

ANDERSON-COTTONWOOD IRRIGATION DISTRICT DRUG- AND ALCOHOL-FREE WORKPLACE AND TESTING POLICY

CONTENTS

I.	POLICY	2
II.	RULES IMPLEMENTING POLICY	2
III.	OFF-DUTY / ON-DUTY CONDUCT	3
IV.	USE OF PRESCRIPTION MEDICATIONS	3
V.	“MEDICAL” MARIJUANA	3
VI.	PRE-EMPLOYMENT DRUG TEST	3
VII.	REASONABLE SUSPICION TESTING	3
VIII.	DRUG AND ALCOHOL TESTING PROCEDURES	4
	a. Medical Review Officer – Definition and Role	4
	b. Drug Testing	5
	c. Breath Alcohol Testing	5
	d. Drug Test Results Review	5
	e. Refusal to Submit to Required Alcohol or Drug Test	6
	f. Communication of Results	7
IX.	TREATMENT AND REHABILITATION LEAVE	7
X.	CONFIDENTIALITY OF INFORMATION	7
XI.	EMPLOYEE ACCEPTANCE	8
XII.	CONSENT AND RELEASE FORM	9

POLICY

Anderson-Cottonwood Irrigation District (“District”) is committed to having a safe, healthy and efficient working environment for all employees. The intent of this policy is to communicate the District's expectations of employees in regard to the use or possession of alcoholic beverages or controlled substances. The use of either will not be tolerated. Such use may adversely impact an employee’s work, cause injuries or reflect negatively on the District, and will be cause for intervention or disciplinary action up to and including termination.

Immediately upon implementation of this Policy, or at the time of initial hiring, all employees will be provided a copy of this Policy and will be informed of their responsibilities with respect to Policy compliance. All employees shall acknowledge acceptance of the Policy and shall complete a Consent and Release form which shall conform to the general format as shown in Appendix A, to be kept on file in the District office.

The District has initiated a program with Compliance Associates, Inc., a California Corporation, to assist in maintaining this Policy.

RULES IMPLEMENTING POLICY

Employees are prohibited from possession, use or being under the influence of alcohol and/or controlled substances while on duty. For purposes of this policy, “on duty” means during an employee’s work hours both at and away from District property and including meal and rest periods. Under the influence means that the employee’s capabilities are adversely or negatively affected, impaired, or diminished.

This Policy is intended to comply with the Drug-Free Workplace Act of 1988; in accordance with the law and the District’s Policies, the District’s General Manager may take appropriate disciplinary action, up to and including termination, against an employee for violating the terms of this policy.

Notwithstanding any District personnel rules or employee policy regarding progressive discipline, the first violation of this policy will result in the immediate initiation of dismissal proceedings, whenever the prohibited conduct:

- (a) Causes injury to the employee or any other person, or, in the opinion of the General Manager, endangers the safety of the employee or any other person; or
- (b) Results in damage to District property or equipment, or, in the opinion of the General Manager, poses a risk of damage to District property; or
- (c) Involves the distribution, sale or manufacture of controlled substances; or
- (d) Involves any use of alcohol or controlled substances, or the misuse of prescribed medication, while on duty or at a time when it is likely to affect the employee while on duty.

OFF-DUTY / ON-DUTY CONDUCT

Felony conviction of an employee for the illegal sale or possession of any controlled substance, even though off duty and off District property, will be grounds for discipline up to and including termination because such conduct, even though off duty, reflects adversely on the District and exposes the District and its employees to public distrust and disparagement.

District employees are required to notify the District Manager in writing of any criminal drug statute of which they are convicted for a violation occurring in the workplace no later than five calendar days after such conviction.

USE OF PRESCRIPTION MEDICATIONS

Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work.

“MEDICAL” MARIJUANA

In the event of a positive drug test, there can be a legitimate medical explanation only with respect to a substance that has a legitimate medical use in accordance with State and Federal law. Use of a drug of abuse (e.g., heroin, PCP, marijuana) or any other substance not approved for legitimate medical use under State and Federal law can never be the basis for a legitimate medical explanation for a positive drug test, even if the substance is obtained legally in a foreign country. Therefore, there are no provisions for “medical” marijuana in this policy. A medical “certificate” from a physician will not provide legitimate grounds to overturn a positive test in a medical review.

PRE-EMPLOYMENT DRUG TEST

Pre-employment drug testing is required for all potential employees. Drug test results which are verified as positive for unauthorized use of controlled substances will disqualify the applicant for any employee position.

REASONABLE SUSPICION TESTING

If employees are involved in an accident resulting in damage to property or that requires medical attention away from the premises, they will be screened to determine whether they test positive for drugs and/or alcohol.

To ensure that employees, property and equipment are not endangered by an employee who is under the influence of drugs, alcohol and/or other controlled substances, any employee whose conduct, appearance, speech or other characteristics creates a reasonable suspicion of being under the influence of said substances shall be subject to testing by a qualified medical professional at District expense.

An employee who is suspected of being under the influence and refuses to cooperate in the exam and/or drug/alcohol testing may be subject to termination.

DRUG AND ALCOHOL TESTING PROCEDURES

Medical Review Officer – Definition and Role

The Medical Review Officer (MRO) is a licensed physician who is a doctor of medicine or osteopathy with knowledge of controlled substance abuse disorders, symptoms, treatment, and toxicology.

The primary function of the MRO is to review, interpret, and report positive test results of the applicant or employee.

Before reporting a positive drug result on an applicant or employee, the MRO will give the donor (applicant or employee) a chance to discuss it. If a prescription drug is involved, the donor will be asked to provide the name of the medication and the prescribing physician's name for verification.

The MRO will review the applicant's or employee's medical history, any relevant biomedical factors, and medical records made available by the applicant or employee to determine whether a positive test resulted from legally prescribed medication before verifying a test as "positive" or "negative."

When an initial screening test for drugs is positive, a second, confirmatory test will automatically be performed. Confirmed positive drug tests will be reported by the testing laboratory to the MRO for verification and contact with the donor. If the donor is unable to provide a sufficient reason for the positive screening the MRO will "confirm" and report the test results as positive, first to the donor then, secondarily, to the Compliance Associates, Inc. Program Coordinator.

The MRO may communicate a positive result on a covered donor to the Compliance Associates, Inc. Program Coordinator if:

- The donor has told the MRO or his authorized representative that he/she does not wish to discuss the results of the test.
- The MRO has spoken with the donor, and has concluded that the positive drug test result indicates unauthorized use of a controlled substance.
- The MRO cannot reach the donor, and has asked the District to contact the donor and relay the message to contact the MRO; and/or the donor has not responded within 5 days of documented receipt of the message.

NOTE: If a test is verified positive under the latter circumstances, the donor may give the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented him/her from contacting the MRO. Based on this information, the MRO may re-open the verification, allowing the donor to present information concerning a legitimate explanation for the positive test. If the MRO concludes that there is a legitimate explanation, the MRO shall verify the test as negative.

Drug Testing

Urine specimen collection for drug testing will be performed by qualified individuals in conformance with current standards of practice under 49 Code of Federal Regulations Part 40, using chain of custody procedures specified by Federal Motor Carrier Safety Administration (FMCSA) regulations. All testing will be performed with respect for the privacy and dignity of the person giving the specimen.

No unauthorized person(s) will be allowed in any part of the designated collection site(s) where specimens are collected or stored. Only collection site personnel may handle specimens prior to their securement in the mailing container.

Only laboratories certified by the Substance Abuse and Mental Health Administration (SAMHSA) of the U.S. Department of Health and Human Services (DHHS) will perform drug testing.

Breath Alcohol Testing

Breath Alcohol testing will be performed only by qualified Breath Alcohol Technicians (BAT) in conformance with current standards of practice under 49 Code of Federal Regulations Part 40, using evidential breath alcohol testing devices listed on the Conforming Products List of the National Highway Traffic Safety Administration (NHTSA). All testing will be performed with respect for the privacy and dignity of the person giving the specimen.

No unauthorized person(s) will be allowed in any part of the designated collection site(s) where specimens are collected.

Initial screenings tests for breath alcohol with results below 0.02 requires no further action.

Breath alcohol tests with results of 0.02 or above will be confirmed as follows:

1. The individual being tested is instructed not to smoke, use mouthwash, drink, or eat for a period of not less than 15 minutes or more than 30 minutes after the initial screening test.
2. Within 30 minutes of completion of the initial screening test, a confirmation breath test is conducted per 49 CFR Part 40. The result is recorded in the "Confirmation Test Results" section of the Alcohol test form.

Drug Test Results Review

A confirmed positive test from a certified laboratory does not automatically identify an applicant or employee as having used drugs in violation of this policy. The MRO brings detailed knowledge of possible alternate medical explanations to his or her review of the test results. This review is performed by the MRO prior to the transmission of confirmed results to Anderson-Cottonwood Irrigation District.

A drug test result on a covered employee will be considered positive ONLY if it is initially confirmed positive by gas chromatography-mass spectrometry (GC-MS) that has undergone review and final verification by the Medical Review Officer (MRO).

A POSITIVE drug test result is defined as the detection of any one or more of the substances listed in the table shown:

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL.
Cocaine metabolites	150 ng/mL	Benzoylcegonine	100 ng/mL.
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL.
		Morphine	2000 ng/mL.
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL.
		Methamphetamine ⁵	250 ng/mL.
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL.
		MDA ⁷	250 ng/mL.
		MDEA ⁸	250 ng/mL.

Refusal to Submit to Required Alcohol or Drug Test

No employee shall refuse to submit to an alcohol or drug test required in accordance with this Policy. Refusal to submit to an alcohol or drug test required in accordance with this Policy shall be considered a positive test.

An employee has refused to take a drug test under the following conditions:

1. Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by Anderson-Cottonwood Irrigation District, after being directed to do so by Anderson-Cottonwood Irrigation District.
2. Failure to remain at the testing site until the testing process is complete; an employee who leaves the testing site prior to the testing process commencing for a pre-employment test is not deemed to have refused to test.
3. Failure to cooperate with any part of the testing process.

An employee has refused to take an alcohol test under the following conditions:

1. Failure to appear for any test within a reasonable time, as determined by Anderson-Cottonwood Irrigation District, after being directed to do so by Anderson-Cottonwood Irrigation District.

2. Failure to remain at the testing site until the testing process is complete.
3. Failure to provide an adequate amount of breath for any alcohol test.
4. Failure to cooperate with any part of the testing process.

Communication of Results

The MRO or designated representative will report test results to the Compliance Associates, Inc. Program Coordinator, and the Program Coordinator will then report test results to the District's General Manager. Confidentiality will be strictly maintained. If the result is positive, the MRO or authorized representative will report the identity of the controlled substance.

Employees and applicants may obtain copies of their test results by requesting them in writing from the MRO within 30 days of being notified of the results.

TREATMENT AND REHABILITATION LEAVE

The District will encourage and assist employees with chemical dependencies (alcohol or drug) to voluntarily come forward to seek treatment and/or rehabilitation. To this end, employees desiring such assistance should request a treatment or rehabilitation leave. Such leaves shall be on an unpaid basis, and the District will not be responsible for costs of the program. The length of the leave will be based on the program selected and must not restrict the District's ability to carry out its responsibilities to its customers and landowners.

The District is not obligated, however, to continue to employ any person whose job performance is impaired because of drug or alcohol use, nor is the District obligated to reemploy any person who has participated in treatment and/or rehabilitation unless the District receives satisfactory evidence that the program has been successfully completed, including satisfactory assurance from program officials that the person's job performance will not be impaired as a result of dependency.

Employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully complete the program or to overcome their dependency, may be given a second leave of absence to seek treatment and/or rehabilitation by voluntarily coming forward to admit their initial failure and to seek further treatment and/or rehabilitation. A third such leave will not be provided.

This policy on treatment and rehabilitation will not limit or affect the District's treatment of employees who violate the regulations described above. Rather, rehabilitation under this Policy is an option for an employee who acknowledges a chemical dependency and voluntarily comes forward to seek treatment to end that dependency. It is not available to employees who are terminated for violation of the prohibitions listed above.

CONFIDENTIALITY OF INFORMATION

All information relating to drug and/or alcohol screens is to be kept strictly confidential. The information will be kept in each employee's medical file, which will be maintained separately from the employee's personnel file. These medical files will be kept locked

and secured, and access will be limited to certain individuals in the organization. Under no circumstances will the results of a drug and/or alcohol screen be discussed with individuals that do not have a work-related need to know.

EMPLOYEE ACCEPTANCE

By signing this document, I hereby represent that I have read, understand, and agree to the District's Drug- and Alcohol-Free Workplace and Testing Policy. This signed copy will be retained in the employee's personnel file as receipt of acknowledgement of being informed of such policy.

Date: _____

Employee Signature

Print name here

Appendix -A-

**CONSENT AND RELEASE FORM
DRUG/ALCOHOL TESTING**

I hereby authorize Anderson-Cottonwood Irrigation District and any laboratories or medical facilities designated by Anderson-Cottonwood Irrigation District to perform a urinalysis and/or blood test to detect the presence of illicit drugs and/or alcohol in my body. I further authorize the reporting of the results of such test(s) to Anderson-Cottonwood Irrigation District and its authorized personnel. I recognize that the results of such test will be used to determine my suitability for employment or for continued employment with Anderson-Cottonwood Irrigation District.

Any attempt to switch a sample or adulterate a sample will be considered a positive result. The laboratory may use one or more tests for adulteration.

Date: _____

Employee Signature

Print name here