

**TWAIN HARTE COMMUNITY SERVICES DISTRICT  
Finance/Policy Committee Meeting**

**Chair:** *Gary Sipperley*  
**Co-Chair:** *Eileen Mannix*

**THCSD CONFERENCE ROOM  
22912 VANTAGE POINTE DR., TWAIN HARTE  
May 1, 2024 1:30 p.m.**

**NOTICE: Public May Attend this Meeting In-Person.**

The meeting will be accessible via ZOOM for anyone that chooses to participate virtually:

- Videoconference Link: <https://us02web.zoom.us/j/85908562446>
- Meeting ID: 859 0856 2446
- Telephone: (669) 900-6833

**AGENDA**

- 1. Review/discuss draft Fiscal Year 2024-25 Administration Fund Budget and overall Budget.**
- 2. Review Policy 2004 - Alcohol-Tobacco-Vapor Products and Drug Abuse Policy.**
- 3. Review new Policy 2005 - DOT Employee Substance Abuse and Testing.**
- 4. Review proposed revisions to Policy 2031 – Vacation.**
- 5. Review Policy 2161 – Whistleblowers Policy.**
- 6. Adjourn.**

---

**HOW TO VIRTUALLY PARTICIPATE IN THIS THIS MEETING**

The public can virtually observe and participate in a meeting as follows:

- **Computer:** Join the videoconference by clicking the videoconference link located at the top of this agenda or on our website. You may be prompted to enter your name and email. Your email will remain private and you may enter “anonymous” for your name.
- **Smart Phone/Tablet:** Join the videoconference by clicking the videoconference link located at the top of this agenda OR log in through the Zoom mobile app and enter the Meeting ID# and Password found at the top of this agenda. You may be prompted to enter

your name and email. Your email will remain private and you may enter “anonymous” for your name.

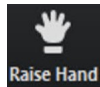
- **Telephone:** Listen to the meeting by calling Zoom at (4669) 900-6833. Enter the Meeting ID# listed at the top of this agenda, followed by the pound (#) key.

\* NOTE: your personal video will be disabled and your microphone will be automatically muted.

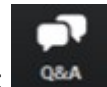
### **SUBMITTING PUBLIC COMMENT**

The public will have an opportunity to comment before and during the meeting as follows:

- **Before the Meeting:**
  - Email comments to [ksilva@twainhartecsd.com](mailto:ksilva@twainhartecsd.com), write “Public Comment” in the subject line. In the body of the email, include the agenda item number and title, as well as your comments.
  - Mail comments to THCSD Board Secretary: P.O. Box 649, Twain Harte, CA 95383
- **During the Meeting:**
  - Computer/Tablet/Smartphone: Click the “Raise Hand” icon and the host will unmute your audio when it is time to receive public comment. If you would rather make a comment in writing, you may click on the “Q&A” icon and type your comment. You may need to tap your screen or click on “View Participants” to make icons visible.



Raise Hand Icon:



Q&A Icon:

- Telephone: Press \*9 if to notify the host that you have a comment. The host will unmute you during the public comment period and invite you to share comments.
- In-Person: Raise your hand and the Board Chairperson will call on you.

\* NOTE: If you wish to speak on an item on the agenda, you are welcome to do so during consideration of the agenda item itself. If you wish to speak on a matter that does not appear on the agenda, you may do so during the Public Comment period. Persons speaking during the Public Comment will be limited to five minutes or depending on the number of persons wishing to speak, it may be reduced to allow all members of the public the opportunity to address the Board. Except as otherwise provided by law, no action or discussion shall be taken/conducted on any item not appearing on the agenda. Public comments must be addressed to the board as a whole through the President. Comments to individuals or staff are not permitted.

### **MEETING ETIQUETTE**

Attendees shall make every effort not to disrupt the meeting. Cell phones must be silenced or set in a mode that will not disturb District business during the meeting.

### **ACCESSIBILITY**

Board meetings are accessible to people with disabilities. In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the District office 48 hours prior to the meeting at (209) 586-3172.

### **WRITTEN MEETING MATERIALS**

If written materials relating to items on this Agenda are distributed to Board members prior to the meeting, such materials will be made available for public inspection on the District’s website: [www.twainhartecsd.com](http://www.twainhartecsd.com)

Twain Harte Community Services District  
2024-2025 Budget - DRAFT

|                                       | WATER               |                     |             | SEWER               |                     |            | FIRE                |                     |             | PARK                |                    |             | ADMIN             |                   |           | TOTAL                 |
|---------------------------------------|---------------------|---------------------|-------------|---------------------|---------------------|------------|---------------------|---------------------|-------------|---------------------|--------------------|-------------|-------------------|-------------------|-----------|-----------------------|
|                                       | FY 23/24            | Proposed            | % Diff      | FY 23/24            | Proposed            | % Diff     | FY 23/24            | Proposed            | % Diff      | FY 23/24            | Proposed           | % Diff      | FY 23/24          | Proposed          | % Diff    | PROJECTED             |
| <b>Revenue</b>                        |                     |                     |             |                     |                     |            |                     |                     |             |                     |                    |             |                   |                   |           |                       |
| Service Charges                       | \$ 1,506,217        | \$ 1,632,581        | 8%          | \$ 1,189,867        | \$ 1,358,123        | 14%        | \$ -                | \$ -                | 0%          | \$ -                | \$ -               | 0%          | \$ -              | \$ -              | 0%        | \$ 2,990,704          |
| Fees                                  | 18,800              | 18,800              | 0%          | 13,800              | 13,800              | 0%         | -                   | -                   | 0%          | 7,100               | 8,500              | 20%         | -                 | -                 | 0%        | 41,100                |
| Taxes & Assessments                   | 41,382              | 42,209              | 2%          | -                   | -                   | 0%         | 1,329,463           | 1,367,279           | 3%          | 152,245             | 156,758            | 3%          | -                 | -                 | 0%        | 1,566,246             |
| Grants & Donations                    | 1,506,007           | -                   | -100%       | 25,000              | 140,000             | 460%       | 301,251             | 218,775             | -27%        | 2,869,979           | 461,452            | -84%        | -                 | -                 | 0%        | 820,227               |
| Other Revenue                         | 53,850              | 46,000              | -15%        | 23,150              | 20,000              | -14%       | 290,106             | 48,000              | -83%        | 3,500               | 3,500              | 0%          | 1,000             | 1,000             | 0%        | 118,500               |
| <b>Total Program Revenue</b>          | <b>\$ 3,126,256</b> | <b>\$ 1,739,590</b> | <b>-44%</b> | <b>\$ 1,251,817</b> | <b>\$ 1,531,923</b> | <b>22%</b> | <b>\$ 1,920,820</b> | <b>\$ 1,634,054</b> | <b>-15%</b> | <b>\$ 3,032,824</b> | <b>\$ 630,210</b>  | <b>-79%</b> | <b>\$ 1,000</b>   | <b>\$ 1,000</b>   | <b>0%</b> | <b>\$ 5,536,777</b>   |
| Admin Revenue Allocation              | 470                 | 470                 | 0%          | 250                 | 250                 | 0%         | 180                 | 180                 | 0%          | 100                 | 100                | 0%          | (1,000)           | (1,000)           | 0%        | -                     |
| <b>GRAND TOTAL REVENUE</b>            | <b>\$ 3,126,726</b> | <b>\$ 1,740,060</b> | <b>-44%</b> | <b>\$ 1,252,067</b> | <b>\$ 1,532,173</b> | <b>22%</b> | <b>\$ 1,921,000</b> | <b>\$ 1,634,234</b> | <b>-15%</b> | <b>\$ 3,032,924</b> | <b>\$ 630,310</b>  | <b>-79%</b> | <b>\$ -</b>       | <b>\$ -</b>       | <b>0%</b> | <b>\$ 5,536,777</b>   |
| <b>Operating Expenses</b>             |                     |                     |             |                     |                     |            |                     |                     |             |                     |                    |             |                   |                   |           |                       |
| Salaries                              | \$ 335,849          | \$ 352,518          | 5%          | \$ 179,875          | \$ 189,603          | 5%         | \$ 699,386          | \$ 631,516          | -10%        | \$ 20,299           | \$ 19,942          | -2%         | \$ 426,891        | \$ 395,106        | -7%       | \$ 1,588,685          |
| Benefits                              | 200,538             | 204,553             | 2%          | 109,650             | 112,265             | 2%         | 346,968             | 407,287             | 17%         | 18,072              | 9,431              | -48%        | 219,242           | 230,365           | 5%        | 963,900               |
| Equip, Auto, Maint, & Repairs         | 166,200             | 142,400             | -14%        | 85,700              | 68,800              | -20%       | 165,550             | 118,600             | -28%        | 24,370              | 31,350             | 29%         | 14,700            | 12,000            | -18%      | 373,150               |
| Materials & Supplies                  | 49,400              | 51,200              | 4%          | 6,000               | 6,100               | 2%         | 10,300              | 10,800              | 5%          | 1,500               | 1,900              | 27%         | 3,900             | 4,300             | 10%       | 74,300                |
| Outside Services                      | 460,650             | 43,200              | -91%        | 27,850              | 28,000              | 1%         | 25,700              | 26,000              | 1%          | 4,500               | 4,500              | 0%          | 64,900            | 101,300           | 56%       | 203,000               |
| Other (Utilities, Prop/Liab Ins, TUD) | 254,100             | 259,900             | 2%          | 611,400             | 700,900             | 15%        | 104,700             | 121,400             | 16%         | 29,300              | 34,500             | 18%         | 77,350            | 85,200            | 10%       | 1,201,900             |
| Debt Service                          | 110,684             | 110,539             | 0%          | 16,958              | 16,939              | 0%         | -                   | -                   | 0%          | -                   | -                  | 0%          | -                 | -                 | 0%        | 127,478               |
| <b>Total Program Expenses</b>         | <b>\$ 1,577,420</b> | <b>\$ 1,164,310</b> | <b>-26%</b> | <b>\$ 1,037,433</b> | <b>\$ 1,122,607</b> | <b>8%</b>  | <b>\$ 1,352,604</b> | <b>\$ 1,315,603</b> | <b>-3%</b>  | <b>\$ 98,041</b>    | <b>\$ 101,623</b>  | <b>4%</b>   | <b>\$ 806,983</b> | <b>\$ 828,271</b> | <b>3%</b> | <b>\$ 4,532,414</b>   |
| Administrative Cost Allocation        | 379,282             | 389,287             | 3%          | 201,746             | 207,068             | 3%         | 145,257             | 149,089             | 3%          | 80,698              | 82,827             | 3%          | (806,983)         | (828,271)         | 3%        | -                     |
| <b>GRAND TOTAL OPERATING EXPENSES</b> | <b>\$ 1,956,702</b> | <b>\$ 1,553,597</b> | <b>-21%</b> | <b>\$ 1,239,179</b> | <b>\$ 1,329,675</b> | <b>7%</b>  | <b>\$ 1,497,861</b> | <b>\$ 1,464,692</b> | <b>-2%</b>  | <b>\$ 178,739</b>   | <b>\$ 184,450</b>  | <b>3%</b>   | <b>\$ -</b>       | <b>\$ -</b>       | <b>0%</b> | <b>\$ 4,532,414</b>   |
| <b>TOTAL OPERATING BALANCE</b>        | <b>\$ 1,170,024</b> | <b>\$ 186,463</b>   |             | <b>\$ 12,888</b>    | <b>\$ 202,498</b>   |            | <b>\$ 423,139</b>   | <b>\$ 169,543</b>   |             | <b>\$ 2,854,185</b> | <b>\$ 445,859</b>  |             | <b>\$ -</b>       | <b>\$ -</b>       |           |                       |
| <b>Capital Expenses</b>               |                     |                     |             |                     |                     |            |                     |                     |             |                     |                    |             |                   |                   |           |                       |
| Capital Outlay                        | 480,000             | 798,000             | 66%         | 316,800             | 385,000             | 22%        | 450,900             | 316,000             | -30%        | 2,940,427           | 540,000            | -82%        | -                 | -                 | 0%        | 2,039,000             |
| <b>Total Capital Expenses</b>         | <b>\$ 480,000</b>   | <b>\$ 798,000</b>   | <b>66%</b>  | <b>\$ 316,800</b>   | <b>\$ 385,000</b>   | <b>22%</b> | <b>\$ 450,900</b>   | <b>\$ 316,000</b>   | <b>-30%</b> | <b>\$ 2,940,427</b> | <b>\$ 540,000</b>  | <b>-82%</b> | <b>\$ -</b>       | <b>\$ -</b>       |           | <b>\$ 2,039,000</b>   |
| <b>GRAND TOTAL EXPENSES</b>           | <b>\$ 2,436,702</b> | <b>\$ 2,351,597</b> | <b>-3%</b>  | <b>\$ 1,555,979</b> | <b>\$ 1,714,675</b> | <b>10%</b> | <b>\$ 1,948,761</b> | <b>\$ 1,780,692</b> | <b>-9%</b>  | <b>\$ 3,119,166</b> | <b>\$ 724,450</b>  | <b>-77%</b> | <b>\$ -</b>       | <b>\$ -</b>       | <b>0%</b> | <b>\$ 6,571,414</b>   |
| <b>Transfer To/(From) Reserve</b>     | <b>\$ 690,024</b>   | <b>\$ (611,537)</b> |             | <b>\$ (303,912)</b> | <b>\$ (182,502)</b> |            | <b>\$ (27,761)</b>  | <b>\$ (146,457)</b> |             | <b>\$ (86,242)</b>  | <b>\$ (94,141)</b> |             | <b>\$ -</b>       | <b>\$ -</b>       |           | <b>\$ (1,034,637)</b> |

Twain Harte Community Services District

2024-2025 Budget

ADMIN - REVENUE

| BUDGET ITEM                | BUDGET          |                 | CHANGE      |           | REASON FOR CHANGE |
|----------------------------|-----------------|-----------------|-------------|-----------|-------------------|
|                            | 23/24 Approved  | 24/25 Proposed  | \$          | %         |                   |
| <b>Other Revenue</b>       |                 |                 |             |           |                   |
| Grant Revenue              |                 |                 | \$ -        | 0%        |                   |
| Miscellaneous Revenue      | 1,000           | 1,000           | -           | 0%        |                   |
| Interest Revenue           |                 |                 | -           | 0%        |                   |
| Lease Revenue              |                 |                 | -           | 0%        |                   |
| Sale of Assets             |                 |                 | -           | 0%        |                   |
| Other                      |                 |                 | -           | 0%        |                   |
| <b>TOTAL OTHER REVENUE</b> | <b>\$ 1,000</b> | <b>\$ 1,000</b> | <b>\$ -</b> | <b>0%</b> |                   |
| <b>GRAND TOTAL REVENUE</b> | <b>\$ 1,000</b> | <b>\$ 1,000</b> | <b>\$ -</b> | <b>0%</b> |                   |

Twain Harte Community Services District

2024-2025 Budget

ADMIN - EXPENSES

| BUDGET ITEM | BUDGET         |                | CHANGE |   | REASON FOR CHANGE |
|-------------|----------------|----------------|--------|---|-------------------|
|             | 23/24 Approved | 24/25 Proposed | \$     | % |                   |

| Salaries - 51XXX        |                   |                   |                    |            |  |
|-------------------------|-------------------|-------------------|--------------------|------------|--|
| Regular Time            | \$ 391,398        | \$ 376,143        | (15,255)           | -4%        |  |
| Uniform Allowance       | 113               | 83                | (30)               | -26%       |  |
| Sick Leave/Vacation Pay | 26,500            | 10,000            | (16,500)           | -62%       |  |
| Director Stipends       | 8,880             | 8,880             | 0                  | 0%         |  |
| Cell Phone Stipend      | 0                 | 0                 | 0                  | 0%         |  |
| <b>TOTAL SALARIES</b>   | <b>\$ 426,891</b> | <b>\$ 395,106</b> | <b>\$ (31,785)</b> | <b>-7%</b> |  |

| Benefits - 52XXX          |                   |                   |                  |           |  |
|---------------------------|-------------------|-------------------|------------------|-----------|--|
| Health & Vision Insurance | \$ 74,785         | \$ 84,720         | \$ 9,936         | 13%       |  |
| HRA Reimbursement         | 26,160            | 25,416            | (744)            | -3%       |  |
| Retirement                | 78,909            | 82,711            | 3,801            | 5%        |  |
| FICA                      | 27,650            | 25,192            | (2,458)          | -9%       |  |
| Medicare                  | 6,497             | 6,314             | (183)            | -3%       |  |
| Workers Comp              | 3,946             | 4,898             | 952              | 24%       |  |
| Unemployment Ins/ETT      | 1,294             | 1,113             | (181)            | -14%      |  |
| <b>TOTAL BENEFITS</b>     | <b>\$ 219,242</b> | <b>\$ 230,365</b> | <b>\$ 11,124</b> | <b>5%</b> |  |

| Equipment, Automotive, Maintenance & Repairs  |                  |                  |                   |             |  |
|---|------------------|------------------|-------------------|-------------|--|
| Equipment Maintenance & Repair                | \$ 1,500         | \$ 1,500         | \$ -              | 0%          |  |
| Facilities Maintenance & Repair               | 4,000            | 4,000            | 0                 | 0%          |  |
| Janitorial/Cleaning Services                  | 500              | 500              | 0                 | 0%          |  |
| Fuel  | 2,200            | 2,200            | 0                 | 0%          |  |
| Equipment Under \$5,000                       | 6,500            | 3,800            | (2,700)           | -42%        | Not as many computers to replace this FY |
| <b>TOTAL EQUIP, AUTO, MAINT &amp; REPAIRS</b> | <b>\$ 14,700</b> | <b>\$ 12,000</b> | <b>\$ (2,700)</b> | <b>-18%</b> |  |

| Materials & Supplies - 54XXX          |                 |                 |               |            |  |
|---------------------------------------|-----------------|-----------------|---------------|------------|--|
| Office Supplies                       | \$ 2,000        | \$ 2,400        | \$ 400        | 20%        |  |
| Postage                               | 1,500           | 1,500           | 0             | 0%         |  |
| Janitorial Supplies                   | 400             | 400             | 0             | 0%         |  |
| <b>TOTAL MATERIALS &amp; SUPPLIES</b> | <b>\$ 3,900</b> | <b>\$ 4,300</b> | <b>\$ 400</b> | <b>10%</b> |  |

Twain Harte Community Services District

2024-2025 Budget

ADMIN - EXPENSES

| BUDGET ITEM                      | BUDGET            |                   | CHANGE           |            | REASON FOR CHANGE                            |
|----------------------------------|-------------------|-------------------|------------------|------------|--|
|                                  | 23/24 Approved    | 24/25 Proposed    | \$               | %          |  |
| <b>Outside Services - 55XXX</b>  |                   |                   |                  |            |  |
| Auditing/Accounting Services     | \$ 48,700         | \$ 85,000         | \$ 36,300        | 75%        | Full year of RGS finance/accounting services |
| Legal Fees                       | 8,500             | 8,500             | 0                | 0%         |  |
| IT Services                      | 5,600             | 4,800             | (800)            | -14%       |  |
| Medical Exams                    |                   | 0                 | 0                | 0%         |  |
| Other Professional Services      | \$ 2,100          | \$ 3,000          | 900              | 43%        |  |
| <b>TOTAL OUTSIDE SERVICES</b>    | <b>\$ 64,900</b>  | <b>\$ 101,300</b> | <b>\$ 36,400</b> | <b>56%</b> |  |
| <b>Other - 56XXX</b>             |                   |                   |                  |            |  |
| Utilities                        | \$ 9,300          | \$ 9,300          | \$ -             | 0%         |  |
| Phone/Communications             | 5,000             | 5,000             | 0                | 0%         |  |
| Software Licenses & Maintenance  | 20,000            | 20,500            | 500              | 3%         |  |
| Property/Liability Insurance     | 14,400            | 16,300            | 1,900            | 13%        | SDRMA projected 13% increase                 |
| Dues & Memberships               | 5,200             | 5,800             | 600              | 12%        |  |
| Licenses & Certifications        | 650               | 500               | (150)            | -23%       |  |
| Training, Conferences & Travel   | 21,000            | 26,000            | 5,000            | 24%        | Added training for new board members         |
| Advertising & Public Education   | 1,000             | 1,000             | 0                | 0%         |  |
| Bank/Investment Fees             | 800               | 800               | -                | 0%         |  |
| <b>TOTAL OTHER</b>               | <b>\$ 77,350</b>  | <b>\$ 85,200</b>  | <b>\$ 7,850</b>  | <b>10%</b> |  |
| <b>GRAND TOTAL EXPENSES</b>      | <b>\$ 806,983</b> | <b>\$ 828,271</b> | <b>\$ 21,288</b> | <b>3%</b>  |  |
| Admin Transfer Out               | \$ (806,983)      | \$ (828,271)      | \$ 21,288        |            |  |
| <b>GRAND TOTAL WITH TRANSFER</b> | <b>\$ -</b>       | <b>\$ -</b>       |                  |            |  |

**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Alcohol/~~Tobacco/Vapor Products and~~ Drug and Substance Abuse Policy  
**POLICY NUMBER:** 2004  
**ADOPTED:** September 13, 2012  
**AMENDED:** 9/8/2016  
**LAST AMENDED:** **May 8, 2024**

**2004.10 INTRODUCTION**

~~The Twain Harte Community Services District (“District”) is concerned about employees being impaired for the performance of duty or under the influence of alcohol, drugs and/or controlled substances at work, and the use of such substances in the work environment. The District’s position is that any measurable amount of drugs or alcohol in an employee’s system while on District time is counter-productive to the goals and mission of the District.~~

~~The District is also concerned about the possession, distribution, purchase or sale of illegal drugs and controlled substances in the workplace. These activities may adversely affect work performance, efficiency, safety and health. In addition, they constitute a potential risk to the welfare and safety of others, risks of injury to other persons, property loss or damage, or negative image for the District.~~

~~The District’s policy is designed to promote a drug-free workplace and to comply with applicable state and federal laws. In recognition of the public service responsibilities entrusted to District employees, and because drug, and alcohol and substance usage can hinder a person’s ability to perform duties safely and effectively, the following Policy on drug and alcohol testing is hereby adopted by the District.~~

**2004.10 PURPOSE**

This Policy establishes the rules and procedures regarding the use of drugs and/or alcohol as it pertains to employment and the procedures to be used to test for drug and/or alcohol use in the following three circumstances:

1. Pre-employment testing of external applicants for District special need jobs;
2. Reasonable suspicion testing of current employees; and
3. Post-accident testing of current employees.

The District’s policy is designed to promote a drug-free workplace and to comply with applicable state and federal laws. In recognition of the public service responsibilities entrusted to District employees, and because drug, alcohol and substance usage can

hinder a person's ability to perform duties safely and effectively, the following Policy on drug and alcohol testing is hereby adopted by the District.

## **2004.20 INTRODUCTION**

The Twain Harte Community Services District ("District") is concerned about employees being impaired for the performance of duty or under the influence of alcohol, drugs and/or controlled substances at work, and the use of such substances in the work environment. The District's position is that any measurable amount of drugs or alcohol in an employee's system while on District time is counter-productive to the goals and mission of the District.

The District is also concerned about the possession, distribution, purchase or sale of illegal drugs and controlled substances in the workplace. These activities may adversely affect work performance, efficiency, safety and health. In addition, they constitute a potential risk to the welfare and safety of others, risks of injury to other persons, property loss or damage, or negative image for the District.

## **2004.30 POLICY APPLICATION, CONFIDENTIALITY & VIOLATION OF POLICY**

1. General Employees. This Policy applies to external applicants for District special needs jobs and to all employees. Any information about an employee's use of prescription or non-prescription medication, the results of any pre-employment or reasonable suspicion drug and/or alcohol testing, and/or an employee's past or present participation in rehabilitation or treatment for substance abuse shall be considered confidential personnel information. The information received in enforcing this Policy shall be disclosed only as necessary for: disciplinary actions and appeals, interactive process meetings and reasonable accommodation efforts, or resolving legal issues. Any reports or test results generated pursuant to this Policy shall be stored in a confidential file, accessible only by those authorized to receive the information and separate and distinct from the employee's personnel file.
2. DOT Employees. Employees covered by drug and alcohol testing requirements under the Department of Transportation (DOT) regulations as commercial drivers are also covered under District Policy 2005 (DOT Employee Substance Abuse Policy). To the extent the terms and conditions of Policy 2005 differ from this policy, such terms and conditions under Policy 2005 will apply.
3. Disabled Employees. The District provides reasonable accommodations as required by law to those employees whose drug or alcohol problem classifies them as disabled. While the District will be supportive of those who seek help voluntarily, the District will be equally firm in identifying and disciplining those whose continued substance abuse, even if enrolled in counseling or rehabilitation programs, results in performance deficiencies, danger to the health and safety of



others and themselves, and/or violations of federal, state or District laws and/or policies.

4. Confidentiality. The information received in enforcing this Policy shall be disclosed only as necessary for: disciplinary actions and appeals, interactive process meetings and reasonable accommodation efforts, or resolving legal issues. Any reports or test results generated pursuant to this Policy shall be stored in a confidential file, accessible only by those authorized to receive the information and separate and distinct from the employee's personnel file.
5. Violation of Policy. All persons covered by this Policy should be aware that violations of this policy may result in discipline, up to and including termination, or in not being hired.

#### **2004.40 DEFINITIONS**

1. "Alcohol" shall mean the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
2. "Chain of Custody" shall mean procedures to account for the integrity of each specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen at the certified laboratory.
3. "District Equipment" shall mean all property and equipment, machinery and vehicles owned, leased, rented or used by the District.
4. "Collection Site" shall mean a designated clinic/facility where applicants or employees may present themselves for the purpose of providing a specimen to be analyzed. The District will select a Collection Site and require that the Collection Site comply with all methods of collection and Chain of Custody and provide documentation of compliance to the District.
5. "Designated Employer Representative (DER)" shall mean the General Manager or designee.
6. "Drug or Drugs" shall mean any controlled substance that is not legally obtainable under State or Federal law, or a prescription drug obtained or used without benefit of a prescription by a licensed physician. Marijuana is included in this definition of "drug" to the extent permitted under California law.
7. "Medical Review Officer (MRO)" shall mean a licensed physician with knowledge of drug abuse disorders as well as appropriate training to interpret and evaluate an employee's positive test results together with an employee's medical history and any other biomedical information. MRO reviews all negative and positive test results and interviews individuals who tested positive to verify the laboratory report before the employer is notified. The District shall select an MRO who is a licensed physician.
8. "Prescription Drug" shall mean any substance that can lawfully be obtained or

possessed pursuant to a prescription by a licensed physician.

9. "Positive Test" shall mean to have the presence of a drug or a drug metabolite and/or alcohol in a person's system that is equal to or greater than the levels allowed by this Policy in the confirmation test as determined by appropriate testing of breath, urine, ~~or~~ blood, or other approved testing specimen and which is determined by the MRO to be the result of the use of drugs and/or alcohol.
10. "Testing Laboratory" shall mean a Substance Abuse and Mental Health Services Administration (SAMHSA) certified testing laboratory.
11. "Substance Abuse Professional (SAP)" shall mean a licensed physician, social worker, psychologist, Employee Assistance Program (EAP) or certified National Association of Alcohol and Drug Abuse Counselors (NAADAC) with knowledge of and clinical experience in diagnosis and treatment of alcohol and controlled substance disorders. A SAP determines whether an employee is "Fit for Duty" following an employee's refusal to test or failed alcohol or drug test, refers employee for a return to duty test and schedules unannounced follow-up testing for a period of up to 36 months from the date the employee tested positive.

#### **2004.50 RESTRICTIONS & PROHIBITIONS**

The following are restricted or prohibited:

1. Restrictions on the use of Alcohol. Employees may not use, be under the influence, or possess alcohol under any of the following circumstances: while on District property, while performing their duties (whether or not on District property) or at any time when use of alcohol would impair, to any extent, the employee's ability to perform his/her duties or to operate any District equipment. Any employee who is in an "on-call" status shall be considered to be in a duty status.
2. Prohibition Against the use of Drugs. No employee shall possess, use, sell, transfer, manufacture, purchase or transport drugs, or attempt to do so, or report to work with drugs in his or her system, including marijuana to the extent permitted under California law. No employee shall possess, use, sell, transfer, manufacture, purchase or transport prescription drugs, or attempt to do so, or report to work with prescription drugs in his or her system, unless the prescription drug has been lawfully prescribed to the employee.
3. Restrictions on Smoking. No employee shall smoke tobacco or any substance contained in a pipe, paper, or vapor device (including smokeless and e-cigarettes) within any District facilities, vehicles, machinery or equipment. All employees will be in compliance with the current State Law regarding smoking in and around public facilities and be of legal age. Under no circumstances shall District employees or volunteers of legal age provide smoking or vapor products to another District employee or volunteer or any member of the public under the legal age.
4. Restrictions on Chewing Tobacco. No employee shall chew tobacco in any form

within any District facilities, vehicles, machinery or equipment. Employees that choose to use chewing tobacco products must be of legal age as defined by current State and Federal Laws and must use the products outside and in such a manner as to maintain professionalism when in a public setting. No byproducts of chewing tobacco will be discarded into any receptacle or location that has the potential to spill or that may cause another employee to come in contact with the byproduct. Under no circumstances shall District employees or volunteers of legal age provide chewing tobacco products to another District employee or volunteer or any member of the public under the legal age.

#### **2004.60 CRIMINAL DRUG STATUTE CONVICTIONS**

To fulfill its obligations under the Federal Drug-Free Workplace Act of 1988, the District requires any employee who is convicted of any criminal drug statute, for a violation occurring in the workplace, to provide written notice of the conviction to the General Manager no later than five (5) days after the conviction. -The District is also required and will fulfill its obligations to educate employees on the harmful effects of using and abusing drugs and/or alcohol. -As required by law, the District will notify federal contracting agencies within ten (10) days after receiving notice that an employee, directly engaged in performance of work on a federal contract, has been convicted of a criminal drug statute violation resulting from conduct occurring in the workplace.

1. [District Suspicion](#). Whenever the District has reason to believe that Federal, State or local drug laws are being violated, the District may refer the matter to the appropriate law enforcement agencies for investigation and possible criminal prosecution.
2. [Independent Contractors](#). Independent contractors, or employees of independent contractors, working on District projects are required by law or contract to notify the District's General Manager, Operations Manager or Fire Chief of a drug and/or alcohol related conviction or positive test for drugs and/or alcohol. Said individuals will not be permitted to work on District projects.

#### **2004.70 MEDICATION REPORTING REQUIREMENTS**

Employees shall, in the case of prescription drugs, ask the prescribing physician and/or, in the case of medication available over the counter, review product packaging, to determine whether the use of a prescription drug or over-the-counter medication may impair his/her ability to perform his/her normal job duties or to safely operate District equipment. Any employee taking any over-the-counter medication or prescription drug marked "do not drive," "do not operate heavy equipment" or similarly labeled, shall inform the appropriate Supervisor of the use of the medication or drug prior to reporting for duty.

In the case of prescription drugs, the Supervisor shall determine whether the employee may work, full duty or light duty, based on the written opinion of the employee's medical provider that the use of the medication may impair the employee's ability to perform specific duties. The Supervisor may, upon a determination that the employee is unable to perform his or her normal duties safely, or that a modified work assignment is not available, direct the employee not to work and to return home on paid leave or industrial

leave if appropriate. If the employee's personal medical provider provides a written opinion that the use of the drug or medication will not impair the employee's ability to perform his/her normal duties, the Supervisor will allow the employee to perform those duties. Notices or communications required by this Section shall be confidential and disclosed only to the Supervisor and the other employees specifically authorized to receive information pursuant to this Policy.

## **2004.80 INDICATIONS FOR ALCOHOL AND DRUG TESTING**

### **2004.81 Certain External Job Applicants**

The District has a special need to require certain job applicants to take a drug and alcohol test after a conditional job offer has been given. Those applying for jobs classified by the District as safety sensitive positions (i.e., including, but not limited to, those jobs where individuals perform work that involves a danger to the public, such as operating dangerous instrumentalities including but not limited to heavy trucks used to transport hazardous material, heavy construction equipment, and/or operating natural and liquefied natural gas pipelines) must take and pass a mandatory drug and alcohol test as soon as practical following their acceptance of an offer of employment that is conditioned upon passing a pre-employment physical and drug/ alcohol test. Those external job applicants, described above, who:

1. Refuse to submit to testing or attempt to tamper with or adulterate a test sample, will be considered to have refused to participate in the testing process, shall not be hired, and will not be considered for employment for the certain positions described above for one year from the job applicant's refusal to participate in the testing process.
2. Test positive for drugs and/or alcohol or unauthorized prescription drug use shall not be hired and will not be considered for employment for the certain positions described above for one year from the applicant's last positive test.

### **2004.81 Employees**

The District may require an employee to submit to a drug and/or alcohol screen test under the following circumstances:

1. Following a work-related accident, incident or mishap that resulted in death, or injury requiring medical treatment away from the scene of the accident, or property damage, where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor. See Exhibit A – Reasonable Suspicion Evaluation Form.
2. When a trained Supervisor has reasonable suspicion to believe, based upon specific and documented facts and observations that the employee may be under the influence of drugs and/or alcohol. See Exhibit A.
3. When a trained Supervisor has reasonable suspicion to believe, based upon

specific and documented facts and observations, that the employee either possesses, uses, sells, transfers, manufactures, purchases or illegally transports alcohol, drugs and/or drug related paraphernalia or attempts to do so. See Exhibit A.

4. Follow-up testing for employees who have returned to work following a positive test and their participation in a drug and/or alcohol rehabilitation program.
5. When an on-duty employee is contacted by a police officer who has reasonable suspicion to believe the employee is under the influence of alcohol or drugs or the employee has been involved in an on-duty vehicle-related incident and the officer suspects the employee is under the influence of drugs and/or alcohol.

#### **2004.90 POSITIVE TEST OR REFUSAL TO TEST**

Employees who refuse to take a test after direction to do so, or who test positive, will be subject to discipline up to and including termination. External applicants who test positive or who refuse to take a test after direction to do so will not be considered for employment for a safety sensitive position as described in this policy and will not be considered for such positions for two years from the applicant's last positive test. A refusal to test is defined as any of the following:

1. Not providing the District a written consent to take the test;
2. The applicant or employee does not supply enough quantity of the laboratory required sample for alcohol or drug testing without sufficient or valid medical explanation;
3. Tampering with a specimen or collection process;
4. Tardiness to reporting Collection Site after time allocated for applicant or employee to report without valid explanation.

#### **2004.100 DRUG AND ALCOHOL TESTING**

##### **2004.100 Administration**

1. The General Manager or his/her designee is the Designated Employer Representative ("DER") and shall be responsible for overseeing implementation of this Policy and the testing procedures. The General Manager will be responsible for reviewing all disciplinary actions resulting from violations of this Policy to ensure that the action proposed or taken is consistent with this Policy and the Manual. The DER shall be responsible for the following:
  - A. Communications directly with the MRO and/or SAP and SAMHSA regarding any drug and/or alcohol tests;
  - B. Overseeing testing programs;

C. Providing training to Supervisors and Employees.

**2004.101 Procedures**

1. Mandatory Reporting. Any employee who has reason to believe that another employee may be in violation of this Policy shall immediately notify his or her immediate Supervisor. The Supervisor should take whatever immediate action is deemed prudent to ensure the safety of the public and employees. Should the Supervisor have reasonable suspicion to believe, based upon specific and documented facts and observations, that the employee may be under the influence of drugs and/or alcohol, the employee should be immediately removed from the workplace and placed upon administrative leave with pay until such time as testing results confirm or refute the presence of drugs and/or alcohol. The Supervisor shall use the Reasonable Suspicion Evaluation Form (Exhibit A) to assist in making this determination.
2. Acknowledgement. No drug and/or alcohol test may be administered, sample obtained, or drug and/or alcohol test be conducted on any sample in the pre-employment context without the written acknowledgment of the applicant being tested. See Exhibit B. Refusal of any applicant or employee to submit to testing, or attempt to adulterate or evade the testing process, will be viewed as insubordination and will subject the person to disqualification from employment or disciplinary action, up to and including discharge. The District will pay the cost of all drug and/or alcohol tests required by this Policy.
3. Collection, Integrity and Identification. After the applicant or employee has been advised about the reason for the test by the Supervisor, the applicant or employee will be properly identified and Collection Site personnel will explain the mechanics of the collection process.

Procedures for urine collection will allow for individual privacy unless there is reason to believe the individual may alter or substitute the specimen to be provided. Samples will be tested for temperature and subject to other validation procedures as appropriate.

4. Chain of Custody. Procedures for the storage and transportation of test specimens shall conform to the Mandatory Guidelines for Federal Workplace Drug Testing Programs promulgated by the Department of Health and Human Services as amended from time to time.

The test laboratory shall maintain custody of the specimens.

5. Testing Methods. All tests will be screened using an immunoassay technique and for alcohol an Evidential Breath Testing (EBT) device. All presumptive positive drug tests will be confirmed using gas chromatography/mass spectrometry (GC/MS) and all presumptive positive alcohol tests will be confirmed with a second EBT performed within 15 –30 minutes after the first EBT test is completed. District will test for cannabinoids (marijuana) [\[to the extent permitted under California law\]](#), cocaine, amphetamines, opiates,

barbiturates, benzodiazepines, and phencyclidine (PCP) as well as alcohol. Tests will seek only information about the presence of drugs and/or alcohol in an individual's system and will not test for any medical condition.

6. Notification. Any employee who tests positive will be notified by the MRO and will be given an opportunity to provide the MRO any reasons he or she may have that would explain the positive drug and/or alcohol test, other than the presence of alcohol or the illegal use of drugs. If the employee provides an explanation acceptable to the MRO that the positive drug or alcohol test result is due to factors other than the presence of drugs and/or alcohol in the test specimen, the positive test result will be disregarded and reported to the District as negative. Otherwise, the MRO will report the positive test result to the Designated Employee Representative. Test results will only be disclosed to the extent expressly authorized by this Policy.
7. Split Sample Testing. An employee who has been subjected to drug and/or alcohol screening may request a split sample test be conducted at a certified laboratory chosen by the employee. All costs associated with an employee's decision to pursue split sample testing will be the full responsibility of the employee. The employee must adhere to the following procedures to maintain strict Chain of Custody of the sample and validity of the split sample test results:
  - A. To request a split sample test to be conducted, the employee must submit his or her written request on the required Chain of Custody release form provided by the District's testing laboratory to the Designated Employee Representative.
  - B. The request will be forwarded to the testing laboratory used by the District facility. They will release the split sample to the certified lab chosen by the employee provided they have received the properly executed Chain of Custody release form.
  - C. The laboratory selected by the employee must be a certified laboratory per State regulations and authority and be able to conduct GC/MS method of testing for validation of testing results. Any method of testing performed on the split sample that is not the GC/MS method will be considered invalid.
  - D. The split sample test results will not be released to District without the employee's written consent.

## **2004.110 REHABILITATION**

### **2004.111 Voluntary Disclosure**

An employee requesting assistance may, at the Supervisor's discretion, be transferred, given work restrictions, or placed on leave while receiving treatment and until the employee is drug and/or alcohol free. An employee's voluntary disclosure of a substance or alcohol abuse problem will not terminate any investigation, criminal

or administrative action, initiated prior to the disclosure.

Each employee is responsible for seeking assistance before the employee's drug and/or alcohol problem leads to a violation of this Policy, or before the employee is asked to submit to a reasonable suspicion drug and/or alcohol test.

**2004.112 Leave Time**

Employees must use available sick time, vacation accrual, flex leave or request personal leave of absence without pay if time off from work is necessary for any treatment or rehabilitation program. The costs of long-term rehabilitation or treatment services, whether or not covered by the employee's medical plan, are the ultimate responsibility of the employee. All forms of paid leave must be exhausted prior to requesting other types of leave.



**EXHIBIT A  
 TWAIN HARTE COMMUNITY SERVICES DISTRICT  
 ALCOHOL AND DRUG ABUSE POLICY  
 REASONABLE SUSPICION EVALUATION FORM**

Employee Name: \_\_\_\_\_

Observation Date and Time: \_\_\_\_\_

Location of Employee: \_\_\_\_\_

Location of Supervisor(s): \_\_\_\_\_

Others present during activities or observations: \_\_\_\_\_

Incident(s) observed which give cause for reasonable suspicion: \_\_\_\_\_

(Factors that may be considered in combination with those listed in 1 – 6 below include: takes needless risks, accident(s), disregard for others safety, unusual/distinct pattern of absenteeism/tardiness, increased high/low periods of productivity, lapses of concentration or judgment, etc.)

1. Presence of alcohol, alcohol containers, drugs, and/or drug paraphernalia (specify):

2. Appearance:

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Flushed                    | <input type="checkbox"/> Disheveled                          | <input type="checkbox"/> Smell of Alcohol |
| <input type="checkbox"/> Bloodshot/Glassy Eyes      | <input type="checkbox"/> Tremors                             | <input type="checkbox"/> Other:           |
| <input type="checkbox"/> Dilated/Constricted Pupils | <input type="checkbox"/> Inappropriate Wearing of Sunglasses |   |
| <input type="checkbox"/> Dry-mouth Symptoms         | <input type="checkbox"/> Runny Nose/Sores                    |   |
| <input type="checkbox"/> Puncture Marks             | <input type="checkbox"/> Profuse Sweating                    |   |

3. Behavior/Speech:

- |                                     |  |  |
|-------------------------------------|--|--|
| <input type="checkbox"/> Incoherent | <input type="checkbox"/> Slurred             | <input type="checkbox"/> Unconscious           |
| <input type="checkbox"/> Confused   | <input type="checkbox"/> Slowed              | <input type="checkbox"/> Hostile/Confrontation |
| <input type="checkbox"/> Agitated   | <input type="checkbox"/> Sleeping on the job | <input type="checkbox"/> Other:                |

4. Awareness:

- |                                    |   |                                      |
|------------------------------------|---|--------------------------------------|
| <input type="checkbox"/> Confused  | <input type="checkbox"/> Mood Swings          | <input type="checkbox"/> Euphoric    |
| <input type="checkbox"/> Lethargic | <input type="checkbox"/> Paranoid             | <input type="checkbox"/> Disoriented |
|                                    | <input type="checkbox"/> Lack of Coordination | <input type="checkbox"/> Other:      |

5. Motor Skills/Balance:

- |                                     |  |   |
|-------------------------------------|--|---|
| <input type="checkbox"/> Unsteady   | <input type="checkbox"/> Swaying                 | <input type="checkbox"/> Falling              |
| <input type="checkbox"/> Staggering | <input type="checkbox"/> Stumbling               | <input type="checkbox"/> Reaching for Support |
|                                     | <input type="checkbox"/> Arms Raised for Balance | <input type="checkbox"/> Other:               |

6. Other observed actions or behaviors: \_\_\_\_\_

Supervisor's Comments: \_\_\_\_\_

---

---

Supervisor's Name: \_\_\_\_\_

Signature: \_\_\_\_\_

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

Witness(es) Name: \_\_\_\_\_

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

Signature: \_\_\_\_\_

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

**EXHIBIT B**  
**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**ALCOHOL AND DRUG ABUSE POLICY**  
**ACKNOWLEDGEMENT OF REQUIRED**  
**SUBMISSION TO DRUG AND/OR ALCOHOL TESTING**

I, \_\_\_\_\_ [PRINT NAME], understand and acknowledge that I have reviewed a copy of the Twain Harte Community Services District's Drug and Alcohol Testing Policy ("Policy"). I hereby acknowledge that I am required to submit to drug and/or alcohol testing pursuant to the Policy.

I understand and acknowledge that information regarding the test results will be released to the Twain Harte Community Services District ("District") and that such information may be used as grounds for disciplinary action, up to, and including discharge.

I further understand and acknowledge that:

1. The District will pay the cost of all drug and/or alcohol tests required or requested by the District;
2. I may request in writing a copy of the results of any such test;
3. I may request that a split sample test be sent to a certified testing laboratory of my choice, consistent with the procedures outlined in the District's Drug and Alcohol Testing Policy, and that I will bear all of the costs associated with the split sample testing;
4. By signing this form, I hereby acknowledge that the split sample test results will be released to the District;
5. I have the right to refuse to submit to such testing; however, refusal by me to submit to or cooperate at any stage of the testing shall be considered equivalent to a confirmed "positive" test for purposes of disqualification from employment and/or disciplinary action, up to and including discharge from my employment with the District; and
6. I may also be required to execute forms at the collection site of testing laboratory.

With full understanding and knowledge of the foregoing, I hereby acknowledge my obligation to submit to drug and/or alcohol testing conducted by the clinics and/or Testing Laboratory selected by the District.

I have read the above acknowledgement and certify that I have signed this document with full knowledge and understanding of its contents.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
City and State: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Alcohol Drug and Substance Abuse  
**POLICY NUMBER:** 2004  
**ADOPTED:** September 13, 2012  
**AMENDED:** 9/8/2016  
**LAST AMENDED:** May 8, 2024

**2004.10 PURPOSE**

This Policy establishes the rules and procedures regarding the use of drugs and/or alcohol as it pertains to employment and the procedures to be used to test for drug and/or alcohol use in the following three circumstances:

1. Pre-employment testing of external applicants for District special need jobs;
2. Reasonable suspicion testing of current employees; and
3. Post-accident testing of current employees.

The District's policy is designed to promote a drug-free workplace and to comply with applicable state and federal laws. In recognition of the public service responsibilities entrusted to District employees, and because drug, alcohol and substance usage can hinder a person's ability to perform duties safely and effectively, the following Policy on drug and alcohol testing is hereby adopted by the District.

**2004.20 INTRODUCTION**

The Twain Harte Community Services District ("District") is concerned about employees being impaired for the performance of duty or under the influence of alcohol, drugs and/or controlled substances at work, and the use of such substances in the work environment. The District's position is that any measurable amount of drugs or alcohol in an employee's system while on District time is counter-productive to the goals and mission of the District.

The District is also concerned about the possession, distribution, purchase or sale of illegal drugs and controlled substances in the workplace. These activities may adversely affect work performance, efficiency, safety and health. In addition, they constitute a potential risk to the welfare and safety of others, risks of injury to other persons, property loss or damage, or negative image for the District.

**2004.30 POLICY APPLICATION, CONFIDENTIALITY & VIOLATION**

1. General Employees. This Policy applies to external applicants for District special needs jobs and to all employees. Any information about an employee's use of

prescription or non-prescription medication, the results of any pre-employment or reasonable suspicion drug and/or alcohol testing, and/or an employee's past or present participation in rehabilitation or treatment for substance abuse shall be considered confidential personnel information. The information received in enforcing this Policy shall be disclosed only as necessary for: disciplinary actions and appeals, interactive process meetings and reasonable accommodation efforts, or resolving legal issues. Any reports or test results generated pursuant to this Policy shall be stored in a confidential file, accessible only by those authorized to receive the information and separate and distinct from the employee's personnel file.

2. DOT Employees. Employees covered by drug and alcohol testing requirements under the Department of Transportation (DOT) regulations as commercial drivers are also covered under District Policy 2005 (DOT Employee Substance Abuse Policy). To the extent the terms and conditions of Policy 2005 differ from this policy, such terms and conditions under Policy 2005 will apply.
3. Disabled Employees. The District provides reasonable accommodations as required by law to those employees whose drug or alcohol problem classifies them as disabled. While the District will be supportive of those who seek help voluntarily, the District will be equally firm in identifying and disciplining those whose continued substance abuse, even if enrolled in counseling or rehabilitation programs, results in performance deficiencies, danger to the health and safety of others and themselves, and/or violations of federal, state or District laws and/or policies.
4. Confidentiality. The information received in enforcing this Policy shall be disclosed only as necessary for: disciplinary actions and appeals, interactive process meetings and reasonable accommodation efforts, or resolving legal issues. Any reports or test results generated pursuant to this Policy shall be stored in a confidential file, accessible only by those authorized to receive the information and separate and distinct from the employee's personnel file.
5. Violation of Policy. All persons covered by this Policy should be aware that violations of this policy may result in discipline, up to and including termination, or in not being hired.

#### **2004.40 DEFINITIONS**

1. "Alcohol" shall mean the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
2. "Chain of Custody" shall mean procedures to account for the integrity of each specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen at the certified laboratory.
3. "District Equipment" shall mean all property and equipment, machinery and vehicles owned, leased, rented or used by the District.

4. "Collection Site" shall mean a designated clinic/facility where applicants or employees may present themselves for the purpose of providing a specimen to be analyzed. The District will select a Collection Site and require that the Collection Site comply with all methods of collection and Chain of Custody and provide documentation of compliance to the District.
5. "Designated Employer Representative (DER)" shall mean the General Manager or designee.
6. "Drug or Drugs" shall mean any controlled substance that is not legally obtainable under State or Federal law, or a prescription drug obtained or used without benefit of a prescription by a licensed physician. Marijuana is included in this definition of "drug" to the extent permitted under California law.
7. "Medical Review Officer (MRO)" shall mean a licensed physician with knowledge of drug abuse disorders as well as appropriate training to interpret and evaluate an employee's positive test results together with an employee's medical history and any other biomedical information. MRO reviews all negative and positive test results and interviews individuals who tested positive to verify the laboratory report before the employer is notified. The District shall select an MRO who is a licensed physician.
8. "Prescription Drug" shall mean any substance that can lawfully be obtained or possessed pursuant to a prescription by a licensed physician.
9. "Positive Test" shall mean to have the presence of a drug or a drug metabolite and/or alcohol in a person's system that is equal to or greater than the levels allowed by this Policy in the confirmation test as determined by appropriate testing of breath, urine, blood, or other approved testing specimen and which is determined by the MRO to be the result of the use of drugs and/or alcohol.
10. "Testing Laboratory" shall mean a Substance Abuse and Mental Health Services Administration (SAMHSA) certified testing laboratory.
11. "Substance Abuse Professional (SAP)" shall mean a licensed physician, social worker, psychologist, Employee Assistance Program (EAP) or certified National Association of Alcohol and Drug Abuse Counselors (NAADAC) with knowledge of and clinical experience in diagnosis and treatment of alcohol and controlled substance disorders. A SAP determines whether an employee is "Fit for Duty" following an employee's refusal to test or failed alcohol or drug test, refers employee for a return to duty test and schedules unannounced follow-up testing for a period of up to 36 months from the date the employee tested positive.

#### **2004.50 RESTRICTIONS & PROHIBITIONS**

The following are restricted or prohibited:

1. Restrictions on the use of Alcohol. Employees may not use, be under the influence, or possess alcohol under any of the following circumstances: while on District property, while performing their duties (whether or not on District

property) or at any time when use of alcohol would impair, to any extent, the employee's ability to perform his/her duties or to operate any District equipment. Any employee who is in an "on-call" status shall be considered to be in a duty status.

2. Prohibition Against the use of Drugs. No employee shall possess, use, sell, transfer, manufacture, purchase or transport drugs, or attempt to do so, or report to work with drugs in his or her system, including marijuana to the extent permitted under California law. No employee shall possess, use, sell, transfer, manufacture, purchase or transport prescription drugs, or attempt to do so, or report to work with prescription drugs in his or her system, unless the prescription drug has been lawfully prescribed to the employee.
3. Restrictions on Smoking. No employee shall smoke tobacco or any substance contained in a pipe, paper, or vapor device (including smokeless and e-cigarettes) within any District facilities, vehicles, machinery or equipment. All employees will be in compliance with the current State Law regarding smoking in and around public facilities and be of legal age. Under no circumstances shall District employees or volunteers of legal age provide smoking or vapor products to another District employee or volunteer or any member of the public under the legal age.
4. Restrictions on Chewing Tobacco. No employee shall chew tobacco in any form within any District facilities, vehicles, machinery or equipment. Employees that choose to use chewing tobacco products must be of legal age as defined by current State and Federal Laws and must use the products outside and in such a manner as to maintain professionalism when in a public setting. No byproducts of chewing tobacco will be discarded into any receptacle or location that has the potential to spill or that may cause another employee to come in contact with the byproduct. Under no circumstances shall District employees or volunteers of legal age provide chewing tobacco products to another District employee or volunteer or any member of the public under the legal age.

#### **2004.60 CRIMINAL DRUG STATUTE CONVICTIONS**

To fulfill its obligations under the Federal Drug-Free Workplace Act of 1988, the District requires any employee who is convicted of any criminal drug statute, for a violation occurring in the workplace, to provide written notice of the conviction to the General Manager no later than five (5) days after the conviction. The District is also required and will fulfill its obligations to educate employees on the harmful effects of using and abusing drugs and/or alcohol. As required by law, the District will notify federal contracting agencies within ten (10) days after receiving notice that an employee, directly engaged in performance of work on a federal contract, has been convicted of a criminal drug statute violation resulting from conduct occurring in the workplace.

1. District Suspicion. Whenever the District has reason to believe that Federal, State or local drug laws are being violated, the District may refer the matter to the appropriate law enforcement agencies for investigation and possible criminal prosecution.

2. Independent Contractors. Independent contractors, or employees of independent contractors, working on District projects are required by law or contract to notify the District's General Manager, Operations Manager or Fire Chief of a drug and/or alcohol related conviction or positive test for drugs and/or alcohol. Said individuals will not be permitted to work on District projects.

#### **2004.70 MEDICATION REPORTING REQUIREMENTS**

Employees shall, in the case of prescription drugs, ask the prescribing physician and/or, in the case of medication available over the counter, review product packaging, to determine whether the use of a prescription drug or over-the-counter medication may impair his/her ability to perform his/her normal job duties or to safely operate District equipment. Any employee taking any over-the-counter medication or prescription drug marked "do not drive," "do not operate heavy equipment" or similarly labeled, shall inform the appropriate Supervisor of the use of the medication or drug prior to reporting for duty.

In the case of prescription drugs, the Supervisor shall determine whether the employee may work, full duty or light duty, based on the written opinion of the employee's medical provider that the use of the medication may impair the employee's ability to perform specific duties. The Supervisor may, upon a determination that the employee is unable to perform his or her normal duties safely, or that a modified work assignment is not available, direct the employee not to work and to return home on paid leave or industrial leave if appropriate. If the employee's personal medical provider provides a written opinion that the use of the drug or medication will not impair the employee's ability to perform his/her normal duties, the Supervisor will allow the employee to perform those duties. Notices or communications required by this Section shall be confidential and disclosed only to the Supervisor and the other employees specifically authorized to receive information pursuant to this Policy.

#### **2004.80 INDICATIONS FOR ALCOHOL AND DRUG TESTING**

##### **2004.81 Certain External Job Applicants**

The District has a special need to require certain job applicants to take a drug and alcohol test after a conditional job offer has been given. Those applying for jobs classified by the District as safety sensitive positions (i.e., including, but not limited to, those jobs where individuals perform work that involves a danger to the public, such as operating dangerous instrumentalities including but not limited to heavy trucks used to transport hazardous material, heavy construction equipment, and/or operating natural and liquefied natural gas pipelines) must take and pass a mandatory drug and alcohol test as soon as practical following their acceptance of an offer of employment that is conditioned upon passing a pre-employment physical and drug/ alcohol test. Those external job applicants, described above, who:

1. Refuse to submit to testing or attempt to tamper with or adulterate a test sample, will be considered to have refused to participate in the testing process, shall not be hired, and will not be considered for employment for the certain positions described above for one year from the job applicant's



refusal to participate in the testing process.

2. Test positive for drugs and/or alcohol or unauthorized prescription drug use shall not be hired and will not be considered for employment for the certain positions described above for one year from the applicant's last positive test.

#### **2004.81 Employees**

The District may require an employee to submit to a drug and/or alcohol screen test under the following circumstances:

1. Following a work-related accident, incident or mishap that resulted in death, or injury requiring medical treatment away from the scene of the accident, or property damage, where drug and/or alcohol use by the employee cannot be ruled out as a contributing factor. See Exhibit A – Reasonable Suspicion Evaluation Form.
2. When a trained Supervisor has reasonable suspicion to believe, based upon specific and documented facts and observations that the employee may be under the influence of drugs and/or alcohol. See Exhibit A.
3. When a trained Supervisor has reasonable suspicion to believe, based upon specific and documented facts and observations, that the employee either possesses, uses, sells, transfers, manufactures, purchases or illegally transports alcohol, drugs and/or drug related paraphernalia or attempts to do so. See Exhibit A.
4. Follow-up testing for employees who have returned to work following a positive test and their participation in a drug and/or alcohol rehabilitation program.
5. When an on-duty employee is contacted by a police officer who has reasonable suspicion to believe the employee is under the influence of alcohol or drugs or the employee has been involved in an on-duty vehicle-related incident and the officer suspects the employee is under the influence of drugs and/or alcohol.

#### **2004.90 POSITIVE TEST OR REFUSAL TO TEST**

Employees who refuse to take a test after direction to do so, or who test positive, will be subject to discipline up to and including termination. External applicants who test positive or who refuse to take a test after direction to do so will not be considered for employment for a safety sensitive position as described in this policy and will not be considered for such positions for two years from the applicant's last positive test. A refusal to test is defined as any of the following:

1. Not providing the District a written consent to take the test;
2. The applicant or employee does not supply enough quantity of the laboratory

required sample for alcohol or drug testing without sufficient or valid medical explanation;

3. Tampering with a specimen or collection process;
4. Tardiness to reporting Collection Site after time allocated for applicant or employee to report without valid explanation.

## **2004.100 DRUG AND ALCOHOL TESTING**

### **2004.100 Administration**

1. The General Manager or his/her designee is the Designated Employer Representative (“DER”) and shall be responsible for overseeing implementation of this Policy and the testing procedures. The General Manager will be responsible for reviewing all disciplinary actions resulting from violations of this Policy to ensure that the action proposed or taken is consistent with this Policy and the Manual. The DER shall be responsible for the following:
  - A. Communications directly with the MRO and/or SAP and SAMHSA regarding any drug and/or alcohol tests;
  - B. Overseeing testing programs;
  - C. Providing training to Supervisors and Employees.

### **2004.101 Procedures**

1. Mandatory Reporting. Any employee who has reason to believe that another employee may be in violation of this Policy shall immediately notify his or her immediate Supervisor. The Supervisor should take whatever immediate action is deemed prudent to ensure the safety of the public and employees. Should the Supervisor have reasonable suspicion to believe, based upon specific and documented facts and observations, that the employee may be under the influence of drugs and/or alcohol, the employee should be immediately removed from the workplace and placed upon administrative leave with pay until such time as testing results confirm or refute the presence of drugs and/or alcohol. The Supervisor shall use the Reasonable Suspicion Evaluation Form (Exhibit A) to assist in making this determination.
2. Acknowledgement. No drug and/or alcohol test may be administered, sample obtained, or drug and/or alcohol test be conducted on any sample in the pre-employment context without the written acknowledgment of the applicant being tested. See Exhibit B. Refusal of any applicant or employee to submit to testing, or attempt to adulterate or evade the testing process, will be viewed as insubordination and will subject the person to disqualification from employment or disciplinary action, up to and including discharge. The District will pay the cost of all drug and/or alcohol tests required by this Policy.

3. Collection, Integrity and Identification. After the applicant or employee has been advised about the reason for the test by the Supervisor, the applicant or employee will be properly identified and Collection Site personnel will explain the mechanics of the collection process.

Procedures for urine collection will allow for individual privacy unless there is reason to believe the individual may alter or substitute the specimen to be provided. Samples will be tested for temperature and subject to other validation procedures as appropriate.

4. Chain of Custody. Procedures for the storage and transportation of test specimens shall conform to the Mandatory Guidelines for Federal Workplace Drug Testing Programs promulgated by the Department of Health and Human Services as amended from time to time.

The test laboratory shall maintain custody of the specimens.

5. Testing Methods. All tests will be screened using an immunoassay technique and for alcohol an Evidential Breath Testing (EBT) device. All presumptive positive drug tests will be confirmed using gas chromatography/mass spectrometry (GC/MS) and all presumptive positive alcohol tests will be confirmed with a second EBT performed within 15 –30 minutes after the first EBT test is completed. District will test for cannabinoids (marijuana) [to the extent permitted under California law], cocaine, amphetamines, opiates, barbiturates, benzodiazepines, and phencyclidine (PCP) as well as alcohol. Tests will seek only information about the presence of drugs and/or alcohol in an individual's system and will not test for any medical condition.
6. Notification. Any employee who tests positive will be notified by the MRO and will be given an opportunity to provide the MRO any reasons he or she may have that would explain the positive drug and/or alcohol test, other than the presence of alcohol or the illegal use of drugs. If the employee provides an explanation acceptable to the MRO that the positive drug or alcohol test result is due to factors other than the presence of drugs and/or alcohol in the test specimen, the positive test result will be disregarded and reported to the District as negative. Otherwise, the MRO will report the positive test result to the Designated Employee Representative. Test results will only be disclosed to the extent expressly authorized by this Policy.
7. Split Sample Testing. An employee who has been subjected to drug and/or alcohol screening may request a split sample test be conducted at a certified laboratory chosen by the employee. All costs associated with an employee's decision to pursue split sample testing will be the full responsibility of the employee. The employee must adhere to the following procedures to maintain strict Chain of Custody of the sample and validity of the split sample test results:
  - A. To request a split sample test to be conducted, the employee must

submit his or her written request on the required Chain of Custody release form provided by the District's testing laboratory to the Designated Employee Representative.

- B. The request will be forwarded to the testing laboratory used by the District facility. They will release the split sample to the certified lab chosen by the employee provided they have received the properly executed Chain of Custody release form.
- C. The laboratory selected by the employee must be a certified laboratory per State regulations and authority and be able to conduct GC/MS method of testing for validation of testing results. Any method of testing performed on the split sample that is not the GC/MS method will be considered invalid.
- D. The split sample test results will not be released to District without the employee's written consent.

## **2004.110 REHABILITATION**

### **2004.111 Voluntary Disclosure**

An employee requesting assistance may, at the Supervisor's discretion, be transferred, given work restrictions, or placed on leave while receiving treatment and until the employee is drug and/or alcohol free. An employee's voluntary disclosure of a substance or alcohol abuse problem will not terminate any investigation, criminal or administrative action, initiated prior to the disclosure.

Each employee is responsible for seeking assistance before the employee's drug and/or alcohol problem leads to a violation of this Policy, or before the employee is asked to submit to a reasonable suspicion drug and/or alcohol test.

### **2004.112 Leave Time**

Employees must use available sick time, vacation accrual, flex leave or request personal leave of absence without pay if time off from work is necessary for any treatment or rehabilitation program. The costs of long-term rehabilitation or treatment services, whether or not covered by the employee's medical plan, are the ultimate responsibility of the employee. All forms of paid leave must be exhausted prior to requesting other types of leave.

**EXHIBIT A**  
**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**ALCOHOL AND DRUG ABUSE POLICY**  
**REASONABLE SUSPICION EVALUATION FORM**

Employee Name: \_\_\_\_\_  
Observation Date and Time: \_\_\_\_\_  
Location of Employee: \_\_\_\_\_  
Location of Supervisor(s): \_\_\_\_\_  
Others present during activities or observations: \_\_\_\_\_  
Incident(s) observed which give cause for reasonable suspicion: \_\_\_\_\_  
\_\_\_\_\_

(Factors that may be considered in combination with those listed in 1 – 6 below include: takes needless risks, accident(s), disregard for others safety, unusual/distinct pattern of absenteeism/tardiness, increased high/low periods of productivity, lapses of concentration or judgment, etc.)

1. Presence of alcohol, alcohol containers, drugs, and/or drug paraphernalia (specify):  
\_\_\_\_\_
  
2. Appearance:  

|   |  |   |
|---|--|---|
| <input type="checkbox"/> Flushed                    | <input type="checkbox"/> Disheveled                          | <input type="checkbox"/> Smell of Alcohol |
| <input type="checkbox"/> Bloodshot/Glassy Eyes      | <input type="checkbox"/> Tremors                             | <input type="checkbox"/> Other:           |
| <input type="checkbox"/> Dilated/Constricted Pupils | <input type="checkbox"/> Inappropriate Wearing of Sunglasses |   |
| <input type="checkbox"/> Dry-mouth Symptoms         | <input type="checkbox"/> Runny Nose/Sores                    |   |
| <input type="checkbox"/> Puncture Marks             | <input type="checkbox"/> Profuse Sweating                    |   |
  
3. Behavior/Speech:  

|                                     |  |  |
|-------------------------------------|--|--|
| <input type="checkbox"/> Incoherent | <input type="checkbox"/> Slurred             | <input type="checkbox"/> Unconscious           |
| <input type="checkbox"/> Confused   | <input type="checkbox"/> Slowed              | <input type="checkbox"/> Hostile/Confrontation |
| <input type="checkbox"/> Agitated   | <input type="checkbox"/> Sleeping on the job | <input type="checkbox"/> Other:                |
  
4. Awareness:  

|                                    |   |                                      |
|------------------------------------|---|--------------------------------------|
| <input type="checkbox"/> Confused  | <input type="checkbox"/> Mood Swings          | <input type="checkbox"/> Euphoric    |
| <input type="checkbox"/> Lethargic | <input type="checkbox"/> Paranoid             | <input type="checkbox"/> Disoriented |
|                                    | <input type="checkbox"/> Lack of Coordination | <input type="checkbox"/> Other:      |
  
5. Motor Skills/Balance:  

|                                     |  |   |
|-------------------------------------|--|---|
| <input type="checkbox"/> Unsteady   | <input type="checkbox"/> Swaying                 | <input type="checkbox"/> Falling              |
| <input type="checkbox"/> Staggering | <input type="checkbox"/> Stumbling               | <input type="checkbox"/> Reaching for Support |
|                                     | <input type="checkbox"/> Arms Raised for Balance | <input type="checkbox"/> Other:               |
  
6. Other observed actions or behaviors: \_\_\_\_\_  
\_\_\_\_\_

Supervisor's Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

Supervisor's Name: \_\_\_\_\_

Signature: \_\_\_\_\_

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

Witness(es) Name: \_\_\_\_\_

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

Signature: \_\_\_\_\_

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

**EXHIBIT B**  
**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**ALCOHOL AND DRUG ABUSE POLICY**  
**ACKNOWLEDGEMENT OF REQUIRED**  
**SUBMISSION TO DRUG AND/OR ALCOHOL TESTING**

I, \_\_\_\_\_ [PRINT NAME], understand and acknowledge that I have reviewed a copy of the Twain Harte Community Services District's Drug and Alcohol Testing Policy ("Policy"). I hereby acknowledge that I am required to submit to drug and/or alcohol testing pursuant to the Policy.

I understand and acknowledge that information regarding the test results will be released to the Twain Harte Community Services District ("District") and that such information may be used as grounds for disciplinary action, up to, and including discharge.

I further understand and acknowledge that:

1. The District will pay the cost of all drug and/or alcohol tests required or requested by the District;
2. I may request in writing a copy of the results of any such test;
3. I may request that a split sample test be sent to a certified testing laboratory of my choice, consistent with the procedures outlined in the District's Drug and Alcohol Testing Policy, and that I will bear all of the costs associated with the split sample testing;
4. By signing this form, I hereby acknowledge that the split sample test results will be released to the District;
5. I have the right to refuse to submit to such testing; however, refusal by me to submit to or cooperate at any stage of the testing shall be considered equivalent to a confirmed "positive" test for purposes of disqualification from employment and/or disciplinary action, up to and including discharge from my employment with the District; and
6. I may also be required to execute forms at the collection site of testing laboratory.

With full understanding and knowledge of the foregoing, I hereby acknowledge my obligation to submit to drug and/or alcohol testing conducted by the clinics and/or Testing Laboratory selected by the District.

I have read the above acknowledgement and certify that I have signed this document with full knowledge and understanding of its contents.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
City and State: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** DOT Employee Substance Abuse Policy  
**POLICY NUMBER:** 2005  
**ADOPTED:** May 8, 2024  
**AMENDED:**  
**LAST AMENDED:**

**2005.10 PURPOSE**

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

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

**2005.20 APPLICATION OF POLICY**

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

A safety-sensitive employee is:

1. One in any classification requiring the use of a Class "A" or Class "B" commercial driver's license, as listed in Appendix A; or
2. One who has voluntarily driven a District vehicle requiring a commercial license within the last 12- month period, or who desires in the future to voluntarily drive a



District vehicle requiring a commercial license.

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

### **2005.30 PROHIBITED SUBSTANCES**

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

1. Drugs. marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.
2. Alcohol. The use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in DOT guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. “Alcohol” is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.
3. Legal Medications. Using or being under the influence of any legally pre-scribed medication(s), or non-prescription medication(s) while performing district business or while on District property is prohibited to the extent that such use or influence affects job safety or effective and efficient job performance. This prohibition includes the use of medically prescribed marijuana. An employee who feels his/her performance of work-related duties may be impaired by use of any legal substance which carries a warning label that indicates that mental functioning, motor skills and/or judgment may be adversely affected should report it to his/her supervisor, and medical advice should be sought before performing work-related duties. In the above instance, an employee using legal prescribed medication or non-prescription medication may continue to work if the supervisor determines that the employee does not pose a safety threat and that job performance is not affected by such use.

### **2005.40 REQUIRED CONDUCT**

Safety-sensitive employees shall comply with the following conduct requirements:

1. Manufacture, Trafficking, Possession and Use. Engaging in unlawful manufacture, distribution or dispensing of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation may result in termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected. Engaging in unlawful possession or use of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP) and may result in discipline up to and including termination of employment.

2. Impaired/Not Fit for Duty. Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to an SAP. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the DOT guidelines.
3. Alcohol Use. No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol during working hours. No safety-sensitive employee shall use alcohol within four (4) hours of reporting for duty. Violations of this provision is prohibited and will subject the employee to disciplinary action, including removal from safety-sensitive duty and referral to an SAP.
4. Compliance with Testing Requirements. All safety-sensitive employees are subject to controlled substance testing and breathe alcohol testing. Any 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 be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breathe sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.
5. Notifying the District of Criminal Drug Conviction. Pursuant to the "Drug Free Workplace Act of 1988," any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

#### **2005.40 TREATMENT/REHABILITATION PROGRAM**

An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

1. Positive Controlled Substance and/or Alcohol Test. A Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To- Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP

but will not be shorter than one (1) year or longer than five (5) years.

2. Voluntary Admittance. All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to the General Manager or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return to duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for thirty-six (36) months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests will result in termination from employment. Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any.

## **2005.50 TESTING FOR PROHIBITED SUBSTANCES**

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

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS), including split-sample testing. All testing will be conducted consistent with the procedures put forth in the DOT guidelines.

An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/ Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the DOT guidelines.

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

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs

available, and evaluated by an SAP.

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

## **2005.60 CIRCUMSTANCES THAT MAY REQUIRE TESTING**

Employees may be tested under the following circumstances:

1. Pre-Employment Testing. All job applicants for any safety sensitive position who have been offered District employment, including current safety-sensitive employees who promote, de- mote or transfer to another safety sensitive position, shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the candidate from further consideration for employment. Current employees who promote, demote or transfer from non-safety-sensitive to safety-sensitive position shall test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new employees in conformance with DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or who fail to provide “clean” records from previous employers will fail to complete the District’s probationary period.
2. Reasonable Suspicion Testing. All employees will be subject to urine and/or breathe testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of sub- stance abuse. Examples of reasonable suspicion include, but are not limited to, the following:
  - A. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
  - B. Physical signs and symptoms consistent with prohibited substance use.
  - C. Occurrence of a serious or potentially serious accident that may have been caused by human error.
  - D. Fights (i.e., physical contact), assaults and flagrant disregard or violations of established safety, security, or other operational procedures.
  - E. Reasonable-suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.
3. Post-Accident Testing. Safety-sensitive employees will be required to undergo controlled substance and/or breathe alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a

medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; or the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol and thirty-two (32) hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and be subject to termination of employment. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other employees whose performance could have contributed to the accident.

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

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

The number of safety-sensitive employees selected for random testing will be the amount required in the DOT guidelines. Currently, 25% of the employee pool is tested for alcohol and 50% for substance abuse. The employee pool will either be all The District safety-sensitive employees or, if the District participates in a consortium of employers, all safety-sensitive employees within the consortium.

5. Return-to-Duty Testing. All employees who previously tested positive for a controlled substance or alcohol test must test negative and be evaluated and released to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The SAP will determine the duration and frequency. However, it shall not be less than six tests during the first 12 months, nor longer than 60 months in total, following return to duty.
6. Employee Requested Testing. Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the DOT guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be

accepted if the delay was due to documentable facts that were beyond the control of the employee.

7. Records Retention. The District shall maintain complete records of alcohol and/or controlled substance test results for each employee in a secure location with controlled access. Employee records are confidential and will be available to the DOT or any state or local officials with regulatory authority over the District or any of its drivers only. Records will be kept for a minimum of five (5) years regarding the following: driver alcohol tests; positive controlled substance tests; documentation on refusals to take alcohol or controlled substance tests; and, employee evaluations and referrals. Records will be kept for a minimum of two (2) years regarding the alcohol and controlled substance collection process. Records will be kept for a minimum of one (1) year regarding the following: collection process; collection logbooks; documents of random selection process; calibration documents for breath testing device; and, documentation of breath alcohol technician training.

#### **2005.70 EMPLOYEE ASSESSMENT**

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

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

#### **2005.80 TEST-RELATED TIME OFF WORK**

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

#### **2005.90 CONTACT PERSON**

Any questions regarding this policy should be directed to the District General Manager or

his/her designated representative.

## **2005.100 DEFINITIONS**

1. Accident - An unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.
2. Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
3. Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy (e.g., 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air).
4. Alcohol Use - Consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the DOT prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing effect due to the presence of other elements (e.g., antihistamines).
5. Breath Alcohol Technician (BAT) - A person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BAT's are the only qualified personnel to administer the EBT tests.
6. Chain of Custody - The procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.
7. Collection Site - A place designated by the District where individuals present themselves for the purpose of providing a specimen of urine and/or breathe.
8. Commercial Motor Vehicle - A motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight ratio of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or, (2) has a gross vehicle weight rating of 26,001 or more pounds; or, (3) is designed to transport 16 or more passengers, including the driver; or, (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.
9. Confirmation Test - For alcohol testing, a second test following a screening test with a result of 0.02 or greater, provides quantitative data of alcohol concentration. For controlled substances testing this is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen

test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

10. 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.
11. Covered Employee - A person, including a volunteer or applicant, who performs a safety-sensitive function for the District.
12. Department of Transportation Guidelines - The controlled substance and alcohol testing rules - 49 CFR Part 382 (FWHA - Commercial Motor Vehicle) - setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all transportation industries.
13. District - Twain Harte Community Services District.
14. District Time - Any period of time in which an employee is actually performing a District function. Any period of time in which a safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
15. Driver - Any person who operates a commercial motor vehicle for the District. This includes full time, regularly employed drivers; and casual, intermittent or occasional drivers.
16. Drug (Controlled Substance) Metabolite - The specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.
17. Evidential Breath Testing Device (EBT) - The device to be used for breath alcohol testing.
18. Medical Review Officer (MRO) - A licensed physician responsible for analyzing laboratory results generated by the District's substance abuse policy testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.
19. Performing (Safety-Sensitive Function) - A safety-sensitive employee is considered to be performing a safety-sensitive function and includes any period in which the safety sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.
20. Post-Accident Alcohol and/or Controlled Substance testing - Testing conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation



and for all fatal accidents even if the driver is not cited for a moving traffic violation. See "Accident."

21. Pre-Employment Controlled Substance testing - Testing conducted after an offer to hire has been extended to a job applicant, but before actually performing District functions as an employee. Also required when employees transfer to a safety-sensitive position.
22. Prohibited Drugs (Controlled Substances) - Marijuana, cocaine, opiates, amphetamines, or phencyclidine.
23. Prohibited Substances - Synonymous with drug abuse and/or alcohol misuse or abuse.
24. Random Alcohol and/or Controlled Substance Testing - Testing conducted on a random unannounced basis just before, during or just after performance of safety-sensitive functions.
25. Reasonable Suspicion Alcohol and/or Controlled Substance Testing - Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.
26. Refuse to Submit (to an Alcohol and/or Controlled Substance Test) - Failure by an employee to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test).
27. 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.
28. Return-to-Duty and Follow-Up Alcohol and/or Controlled Substance testing - Testing conducted when an employee who has violated the prohibited alcohol or controlled substance conduct standards returns to performing duties. Follow-up tests are unannounced, and at least six 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.
29. Return-to-Duty Agreement - A document agreed to and signed by the General Manager or his/her designee, the employee, and the SAP, that outlines the terms and conditions under which the employee may return to duty after having had a verified positive controlled substance test result, or an alcohol concentration of 0.04 or greater on an alcohol test.
30. Safety-Sensitive Employee (Function and/or Position) - An employee is considered to be performing a safety-sensitive function during any period in which that

employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. (A complete list of safety-sensitive classifications and functions is listed in Appendix A of this policy.)

31. Screening (Initial) Test - An analytical procedure in alcohol testing to determine whether an employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it is an immunoassay screen to eliminate negative urine specimens from further consideration
32. Substance Abuse Professional (SAP) - A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.
33. Supervisor - Foreman, Superintendent, Division Manager or General Manager who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour training on the signs and symptoms of controlled substance abuse.
34. Vehicle - Bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

## **2005.110 PROCEDURES**

### **2005.111 Reasonable Suspicion Testing**

1. An employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor. Any employee may identify someone suspected of alcohol and/or controlled substance abuse to any supervisor (employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action). The supervisor must witness first-hand the employee's signs and symptoms.
2. The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the employee in question may be under the influence of alcohol and/or controlled substances.
3. When the supervisor(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by a District employee (or others designated) to the District specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification, such as a driver's license photo or state-issued photo identification card. Whenever practical, the General Manager (or his/her designee) should be notified in advance of the employee being taken to the

collection site.

4. At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected, or a breath sample in the event that alcohol intoxication is suspected by the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
5. The District will take precautions to prevent the employee being tested from going back to work and driving their own car home if any of the tests are positive. Instead, the employee will be taken home from the collection by a District employee (or others designated).
  - A. The employee whose test results are negative (0.02 alcohol concentration or less) will be reinstated immediately. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.
  - B. The employee whose controlled substance test results are verified negative will be reinstated immediately. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

#### **2005.112 Random Testing**

1. The compliance company notifies the General Manager, who in turn notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.
2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification, such as a driver's license photo or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a

urine sample (in the event that controlled substances are to be tested for) or a breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

4. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.
5. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

#### **2005.113 Post Accident**

1. The safety-sensitive employee notifies a supervisor that an accident has occurred.
2. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
3. At the collection site, the 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. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The General Manager (or his/her designee) will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the

collection site.

5. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
6. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

#### **2005.114 Return-to-Duty and Follow Up**

1. The safety-sensitive employee notifies a supervisor that an accident has occurred. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
2. At the collection site, the 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. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
3. The General Manager (or his/her designee) will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
4. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or

perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

5. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

#### **2005.115 Chain of Custody for Controlled Substance Specimens**

1. At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
2. Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.
3. Immediately after the specimens are collected, the urine bottles will, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the employee's presence and the employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.
4. A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

#### **2005.116 Specimen Collection of Strange and/or Unrecognizable Substances**

1. An employee is observed with a strange and/or unrecognizable substance.
2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and the witness.
3. An incident report is written by the supervisor and signed by both the supervisor and the witness.

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

#### **2005.117 Alcohol Concentration**

1. The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
2. After an explanation of how the breathalyzer works, an initial breath sample is taken.
3. If the results of the initial test show an alcohol concentration of 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must not be conducted less than fifteen (15) minutes after, nor more than twenty (20) minutes after the screening test.
4. The confirmation test will utilize Evidential Breath Testing (EBT) devices that print out the results, date and time, a sequential test number, and the name and serial number of the EBT device to ensure the reliability of the results.

#### **2005.118 Deviations from Procedures**

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

**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Vacation  
**POLICY NUMBER:** 2031  
**ADOPTED:** July 10, 2008  
**AMENDED:** 3/8/2023  
**LAST AMENDED:** March 8, 2023

**2031.10 PURPOSE**

The purpose of this policy is to establish vacation time for benefited employees as a paid period of exemption from work for the purpose of rest, relaxation and recreation. Paid vacation time is a benefit and is intended to aid in maintaining the long-term and consistent productivity and contentment of the employee.

**2031.20 ELIGIBILITY**

Paid vacation time is subject to the following eligibility requirements:

1. Benefited Employees. Only classifications of employees that are eligible for District benefits are eligible to accrue and use paid vacation time.
2. Introductory Employees. Benefited Introductory Employees are eligible to accrue paid vacation time, but may only use accrued paid vacation time after they have served six months of continuous service in the benefited position.

**2031.30 ACCRUAL**

Paid vacation shall be accrued on a prorated basis in each pay period in accordance with the following:

1. Full-Time Benefited Employees. Full-Time Employees will accrue the following number of paid vacation days per year (1 Day is equivalent to 8 hours):
  - 0-5 Years of Continuous Service – 10 days
  - After Employee's 5<sup>th</sup> Service Anniversary – 15 Days
  - After Employee's 10<sup>th</sup> Service Anniversary – 20 Days
  - After Employee's 15<sup>th</sup> Service Anniversary – 25 Days



2. Part-Time Benefited Employees. Part-Time Benefited Employees will accrue the same number of paid vacation days as Regular Full-Time Employees, except that 1 Day will not be equivalent to 8 hours. Instead, it will be prorated based on the employee's number of normally scheduled hours in a forty-hour work week.
3. Full-Time Benefited Fire Shift Employees. Full-Time Fire Shift Employees will accrue the following number of paid vacation tours per year (1 Tour is equivalent to 48 hours):
  - 0-5 Years of Continuous Service – 2 Tours
  - After Employee's 5<sup>th</sup> Service Anniversary – 3 Tours
  - After Employee's 10<sup>th</sup> Service Anniversary – 4 Tours
  - After Employee's 15<sup>th</sup> Service Anniversary – 5 Tours
4. Employees can accrue up to a maximum of two (2) years of earned vacation time. Once this cap is reached, no further paid vacation time will accrue until paid vacation is used. Paid vacation time will only begin to accrue again once total accrued vacation time is below two (2) years of earned vacation time. There is no retroactive grant of vacation time for the period of time the accrued vacation time was at the cap.

#### **2031.40 APPROVAL**

Use of an employee's accrued paid vacation time is subject to the approval of the Department Head or General Manager. The Department Head or General Manager may reject specific requests to utilize paid vacation time in order to ensure sufficient District operations. All such determinations will be at the discretion of the Department Head or General Manager.

#### **2031.50 GENERAL REQUIREMENTS**

Paid vacation time is subject to the following general requirements:

1. Vacation for Illness. The District will not require an employee to take vacation time in lieu of sick leave or leave of absence during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used.
2. Holidays During Vacation. If a paid District holiday falls on a workday during a regular employee's vacation period, that day shall be considered as a paid holiday and not vacation time. If a paid District holiday falls on a workday during a fire shift employee's vacation period, that employee shall receive 8 hours of holiday pay and will be required to use accrued vacation time for the remainder of work hours for that day.

## 2031.60 PAY-OUT OF ACCRUED VACATION TIME

Although the District desires employees to use accrued vacation time to improve quality of life and work, employees may receive compensation for accrued vacation time. Compensation for accrued vacation time shall be subject to the following:

1. Requested Pay-Out. An employee may request compensation for accrued vacation time as follows:
  - a. Fire Employees: Up to 96 hours per fiscal year.
  - b. Administrative/Operations Employees: Up to 120 hours per fiscal year
2. Termination. At termination of employment for any reason, the District shall compensate the employee for his/her accumulated vacation time at his/her straight time rate of pay at the time of termination.
3. Payment. All payments for vacation time will be paid during the next regular payroll process after the request for compensation is approved. The District will not grant advance payments for unearned vacation time.
- ~~3.4.~~ Hardship. If an employee experiences an extreme hardship, the General Manager, at his/her sole discretion, may make an exception to the maximum fiscal year pay-out limits stated above and approve a request for up to 50 percent more than said limits.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Whistleblowers Policy  
**POLICY NUMBER:** 2161  
**ADOPTED:** September 9, 2010  
**AMENDED:**  
**LAST AMENDED:** **May 8, 2024**

**2161.10 PURPOSE**

It is public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency, person with authority over the employee, or another employee with authority to investigate, discover, or correct the violation or noncompliance, and to provide information to and testify before a public body conducting an investigation, hearing or inquiry, when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a local, state or federal rule or regulation.

**2161.20 DEFINITION**

A “whistleblower” is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing, or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute,
2. A violation or noncompliance with a local, state or federal rule or regulation, or
3. With reference to employee safety or health, unsafe working conditions or work practices in the employee’s employment or place of employment.

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

**2161.30 PROTECTION FOR WHISTLEBLOWERS**

The District must abide by the following requirements:

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.

THCSD 2161 Whistleblowers Policy\_REV 2024-05-08

Page 1 of 2

2. An employer may not retaliate against an employee who is a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or violation or noncompliance with a [local](#), state or federal rule or regulation.
4. An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

#### **2161.40 RETALIATION**

Under California Labor Code Section [98-61102.5](#), if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

#### **2161.50 REPORTING IMPROPER ACTS**

Any information regarding possible violations of state or federal statutes, rules or regulations, or violations can be reported to the California State Attorney General's Whistleblower Hotline 1-800 952-5225. The Attorney General will refer the call to the appropriate government authority for review and possible investigation.

**TWAIN HARTE COMMUNITY SERVICES DISTRICT**  
**Policy and Procedure Manual**

**POLICY TITLE:** Whistleblowers Policy  
**POLICY NUMBER:** 2161  
**ADOPTED:** September 9, 2010  
**AMENDED:**  
**LAST AMENDED:** May 8, 2024

**2161.10 PURPOSE**

It is public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency, person with authority over the employee, or another employee with authority to investigate, discover, or correct the violation or noncompliance, and to provide information to and testify before a public body conducting an investigation, hearing or inquiry, when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a local, state or federal rule or regulation.

**2161.20 DEFINITION**

A “whistleblower” is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing, or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute,
2. A violation or noncompliance with a local, state or federal rule or regulation, or
3. With reference to employee safety or health, unsafe working conditions or work practices in the employee’s employment or place of employment.

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

**2161.30 PROTECTION FOR WHISTLEBLOWERS**

The District must abide by the following requirements:

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.

THCSD 2161 Whistleblowers Policy\_REV 2024-05-08

Page 1 of 2

2. An employer may not retaliate against an employee who is a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or violation or noncompliance with a local, state or federal rule or regulation.
4. An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

#### **2161.40 RETALIATION**

Under California Labor Code Section 1102.5, if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

#### **2161.50 REPORTING IMPROPER ACTS**

Any information regarding possible violations of state or federal statutes, rules or regulations, or violations can be reported to the California State Attorney General's Whistleblower Hotline 1-800 952-5225. The Attorney General will refer the call to the appropriate government authority for review and possible investigation.