

CALAVERAS PUBLIC UTILITY DISTRICT POLICIES

Policy Name:	3108 – DRUG AND ALCOHOL TESTING		
Approval Authority:	CPUD BOARD OF DIRECTORS	Adopted:	5/21/2024
Resolution No.	Resolution 2024-07	Revised:	

3108.1 Pre-Employment Drug Testing. As a part of the District’s employment screening process, all applicants to whom a conditional offer of employment is made must successfully test negative for controlled substances, per procedures described below. The offer of employment is conditioned on a negative drug test result. Applicants will be informed of the District’s drug testing policy in the employment application process. To comply with existing and new state laws regarding the testing for cannabis, pre-employment testing of cannabis will only be administered to employees in safety sensitive positions who are required to be in the U.S. Department of Transportation (D.O.T) testing program.

3108.2. Use of Cannabis Outside of the Workplace. In accordance with state law, the District shall not discriminate against any employee or applicant for employment based upon 1) that person’s use of cannabis off the job and away from the workplace or 2) based upon a drug screening test that has found the employee or applicant for employment to have nonpsychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids. Nothing herein shall prohibit the District from discriminating in hiring, or any term or condition of employment, or otherwise penalize a person based on scientifically valid preemployment drug testing conducted through methods that do not screen for nonpsychoactive cannabis metabolites.

Notwithstanding the foregoing, District employees may not possess, be impaired by, or use, cannabis on the job or in the workplace or during any District activity.

3108.3 Testing of Employees in Designated Safety-Sensitive Positions. Employees in health and safety sensitive positions, including, but not limited to, the following management and non-management positions: vehicle and heavy machinery drivers with commercial licenses/operators (who are subject to random drug-testing under D.O.T. regulations), will be required to submit to random drug testing under the procedures described below. This testing shall occur at random by an independent, third-party drug testing company performing such testing. If an employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

Testing of employees not designated as Safety-Sensitive will be tested only during pre-employment and during times of reasonable suspicion. A reasonable suspicion test may include cannabis screening with the current approved testing method for determining if a person is under the influence of cannabis while working.

3108.3 Reasonable Suspicion Testing. District may require an employee to submit to a drug and/or alcohol screen test under the following circumstances:

1. When a trained Employee designee 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.
 2. When a trained Employee designee 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.
 3. 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.
 4. 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.
- A. 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. A refusal to test is defined as any of the following:
1. Not providing the District a written consent to take the test;
 2. 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 employee to report without valid explanation.

3108.4 On-the-Job Injury. Should an injury occur while working, a drug and/or alcohol test may be administered if the trained employee designee has a reasonable suspicion that an employee was injured due to drug or alcohol use.

3108.5 Administration of Drug and Alcohol Testing. The General Manager or their 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.

The DER shall be responsible for:

1. Communications directly with the Medical Review Officer (“MRO”) and/or Substance Abuse Professional (“SAP”) and the Substance Abuse and Mental Health Services Administration (“SAMHSA”) regarding any drug and/or alcohol tests;
2. Overseeing testing programs; and
3. Providing training to superintendent, Employee Designees and employees.

The District will refer the applicant or employee to an independent, National Institute on Drug Abuse (“NIDA”) certified medical clinic or laboratory, which will administer the test. The District shall require drug testing for: A) pre-employment testing, B) random testing, and C) reasonable suspicion testing. The District will pay the cost of the test.

If the employee is determined by verifiable and confirmed reasonable suspicion observation as unable to drive or impaired for driving, then the District Superintendent or General Manager or his/her designee will transport the individual to a medical facility for immediate testing or treatment.

The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. The clinic or laboratory will handle the required testing. The District will have no control over the clinic or laboratory’s testing methods. The clinic or laboratory will inform the District as to whether or not the applicant passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of these Guidelines and will be subject to discipline, up to and including termination.

3108.6 Acknowledgment and Consent. Any employee subject to testing under this policy will be directed to sign a form acknowledging the procedures governing testing and authorizing (1) the collection of a urine sample for the purpose of determining the presence of alcohol and/or drugs, and (2) the release to the District of medical information regarding the test results. Refusal to sign the authorization form or to submit to the drug and/or alcohol test will result in the revocation of an applicant’s job offer or will be considered the same as a positive test leading to termination.

3108.7 Promotions. An employee being promoted or accepting a different position within the District will not be subject to drug testing as a condition of receiving the promotion. An employee who obtains a commercial vehicle driver’s license will be included in the D.O.T. testing program listed in section 3108.2.

3108.8 Confidentiality. All alcohol and drug testing records will be treated as confidential. Any information about an employee’s use of prescription or non-prescription medication, the results of 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 Medical Information (CMI). 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; or as otherwise required by law. 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. Laboratory reports, rehabilitation documents and/or test results shall not be released to law enforcement agencies without express written approval of the employee or pursuant to lawful process. Such information shall be disclosed to other individuals only on a substantiated need-to-

know basis and to the employee upon request. Such disclosure shall be documented. The employee may receive a copy of the report and may review the log upon request.

3108.9 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), during off-site lunch/break periods, while on stand-by subject to call in (on-call) or at any time when use of alcohol would impair, to any extent, the employee's ability to perform their duties or to operate any District equipment.

If a standby employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of their standby responsibilities and may be subject to discipline.

3108.10 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 their system. 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.

Employees may not use, be under the influence, or possess cannabis while on District property, while performing their duties (whether or not on District property), during off-site lunch/break periods, while on stand-by subject to call in (on-call) or at any time when the use of cannabis would impair, to any extent, the employee's ability to perform their duties or to operate any District equipment.

3108.11 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.

Independent contractors, or employees of independent contractors, working on District projects are required by law or contract to notify the District 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.

3108.12 Medication Reporting Requirements. The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. 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 their ability to perform their 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/Superintendent or Human Resources of the use of the medication or drug prior to reporting for duty.

In the case of prescription drugs, the Supervisor/Superintendent shall determine whether the employee may work, full duty or modified 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/Superintendent may, upon determination that the employee is unable to safely perform their normal duties, or that a modified work assignment is not available, direct the employee not to work and to return home. The employee will be placed on paid leave for the remainder of the day. 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/Superintendent will allow the employee to perform those duties. Notices or communications required by this Section shall be confidential and disclosed only to the Supervisor/Superintendent or Human Resources and the other employees specifically authorized to receive information pursuant to this Policy. The notifications and other written opinions will be maintained in the employee’s confidential medical file.