Approved:

City of Riverside, California
Human Resources Policy and Procedure Manual

Human Resources Director

City Manager

Number: III-8 Effective Date: 07/21

SUBJECT: **REASONABLE SUSPICION AND POST-ACCIDENT DRUG AND ALCOHOL TESTING POLICY**

PURPOSE:

To establish a policy that provides a procedure for reasonable suspicion and post-accident drug and alcohol testing forall City of Riverside employees..

GENERAL BACKGROUND:

The City of Riverside ("the City") recognizes that its employees are its most important resource. The City also has a "zero tolerance" approach to employee use and misuse of drugs/alcohol related to the performance of required duties. A policy for reasonable suspicion and post-accident drug and alcohol testing for all affected City employees 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; and,

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 (Personnel Policy and Procedure Manual, III-5).

DEFINITIONS:

Drug abuse is defined as:

1. The excessive use or intentional misuse of lawfully obtained prescription drugs or over-the-counter drugs when such use impairs job performance, alters behavior, and/or creates a risk to the health and/or safety of the employee or others; and/or,

2. The intentional use of illegal drugs or controlled prescription drugs obtained unlawfully.

Alcohol use considered in violation of this policy is defined as:

1. Using or possessing alcohol on the job.

2. Consuming alcohol within 4 hours of reporting for regular assignment, and overtime assignment, or while on call to provide public service, in any capacity, as a City employee.

3. Having a blood-alcohol concentration of 0.02 or greater while at work.

4. Allowing alcohol to impair job performance or create a safety risk.

POLICY:

The consumption of alcohol is prohibited during a work-shift (including breaks and/or meals), during an overtime assignment, while on call, or within four hours of a scheduled shift or of being on call. The use of illegal drugs or the excessive use or intentional misuse of lawfully obtained prescription drugs is prohibited at any time.

Employees shall be tested for drugs and/or alcohol under the following conditions:

1. When there is a reasonable cause/suspicion that an employee may be impaired by the use of drugs or alcohol;

2. After a motor vehicle accident, involving either a City vehicle or a personal vehicle being used on City business, in which there is a fatality, or in which there is a citation issued to the City employee, or from which a vehicle is towed from the scene, or in which someone is medically treated away from the scene.

3. Upon an employee's return to duty after testing positive for drugs and/or alcohol;

4. Follow-up testing after it has been determined that an employee has tested positive for alcohol or drug use.

If a test shows that the employee is under the influence of drugs or alcohol, the employee may, at the City's sole discretion, be eligible for treatment or rehabilitation. A positive test result for either drugs or alcohol will result in disciplinary action, up to and including termination. Pre-employment drug tests are subject to the Personnel Policy and Procedure I-10, Pre-Employment Medical Exams.

In addition, the following shall apply:

1. City management will evaluate the circumstances of a positive test to determine if the case merits the opportunity for rehabilitation in lieu of termination.

2. 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.

3. The City of Riverside is not responsible for the costs of medical treatment for employees who test positive for drugs and/or alcohol. Employees may use options provided under their medical coverage, if applicable.

4. The City's decision on whether to retain an employee who violates the City's Policy prohibiting drug/alcohol abuse would be commensurate with the severity of the incident, the nature of the employee's job, previous overall performance, tenure of employee, potential risk to other City employees and/or the public, mitigating circumstances and overall commitment of employee to change behavior. Should any employee request a last chance agreement, the City will give reasonable consideration to any such request.

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

PROCEDURE:

Responsibility	Action
Human Resources	1. Provides notice to employees of reasonable suspicion and post-accident drug and alcohol testing policy.
	2. Provides informational programs on the risks associated with drug and alcohol abuse.
	3. Provides drug and alcohol counseling and rehabilitation programs through employee assistance program.
	4. Provides Reasonable Suspicion Training opportunities to all supervisory and management employees.

Department/Division	5. Ensures that every supervisor and manager takes training in Reasonable Suspicion for Drug and Alcohol Use no less than every two years.
	6. Contacts the Department Head. If the Department Head concurs, he/she contacts Human Resources if they believe that an employee may be under the influence of drugs or alcohol.
Human Resources	7. Completes Reasonable Suspicion checklist on any employee whose demeanor or behavior leads to suspicion that he/she may be under the influence of drugs or alcohol.
	8. Facilitates immediate testing for drugs and/or alcohol.
	9. Takes the lead role in an 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.
Employee	10. Participates in drug/alcohol abuse assistance or rehabilitation programs, if required as a condition of continued employment, utilizing medical coverage and vacation/sick leave or other approved leave of absence.
Human Resources	11. Keeps Department/Division informed relative to the status of an employee's ability to return to work.
	12. Monitors an employee's satisfactory completion of any mandated drug/alcohol assistance or rehabilitation program.

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DRUG AND ALCOHOL POLICY

The City of Riverside has a vital interest in providing its employees with safe and healthful working conditions and in providing its citizens and visitors with high-quality municipal services that are effective, safe, and efficient. To this end, it is critical that the City strive to guarantee a workforce free of any substance or alcohol abuse. The City will not tolerate any drug or alcohol use which may affect the job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees of the City. Off-duty illegal drug use, which affects the employee's job performance, or jeopardizes workplace and public safety is, under City policy, proper cause for disciplinary action up to and including dismissal.

Employees have the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs. Employees who abuse alcohol and drugs are a danger to themselves, to other employees, and to the public. In addition, drug and alcohol abuse inflicts a terrible toll on the nation's productive resources and the health and well-being of American workers and their families. Alcohol, for instance, is a depressant which can impair judgment, reaction times, and reflexes. Though a legal drug, the possession and use on the job is prohibited and off-hours use is prohibited within 4 hours of reporting for regular assignment, an overtime assignment, or while on call to provide public service, in any capacity as a public employee.

The City is committed to establishing and maintaining a safe and healthy work environment free from the influence of alcohol and drugs and to preserving public confidence in City employees and maintaining the reputation of the City. With this objective in mind, the City has established the following Drug and Alcohol Policy with regard to the use, possession, sale, manufacture, and distribution, of alcohol or drugs.

This policy is adopted pursuant to The Drug-Free Workplace Act of 1988, as enacted by the United States Congress, which requires the establishment of drug-free workplace policies, and the reporting of certain drug-related offenses to the appropriate federal agency. Safety sensitive drivers are additionally held to the Department of Transportation guidelines for Commercial Drivers Licenses.

RESPONSIBILITIES

Employees shall receive, read, and sign for a copy of this Policy.

Managers and Supervisors will be held strictly accountable for the consistent application and enforcement of the Policy. Any Manager/Supervisor who knowingly disregards the requirements of this Policy, or who is found to deliberately misuse the Policy in regard to subordinates, shall be subject to discipline up to and including termination, in accordance with the City's disciplinary process.

DEFINITIONS USED IN THE POLICY

The following definitions shall apply for drug and alcohol testing of individuals subject to Reasonable Suspicion or Post-Accident drug/alcohol testing.

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

Breath Alcohol Technician (BAT) - A trained individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device.

Drugs/Controlled Substances - The drugs for which tests are required under this policy are amphetamines, cocaine, marijuana, opiates and phencyclidine (PCP).

Employee - Any employee of the City.

5 Panel Drug Test - Five categories of drugs established by the federal government which fall under "controlled substances." They are amphetamines, cocaine, marijuana, opiates and phencyclidine (PCP).

Medical Review Officer (MRO) - A licensed physician certified to review and interpret all drug tests before they are reported to the Human Resource Director or designee.

Premises - Buildings, property, work areas, vehicles, parking lots and any place the employee happens to be during the course and scope of City employment.

Prescription Drugs - Any drug or medication prescribed by licensed physician for a medical condition.

Refusal to Test - Behaviors that constitute a refusal to submit to a drug and/or alcohol test include the following: refusal to take the test; inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation; tampering with or attempting to adulterate the specimen or interfere with the collection procedure; not reporting to the collection site in the time allotted; leaving the scene of an accident without valid reason before the tests have been conducted; failure to sign DOT required testing forms for urine collection; refusal to remove outer garments or leave them outside the testing area; and, refusal to empty pockets. A refusal to test will be considered a positive test and an insubordinate action by the employee, subject to appropriate disciplinary action.

Reasonable Cause/Suspicion - The employer believes that the actions, appearance, speech, body odors or conduct of an on-duty employee are indicative of the use of drugs, alcohol, or other controlled substances.

Safety Sensitive Functions - A work function that utilizes a commercial vehicle and requires the employee to have a commercial driver's license.

Safety Sensitive Personnel - Employees holding a Commercial Drivers' License and driving a commercial vehicle, on a full-time, part-time or intermittent basis.

WHO IS AFFECTED BY THIS POLICY?

All employees of the City of Riverside are subject to the terms of this policy.

TRAINING

Supervisors will receive training on reasonable suspicion (60 minutes total for signs and symptoms of drug use/misuse and for signs and symptoms of alcohol use/misuse). Refresher training will take place every two years. Training shall include the following:

Identification of the contact person, telephone number and office location for drug and alcohol related questions; the effects of drug and alcohol misuse on an individual's health, work, and personal life; the signs and symptoms of a drug and/or alcohol problem; the available methods of intervening when an alcohol problem is suspected.

TESTING

The privacy of the employee will be protected, the integrity and validity of the test process will be maintained for each employee during the testing process. Records will be maintained in confidence, pursuant to federal and state law.

Drug Testing

Employees shall not report for duty while under the influence of any legal drug which may impair the performance of his/her duties as identified by his/her job description.

The use and ingestion of illegal drugs is prohibited at all times. An employee may be tested for drugs

anytime while on duty, subject to reasonable suspicion. Drug testing is a two-stage process. First, a screening test is performed. If it is positive for one or more drugs, then a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. The GC/MS confirmation ensures that over-the-counter medications or preparations are not reported as positive results.

All urine specimens are analyzed only for the following drugs:

- Marijuana (THC Metabolite)
- Cocaine
- Amphetamines
- Opiates (including heroin)
- Phencyclidine (PCP)

An employee who wishes to dispute the accuracy of a positive test may request that the untested portion of the split sample be analyzed at his/her own expense.

For information on the Specimen Testing Procedure, employees should refer to page 8.

Alcohol Testing

An alcohol test may be conducted just before, during, or just after the work shift. The following acts are prohibited:

- Having an alcohol concentration of 0.02 or greater as indicated by an alcohol breath test.
- Using or possessing alcohol on the job.
- Consuming alcohol within 4 hours of reporting for regular assignment, an overtime assignment, or while on call to provide public service, in any capacity, as a City employee.
- Refusing to submit to an alcohol test.
- Using alcohol within eight (8) hours after an accident or until tested.

Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first using evidential breath testing devices (EBT) required and approved by the Federal Highway Administration (FHA). Any result less than 0.02 alcohol concentration is considered a negative test. If the alcohol concentration is 0.02 or greater, a second or confirmation test is conducted.

For information on the Testing Procedure, individuals should refer to page 10.

Consent

Before a drug and/or alcohol test is administered, employees will be requested to sign a consent form voluntarily submitting to the test. Appendix E.

Refusal to Consent

Refusal to consent to drug/alcohol testing will be considered a positive test and an insubordinate action by

the employee. An employee's failure to submit to drug and/or alcohol testing required by the City for any reason may result in disciplinary action, up to and including termination, according to City policy.

The following behaviors constitute a refusal to submit to a test: refusal to to take the test (verbal refusal or physical absence), inability to provide sufficient quantities of breath or urine without a valid medical explanation, tampering with or attempting to adulterate the specimen or interfere with the collection procedure, not reporting to the collection site in the time allotted, leaving the scene of an accident without a valid reason before the tests have been conducted, refusal to remove outer garments or leave them outside the testing area, and refusal to empty pockets.

Where there is a reasonable suspicion that the employee is then under the influence of alcohol or drugs, employee shall not return to work prior to completing all requirements for return-to-duty. Human Resources shall arrange for the employee to be safely transported home after testing. An employee shall not be permitted to transport him/herself.

Reasonable Cause/Suspicion

The possession, transportation, distribution, receipt, sale, purchase or arranging for the sale, purchase or distribution of alcohol, including medicines containing alcohol (prescription or over-the-counter), is prohibited while on duty, unless, with respect to medicine, the packaging seal is unbroken.

The use, sale, distribution and/or manufacture of controlled substances is against the law. The use of prescribed drugs is not in direct violation of the policy; however, the use or prescribed use that may cause significant impairment, thus creating a safety hazard on the job, is in direct violation of this policy.

Reasonable Cause/Suspicion means that the employer/supervisor believes that the actions, appearance, speech, body odors or conduct of an on-duty employee are indicative of the use of drugs, alcohol, or other controlled substances. Indicators of the use of drugs, alcohol, or other controlled substances are identified in Appendix C of this document, Reasonable Suspicion Checklist. The City shall require an employee to be tested, upon reasonable cause, for the use of drugs and/or alcohol.

The behavior/conduct of the employee must be witnessed by a supervisor who has received training consisting of at least 1 hour for alcohol and drug use/misuse recognition. The training includes identification of actions, appearance or conduct which are indicative of the use of drugs or alcohol. The supervisor must directly observe the behavior and contact the Department Head. Reasonable cause/suspicion may not be based upon hearsay.

The documentation of the employee's behavior/conduct shall be prepared and signed by Human Resources utilizing the Reasonable Suspicion Checklist prior to testing.

Drug and/or alcohol testing may be performed only if the observations are based on observable behavior at the job site during, just before, or immediately after the work shift that the employee is required to be in compliance. An employee may be directed to undergo a reasonable cause/suspicion alcohol test just before, during, or just after the work shift.

If an alcohol test is not administered within two (2) hours following a reasonable cause/suspicion determination.Human Resources shall document the reasons for the delay. If not administered within eight (8) hours, the test shall not be conducted. Human Resources shall document the reasons.

An employee who has an alcohol concentration of 0.02 or greater must be removed from duty and must be referred to the EAP.

Once a reasonable cause/suspicion determination is made, it is the responsibility of Human Resources to assure that the employee under suspicion is evaluated, and when necessary, transported to a specimen collection site to provide a urine and/or breath sample.

Any employee tested for reasonable cause/suspicion will be denied all work-related motor vehicle driving privileges until test results are received. If test results are negative, the employee may resume regular work duties.

Post Accident

A traffic accident is defined as an incident involving a motor vehicle which results in death or serious bodily injury or in which there is a citation issued to the City employee, or from which a vehicle is towed from the scene, or in which someone is medically treated away from the scene and which occurs in the performance of his/her duties.

As soon as practicable after an accident, alcohol and drug tests shall be administered to every surviving employee who receives a moving citation or whose operation of the vehicle cannot be ruled out by the supervisor as a contributing factor.

The following will apply for all affected employees resulting from accidents, incidents or related occurrences:

1. Post accident drug and alcohol tests must be given as soon as practicable during the eight (8) hours following an accident/incident.

2. The employee must be readily available for the test or they will be deemed to have refused the test.

3. The alcohol test should be administered as soon as possible. If the test is not administered within two (2) hours of the accident, then the Supervisor must prepare and maintain a record stating why they were unable to administer the test. If eight (8) hours have passed, the attempts should be discontinued. The Supervisor must prepare and maintain a record as to why they were unable to administer the test.

4. If a drug test is not administered within 32 hours following the accident, the test shall not be administered and the supervisor shall document the reasons.

5. Following an accident, the employee shall remain available for such testing, or may be deemed to have refused to submit to testing. This does not require the delay of necessary medical attention for injured people following an accident, nor prohibit the employee from leaving the scene to obtain assistance or necessary emergency medical care.

6. An employee subject to post-accident testing may not use alcohol within eight (8) hours following the accident or before an alcohol test, whichever comes first.

Return-to-Duty

Employees who violate the City's policy and are accepted into Return-to-Duty and Follow-Up status must have a negative drug and/or alcohol test. Employees who return to duty are subject to follow-up testing.

Follow-up Testing

1. All employees identified by the Employee Assistance Program (EAP) counselor as needing assistance will be subject to follow-up testing upon return-to-duty.

2. Employees will be subject to a minimum of six (6) unannounced tests over the following 12 months or as otherwise set forth in a Last Chance Agreement.

3. The EAP counselor can terminate the requirement for the follow-up testing in excess of the minimum at any time, if the EAP counselor determines that the testing is no longer necessary and is supported by the employer.

4. Follow-up testing may include tests for other substances beyond the employee's initial positive test of alcohol and/or drug when the EAP counselor has reason to suspect other drug or alcohol use during the follow-up period.

DISCIPLINE FOR WORK-RELATED PROBLEMS

The City may impose disciplinary measures, up to and including termination, for policy violations and work-related problems, separate and apart from violations of the drug and alcohol policy even if such rule violations or work-related problems result from drug and alcohol abuse.

CONFIDENTIALITY

Confidentiality is an essential element of this policy.

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

2. The results of any testing shall be used for employment purposes only. 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 Director or designee.

3. All records pertaining to drug and alcohol testing of an employee shall be contained in a separate confidential medical file that will be securely kept under the control of the Human Resources Director or designee. It shall be separate from the employee's other personnel records.

4. The employee may request and receive the results of his/her tests.

5. The City may disclose specific test results without the employee's consent only when:

    a. All information is compelled by law or by judicial or administrative process;

    b. The information has been placed at issue by the employee in a formal dispute between the employee and the City;

6. Any positive test results determined by a second test to be negative shall be removed from the employee's file and destroyed.

RECORD KEEPING

The Human Resources Director or designee will retain the records as follows:

RECORD	RETENTION PERIOD
Results of an employee's alcohol test which indicates an alcohol concentration level of .02 or higher	5 years
Result of an employee's drug test which is positive	5 years
Documentation of any employee who refused to submit to a required alcohol/drug test	5 years

Calibration documentation of evidentiary breath testing devices	5 years
Employee assessments and referrals by substance abuse professionals, as well as records of employee compliance with EAP recommendations, including results of return to duty and follow-up testing for drug use and alcohol misuse.	5 years
Records documenting the collection process for the alcohol and drug test and all drug and alcohol education and training records	2 years
Results of any alcohol test which is less than .02	1 year
Documentation of any negative or canceled drug test	1 year

FOLLOW-UP FOR POSITIVE TESTING

Employee Assistance Program (EAP) Services

The City supports an opportunity for treatment to be made available to affected employees. The City will provide for an EAP evaluation to assess employees with drug and/or alcohol misuse problems. The counselor will provide referrals for counseling, treatment programs, or other sources. Employees will be monitored for successful completion of counseling and treatment programs.

Each affected employee who violates this policy will be given the opportunity to be evaluated to determine whether the employee needs assistance resolving problems associated with drug and/or alcohol misuse, and, if necessary, a referral for further treatment. The City has no obligation to provide or pay for treatment. This is the responsibility of the employee.

Before returning to duty, each employee identified as needing assistance must: (1) be evaluated again by an EAP counselor to determine whether the employee has successfully complied with the treatment prescribed following the initial evaluation; (2) undergo a drug and/or alcohol test to satisfy established acceptable results for return to duty; and (3) be subject to a minimum of six (6) unannounced, follow-up drug and/or alcohol tests over the following 12 months.

PROCEDURES FOR DOCUMENTING REASONABLE SUSPICION OF DRUG AND/OR ALCOHOL USE
BACKGROUND: Reasonable cause/suspicion means that an employer believes that the actions appearance, speech, body odors, or conduct of an on duty employee are indicative of the use of drugs, alcohol or other controlled substances. The City shall require an employee to be tested upon reasonable cause for the use of drugs or alcohol.

The supervisor must use the following process to validate the reasons for considering a drug and/or alcohol test. All observed behaviors must be documented on the Reasonable Suspicion checklist. In all cases of reasonable cause/suspicion, the Human Resources Director or designee must be contacted.

1. Using the Reasonable Suspicion Checklist, Human Resources will question the employee and document information and behavior. Human Resources will complete the form and following a conversation with the employee, makes a determination as to whether or not the employee appears to have used drugs and/or alcohol during, just before or after the work shift the employee is required to be in compliance.

2. If the employee does not appear to be under the influence of drugs, including prescription drugs, and/or alcohol, Human Resources should release the employee to perform regular work duties.

3. If Human Resources believes that the employee is under the influence of drugs and/or alcohol, the supervisor notifies the Human Resources Director or designee, who will then refer the employee to the approved drug and alcohol testing site.

4. If the employee refuses drug and/or alcohol testing, the Human Resources Director or designee refers the employee to the Employee Assistance Program.

5. If the employee consents to drug and/or alcohol testing, Human Resources personally escorts the employee to the approved drug and alcohol testing site.

6. At the collection site, the employee meets with the Collection Site Technician who will conduct the testing process.

7. Human Resources remains at the collection site and after the collection process, transports the employee back to the work site.

8. If the alcohol test is below 0.02, the employee may return to work with no corrective action.

9. Human Resources notifies the employee that, until the drug test results are completed, the employee will be on leave with pay.

10. If it is believed that the employee is impaired, Human Resources makes arrangement to have the employee taken home. If the employee refuses assistance, a witness should verify that the employee refused assistance. If the employee cannot control his/her actions and leaves without assistance, Human Resources must call the Police Department immediately to inform them of the employee's condition and refusal for assistance. The Police Department needs to provided with the employee's name and description of the vehicle including the license number.

SPECIMEN COLLECTION PROCEDURES

Drug Testing

1. The employee arrives at the collection site.

2. If the employee does not arrive at the assigned time for testing, the Human Resources Director or Designated Management employee should be contacted for instructions.
3. The identity of the employee to be tested is verified by examining a photo identification or by verifying with the employer's representative. If the identity cannot be established, the process stops.

4. If the employee being tested requests it, the Collection Technician (CT) should present their identification as well.

5. Once the employee identification has been verified, the first portion of the chain of custody requisition should be completed.

6. The CT requests that the employee remove unnecessary outer garments, such as a coat or jacket, and relinquish any briefcase, purse, or similar item, along with the outer garments for safekeeping during the collection process. The employee may retain his or her wallet. If requested, a receipt for personal items will be provided.

7. The CT instructs the employee to wash and dry hands his or her hands. Once this is done, the employee must remain in the presence of the CT. He or she is not to be permitted access to a fountain, faucet, soap dispenser, cleansing agent, or other materials that could be used to adulterate the urine specimen.

8. The CT provides the employee with a specimen bottle and allows him/her to provide the specimen in the privacy of a stall or other partitioned and secured area.

9. If the employee refuses to provide a specimen or otherwise fails to cooperate with the process, the Human Resources Director or designee is notified and the refusal is documented on the custody and control form.

10. The CT will note any unusual behavior on the custody and control form. If the CT suspects tampering or substitution, the CT will consult with the test site supervisor before requesting a direct observation specimen collection.

11. Upon receiving the specimen, the CT will make certain that the sample contains at least 45 milliliters of urine.

12. In the case of post-accident or reasonable suspicion testing where the employee has difficulty providing an adequate sample, the CT will request that he or she consume reasonable quantities of fluids until he or she can provide a sufficient sample or, until 3 hours have passed from the beginning of the collection process. If the 3 hours have expired without an acceptable sample, the CT will request guidance from the Medical Review Officer (MRO).

13. If a second specimen is indicated, the CT makes certain a fresh container is used. The original inadequate specimen is discarded.

14. Once an adequate sample is provided, the CT allows the individual to wash his or her hands.

15. The CT tests the specimen for temperature within four (4) minutes of urination. The acceptable range is 32 degrees - 38 degrees C (90 - 100 F).

16. The CT inspects the sample for color and any sign of contamination or tampering. Any unusual signs are noted on the custody and control form. In the case where tampering is suspected, the collector will consult with a test site supervisor before collecting a second specimen under the direct observation of a testing site person.

17. The CT keeps the specimen in view at all times prior to sealing and labeling. The specimen also remains in view of the individual. In full view of the individual, the CT transfers the collected specimen to the primary and to split specimen containers.

18. The CT inspects the collection area to ensure that specimen adulteration did not occur. Any unusual findings will be noted on the chain of custody form. If adulteration of the specimen did occur, the CT will conduct an observed collection.

19. The date of collection is written on the peel-off labels located at the side of the requisition.

20. The CT peels off one label and places it on the lid of the collection container. The remaining label is placed on the lid of the split specimen container. The donor initials each label on the containers.

21. The CT removes the "laboratory original" copy of the chain of custody requisition and places it in the outside pocket of the chain of custody bag.

22. The individual initials the chain of custody bag in the appropriate locations to document that the correct specimen is being sent to the laboratory. The CT signs and dates the same seal.

23. The CT retains the "collector copy" of the chain of custody requisition and gives the "donor copy" to the individual. The "company copy" of the chain of custody requisition will be forwarded to the Human Resources Director or designee. The MRO copy will be sent to the Medical Review Officer.

24. The sealed chain of custody bag remains in control of the CT or in a secured area within the collection site until shipment to the laboratory.

25. When the test results are received by the MRO, a thorough review of documentation, test results, and circumstances will be made before making a decision regarding an individual. A final decision will be made and communicated to the individual within three days unless there are extenuating circumstances. In all cases where alcohol or drug involvement is confirmed, the employee will be referred to the EAP.

26. If the City receives a cancelled test result when a negative result is required (e.g., pre-employment, return-to-duty, or follow-up test), another specimen will be required immediately.

Alcohol Testing

1. The employee arrives at the testing site.

2. If the employee does not arrive at the assigned time for testing, the Human Resources Director or Designated Management employee should be contacted for instructions.

3. The ID of the employee to be tested is verified by examining a photo ID or employer's representative. If the ID cannot be established the process stops.

4. If the employee being tested requests it, the Breath Alcohol Technician (BAT) should present their ID.

5. Once the employee's ID has been established, Step 1 will be completed on the U.S. Department of Transportation (DOT) Breath Alcohol Testing Form.

6. The employee will complete Step 2 on the DOT form, signing the certification. If the employee refuses to sign the certificate, it is regarded as a refusal to take the test.

7. The employee and BAT shall read the sequential test number displayed on the Evidential Breath Analyzer Test (EBT).

8. The BAT will open an individually sealed mouthpiece in view of the employee and attach it to the EBT according to instructions.

9. The employee will blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.

10. The BAT completes Step 3 of the DOT testing form.

11. If the test results are less than 0.020 on the screening test, a copy of the form will be provided to the employee. One will be forwarded to the employer and one will be retained by the BAT.

12. If the test results are greater than 0.020, a confirmation test will be conducted as follows:

    a. The BAT will explain that a confirmation test will be conducted.

    b. The employee must stay in the room observed for a 15-minute waiting period. During this time, they may not eat, drink or put any object or substance into their mouth.

    c. The confirmation test will be conducted no less than 15 minutes after the screening test

but within 30 minutes of the completion of the screening test.

d. The confirmation test will be completed according to Steps 1-11 of this procedure.

e. If the result of the confirmation test is different than the screening test, the confirmation test will be considered the accurate results.

Appendix A

Cut Off Levels Information

See following page.

Cut Off Levels Information

Controlled substances mean those substances identified in 49 CFR, Section 40.85. In accordance with FMCSA rules, urinalyses will be conducted to detect the presence of the following substances:

- Marijuana metabolites
- Cocaine metabolites
- Amphetamines
- Opioids
- Phencyclidine (PCP).

Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FMCSA in accordance with the requirements established in 49 CFR, Section 40.87.

Initial test analyte	Initial test cutoff [1]	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites (THCA)[2]	50 ng/mL[3]	THCA	15 ng/mL
Cocaine metabolite (Benzoylecgonine)	150 ng/mL[3]	Benzoylecgonine	100 ng/mL
Codeine/Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL 2000 ng/mL
Hydrocodone/Hydromorphone	300 ng/mL	Hydrocodone Hydromorphone	100 ng/mL 100 ng/mL
Oxycodone/Oxymorphone	100 ng/mL	Oxycodone Oxymorphone	100 ng/mL 100 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamine/Methamphetamine	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL 250 ng/mL
MDMA[4]/MDA[5]	500 ng/mL	MDMA MDA	250 ng/mL 250 ng/mL

Appendix B

City of Riverside

Collection Sites and Laboratory

See following page.

City of Riverside

Collection Sites and Laboratory

Collection Site:

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

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

Laboratory:

Pacific Toxicology Laboratories
9348 De Soto Avenue
Chatsworth, California 91311
Phamatec, Inc.
15175 Innovation Dr.
San Diego, CA 92128

Appendix C

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
☐ Normal	☐ Normal	☐ Normal	☐ Normal
☐ Incoherent	☐ Confused	☐ Swaying	☐ Stumbling
☐ Confused	☐ Sleepy	☐ Swaggering	☐ Falling
☐ Slurred	☐ Paranoid	☐ Falling	☐ Holding or Reaching
☐ Silent	☐ Aggressive		

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: ☐ alcohol test ☐ drug test

OBSERVER NAME	TITLE

Appendix D

Acknowledgment/Receipt Form

See following page

ACKNOWLEDGMENT/RECEIPT FORM

I hereby acknowledge that I have received a copy of the City of Riverside's Drug and Alcohol Testing Policy in compliance with the Drug Free Workplace Act of 1998 (41 U.S.C. 702-706)

I have read and understand the provisions outlined in the City of Riverside's Drug and Alcohol Testing Policy 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 E

Consent to Drug / Alcohol Testing

See following page

CONSENT TO DRUG/ALCOHOL TESTING

I have been requested to submit to a drug and/or alcohol test. I understand that the sample will be submitted for forensic testing to determine any drug or alcohol content. I hereby release custody of the sample to be collected for Department use, and consent to the release of the test results to the Department in connection with its criminal and/or administrative investigations.

I understand that a portion of my sample will be preserved to allow for independent testing by the laboratory of my choice, at my own expense.

I have read and understand the contents of this admonishment and consent form, and

- ☐ consent to provide a blood or urine sample.
- ☐ consent to alcohol testing.
- ☐ refuse to provide a voluntary sample of blood or urine or to voluntarily submit to an alcohol test.

_____ _____
Signature of Employee Date

_____
Printed Name of Employee

_____ _____
Signature of Witness Date

_____
Printed Name of Witness