

**TRUCKEE-CARSON IRRIGATION DISTRICT**  
**Drug and Alcohol Policy**

**TRUCKEE-CARSON IRRIGATION DISTRICT**

**Drug and Alcohol Policy**

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**TRUCKEE-CARSON IRRIGATION DISTRICT**

**DRUG AND ALCOHOL POLICY**

**I. INTRODUCTION - PURPOSE**

Truckee-Carson Irrigation District maintains a strong commitment to provide a safe, efficient, and productive work environment. Employee involvement with alcohol or drugs can be extremely disruptive and harmful to the workplace. It can adversely affect the quality of work and the performance of employees, pose serious safety and health risks to the user, co-workers and the public, and have a negative impact on work efficiency and productivity. Truckee-Carson Irrigation District is concerned that employees are in a condition to perform their duties safely and efficiently, in the interests of fellow workers and the public, as well as, themselves. It is the purpose of this policy to eliminate substance abuse and its effects in the workplace. Truckee-Carson Irrigation District is also required to comply with Federal regulations pertaining to the attainment and maintenance of a drug-free workplace. These requirements are outlined under the Drug-Free Workplace Act of 1988.

Accordingly, Truckee-Carson Irrigation District has developed the following policy statement regarding substance abuse in the workplace.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol is prohibited in the Truckee-Carson Irrigation District's workplace.

The drug and alcohol policy shall apply to all full-time, part-time and temporary employees of Truckee-Carson Irrigation District. Violation of the drug and alcohol policy can result in disciplinary action up to and including discharge; however, Truckee-Carson Irrigation District may, at its sole discretion, offer the employee an opportunity to seek chemical dependency treatment services as an alternative to disciplinary action, including discharge. In these cases, Truckee-Carson Irrigation District may, entirely at its own discretion, hold an employee's same or similar job position open upon successful participation in a treatment program subject to return to duty drug/alcohol testing, job availability and existing Americans with Disabilities Act (ADA) requirements. Cost of treatment is the sole responsibility of the employee. Participation in treatment is voluntary and strictly confidential. No information regarding the employee's chemical dependency problem will be placed in the employee's personnel file or discussed with his or her supervisor without written consent. In the event the employee does not come forward voluntarily to seek assistance and is later found in violation of the drug and alcohol policy, only information that is necessary for the performance of normal business will be shared with his/her supervisor. All other information will be held in strict confidence.

Employment with Truckee-Carson Irrigation District is contingent upon, among other things, compliance with this policy. Failure to comply will subject an employee to immediate termination of employment. The implementation date for the Drug and Alcohol Policy will be January 1, 2004.

**II. DEFINITIONS**

A. "Illegal Drugs" means any controlled substance or drug, the sale, possession or

consumption of which is illegal. The term includes prescription drugs not legally obtained and prescription drugs not being used in the manner, combination or quantity prescribed.

B. "Legal Drugs" include prescription drugs and over-the-counter drugs which have been legally obtained and are being used in the manner, combination or quantity for which they were prescribed or manufactured.

C. "Positive Alcohol/Drug Test" means, for the purpose of this policy, that the employee has ingested a drug(s) which causes the employee's drug threshold level to be above the Federal Department of Health and Human Services (DHHS) guidelines. An employee whose alcohol level is .04 or greater is considered to be in violation of the policy.

D. "Reasonable Suspicion" means **a)** that the employee has been involved in a workplace accident or an incident resulting in personal injury or damage to organization property, or work-place circumstances which could have resulted in personal injury or damage to organization property, and a supervisory employee has reasonable suspicion to believe that the employee's acts or omissions contributed to the occurrence or severity of the accident, incident or circumstances; or **b)** behavioral conduct of an employee currently affected by alcohol, drugs or a controlled substance, based upon specific personal observations of the supervisor concerning behavior, speech, or body odors; or circumstances which could indicate that the employee is reporting to work in other than a sober and reliable state, free from the effects of alcohol or drugs; **c)** evidence of other specific contemporaneous physical, behavioral or performance indicators of probable substance abuse or circumstances. Whenever possible, two supervisors, one of whom is trained in detecting the indicators of substance abuse, shall substantiate and concur in the decision to test.

E. "Organization Property" means all real or personal property owned, leased or otherwise under the control of Truckee-Carson Irrigation District. This includes, but is not limited to, buildings, facilities, vehicles, offices, parking lots, desks, cabinets, lockers, closets, etc.

F. "Contraband" means any items such as illegal drugs, drug paraphernalia or other related items whose possession is prohibited under Nevada Revised Statutes (NRS) 453.554.

### **III. POLICY**

A. Possession, use or sale of drugs/alcohol.

#### 1. Alcohol

Possession of open containers, use or being under the influence of alcohol by any employee during normal business hours including lunch breaks, while performing Truckee-Carson Irrigation District business or while on organization premises is prohibited. Failure to pass an alcohol test will be grounds for disciplinary action up to and including termination. An employee may consume a moderate amount of alcohol while attending a business or social function outside the workplace on behalf of the organization provided that the employee's conduct and demeanor remains businesslike and professional at all times.

## 2. Illegal Drugs

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited. Failure to pass a drug test will be grounds for disciplinary action up to and including termination.

## 3. Legal Drugs

Except as provided below, use or being under the influence of any legal drug by any employee while on organization premises or while performing organization business is prohibited to the extent such use or influence may affect the safety of the employee, co-workers or the public, the employee's job performance or the safe or efficient operation of Truckee-Carson Irrigation District.

An employee under the influence of a legal drug has an obligation to inquire and determine whether the legal drug he or she is taking may or will affect his or her ability to safely and efficiently perform his or her job duties. If the employee is using a legal drug at the direction of a physician, dentist or other licensed practitioner, the employee is required to obtain a written statement that the prescription drug will not interfere with the employee's ability to perform the duties of his/her position. Otherwise, the employee may be assigned to other appropriate work or, in the absence of such work, be placed on a medical leave of absence until the employee no longer requires the legal drug pursuant to a medical release. This policy does not require the physician, dentist or other licensed practitioner to identify any prescription drug or the medical condition for which it is prescribed. Any such information must be reported to the Alcohol and Drug Program Manager (or designee) before starting work while taking any legal drug. An employee taking over-the-counter medications contrary to instructions provided by the manufacturer may be subject to disciplinary action up to and including termination.

## 4. Co-Workers Obligations

Any employee who has observed or has personal knowledge that another employee is using or possessing drugs or alcohol in violation of this policy may choose to make a good faith report to the Alcohol and Drug Program Manager or designee. The employee will refrain from discussing the matter with anyone except the Alcohol and Drug Program Manager or designee. The employee may choose to report anonymously.

## B. Drug and Alcohol Testing

Truckee-Carson Irrigation District will implement the following types of drug and alcohol testing: 1) pre-placement testing 2) reasonable suspicion testing 3) post-accident testing 4) random testing and 5) return to duty testing.

### 1. Pre-placement Testing

- a. An offer of employment with the organization is conditioned upon the

applicant's ability to pass a pre-placement drug test.

b. An applicant testing positive for an illegal drug will not be hired. An opportunity to re-apply and re-test will be offered no sooner than three months.

c. Before an applicant testing positive for any legal prescription drug can be hired, the applicant must provide proof that the prescription drug was legally obtained (i.e. a prescription) and, where appropriate, a doctor's statement of any potential work related restrictions caused by the medication.

d. Any special or unusual circumstances should be reported to the Alcohol and Drug Program Manager (or designee). For example, if a job applicant claims (or if there is reason to believe) he/she, as a recovering drug abuser, is "disabled" or if the applicant refuses to be tested for religious or other reasons, the matter must be referred to the Alcohol and Drug Program Manager (or designee) before taking further action.

e. For business reasons as determined solely at the discretion of Truckee-Carson Irrigation District management an applicant may be permitted to commence working on a conditional basis prior to receipt of the results of pre-placement testing by Truckee-Carson Irrigation District. The applicant must first sign a consent to conditional employment. The conditional employment of such an applicant who tests positive for drugs shall be terminated immediately.

## 2. Reasonable Suspicion Testing

Truckee-Carson Irrigation District may require a medical examination, breath test, blood test, and/or urinalysis when there is reasonable suspicion to believe that the employee is using drugs and/or alcohol at work or where circumstances or workplace conditions justify it (see reasonable suspicion report form).

## 3. Post Accident Testing

Each employee **and each Director that is involved in an accident while driving a District vehicle** will be tested for prohibited drugs and alcohol use as soon as possible after a reportable accident. District policy defines "reportable accident" as any incident that results in an employee requiring medical treatment that results in the filing of a worker compensation claim, or property damage in excess of five hundred dollars (\$500.00). An employee **or Director** shall not be relieved of duty pending the receipt of test results except where there is reasonable evidence that alcohol or illegal drug use was a contributing factor as determined by the treating physician.

## 4. Random Testing

In the interest of workplace safety, all employees **except those with CDL licenses who**

are subject to DOT regulations on drug testing, as set forth in the District's Policy Section L Motor Carrier Part 382, Alcohol & Drug Testing Policy will be subject to random drug testing. The selection of employees for testing shall be made from a computer-based random number generator. The random selection system provides an equal chance for each employee to be selected each time random selection occurs. Random testing will be an unannounced and spread reasonably through the calendar year. **The District will test a maximum number of two (2) employees during each calendar quarter.** Truckee-Carson Irrigation District has contracted with Saint Mary's Company Assistance Program to conduct the random selection program.

#### 5. Return To Duty Testing, Or Testing After Returning To Duty

All employees in violation of the drug and alcohol policy who receive an assessment and/or treatment option will be subject to a return to duty policy as a condition of employment. In essence, this policy states that Truckee-Carson Irrigation District will rehire or retain the employee in return for the employee's promise to remain alcohol and drug free, complete a prescribed course of treatment if necessary, and submit to return to duty testing on a random basis at the employee's expense to confirm on-going policy compliance. This document will be kept in a confidential file in the Alcohol and Drug Program Manager's office. Nothing in this return to duty policy creates or is intended to create a contract of employment or a promise or representation of continued or guaranteed employment. Continued employment with Truckee-Carson Irrigation District is wholly at the discretion of the organization.

#### 6. Testing Guidelines

Truckee-Carson Irrigation District will conduct drug testing for the following types of substances:

- a. Marijuana
- b. Cocaine
- c. Opiates
- d. Amphetamines
- e. Phencyclidine (PCP)

Truckee-Carson Irrigation District will follow federal testing guidelines as set forth in 49 CFR, Part 40 in sample collection and determination of positive or negative result. For purposes of this policy, any employee who has a alcohol level of .04 or more when arriving at work or anytime during his/her working hours is considered to be in violation of the policy. A management representative will provide transportation and accompany the employee to a designated emergency care facility whenever a post-accident or reasonable suspicion alcohol and drug test is required per organization policy. Submission of an altered or adulterated specimen or the substitution of a specimen by the applicant/employee will result in disciplinary action up to and including termination. Truckee-Carson Irrigation District will bear the cost for post-accident, reasonable suspicion and random drug and alcohol testing. The employee will be responsible for the cost of return to duty testing.

#### **IV. COLLECTION SITES**

The Alcohol and Drug Program Manager will maintain a list of the primary sites for sample collection and Medical Review Officer services.

After hours collection for drug and alcohol testing will be provided by a designated emergency care facility (call 423-3151).

Breath and/or blood alcohol specimen evaluation will be performed at a designated clinic or hospital. As set forth in 49 CFR Part 40, all drug testing is done from urine specimens collected under highly controlled conditions. The employee provides a urine specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document and prepares the specimen and accompanying paper work for shipment to a drug testing laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification and integrity are not compromised.

Employee protection is also built in to the testing procedures. Laboratories that will be used for testing are those certified by the Federal Government. The initial test of any specimen will be an immunoassay which meets the requirement of the Food and Drug Administration for commercial distribution. All specimens identified as positive will be further confirmed using gas chromatography/mass spectrometry techniques. **All specimens will be saved in a manner so that if a positive test results, the employee could have the ability to test the specimen separately.**

Alcohol testing will be conducted through a breath and/or blood sample. Breath testing is performed on an evidential breath testing device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent by weight". The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A blood alcohol concentration (BAC) of .10 means one tenth of a gram of alcohol per 210 liters of breath. The EBT will print three copies of each test result and the test results are numbered. When the initial test results shows a reading of .04 BAC or greater, a confirmation test is conducted. Before the confirmation test, a 15 minute waiting period will occur for the purpose of ensuring that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result. The confirmation test is done on the same EBT as the first test. When the confirmation result is different from the initial test, the confirmation test result will always be used to determine employee consequences. The employee will be given a copy of the breath alcohol testing form. Blood alcohol testing will only be conducted when an EBT is not readily available for use or in the event the employee is unable to provide an adequate breath sample for whatever reason.

#### **V. THE ROLE OF THE MEDICAL REVIEW OFFICER**

The Medical Review Officer is a licensed physician who is knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs. The primary responsibility of the MRO is to review and interpret positive test results obtained through Truckee-Carson Irrigation District's drug testing program. It is important to understand that a

positive test result does not automatically identify an individual as an illegal drug user. The MRO must evaluate the alternative medical explanations that could account for a positive test result.

The review of a positive test result is initiated immediately upon receipt and is ordinarily completed within two working days after receipt of all information pertinent to the review. No information about the test result shall be given to the employer during this period. In addition to information provided by the employee, this review will include considerations of chain of custody documents prepared at the time of collection and, in connection with the laboratory, processing of the specimen. This review must also include review of the chain of custody documentation.

During the review of the laboratory results, the MRO will conduct a medical interview with the individual, review the individual's medical history, or review other biomedical factors. The MRO must review all medical records that the tested individual submits when a confirmed positive test could have resulted from legally prescribed medication.

If any questions arise about the accuracy or validity of a positive test result, the MRO will review the laboratory records to determine whether the required procedures were followed. This will require collaboration with the laboratory director, the analysts, and expert consultants.

At this point, the MRO makes a determination as to whether the result is scientifically sufficient to take further action. However, if the records from the collection site or laboratory raise doubts about the handling of the sample, the MRO may decide the urinary evidence is insufficient and no further actions would be taken. In these cases, the MRO shall note the possible errors in laboratory analysis or chain of custody procedures and shall notify the proper officials.

In summary, the MRO determines whether there is some reason other than illegal drug use to explain a positive drug test. If the MRO verifies illegal drug use, the case is referred to the Alcohol and Drug Program Manager. If illegal drug use is not verified, the test result is deemed negative, the employer is informed, and no further action is taken.

## **VI. CONTRABAND**

When there is reasonable suspicion to believe an employee is in possession of contraband or suspected contraband, Truckee-Carson Irrigation District will conduct, as appropriate, an inspection of the employee, **and with the employee present** the employee's locker, desk or other organization property under the control of the employee. Any contraband or suspected contraband discovered in a common work area should be impounded and sealed in a container. The seal should bear the date, names of the persons present, general description of the contraband, etc. A receipt should be given for such seized property. Seized contraband should be retained in a locked cabinet under the exclusive control of the Alcohol and Drug Program Manager (or designee) until law enforcement agencies can be contacted to remove contraband for appropriate evaluation and recommendation. If possession is transferred, a chain of receipts should be established. Seized property may turn out, after investigation, to be property that properly was in an employee's possession. In such cases, the property should be returned and a receipt obtained.

## **VII. EMPLOYEE CONSENT**

An employee's consent to a medical examination and drug and alcohol testing is required as a condition of employment and an employee's refusal to consent will result in disciplinary action, including termination. Consent to a medical examination and testing includes an employee's obligation to fully cooperate. Upon request, an employee must promptly complete any required forms and releases and promptly provide a sample for testing.

## **VIII. DISCIPLINARY ACTION**

Violation of this policy will result in disciplinary action, up to and including termination; however, Truckee-Carson Irrigation District is supportive of employees who voluntarily come forward and seek assistance for alcoholism or drug addiction. Truckee-Carson Irrigation District makes available information on chemical dependency treatment programs that provide access to professional services to aid the chemically dependent employee. All employees who suspect they may have a drug or alcohol problem are encouraged to utilize these programs before the problem impacts their employment status. A request for assistance to enter an alcohol or drug rehabilitation program made by an employee after there has been a violation of the drug and alcohol policy shall not prevent Truckee-Carson Irrigation District from proceeding with appropriate disciplinary action including termination. However, Truckee-Carson Irrigation District may consider the employee's request to determine what disciplinary action is appropriate.

Participation in these programs is voluntary and strictly confidential. No information regarding the employee's chemical dependency problem will be placed in the employee's personnel file or discussed with his or her supervisor without written consent. In the event the employee does not come forward voluntarily to seek assistance and is later found in violation of the drug and alcohol policy, only information that is necessary for the performance of normal business will be shared with his or her supervisor. All other information will be held in strict confidence. Under Drug-Free Workplace Act requirements, employees must abide by this policy as a condition of continued employment. Any employee who is convicted of a violation of any criminal drug statute related to the unlawful manufacture, distribution, dispensation, possession or use of controlled substances in the work place must inform the organization no later than five (5) days after such conviction of the fact of the conviction. Any employee who is so convicted shall be subject to disciplinary action up to and including, but not limited to termination of employment. The organization in its sole discretion may require an employee who is convicted of any offense set forth above to satisfactorily participate and complete a drug use-abuse assistance or rehabilitation as a condition of continued employment with the organization.

### **DISCIPLINARY PROCESS**

#### **A. Investigative Suspension**

Any employee suspected to be in violation of the drug and alcohol policy will be placed on investigative suspension pending the results of the drug and alcohol testing. If test results

are negative, the employee will be reinstated and compensated for wages lost during suspension unless there are circumstances that justify an unpaid suspension. If test results are confirmed positive, the employee will be subject to the established disciplinary process.

A refusal to provide either a specimen or consent form will constitute a policy violation and the employee will be terminated.

#### B. Test Validity

No later than ten (10) days after receipt of a positive drug test, the employee may obtain an independent analysis of the same sample at his or her expense. Truckee-Carson Irrigation District shall not have the requested test performed unless the employee first pays in advance all costs of the second test. Upon request, the medical review officer will authorize the laboratory holding the employee's sample to release to a laboratory approved by the Department of Health and Human Services a sufficient quantity of the sample to allow a second laboratory to conduct a drug testing analysis. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite. By requesting a second analysis, the employee authorizes Truckee-Carson Irrigation District to obtain a copy of any test results determined by the second laboratory. The accuracy of the test results will be verified by the laboratory conducting the analysis. If the second test is positive, then the Drug and Alcohol Policy will apply. If the second test is negative, the original test shall be disregarded, and the cost of the second test shall be refunded.

#### C. First Offense Positive Test

Any employee having a confirmed positive test **for the first time while employed by the District shall** be offered the opportunity for referral to a licensed alcohol and drug abuse counselor or licensed physician in addictionology for assessment and evaluation. **Any employee who refuses to report to an approved rehabilitation program for assessment within a reasonable amount of time (ten days) after being notified to do so will be subject to disciplinary action up to and including termination.** If the evaluation finds a lack of clinical data to support a diagnosis of chemical dependency, Truckee-Carson Irrigation District will require the employee to pass a re-entrance alcohol/drug test before allowing a return to regular employment. Given the policy violation, the employee will also be required to sign a return to duty policy that allows Truckee-Carson Irrigation District to randomly test the employee to determine on-going compliance with the policy.

If the evaluation indicates that the employee is diagnosed as chemically dependent and is in need of treatment, the employee **shall** be offered a choice of entering rehabilitation in lieu of disciplinary action. **Any employee who refuses to report to an approved rehabilitation program for treatment within a reasonable amount of time (ten days) after being notified to do so will be subject to disciplinary action up to and including termination.** This action may require an indefinite suspension of regular employment until the completion of a reasonable drug and alcohol treatment program. On completion of a treatment program, Truckee-Carson Irrigation District will require the employee to sign a return to duty policy. This policy requires the employee to pass a re-entrance drug

or alcohol test before being allowed to return to employment. Additionally, the employee must follow all recommendations given by the treatment provider and submit to random drug or alcohol testing to confirm on-going compliance with the drug and alcohol policy. The employee will be required to sign a release of information, allowing Truckee-Carson Irrigation District to confer with the employee's treatment provider in order to monitor on-going compliance with treatment recommendations.

D. Voluntary Admittance To A Treatment Program

Employees voluntarily seeking treatment for alcoholism or drug addiction are requested to notify Truckee-Carson Irrigation District's Alcohol and Drug Program Manager in advance of their treatment admission, when possible. All information regarding the employee's participation in treatment will be held in strict confidence. Only information that is necessary for the performance of normal business will be shared with the employee's immediate supervisor. Upon returning to work, the employee will be expected to follow all recommendations given by the treatment provider. The employee will be asked to sign a release of information allowing the Alcohol and Drug Program Manager to confer with the treatment provider to monitor on-going compliance with their recommendations. The cost of any required treatment program will be the sole responsibility of the employee.

E. Second Offense Positive Test **while employed by the District**

1. Employees randomly testing positive again will be terminated.
2. An employee who has a second confirmed positive test while participating in treatment, or leaves treatment (voluntarily or administratively) prior to being properly discharged, will be terminated.
3. An employee who has a second confirmed test after completing treatment will be terminated.

F. Return to Duty Policy

In the event an employee resigns prior to completion of his/her return to duty policy and later reapplies for employment, that employee will be subject to the requirements for the time remaining prior to his/her resignation.

G. Cost of Rehabilitation

The cost of any program of rehabilitation in which the employee participates shall be the financial responsibility of the employee. Any time off from work taken by an employee to enter an alcohol or drug rehabilitation program shall be without pay, except that an employee may use any previously accumulated vacation leave for such time.

**IX. CONFIDENTIALITY**

The Alcohol and Drug Program Manager will maintain all records and reports on drug and

alcohol testing for review. Confidentiality is essential and will be controlled by maintaining all drug testing records under lock and key, with access to these records limited to the Alcohol and Drug Program Manager or his/her designee. Test results may be disclosed to another member of management on a need-to-know basis and to the employee upon request. Disclosures, without employee consent may also occur when: the information is compelled by law or judicial or administrative process; the information has been placed at issue in a formal dispute between the employer and the employee or job applicant; the information is used in administering an employee benefit plan or other insurance program; the information is needed by first-aid, safety, or medical personnel for the diagnosis or treatment of an employee who is unable/unwilling to authorize disclosure; for review by the State Worker's Compensation Board or the State Unemployment Security Division in determining a pending claim; or the information is compelled by Federal officials investigating compliance with the Americans With Disabilities Act.

#### **X. EMPLOYEE ASSISTANCE TRAINING PROGRAM**

All employees shall participate in an organization-sponsored drug awareness program. The program shall provide employees with information regarding: the organization's drug-free workplace policy; available counseling, referral agencies and rehabilitation; and the penalties imposed upon employees for violations of this policy.

Supervisory personnel will receive additional training on recognizing performance indicators of probable drug or alcohol abuse and how to effectively intervene.

#### **XI. TEMPORARY EMPLOYMENT SERVICES**

Any temporary employee assigned to Truckee-Carson Irrigation District's workplace shall be subject to the same rules of employee conduct relating to alcohol and illegal drug use which are applicable to employees of the organization.

#### **XII. FACILITY WORK RULES**

Nothing in this drug and alcohol policy precludes management of any Truckee-Carson Irrigation District facility or jobsite from establishing work rules which apply to that facility or jobsite. Such work rules can not be less stringent than this drug and alcohol policy; provided, however, that where any federal, state, or local law imposes restrictions on implementation or enforcement of this drug and alcohol policy, Truckee-Carson Irrigation District will modify this drug and alcohol policy in accordance with such restrictions.

#### **XIII. CONTRACTORS AND VENDORS**

Contractors and Vendors shall be required to cooperate with this policy in achieving a drug and alcohol free workplace. Violation of these provisions or refusal to cooperate with the policy requirements can result in the organization barring contract and vendor personnel from all organization facilities or participating in operations.

#### **XIV. SEVERABILITY**

If any part or provision of this policy, or the application thereof to any person or circumstance, should be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any part of this provision is restrained by such tribunal pending a final determination as to its validity, the remainder of this policy, or the application of such part of provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. Truckee-Carson Irrigation District reserves the right to change, amend, modify, delete or add to this policy at any time subject to existing employee association agreements.

Date originated January 1, 2004

## **APPENDICES**

### **TRUCKEE-CARSON IRRIGATION DISTRICT**

#### **Drug and Alcohol Policy**

## APPENDICES

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Appendix A

**TRUCKEE-CARSON IRRIGATION DISTRICT**

**NOTICE TO EMPLOYEES**

**DRUG AND ALCOHOL POLICY**

Truckee-Carson Irrigation District has a vital interest in maintaining safe, healthful and efficient working conditions for its customers and employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks not only for the user but to the public and all those who work with the user. The possession, use or sale of an illegal drug or controlled substance may also pose unacceptable risks to safe, healthful and efficient operations.

Effective January 1, 2004, the District implemented its Drug and Alcohol Policy. Violation of the drug and alcohol policy can result in disciplinary action up to and including discharge; however, Truckee-Carson Irrigation District may, at its own discretion, offer the employee an opportunity to seek chemical dependency treatment services as an alternative to disciplinary action, including discharge. In these cases, Truckee-Carson Irrigation District may hold an employee's same or similar job position open upon successful participation in a treatment program, subject to return to duty drug or alcohol testing, job availability and existing Americans with Disabilities Act (ADA) requirements.

Participation in treatment is voluntary and strictly confidential. No information regarding the employee's chemical dependency problem will be placed in the employee's personnel file or discussed with his or her supervisor without written consent. In the event the employee does not come forward voluntarily to seek assistance and is later found in violation of the drug and alcohol policy, the established discipline policy will apply. All employees will be offered an orientation to the policy and time will be set aside to answer questions. Thank you for your support.

Notice To Employees  
Drug and Alcohol Policy  
Page 2

EMPLOYEE ACKNOWLEDGMENT OF DRUG AND ALCOHOL POLICY

I acknowledge that I have received a copy of Truckee-Carson Irrigation District's Drug and Alcohol Policy, effective January 1, 2004. I have read the Policy in its entirety and will comply with its requirements.

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Date

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Employee Name (Please Print)

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Employee Signature

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Parent/Guardian Signature

Appendix B

**TRUCKEE-CARSON IRRIGATION DISTRICT**

**REASONABLE SUSPICION REPORT**

When requesting a drug or alcohol test, Truckee-Carson Irrigation District's representative must complete this form.

1. Name of Employee: \_\_\_\_\_
2. Position: \_\_\_\_\_
3. Date of Incident: \_\_\_\_\_
4. Time of Incident: \_\_\_\_\_

5. State objective evidence of reasonable suspicion to believe employee is in possession of, using, or under the influence of drugs and/or alcohol (physical evidence should be retained and stored):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Protocol for requesting drug and alcohol testing:
  - a. Attempt to have another Supervisor corroborate your observation.
  - b. Contact the Alcohol and Drug Program Manager (or designee) or Director (or designee) to review evidence and approve testing if appropriate.

7. Call employee into office and present employee with accusation and evidence. Inform employee that they may request the presence of an association representative if reasonably available within forty-five (45) minutes.

8. Employee's response (investigate, where appropriate):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Inform employee of Truckee-Carson Irrigation District's policy on drugs and alcohol.
10. Request employee to submit to drug and alcohol testing:
  - a. If employee agrees, have employee sign testing release and follow procedure for collecting sample.
  - b. If employee refuses to submit to testing:
    - 1) Ask employee for reason(s) why employee refuses to submit to drug and alcohol testing:  
  
Employee's Response: \_\_\_\_\_  
  
\_\_\_\_\_
    - 2) Inform employee that Truckee-Carson Irrigation District's policy requires employee to consent to testing and that refusal is grounds for discipline, including termination.
    - 3) Again request employee to consent to drug and alcohol testing.
      - a) If employee agrees, have employee sign testing release and follow procedure for collecting sample.
      - b) A management team member will arrange transportation and accompany the employee to the collection site, stay in the waiting room until notified that the collection has been completed and then arrange transportation home for the employee.
      - c) If employee still refuses, inform employee that he/she is suspended pending Truckee-Carson Irrigation District's decision on the matter. Request employee to sign refusal to test form.
11. After sample collection, inform employee that he/she is on investigative suspension pending test results and Truckee-Carson Irrigation District's decision on the matter.
12. In cases where the employee is suspected of being under the influence of drugs and/or alcohol, arrange transportation (i.e., taxi) home for the employee. If the employee refuses transportation, attempt to persuade the employee to change his/her mind. Do not detain or physically restrain the employee. In cases where the employee refuses transportation and the employee's condition suggests that the employee presents a potential or actual safety risk to themselves or other drivers, notify the police. Inform the employee that you intend to call the police unless the employee accepts transportation. Seek corroborating witnesses to verify employee's refusal of transportation.

Appendix C

**TRUCKEE-CARSON IRRIGATION DISTRICT**

EMPLOYEE RESPONSE FORM

REFUSAL TO TEST

I acknowledge that Truckee-Carson Irrigation District has requested that I submit to drug and alcohol testing pursuant to its Drug and Alcohol Policy. I further understand that I have previously received a copy of the Organization's Drug and Alcohol Policy.

I understand that the testing is voluntary on my part, that I may refuse to submit, and that such refusal will be grounds for discipline up to and including termination.

I further understand that the test results may be released to Truckee-Carson Irrigation District and the results will be used as grounds for discipline up to and including termination.

With full knowledge of the foregoing, I hereby refuse to submit to drug and alcohol testing.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Immediate Supervisor/Alcohol And Drug Program Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

**TRUCKEE-CARSON IRRIGATION DISTRICT**

**EMPLOYEE RESPONSE FORM**

**AGREEMENT TO TEST**

I acknowledge that Truckee-Carson Irrigation District has requested that I submit to drug and alcohol testing pursuant to its Drug and Alcohol Policy. I further understand that I have previously received a copy of the Organization's Drug and Alcohol Policy.

I understand that the testing is voluntary on my part, that I may refuse to submit, and that such refusal will be grounds for discipline up to and including termination.

I further understand that the test results may be released to Truckee-Carson Irrigation District and the results will be used as grounds for discipline up to and including termination.

With full knowledge of the foregoing, I hereby agree to submit to drug and alcohol testing by the Organization-selected medical clinics and/or laboratories.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Immediate Supervisor/Alcohol And Drug Program Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

Appendix D

**TRUCKEE-CARSON IRRIGATION DISTRICT**

**RETURN TO DUTY POLICY FOR  
VIOLATIONS REQUIRING REHABILITATION**

I understand that my continued employment by Truckee-Carson Irrigation District shall be conditioned upon the following:

1. I accept admission to a treatment program.
2. I will comply with all of the program requirements to their successful completion.
3. I will provide a negative drug/alcohol test and obtain a release from the treatment program counselor to return to work upon completion of treatment.
4. I agree during the treatment period and after my return to work that I will submit to 6 to 12 drug/alcohol tests per year at my expense to confirm my successful participation in chemical dependency treatment.
5. I agree to attend the number of aftercare sessions as recommended by the treatment program counselor. I understand the program/treatment provider will submit monthly progress reports to the District to inform him/her of my ongoing compliance and participation.
6. I understand that, upon return to the workplace, I must meet all established standards of conduct and job performance and that I will be subject to Truckee-Carson Irrigation District's disciplinary procedures for any failure to meet the standards.
7. I understand that I will be subject to these requirements until I have completed at least one year of work. Upon completion of one year of work, the District will review my job performance and determine if the terms will be removed, modified, sustained, or added to.

I UNDERSTAND AND AGREE THAT MY REINSTATEMENT AND EMPLOYMENT ARE CONTINGENT UPON MY SATISFACTORILY MEETING ALL OF THE ABOVE TERMS AND THAT MY FAILURE TO DO SO SUBJECTS ME TO IMMEDIATE TERMINATION OF MY EMPLOYMENT WITH TRUCKEE-CARSON IRRIGATION DISTRICT.

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Employee

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Date

Appendix E

**TRUCKEE-CARSON IRRIGATION DISTRICT**

**RETURN TO DUTY POLICY FOR  
VIOLATIONS NOT REQUIRING REHABILITATION**

I understand that my continued employment by Truckee-Carson Irrigation District shall be conditioned upon the following:

1. I will provide a negative drug/alcohol test to be able to return to work.
2. I agree to submit to return to duty drug/alcohol testing to confirm my future compliance with the drug free workplace policy.
3. I understand that my violation of Truckee-Carson Irrigation District Drug and Alcohol Policy warrants close supervision for an extended period of time upon my return to work and I will accept such supervision as a constructive part of my employment.
4. I understand that upon return to the workplace I must meet all established standards of conduct and job performance and that I will be subject to the disciplinary procedures for any failure to meet the standards.
5. I understand that I will be subject to the terms of this policy until I have completed at least two years of work. Upon completion of two years of work, the Alcohol and Drug Program Manager will review my job performance and determine if the terms of this policy will be removed, modified, sustained or added to.
6. I UNDERSTAND AND AGREE THAT MY REINSTATEMENT AND EMPLOYMENT ARE CONTINGENT UPON MY SATISFACTORILY MEETING ALL THE ABOVE TERMS AND THAT MY FAILURE TO DO SO SUBJECTS ME TO IMMEDIATE TERMINATION OF MY EMPLOYMENT.

\_\_\_\_\_  
Alcohol and Drug Program Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee

\_\_\_\_\_  
Date

Appendix F

**TRUCKEE-CARSON IRRIGATION DISTRICT**

**DRUG TESTING PROGRAM**

**NOTICE TO APPLICANTS**

Truckee-Carson Irrigation District has a vital interest in maintaining safe, healthful and efficient working conditions for its customers and employees. Using or being under the influence of drugs and/or alcohol on the job may pose serious safety and health risks not only for the user, but to the public and all those who work with the user. The possession, use or sale of an illegal drug or controlled substance may also pose unacceptable risks to safe, healthful and efficient operations.

To meet this compelling interest, individuals who wish to be considered for employment must agree to **PRE-PLACEMENT DRUG TESTING AND DRUG AND ALCOHOL TESTING DURING EMPLOYMENT.**

By completing and signing this Notice and the attached Application of Employment, the applicant understands and agrees to submit to drug and alcohol testing during the course of employment as provided for in Truckee-Carson Irrigation District's Drug and Alcohol Policy. The applicant further understands and agrees to release Truckee-Carson Irrigation District and its directors, officers, agents, employees, parents, subsidiaries and affiliated concerns from any and all liability, claims, demands, damages and causes of action of every kind and nature arising out of or resulting from or in connection with submitting to drug and alcohol testing and any decision concerning employment made by Truckee-Carson Irrigation District in whole or in part, based upon the results of drug and alcohol testing. Submission of an altered or adulterated specimen or the substitution of a specimen by the applicant will result in a withdrawal of the employment offer.

**ANY APPLICANT WHO IS UNWILLING TO AGREE TO THESE CONDITIONS SHOULD NOT APPLY FOR EMPLOYMENT WITH TRUCKEE-CARSON IRRIGATION DISTRICT.**

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Applicant's Signature

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Date

Appendix G

**TRUCKEE-CARSON IRRIGATION DISTRICT**

**NOTICE TO AGENCY ASSIGNED EMPLOYEES**

**ACKNOWLEDGMENT OF DRUG AND ALCOHOL POLICY**

I acknowledge that I have received a copy of Truckee-Carson Irrigation District's Drug and Alcohol Policy, effective January 1, 2004. I have read the Policy in its entirety and will comply with its requirements.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (Please Print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Agency

Appendix H

**TRUCKEE-CARSON IRRIGATION DISTRICT**

**DRUG TESTING PROGRAM**

**APPLICANT CONDITIONAL PRE-PLACEMENT TESTING REQUIREMENT**

I, \_\_\_\_\_, understand and agree that I am commencing employment whose continuation is conditional upon the results of my pre-placement drug test being negative in accordance with Truckee-Carson Irrigation District's Drug and Alcohol Policy. I understand and agree that a positive test result will result in my immediate termination from employment with Truckee-Carson Irrigation District. I further understand that the consideration for my agreement as set forth is being allowed to commence employment by Truckee-Carson Irrigation District prior to receipt of drug test results.

I understand that I must take the pre-placement drug test before beginning work for Truckee-Carson Irrigation District.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

Signed: \_\_\_\_\_

Printed: \_\_\_\_\_

**(RETURN TO SUPERVISOR TO FORWARD TO ALCOHOL AND DRUG PROGRAM MANAGER)**