

City of Riverside, California
Human Resources Policy and Procedure Manual

Human Resources Director

City of Arts & Innovation

City Manager

Number: III-9 Effective Date:

SUBJECT: DRUG AND ALCOHOL POLICY FOR EMPLOYEES (EXCEPT FIRE ENGINEERS) IN SAFETY-SENSITIVE CLASSIFICATIONS

PURPOSE:

To establish a policy to provide drug and alcohol policy for employees (except fire engineers) whose positions require a Class A, Class B, Commercial Class C California Driver License and of employees and volunteers who drive, dispatch, maintain (repair, overhaul, or rebuild), or provide armed security for transit or paratransit revenue service vehicles (both in and out of revenue service).

This policy complies with 49 CFR Part 655, as amended, 49 CFR Part 40, as amended, and 49 CFR Part 382, as amended. All drug and alcohol testing is conducted in accordance with these regulations. All covered employees are required to submit to drug and alcohol tests as a condition of employment. Copies of Parts 382, 655, and 40 are available in the Human Resources Department drug and alcohol program manager's office. This policy is implemented in addition to the City's Drug-Free Workplace Policy (III-5). In the event that Federal Regulations conflict with the City's Drug-Free Workplace Policy, the Federal Regulations shall prevail. In the event that the Federal Regulations fail to provide language for a particular situation, the employee shall be subject to the applicable City Policies.

Where this policy goes beyond the requirements of the Department of Transportation (DOT), the text is highlighted in bold print.

GENERAL BACKGROUND:

The City of Riverside ("the City") recognizes that its employees are its most important resource. The City does not tolerate employee use and misuse of drugs/alcohol related to the performance of required duties. A policy for drug and alcohol testing is intended to accomplish the following objectives:

1. To provide a safe working environment for City employees;
2. To protect the safety of persons and property;
3. To provide the highest quality of public service;

4. To promote efficiency and productivity;
5. To avoid adverse effects on employee health and well-being, as well as to minimize the City's related health costs;
6. To prevent loss of public confidence in City employees and damage to the City's reputation;
7. To prevent drug-related theft and other employee misconduct;
8. To encourage employees to seek voluntary assistance to deal with alcohol and/or drug use
9. To comply with the Drug Free Workplace Act of 1988 (41 U.S.C. 702-706) and the City's Drug-Free Workplace Policy (Human Resources Policy and Procedures Manual, III-5).

POLICY:

I. Covered Employees

This policy applies to every employee whose position requires the possession of a commercial driver's license (CDL); every employee performing a "safety-sensitive function" as defined herein, and any person applying for such positions.

Under Federal Motor Carrier Safety Administration (FMCSA), an employee is performing a safety sensitive function if they are:

- Driving a commercial motor vehicle as defined by FMCSA which requires the driver to have a commercial driver's license(CDL)
- Inspecting, servicing, or repairing any commercial motor vehicle
- Waiting to be dispatched to operate a commercial motor vehicle
- Performing all other functions in or upon a commercial motor vehicle
- Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments being loaded or unloaded
- Performing driver requirements associated with an accident
- Repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle

Under Federal Transportation Administration (FTA), you are a safety-sensitive employee if you perform any of the following:

- Operation of a revenue service vehicle, in or out of revenue service
- Operation of a non-revenue vehicle requiring a CDL
- Controlling movement/dispatch of a revenue service vehicle
- Maintenance (including repairs, overhaul, and rebuilding) of a revenue service vehicle or equipment used on a revenue service vehicle
- Carrying a firearm for security purposes

Non-DOT Safety-Sensitive Job Positions

A Non-DOT safety-sensitive job position will have the following criteria:

1. Employee currently possesses a valid California Class C drivers license and have the ability to obtain a CDL based on operational need and duties assigned;

Employees in Non-DOT safety-sensitive positions shall adhere to the requirements of this policy based on their safety-sensitive designation.

Covered employees means a person, including an applicant or transferee, who performs or will perform a safety-sensitive function. A volunteer is a covered employee if: (1) The volunteer is required to hold a commercial driver's license to operate the vehicle; or (2) The volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

See Appendix A for a list of covered positions by job classification.

In addition, the following shall apply:

1. FMCSA Clearinghouse: The FMCSA Clearinghouse is a secure online database that gives employers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies (SDLA's) and state law enforcement personnel real-time information about CDL and CPL holder's drug and alcohol program violations. To comply with requirements of the database, an annual limited query is required to monitor the accuracy of the information. Covered employees shall sign the General Consent for Limited Queries for the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse form in order to establish a user account and provide consent to the limited query. If an employee's limited query results in a program violation, the employee shall acknowledge the violation and provide additional consent for a full query that will provide detailed information.. Refusal to sign the consent forms will prohibit the covered employee from performing safety-sensitive functions, including driving a commercial motor vehicle.
2. City management will evaluate the circumstances of a positive test to determine if the case merits the opportunity for rehabilitation in lieu of termination.

3. Employees who test positive for drugs and/or alcohol and who are given the opportunity for rehabilitation or who self-identify and seek rehabilitation prior to an incident that violates policy may use accrued sick leave, vacation, and other benefits while they are participating in rehabilitation programs prior to being released to return to work. Employees who have exhausted their sick leave or vacation accruals shall be eligible for a leave of absence without pay, based upon the City's Employee Assistance Program's treatment plan.
4. The City is not responsible for the costs of medical treatment and subsequent follow-up testing for employees who test positive for drugs and/or alcohol. Employees may use options provided under their medical coverage, if applicable.
5. At the City's discretion, an employee who tests positive for drugs and/or alcohol, may be offered a Last Chance Agreement that mandates compliance with a treatment plan and associated testing. Employees who are permitted to return to work and who subsequently test positive for drugs and alcohol shall be terminated from City employment.
6. Employees who have a Class A, Class B, or Commercial Class C California driver license for exclusive use outside City employment will not be subject to random testing for drugs and/or alcohol under this policy.

All affected employees shall be given a copy of this policy.

II. Contact Person

Any questions regarding this policy should be directed to the Human Resources Department, Designated Employee Representative.

Prohibited Substances

- Marijuana Metabolites
- Cocaine Metabolites
- Phencyclidine
- Amphetamines
-
- Opioids
- Alcohol

III. Testing Procedure

All testing will be conducted as required in 49 C.F.R Part 40, as amended.

Procedures

- All FTA-required testing conducted in accordance w/ 49 CFR Part 40
- **In instances where the employee produces a dilute specimen, he or she must undergo a second test.**

Requirement to Submit

- All employees covered by this policy are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655

Period of Coverage

- Drug test – anytime while on duty
- Alcohol test (random, reasonable suspicion, & follow-up) - Just before, during, or immediately after actual performance of safety-sensitive functions

IV. Pre-Employment Testing

Pre-employment alcohol tests are conducted after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test.

A. FTA Procedures: A negative pre-employment drug test result is required before an employee can first perform safety sensitive duties.

1. A pre-employment test is required for covered employees who are away from work for more than 90 consecutive calendar days, are removed from the random testing pool during that time, and plan to return to a safety-sensitive function.
2. When a covered employee or applicant has previously failed or refused a DOT pre-employment drug test, the employee must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

B. FMCSA Procedures: A negative pre-employment drug test result is required before an employee can first perform safety-sensitive duties.

1. An employer is not required to administer a pre-employment controlled substances test if:
 - a. The driver has participated in a controlled substances testing program that meets the requirement of this part within the previous 30 days; and
 - b. While participating in that program, either:
 - c. Was tested for controlled substances within the past 6 months (from the date of the application with the employer), or
 - d. Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the employer); and
 - e. The employer ensures that no prior employer of the driver of whom the employer has knowledge has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months.

V. Reasonable Suspicion Testing

- A.** The City of Riverside shall conduct a drug and/or alcohol test when the City of Riverside has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse.
- B.** The determination that the reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. A supervisor(s), or management representative, and a Human Resources Representative who are trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations and complete the Reasonable Suspicion Checklist. See Appendix D.
- C.** The City of Riverside may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.
- D.** If an alcohol test is not administered within two hours following the determination to conduct a reasonable suspicion test, Human Resources shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination to test, cease attempts to administer an alcohol test and update the record with the reasons for not administering the test.
- E.** The potentially affected employee should not be allowed to proceed alone

to or from the collection site. A supervisor or management representative shall accompany him/her to and from the collection site.

- F. After returning from the collection site, the employee shall not be allowed to perform covered functions pending the results of the drug/alcohol test. The employee should not be allowed to operate any motor vehicle due to the reasonable cause belief that they may be under the influence of alcohol or drug(s).
- G. **FMCSA Procedures:** A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor and **Human Resources** who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier.

VI. Post-Accident Testing—FMCSA

- A. FMCSA Procedures:** The following FMCSA-covered employees shall be subject to post-accident alcohol and controlled substances testing under the following circumstances:
1. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers:
 - (a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - (b) Who received a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
 - (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
 2. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:
 - (a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

(b) Who receives a citation within thirty two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

- (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- (ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

(3) The following table notes when a post-accident test is required to be conducted (FMCSA):

Type of Accident Involved	Citation Issued to Commercial Motor Vehicle Driver?	Test must be performed by employer?
Human Fatality	YES	YES
Human Fatality	NO	YES
Bodily injury and immediate medical treatment away from the scene	YES	YES
Bodily injury and immediate medical treatment away from the scene	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
Disabling damage to any motor vehicle requiring tow away	NO	NO

- A. If a post-accident alcohol test is not administered within two (2) hours following an accident, the supervisor of the employee shall prepare and forward to Human Resources the record stating the reasons the test was not properly administered. If a test is not administered within eight (8) hours after the accident, the supervisor shall cease attempts to have the alcohol test administered and prepare and maintain on file a record stating the reasons the test was not done within said eight (8) hours.
- B. If a post-accident controlled substances test is not administered within 32 hours of the accident, the supervisor shall cease attempts to have the

controlled substances test administered and prepare and forward to Human Resources a record stating the reasons the test was not done within the said 32 hours.

- C. An employee driver subject to post-accident testing shall remain readily available for such testing, including notifying his/her supervisor of his/her location if he/she leaves the accident scene. An employee who fails to do so shall be deemed to have refused to submit to testing. Nothing herein shall be constructed to require the delay on necessary medical attention for the injured or to prohibit an employee from leaving the accident for the time period required to obtain emergency assistance.
- D. **All supervisors or management representatives are responsible for having the employee sign the policy acknowledgement/receipt form, and the form must be forwarded to the Human Resources Department the next business day.**

B. Post-Accident Testing—FTA

1. **FTA Procedures:** The following FTA-covered employees shall be subject to post-accident alcohol and controlled substances testing under the following circumstances:
 - (a) Fatal Accidents: As soon as possible following an accident involving the loss of human life, DOT drug and alcohol tests are conducted on all surviving covered employee operating the mass transit vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.
 - (b) Non-Fatal Accidents: Post-accident testing is required if one of the following conditions is met:
 - (i) An accident results in injuries requiring immediate medical treatment away from the scene, and the covered employee contributed to the accident, **or**
 - (ii) One or more vehicles receive disabling damage and have to be towed from the scene, and the covered employee contributed to the accident.
 - (iii) Covered employee shall be tested if the City determines that the covered employee's performance cannot be completely discounted as contributing to the accident.
2. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, is tested.
3. Disabling damage means damage which prevented the departure of any vehicle

from the scene of the occurrence in its usual manner in daylight after simple repairs.

Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, tail lights, turn signals, horn, or windshield wipers that makes them inoperative.

4. If an alcohol test is not administered within two hours following the time of the accident, the supervisor shall prepare and forward to Human Resources a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours following the determination to test, cease attempts to administer an alcohol test and update the record with the reasons for not administering the test. The drug test should be taken as soon as possible. Cease attempts to collect the drug test after 32 hours.
5. If the decision not to administer a drug and/or alcohol test under this section shall be based on the employer's determination, using the best available information at the time of the determination that the employee's performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision making process used to reach the decision not to test.
6. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

C. Random Testing

1. Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of the day when safety-sensitive functions are performed.
2. Testing rates will meet or exceed the minimal annual percentage rate set each year by the DOT Administrator. The current year rates can be viewed online. The FMCSA minimum testing requirement is to annually perform drug tests on 50% and alcohol tests on 10% of the average number of driver positions. The FTA minimum testing requirement is to annually perform drug test on 50% and alcohol tests on 10% of the average number of safety-sensitive employees. If a given driver is subject to random alcohol or controlled substances testing under the random alcohol or controlled substances testing rules of more than one DOT agency for the same employer, the driver shall be subject to random alcohol and/or controlled

substances testing at the annual percentage rate established for the calendar year by the DOT agency regulating more than 50% of the drivers function.

3. The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.
4. Each employee selected for testing shall be tested during the selection period. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.
5. Each covered employee who is notified of selection for random drug or random alcohol testing shall proceed to the test site immediately.

VII. Test Refusal

You have refused to take a test if you:

- A. Fail to provide a breath or urine sample
- B. Provide an insufficient volume without valid medical explanation
- C. Adulterate or substitute a specimen
- D. Fail to appear within a reasonable time, as determined by the employer consistent with applicable DOT agency regulations
- E. Leave the scene of an accident without just cause prior to submitting a test
- F. Leave the collection facility prior to test completion
- G. Fail to permit an observed or monitored collection when required
- H. Fail to take a second test when required
- I. Fail to undergo a medical examination when required
- J. Fail to cooperate with any part of the testing process
- K. Fail to sign Step 2 of alcohol test form
- L. Once test is underway, fail to remain at site and provide a specimen
- M. Or the Medical Review Officer (MRO) verifies that you provided an unadulterated/substituted sample
- N. Possessing or wearing a prosthetic or other device used to tamper or interfere with the testing process
- O. Admitting the adulteration or substitution of a specimen to the collector or MRO

- P. Failure to permit an observed or monitored collection when required per the regulation
- Q. Failure to follow an observer's instructions during a direct observation collection to raise and lower clothing and turn around

(For pre-employment tests only, failure to appear, aborting the collection before the test commences, or failure to remain at site prior to commencement of test is NOT a test refusal.)

VIII. Prohibited Conduct

- A. All covered employees are prohibited from reporting for duty or remaining on duty any time there is quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- B. 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 they are called to report for duty. The covered employee must take an alcohol test, if the covered employee claims ability to perform his/her safety-sensitive function.
- C. Departments shall not permit any covered employee to perform or continue to perform safety-sensitive function if it has actual knowledge that the employee is using alcohol.
- D. 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 0.04 or greater regardless of when the alcohol was consumed.
- E. 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
- F. No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- G. **The City prohibits the use of any controlled substance or other performing-altering drug that cannot be substantiated by medical evidence of legitimate drug use.**
- H. **The City prohibits any employee from engaging in unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace.**
- I. **The use of controlled substances and alcohol while on the job or subject to duty, even if the alcohol concentration is 0.02 or greater**

but less than 0.04 may result in disciplinary action up to and including termination.

IX. Consequences

- A. Following a positive drug or alcohol (blood alcohol concentration (BAC) at or above 0.04) test result or test refusal, the employee is immediately removed from safety-sensitive duties, referred to a substance abuse professional (SAP), and placed on administrative leave pending the discipline process.

1. FTA Procedures: Following a BAC of 0.02 or greater, but less than 0.04 - the employee is immediately removed from safety sensitive duties for at least eight hours unless a retest results in the employee's alcohol concentration of less than 0.02.

2. FMCSA Procedures: Following a BAC of 0.02 or greater, but less than 0.04 - the employee is immediately removed from safety sensitive duties until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

- B. **The City prohibits the use of controlled substances and alcohol while on the job or subject to duty. Use of controlled substances and/or alcohol while on the job or subject to duty, even if the alcohol concentration is 0.02 or greater but less than 0.04 may result in disciplinary action up to and including termination.**

- C. **Human Resources Department will take the lead role in advisement related to appropriate disciplinary action, up to and including termination. Disciplinary action may include mandated participation in a drug/alcohol abuse assistance or rehabilitation program approved by federal, state, or local health, law enforcement, or other appropriate agency.**

X. Split Sample

The City of Riverside will pay for the cost for the split specimen test in order for a timely analysis of the sample however; the employee is required to pay for the split sample test within thirty (30) days of test.

XI. Return to Duty Testing

- A. **The employee will conduct Return to Duty Testing when it is determined that the City has elected to retain the employee and has not exercised its authority to terminate the employee.**

- B. Any employee who is allowed to return to duty after a refusal to submit a test or failing an alcohol and/or drug test, must first be evaluated by a substance abuse professional (SAP), and provide a negative drug, alcohol (or both) test result. All testing will be conducted in accordance with Part 40 subpart O.
- C. **Employee is responsible for the expense of the testing.**

XII. Follow-Up Testing

- A. **The employee will conduct Follow-up Testing when it is determined that the City has elected to retain the employee and has not exercised its authority to terminate the employee.**
- B. Employees returning to duty following leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by the SAP. The number and frequency of such follow-up testing shall be directed by the SAP. The employee will be subject to follow-up testing for a period of 1 to 5 years as determined by the SAP. All testing will be conducted in accordance with Part 40 subpart O.
- C. **Employee is responsible for the expense of testing as directed by the SAP and/or the last chance agreement.**

XIII. Employee admission of alcohol and controlled substance abuse

A. FMCSA Procedures:

- 1. Employees who admit to alcohol misuse or controlled substances are not subject to the referral, evaluation, and treatment requirements of Part 382 and Part 40, provided that:
 - (a) The admission is in accordance with a written employer-established voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section;
 - (b) The driver does not self-identify in order to avoid testing;
 - (c) The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e. prior to reporting for duty); and
 - (d) The driver does not perform a safety sensitive function until the employer is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.
- 2. A qualified voluntary self-identification program or policy must contain the following elements:
 - (a) It must prohibit the employer from taking adverse action against an employee making a voluntary admission of alcohol misuse or

controlled substances use within the parameters of the program or policy an paragraph (1) of this section;

(b) It must allow the employee sufficient opportunity to seek evaluation, education, or treatment to establish control over the employee's drug or alcohol problem;

(c) It must permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;

(d) It must ensure that:

(i) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or

(ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substances test with a verified negative test result for controlled substances use; and it may incorporate employee monitoring and include non-DOT follow-up testing.

(iv) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substances test with a verified negative test result for controlled substances use; and it may incorporate employee monitoring and include non-DOT follow-up testing.

XIV. Prescription Drug Use

A. The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. It is, however, the employee's responsibility to inform the physician of the employee's job duties and determine from the physician, or other health care professional, whether or not the prescribed drug may impair their job performance or mental or motor functions. It is the responsibility of the employees to remove themselves from service if they are unfit for duty.

B. Employees are required to report the use of medically authorized drugs or other substances that may create a direct threat by impairing job performance of safety-sensitive functions to his/her supervisor and provide proper written medical authorization to work from a physician.

XV. Confidentiality

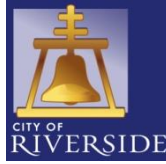
A. Any employee violating confidentiality shall be subject to discipline and may also be civilly or criminally liable.

B. The result of any testing shall be used for employment purposes only in

- compliance with 49 CFR Part 40, Subpart P. The testing laboratory is only authorized to release test results to the MRO. The MRO and the BAT are only authorized to release test results to the Human Resources Department Designated Employee Representative.
- C. All records pertaining to the drug and alcohol testing of an employee shall be contained in a separate confidential medical file that will be maintained in a secure location with controlled access under the control of the Designated Employee Representative in the Human Resources Department. It shall be separate from the employee's other personnel records.
 - D. The employee may request and receive the results of his/her tests.
 - E. The City may disclose specific test results without the employee's prior consent in compliance with 49 CFR Part 40, Subpart P only when:
 - a. All information is compelled by law or by judicial or administrative process;
 - b. The information has been deemed an issue by the employee in a formal dispute between the employee and the City.
 - F. The procedures used in this policy will be used to test for the presence of illegal drugs or alcohol misuse, they will protect the employee's privacy, the integrity of the drug and alcohol testing process, safeguard the validity of the test results, and ensure the test results are attributed to the correct employee.

XVI. Drug Free Work Place Act of 1988

The City of Riverside's Drug-Free Workplace (III-5) complies with the Drug Free Work Place Act of 1988.



U.S. DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL TESTING POLICY REQUIREMENTS AND INFORMATION FOR SUPERVISORS AND EMPLOYEES AFFECTED BY FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION, AND FEDERAL TRANSIT ADMINISTRATION REGULATIONS

This policy was developed pursuant to regulations enacted by the U.S. Department of Transportation (49 CFR, Part 40), Federal Motor Carrier Safety Administration (49 CFR, Part 382), and Federal Transit Administration (49 CFR, Part 655). The requirements and information should be fully understood by all individuals that possess a commercial driver license and/or are in safety sensitive classifications. Questions should be referred to the Human Resources Department, City of Riverside, 3900 Main Street, Riverside, CA 92522 at (951) 826-5808.

Adopted: xxxxxxxx

APPENDIX A – Safety Sensitive Positions

The following safety sensitive positions are subject to change as needed to comply with amendments to federal regulations and/or changes to job classifications. As a result, this appendix shall be updated independently from this policy, as needed.

Safety Sensitive Positions	Federal Authority for Random Testing
Aircraft Mechanic	FMCSA
Building Maintenance Specialist	FMCSA/Non-DOT
Equipment Service Worker	FMCSA / FTA/Non-DOT
Fire Mechanic	FMCSA
Fleet Management Service Writer	FMCSA / FTA
Fleet Management Supervisor	FMCSA / FTA
Fleet Operations Manager	FMCSA / FTA
Fuel Truck Operator and Attendant	FMCSA / FTA
Heavy Equipment Operator	FMCSA / FTA
Maintenance Electrician	FMCSA/Non-DOT
Maintenance Worker I	FMCSA/Non-DOT
Mechanic	FMCSA / FTA/Non-DOT
Minibus Driver (Benefited and non-Benefited)	FTA

Minibus Driver Dispatcher- Scheduler	FTA
Minibus Driver Trainee	FTA
Park Maintenance Crew Leader	FMCSA/Non-DOT
Park Maintenance Specialist	FMCSA/Non-DOT
Park Maintenance Worker II	FMCSA/Non-DOT
Park Supervisor	FMCSA/Non-DOT
Plant and Equipment Mechanic	FMCSA
Senior Aircraft Mechanic	FMCSA
Senior Mechanic	FMCSA / FTA
Senior Solid Waste Operator	FMCSA/Non-DOT
Senior Wastewater Collections System Technician	FMCSA
Senior Wastewater Plant Operator	FMCSA/Non-DOT
Solid Waste Collection Supervisor (I)	FMCSA
Solid Waste Operator/Trainee	FMCSA
Special Transit Supervisor	FTA
Street Maintenance Crew Leader	FMCSA
Street Maintenance Specialist	FMCSA
Street Maintenance Supervisor	FMCSA
Street Maintenance Worker	FMCSA
Street Painter	FMCSA/Non-DOT
Street Sweeper Operator	FMCSA
Tire Maintenance Specialist	FTA
Traffic Signal Maintenance Supervisor	FMCSA/Non-DOT

Traffic Signal Technician (I and II)	FMCSA/Non-DOT
Utilities Assistant Shop Tool and Fabrication Technician	FMCSA
Utilities Assistant Water Works Pipefitter	FMCSA
Utilities Crew Helper	FMCSA/Non-DOT
Utilities Electric Apprentice/Trainee	FMCSA/Non-DOT
Utilities Electric Crew Assistant	FMCSA
Utilities Electric Field Helper	FMCSA/Non-DOT
Utilities Electric Power System Dispatcher (I and II)	FMCSA
Utilities Electric Service Crew Supervisor	FMCSA
Utilities Electric Superintendent	FMCSA
Utilities Electric Supervisor	FMCSA
Utilities Electric Troubleshooter	FMCSA
Utility Equipment Operator	FMCSA
Utilities Power Line Technician	FMCSA
Utilities Shop Tool and Fabrication Technician	FMCSA
Utilities Street Light Maintenance Worker	FMCSA
Utilities Substation Construction/Maintenance Supervisor	FMCSA
Utilities Substation Electrician	FMCSA
Utilities Transformer Technician (I and II)	FMCSA/Non-DOT
Utilities Water Apprentice	FMCSA/Non-DOT
Utilities Water Field Helper	FMCSA/Non-DOT
Utilities Water Maintenance Mechanic	FMCSA
Utilities Water Meter Technician (I and II)	FMCSA/Non-DOT

Utilities Water Superintendent	FMCSA
Utilities Water Supervisor	FMCSA
Utilities Water Troubleshooter	FMCSA
Utilities Water Works Pipefitter	FMCSA/Non-DOT
Utilities Water Works Pipefitter Trainee	FMCSA/Non-DOT
Utilities Welder/Pipefitter	FMCSA
Vector Control Technician	FMCSA
Wastewater Collections System Crew Leader	FMCSA
Wastewater Collections System Technician (I-III)	FMCSA
Wastewater Maintenance Mechanic	FMCSA/Non-DOT
Wastewater Mechanical Supervisor	FMCSA/Non-DOT
Wastewater Plant Operator (I – III)	FMCSA/Non-DOT
Weekend Crew Supervisor	FMCSA

Appendix B

City of Riverside

Collection Sites and Laboratory

Collection Site:

City Corp. Yard (for monthly random testing)
8095 Lincoln Ave.
Riverside, CA

If employees are unavailable on the day of random testing, they must be taken to the following industrial medical clinic by their supervisor on their next scheduled work day, Human Resources will direct you to the appropriate clinic:

Inland Empire Occupational Medicine (IEOM)
3579 Arlington Ave. Suite 300
Riverside, CA 92506

Central Occupational Medicine Providers (COMP)
4300 Central Ave.
Riverside, CA 92506

Laboratory:

Pacific Toxicology Laboratories
9348 De Soto Avenue
Chatsworth, CA 91311

Phamatec, Inc.
15175 Innovation Dr.
San Diego, CA 92128

Number: III-9 Effective Date:

Appendix C

Acknowledgment/Receipt Form

See following page.



Number: III-9 Effective Date:

ACKNOWLEDGEMENT/RECEIPT FORM

Safety-Sensitive Employee

I hereby acknowledge that I have received a copy of the City of Riverside's Drug and Alcohol Testing Policy III-9 concerning U.S. Department of Transportation drug and alcohol testing (49 CFR, Part 40) for supervisors and employees affected by Federal Motor Carrier Safety Administration (49 CFR, Part 382) and Federal Transit Administration (49 CFR, Part 655) regulations.

I have read and understand the provisions outlined in the City of Riverside's Drug and Alcohol Testing Policy III-9 and agree to comply with all of the requirements contained therein. I understand that disciplinary action may be taken if I am found in violation of the policy.

Employee Name (Print)

Employee Signature

Date

Witness

Appendix D

REASONABLE SUSPICION CHECKLIST

See following page.



**CITY OF RIVERSIDE
REASONABLE SUSPICION
CHECKLIST**

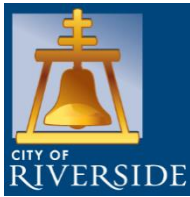
CONFIDENTIAL

This document contains personal information and pursuant to Civil Code 1798.21 it shall be kept confidential in order to protect against unauthorized disclosure

Instructions

Use this form to record observations of employee behavior that you believe may be the result of illegal drug or alcohol misuse. After filling out the form, you may order the employee to a reasonable suspicion drug or alcohol test.

NAME OF EMPLOYEE OBSERVED		DATE OF OBSERVATION	
LOCATION OF OBSERVATION		TIME OF OBSERVATION A.M. P.M.	
OBSERVED PERSONAL BEHAVIOR (Check all appropriate items) Observations must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.			
SPEECH	AWARENESS	BALANCE	WALKING
<input type="checkbox"/> Normal	<input type="checkbox"/> Normal	<input type="checkbox"/> Normal	<input type="checkbox"/> Normal
<input type="checkbox"/> Incoherent	<input type="checkbox"/> Confused	<input type="checkbox"/> Swaying	<input type="checkbox"/> Stumbling
<input type="checkbox"/> Confused	<input type="checkbox"/> Sleepy	<input type="checkbox"/> Swaggering	<input type="checkbox"/> Falling
<input type="checkbox"/> Slurred	<input type="checkbox"/> Paranoid	<input type="checkbox"/> Falling	<input type="checkbox"/> Holding or
<input type="checkbox"/> Silent	<input type="checkbox"/> Aggressive		Reaching
Description of other observed actions or behaviors or incidents (Be as specific as possible. Continue on back if necessary)			
I certify that I have had training in recognition of alcohol and drug misuse and that in the best of my judgment reasonable suspicion exists sufficient to require the above employee to undergo an: <input type="checkbox"/> alcohol test <input type="checkbox"/> drug test			
OBSERVER NAME		TITLE	



General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse

I, _____, hereby provide consent to The City of Riverside to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse. This will determine if drug or alcohol violation information about me exists in the Clearinghouse. I understand that a query will be conducted initially upon hire, and on a quarterly basis thereafter for the duration of my employment with the City of Riverside.

I also understand that if the limited query conducted by the City of Riverside indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the City of Riverside without first obtaining an additional specific consent from me.

I further understand that if I refuse to provide consent for the City of Riverside to conduct a limited query of the Clearinghouse, the City of Riverside must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

Employee Signature

Date