

**RESOLUTION NO. 06-49**

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL  
BRINGING THE CITY OF RIDGECREST SUBSTANCE  
ABUSE POLICIES INTO COMPLIANCE WITH STATE AND  
FEDERAL LAWS**

The City Council of the City of Ridgecrest, California, hereby adopts by reference a Drug and Alcohol Testing Policy, directs its implementation, and directs City employees – and, in particular, supervisory staff – be made aware of the contents of the Policy and trained in its enforcement. The City Manager is authorized to enter into necessary agreements with qualified testing agencies.

**APPROVED AND ADOPTED** this 5<sup>th</sup> day of July, 2006, by the following vote:

AYES:

NOES:

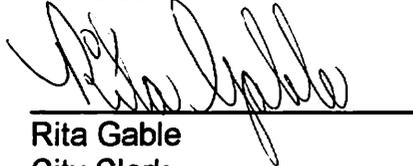
ABSTAIN:

ABSENT:



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Marshall "Chip" Holloway, Mayor

ATTEST:

  
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Rita Gable  
City Clerk

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**DRUG AND ALCOHOL TESTING POLICY  
CITY OF RIDGECREST**

**A. PURPOSE**

1) The CITY OF RIDGECREST provides public transit and paratransit services for the residents of RIDGECREST, INYOKERN, and JOHANSBURG/RANDBURG AND SURROUNDING COUNTY AREAS pursuant to contract with County. This policy will ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment. This policy establishes guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

**B. APPLICABILITY**

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees when performing safety sensitive duties. A safety-sensitive function is operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any other transit employee who is required to hold a Commercial Drivers License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions that perform one or more of the above-mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions.

**C. DEFINITIONS**

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

- 47 a. An individual dies;
- 48 b. An individual suffers a bodily injury and immediately receives  
49 medical treatment away from the scene of the accident; or,
- 50 c. One or more vehicles incur disabling damage as the result of the  
51 occurrence and is transported away from the scene by a tow truck  
52 or other vehicle. For purposes of this definition, disabling damage  
53 means damage which precludes departure of any vehicle from the  
54 scene of the occurrence in its usual manner in daylight after simple  
55 repairs. Disabling damage includes damage to vehicles that could  
56 have been operated but would have been further damaged if so  
57 operated, but does not include damage which can be remedied  
58 temporarily at the scene of the occurrence without special tools or  
59 parts, tire disablement without other damage even if no spare tire is  
60 available, or damage to headlights, taillights, turn signals, horn,  
61 mirrors or windshield wipers that makes them inoperative.

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

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

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72 Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of  
73 breath as measured by an evidential breath testing device.

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75 Canceled Test: A drug test that has been declared invalid by a Medical Review  
76 Officer. A canceled test is neither positive nor negative.

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78 Covered Employee: An employee who performs a safety-sensitive function  
79 including an applicant or transferee who is being considered for hire into a safety-  
80 sensitive function (See Attachment A for a list of Covered Employees).

81

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

88 Department of Transportation (DOT): Department of the federal government  
89 which includes the, Federal Transit Administration, Federal Railroad  
90 Administration, Federal Highway Administration, Federal Motor Carriers' Safety  
91 Administration, Research and Special Programs, and the Office of the Secretary  
92 of Transportation.

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

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

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106 Evidentiary Breath Testing Device (EBT): A Device approved by the NHTSA for  
107 the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations.  
108 Approved devices are listed on the National Highway Traffic Safety  
109 Administration (NHTSA) conforming products list.

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

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

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

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125 Non-negative test result: A test result found to be adulterated, substitute, invalid,  
126 or positive for drug/drug metabolites.

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128 Performing (a safety-sensitive function): A Covered Employee is considered to  
129 be performing a safety-sensitive function and includes any period in which he or  
130 she is actually performing, ready to perform, or immediately available to perform  
131 such functions.

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**Positive test result:** A verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

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**Prohibited drug:** Identified as marijuana, cocaine, opiates, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

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

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**Safety-sensitive functions:** Employee duties identified as:

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

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(2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).

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(3) Maintaining a revenue service vehicle or equipment used in revenue service.

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(4) Controlling the movement of a revenue service vehicle and

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(5) Carrying a firearm for security purposes.

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**Substance Abuse Professional (SAP):** A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

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

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

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(1) Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer

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(2) Fails to remain at the testing site until the testing process is complete

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(3) Fails to provide a urine or breath specimen for any drug or alcohol test required by Part 40 or DOT agency regulations

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- 176 (4) In the case of a directly observed or monitored collection in a drug  
177 test, fails to permit the observation or monitoring of your provision  
178 of a specimen  
179 (5) Fails to provide a sufficient amount of urine or breath when  
180 directed, and it has been determined, through a required medical  
181 evaluation, that there was no adequate medical explanation for the  
182 failure  
183 (6) Fails or declines to take a second test the employer or collector has  
184 directed you to take  
185 (7) Fails to undergo a medical examination or evaluation, as directed  
186 by the MRO as part of the verification process, or as directed by the  
187 DER as part of the "shy bladder" or "shy lung" procedures  
188 (8) Fails to cooperate with any part of the testing process (e.g., refuse  
189 to empty pockets when so directed by the collector, behave in a  
190 confrontational way that disrupts the collection process)  
191 (9) If the MRO reports that there is verified adulterated or substituted  
192 test result  
193 (10) Failure or refusal to sign Step 2 of the alcohol testing form  
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195 Verified negative test: A drug test result reviewed by a medical review officer and  
196 determined to have no evidence of prohibited drug use above the minimum cutoff  
197 levels established by the Department of Health and Human Services (HHS).  
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199 Verified positive test: A drug test result reviewed by a medical review officer and  
200 determined to have evidence of prohibited drug use above the minimum cutoff  
201 levels specified in 49 CFR Part 40 as revised.  
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203 Validity testing: The evaluation of the specimen to determine if it is consistent  
204 with normal human urine. The purpose of validity testing is to determine whether  
205 certain adulterants or foreign substances were added to the urine, if the urine  
206 was diluted, or if the specimen was substituted.  
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#### 211 **D. EDUCATION AND TRAINING**

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- 213 1) Every Covered Employee will receive a copy of this policy and will have  
214 ready access to the corresponding federal regulations including 49 CFR  
215 Parts 655 and 40, as amended. In addition, all Covered Employees will  
216 undergo a minimum of 60 minutes of training on the signs and symptoms  
217 of drug use including the effects and consequences of drug use on  
218 personal health, safety, and the work environment. The training also

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includes manifestations and behavioral cues that may indicate prohibited drug use.

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

**E. PROHIBITED SUBSTANCES**

- 1) Prohibited substances addressed by this policy include the following.
  - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, as which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy  
  
Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all Covered Employees be tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine as described in Section H of this policy. Illegal use of these five drugs is prohibited at all times and thus, Covered Employees may be tested for these drugs anytime that they are on duty.
  - a. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of

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any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a CITY OF RIDGECREST supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

- b. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a Covered Employee under 49 CFR Part 655 just before, during, or just after the performance of safety-sensitive job functions. Under CITY OF RIDGECREST authority, an alcohol test can be performed any time a Covered Employee is on duty.

**F. PROHIBITED CONDUCT**

- 1) All Covered Employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR PART 40, as amended.
- 2) Each Covered Employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The Covered Employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline.
- 3) The Transit Department shall not permit any Covered Employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each Covered Employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater regardless of when the alcohol was consumed.
- 5) No Covered Employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.

- 307 6) No Covered Employee shall consume alcohol within four (4) hours prior to  
308 the performance of safety-sensitive job functions.  
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310 7) CITY OF RIDGECREST under its own authority also prohibits the  
311 consumption of alcohol all times employee is on duty, or anytime the  
312 employee is in uniform.  
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314 8) Consistent with the Drug-free Workplace Act of 1988, all CITY OF  
315 RIDGECREST employees are prohibited from engaging in the unlawful  
316 manufacture, distribution, dispensing, possession, or use of prohibited  
317 substances in the work place including Transit Department premises and  
318 transit vehicles.  
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#### 321 **G. DRUG STATUTE CONVICTION**

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323 Consistent with the Drug Free Workplace Act of 1998, all employees are required  
324 to notify the CITY OF RIDGECREST management of any criminal drug statute  
325 conviction for a violation occurring in the workplace within five days after such  
326 conviction. Failure to comply with this provision shall result in disciplinary action  
327 as defined in Section O.10 of this policy.  
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#### 329 330 **H. TESTING REQUIREMENTS**

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332 1) Analytical urine drug testing and breath testing for alcohol will be  
333 conducted as required by 49 CFR part 40 as amended. All Covered  
334 Employees shall be subject to testing prior to performing safety-sensitive  
335 duty, for reasonable suspicion, following an accident, and random as  
336 defined in Section K, L, M, and N of this policy, and return to duty.  
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338 2) All Covered Employees who have tested positive for drugs or alcohol will  
339 be referred to a Substance Abuse Professional.  
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341 3) A drug test can be performed any time a Covered Employee is on duty.  
342 An alcohol test can be performed just before, during, or after the  
343 performance of a safety-sensitive job function. Under CITY OF  
344 RIDGECREST authority, an alcohol test can be performed any time a  
345 Covered Employee is on duty.  
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347 4) All Covered Employees will be subject to urine drug testing and breath  
348 alcohol testing as a condition of ongoing employment with CITY OF  
349 RIDGECREST. Any safety-sensitive employee who refuses to comply  
350 with a request for testing shall be removed from duty and subject to

351 discipline as defined in Section O.3 of this policy. Any Covered Employee  
352 who is suspected of providing false information in connection with a drug  
353 test, or who is suspected of falsifying test results through tampering,  
354 contamination, adulteration, or substitution will be required to undergo an  
355 observed collection. Verification of the above listed actions will be  
356 considered a test refusal and will result in the employee's removal from  
357 duty and disciplined as defined in Section O.3 of this policy. Refer to  
358 Section C 3 for behavior that constitutes a refusal to test.  
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## 361 **I. DRUG TESTING PROCEDURES**

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- 364 1) The drugs that will be tested for include marijuana, cocaine, opiates,  
365 amphetamines, and phencyclidine. After the identity of the donor is  
366 checked using picture identification, a urine specimen will be collected  
367 using the split specimen collection method described in 49 CFR Part 40,  
368 as amended. Each specimen will be accompanied by a DOT Chain of  
369 Custody and Control Form and identified using a unique identification  
370 number that attributes the specimen to the correct individual. The  
371 specimen analysis will be conducted at a HHS certified laboratory. An  
372 initial drug screen and validity test will be conducted on the primary urine  
373 specimen. For those specimens that are not negative, a confirmatory Gas  
374 Chromatography/Mass Spectrometry (GC/MS) test will be performed. The  
375 test will be considered positive if the amounts of the drug(s) and/or its  
376 metabolites identified by the GC/MS test are above the minimum  
377 thresholds established in 49 CFR Part 40, as amended.  
378
- 379 2) The test results from the HHS certified laboratory will be reported to a  
380 Medical Review Officer. A Medical Review Officer (MRO) is a licensed  
381 physician with detailed knowledge of substance abuse disorders and drug  
382 testing. The MRO will review the test results to ensure the scientific  
383 validity of the test and to determine whether there is a legitimate medical  
384 explanation for a confirmed positive, substitute, or adulterated test result.  
385 The MRO will attempt to contact the employee to notify the employee of  
386 the non-negative laboratory result, and provide the employee with an  
387 opportunity to explain the confirmed laboratory test result. The MRO will  
388 subsequently review the employee's medical history/medical records as  
389 appropriate to determine whether there is a legitimate medical explanation  
390 for a non-negative laboratory result. If no legitimate medical explanation is  
391 found, the test will be verified positive or refusal to test and reported to the  
392 CITY OF RIDGECREST Drug and Alcohol Program Manager (DAPM). If  
393 a legitimate explanation is found, the MRO will report the test result as  
394 negative to the DAPM and no further action will be taken.

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- 3) If the test is invalid with out a medical explanation, a retest will be conducted under direct observation.
  
- 4) Any Covered Employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. CITY OF RIDGECREST will ensure that the costs for the split specimen are covered in order for a timely analysis of the sample; however CITY OF RIDGECREST will seek reimbursement for the split sample test from the employee.
  
- 5) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct CITY OF RIDGECREST to retest the employee under direct observation.
  
- 6) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year.
  
- 7) Observed collections
  - a. Consistent with 49 CFR part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

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- i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to CITY OF RIDGECREST that there was not an adequate medical explanation for the result; or
- ii. The MRO reports to CITY OF RIDGECREST that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
- iii. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen or
- iv. The temperature on the original specimen was out of range.

**J. ALCOHOL TESTING PROCEDURES**

1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.

- 481 2) An employee who has a confirmed alcohol concentration of 0.04 or  
482 greater will be considered a positive alcohol test and in violation of this  
483 policy. The consequences of a positive alcohol test are described in  
484 Section O.4-5 of this policy. Even though an employee who has a  
485 confirmed alcohol concentration of 0.02 to 0.039 is not considered  
486 positive, the employee shall still be removed from duty for at least eight  
487 hours or for the duration of the work day whichever is longer and will be  
488 subject to the consequences described in Section O.9 of this policy. An  
489 alcohol concentration of less than 0.02 will be considered a negative test.  
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492 3) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended,  
493 shall be used for all FTA required testing. Failure of an employee to sign  
494 step 2 of the ATF will be considered a refusal to submit to testing.  
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497 **K. PRE-EMPLOYMENT TESTING**  
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- 499 1) All applicants for covered transit positions shall undergo urine drug testing  
500 and breath alcohol testing prior to performance of a safety-sensitive  
501 function.  
502 b. All offers of employment for covered positions shall be extended  
503 conditional upon the applicant passing a drug and alcohol test. An  
504 applicant shall not be placed into a safety -sensitive position unless  
505 the applicant takes a drug test with verified negative results, and an  
506 alcohol concentration below 0.02.  
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508 c. A non-Covered Employee shall not be placed, transferred or  
509 promoted into a covered position until the employee takes a drug  
510 test with verified negative results and an alcohol concentration  
511 below 0.02.  
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513 d. If an applicant fails a pre-employment drug or alcohol test, the  
514 conditional offer of employment shall be rescinded. Failure of a  
515 pre-employment drug and/or alcohol test will disqualify an applicant  
516 for employment for a period of at least one year. . The applicant  
517 must provide the employer proof of having successfully completed  
518 a referral, evaluation and treatment plan as described in section  
519 655.62 of subpart G. The cost for the assessment and any  
520 subsequent treatment will be the sole responsibility of the applicant.  
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522 e. When an employee being placed, transferred, or promoted from a  
523 non-covered position to a covered position submits a drug test with

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a verified positive result, and/or an alcohol concentration above 0.04 the employee shall be eligible for voluntary disclosure rights.

- f. If a pre-employment/pre-transfer test is canceled, CITY OF RIDGECREST will require the applicant to take and pass another pre-employment drug test.
- g. In instances where a Covered Employee is on extended leave for a period of 90 days or more regardless of reason, and is not in the random testing pool the employee will be required to take a drug and alcohol test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- h. An applicant with a dilute negative test result will be required to retest.
- i. Applicants are required to report previous DOT covered employer drug and alcohol test results—Failure to do so will result in the employment offer being rescinded. If the applicant has tested positive or refused to test on a pre-employment test for a DOT covered employer. The applicant must provide CITY OF RIDGECREST proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

**L. REASONABLE SUSPICION TESTING**

1) All CITY OF RIDGECREST Covered Employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the Covered Employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under CITY OF RIDGECREST'S authority, a reasonable suspicion alcohol test may be performed any time the Covered

568 Employee is on duty. A reasonable suspicion drug test can be performed  
569 any time the Covered Employee is on duty.

- 570  
571 2) CITY OF RIDGECREST shall be responsible for transporting the  
572 employee to the testing site. Supervisors should avoid placing themselves  
573 and/or others into a situation which might endanger the physical safety of  
574 those present. The employee shall be placed on administrative leave  
575 pending disciplinary action described in Section O.1-5 and 9 of this policy.  
576 An employee who refuses an instruction to submit to a drug/alcohol test  
577 shall not be permitted to finish his or her shift and shall immediately be  
578 placed on administrative leave pending disciplinary action as specified in  
579 Section O.3 of this policy.  
580
- 581 3) A written record of the observations which led to a drug/alcohol test based  
582 on reasonable suspicion shall be prepared and signed by the supervisor  
583 making the observation. This written record shall be submitted to the  
584 CITY OF RIDGECREST management and shall be attached to the forms  
585 reporting the test results.  
586
- 587 4) When there are no specific, contemporaneous, articulable objective facts  
588 that indicate current drug or alcohol use, but the employee (who is not  
589 already a participant in a treatment program) admits the abuse of alcohol  
590 or other substances to a supervisor in his/her chain of command, the  
591 employee shall be referred to a Substance Abuse Professional for an  
592 assessment. CITY OF RIDGECREST shall place the employee on  
593 administrative leave in accordance with the provisions set forth under  
594 Section O.9 of this policy. Testing in this circumstance would be  
595 performed under the direct authority of the CITY OF RIDGECREST.  
596 Since the employee self-referred to management, testing under this  
597 circumstance would not be considered a violation of this policy or a  
598 positive test result under Federal authority. However, self-referral does  
599 not exempt the Covered Employee from testing under Federal authority  
600 as specified in Sections L through N of this policy or the associated  
601 consequences as specified in Section O.9.  
602

603  
604 **M. POST-ACCIDENT TESTING**

- 605  
606 1) All Covered Employees will be required to undergo urine and breath  
607 testing if they are involved in an accident with a revenue service vehicle  
608 regardless of whether or not the vehicle is in revenue service that results  
609 in a fatality. This includes all surviving Covered Employees that are  
610 operating the vehicle at the time of the accident and any other whose

611 performance cannot be completely discounted as a contributing factor to  
612 the accident.

613

614 2) In addition, a post-accident test will be conducted if an accident results in  
615 injuries requiring immediate transportation to a medical treatment facility;  
616 or one or more vehicles incurs disabling damage, unless the operator's  
617 performance can be completely discounted as a contributing factor to the  
618 accident.

619

620 a. As soon as practicable following an accident, as defined in this  
621 policy, the transit supervisor investigating the accident will notify the  
622 transit employee operating the transit vehicle and all other Covered  
623 Employees whose performance could have contributed to the  
624 accident of the need for the test. The supervisor will make the  
625 determination using the best information available at the time of the  
626 decision.

627

628 b. The appropriate transit supervisor shall ensure that an employee,  
629 required to be tested under this section, is tested as soon as  
630 practicable, but no longer than eight (8) hours of the accident for  
631 alcohol, and within 32 hours for drugs. If an alcohol test is not  
632 performed within two hours of the accident, the Supervisor will  
633 document the reason(s) for the delay. If the alcohol test is not  
634 conducted within (8) eight hours, or the drug test within 32 hours,  
635 attempts to conduct the test must cease and the reasons for the  
636 failure to test documented.

637

638 c. Any Covered Employee involved in an accident must refrain from  
639 alcohol use for eight (8) hours following the accident or until he/she  
640 undergoes a post-accident alcohol test.

641

642 d. An employee who is subject to post-accident testing who fails to  
643 remain readily available for such testing, including notifying a  
644 supervisor of his or her location if he or she leaves the scene of the  
645 accident prior to submission to such test, may be deemed to have  
646 refused to submit to testing.

647

648 e. Nothing in this section shall be construed to require the delay of  
649 necessary medical attention for the injured following an accident, or  
650 to prohibit an employee from leaving the scene of an accident for  
651 the period necessary to obtain assistance in responding to the  
652 accident, or to obtain necessary emergency medical care.

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f. In the rare event that CITY OF RIDGECREST is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), CITY OF RIDGECREST may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

**N. RANDOM TESTING**

- 1) All Covered Employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals fifty percent of the number of Covered Employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of Covered Employees in the pool.
- 4) Each Covered Employee shall be in a pool from which the random selection is made. Each Covered Employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during,

698 or just after the performance of a safety sensitive duty. However, under  
699 the CITY OF RIDGECREST'S authority, a random alcohol test may be  
700 performed any time the Covered Employee is on duty. Testing can occur  
701 during the beginning, middle, or end of an employee's shift.

- 702  
703 7) Employees are required to proceed immediately to the collection site upon  
704 notification of their random selection.  
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710 **O. RESULT OF DRUG/ALCOHOL TEST**  
711

- 712 1) Any Covered Employee that has a verified positive drug or alcohol test will  
713 be removed from his/her safety-sensitive position, informed of educational  
714 and rehabilitation programs available, referred to a Substance Abuse  
715 Professional and terminated.  
716

- 717 2) A drug test with the result of negative dilute will be retested.  
718

- 719 3) A positive drug and/or alcohol test will also result in disciplinary action as  
720 specified herein.  
721

- 722 a. As soon as practicable after receiving notice of a verified  
723 positive drug test result, a confirmed alcohol test result, or a test  
724 refusal, the CITY OF RIDGECREST Drug and Alcohol Program  
725 Manager will contact the employee's supervisor to have the  
726 employee cease performing any safety-sensitive function.

- 727 b. The employee shall be referred to a Substance Abuse  
728 Professional.  
729

- 730 c. Refusal to submit to a drug/alcohol test shall be considered a  
731 positive test result and a direct act of insubordination and shall  
732 result in termination. A test refusal includes the following  
733 circumstances:

- 734 (1) A Covered Employee who consumes alcohol within eight  
735 (8) hours following involvement in an accident without  
736 first having submitted to post-accident drug/alcohol tests.

- 737 (2) A Covered Employee who leaves the scene of an  
738 accident without a legitimate explanation prior to  
739 submission to drug/alcohol tests.

- 740 (3) A Covered Employee who provides false information in  
741 connection with a drug test.

- 742 (4) A Covered Employee who provides an insufficient  
743 volume of urine specimen or breath sample without a  
744 valid medical explanation. The medical evaluation shall  
745 take place within 5 days of the initial test attempt
- 746 (5) A verbal or written declaration, obstructive behavior, or  
747 physical absence resulting in the inability to conduct the  
748 test within the specified time frame.
- 749 (6) A Covered Employee whose urine sample has been  
750 verified by the MRO as substitute or adulterated.
- 751 (7) A Covered Employee fails to appear for any test within a  
752 reasonable time, as determined by the employer, after  
753 being directed to do so by the employer
- 754 (8) A Covered Employee fails to remain at the testing site  
755 until the testing process is complete;
- 756 (9) A Covered Employee fails to provide a urine specimen  
757 for any drug test required by Part 40 or DOT agency  
758 regulations;
- 759 (10) A Covered Employee fails to permit the observation or  
760 monitoring of a specimen collection
- 761 (11) A Covered Employee fails or declines to take a second  
762 test the employer or collector has directed you to take;
- 763 (12) A Covered Employee fails to undergo a medical  
764 examination or evaluation, as directed by the MRO as  
765 part of the verification process, or as directed by the DER  
766 as part of the "shy bladder" or "shy lung" procedures
- 767 (13) A Covered Employee fails to cooperate with any part of  
768 the testing process (e.g., refuse to empty pockets when  
769 so directed by the collector; behave in a confrontational  
770 way that disrupts the collection process).
- 771 (14) Failure to sign Step 2 of the Alcohol Testing form

772  
773 4) For the first instance of a verified positive test from a sample submitted as  
774 the result of a random, drug/alcohol test ( $\geq 0.04$  BAC), disciplinary action  
775 against the employee shall include:

776 a. Mandatory referral to Substance Abuse Professional for  
777 assessment.

778  
779 5) The first instance of a verified positive drug or alcohol ( $\geq 0.04$  BAC) test  
780 result including a sample submitted under the random, reasonable  
781 suspicion, return-to-duty shall result in termination from CITY OF  
782 RIDGECREST employment.

783  
784 6) A verified positive post-accident, or reasonable suspicion drug and/or  
785 alcohol ( $\geq 0.04$ ) test shall result in termination.

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- 7) An alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  BAC shall result in the removal of the employee from duty for eight hours or the remainder of the workday whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  two or more times within a six month period, the employee will be removed from duty and referred to the SAP for assessment and treatment consistent with Section O.9 of this policy.
- 8) The cost of the first three treatments or rehabilitation services that fall under L.4 of this Policy will be paid by the City of Ridgecrest and ALL cost there after will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.
- 9) In the instance of a self-referral , disciplinary action against the employee shall include:
- a. Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
  - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from CITY OF RIDGECREST employment.
    - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy.
  - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
  - d. A self-referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations

- 829 and will not be considered as a positive test result in relation to the  
830 progressive discipline defined in Section O.4-5 of this policy.  
831 e. Periodic unannounced follow-up drug/alcohol test conducted as a  
832 result of a self-referral which results in a verified positive shall be  
833 considered a positive test result in relation to the progressive  
834 discipline defined in Section O.4-5 of this policy.  
835 f. A Voluntary Referral does not shield an employee from disciplinary  
836 action or guarantee employment with CITY OF RIDGECREST.  
837 g. A Voluntary Referral does not shield an employee from the  
838 requirement to comply with drug and alcohol testing.  
839

840 10) Failure of an employee to report within five days a criminal drug statute  
841 conviction for a violation occurring in the workplace shall result in  
842 termination.  
843  
844

845  
846 **P. GRIEVANCE AND APPEAL**

847  
848 The consequences specified by 49 CFR Part 40.149 (c) for a positive  
849 test or test refusal is not subject to arbitration.  
850

851  
852 **Q. PROPER APPLICATION OF THE POLICY**

853  
854 CITY OF RIDGECREST is dedicated to assuring fair and equitable application of  
855 this substance abuse policy. Therefore, supervisors/managers are required to  
856 use and apply all aspects of this policy in an unbiased and impartial manner.  
857 Any supervisor/manager who knowingly disregards the requirements of this  
858 policy, or who is found to deliberately misuse the policy in regard to subordinates,  
859 shall be subject to disciplinary action, up to and including termination.  
860

861  
862 **R. INFORMATION DISCLOSURE**

863  
864 1) Drug/alcohol testing records shall be maintained by the CITY OF  
865 RIDGECREST Drug and Alcohol Program Manager and, except as provided  
866 below or by law, the results of any drug/alcohol test shall not be disclosed  
867 without express written consent of the tested employee.  
868

869 2) The employee, upon written request, is entitled to obtain copies of any  
870 records pertaining to their use of prohibited drugs or misuse of alcohol  
871 including any drug or alcohol testing records. Covered Employees have the  
872 right to gain access to any pertinent records such as equipment calibration

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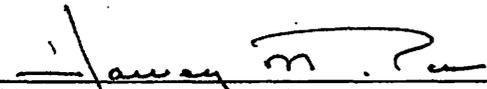
records, and records of laboratory certifications. Employees may not have access to SAP referrals and follow-up testing plans.

- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, Department Supervisor and Personnel Manager on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the preceding. The information will only be released with binding stipulation from the decision maker will make it available only to parties in the preceding. Records will be released to the National Transportation Safety Board during an accident investigation.
- 6) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 7) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 8) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over CITY OF RIDGECREST or the employee.
- 9) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended necessary legal steps to contest the issuance of the order will be taken
- 10) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

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This Policy was adopted by the City of Ridgecrest on

This Policy resends all prior Drug and Alcohol Policies.

  
\_\_\_\_\_  
Harvey Rose, City Manager

7-6-06  
Date

939 **S. SYSTEM CONT ACTS**

940

941 Any questions regarding this policy or any other aspect of the substance abuse  
942 policy should be directed to the following individual(s).

943

944 CITY OF RIDGECREST Drug and Alcohol Program Manager

945 Name: Rachel Rumbo

946 Title: Human Resource

947 Address: 100 W. California Ave. Ridgecrest, Ca. 93555

948 Telephone Number: (760) 499-5027

949

950 Medical Review Officer

951 Name: Sara Rinck

952 Title: MD

953 Address: 16560 Harbor Blvd. Fountain Valley, Ca. 92708

954 Telephone Number: 714-418-0130

955

956 Substance Abuse Professional

957 Name: Harriet Poole

958 Title: NCC

959 Address :Loma Linda CA 92357

960 Telephone Number: (909) 825-7084

961

962 HHS Certified Laboratory Primary Specimen

963 Name: Central Drug Systems Inc.

964 Address: 16560 Harbor Blvd. Fountain Valley, Ca. 92708

965 Telephone Number: 714-418-0130

966

967 HHS Certified Laboratory Split Specimen: Donors selection

968

969 Bakersfield

970 National Toxicology Labs, Inc.

971 805-322-4250

972 800-350-3515

973

974 San Diego

975 Laboratory Corporation of America Holdings

976 800-882-7272

977

978 Van Nuys

979 Quest Diagnostics Inc.

980 818-989-2520

981 800-877-2520

Attachment A

City of Ridgecrest—Administration Covered Classifications

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<b>Title</b>	<b>Testing Authority</b>
Transit Drivers	Federal Transit Administration
Transit Drivers, Relief Dispatcher	Federal Transit Administration
Dispatchers	Federal Transit Administration
Transit Supervisor	Federal Transit Administration
Mechanics	Federal Transit Administration
<b>Title</b>	<b>Testing Authority</b>
Pubic Works Supervisor	Federal Motor Carrier Safety Administration
Garage Foreman	Federal Motor Carrier Safety Administration
Chief Plant Operator	Federal Motor Carrier Safety Administration
Waste Water Operator Trainee	Federal Motor Carrier Safety Administration
Waste Water Operator I	Federal Motor Carrier Safety Administration
Waste Water Operator II	Federal Motor Carrier Safety Administration
Waste Water Operator III	Federal Motor Carrier Safety Administration
Equipment Operator	Federal Motor Carrier Safety Administration
Mechanic	Federal Motor Carrier Safety Administration

— Job Classifications

Safety-sensitive functions: Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling the movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

All of the City of Ridgecrest job titles, and the actual duties performed by the employees, have been analyzed to determine whether persons perform, or may be called upon to perform, safety-sensitive duties. Our current analysis indicates that all current employee titles listed are covered employees because they all perform, or may be called to perform safety-sensitive duties. All the Safety-Sensitive Positions listed above are subject to the testing authority for the United States Department of

1026 Transportation under either the Federal Transit Administration or the Federal Motor  
1027 Carrier Safety Administration.

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**Attachment B**  
Minimum Thresholds

**INITIAL TEST CUTOFF LEVELS**  
(ng/ml)

Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

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**CONFIRMATORY TEST**  
**CUT/OFF LEVELS** (ng/ml)

Marijuana metabolites	15
Cocaine metabolites	150
Opiates:	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine	500

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