

OLIVEHURST PUBLIC UTILITY DISTRICT

RESOLUTION NO. 1099

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
OLIVEHURST PUBLIC UTILITY DISTRICT ADOPTING
A DRUG-FREE WORKPLACE POLICY**

WHEREAS, the District has obtained grant financing from the Economic Development Administration, U.S. Department of Commerce, to finance the costs of the District's Wastewater Treatment Facility Expansion Project; and

WHEREAS, as a condition of the EDA grant, the District must certify that it has adopted a drug-free workplace policy in compliance with the federal Drug-Free Workplace Act of 1988; and

WHEREAS, the District currently does not have a written drug-free workplace policy, and now desires to adopt such a policy; and

WHEREAS, the District has met and conferred with representatives of the Operating Engineers concerning the adoption of this policy;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Olivehurst Public Utility District as follows:

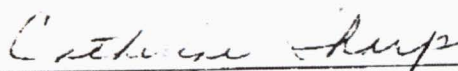
1. A Drug-Free Workplace Policy, in the form attached, is hereby adopted, and added to Section II of the District's Personnel Manual.
2. The General Manager is directed to distribute a copy of the attached Policy to each current District employee, and to also provide a copy of the Policy to all new employees.
3. The Drug-Free Workplace Policy shall take effect immediately upon the adoption of this Resolution.

PASSED AND ADOPTED this 21st day of November, 1991.


OLIVEHURST PUBLIC UTILITY DISTRICT


President, Board of Directors

ATTEST:


Deputy Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY


Jeffrey A. Meith, Legal Counsel

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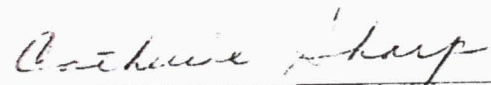
I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 21st day of November, 1991, by the following vote:

AYES, AND IN FAVOR THEREOF: DIRECTORS BROWN, DOWNS, MAZON, SOUZA AND PATTY

NOES, : NONE

ABSTAIN, : NONE

ABSENT, : NONE


Deputy Clerk & ex-officio Secretary

OLIVEHURST PUBLIC UTILITY DISTRICT

POLICY: DRUG-FREE WORKPLACE

It is the intent of the District to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. The District has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency, and success at the District. Employees who are under the influence of a drug or alcohol on the job compromise the District's interests, endanger their own health and safety and the health and safety of others, and can cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other employees, delays in the completion of jobs, inferior quality in products or service, and disruption of customer relations.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its operations, property and equipment, the District has added this policy to its Personnel Manual. Each existing and new employee will be given a copy of this policy. Each employee shall review this policy in order to be made aware of the dangers and problems concerning drugs in the workplace. This policy and its distribution to and review by District employees, constitutes the District's drug free awareness program.

For purposes of this Policy:

(a) "Illegal drugs or other controlled substances" means any drug or substance that (1) is not legally obtainable; or (2) is legally obtainable but has not been legally obtained; or (3) has been legally obtained but is being sold or distributed unlawfully.

(b) "Legal drugs" means any drug, including prescription drugs and over-the-counter drugs, that has been legally obtained and this is not unlawfully sold or distributed.

(c) "Abuse of any legal drug" means the use of any legal drug (1) for any purpose other than the purpose for which it was prescribed or manufactured; or (2) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.

(d) "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

"Any such observations" above shall be documented as soon as possible by the observer and any report of drug use or aberrant behavior should be confirmed by supervisory observations, if possible, depending upon the circumstances.

(e) "Possession" means that an employee has the substance on his or her person or otherwise under his or her control.

The prohibitions of this policy apply whenever the interests of the District may be adversely affected, including any time the employee is on District premises, conducting or performing District business, regardless of location.

The following acts are prohibited and subject an employee to discipline:

(a) The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance.

(b) Being under the influence of any illegal drug or other controlled substance.

(c) The abuse of any legal drug.

(d) The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law.

(e) Working while impaired by the use of a legal drug or alcohol whenever such impairment might: (1) Endanger the safety of the employee or some other person; (2) pose a risk of significant damage to District property or equipment; or (3) interfere with the employee's job performance or the efficient operation of the District's business or equipment.

Compliance with the foregoing prohibitions shall be a condition of employment.

Any violation of this policy may result in discipline, up to and including discharge, depending on the circumstances. The first violation of this policy will result in immediate discharge, whenever the prohibited conduct:

(a) Caused injury to the employee or any other person, or, in the sole opinion of management, endangered the safety of the employee or any other person;

(b) Resulted in significant damage to District property or equipment, or, in the sole opinion of management, posed a risk of significant damage; or

(c) Involved the sale or manufacture of illegal drugs or other controlled substances.

In circumstances other than those described above, the District, in the discretion of the General Manager, may choose not to discharge an employee for a first violation of this policy if the employee satisfactorily completes participation in an approved drug or alcohol abuse assistance or rehabilitation program when recommended by the District.

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any District-related activity or event will be deemed to have violated this policy.

An employee who is not discharged for a first violation of this policy will receive a written warning. A second violation of this policy at any time will result in immediate discharge.

Employees shall notify the General Manager of any conviction under a criminal drug statute for a violation occurring in the workplace or during any District-related activity or event, not later than five days after any such conviction. When required by federal law, the District will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace. Within 30 days of receiving notice of a conviction of any employee for any such violation, the District shall either (1) take appropriate disciplinary action in accordance with this policy, or (2) require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by an appropriate federal, state or local agency.

Upon request by any employee, the General Manager, or his or her designee, will consult with and advise an employee about any available drug and/or abuse counseling, rehabilitation and assistance programs.

Nothing in this policy is intended to (1) prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as such activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this policy, or (2) to regulate off-the-job conduct, so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this policy.

Employees who are required to use legal drugs, and who know or should know that their use of the drugs might result in their working while impaired by the drug in possible violation of this policy, are encouraged to contact their own physician and the General Manager and to find out whether it is advisable for them to continue working while using the drug. In such cases, the District reserves the right to have a District physician determine whether it is advisable for the employee to continue working while taking the drug.

Disclosures made by employees to the General Manager concerning their use of legal drugs and their participation in any drug or alcohol rehabilitation program will be treated confidentially and will not be revealed to others unless there is an important work-related reason to do so.

OLIVEHURST PUBLIC UTILITY DISTRICT

RESOLUTION NO. 1151

A RESOLUTION AMENDING THE DRUG FREE WORKPLACE POLICY

WHEREAS, the Olivehurst Public Utility District has a Drug Free Workplace Policy; and

WHEREAS, the U.S. Department of Transportation has established regulations, implementing the Federal Omnibus Transportation Employee Testing Act; and

WHEREAS, the Board of Directors of the Olivehurst Public Utility District amends the Drug Free Workplace Policy;

NOW THEREFOR, BE IT RESOLVED by the Board of Directors of the Olivehurst Public Utility District as follows:

1. The General Manager shall administer a Drug and Alcohol Policy that includes, Supervisor and Employee training, Drug And Alcohol Screening for:

- (a) Pre-employment
- (b) Reasonable Suspicion
- (c) Random
- (d) Post Accident
- (e) Return to duty
- (f) Follow-up

2. Maintain all required data, reports, and statistical analysis as required under the law.

3. All employees, including firefighters operating district vehicles requiring commercial driver's license, including the following:

- (a) Fire Chief
- (b) Fire Fighter II/Station Captain
- (c) Water & Sewer Department Manager
- (d) Water Well Operator/Utility Worker
- (e) Maintenance Worker II
- (f) Field Service Technician
- (g) WWTF Operator
- (h) Park Maintenance Worker I
- (i) Laboratory Technician

4. All call Fire Fighters will submit to semi-annual drug screen when commercial vehicle license physical is performed, drug and/or alcohol testing when there is reasonable suspicion and post accident.

5. All other employees, whether or not possessing a commercial driver's license, shall be subject to the testing requirements referred to in items 1(a) and 1(b).

PASSED AND ADOPTED this 21st day of March, 1996.

OLIVEHURST PUBLIC UTILITY DISTRICT

A. D. Smith
 President, Board of Directors

ATTEST:

Cindy Van Mite
 Acting Deputy Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Jeffrey A. Meith
 Jeffrey A. Meith, Legal Counsel

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I hereby certify that the foregoing is a full, true and correct copy of a resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 21st day of March 1996, by the following vote:

AYES, AND IN FAVOR THEREOF:	Director Jones, Director Miller, Director Morrison, Director Skinner, and Director Blutt.
NOES,	: None
ABSTAIN	: None
ABSENT	: None

Cindy Van M... (Signature)
Acting Deputy Clerk & ex-officio Secretary

OLIVEHURST PUBLIC UTILITY DISTRICT

Substance Abuse Policy Statement

As with any District policy, OLIVEHURST PUBLIC UTILITY DISTRICT reserves the right to change, alter, amend, and interpret this policy without notice.

The purpose of this policy is to assure worker fitness for duty and to protect our employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Motor Carrier Safety Administration (FMCSA) of the Department of Transportation has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. The policy incorporates those requirements of safety-sensitive employees and others when so noted.

OLIVEHURST PUBLIC UTILITY DISTRICT recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances.

A. *APPLICABILITY*

This policy applies to all employees and contractors when they are on District property or when performing any District related business. It applies to off-site lunch periods and breaks when an employee is scheduled to return to work. Visitors, vendors, and contracted employees are governed by this policy while on District premises, and they will not be permitted to conduct business if found to be in violation of this policy.

A listing of the OLIVEHURST PUBLIC UTILITY DISTRICT safety-sensitive employee function and/or position classifications can be found in Appendix "A" of this policy statement. An employee is considered to be performing a job function while actually performing duties related to the job function, preparing to perform such duties, on call or available for such duties as described in the job description, or immediately following the performance of such duties.

All employees of OLIVEHURST PUBLIC UTILITY DISTRICT are subject to pre-employment, reasonable suspicion and post accident controlled substance and/or alcohol testing.

B. PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

Drugs:

Amphetamines, cocaine, marijuana opiates and phencyclidine (PCP) for a safety-sensitive employee; and

Amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methaqualone, opiates, phencyclidine (PCP), and propoxyphene for all employees including safety-sensitive employees tested under District authority.

Alcohol

This use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in Department of Transportation guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. "Alcohol" is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.

C. PROHIBITED CONDUCT

Manufacture, Trafficking, Possession, and Use

Any employee engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on District premises, in District vehicles or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and immediate termination.

Impaired/Not Fit for Duty

Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall be immediately terminated. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the Department of Transportation guidelines.

Alcohol Use

No employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol while on duty or while performing a job functions. No employee shall use alcohol within four hours of reporting for duty nor during hours that he/she is on call. Violation of this provision is prohibited and will subject the employee to immediate termination

Compliance with Testing Requirements

All employees are subject to controlled substance testing and breath alcohol testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be terminated. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

Treatment/Rehabilitation Program

An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to an Administrator or his/her designee for review. **Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee.** An employee failing to complete the program will be subject to termination from employment. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for 36 months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests within a 36 month period will result in termination from employment.

Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any.

D. NOTIFYING THE DISTRICT OF CRIMINAL DRUG CONVICTION

Pursuant to the "Drug Free Workplace Act of 1988" any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

E. PROPER APPLICATION OF THE POLICY

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

F. TESTING FOR PROHIBITED SUBSTANCES

Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under Department of Transportation guidelines. All employees shall be subject to testing prior to employment, for reasonable suspicion, and following an accident, as defined in the Department of Transportation guidelines. Safety-sensitive employees who perform safety-sensitive functions as defined in the Department of Transportation guidelines shall also be subject to testing on randomly selected, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in the Department of Transportation guidelines.

The controlled substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the Department of Transportation guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. An employee who has a confirmed alcohol concentration of 0.02 but less than 0.04 will be removed from his/her position for at least twenty-four hours unless a retest results in an alcohol concentration 0.02 or less. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of Department of Transportation guidelines and this policy.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation program available and will be immediately terminated.

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Employees in Safety-sensitive positions may be tested under any of the following circumstances:

Pre-Employment Testing

All applicants for safety-sensitive classifications shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment. Pre-Employment testing requirements will be conducted in compliance with current law.

Reasonable Suspicion Testing

All safety-sensitive employees will be subject to urine and /or breath testing when there is a reasons to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:

1. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
2. Physical signs and symptoms consistent with prohibited substance use.
3. Occurrence of a serious or potentially serious accident that may have been caused by human error.
4. Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Post-Accident Testing

All safety-sensitive employees will be required to undergo controlled substance testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one

or more vehicles incurs disabling damage that requires towing from the site; or the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

Random Testing

Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the employee has ceased performing his/her duty.

Employee Requested Testing

Any safety-sensitive employee who questions the result of a required controlled substance test under Department of Transportation guidelines may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The safety-sensitive employee's request for a retest must be made to the MRO within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

All employees may be tested under any of the following circumstances:

Pre-Employment Testing

All applicants shall undergo urine controlled substance testing prior to employment. Receipt of satisfactory test results is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment.

Reasonable Suspicion Testing

All employees will be subject to urine testing when there is a reasons to believe that controlled substance use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:

1. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
2. Physical signs and symptoms consistent with prohibited substance use.
3. Occurrence of a serious or potentially serious accident that many have been caused by human error.
4. Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Post-Accident Testing

Employees will be required to undergo controlled substance testing if they are involved in an accident with any District equipment or vehicle that results in an injury or a fatality. This includes all employees who are on duty and operating the equipment or vehicle and any other employee whose performance could have contributed to the injury or accident. A post-accident test will be conducted if an accident results in injuries: (1) which requires transportation to a medical treatment facility; (2) where one or more pieces of equipment or vehicles incurs disabling damage that requires extensive repair or towing; or (3) when required by Workers' Compensation Guidelines.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

Employee Requested Testing

Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The employee's

request for a retest must be made within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

G. EMPLOYEE ASSESSMENT

Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the Department of Transportation guidelines will be terminated.

H. CONTACT PERSON

Any questions regarding this policy should contact the following District representative:

Name: Timothy R. Shaw
Title: General Manager
Address: Post Office Box 670, Olivehurst, CA 95961
Telephone: (530) 743-0317

I. DEFINITIONS

ACCIDENT - means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury, significant property damage, or an injury as defined by Workers' Compensation Guidelines.

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

ALCOHOL CONCENTRATION - means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air.

ALCOHOL USE - means consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the Department of Transportation prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing affect due to the presence of other elements (e.g., antihistamines).

BREATH ALCOHOL TECHNICIAN (BAT) - means a person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATs are the only qualified personnel to administer the EBT tests.

CHAIN OF CUSTODY - means the procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

COLLECTION SITE - means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

COMMERCIAL MOTOR VEHICLE - means a motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property 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.

CONFIRMATION TEST - for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

CONTROLLED SUBSTANCE (DRUG) TEST - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Controlled substances will be tested under the Department of Health and Human Services guidelines. **The primary (initial or screening) controlled substance test thresholds for a verified positive test result for a safety-sensitive employee are those that are equal to or greater than:**

Amphetamines	1000 ng/ml
Cocaine Metabolites	300 ng/ml
Marijuana Metabolites	50 ng/ml
Opiates Metabolites	2000 ng/ml
Phencyclidine (PCP)	25 ng/ml

The primary (initial or screening) controlled substance test thresholds for a verified positive test result for a non safety-sensitive employee or a safety-sensitive employee tested under District authority are those that are equal to or greater than:

Amphetemines	1000	ng/ml
Barbiturates	300	ng/ml
Benzodiazepines	300	ng/ml
Cocaine Metabolites	300	ng/ml
Marijuana Metabolites	50	ng/ml
Methadone	300	ng/ml
Methaqualone	300	ng/ml
Opiates	2000	ng/ml
Phencyclidine	25	ng/ml
Propoxyphene	300	ng/ml

A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. **The confirmatory controlled substance test thresholds for a verified positive test result for a safety-sensitive employee are those that are equal to or greater than:**

Amphetamines		
Amphetamine	500	ng/ml
Methamphetamine (1)	500	ng/ml
Cocaine Metabolite (2)	150	ng/ml
Marijuana Metabolite (THC) (3)	15	ng/ml
Opiates		
Morphine	2000	ng/ml
Codeine	2000	ng/ml
6-Acetylmorphine (4)	10	ng/ml
Phencyclidine (PCP)	25	ng/ml

The confirmatory controlled substance test thresholds for a verified positive test result for a non safety-sensitive employee or a safety-sensitive employee tested under District authority are those that are equal to or greater than:

Amphetemines		
Amphetamine	500	ng/ml
Methamphetamine (1)	500	ng/ml
Barbiturates	200	ng/ml
Benzodiazepines	200	ng/ml
Cocaine Metabolites (2)	150	ng/ml
Marijuana Metabolite (THC) (3)	15	ng/ml
Methadone	200	ng/ml
Methaqualone	200	ng/ml
Opiates		
Morphine	2000	ng/ml
Codeine	2000	ng/ml
6-Acetylmorphine (4)	10	ng/ml

Phencyclidine	25 ng/ml
Propoxyphene	200 ng/ml

- (1) Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml
- (2) Benzoylcegonine
- (3) Delta-9-tetrahydrocannabinol-9-carboxylic acid
- (4) Test for 6-Acetylmorphine when morphine concentration exceeds 2000 ng/ml

COVERED EMPLOYEE - means a person including a volunteer, applicant, or transferee, who performs a job function for the District.

DEPARTMENT OF TRANSPORTATION GUIDELINES - means the controlled substance and alcohol testing rules (49 CFR Part 199 (RSPA - Pipeline), Part 219 (FRA - Railroad), Part 382 (FMCSA - Commercial Motor Vehicle), 654 (FTA - Mass Transit) and 14 CFR 61 (FAA - Aviation) et. al.) setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all the transportation industries.

DISTRICT - means OLIVEHURST PUBLIC UTILITY DISTRICT.

DISTRICT AUTHORITY - means the right of the District to require controlled substance or alcohol testing at any period of time in which an employee is on District time.

DISTRICT TIME - means any period of time in which the employee is actually performing, ready to perform, or immediately available to perform any functions.

DRIVER - means any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

DRUG (CONTROLLED SUBSTANCE) METABOLITE - means the specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

EQUIPMENT - means any and all machinery, material, gear and the like in and/or around the District plants, on District premises, or on customer property and/or premises.

EVIDENTIAL BREATH TESTING DEVICE (EBT) - means the device to be used for breath alcohol testing.

MEDICAL REVIEW OFFICER (MRO) - means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) testing

program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.

PERFORMING (SAFETY-SENSITIVE FUNCTION) - means a safety-sensitive employee is considered to be performing a safety sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.

POST-ACCIDENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See Accident.

PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING - conducted before applicants are hired or after an offer to hire, but before actually performing functions for the first time. Also required when employees transfer to a safety sensitive-position.

PROHIBITED DRUGS (CONTROLLED SUBSTANCES) - means Marijuana, Cocaine, Opiates, Amphetamines, or Phencyclidine.

PROHIBITED SUBSTANCES - means and is synonymous to drug abuse and/or alcohol misuse or abuse.

RANDOM ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted on a random unannounced basis just before, during or just after performance of safety sensitive functions.

REASONABLE SUSPICION ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING - conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

REFUSE TO SUBMIT (TO AN ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST) - means that an employee fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test.)

REHABILITATION - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical or emotional/mental problems which contributed to job problems.

SAFETY-SENSITIVE EMPLOYEE (FUNCTION AND/OR POSITION) - An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

SCREENING (INITIAL) TEST - In alcohol testing, it means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

SUBSTANCE ABUSE PROFESSIONAL (SAP) - means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol- related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

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

VEHICLE - means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

WORKERS' COMPENSATION GUIDELINES - means the procedures for determining the eligibility for workers' compensation benefits as determined by Labor Code and resulting case law.

As with any policy, the District reserves the right to change, alter, amend, and interpret this policy with or without prior notification.

APPENDIX A

**OLIVEHURST PUBLIC UTILITY DISTRICT
SAFETY-SENSITIVE EMPLOYEE (FUNCTION AND/OR POSITION)**

Class "A" or "B" commercial drivers license holders

An Administrator will maintain a list of the specific positions within the above listed classifications that are covered under Department of Transportation regulations.