



Kern County Sheriff's Office
Policies and Procedures

TITLE: COMMERCIAL VEHICLE DRUG TESTING		NO: C-510	
APPROVED: Donny Youngblood, Sheriff-Coroner			
EFFECTIVE: February 1, 1996	REVIEWED: 08/30/2018	REVISED: 4/1/1996	UPDATED: 8/30/2018

POLICY

This policy is adopted as a supplement to the County of Kern's General Policies and Procedures to end substance abuse in the work place and to assure that public safety adopted by the "County of Kern Alcohol and Drug Abuse Policy" as set forth in the Kern County Administrative Procedures Manual at Volume 19 and is attached hereto and incorporated by reference as Exhibit "A."

This policy applies to non-exempt Kern County Sheriff's employees assigned to operate county motor vehicles having a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle rating of more than 10,000 pounds, or has a gross combination weight rating of 26,001 or more pounds, or is designed to transport sixteen (16) or more passengers, including the driver or is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the HMR, 49 CFR Part 172 Subpart F.

This policy shall apply to those drivers that have a passenger endorsement "P" on their California Class "C" driver's license which allows the driver to transport passengers in a vehicle with a seating capacity of (10-15) passengers, including the driver. California Vehicle Code 15278 (a)(2).

This information will be referenced in the Standard Operation Procedure manual describing the Sheriff's Office of Transportation Compliance Requirements in the Safety Officer's Office with the Kern County Sheriff's Office Training Division.

DIRECTIVE

This policy applies to Kern County Sheriff's Office employees who are assigned or who seek to be assigned to duties as drivers of commercial vehicles as those terms defined by 49 CFR Section 382.107, as more specifically, defined above.

All applicants for employment with the Kern County Sheriff's Office in these designated positions and employees performing duties and positions subject to this policy are hereafter referred to as "covered applicants" or "covered employees."

Each covered applicant or employee shall be provided with a copy of the "County Alcohol and Drug Abuse Policy" as well as this schedule and execute a written acknowledgment of receipt of the same. Such covered applicants and employees shall also be required to execute written consents to submit to the pre-employment, periodic, random, reasonable cause and post accident drug and alcohol test described in this policy as a condition of employment. The failure or

refusal to submit to testing upon direction of the Sheriff's Office provides sufficient grounds for refusal to employ or for discipline of the employee under the Kern County Civil Service Commission Rule 1705.03 (Conduct Unbecoming) and Rule 1705.11 (Violation of Any Lawful Order).

PRE-EMPLOYMENT AND PRE-ASSIGNMENT TESTING

Covered applicants and all present employees promoted or transferred to duties in a covered job classification or position shall be required to submit to alcohol and drug testing as a condition of employment. Such testing shall be conducted under the supervision of the Kern County Sheriff's Office and in accordance with the minimum standards set forth by 49 CFR part 40.

Persons rejected for failure to successfully pass the drug or alcohol screen will be disqualified from accepting employment in a Sheriff's Office position involving the driving of county commercial motor vehicles for 180 days.

If the covered applicant or employee has, within the previous two years, been employed in any private or public employment in which drug screen or alcohol screen testing was required, this fact shall be disclosed, and written consent shall be given by the covered applicant or employee for the disclosure of the results of any testing performed.

PERIODIC RANDOM TESTING

As a condition of continued employment, the Kern County Sheriff's Office shall conduct a number of tests equal to at least 50 percent of all covered employees each calendar year spread reasonably over a twelve-month period. The Sheriff's Office will conduct random selection and testing on quarterly schedule. The unannounced test will be conducted during the tested employee's normal work hours and at locations designated by the Kern County Sheriff's Office. Covered employees will be selected for testing on a random basis. Such testing shall be conducted under the supervision of the Kern County Sheriff's Office, Training Division/Safety Officer's Office. This testing is mandated by and shall be conducted in accordance with 49 CFR Section 382.305.

REASONABLE SUSPICION TESTING

Covered employees are subject to drug and alcohol screening under the conditions, standards and procedures established by Part 5, Section B and Part 6, Section B of the County Alcohol and Drug Abuse Policy. Additional grounds for such testing are established by 49 CFR Section 382.307.

Employees found to have a blood alcohol content of 0.02 percent or more or who test positive for measurable amounts of controlled substances shall be immediately relieved from the performance of safety sensitive activities. Upon confirmation of the test results, the employee shall be referred by the Sheriff-Coroner to the Employee Assistance Program (EAP). The Sheriff-Coroner may initiate such disciplinary action, including suspension without pay and discharge, as appears appropriate under the totality of the circumstances.

An employee determined to have 0.02 percent of alcohol in his/her system or who test positive for measurable amounts of any controlled substance shall not be returned to safety sensitive

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duties until successfully completing a return to duty testing process as outlined below. This testing is mandated by and shall be conducted in accordance with 49 CFR Section 382.307.

TESTING FOLLOWING MOTOR VEHICLE ACCIDENT

Employees shall submit to blood alcohol content testing (by breath, blood or urine test) and controlled substance testing (by blood or urine test) following any motor vehicle accident in a county vehicle or in the course and scope of Kern County Sheriff's Office business if:

- (1) The Sheriff's Office employee received a "moving" motor vehicle citation as a result of the accident; or,
- (2) The accident results in a fatality; or
- (3) The accident results in any physical injury to any person which requires immediate medical care and treatment.

The employee shall immediately notify the Sheriff (or his/her designated delegate) of any accident requiring testing under this section. Notice shall be made as soon as practical after receiving any immediate, necessary emergency medical care. Test samples of blood or urine may be drawn, with the consent of the employee, by a qualified medical professional rendering the emergency medical treatment.

Upon receipt of notice of an employee involved in an accident requiring testing under this section, the Sheriff-Coroner shall arrange for the employee to perform a blood alcohol and drug test in accordance with the procedures set forth above. Blood alcohol test shall be administered within two (2) hours of the accident and drug test shall be administered within thirty-two (32) hours of the accident.

If no blood alcohol sample is given or blood alcohol test is taken by the employee within eight (8) hours of the accident or if no sample of blood or urine is taken from the employee within thirty-two (32) hours of the accident, the reason for this failure shall be documented by the Personnel Litigation Commander and/or Background Sergeant. An employee involved in any motor vehicle accident requiring testing under this section may not consume any alcohol after the accident (1) for a period of eight (8) hours and/or (2) until the blood alcohol/drug test are performed; whichever occurs first. This post accident testing is managed by and shall be conducted in accordance with provisions of 49 CFR Section 382.30 and 49 CFR Section 390.5.

RETURN TO DUTY DRUG AND ALCOHOL TESTING/FOLLOW-UP CARE

If a covered employee fails to successfully pass a periodic, random, reasonable cause or post accident drug or alcohol test as described herein, that employee will not be assigned to or permitted to perform safety sensitive duties involving the operation or maintenance of the commercial motor vehicle until that employee has taken and passed the drug alcohol and drug screen test. In order to pass such a test, the employee must have a blood alcohol content of 0.02 percent or less and a verified negative result for controlled substance use. Each covered

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employee identified through the evaluation by EAP as needing assistance in resolving problems associated with alcohol use or controlled substance use, shall be subject to a program of rehabilitation and follow-up on the job testing for the following six (6) to twelve (12) months as required by 49 CFR Section 382.605.

TESTING RECORDS, SUMMARIES AND CONFIDENTIALITY

All records concerning testing under this policy shall be maintained pursuant to the requirements of 49 CFR Section 382.401 under the supervision of the Personnel Litigation Division of the Kern County Sheriff's Office in a secure location with controlled access. Records of commercial motor vehicle license holders, within the Sheriff's Office are kept and administered through the Transportation Sergeant. The Transportation Sergeant shall notify the Personnel/Litigation Commander of the timely requirement of such employees' drug/alcohol testing.

Records shall be retained within the Transportation Division for the following minimum periods:

- **Five years:**
 - Test results indicating an alcohol concentration of 0.02 percent or more and all positive controlled substance test;
 - Documentation of all refusals to test;
 - Calibration documentation;
 - Copy of each annual calendar year summary required by 49 CFR Section 382.403.
- **Two years:**
 - Records related to the alcohol and controlled substance collection process required to be maintained by 49 CFR Section 382.401(c).
- **One year:**
 - Records of negative and concealed controlled substance test and blood alcohol test results of less than 0.02 percent;
 - The records shall be made available upon written demand or lawful disclosure order to the Federal Highway Administration or any other public safety or regulatory agency.

A particular employee's record shall be made available to the employee on written request. A particular employee's record shall not be disclosed to any other third party except with the employee's written consent. Records may be disclosed to non-governmental third parties only upon lawful subpoena, issued with proof of notice to the employee under CODE OF CIVIL

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PROCEDURE Section 1985.4-1985.6 or upon order of a court of competent jurisdiction after application for disclosure by notice motion under EVIDENCE CODE Section 1040-1043.

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