

**AGENDA
OAKDALE IRRIGATION DISTRICT
BOARD OF DIRECTORS
PERSONNEL COMMITTEE MEETING**

TUESDAY, OCTOBER 18, 2022 @ 9:00 A.M.

Meeting Place: Oakdale Irrigation District, 1205 East F Street, Oakdale, CA 95361

INFORMATION FOR REGULAR MEETING DURING SHELTER IN PLACE ORDER

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 and AB 361 a local legislative body is afforded the flexibility in how it conducts its business with regard to holding public meetings. The Oakdale Irrigation District Board of Directors (OID Directors) will adhere to and abide by the provisions of the Governor's Executive Order related to the Brown Act and the utilization of technology to facilitate public participation as outlined in AB 361.

The Oakdale Irrigation District (OID) is strongly committed to taking the necessary precautions to ensure the safety of, and promote best practices for, the public, our customers, and our employees. If you would like to join the meeting virtually instead of in person, please see the below options:

To join the meeting via teleconference, click [HERE](#) or go to www.oakdaleirrigation.com and select "View Meetings Online".

To participate in the meeting via telephone, dial in at 1 (669) 900-9128, Access Code: 358 572 1867 #, the message will ask for a participant ID, just press # again. If you experience technical difficulties, please contact our IT Systems Administrator Michael Ballinger at (209) 896-6887.

- Public comments may be submitted in advance via email to nfiez@oakdaleirrigation.com no later than 4:30 p.m. on the day before the meeting.
- If you wish to make public comments during the live teleconference, you may alert the Board President at the time public comments are called for. Pursuant to Government Code section 54954.3(b)(1), Public Comment, public comment on an Agenda Item is limited to five (5) minutes.

Call to Order: District Office Board Room
1205 East F Street, Oakdale, California

Committee Member: Brad DeBoer and Ed Tobias

Expected Attendance: Scot Moody and Kim Bukhari

Calendar:

Public Comment

Comments on agenda items may be given when the item is taken up for discussion by the committee.

Discussion Items

1. Discussion of proposed changes to Oakdale Irrigation District's Policy Section 5.504 Alcohol and Drug Free Workplace

Adjournment



OAKDALE IRRIGATION DISTRICT

Personnel Policies and Procedures

<i>Title</i> 5 – PERSONNEL	<i>Chapter</i> 500 – Health and Safety on the Job	<i>Section</i> 5.504 Alcohol and Drug Free Workplace Policy
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I. Statement of Policy

The District has a vital interest and obligation in maintaining safe, healthful and efficient working conditions for its employees and in supplying products and services safely to customers. Employee possession of and/or being under the influence of drugs or alcohol on the job are inconsistent with these interests and obligations and are therefore strictly prohibited.. This policy and procedure establishes the rules, rights and obligations of all employees and District contractors regarding the use, possession, sale, or transport of alcohol and drugs on District property or while conducting District business.

II. Definitions

- A. Commercial Driver A District employee who is subject to the CDSTP.
- B. CDSTP. The Commercial Drivers Substance Testing Program set forth in section 5.505 of this Title.
- C. DOT Testing Procedures. The U.S. Department of Transportation Procedures for Transportation Workplace Drug and Alcohol Testing Programs at 49 CFR Part 40.
- D. Legal Drug. A legal drug includes prescribed drugs and over the counter drugs, which have been, under U.S. law, legally obtained and are being used for the purpose for which they have been prescribed or manufactured.
- E. Illegal Drug. An illegal drug includes any drugs and drug synthetics, which have not been legally prescribed or obtained, such as: stimulants, depressants, hallucinogens, narcotics, volatile substances, controlled substances (as defined in the DST Testing Procedures) and any substance which by its nature alters normal physical or mental functions. This includes a prescription drug that has been obtained without a prescription, or that is being used contrary to the prescription.
- F. Under the Influence. For purposes of this policy and procedure, “under the influence” means that the employee is affected by a drug or alcohol or combination of both in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, or to obvious impairment of



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physical or mental ability such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional medical opinion, a scientifically valid test, and in some cases , by management opinion based on reasonable suspicion.

- G. District Property. District Property includes lands owned, leased or upon which the District has a right-of-way, buildings, facilities, vehicles, equipment, parking lots, and company owned property used by employees such as lockers, desks, cabinets, etc.

Reasonable Suspicion. Reasonable suspicion is a belief based on objective and documented facts or evidence sufficient to lead a reasonable, prudent person to suspect that an employee is under the influence of alcohol or drugs so that the employee’s ability to perform the duties of the job is impaired, or so that the employee’s ability to perform his/her job safely is reduced.

III. Testing Procedures and Circumstances.

All alcohol and drug testing conducted under this policy and procedure will be conducted in accordance with DOT Testing Procedures regardless of whether the employee is a commercial driver or is a candidate for a commercial driver position. The District will perform pre-employment drug and alcohol screening, reasonable suspicion testing post-accident drug and alcohol testing, and where permitted, random drug and alcohol testing.

IV. Pre-Employment Drug and Alcohol Screening

The District maintains a pre-employment screening practice designed to prevent the hiring of persons who use illegal drugs, or who use legal drugs inappropriately or alcohol to the extent that safe job performance would be impaired. Candidates for commercial driver positions are not subject to this article but are subject to pre-employment testing as set forth in the CDSTP.

- A. Notification to Prospective Employees. Prospective employees will be notified of the District’s drug and alcohol policy and pre-employment drug and alcohol screening test prior to an offer of employment.
- B. Time of Test. The District performs pre-employment drug and alcohol screening for those positions it considers “safety sensitive.” Once an applicant is chosen



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for a safety-sensitive position, he or she will receive an offer of employment that is conditioned on passing a drug and alcohol screening test.

- C. Consent to Test. Upon receipt of a conditional offer, the prospective employee must consent to the alcohol and drug screening test and must sign an Authorization for Release of Physical Examination Results, permitting the test results to be released to the District.

- D. Disqualification from Employment. A candidate for District employment shall be disqualified from further consideration for employment upon any of the following occurrences:
 - 1. Refusal to consent to a drug and alcohol screening test or refusal to authorize the release of the results of a drug or alcohol screening test to the District.
 - 2. A positive test for illegal drugs in any concentration.
 - 3. A positive test for alcohol with a blood alcohol concentration of 0.02 or greater.
 - 4. A positive test for legal drugs which, after medical consultation, the District determines impairs the candidate's ability to safely perform the job in question or will jeopardize the well-being of others with or without reasonable accommodation.

V. **Prohibition on Possession, Use, Sale or Transport of Alcohol or Drugs**

- A. Illegal Drugs and Alcohol. Having possession of, manufacturing, distributing, using, being under the influence of, selling, or transporting illegal drugs or alcohol by any employee while on the job, on District property, or while conducting District business is prohibited. Reporting to work under the influence of illegal drugs or alcohol is also prohibited.

- B. Notification of Criminal Drug Conviction. Any employee who is convicted of or pleads guilty or no contest to a drug or alcohol-related crime must immediately report such conviction or plea to the General Manager.



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- C. Legal Drugs. The use of or being under the influence of any legally obtained drug by any employee while on the job, on District property, or while conducting District business is prohibited to the extent that such use or influence may affect the safety of the employee, co-workers, the public, the employee's job performance, or the safe and efficient operation of the District. An employee may continue to work even though under the influence of a legal drug if management has determined, after consulting with the General Manager and the employee's doctor, that the employee can work safely. Otherwise, the employee may be required to take a leave of absence or comply with other appropriate action determined by management.
- D. Notification. An employee must notify his/her supervisor, before commencing work, when taking any medication or drug, prescription or nonprescription, which may interfere with safe and effective performance of duties and/or the operation of District equipment. The employee need not disclose the identity of the drug to the District, but may be required to disclose its identity to the District's Medical Review Officer. The District and the employee will work together to determine whether the District can reasonably accommodate the employee so the employee can perform the essential functions of his or her position. The District and the Medical Review Officer will take all actions necessary or appropriate to protect the confidentiality of the employee's medical records.

VI. Reasonable Suspicion Testing

When a supervisor/manager has a reasonable suspicion that an employee is under the influence of drugs or alcohol, the employee may be directed to take a drug and alcohol test. The General Manager or the employee's department head must approve the employee's referral for an alcohol and drug test.

- A. Conduct of Test. All drug or alcohol tests shall be conducted by a reputable laboratory of the District's choice in accordance with the DST Testing Procedures.
- B. Valid Prescriptions. An employee shall have the right to provide, within 24 hours of the drug or alcohol test, a valid prescription for any medication or drug which may be identified during the test. The prescription must be in the employee's name and be prescribed by a licensed physician.



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- C. Refusal to Take Test. An employee who refuses to submit to a drug and alcohol test that has been approved by the General Manager or the employee’s department head shall be relieved from duty without pay, and if intoxicated or physically or mentally impaired, be taken to his/her place of residence. Refusal to take a test under this policy will subject the employee to disciplinary action, up to and including termination.

VII. Post-Accident

~~All employees including commercial drivers are subject to post-accident testing. Employees who are involved in an injury accident (requiring more than simple first-aid treatment) and/or employees involved in a property damage accident (wherein the amount of the property loss is estimated to exceed \$1,000) will be tested as soon as is practical following the accident.~~

VIII Random Testing

Employees in safety-sensitive positions are subject to random drug and alcohol testing except that commercial drivers are not subject to this Section VIII but are instead subject to the random testing procedures set forth in the CDSTP. “Safety sensitive” positions include all positions which, as a normal course of business, require the employee to operate District vehicles or equipment other than office equipment, or those positions in which the employee’s performance, reflexes, and/or judgment impact the safety of others. The District maintains a list of positions that are classified as “safety sensitive” which is available upon employee’s request. The list of positions may be changed without advance notice based on changes in duties, prevailing laws, or other substantive reason. A third party administrator (TPA) will be used for the random testing selection of safety-sensitive employees who are not commercial drivers. The TPA will select which of the safety-sensitive employees will be tested and which dates. The TPA will operate within parameters that provide an average of one (1) test per safety-sensitive employee per calendar year. At that point during the TPA’s iterations that the number of test slots remaining equals the number of safety-sensitive employees not yet selected, all testing designations of previously selected employees will be ignored. This will ensure that each safety-sensitive employee will be tested at least once per calendar year. Since the rate of one test per employee per year is an average, the TPA will select some employees more than once in a calendar year. If an employee is not available for testing on the date designated by the TPA, or the laboratory is not available to perform the test on the designated date, the employee will be tested on the next available work day.



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IX. Testing Procedure and Criteria:

On the day that the employee is scheduled for a drug screening, he/she will be informed of the screening by his/her supervisor, department head, or other person of authority. The employee will be provided paid time and transportation to travel to the medical facility to provide the sample. As of the date of this policy, the designated location where drug screening generally will be performed is:

Oak Valley Occupational Health Center
1420 West "H" Street, Suite C
Oakdale, CA 95361
(209) 847-5310

- A. The location generally used for drug screenings may be changed without notice.
- B. The employee may travel to the screening location alone or in the company of another designated employee or officer of the law, depending upon circumstances. The employee is to check in at the check-in counter of the medical facility and provide picture identification (such as a driver license). When instructed by the medical staff, the employee will proceed to the test collection area.
- C. Alcohol breath tests shall be conducted on site with instant results provided. The technician administering the test will explain the procedure and identification verification. When instructed, the employee will blow into a tube until the signal to stop is given. A read-out of the concentration of alcohol in the bloodstream will immediately appear on the test apparatus. If the test results exceed the allowed limit (0.02%), the employee will be given a re-test after a brief wait (generally 10-20 minutes). If a re-test is administered, the procedure described in this paragraph will be repeated.
- D. Drug screening examinations are conducted via urinalysis. The technician administering the test will explain the procedure and identification verification. The employee may be asked to provide the technician with a list of medications that the employee has ingested in the past 30 days. The employee will sign an authorization for the test to be performed. The employee will be asked to wash his/her hands. The employee will then be provided with a receptacle and



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directed to the authorized bathroom, where the employee will be afforded privacy. The employee will urinate into the receptacle provided and, when finished, return the receptacle to the technician. The employee will then again be directed to wash his/her hands.

- E. The technician will conduct two preliminary tests immediately on site and in the presence of the employee. One test is a temperature reading to ensure that the temperature of the urine sample is within the appropriate range of temperatures for urine recently eliminated from the body. The other test is a substance test that ensures that the fluid in the receptacle is indeed urine as opposed to some other liquid. Once those tests are complete, the technician will explain the identification and chain-of-custody information to the employee. The employee will initial the unique chain-of-custody identification number and sign the completed test form.
- F. Subsequently, the urine sample is tested for the presence or absence of certain substance groups. Concentrations of substances in the urine sample are measured in nanograms per milliliter (abbreviated ng/ml). Each substance group will have a minimum measurement reading, below which the test result is to be reported as "negative" (absent of any amounts of the substance). Urine samples that have concentrations of tested substances greater than the minimum measurement reading will be reported as "positive" (controlled substances present). If a test result for a substance group is positive, a second test methodology known as Gas Chromatography Mass Spectrophotometry (CGMS) will be conducted. The CGMS procedure tests the urine for exact substances within the substance in the group, generally with a lower minimum confirmation concentration. The CGMS produces a molecular "fingerprint" of the substance in the bloodstream.

For non-D.O.T. required urine samples, the initial screening conducted is for the following groups at the stated minimum measurements:

<u>Substance Group</u>	<u>Minimum Positive Measurement</u>
Amphetamine	300 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml
Cannabinoid	50 ng/ml



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Cocaine Metabolite	300 ng/ml
Methadone	300 ng/ml
Methaqualone	300 ng/ml
Opiates	300 ng/ml
Phencyclidine	75 ng/ml
Propoxyphene	300 ng/ml

X. Search or Inspection of District Property for Illegal Drugs or Alcohol

The General Manager may authorize the search or inspection of District property for illegal drugs or alcohol at any time. Such property includes, but is not limited to, lockers, desks, cabinets, etc, that belong to the District even though employees may have stored personal items in them. This property belongs to the District and employees shall have **NO EXPECTATION OF PRIVACY** in this property.

XI. Disciplinary Action

Violations of the provisions of this policy and procedure will result in disciplinary action up to and including termination.. Where an employee has engaged in the use of or was determined to be under the influence of drugs or alcohol under this policy, the District General Manager may implement a Last Chance Agreement as an additional disciplinary tool, based on the facts and circumstances of the individual case. A Last Chance Agreement generally provides that the employee will be returned to work if: (1) the employee enters a drug or alcohol rehabilitation program acceptable to both the District and the employee; (2) the employee completes the program within the prescribed time; (3) the employee complies with all conditions and directives of the program or the Last Chance Agreement, including random, follow-up drug or alcohol testing if applicable; and (4) such other provisions as may be agreed upon by the District and the employee. Failure of the employee to strictly comply with all the terms and conditions of the Last Chance Agreement shall result in termination of employment.

XII. Drug and Alcohol Assistance Programs

Recovery assistance is available to any employee with a drug and/or alcohol dependency at any time while this policy and procedure is in effect. An employee who voluntarily discloses his/her own drug and/or alcohol dependency, either to his/her department head or to the General Manager, will be referred to a recovery program for substance abuse counseling and treatment. Such disclosure must occur prior to the employee being informed of an impending



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drug or alcohol test. The District is not financially responsible for any counseling and treatment. The employee may attend any treatment program that is approved by management. Regardless of the program selected, the employee must authorize the release of medical information to the District so that the District's Medical Review Officer may monitor the employee's recovery process. While off of work for treatment, the employee may use paid time off or leave without pay. Paid or approved unpaid leave will be afforded to the employee only if the employee is drug or alcohol-free and is making satisfactory progress in a management-approved treatment program. After the employee has, in the opinion of management, made sufficient progress in his/her recovery, the employee may return to work in his/her former position, if appropriate. Failure to comply with every requirement of the program and this policy and procedure will be considered to be non-compliance and may result in disciplinary action, up to and including termination.

XIII. Drug and Alcohol Education Training

- A. A drug and alcohol education and training program shall be established to train managers and supervisors in all aspects of on-the-job drug and alcohol abuse, behavior, prevention and disposition of abusers.
- B. All managers/supervisors shall inform employees about the dangers of drugs and alcohol in the workplace, the District's policy of maintaining a drug-free workplace, the disciplinary actions that may be imposed for on-the-job drug or alcohol abuse, and shall provide information on drug counseling, rehabilitation, and employee assistance programs available to employees.