervisors should receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training will be used by the supervisors and/or managers to determine whether reasonable suspicion exists to require an employee to undergo testing. The training will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

XII. VIOLATION OF POLICY AND DISCIPLINARY CONSEQUENCES

An employee may be found to use illegal drugs or alcohol on the basis of any appropriate evidence including, but not limited to:

- Direct observation;
- Evidence obtained from an arrest or criminal conviction;
- A verified positive test result; or
- An employee's voluntary admission.

The District will refer an employee found to use illegal drugs or alcohol to the SAP and immediately remove the employee from their position. Disciplinary action taken against an employee found to use illegal drugs or alcohol may include the full range of disciplinary actions, including termination. At the discretion of the District, and as part of SAP counseling, an employee may return to duty if the employee's return would not endanger public health or safety.

If the District determines a rehabilitation program is appropriate for those employees having a positive controlled substance and/or alcohol test then a second verified positive test under any circumstances may constitute cause for discipline up to and including termination. Failure to complete a treatment program provided by the SAP will be treated as a second positive test.

The employee will pay rehabilitation program costs and subsequent controlled substance and/or alcohol costs related to return-to-work and follow-up testing. When recommended by the SAP, participation in and completion of the rehabilitation program is mandatory. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to 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 year or longer than five years.

The terms and conditions of the disciplinary consequences utilized by the District will not expand the rights and limitations of the employee under the "at will" provision of the employee handbook or the terms and conditions of any MOU between the District and the employee association.

NOTE: Health insurance plans may provide coverage for rehabilitation costs. Health benefits information can be obtained from the District's human resources contact.

XIII. CONFIDENTIALITY

The District will maintain records of the circumstances and results of any employee testing under this policy. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Administration Manager. The reports or test results may be disclosed to supervisors on a strictly need-to-know basis and to the tested employee upon request.

Disclosures, without employee consent, may also occur when:

- The information is compelled by law or by judicial or administrative process;

- The information has been placed at issue in a formal dispute between the City and the employee;
- The information is to be used in administering an employee benefit plan; or
- The information is needed by medical personnel for the diagnosis or treatment of the employee, when he/she is unable to authorize the disclosure.

XIV. DEPARTMENT OF TRANSPORTATION SAFETY/SECURITY SENSITIVE EMPLOYEES

The purpose of this section is to protect our employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Motor Carrier Safety Administration (FMCSA) of the Department of Transportation has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for DOT safety-sensitive positions and prevents performance of DOT 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. The section incorporates those requirements of DOT safety-sensitive employees.

Appendix H "Definitions" includes definitions of terms used throughout this section.

A. Scope

This section applies to all DOT safety-sensitive employees and contractors when they are on District property or when performing any District related business. It applies to off-site lunch periods and breaks when a DOT safety-sensitive employee is scheduled to return to work. Visitors, vendors, and contracted employees are governed by this policy while on District premises, and they will not be permitted to conduct business if found to be in violation of this policy.

A DOT safety-sensitive position is defined as any position requiring the use of a Class "A" or Class "B" commercial driver's license. A DOT safety-sensitive employee is considered to be performing a DOT safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any DOT safety-sensitive functions. **A listing of the District's DOT safety-**

sensitive covered positions by job title can be found in Appendix B of this policy.

B. Testing for Prohibited Substances

Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under DOT guidelines. 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 DHHS.

The testing facility requires the DOT safety-sensitive employee show proof of identification, such as a photo driver's license or state-issued photo identification card. The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process. Care will be taken to provide the DOT safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

The controlled substances that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine (PCP). 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) or Liquid Chromatography/Mass Spectrometry (LC/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). After an explanation of how the breathalyzer works, an initial breath sample will be taken. 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 confirmation test must not be conducted less than 15 minutes after, nor more than 30 minutes after the screening test. The confirmation test will utilize EBT devices that prints 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.

No driver tested under this section who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall perform or continue to perform safety-sensitive functions for an employer, including driving a commercial motor vehicle, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.. The District will commence employment termination for DOT safety-sensitive employees whose confirmation test results indicate an alcohol concentration greater than

0.02 but less than 0.04 on two separate occasions or greater than 0.04 on two separate occasions.

An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of DOT guidelines and this policy. The District will commence employment termination for DOT safety-sensitive employees whose controlled substance test results are positive on two separate occasions. DOT safety-sensitive employees must complete SAP recommended treatment as discussed above.

DOT safety-sensitive employees may be tested under any of the following circumstances:

1. Post Offer Controlled Substance (Drug) Testing

All applicants for a safety/security sensitive position with the District shall be required to undergo a drug screening analysis prior to employment or provide certification of enrollment in a random selection program prior to employment meeting the requirements of 49 CFR § 382.301. Any offer of employment will be conditioned upon compliance with this policy. Pre-Employment testing requirements will be conducted in compliance with Federal Regulations.

A "Controlled Substances Custody and Control Form" will be completed by the applicant and collection center at the time of collection. A positive test indicating the presence of controlled substances as defined in this policy may constitute disqualification of the applicant for the position for a period of six months.

2. Reasonable Suspicion Testing

The District shall conduct a drug and/or alcohol test when a manager or supervisor has reasonable suspicion to believe that the DOT safety-sensitive employee has used controlled substances or alcohol.

The determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor, or other company official, who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations. (See Appendix F – "Reasonable Suspicion Documentation Form").

If an alcohol test is not administered within two (2) hours following the determination to conduct a reasonable suspicion test, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the determination to test, cease attempts to

administer an alcohol test and update the record with the reasons for not administering the test.

A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

Employees reasonably believed to be under the influence of drugs or alcohol will not be permitted to engage in further work. In addition, such employees will not be permitted to drive themselves from the worksite. A supervisor will see that the employee is transported to the designated collection center (**See Appendix D – “Collection Center Location”**). At the collection site, the DOT safety-sensitive 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 to the on-duty technician. D

3. Post Accident Testing

DOT 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 DOT safety-sensitive employees whose performance could have contributed to the accident as determined by the District using the best information available at the time of the decision. 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; and the DOT safety-sensitive employee receives a citation within 8 hours of the occurrence under state or local law for a moving traffic violation arising from the accident. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Receipt of necessary medical attention for injured employees following an accident shall not be delayed and takes precedence over post-accident testing.

Alcohol tests required under this section must be administered within eight (8) hours of the accident. If the test 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 the test is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

Controlled substance tests required under this section must be administered within thirty-two (32) hours of the accident. If the test is not administered within thirty-two (32) following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

When an accident occurs, the DOT safety-sensitive employee shall immediately notify a supervisor that an accident has occurred. If the supervisor determines that the circumstances of the accident warrant a post-accident test, then the sensitive employee will be immediately suspended from duty (with pay) and driven by District staff (or others as designated) to the District specified collection site for alcohol and controlled substance testing. At the collection site, the DOT safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician.

After the DOT safety-sensitive employee is tested, they are prohibited from going back to work and driving their own car home. The District will assist the DOT safety-sensitive employee in obtaining a ride home from the collection site. (Whenever possible, a family member will be contacted to pick up the employee and/or the employee's vehicle).

4. Random Testing

Employees working in DOT safety-sensitive classifications will be subjected to randomly selected, unannounced testing as required by law. The random selection will be by a scientifically valid method. Each DOT safety-sensitive employee will have an equal chance of being tested each time selections are made. Alcohol testing of DOT safety-sensitive employees will occur either just before departure, or during duty, or just after the DOT safety-sensitive employee has ceased performing his/her duty. Drug testing of DOT safety-sensitive employees may take place anytime a DOT safety-sensitive employee is on duty.

5. Post Positive Return to Duty Testing

Following a positive drug or alcohol (BAC at or above 0.02) test result or test refusal, the employee is immediately removed from their duties, referred to a SAP, and may be subject to disciplinary action up to and including termination.

Following a BAC of 0.02 or greater the employee is immediately removed from duties until the start of the next regularly scheduled duty period, but not less than 24 hours while the District determines disciplinary action which may include up to termination.

a. Rehabilitation

A DOT safety-sensitive employee who tests positive on a controlled substance or alcohol test may be afforded an opportunity for treatment.

After a verified positive test result, a conference will be conducted between the employee and a human resources contact. If warranted, the employee will be requested to participate in a substance abuse rehabilitation program developed by a Substance Abuse Professional (SAP) chosen by the District. Details will be outlined in a Return-to-Duty Agreement.

Employees may use accumulated sick leave, vacation time, or compensatory time to participate in a rehabilitation program. Program costs and subsequent controlled substance and/or alcohol-testing costs will be paid by the employee. Failure to participate in and complete such a program may result in employment termination.

b. Return-to-Duty

All DOT safety-sensitive employees who test positive on a controlled substance or alcohol test must test negative and be evaluated and released to duty by the SAP before returning to duty.

Employees who have violated the prohibition set forth in this policy will be required to submit to a return-to-duty test before returning to their position. The SAP will notify the District that the employee is ready to return to safety sensitive functions after passing a Return-to-Duty controlled substance and/or Alcohol test(s) with an alcohol concentration of less than 0.02 and/or negative result(s).

After the return-to-duty test, employees will be subject to unannounced follow-up testing. A SAP will determine the number and frequency of tests, but at least six (6) tests will be performed during the first twelve (12) months following the employee's return to duty. Follow-up testing may be extended up to sixty (60) months from the date of the employee's return to duty, but the SAP can terminate the requirement after the first six (6) tests, if they determine that testing is no longer necessary. The SAP, in coordination with the Drug Program Administrator, will conduct tracking and monitoring of follow-up tests.

6. Employee Requested Testing

Any DOT safety-sensitive employee who questions the result of a required controlled substance test under Department of Transportation guidelines 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 Department of Transportation guidelines. The DOT safety-sensitive employee's request for a retest must be made to the Medical Review Officer ("MRO") within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documental facts that were beyond the control of the employee. When the employee makes a timely request for a test of the split specimen the MRO must immediately provide written notice to the laboratory that tested the primary specimen, directing the laboratory to forward the split specimen to a second HHS-certified laboratory. The MRO must also document the date and time of the employee's request.

C. Manager / Supervisor Training

Supervisors and managers will receive at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on controlled substances use. The training will be used by the supervisors and/or managers to determine whether reasonable suspicion exists to require an employee to undergo testing. The training will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

D. REFUSAL TO SUBMIT

All DOT safety-sensitive employees are subject to controlled substance testing and breath alcohol testing. Any DOT safety-sensitive employee who refuses to comply with a request for testing, 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 disciplined accordingly.

An employee has refused to take a drug test if they:

1. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA;
2. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;

3. Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
4. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen;
5. Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fail or decline to take an additional drug test the employer or collector has directed you to take;
7. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Designated employer representative (DER). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test;
8. Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);
9. For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process; or
11. Admit to the collector or MRO that you adulterated or substituted the specimen.

Failure to appear for testing without a deferral will be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector will contact the Designated Employer Representative (DER).

When a DOT safety-sensitive employee refuses to take a non-DOT test or to sign a non-DOT form, they have not refused to take a DOT test. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

E. DRUG AND ALCOHOL CLEARINGHOUSE

a. Pre-Employment Query

Prior to employing a driver subject to controlled substances and alcohol testing to perform a safety-sensitive function, the District must first conduct a full pre-employment query of the Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test; or that an employer has reported actual knowledge that the driver used alcohol on duty, before duty, following an accident, or used a controlled substance. Such a query releases information in the Clearinghouse to the District and requires that the individual driver give specific consent.

b. Annual Query

(1) The District shall conduct a query of the Clearinghouse at least once per year for information for all DOT safety-sensitive employees to determine whether information exists in the Clearinghouse about those employees.

(2) To satisfy the annual requirement, the DOT safety-sensitive employee may give consent to the District to conduct a limited query that will tell the District whether there is information about the individual DOT safety-sensitive employee in the Clearinghouse, but will not release that information to the District.

A DOT safety-sensitive employee may give consent to conduct limited queries that is effective for more than one year.

(3) If the limited query shows that information exists in the Clearinghouse about the individual driver, the District must conduct a full query within 24 hours of conducting the limited query. If a full query is not conducted by the District within 24 hours, DOT safety-sensitive employee shall not be allowed to continue to perform any safety-sensitive function until the full query is conducted and the results confirm that the DOT safety-sensitive employee's Clearinghouse record contains no prohibitions.

c. Employer Notification

The FMCSA will notify the District if any information described the "Pre-employment query" section is entered into the Clearinghouse about a DOT

safety-sensitive employee during the 30-day period immediately following the District conducting a query of that driver's records.

d. Prohibition

If the results of a Clearinghouse query demonstrate that a driver has a verified positive, adulterated, or substituted controlled substances test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test; or that an employer has reported actual knowledge that the driver used alcohol on duty, used alcohol before duty, used alcohol following an accident, or used a controlled substance, then the District shall not hire that driver to perform any DOT safety-sensitive function, except where a query of the Clearinghouse demonstrates:

(1) That the driver has successfully completed the SAP evaluation, referral, and education/treatment process; achieves a negative return-to-duty test result; and completes the follow-up testing plan prescribed by the SAP.

(2) That, if the driver has not completed all follow-up tests as prescribed by the SAP and specified in the SAP report, the driver has completed the SAP evaluation, referral, and education/treatment process and achieves a negative return-to-duty test result, and the District assumes the responsibility for managing the follow-up testing process associated with the testing violation.

e. Record Keeping

The District shall retain for 3 years a record of each query and all information received in response to each query made under this section. A valid registration fulfills this requirement.

Drug and Alcohol Program

Appendices

- A. Alcohol and Drug Effects**
 - B. Covered Positions by Job Title**
 - C. Search/Evidence (Discrepancy) Documentation Form**
 - D. Collection Center Locations**

 - E. Post-Accident Drug and Alcohol Testing Decision Form**
 - F. Reasonable Suspicion Documentation Form**
 - G. Drug and Alcohol Testing Program Acknowledgment Form**
- Certificate of Receipt of DOT Drug and Alcohol Program**

APPENDIX A

ALCOHOL AND DRUG EFFECTS

Section 382.601(b)(11) FMCSR mandates that all employees be provided with training material discussing the effects of alcohol and controlled substance use on an individual's health, work, and personal life.

This attachment is intended to help individuals understand the personal consequences of substance abuse.

ALCOHOL

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

Health Effects

An average of three or more servings per day of beer (12 ounces), whiskey (1 ounce), or wine (6 ounces) over time, may result in the following health hazards:

- * Dependency
- * Fatal liver diseases
- * Kidney failure
- * Pancreatitis
- * Ulcers
- * Decreased sexual function
- * Increased cancers of the mouth, pharynx, esophagus, rectum, breast, and malignant melanoma
- * Spontaneous abortion and neonatal mortality
- * Birth defects

Social Issues

- * 2/3 of all homicides are committed by people who drink prior to the crime.
- * 2 - 3% of the driving population are legally drunk at any one time. This rate doubles at night and on weekends.
- * 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- * The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- * 40% of family court cases are alcohol-related.
- * Alcoholics are 15 times more likely to commit suicide.
- * More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.

- * Over 17,000 fatalities occurred in 1993 in highway accidents, which were alcohol-related. This was 43% of all highway fatalities.
- * 30,000 people will die each year from alcohol-caused liver disease.
- * 10,000 people will die each year due to alcohol-related brain disease or suicide.
- * Up to 125,000 people die each year due to alcohol-related conditions or accidents.

Workplace Issues

- * It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- * Impairment can be measured with as little as two drinks in the body.
- * A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

ALCOHOL'S TRIP THROUGH THE BODY

Mouth and Esophagus: Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

Stomach and Intestines: Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, or perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B1, vitamin B12, and amino acids.

Bloodstream: 95% of the alcohol taken into the body is absorbed into the bloodstream through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reducing red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

Pancreas: Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin, thus resulting in diabetes.

Liver: Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of liver cells destroyed, eventually causing cirrhosis of the

liver. This disease is eight times more frequent among alcoholics than among non-alcoholics.

Heart: Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

Urinary Bladder and Kidneys: Alcohol inflames the lining of the urinary bladder making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

Sex Gland: Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

Brain: The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive lack of coordination: confusion, disorientation, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

DRUGS

Marijuana/Cannabis

Health Effects

- * Emphysema-like conditions.
- * One joint of marijuana contains cancer-causing substances equal to 1/2 pack of cigarettes.
- * One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- * Marijuana/cannabis is commonly contaminated with the fungus *Aspergillus* which can cause serious respiratory tract and sinus infections.
- * Marijuana/cannabis lowers the body's immune system response, making users more susceptible to infection.
- * Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- * Tetrahydrocannabinol (THC) and 60 other chemicals in marijuana concentrate in the ovaries and testes.
- * Chronic smoking of marijuana/cannabis in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- * Chronic smoking of marijuana/cannabis in females causes a decrease in fertility.
- * A higher than normal incidence of stillborn babies, early termination of pregnancy, and higher infant mortality rate during the first few days of life is common in pregnant marijuana/cannabis smokers.

- * THC causes birth defects including brain damage, spinal cord, forelimbs, liver and water on the brain and spine in test animals.
- * Prenatal exposure may cause underweight newborn babies.
- * Fetal exposure may decrease visual functioning.
- * User's mental function can display the following effects:
 - delayed decision making
 - diminished concentration
 - impaired short-term memory
 - impaired signal detection
 - impaired tracking
 - erratic cognitive function
 - distortion of time estimation

Workplace Issues

- * THC is stored in body fat and slowly released.
- * Marijuana/cannabis smoking has long-term effects on performance.
- * Increased THC potency in modern marijuana/cannabis dramatically compounds the side effects.
- * Combining alcohol or other depressant drugs with marijuana/cannabis increases the impairing effects of both.

Cocaine

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

Health Effects

- * Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's disease could also occur.
- * Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- * Strong dependence can occur with one "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- * Treatment success rates are lower than with any other chemical dependency.
- * Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

Workplace Issues

- * Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- * Lapses in attention and ignoring warning signals increases probability of accidents.
- * High cost frequently leads to theft and/or dealing.
- * Paranoia and withdrawal may create unpredictable or violent behavior.
- * Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

Opiates

Narcotic drugs which alleviate pain and depress body functions and reactions.

Health Effects

- * IV needle users have a high risk of contracting hepatitis or AID when sharing needle.
- * Increased pain tolerance. As a result, people may more severely injure themselves and fail to seek medical attention as needed.
- * Narcotic effects are multiplied when combined with other depressants causing an increased risk for overdose.
- * Because of tolerance, there is an ever increasing need for more.
- * Strong mental and physical dependency occurs.
- * With increased tolerance and dependency combined, there is a serious financial burden for the users.

Amphetamines

Central nervous system stimulant that speeds up the mind and body.

Health Effects

- * Regular use causes strong psychological dependency and increased tolerance.
- * High doses may cause toxic psychosis resembling schizophrenia.
- * Intoxication may induce a heart attack or stroke due to increased blood pressure.
- * Chronic use may cause heart or brain damage due to severe constriction of capillary blood vessels.
- * Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- * Withdrawal may result in severe physical and mental depression.

Workplace Issues

- * Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- * With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes impairment.

Phencyclidine (PCP)

Often used as a large animal tranquilizer and abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and a blank stare. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

Health Effects

- * The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- * PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- * If misdiagnosed as LSD induced, and treated with Thorazine, can be fatal.
- * Irreversible memory loss, personality changes, and thought disorders may result.

Workplace Issues

- * Not common in workplace primarily because of the severe disorientation that occurs.
- * There are four phases to PCP abuse:
 - Acute toxicity causing combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distorted perception are common.
 - Toxic psychosis with visual and auditory delusions, paranoia, and agitation.
 - Drug induced schizophrenia.
 - Induced depression which may create suicidal tendencies and mental dysfunction.

APPENDIX B

Covered Positions by Job Title

At the time this policy was updated, the District has no DOT Safety Sensitive employees. The District reserves the right to update this appendix as necessary to reflect DOT Safety Sensitive positions.

APPENDIX C

Valley of the Moon Water District

Search/Evidence (Discrepancy) Documentation Form

Department/work location: _____

Employee or subject name: _____

Social Security/employee number: _____

Date: _____ Time: _____

Investigated by: _____

Employed by: _____ Position: _____

Location of search: _____

Reason for search: ☐ Routine ☐ Periodic ☐ Contractual

☐ Reasonable Suspicion (or cause)

Location of evidence or prohibited items: _____

Description of evidence, items or substances (continue on back, if necessary): _____

Were local authorities called? _____

Time: _____

Reporting supervisor's signature

Date

Witness' signature

Date

Employee's signature

Date

APPENDIX D

COLLECTION CENTER LOCATIONS:

OccuMed/Occupational Health
Sonoma Valley Hospital
347 Andrieux Street
Sonoma, CA 95476
Phone: 707-935-5470
Fax 707.935.5461

The Occupational Health Department is open Monday through Friday, 8 am through 5 pm. The department is closed between 12 noon and 1 pm.

APPENDIX E

Valley of the Moon Water District

Post-Accident Drug and Alcohol Testing Decision Form

Accident Information:

Date of Accident _____ Time of Accident: _____

Location of Accident _____

Employee Name: _____

Decision Questions:

1. Was there a **fatality**? Yes _____ No _____

If yes, DOT drug and alcohol testing required

If there was **NO fatality**, answer the following questions:

2. Did the person performing safety-sensitive functions with respect to the vehicle **receive a citation** under State or local law for a moving traffic violation arising from the accident?

Yes _____ No _____

3. Did the accident involve **bodily injury** to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident?

Yes _____ No _____

Did one or more motor vehicles incur **disabling damage** as a result of the accident **requiring transportation away from the scene** by a tow truck or other motor vehicle?

Yes _____ No _____

- If there was **NO fatality AND you checked YES for QUESTION 3 AND either or both of the answers to QUESTION 4**, a FMCSA Post-Accident DRUG and ALCOHOL test IS REQUIRED.
- If there was **NO fatality AND you checked NO for QUESTION 3**, a FMCSA Post-Accident DRUG and ALCOHOL test should not be administered.

If **ALCOHOL testing is not conducted within 2 hours after the accident**, document the reason for the delay on the reverse side of this form. If no alcohol test is administered **within 8 hours**, cease all efforts to have the test administered and **update the documentation**.

If **DRUG test is not conducted within 32 hours after the accident**, cease all efforts to administer the drug test and document the reason why the test was not administered.

Reason the **ALCOHOL test was not conducted within 2 hours** of the accident.
Update this statement if no test conducted within 8 hours.

Reason the **DRUG test was not conducted within 32 hours** of the accident.

Supervisor Name: _____

Supervisor Signature: _____

Date: _____

Testing Clinic Location: _____

Date Arrived At Clinic: _____ Time: _____

APPENDIX F

VALLEY OF THE MOON WATER DISTRICT REASONABLE SUSPICION DOCUMENTATION FORM

☐ Employee is reporting for duty

☐ Employee is already on duty

EMPLOYEE NAME:		DATE OF OBSERVATION:	
LOCATION:		TIME OF OBSERVATION FROM AM PM TO AM PM	
OBSERVED PERSONAL BEHAVIOR (CHECK ALL APPROPRIATE ITEMS)			
BREATH: (Odor of alcoholic beverage)	☐ Strong ☐ None	☐ Faint	☐ Moderate
EYES:	☐ Bloodshot ☐ Clear ☐ Dilated Pupils	☐ Glassy ☐ Heavy Eyelids	☐ Normal ☐ Fixed Pupils
SPEECH:	☐ Confused ☐ Slurred ☐ Stuttering ☐ Not Understandable	☐ Mumbling ☐ Good ☐ Cotton Mouthed	☐ Thick Tongued ☐ Fair ☐ Mush Mouthed
ATTITUDE:	☐ Excited ☐ Indifferent ☐ Care Free ☐ Cooperative	☐ Combative ☐ Talkative ☐ Cocky ☐ Profane	☐ Hilarious ☐ Insulting ☐ Sleepy ☐ Polite
UNUSUAL ACTION:	☐ Hiccoughing ☐ Fighting ☐ Other:	☐ Belching ☐ Crying	☐ Vomiting ☐ Laughing
BALANCE:	☐ Falling ☐ Swaying	☐ Needs Support ☐ Other:	☐ Wobbling
WALKING:	☐ Falling ☐ Swaying	☐ Staggering	☐ Stumbling
TURNING:	☐ Falling ☐ Swaying	☐ Staggering ☐ Hesitant	☐ Stumbling
ANY OTHER UNUSUAL ACTIONS OR STATEMENTS:			
SIGNS OR COMPLAINTS OF ILLNESS OR INJURY:			

SUPERVISOR'S OPINION		
EFFECTS OF ALCOHOL/DRUG INTOXICATION	☐ NONE ☐ EXTREME	☐ SLIGHT ☐ OBVIOUS
OPERATION OF EQUIPMENT	☐ YES ☐ NO	COMMENTS:
ADDITIONAL COMMENTS:		

Reasonable Suspicion Test Refused Yes ☐ No ☐ Date _____ Time _____

Reasonable Suspicion Test Performed Yes ☐ No ☐ Date _____ Time _____

Clinic: _____

Supervisor: _____ Signature of Supervisor _____
Date _____ Time _____

Witness: _____ Signature _____
(if available and trained in Reasonable Suspicion)
Date _____ Time _____

APPENDIX G

VALLEY OF THE MOON WATER DISTRICT

**DRUG AND ALCOHOL TESTING PROGRAM
ACKNOWLEDGMENT FORM**

I, _____, have received a copy, read and understand the Drug and Alcohol Testing Program policy and its supporting documents. I consent to submit to the drug and alcohol testing program as required by the Drug and Alcohol Program policy, its supporting documents and the law.

**ANY EMPLOYEE WHO REFUSES TO COMPLY WITH THE REQUIREMENTS OF THE
DRUG & ALCOHOL TESTING POLICY MAY BE SUBJECT TO DISCIPLINARY ACTION
UP TO AND INCLUDING TERMINATION.**

**DO NOT SIGN THIS ACKNOWLEDGEMENT FORM UNTIL YOU HAVE READ,
UNDERSTAND, AND AGREE TO COMPLY WITH THE POLICY PROVISIONS LISTED
ABOVE.**

Employee's Signature: _____
Date: ____/____/____

APPENDIX H

Definitions

ACCIDENT - means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.

ALCOHOL - means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

ALCOHOL CONCENTRATION - means 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 regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air.

ALCOHOL USE - means 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 Department of Transportation 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 affect due to the presence of other elements (e.g., antihistamines).

BREATH ALCOHOL TECHNICIAN (BAT) - means 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 qualified personnel to administer the EBT tests.

CHAIN OF CUSTODY - means 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 - means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

COMMERCIAL MOTOR VEHICLE - means 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 rating 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 means 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 means 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, opioids, 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 guidelines. **The primary (initial or screening) controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:**

- Marijuana Metabolites
- Cocaine Metabolites
- Phencyclidine (PCP)
- Opiates Metabolites
- Amphetamines

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) (1)
- Cocaine Metabolite (2)
- Phencyclidine (PCP)
- Opioids
- Morphine
- Codeine
- 6-Acetylmorphine (3)
- Amphetamines
- Amphetamine
- Methamphetamine (4)
 - (1) Delta-9-tetrahydrocannabinol-9-carboxylic acid
 - (2) Benzoyllecgonine
 - (3) Test for 6-Acetylmorphine when morphine concentration exceeds 2000 ng/ml
 - (4) Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

COVERED EMPLOYEE - means a person including a volunteer, applicant, or transferee, who performs a DOT safety-sensitive function for the District.

DEPARTMENT OF TRANSPORTATION GUIDELINES - means the controlled substance and alcohol testing rules (49 CFR Part 199 (RSPA - Pipeline), Part 219 (FRA - Railroad), Part 382 (FMCSA - Commercial Motor Vehicle), 654 (FTA - Mass Transit) and 14 CFR 61 (FAA - Aviation) et. al.) setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all the transportation industries.

DISTRICT – means VALLEY OF THE MOON WATER DISTRICT

DISTRICT TIME - means any period of time in which the DOT safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any DOT safety-sensitive functions.

DRIVER - means any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to the District to drive a commercial motor vehicle.

DRUG (CONTROLLED SUBSTANCE) METABOLITE - means 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) - means the device to be used for breath alcohol testing.

MEDICAL REVIEW OFFICER (MRO) - means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) 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) - means a DOT safety-sensitive employee is considered to be performing a safety sensitive function and includes any period in which the DOT safety-sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.

POST-ACCIDENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted after accidents on employees whose performance could have contributed to the accident*. For drivers this is determined by:

- a. in a fatality, this includes all DOT safety-sensitive employees who were performing DOT safety-sensitive functions with respect to the vehicle, or
- b. if an accident results in injuries requiring transportation to a medical treatment facility;* or
- c. where one or more vehicles incurs disabling damage that required towing from the site;* or
- d. the safety sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING - conducted before applicants are hired or after an offer to hire, but before actually performing DOT safety-sensitive functions for the first time. Also required when employees transfer to a safety sensitive-position.

PROHIBITED DRUGS (CONTROLLED SUBSTANCES) - means Marijuana, Cocaine, Opioids, Amphetamines, or Phencyclidine.

PROHIBITED SUBSTANCES –
(1) Drugs

Marijuana, amphetamines, opioids, phencyclidine (PCP), cocaine, or any other illegal/legal drug that affects employee performance.

(2) Alcohol

“Alcohol” is defined as: the intoxicating agent in beverage alcohol, medication, ethyl

alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol. This 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 Department of Transportation guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited.

RANDOM ALCOHOL AND/OR CONTROLLED SUBSTANCE 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 - 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) - means that a DOT safety-sensitive employee fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that DOT safety-sensitive 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 - conducted when an individual who has violated the prohibited alcohol or controlled substance conduct standards returns to performing safety sensitive-duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty upon the SAP recommendation.

RETURN-TO-DUTY AGREEMENT* - means a document agreed to and signed by the employer, DOT safety-sensitive employee and the Substance Abuse Professional that outlines the terms and conditions under which the DOT safety-sensitive 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.

DOT SAFETY-SENSITIVE EMPLOYEE (FUNCTION AND/OR POSITION) - An employee is considered to be performing a DOT safety-sensitive function during any period in which that employee is actually driving, ready to drive, or immediately available to drive or perform any job duty under the DOT regulations.

A complete list of DOT safety-sensitive employee (function and/or position) classifications can be found in Appendix "A" at the end of Policy 415b.

SCREENING (INITIAL) TEST - In alcohol testing, it means an analytical procedure to determine whether a DOT safety-sensitive employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

SUBSTANCE ABUSE PROFESSIONAL (SAP) - means 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 substances-related disorders.

SUPERVISOR - means a person in authority who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour of training on the signs and symptoms of controlled substance abuse.

VEHICLE - means a bus, electric bus, van, automobile or vehicle defined as commercial by the California Department of Transportation, rail car, trolley car, trolley bus, or vessel used for mass transportation.