



RESOLUTION No. 18-517

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION AMENDING THE NEVADA COUNTY PERSONNEL CODE SECTION P-9 – DRUG-FREE WORKPLACE POLICY

WHEREAS, the County is interested in maintaining effective human resources policies and procedures that comply with state and federal regulations that meet the service needs of the County; and

WHEREAS, the County is committed to providing employees with fair and understandable policies and rules; and

WHEREAS, employees and bargaining unit representatives have provided feedback through the meet and confer process to the updating of the Nevada County Personnel Code Section P-9; and

WHEREAS, the Nevada County Personnel Code Section P-9 will now be titled Drug Free Workplace and Alcohol and Controlled Substance Testing Policy; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada that the Nevada County Personnel Code Section P-9 are hereby amended as shown in Exhibit A attached hereto and shall be effective as of October 23, 2018.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 23rd day of October, 2018, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Hank Weston and Richard Anderson

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 


Edward Scofield, Chair

NEVADA COUNTY, CALIFORNIA

Personnel Administrative Guidelines

P-9

**SUBJECT: DRUG FREE WORKPLACE AND ALCOHOL AND CONTROLLED
SUBSTANCE TESTING POLICY**

A. PURPOSE

It is the intention of this policy to eliminate substance abuse and its effects in the work place. While Nevada County has no intention of intruding into the private lives of its employees, involvement with drugs and alcohol off the job can take its toll on job performance and employee safety. Employees should be in a condition to perform their duties safely and efficiently, in the interests of their co-workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the influence of these substances on employees during working hours, are inconsistent with this objective. Managers will be trained to recognize symptoms of substance abuse and to become involved in this process.

Nevada County provides many services to our community, including public transit and para-transit services for the residents of our community. Part of our mission is to ensure that all services are delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Nevada County declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.

Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Federal Drug-Free Workplace Act of 1988, the California Drug-Free Workplace Act of 1990 and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates drug and alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens for controlled substances and alcohol.

B. APPLICABILITY

This policy applies to all employees when they are on County of Nevada property or when performing any County of Nevada related business. It applies to off-site lunch periods, breaks when an employee is scheduled to return to work and on-call employees. Vendors and contracted employees/agents are governed by this policy while on County of Nevada premises and they will not be permitted to conduct business if found to be in violation of this policy. Violation of this policy by a vendor and/or contracted employee or agent may serve as grounds to terminate said contract with the County of Nevada.

The County is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as disabled under federal and/or state law. Should an employee self-identify their substance abuse problem PRIOR to violating any provisions of the Personnel Code, the employee shall be allowed to seek rehabilitation without being subject to disciplinary action.

In accordance with Federal Regulations, this Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. Nevada County employees who do not perform safety-sensitive functions are also covered under this policy under the sole authority of Nevada County. A safety-sensitive function covers operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, transit security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any transit employee who operates a vehicle that requires a Commercial Driver's license to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions that perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

Employees and volunteers who work for the Nevada County Sheriff's Office are required, in addition to this policy, to conform to any and all policies and regulations mandated by the Sheriff regarding the use of alcohol and drugs both on and off duty, which may be more restrictive than this policy.

C. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,

- c. One or more vehicles incur disabling damage as the result of the occurrence and are transported away from the scene by a tow truck or other vehicle. For purposes of this definition, disabling damage means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

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

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing, it is taken as a sample representing the whole specimen.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected or which is cancelled. A canceled test is neither positive nor negative.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA/DOT Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function. (See Attachment A)

Covered Employee Under County Designated Safety Sensitive: An employee, applicant, or transferee that will not perform a safety-sensitive function as defined by FTA/DOT but is included based on a performance of specific duties under the County's own authority. (See Attachment A)

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

Department of Transportation (DOT): For the purposes of Drug and Alcohol regulatory oversight, the DOT encompasses all DOT agencies, including, but not limited to: FAA, FRA, FMCSA, FTA, PHMSA, NHTSA, Office of the Secretary (OST), and any designee of a DOT agency. For the purposes of testing under 49 CFR Part 40, the USCG (in the Department of Homeland Security) is considered to be a DOT agency for drug testing purposes.

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

Disabling Damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Evidential Breath Testing Device (EBT): A Device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations. Approved devices are listed on the ODAPC's website.

Initial Drug Test: (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under 49 CFR Part 40.

Limit of Detection (LOD): The lowest concentration at which a measure can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measure can be accurately established.

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

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

Negative Test Result: The verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative Test Result: A test result found to be adulterated, substituted, invalid, or positive for drug/drug metabolites.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive Result: The result reported by an HHS-Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Prohibited Drugs: The drugs for which tests are required are: marijuana, cocaine, amphetamines, phencyclidine (PCP) and opioids, including semi-synthetic opioids (i.e. hydrocodone, oxycodone, hydromorphone, oxymorphone), at levels above the minimum thresholds specified in 49 CFR Part 40, as amended and all illegally used controlled substances as defined by the California Health and Safety Code.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing: The result reported by an HHS Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service or that require a CDL to operate. Include all ancillary vehicles used in support of the transit system.

Safety-Sensitive Functions:

Employee duties identified as:

The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.

- (1) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Driver's License (CDL).
- (2) Maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service.
- (3) Controlling dispatch or movement of a revenue service vehicle.
- (4) Carrying a firearm for security purposes in a FTA covered position.

Split Specimen Collection: A collection in which the urine collected is divided into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, a state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse (ICRC) or by the National Board for Certified Counselors, Inc. and

Affiliates/Master Addictions Counselor (NBCC)) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

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

Test Refusal: The following are considered a refusal to test if the employee:

- a. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- b. Fails to remain at the testing site until the testing process is complete;
- c. Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations;
- d. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen;
- e. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- f. Fails or declines to take a second test the employer or collector has directed you to take;
- g. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures;
- h. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process);
- i. If the MRO reports that there is verified adulterated or substituted test result; or
- j. Failure or refusal to sign Step 2 of the alcohol testing form.
- k. Failure to follow the observer's instructions during an observed collection including 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.
- l. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- m. Admit to the collector or MRO that the employee adulterated or substituted the specimen.
- n. Employee consumes alcohol within eight (8) hours following involvement in an accident without first having submitted to post-accident drug/alcohol tests.
- o. Employee leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.
- p. Employee provides false information in connection with a drug test.

Validity Testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all urine specimens provided for

testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified Negative Test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified Positive Test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

D. EDUCATION AND TRAINING

Every employee shall receive a copy of this policy and shall have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel who are in a position to determine employee fitness for duty shall receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Under the Nevada County's own authority, supervisory personnel shall also be trained on how to intervene constructively and how to effectively integrate an employee back into his/her work group following intervention and/or treatment.

Information on the signs, symptoms, health effects, and consequences of alcohol misuse is presented in Attachment B of this policy.

E. PROHIBITED SUBSTANCES

Prohibited substances addressed by this policy include the following:

Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988; all illegal drugs as defined by the California Health and Safety Code and all controlled substances taken without a prescription. This includes, but is not limited to: marijuana (cannabis),, amphetamines (including MDA as an initial test analyte), opioids (codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone and oxymorphone – common brand names for these semi-synthetic opioids include but may not be limited to: Oxycontin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, and Exalgo®), phencyclidine (PCP), and cocaine. Illegal use includes use of any illegal drug as defined by this policy, use of prescribed medication in excess of the prescribed dose or prescription drugs for which the employee does not have a legally obtained prescription. The prohibited substances identified in this policy apply to all Nevada County employees. For purposes of this policy, marijuana (cannabis) is considered an “illegal drug” as set forth under federal law.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all covered employees be tested for marijuana (cannabis), cocaine, amphetamines, opioids, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty. Marijuana (cannabis) is considered an “illegal drug” under this provision.

Legal Drugs:

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the employee’s supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions. For non-safety sensitive employees, a written release from the employee’s doctor indicating that the employee can perform his/her job may be required. Marijuana (cannabis) is not considered a “legal drug” under this provision.

The County of Nevada has the right to restrict an employee’s work activities while an employee is using legal drugs. The County may also require an employee on prescribed medication to take a leave of absence while taking such medication. In any case, no employee may report to work if he/she is impaired by the use of the drugs to the point the impairment might endanger the employee's safety or the safety of anyone else, pose a risk of significant breach of security, or substantially interfere with the performance of assigned job duties or the efficient operations of the County.

Alcohol:

The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. A random or reasonable suspicion alcohol test may be performed on a covered employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under Nevada County's authority, an alcohol test can be performed any time a covered employee is on duty. All other employees may be subject to reasonable suspicion testing, as provided by this Policy.

F. PROHIBITED CONDUCT

Consistent with the Drug-free Workplace Act, all Nevada County employees are prohibited from engaging in the unlawful manufacture, distribution, sale, dispensing, possession, or use of prohibited substances in the work place, anytime on duty, when subject to call-in, during rest or meal breaks, including Transit Department premises and transit vehicles, while representing the County after an assigned work shift or on any other County premises.

All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.

Nevada County under its own authority also prohibits the consumption of alcohol at all times an employee is on duty, subject to call-in, on a break, on County property, or anytime the employee is in uniform.

Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If a standby employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her standby responsibilities and may be subject to discipline.

The Transit Department as well as all other County departments shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol. Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater when the employee tests positive for alcohol consumption, regardless of when the alcohol was consumed.

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

No covered employee shall consume alcohol within at least four (4) hours prior to the performance of safety-sensitive job functions.

When there is reasonable suspicion to believe an employee engaged in his or her duties is currently under the influence of alcohol or drugs he or she shall be prevented from engaging in further work and shall be assisted in being safely transported from the work site. Such employee will be on a paid leave of absence until the test results are received.

Employees who are rightfully requested to submit to testing as defined by this policy and who fail to pass a controlled substance or alcohol test shall remain off duty and be subject to disciplinary action up to and including termination. Transit and DOT safety-sensitive employees who fail to pass a controlled substance or alcohol test shall be required to submit to an examination by a substance abuse professional (SAP) that may require the employee to undergo treatment as a prerequisite to return to duty. Transit and DOT safety-sensitive employees must submit to a return to duty controlled substance and/or alcohol test prior to returning to work and will be subject to unannounced follow-up testing for a period of time to be determined by the Substance Abuse Professional (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 as defined in this policy.

The decision to discipline or discharge will be carried out in conformance with Section 18 of the Personnel Code or applicable Memorandum of Understanding. The disciplinary aspect is intended to focus on employee commitment to a safe work environment and emphasizes the responsibility of employees for their own behavior. Should an employee self-identify his/her own substance abuse problem or agree to obtain treatment as a result of a positive drug/alcohol test, consideration may be given to postpone, reduce or cancel a pending disciplinary action.

G. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Nevada County management of any criminal drug statute conviction for a violation occurring in the workplace within five (5) days after such conviction. Each employee also has the obligation under Nevada County authority to report to his/her department, a conviction for a drug-related offense within thirty (30) calendar days of such conviction. Failure to report may constitute a cause for serious disciplinary action up to and including termination.

H. TESTING REQUIREMENTS

All employees shall be subject to testing for reasonable suspicion and following an accident as defined in this policy.

All Transit and DOT safety-sensitive employees are subject to testing prior to employment and random testing in addition to testing for reasonable suspicion and following an accident as defined in the Transit and DOT guidelines. Classifications defined by the County to be deemed safety sensitive will also be subject to testing prior to employment. The classifications are listed at the end of this policy.

If the confirmatory test is positive, the employee must provide within 24 hours of request, a bona fide verification of a valid prescription by a physician for the drug identified in the drug screen. The prescription must be in the employee's name. If not, the employee will be subject to disciplinary action up to and including discharge.

Analytical urine drug testing and breath testing for alcohol will be conducted as required by 49 CFR part 40 as amended. All covered employees shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in Sections K, L, M, and N of this policy, and if applicable, return to duty/follow-up testing.

A drug test can be performed any time a covered safety sensitive employee is on duty. A reasonable suspicion and random alcohol test can be performed just before, during or after the performance of a safety-sensitive job function.

All covered employees who have tested positive for drugs or alcohol will be tested prior to returning to duty after completion of the Substance Abuse Professional's recommended treatment program and subsequent release to duty. Follow-up testing will also be conducted following return-to-duty for a period of one to five years, with at least six tests performed during the first year. The duration and frequency of the follow-up testing above the minimum requirements will be at the discretion of the Substance Abuse Professional.

Any employee who refuses to comply with a rightful request for testing (i.e. engages in a "test refusal" as defined above) or who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration or substitution shall be removed from duty immediately and subject to disciplinary action. As defined above, refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical reason as well as a verbal declaration, obstructive behavior or physical absence after being given a rightful request to remain for testing, which results in the inability to conduct the test and obtain usable results.

All Transit and DOT safety sensitive employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment. Any covered employee who is suspected

of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employee's removal from duty and subject to disciplinary action. Refer to Section C for behavior that constitutes a refusal to test.

I. DRUG TESTING PROCEDURES

When conducted or required, all controlled substance testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended for safety sensitive employees. Pre-employment specimens for non-safety sensitive positions will be collected as single specimens. Each specimen will be accompanied by a DOT or non-DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those split specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.

The test results from the HHS certified laboratory will be reported to a Medical Review Officer. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Nevada County's Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO will report the test result as negative to the DAPM and no further action will be taken.

If the test is invalid without a medical explanation, a retest will be conducted. For safety-sensitive employees, such retest will be conducted under direct observation.

Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice by the MRO of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. The employee is responsible for the cost of the split sample testing.

If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct Nevada County to retest the employee under direct observation.

The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary specimen is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the County, by the MRO, or by the relevant DOT agency.

Observed collections – Safety Sensitive Employees:

Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- a. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Nevada County that there was not an adequate medical explanation for the result; or
- b. The MRO reports to Nevada County that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
- c. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).

- d. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
- e. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
- f. The temperature on the original specimen was out of range.
- g. All follow-up tests; or
- h. All return-to-duty tests

J. ALCOHOL TESTING PROCEDURES

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. A second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. A positive alcohol test may result in disciplinary action up to and including termination. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive under DOT guidelines, the employee shall still be removed from duty for at least eight or for the duration of the work day whichever is longer and will be subject to disciplinary action. An alcohol concentration of less than 0.02 will be considered a negative test, however, may be considered misconduct. For employees represented by the Deputy District Attorney/Deputy Public Defenders Unit, Sheriff's Management Association, Management Employees Association, an alcohol concentration of less than 0.02 will be considered a negative test, however, the employee may still be subject to discipline in accordance with County disciplinary rules.

Nevada County affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign Step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

All applicants for covered FTA/DOT positions and County designated safety sensitive positions shall undergo urine drug testing and breath alcohol testing prior to performance of a safety-sensitive function for Nevada County. County specified safety-sensitive positions working with at-risk children and adults that also require pre-employment testing are identified in applicable job descriptions and in Attachment A at the end of this Policy.

All offers of employment for specified positions shall be extended conditional upon the applicant passing a drug and alcohol test. An applicant shall not be placed into a FTA/DOT/County designated safety-sensitive position unless the applicant takes a drug test with verified negative results, and an alcohol test with a result of a concentration below 0.02.

A non-safety sensitive employee shall not be placed, transferred or promoted into a covered specified position until the employee takes a drug test with verified negative results and a test with a result of a concentration below 0.02.

If a specified applicant fails a pre-employment drug or alcohol test, the conditional offer of employment shall be rescinded. The applicant is then ineligible for employment for a period of one year. To reapply, the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.

When an employee being placed, transferred, or promoted from a non-specified position to a specified position submits a drug test with a verified positive result, and/or an alcohol concentration above 0.02 the employee may be subject to disciplinary action.

If a pre-employment/pre-transfer test is canceled, Nevada County will require the applicant to take and pass another pre-employment drug/alcohol test.

In instances where a covered employee does not perform a safety-sensitive function for a period of 90 days or more regardless of reason, and during that period is not in the random testing pool,

the employee will be required to take a drug and alcohol test under 49 CFR Part 655 and have negative test results prior to resuming the conduct of safety-sensitive job functions.

An applicant with a dilute negative test result will be required to retest.

Applicants for safety sensitive positions are required to report previous Transit and DOT covered employer drug and alcohol test results. Failure to do so will result in the employment offer being rescinded. If the applicant has tested positive or refused to test on a pre-employment test for a Transit and DOT covered employer, the applicant must then provide Nevada County proof of having successfully completed a referral, evaluation and treatment plan as described in Section 655.62 of Subpart G.

L. REASONABLE SUSPICION TESTING

All Nevada County employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably conclude that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. Under Federal Regulations, applicable to FTA/DOT covered safety-sensitive employees, a reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Nevada County's authority, a non-DOT reasonable suspicion alcohol test may be performed any time an employee is on duty.

Any such trained employee requesting or ordering an employee to submit to a controlled substance or breath analysis or saliva test shall, prior to the test, document in writing the facts constituting the employee's behavior that is characteristic of alcohol misuse or prohibited drug use. In the event that extenuating circumstances prevent the trained employee from completing the written documentation prior to the test such employee shall complete the documentation as soon as possible but not later than 24 hours after the test. The documentation shall specify the extenuating circumstances. The County shall create a standard form to be used to document the basis for any request to test an employee. Additionally, the department head is to be contacted before the test is required of the employee.

Any such trained employee encountering another employee who refuses an order to submit to a controlled substance, breath analysis or saliva test shall remind the employee that failure to comply is insubordination and may result in disciplinary action, including and up to termination.

The standard form referred to above, shall have places to document the factors which constitute the objective basis for the request to test. For purposes of this policy, the form may include, but is not limited to, a critical incident which occurs while on duty for the County or at the employee's work location.

Examples of critical incidents may include 1) An accident involving a County vehicle or equipment causing damage to property or persons; 2) Manifestation of mental or physical impairment sufficient to raise doubt that normal tasks can be safely or effectively performed; 3) Observation of the employee with open container of alcohol or drug paraphernalia in work area or vehicle; 4) Documented objective facts and a reasonable inference drawn from those facts that an employee is under the influence of alcohol or a controlled substance.

Nevada County management shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending the test results. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action.

M. POST-ACCIDENT TESTING

Fatal Accidents

1. All FTA/DOT covered employees will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle regardless of whether or not the vehicle is in revenue service that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident.
2. All employees (all employees means any employee employed by the County) will be required to undergo urine and breath testing if they are involved in an accident that results in a fatality. This includes all surviving employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident.

Non-Fatal Accidents

1. FTA/DOT Covered employees will be required to undergo controlled substance and/or breath or saliva alcohol testing if they are involved in an accident while operating County vehicles or equipment if the 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 if the employee receives a citation under state or local law for a moving traffic violation arising from the accident.

2. In addition, a post-accident test may be conducted for all employees if an accident results in injuries requiring immediate transportation to a medical treatment facility; or one or more vehicles incurs disabling damage, unless the operator's performance can be completely discounted as a contributing factor to the accident or unless alcohol and /or controlled substance/drug use by the operator can be eliminated as a contributing factor to the accident. If post-accident testing is performed, the Supervisor must document the reasons justifying the testing.
3. As soon as practicable following an accident, as defined in this policy, the supervisor investigating the accident will notify the employee operating the vehicle and all other employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.
4. The appropriate supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and within 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.
5. Any employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test.
6. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.
7. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
8. In the rare event that Nevada County is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Nevada County may use drug and alcohol post-accident test results administered by law enforcement officials in lieu of the FTA test. The law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with the law.
9. Any employee who, having first been requested to submit to such test, leaves the scene of such accident without appropriate authorization prior to submission to controlled

substance and alcohol testing will be considered to have refused the test and subject to disciplinary action.

N. RANDOM TESTING (Transit and DOT Specified Safety Sensitive Employees Only)

1. Pursuant to 49 CFR, Part 655.45 and Part 40, employees working in the Transit and DOT safety-sensitive positions as defined in this Policy shall be subject to randomly selected, unannounced testing. The random selection shall be conducted by a scientifically valid method.
2. The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those Transit and DOT safety-sensitive employees subject to random testing by Federal Regulations. Each Transit and DOT safety-sensitive employee shall have an equal chance of being tested each time selections are made. Transit and DOT safety-sensitive employees shall be tested either just before, while performing, or just after performing a safety-sensitive duty or function. The current random testing rate for drugs/alcohol established by FTA equals twenty-five percent (25%) shall be randomly tested for controlled substances and ten percent (10%) shall be randomly tested for alcohol abuse or misuse in a twelve-month period. Effective January 1, 2019 the testing established by FTA changes to fifty percent (50%) shall be randomly tested for controlled substances and ten percent (10%) shall be randomly tested for alcohol abuse or misuse in a twelve-month period.
3. The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
4. Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
5. Covered Transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety sensitive employees that are included solely under Nevada County's authority.
6. Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during, or just after the performance of a safety sensitive duty. However, under Nevada County's authority, a random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.

7. Upon notification of their random selection, employees are required to proceed immediately to the collection site.

O. RETURN-TO-DUTY TESTING

All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. For an initial positive drug test, a Return-to-Duty drug test is required and an alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required and a drug test is allowed. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual which the employee shall comply with at his or her own cost, and on his or her own time. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety.

P. FOLLOW-UP TESTING

Covered employees will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty after a positive drug/alcohol test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing. The costs for follow-up testing shall be the responsibility of the employee.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

Q. RESULT OF DRUG/ALCOHOL TEST

1. Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her position, informed of educational and rehabilitation programs available and referred to a Substance Abuse Professional (SAP) for assessment and will be subject to discipline. No employee will be allowed to return to duty requiring the performance of safety-sensitive job functions without the approval of the SAP and the County. Non-safety sensitive employees may also be removed from duty as a result of a positive drug/alcohol test, or refusal to test, and may be subject to the same return to duty procedures as covered employees.
2. A drug test with the result of negative dilute shall be retested. Should the second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
3. Refusal to submit to a drug/alcohol test (as defined above) shall be considered a positive test result and a direct act of insubordination and shall result in proposed termination and a referral to SAP. A test refusal includes the following circumstances:
 - (1) Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer
 - (2) Fails 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 has not refused to test.
 - (3) Fails to attempt to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
 - (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen
 - (5) Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure
 - (6) Fails or declines to take a second test the employer or collector has directed you to take

- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures
- (8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
- (9) If the MRO reports that there is verified adulterated or substituted test result
- (10) Failure or refusal to sign Step 2 of the alcohol testing form
- (11) Failure to follow the observer's instructions during an observed collection including 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.
- (12) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- (13) Admit to the collector or MRO that you adulterated or substituted the specimen.

- 4. The Employee shall be notified of proposed disciplinary action pursuant to the applicable section of the Personnel Code or respective Memorandum of Understanding.
- 5. The cost of any treatment or rehabilitation services shall be paid directly by the employee or their insurance provider. The employee shall be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

Except as specified in this section in the paragraph immediately above; nothing in this section changes the rights of an employee with respect to the County disciplinary and appeal procedures.

S. PROPER APPLICATION OF THE POLICY

Nevada County is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

This policy shall be in no way used to retaliate against any employee for reporting a workplace injury or accident.

T. INFORMATION DISCLOSURE

Laboratory reports or test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder. The reports or test results may be disclosed to County management on a strictly need-to-know basis and to the tested employee upon request.

A log of persons accessing the folder shall be maintained in the folder detailing identity (name and position), specific purpose and date of access. Copies of this log shall be provided to the employee at any time, upon request.

Drug/alcohol testing records shall be maintained by the Nevada County Drug and Alcohol Program Manager and, except as provided by this Policy or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.

Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, Department Supervisor and Human Resources Director on a need to know basis.

Records will be released to a subsequent employer only upon receipt of a written request from the employee.

Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the

results of the drug/alcohol test. The records will be released to the decision maker in the preceding. The information will only be released with binding stipulation from the decision maker will make it available only to parties in the preceding. Records will be released to the National Transportation Safety Board during an accident investigation.

Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.

- a) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- b) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Nevada County or the employee.
- c) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken.
- d) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

U. SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the individual(s) listed below. A current list of individuals assigned to these areas and his/her respective telephone numbers can be obtained through the Human Resources Department or via the County "Infonet" site.

Nevada County Drug and Alcohol Program Manager

Name: Director of Human Resources (or designee)
Address: 950 Maidu Avenue
Nevada City, CA 95959
Telephone Number: (530) 265-7010

Attachment A

Safety Sensitive Classifications

Transit safety-sensitive duties include, but are not limited to, any of the duties performed by incumbents of the following classifications:

- * Supervising Bus Driver
- * Bus Driver
- * Bus Driver Trainee
- * Equipment Mechanic I/II
- * Fleet Services Manager
- * Heavy Equipment Mechanic
- * Senior Heavy Equipment Mechanic
- * Transit System Supervisor
- * Transit Services Manager

County and/or DOT specified safety sensitive duties include, but are not limited to, any of the duties performed by incumbents of the following classifications:

- * Agricultural Biologist I/II/III
- * Road Supervisor
- * Road Services Manager
- * Road Maintenance Worker I/II/III
- * Supervising Road Maintenance Worker
- * Traffic Sign Technician
- * Senior Traffic Sign Technician
- * Wastewater Service Worker I/II
- * Senior Wastewater Service Worker
- * Wastewater Collections Supervisor

Classifications considered safety sensitive by the County of Nevada that are working with at-risk children/adults include (not subject to random testing):

- * Correctional Officer I/II
- * Correctional Lieutenant
- * Correctional Sergeant
- * Deputy Sheriff I/II/Trainee
- * Sheriff's Dispatcher I/II/Senior
- * Sheriff's Lieutenant
- * Sheriff's Sergeant
- * Sheriff's Captain
- * District Attorney Investigator
- * Chief District Attorney Investigator

- * Social Workers I/II/III/IV
- * Social Worker Supervisor I/II
- * Social Services Aide
- * Behavioral Health Worker I/II/III
- * Project Coordinator
- * Behavioral Health Therapist I/II/Lic
- * Behavioral Health Nurse I/II
- * Behavioral Health Clinic Supervisor
- * Behavioral Health Medical Director
- * Public Health Nurse I/II/Senior
- * Registered Nurse I/II
- * Program Managers in Children and Adult Services
- * Deputy Probation Officers I/II/III/Supervisor
- * Group Supervisor I/II/Supervisor

Attachment B

Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

- Signs and Symptoms of Use
- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or lethargic condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

- Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed “alcoholic”)
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers

- Birth defects (up to 54 percent of all birth defects are alcohol related).
- Social Issues
 - Two-thirds of all homicides are committed by people who drink prior to the crime.
 - Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
 - Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.
 - The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
 - Forty percent of family court cases are alcohol problem related.
 - Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
 - More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.
- The Annual Toll
 - 24,000 people will die on the highway due to the legally impaired driver.
 - 12,000 more will die on the highway due to the alcohol-affected driver.
 - 15,800 will die in non-highway accidents.
 - 30,000 will die due to alcohol-caused liver disease.
 - 10,000 will die due to alcohol-induced brain disease or suicide.
 - Up to another 125,000 will die due to alcohol-related conditions or accidents.
- Workplace Issues
 - It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
 - Impairment in coordination and judgment can be objectively 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.