

**COUNTY OF MARIPOSA
SHERIFF'S MANAGEMENT ASSOCIATION (SMA)
DRUG AND ALCOHOL TESTING POLICY**

I. GENERAL STATEMENT

The County of Mariposa (County) is committed to providing quality service to the public and a healthy, safe, satisfying work environment for its employees. Substance abuse can detrimentally affect job performance, efficiency, safety and health. It constitutes a potential risk to the welfare, safety and injury of others, creates potential risks of property loss or damage, and may create a negative image of the County. The County has a significant interest in ensuring the health and safety of its employees. It also has an obligation to ensure that its employees do not present a safety risk to the public at large.

The County's Policy is designed to promote a drug-free workplace and to comply with applicable state and federal laws. In recognition of the responsibility of public service entrusted to County employees, and because drug and alcohol 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 County:

II. POLICY 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 County special needs jobs; (2) reasonable suspicion testing of current employees; and (3) post-accident testing of current employees.

The County provides reasonable accommodations as required by law to those employees whose drug or alcohol problem classifies them as disabled. While the County will be supportive of those who seek help voluntarily, the County 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 health and safety of others and themselves, and/or violations of federal, state, or County laws and/or policies.

III. VIOLATION OF POLICY

All persons covered by this Policy should be aware that violations of the Policy may result in discipline, up to and including termination, or in not being hired.

IV. INDIVIDUALS COVERED

This policy applies to external applicants for County special needs jobs and to all employees. A copy of this Policy will be given to all employees. Notices of this Policy will be posted on all Department bulletin boards and copies are available in the Human Resources Department.

V. PROHIBITIONS

The following prohibitions apply to employees:

1. Employees may not use, be under the influence, or possess alcohol under any of the following circumstances: while on County property, while performing their duties (whether or not on County property), or at any time when use of alcohol would impair, to any extent, the employee's ability to perform his or her duties or to operate any County equipment. This includes while operating or being responsible for the operation, custody or care of County equipment or property and while subject to duty. "Subject to duty" shall mean being assigned or scheduled to stand-by or on-call duty.
2. No employee shall unlawfully possess, use, sell, transfer, manufacture, purchase, or transport drugs or attempt to do so, or report to work or be subject to duty with illegal drugs in his or her system. This prohibition includes the possession or selling (directly or through a third party) of illegal drugs or providing illegal drugs to anyone (including employees) while at work.
3. No employee shall possess, use, sell, transfer, manufacture, purchase, or transport prescription drugs, or attempt to do so, or report to work or be subject to duty with prescription drugs in his or her system, unless the prescription drug has been lawfully prescribed to the employee and used in accordance with that prescription.
4. Employees may not use or be under the influence of any legally obtained drug (over the counter or prescription) while performing County business, while on County property, or while subject to duty to the extent that such use or influence affects the safety of co-workers, members of the public, the employee's job performance, or the safe or efficient operation of County's business.
 - a. Employees are responsible for complying with the medical reporting requirements set forth in this Policy, when applicable, for their use of prescription and over the counter drugs.
 - b. An employee will not face disciplinary action by the County the first time he or she is found to be under the influence of a legally obtained drug (over the counter or prescription) if the test results obtained under the drug testing procedure described below and other available evidence establish that the employee took the drug in the proper dosage in accordance with any prescription.

VI. 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 or her ability to perform his or her normal job duties or to safely operate County 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, prior to reporting to duty, that he or she is using a medication or drug affecting his or her ability to drive, operate heavy equipment, or otherwise affecting his or her ability to work in a manner that impacts the employee’s job performance, the safety of co-workers or members of the public, or the safe or efficient operation of County business. The employee is not required to disclose the particular medical condition for which a prescription drug is prescribed or for which an over the counter drug is taken.

The Supervisor shall make an initial determination on whether the employee may work full duty or light duty based on the information provided by the employee, conversations with the employee, and any written opinion of the employee’s medical provider, on whether the use of the medication may impair the employee’s ability to perform the essential functions of his or her job. The Supervisor may, upon a determination that the employee is unable to safely perform the essential functions of her or her job, 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 until additional information is provided by the employee’s medical provider.

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 or her essential job functions, the Supervisor will allow the employee to work or return to work. If the employee’s personal medical provider does not clear the employee to work or return to work or to perform all essential job functions, the County will additionally engage in the interactive process to determine whether the limitations on the employee’s ability to perform his or her essential job functions can be reasonably accommodated. Employees whose medical provider have not permitted them to work or return to work or to perform all essential job junctions will be able to take any leave provided for by law, and additionally may be permitted as part of the interactive process to take time off when reasonable as an accommodation. The employee may run sick leave or other available leave in connection with the time off. 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.

VII. POLICY ENFORCEMENT

A. When Drug and Alcohol Testing is Permitted

1. External Job Applicants for Special Needs Jobs

The County has a special need to require certain job applicants to take a drug and alcohol test after a conditional job offer has been made. This requirement applies to all external applicants for jobs classified by the County as safety-sensitive positions (including, but not limited to, those jobs where individuals perform work that involves a danger to the public (for example: operation of dangerous instrumentalities such as heavy trucks used to transport hazardous material, work requiring national security, and work involving the enforcement of

drug laws) and those jobs that can directly influence children (for example: working directly with children and overseeing those who work directly with children).

An external applicant for a County safety-sensitive position who has received a conditional offer of employment shall be required to undergo and successfully pass a pre-placement/post-offer drug screening analysis prior to beginning work with the County. Any offer of employment by the County for a safety-sensitive position will be conditioned upon compliance with this Policy. The post-offer external applicant will be requested to execute a consent form for the controlled substance test, which includes a waiver and release. The form will be completed by the applicant and by the collection center at the time of collection. A positive test indicating the presence of controlled substances as defined in this Policy will constitute disqualification of the applicant for the position.

A positive test indicating the presence of controlled substances as defined in this Policy will result in the withdrawal of the conditional offer and constitute disqualification of the applicant for the position. The applicant will not be considered for employment for a safety-sensitive position for one year from the applicant's last positive test.

A post-offer external applicant for safety-sensitive position who refuses to submit to testing as defined herein will be considered to have refused to participate in the testing process and will not be hired. In addition, the applicant will not be considered for employment for safety-sensitive positions from one year from the job applicant's refusal to participate in the testing process.

2. Employees

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

- a. 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.
- b. 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) and has received the concurrence of a trained Department Head or higher authority.
- c. 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) and has received the concurrence of a trained Department Head or higher authority.

- d. 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.
- e. When an on-duty employee is contacted by a law enforcement 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.

Reasonable suspicion shall, whenever possible, be evaluated based on personal observations by the Department Manager and/or Supervisor who is familiar with the employee's typical behavior, provided they have received the required training to make this determination. The trained Supervisor who requests that an employee submit to a drug or alcohol test based on reasonable suspicion must document facts constituting reasonable suspicion in writing. See Exhibit A. Upon request, the employee will receive a copy of the documented facts within eight (8) working days of the test, which the employee may provide to the employee's representative.

Employees reasonably believed to be under the influence of drugs or alcohol shall not be permitted to engage in further work and shall not be permitted to drive themselves from the worksite. A Supervisor will see that the employee is transported home and/or to the designated Collection Site and may detain the employee for a reasonable period of time until the employee can be safely transported from the worksite.

An employee suspected of violating the rules prescribed herein shall be entitled to representation, upon request, during any interviews which the employee reasonably believes could lead to disciplinary action by the County, regardless of whether these interviews occur before or after the sample is taken. Employees who refuse to take a test (as defined in this Policy) after direction to do so, or who test positive, will be subject to discipline up to and including termination.

B. Drug and Alcohol Testing Process

1. Administration

The Human Resources Director or his or her designee is the Designated Employer Representative ("DER") and shall be responsible for overseeing implementation of this Policy and the testing procedures described herein. The DER 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) communicating directly with the Medical Review Officer (“MRO”) and/or Substance Abuse Professional (“SAP”) and Testing Laboratory regarding any drug and/or alcohol tests; (2) overseeing testing programs; and (3) providing training to supervisors and employees.

2. Procedures

a. 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 should use the Reasonable Suspicion Evaluation Form (Exhibit A) to assist in making this determination.

b. Acknowledgment – No drug and/or alcohol test may be administered, sample obtained, or drug and/or alcohol test 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 termination. The County will pay the cost of all drug and/or alcohol tests required by this Policy.

c. Collection, Integrity, and Identification

After the applicant or employee has been advised of the reason for the test by the Supervisor, the applicant or employee will be properly identified and the 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.

d. 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.

e. 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 test performed within 15-30 minutes after the first EBT test is completed. The County will test for cannabinoids (marijuana), 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.

f. Positive Test

A controlled substance test is considered positive when a verified confirmation test indicates specimens have measurable concentrations of a particular class of drug. Controlled substances will be tested under the Department of Health and Human Services ("DHHS") guidelines. The threshold amounts for a verified positive test are those established in the DHHS guidelines.

An alcohol test is considered positive when a verified confirmation test indicates a breath alcohol content greater than 0.04 "Alcohol Concentration Level" as defined in the Definition Section of this Policy. Employees who, on a verified confirmation test, have any reading for alcohol below that level will not be returned to duty during that shift; however, they will not be subject to discipline.

g. Notification

Any employee who tests positive will be notified by the Medical Review Officer (MRO) and will be given the 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 controlled substances and/or alcohol in the test specimen, the positive test result will be disregarded and reported to the County as negative. Otherwise, the MRO will report the positive test result to the Designated Employee Representative or Human Resources Manager. The results will only be disclosed to the extent expressly authorized by this Policy.

h. *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:

- i. 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 County's testing laboratory to the Designated Employee Representative.
- ii. The request will be forwarded to the testing laboratory used by the County 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.
- iii. The laboratory selected by the employee must be a certified laboratory per State regulations 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.
- iv. The split sample test results will not be released to the County without the employee's written consent.

C. Employee Rights

The sample collection process shall include the opportunity for the employee to provide information about factors other than illegal drug use, such as taking prescribed medication which could cause a positive test result. This information should be submitted in a sealed envelope to

be opened only by the Medical Review Officer if the test result is positive (see Section VII.B above).

The employee shall receive a full copy of any test results and related documentation of the testing process. The employee may provide a copy to the employee's representative.

All confirmed positive samples shall be retained by the testing laboratory in secure frozen storage for one year following the test or until the sample is no longer needed for appeal proceedings or litigation, whichever is longer.

VIII. CONSEQUENCES OF POSITIVE ALCOHOL AND/OR DRUG TEST

A. Discipline or Last Chance Agreement in Lieu of Discipline

Within the first five (5) working days after a verified positive test result, a conference will be conducted between the employee and a Human Resources contact. The employee may arrange for union representation at the conference.

The first time that an employee tests positive on a controlled substance and/or alcohol test, the County shall offer the employee the opportunity to participate in a Last Chance Agreement with a rehabilitation program in lieu of termination or another form of discipline. This opportunity will be offered to the employee on a one-time basis only. The second time an employee receives a verified positive test on a controlled substance and/or alcohol test, the employee shall be subject to discipline up to and including termination following the County's discipline policy.

Participation in the Last Chance Agreement with the rehabilitation program is strictly voluntary. However, once the employee decides to voluntarily participate in the Last Chance Agreement, the employee will be required to complete all portions of the Last Chance Agreement. Failure to complete all portions of the Last Chance Agreement including any rehabilitation program made a requirement of the Agreement will be grounds for discipline up to and including termination.

Employees may use accumulated sick leave, vacation time, administrative leave time, or compensatory time to participate in the rehabilitation program. All program costs and subsequent controlled substance and/or alcohol testing costs not covered by the employee's health benefits will be paid by the employee.

After completing any rehabilitation program made a requirement of a Last Chance Agreement and prior to returning to duty, the employee must agree to sign a Return-to-Duty Agreement that will include any follow-up testing recommended by the SAP. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one year or longer than five years. Details will be outlined in the Return-to-Duty Agreement. This provision in no way precludes the County from taking appropriate disciplinary action for violation of this policy.

B. Return-to-Duty

Employees who have violated the prohibition set forth in this Policy shall submit to a return-to-duty test before returning to their position. The test result must indicate no presence of alcohol and/or a verified negative result on a controlled substance test.

C. Follow-up Testing

After the return-to-duty test, employees will also be subject to unannounced follow up testing. The number and frequency of tests shall be determined by an SAP, but at least six tests shall be performed during the first 12 months following the employee's return to duty. Follow up testing may be done for up to 60 months, but the SAP can terminate the requirement after the first six tests, if he/she determines testing is no longer necessary.

IX. VOLUNTARY ADMITTANCE

Employees who believe they may have a substance abuse problem are encouraged to take the initiative in voluntarily seeking assistance. Those voluntarily seeking help may voluntarily disclose the problem to the Designated Employer Representative who shall refer the employee to the Employee Assistance Program (EAP). An employee requesting this 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 problem will not terminate any investigation, criminal or administrative, 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.

Employees may use accumulated sick leave, vacation time, or compensatory time to participate in a rehabilitation program, and program costs not covered by the employee's health benefits will be paid by the employee. The employee's decision to seek assistance will not be used as the basis of discipline. However, seeking help will not be a defense to imposition of discipline if facts indicating a violation of this Policy exist separate from the seeking of assistance.

NOTE: Health insurance plans may provide coverage for rehabilitation costs. Health benefits information can be obtained from the County's human resource contact.

X. SEARCHES

County reserves the right to search all County property or equipment and to enlist the assistance of law enforcement personnel in connection with the enforcement of this Policy. The employee's personal property kept within County property with the approval of the County will not be searched without the employee's consent. Items pre-approved by the County for requiring an employee's consent prior to search are purses, personal briefcases, and personal toolboxes

kept in County vehicles when necessary for performance of the employee's assigned duties. Nothing in this provision shall be interpreted to permit violation of the provisions above prohibiting the unlawful manufacturing, distributing, dispensing, possession, or consuming any controlled substance or alcohol.

XI. CONFIDENTIALITY

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 any 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. The individuals authorized to access this information include:

1. The employee who was tested or other individuals designated in writing by that employee;
2. The Medical Review Officer; and
3. Individuals who need the records or information to:
 - a. Determine or assist in determining what action County should take in response to positive test results including, but not limited to, any disciplinary actions and appeals or in connection with any interactive process meetings and reasonable accommodation efforts; or
 - b. Resolve legal disputes including but not limited to appeals or litigation arising from the drug or alcohol test or related actions.

XII. EMPLOYEE CRIMINAL CONVICTION REPORTING RESPONSIBILITY

To fulfill its obligations under the Federal Drug-Free Workplace Act of 1988, the County requires any employee who is convicted of any criminal drug statute for violations occurring while conducting County business (whether on or off County premises) to report the conviction in writing to the Human Resources Director within five (5) days after the conviction. Failure to report such convictions will subject the employee to discipline up to and including termination, in accordance with County rules and regulations.

The County 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 County 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.

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

Independent contractors, or employees of independent contractors, working on County projects are required by law or contract to notify the County, the Human Resources Director, or Department Director of a drug- and/or alcohol-related conviction or positive test for drugs and/or alcohol. Such individuals will not be permitted to work on County projects.

XIII. DEFINITIONS

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

Alcohol Concentration means 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 regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air. Blood tests shall not be used to determine alcohol concentration, unless administered by on-site police or public safety officials in a post accident situation.

Breath Alcohol Technician (BAT) means a person trained to operate the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATS are the only qualified personnel to administer the EBT tests.

Chain of Custody means the 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.

Collection Site means a clinic/facility designated by the County where applicants or employees may present themselves for the purpose of providing a specimen to be analyzed. The County will select the 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 County.

Confirmation Test for alcohol testing means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substances testing, it means 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 (GC/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.

Controlled Substance means a drug that is not legally obtainable under State or Federal law, or a prescription drug obtained or used without benefit of a prescription of a licensed physician and/or in a manner not prescribed by the licensed physician.

Controlled Substance (Drug) Test is a method of detecting and measuring the presence of drugs, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or a confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specific concentration level. It eliminates negative specimens from further consideration.

Evidential Breath Testing Device (EBT) means the device to be used for breath alcohol testing.

Medical Review Officer (MRO) means a licensed physician selected by the County who is knowledgeable of drug abuse disorders and has received appropriate training to interpret and evaluate an employee's positive test results together with an employee's medical history and other biomedical information. The MRO reviews all negative and positive test results and interviews individuals who tested positive to verify the laboratory report before the employer is notified.

Positive Test means 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 specimen and which is determined by the MRO to be the result of the use of drugs and/or alcohol.

Pre-Employment Controlled Substance Testing is conducted before applicants begin work, but after a conditional offer of employment has been given to the employee.

Prescription Drug means any substance that can lawfully be obtained or possessed pursuant to a prescription by a licensed physician.

Reasonable Suspicion Alcohol and/or Controlled Substance Testing is conducted when a trained Supervisor has a good faith belief based on specific articulable facts or evidence that an employee may have violated the prohibitions set forth in Part III. A reasonable suspicion could derive from observation of drug or alcohol use or possession, or the physical symptoms of being under the influence of drugs or alcohol (i.e., body odor, slurred speech, or inability to walk or stand).

Refusal to Submit means failing to provide an adequate breath or urine sample for testing without a valid medical explanation, tampering or adulterating with a specimen or test sample or with the collection process, or engaging 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.) It also includes not providing the County with a signed written consent to take the test.

Substance Abuse Professional (SAP) means 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. The SAP determines whether an employee is “Fit for Duty” following an employee’s refusal to test or an employee’s failed alcohol or drug test, refers an employee for a return-to-duty test, and schedules unannounced follow-up testing for a period of up to 60 months from the date the employee tested positive.

Testing Laboratory means a Substance Abuse and Mental Health Services Administration (SAMHSA) certified testing laboratory.

Trained Supervisor means a person in authority who has had at least one hour of training on the signs and symptoms of alcohol abuse and at least an additional hour of training on the signs and symptoms of controlled substance abuse.

EXHIBIT A
DRUG AND ALCOHOL TESTING 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:

Flushed Inappropriate Disheveled
 Bloodshot/Glassy Eyes Tremors Profuse Sweating
 Dilated/Constricted Pupils Inappropriate Wearing of Sunglasses
 Dry-mouth Symptoms Runny Nose/Sores Smell of Alcohol
 Puncture Marks Other:

3. Behavior/Speech:

Incoherent Slurred Unconscious
 Confused Slowed Hostile/Confrontation
 Agitated Sleeping on the job
 Other:

4. Awareness:

Confused Mood Swings Euphoric
 Lethargic Paranoid Disoriented
 Lack of Coordination
 Other:

5. Motor Skills/Balance:

Unsteady Swaying Falling
 Staggering Stumbling Reaching for Support
 Arms Raised for Balance
 Other:

6. Other observed actions or behaviors: _____

Supervisor's Comments: _____

Supervisor's Name: _____

Signature: _____ Date: _____

Supervisor's Name: _____

Signature: _____ Date: _____

Witness(es)' Name: _____ Date: _____

Signature: _____ Date: _____

EXHIBIT B
DRUG AND ALCOHOL POLICY
ACKNOWLEDGEMENT OF SUBMISSION TO DRUG AND/OR ALCOHOL TESTING
BY THE COUNTY OF MARIPOSA

I, _____ [PRINT NAME], understand and acknowledge that I have reviewed a copy of the County of Mariposa 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 County of Mariposa and that such information may be used as grounds for disqualification from employment and/or for disciplinary action up to and including termination.

I further understand and acknowledge that:

1. The County of Mariposa will pay the cost of all drug and/or alcohol tests required or requested by the County;
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 County of Mariposa 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 County of Mariposa; and
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 termination from my employment with the County of Mariposa.
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 County of Mariposa.

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 _____