

Policy

OFFICE OF



JEFFREY G. GREEN
County Counsel
(209) 966-3222

P. O. Box 189
Mariposa, CA 95338
FAX (209) 966-5147

The County Counsel
MARIPOSA COUNTY

June 28, 1996

TO: All Department Heads
FROM: Jeffrey G. Green
RE: Policy for Implementation of Drug and Alcohol Testing

In compliance with mandated federal regulations, the Board has adopted a Policy for Implementation of Drug and Alcohol Testing for certain employees performing safety-sensitive functions. A copy of that document is attached for your reference.

Please do not hesitate to contact Nancy Kyle in the Personnel Office or me if you have any questions regarding this policy.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jeff Green".

Jeffrey G. Green
County Counsel

JGG:nk
Attachment

Res 96-280
adopted 6-18-96



MARIPOSA COUNTY
POLICY FOR IMPLEMENTATION OF DRUG AND ALCOHOL TESTING

TABLE OF CONTENTS

I. STATEMENT OF PURPOSE AND POLICY OBJECTIVES.....	3
II. DEFINITIONS	3
A. SAFETY-SENSITIVE FUNCTION.....	3
B. MEDICAL REVIEW OFFICER (MRO)	4
C. SUBSTANCE ABUSE PROFESSIONAL (SAP).....	4
D. COLLECTION SITE.....	4
E. REASONABLE SUSPICION.	4
F. NON-SUSPICION-BASED POST-ACCIDENT TESTING	4
G. RANDOM SELECTION PROCESS	5
H. SAFETY-SENSITIVE EMPLOYEE.....	5
III. PROHIBITED SUBSTANCES	5
A. ILLEGALLY USED CONTROLLED SUBSTANCES OR DRUGS	5
B. LEGAL DRUGS (PRESCRIPTION DRUGS)	5
C. ALCOHOL.....	5
IV. PROHIBITED CONDUCT	6
A. INTOXICATION/UNDER THE INFLUENCE	6
B. ALCOHOL USE	6
C. COMPLIANCE WITH TESTING/REFUSAL TO TEST	6
D. TREATMENT REQUIREMENTS.....	6
E. NOTIFICATION OF CONVICTIONS OR LICENSE SUSPENSIONS.....	7
F. PROPER APPLICATION OF THE POLICY	7
V. TESTING FOR PROHIBITED SUBSTANCES	7
A. PRE-EMPLOYMENT TESTING	7
B. POST ACCIDENT TESTING.....	7
C. RANDOM TESTING	8
D. REASONABLE SUSPICION TESTING	8
E. RETURN-TO-DUTY TESTING	8
F. FOLLOW-UP TESTING	8
VI. CONSEQUENCES OF POSITIVE TEST RESULTS.....	9
VII. NOTIFICATION, RECORDING, AND CONFIDENTIALITY OF TEST RESULTS	9
A. NOTIFICATION OF TEST RESULTS.....	9
B. RECORDKEEPING	9
C. CONFIDENTIALITY	10
VIII. EMPLOYEE ASSESSMENT AND EMPLOYEE ASSISTANCE	10
A. EMPLOYEE ASSESSMENT.....	10
B. EMPLOYEE ASSISTANCE	11
C. EMPLOYEE TRAINING.....	11
IX. RETURN TO WORK AGREEMENTS.....	12
X. CONTRACTOR REPORTING REQUIREMENTS.....	12

XI. MARIPOSA COUNTY CONTACTS..... 12

APPENDIX 1..... 13

APPENDIX 2..... 14

APPENDIX 3..... 15

APPENDIX 4..... 16

I. STATEMENT OF PURPOSE AND POLICY OBJECTIVES

The Mariposa County Board of Supervisors is committed to preventing all substance abuse and its effects in the workplace and to maintaining an alcohol and drug-free workplace. Mariposa County recognizes that its employees and contractors have a responsibility to the public to deliver service in a safe and conscientious manner, and that in order to achieve optimum safe and efficient job performance, its employees must be free from the effects of alcohol and other job-impairing substances.

It is Mariposa County's policy that its employees, contractors, and volunteers shall not be under the influence or in possession of alcohol or any unauthorized controlled substance while on County property, at identified work locations, or while on duty or assigned on-call duty, shall not utilize, sell or provide drugs or alcohol to any other employee or to any person while employee is on duty, or shall not have their ability to work impaired as a result of the use of alcohol or drugs. This policy does not apply to authorized possession of a controlled substance or alcohol which occurs within the scope and duties of law enforcement and court employee duties.

It is the purpose of this policy to reduce accidents, injuries, property damage, and other risk to public health and safety which may result from an employee's use of controlled substances and/or alcohol. Further, it is the specific intent of this policy to comply with and adhere to minimum Federal rules and regulations to detect and deter the use of controlled substances and alcohol set forth in 49 CFR Part 382--*Controlled Substances and Alcohol Use and Testing*, and 49 CFR Part 40--*Procedures for Transportation Workplace Drug Testing Programs*, and the California Vehicle Code, Section 34520--*Motor Carriers and Drivers: Controlled Substances and Alcohol Use Testing*.

The scope of the procedures outlined in this policy for the testing of certain affected County employees whose job classifications are defined in Appendix 1 attached hereto is that which is required under the Federal mandates referred to hereinabove and is intended to ensure, to the extent possible under such mandates, that no County employee performing a safety-sensitive function shall be on duty and possess, be under the influence of, use, or consume any controlled substance as defined by 49 CFR Part 40, subpart B, or alcohol as described in 49 CFR Part 40, subpart C. and 49 CFR Part 392.5--*Alcohol prohibition*.

The testing procedures implemented by this policy are only applicable to County employees performing safety-sensitive functions defined by the Federal Rules and Regulations referred to above. The regulations other than the testing procedures herein set forth shall apply to all Mariposa County employees. Therefore, the use by any employee of an intoxicating liquor, controlled substance, drug not medically authorized, or misuse of a medically authorized drug, or any other substance which impairs job performance or poses a hazard to property or to the safety and welfare of the employee, the public, or other employees, is strictly prohibited and could result in termination in accordance with Article 13 of all employee Memorandums of Understanding with Mariposa County. This policy also applies to off-site lunch periods or breaks when the employee is scheduled to return to work or is officially on call.

II. DEFINITIONS

As used in this policy, the following terms shall have the meanings indicated.

A. Safety-Sensitive Function

A "safety-sensitive function" as used herein includes any duties performed by an employee of the County related to the safe operation of motor vehicles defined in 49 CFR §382.107, if the motor vehicle:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or

3. Is designed to transport 16 or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

B. Medical Review Officer (MRO)

A "medical review officer" as used herein means a licensed doctor of medicine or osteopathy with knowledge of drug and alcohol abuse disorders that is employed or used by the County to conduct drug and alcohol testing in accordance with this policy.

C. Substance Abuse Professional (SAP)

A "substance abuse professional" as used herein means a licensed doctor of medicine or osteopathy with knowledge of drug and alcohol abuse disorders, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug-related and alcohol-related disorders.

D. Collection Site

A "collection site" as used herein means a place where individuals present themselves for the purpose of providing body fluid to be analyzed for specified controlled substances. The collection site shall not be located on the premises where the employee's work site is located.

E. Reasonable Suspicion.

"Reasonable suspicion" as used herein means that the County believes the actions or appearance or conduct of a safety-sensitive employee while employed by the County and on duty or on-call are indicative of the use of a controlled substance and/or alcohol based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

F. Non-Suspicion-Based Post-Accident Testing

"Non-suspicion-based post-accident testing" as used herein means the testing of a driver after an accident if the driver receives a citation for a moving traffic violation arising from the accident and if there is reasonable suspicion to believe either that the driver has been operating a motor vehicle while under the influence of drugs and/or alcohol or that the driver was at fault in the accident and drug and/or alcohol use may have been a factor - without regard to whether there is any reasonable suspicion of alcohol and/or drug usage.

G. Random Selection Process

"Random selection process" as used herein means that drug and alcohol testing is unannounced and that every covered employee has an equal chance of being selected for testing.

H. Safety-Sensitive Employee

"Safety-sensitive employee" as used herein means only those employees who perform a safety-sensitive function.

III. PROHIBITED SUBSTANCES

Prohibited Substances covered under this policy shall include the following:

A. Illegally Used Controlled Substances or Drugs

Under the D.O.T. regulations, prohibited illegal substances include: marijuana, cocaine, opiates, amphetamines, and phencyclidine. This policy prohibits the use of the above-identified illegal drugs. Use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs is also prohibited.

B. Legal Drugs (Prescription Drugs)

The appropriate use of legally-prescribed drugs or non-prescription medications is not prohibited, unless the use of these drugs or non-prescription medication impairs the employee's ability to perform safety-sensitive functions. However, it is the responsibility of an employee to report to his/her supervisor the use of any substance which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected, and medical advice should be sought, as appropriate, before performing safety-sensitive work-related duties.

Employees should notify those responsible for collection at the collection site, prior to a sample being collected, if they are taking a drug as prescribed by a physician, or other qualified medical provider and, in the event of a positive test result, will be contacted by the MRO who will determine whether the positive test result could have resulted from legally-prescribed medication.

C. Alcohol

The use of beverages containing alcohol, or substances including any medication such that alcohol is present in the body at blood concentration level .02 or greater while performing safety-sensitive County business is prohibited.

IV. PROHIBITED CONDUCT

Any employee engaged in the manufacture, distribution, dispensing, possession, or use of prohibited substances on County premises, in County vehicles, in uniform, or while on County business will be subject to disciplinary action, up to and including termination. This section shall not apply to any employee who has possession of alcohol or prescription drugs when the alcohol or prescription drugs are being transported from place of purchase to the employee's home. Law enforcement may be notified, as appropriate, where criminal activity is suspected. The following areas of conduct are specifically prohibited:

A. Intoxication/Under the Influence

Any employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, as defined in Section III. above or is not fit for duty shall be suspended from job duties pending an investigation and verification of condition. Employees found to be under the influence of prohibited substances or who fail to pass a drug or alcohol test shall be removed from duty and subject to disciplinary action, up to and including termination. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds as required by Federal regulations contained in 49 CFR Part 40.

B. Alcohol Use

No employee shall report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her blood alcohol concentration is 0.02 or greater. (Ref. Federal regulations contained in 49 CFR Part 382.505). No employee shall use or be in possession of alcohol while on duty or while performing safety-sensitive functions. No employee shall have used alcohol within four hours of either reporting for duty or commencement of an on-call assignment. No employee shall use alcohol during the hours that they are on call. Violation of these provisions is prohibited and shall result in disciplinary action, up to and including termination.

C. Compliance with Testing/Refusal to Test

All employees performing safety-sensitive functions will be subject to urine drug testing and breath alcohol testing as provided in Section V. et. seq. Refusal can include an inability to provide a specimen or breath sample without a valid medical explanation, a verbal refusal by the employee, obstructive behavior, or unexcused absence resulting in the inability to conduct the test. Any employee who refuses to comply with a request for testing, will be treated as if that employee had failed the requested test.

D. Treatment Requirements

All employees are encouraged to make use of the available resources for treatment for alcohol misuse and illegal drug use problems. If an employee's test results show a blood alcohol concentration of 0.04 or greater, or if an employee has a positive result from a drug test, that employee shall be referred to a substance abuse professional for assessment of alcohol or drug abuse treatment or intervention needs. Any employee who refuses or fails to comply with the treatment plan developed by the SAP, aftercare requirements, or orders to return to duty may be terminated.

E. Notification of Convictions or License Suspensions

All safety-sensitive employees must notify the County of any conviction, in any type of motor vehicle, resulting from violation of a State or local law relating to motor vehicle traffic control (other than a parking violation). This notification must be in writing and made within 30 days after the date of the conviction. Further, if employee's driver's license is suspended, revoked, or canceled, the employee must notify the County before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, lost privilege, or disqualification. Failure to provide such notification shall subject the employee to disciplinary action, up to and including termination. (Ref. Federal regulations contained in 49 CFR Part 383.31(b) (c), and 383.33).

F. Proper Application of the Policy

The County and its contractors are dedicated to assuring fair and equitable application of this alcohol and drug abuse policy. Therefore, supervisors and managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor or manager 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 disciplinary action, up to and including termination.

V. TESTING FOR PROHIBITED SUBSTANCES

Note: This Section V. is only applicable to safety-sensitive employees whose job classifications are listed in Appendix 1, hereinafter referred to as "employees".

Pursuant to 49 CFR 382, Subpart C, all covered employees shall be subject to Pre-Employment, Post-Accident, Random, Reasonable Suspicion, Return-to-Duty, and Follow-up testing. All testing shall be conducted consistent with the requirements and procedures set forth in 49 CFR 40, Subpart B (Drug Testing) and Subpart C (Alcohol Testing). The following tests shall be conducted as required:

A. Pre-Employment Testing

All safety-sensitive applicants who job classifications are listed in Appendix 1 shall undergo urine drug testing prior to employment. Receipt by the County of satisfactory test results is required prior to employment, and failure of a drug test will disqualify an applicant for employment. The exemptions described in 49 CFR 382.301 (c) (d) shall apply to all safety-sensitive employees.

B. Post Accident Testing

An employee will be required to undergo urine and breath testing if the employee is involved in an accident with a County-owned vehicle requiring a commercial license to operate that results in a fatality. In addition, a post-accident test shall be conducted if an accident results in injuries to any person requiring their transportation to a medical treatment facility, or if one or more vehicle incurs disabling damage that requires towing from the site, or when the employee(s) receives a citation under State or local law for a moving violation arising from the accident.

Following an accident, the employee will be tested as soon as possible, but during a period not to exceed 8 hours for alcohol testing and 32 hours for drug testing from the time of the accident. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident test. Any employee who leaves the scene of the accident without appropriate authorization and who is unavailable for testing within the time frames noted above and prior to submission to drug and alcohol testing shall be considered to have refused the test.

C. Random Testing

Safety-sensitive employees in job classifications listed in Appendix 1 will be enrolled in a testing pool for random selection and tested for alcohol and controlled substances. 50 percent of the pool members shall be selected for controlled substance testing, and 25 percent of the pool members will be selected for alcohol testing. The selections will be made by an automated and scientifically valid selection method and will be spread throughout the year. The testing will be unannounced until the day of the test. Random testing shall be conducted in such a manner so as to protect, to the extent possible, the employee's privacy.

D. Reasonable Suspicion Testing

Any safety-sensitive employee may be required to submit to testing, which will include appropriate urine and/or breath testing, when there is reasonable suspicion to believe that the employee has violated the prohibitions of this policy. Reasonable suspicion must be based on specific, contemporaneous articulated observations concerning the appearance, behavior, speech or body odor of the employee. The Reasonable Suspicion checklist is shown in Appendix 2 attached hereto. Reasonable suspicion testing shall be conducted in such a manner so as to protect, to the extent possible, the employee's privacy.

Reasonable suspicion determinations will be made by any supervisor who has been trained pursuant to Section 382.603 of Title 49 CFR. to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that the employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse of legally prescribed drugs.

E. Return-to-Duty Testing

Any safety-sensitive employee who has been suspended from their duties for a 24-hour period after engaging in conduct prohibited by this policy shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a return-to-duty controlled substance test with a result indicating a verified negative result for controlled substance use

F. Follow-up Testing

Following a determination under Section 382.605(b) of 49 CFR that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or controlled substance use, the employee shall be tested as directed by a substance abuse professional. Testing shall be unannounced and consist of at least 6 urine and/or breath tests during the first year of reinstatement to their safety-sensitive function.

VI. CONSEQUENCES OF POSITIVE TEST RESULTS

All confirmed positive laboratory test results will be reviewed by the Medical Review Officer. Prior to making a final decision to verify a positive test result for an individual, the MRO shall contact the individual directly, on a confidential basis, to give the individual an opportunity to discuss the test result. The MRO will notify the individual that they have 72 hours in which to request a test of the split specimen. All costs for testing of the split specimen shall be paid for by the employee unless the second test invalidates the original test. Requests received after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

An employee who has a confirmed alcohol concentration of greater than 0.02 but less than 0.04 will be removed from his/her safety sensitive function for a period of not less than 24 hours and may not be returned to duty until a retest results in a concentration measure of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test that will result in disciplinary action up to and including termination.

An employee who has a confirmed positive drug or an alcohol test resulting in a concentration measure of greater than 0.04 will be removed from his/her position, informed of educational and rehabilitation programs available, and be evaluated by a Substance Abuse Professional. A positive drug and/or alcohol test will also result in disciplinary action up to an including termination.

VII. NOTIFICATION, RECORDING, AND CONFIDENTIALITY OF TEST RESULTS

Notification and record maintenance of all tests conducted pursuant to this policy shall be in accordance with requirements set forth in 49 CFR Part 382 and 49 CFR Part 40, and shall include:

A. Notification of Test Results

1. Prior to making a final decision to verify an individual's positive test result to the County, the Medical Review Officer shall give the individual an opportunity to discuss the test results, take into account any prescribed medications, and allow the employee 72 hours to request an analysis of the split specimen.
2. The County shall receive and maintain written notification of all test results from the MRO.
3. The County shall notify an applicant of the results of a pre-employment controlled substance test conducted if the applicant requests such results within 60 days of being notified of the disposition of the employment application.
4. The County shall notify an employee of the results of random, reasonable suspicion and post accident tests if the test results are considered as positive, and the employee shall be advised of what substance was identified in any such positive test. The employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including any records pertaining to his or her alcohol or controlled substances tests.

B. Recordkeeping

1. The County shall ensure that all records related to the administration and results of the testing program for employees described herein are maintained for a minimum period of 5 years except that individual negative test results shall be maintained for a minimum of 12 months.

2. The Medical Review Officer shall be the sole custodian of all individual test results and shall maintain all dated records and notifications, identified by individual, for a minimum of 5 years for verified positive controlled substances test results and for a minimum of 1 year for negative and canceled controlled substances test results.

3. The County shall maintain in separate files the following information concerning the testing of all employees:

- a. The type of testing for which the employee submitted a urine specimen.
- b. The date of such collection.
- c. The location of such collection.
- d. The identity of the person or entity performing the collection.
- e. The identity of the person or entity performing the analysis of the specimens.
- f. The identity of the person acting as the Medical Review Officer.
- g. Whether the test finding was positive or negative and, if positive, the substance identified in the test.

4. Any employee who is the subject of testing conducted under this policy shall, upon written request, have access to any records relating to his or her drug test and any records relating to the results of any relevant certification, review, or revocation-of-certification proceedings.

5. The County shall produce upon demand and shall permit the Federal Highway Administrator to examine all records related to the administration and result of the testing performed pursuant to this procedure.

C. Confidentiality

1. All controlled substance and/or alcohol test results shall be kept confidential and not subject to disclosure except as provided for herein or otherwise required by State and Federal law.

VIII. EMPLOYEE ASSESSMENT AND EMPLOYEE ASSISTANCE

A. Employee Assessment

Any employee who tests positive for the presence of drugs or alcohol above the minimum thresholds set forth in 49 CFR Part 40 shall be evaluated by a Substance Abuse Professional (SAP). The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse. This assessment does not shield an employee from disciplinary action, guarantee continued employment, or guarantee reinstatement with the County.

If an employee is allowed to return to duty, he/she must properly follow the rehabilitation program prescribed by the SAP. The employee must pass return-to-duty drug and alcohol tests, and be subject to unannounced follow-up tests for a period of at least one year. Employees will be allowed to take any leave of absence consistent with the provisions defined in the appropriate Memorandum of Understanding in order to participate in the prescribed rehabilitation program. The granting of any additional leave of absence will be subject to approval by the Department Head and will be based on current workload and available staffing.

The County is not required under any of the rules and regulations stated in this policy to provide rehabilitation, pay for treatment or reinstate an employee in his/her safety-sensitive position. The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee should refer to his/her medical insurance coverage booklet to determine any benefit that may be available.

B. Employee Assistance

The County encourages all employees to voluntarily and confidentially seek assistance for a variety of personal issues including alcohol and/or drug-related problems and provides specific education and training components relative to the use/abuse of controlled substances and alcohol to those employees whose job classifications are listed in Appendix 1 as well as to supervisors, department heads, and other County officials. Appendix 4 provides a referral list of some of the substance abuse professionals and counseling and treatment centers available in and near Mariposa County.

C. Employee Training

Employee training may be administered separately from the testing program described herein. In addition to awareness and recognition of the use/abuse of controlled substances and alcohol, the intent of materials provided to covered employees and specific training for supervisors is to recognize symptoms of alcohol and/or drug abuse and to encourage individuals to seek professional help, technical assistance or other consultation as may be required. Information and materials provided shall consist of the following, and a record of receipt of this material and/or training shall be maintained by the County.

- a. A copy of this policy shall be provided to all employees.
- b. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcoholic or a controlled substances problem; and available methods of intervention when an alcohol or controlled substances problem is suspected, including confrontation, referral to assistance programs, or referral to management.
- c. All supervisors designated by the County to determine whether reasonable suspicion exists to require any safety-sensitive employee to undergo testing for reasonable suspicion shall receive at least 60 minutes of training on alcohol misuse and at least an additional 60 minutes of training on controlled substances use covering physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

IX. RETURN TO WORK AGREEMENTS

Employees who re-enter the workforce must agree to and sign a re-entry agreement. That agreement, attached hereto as Appendix 3, may include, but is not limited to:

- A. A release to work statement from an approved Substance Abuse Professional.
- B. A negative test for drugs and/or alcohol.
- C. An agreement to unannounced frequent follow-up testing.
- D. A statement of expected work-related behaviors.
- E. An agreement to follow specific after-care requirements with the understanding that violation of the re-entry agreement is grounds for termination.

X. CONTRACTOR REPORTING REQUIREMENTS

All contractors shall comply with the Federal Transit Administration and Federal Highway Administration reporting requirements. Payment for services may be withheld when reports are not submitted in a timely manner.

XI. MARIPOSA COUNTY CONTACTS

Employees or any other interested party should direct questions concerning employee rights and obligations under this policy or any other aspect of Mariposa County's drug-free and alcohol-free workplace commitment to one of the following County representatives:

Personnel Analyst, County Administrative
Officer, or County Counsel:
Mariposa County
P. O. Box 784
Mariposa, CA 95338
Telephone: 209/966-3222
FAX: 209/966-5147

Fleet-Fiscal Manager:
Dept. of Public Works
Mariposa County
4639 Ben Hur Road
Mariposa, CA 95338
Telephone: 209/966-5356
FAX: 209/966-2828

**Mariposa County Job Classifications that Include Safety-Sensitive Functions
(Subject to Drug and Alcohol Testing)**

1. Maintenance Foreman
2. Senior Maintenance Worker
3. Maintenance Worker II
4. Equipment Mechanic Supervisor
5. Equipment Mechanic
6. Snow Plow Operators

NOTES:

1. Only those employees classified in any of the above positions who are deemed to have safety-sensitive functions assigned to them will be subject to testing. Some individual employees not assigned to safety-sensitive functions may not be affected.
2. This Appendix may be amended by the County from time-to-time as required.

Reasonable Suspicion Record/Observed Behavior

Employee's Name: _____ **Department:** _____

Area of Observations _____ **Date/Time:** _____

(Only a County manager or supervisor trained by CFR 49, Sec. 382.603 may complete this form regarding any employee whose behavior indicates the possible use/misuse of alcohol and/or a controlled substance.)

RECORD OF OBSERVATIONS

Reasonable suspicion determined for: Alcohol Controlled Substances

1. APPEARANCE: Eyes____ Clothing____ Face____ Hair____ Cleanliness____

Describe remarks listed above: _____

(Use reverse side of this paper for continuation/additional remarks. All continued information must be initialed and dated.)

2. BEHAVIOR: Normal____ Irritable____ Mood Swings____ Confused____ Lethargic____ Excited____

Depressed____ Excessive Gaiety____ Confrontational____ Stagers____ Sways/Leans____

Describe behavior: _____

(Use reverse side of this paper for continuation/additional remarks. All continued information must be initialed and dated.)

3. SPEECH: Normal____ Slow____ Deliberate____ Confused____ Rambling____ Loud____ Soft____

Won't Talk____

Describe Speech: _____

(Use reverse side of this paper for continuation/additional remarks. All continued information must be initialed and dated.)

4. ODORS: Normal____ Body____ Clothing____ Breath____ Masked____

Describe odors and locations and how determined: _____

(Use reverse side of this paper for continuation/additional remarks. All continued information must be initialed and dated.)

5. OTHER INDICATIONS of controlled substance and/or alcohol abuse: Specify and describe: _____

(Use reverse side of this paper for continuation/additional remarks. All continued information must be initialed and dated.)

OBSERVED BY:

Signature _____ **Title:** _____ **Date:** _____

Signature _____ **Title:** _____ **Date:** _____

(Second observer optional)

Mariposa County
Post-Rehabilitation Return-to-Work Agreement

This AGREEMENT is entered into on the date last below written by and between the County of Mariposa, a political subdivision of the State of California, hereinafter referred to as "COUNTY", and _____, hereinafter referred to as "EMPLOYEE", in consideration of County's agreement to continue employment subsequent to the post-rehabilitation of Employee subject to Employee's agreement to the following:

1. To abstain from the manufacture, distribution, possession or use of illegal drugs at any time.
2. Not to report to work under the influence of illegal drugs or alcohol and not to possess or consume illegal drugs or alcohol while at work or working.
3. To devote my best efforts to an earnest and sincere effort at rehabilitation and to follow my counselor's and therapist's directions and recommendations.
4. To authorize persons involved in counseling, diagnosing, and treating me to disclose to my employer my progress and cooperation, my drug and alcohol use, and any dangers they perceive in connection with performance of my job duties.
5. To cooperate in a test of my breath, blood or urine for evidence of alcohol/drug use on completion of rehabilitation.
6. To cooperate in a minimum of six (6) unannounced, random tests of my breath, blood or urine for evidence of alcohol/drug use for a period of at least twelve (12) months following reinstatement to my job.

I understand and agree that I am responsible for payment of all costs associated with my re-entry rehabilitation program and any required associated follow-up drug and alcohol testing. I understand and agree that I will be terminated from my employment with Mariposa County if I violate or revoke any part of this Agreement and also understand that if after this return to work agreement lapses and I test positive from any future drug/alcohol test, I will be terminated.

Further, I understand that this Agreement is not a guarantee of employment and that I may be terminated for lack of work, attendance or performance problems, future violations or other reasons, notwithstanding my compliance with this Agreement.

Signature of Employee

Date

Signature of Department Head

Date

(Printed name of Department Head)

REFERRAL LISTSUBSTANCE ABUSE PROFESSIONALS

Mariposa Counseling Center
 (Alcohol & Drug Services for Mariposa County)
 5085 Bullion Street (across from the Courthouse)
 (P. O. Box 99)
 Mariposa, CA 95338

Telephone: 209/966-2000

Jeff Gorski, L.C.S.W.
 Steve Emmers, Program Manager
 Marcia Melby, R.N., Perinatal, etc.
 Inez Terra, Codependency & Victims
 Bruce Angus, Court Programs - D.U.I., etc.

Rodolfo L. Garza, L.C.S.W.
 500 East Almond Avenue
 Madera, CA 93637
 OR

Telephone: 209/661-7574

49269 Golden Oak Drive - Suite 203
 Oakhurst, CA 93644

Telephone: 209/642-6959

Jerry A. Wengerd, L.C.S.W., B.C.D.
 49269 Golden Oak Drive - Suite 206
 Oakhurst, CA 93644

Telephone: 209/683-2866

COUNSELING PROGRAMS AND TREATMENT CENTERSMariposa Area

All Tribes Counseling Center
 5009 5th Street
 (P. O. Box 99)
 Mariposa, CA 95338

Telephone: 209/742-6642

Mariposa Counseling Center
 (Alcohol & Drug Services for Mariposa County)
 5085 Bullion Street (across from the Courthouse)
 (P. O. Box 99)
 Mariposa, CA 95338

Telephone: 209/966-2000

Merced Area

Moore & Associates
 Stairway to Recovery
 517 19th Street
 Merced, CA 95340

Telephone: 800/359-1049

Fresno Area

ARC Community Hospitals of Central California Fresno, CA	Telephone: 800/822-8448
ARS 1951 N. Gateway Blvd. - #101 Fresno, CA 93727	Telephone: 209/252-7767
Bennett Center 635 N. Fulton Fresno, CA 93728	Telephone: 209/266-4181
Eleventh Hour Rehabilitation Programs (Jessie L. Fletcher, L.C.S.W. - Men and Women) 4770 E. Clinton Avenue - #107 Fresno, CA 93703	Telephone: 209/452-0504
Maroa House 1509 N. Maroa Fresno, CA 93721	Telephone: 209/441-1543
Salvation Army 804 S. Parallel Avenue Fresno, CA 93721 (P. O. Box 12967; Fresno, CA 93779)	Telephone: 209/237-7121
Veterans Hospital 2615 East Clinton Fresno, CA 93703	Telephone: 209/225-6100

Tuolumne County Area

Changing Echoes 7632 Pool Station Star Route 3, Box 630 Angels Camp, CA 95222	Telephone: 209/785-3666
Maynord's Ranch for Men 19325 Cherokee Road Tuolumne, CA 95379	Telephone: 209/928-3737
Meadows for Women 16185 Tuolumne road Sonora, CA 95370	Telephone: 209/532-7807

Note: This Referral List is provided for informational purposes only and does not represent an endorsement of any individual or facility by Mariposa County.