

This brief is being provided to inform the Board, staff and public of the details of an agenda item that requires action from the Board. The President of the Board will provide board members, staff, and the public the opportunity to ask questions about this topic when this agenda item is announced.

Date: June 1, 2024

Originator: Kim Seney

Purpose: 1st Reading of Policy #3108 Drug and Alcohol Testing

Desired Action by the Board:

Complete first reading by the board for amendments to Drug and Alcohol Testing Policy #3108. Consider waiving the 2nd reading if warranted and pass version as recommended by Policy Committee and General Manager. Requires a 3/5th majority affirmative vote of the board to pass.

1. **Description:** Policy 3108 is a new policy. The GMCSD draft is consistent with CSDA policy template. It requires screening prior to job offering, in the situation of an on-the-job accident, or when the GM has warrants, based on reasonable suspicion.
2. **Reason for Recommended Board Action - (*Consider compliance, cost savings, fixing a problem*):** The District does not currently have a Drug and Alcohol testing policy. It is “best practice” for public agencies to have such a policy.
3. **Anticipated Impacts to the District (negative and/or positive) - (*Consider financial impact, change in procedures, customer and staff communication and effect if recommendations are not adopted*):** This change will require new training for General Manager (Reasonable Suspicion Training) and new processes for documenting and implementing new practices.
4. **Anticipated Impacts to the Customer – *Standby, Residential, Commercial*:** This amendment will have no immediate impacts to Customers.
5. **Recommendation (s):** The Policy Review Working Committee and the General Manager recommend that the Board review, discuss, waive 2nd reading and adopt new Policy #3108.

POLICY TITLE: Drug and Alcohol Testing (PROPOSED)
POLICY NUMBER: 3108

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 and process.

3108.2 Testing of Employees in Designated Safety-Sensitive Position. Employees in health and safety sensitive positions, including, but not limited to, the following management and non-management positions: laborers, system operators, vehicle and heavy machinery drivers with commercial licenses/operators (who are subject to random drug-testing under the Department of Motor Vehicles), will be required to submit to random drug testing. This testing shall occur at random by an independent, third-party drug testing company. If an employee refuses the test, the refusal will be treated in the same manner as a positive test result.

3108.3 Reasonable Suspicion Testing. If an employee's supervisor or manager has a reasonable suspicion that the employee is working in an impaired condition or otherwise engaging in conduct that violates these Guidelines, then the employee will be asked about any observed behavior or impaired condition and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be requested to take a drug and/or alcohol test in accordance with the procedures described herein. If the employee refuses to cooperate with the administration of the drug and/or alcohol test, the refusal will be handled in the same manner as a positive test result, which results in discipline, up to and including termination.

3108.4 On-the-Job Injury. Should an injury occur while working, a drug and/or alcohol test will be administered as soon as is safely possible to determine whether or not employee impaired at time of accident.

3108.5 Procedures for Drug Testing. 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 GM has reasonable suspicion to require a drug test, then the General Mgr. 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 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 disciplinary action, up to and including termination.

3108.7 Confidentiality. All alcohol and drug testing records will be treated as confidential.