

SAN BERNARDINO MUNICIPAL WATER DEPARTMENT

POLICIES & PROCEDURES MANUAL

POLICY 33.035 - DRUG, ALCOHOL, AND SUBSTANCE USE

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33.040 - April 18, 1994
31.150 - June 22, 1993
First Adopted: April 13, 2004 - BOWC Resolution 634

1. POLICY

1.1 The City of San Bernardino Municipal Water Department has a vital interest in maintaining a safe, healthy, and efficient working environment. Being under the influence of a drug or alcohol on the job poses serious safety and health risks to the user and to all those who work with the user. The use, sale, purchase, transfer, or possession of an illegal drug (including marijuana regardless of prescription) in the workplace, and the use, possession, or being under the influence of alcohol also poses unacceptable risks for safe, healthy, and efficient operations.

1.2 The Water Department has the right, and obligation, to protect the organization's property, information, equipment, operations and reputation.

1.3 The Water Department recognizes its obligations to the public for providing services, which are free of the influence of illegal drugs and alcohol and will endeavor through this policy to provide drug- and alcohol-free services.

1.4 The Water Department further expresses its intent through this policy to comply with federal and state rules, regulations or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.

1.5 As a condition of employment, all employees are required to abide by the terms of this policy. Employees are to notify the Water Department's management no later than five days after any criminal drug statute conviction arising from a violation occurring in the workplace.

2. PURPOSE

This policy outlines the goals and objectives of the Water Department's drug and alcohol testing program and provides guidance to supervisors and employees concerning their responsibilities for carrying out the program.

3. SCOPE

This policy applies to all sections of the department, all employees and all job applicants. The term "employee" includes contracted employees.

4. DEFINITIONS

4.1 **Accident** means a sudden unexpected event that causes injury to a person or damage to property.

4.2 **Injury** means any damage to a person's body which requires medical treatment beyond basic first aid, as defined by Cal/OSHA.

4.3 **Property damage** means any physical damage that must be repaired, or causes loss of use or destruction of, vehicles, equipment, or facilities. This policy applies only to damage to capital items and physical damage costing in excess of \$1,000.

4.4 **Alcohol** means any beverage that contains ethyl alcohol (ethanol), including but not limited to beer, wine and distilled spirits.

4.5 **Alcohol Impaired** means confirmed breath testing result with an alcohol concentration of below 0.08 and above 0.02, except for commercial licensed drivers who are under the requirement to be below 0.04 and above 0.02 or between 0.03 to 0.07. Because alcohol has the potential to impair an employee's physical and mental capabilities, an impaired employee has the potential of being a safety hazard to themselves, co-workers and the general public.

4.6 **Contraband** means any article possessed while at the Water Department workplace/worksites or while on Water Department business, that causes an employee to be in violation of this policy or the law. Contraband includes illegal drugs, alcoholic beverages, and drug paraphernalia.

4.7 **Drug testing** means the scientific analysis of urine, blood, breath, saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a drug or alcohol.

4.8 **Illegal drug** means any drug which is not legally obtainable and/or is prohibited by federal law; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level other than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples of illegal drugs are cannabis substances (such as marijuana and hashish), cocaine, heroin, methamphetamine, phencyclidine (PCP), and so-called designer drugs and look-alike drugs.

4.9 **Injury** means any harm, hurt, impairment, or damage done to a person, person's health or property by way of an accident,

incident or wrongful action.

4.10 **Legal drug** means any prescribed drug (with the exception of marijuana) or over-the-counter drug that has been legally obtained and is being used as prescribed or for its manufactured purpose.

4.11 **Reasonable belief** means a belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is unable to satisfactorily perform his or her job duties due to drug or alcohol impairment. Such inability to perform may include, but is not limited to, decreases in the quality or quantity of the employee's productivity, judgment, reasoning, concentration and psychomotor control, and marked changes in behavior. Accidents, deviations from safe working practices and erratic conduct indicative of impairment are examples of "reasonable belief" situations.

4.12 **Under the influence** means a condition in which a person has tested positive for drugs and/or alcohol. A positive under the influence test for drugs is any amount that exceeds the established laboratory cutoff levels. A positive test for alcohol is an alcohol concentration of 0.08 or higher for all employees who are not licensed commercial drivers and 0.04 or higher for commercial drivers. The symptoms of influence are not confined to those consistent with misbehavior, or to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of being under the influence will be established first by the identification of a reasonable belief that the employee is under the influence by a trained person, confirmed by either the Director, Safety Manager, General Manager or designee and then verified by a scientifically valid test.

4.13 **Workplace/Worksite** means all Water Department buildings, facilities, property, or vehicles, as well as any location where an employee is on duty.

4.14 **5 Panel Drug Test** means the standard DOT drug testing protocol, which will be the primary method used for drug testing. This test covers the five categories of drugs established by the federal government, which fall under "controlled substances." They are amphetamines, cocaine, marijuana, opiates and phencyclidine (PCP).

5. **TRAINING**

5.1 Supervisors and other management personnel are to be trained in:

A. detecting the signs and behavior of employees who may be using drugs or alcohol in violation of this policy;

B. intervening in situations that may involve violations of this policy;

C. recognizing the above activities as a direct job responsibility.

5.2 Employees are to be informed of:

A. the health and safety dangers associated with drug and alcohol use;

B. the provisions of this policy.

5.3 Unless waived in writing by the President of each Employee Association, no fewer than three (3) members of the Executive Boards of each Employee Association will receive training in the identification of behavior that constitutes a reasonable belief of being under the influence at the expense of the Water Department. In the event that an employee is under suspicion, that employee may request that a trained representative from his or her association be present during the investigation phase when an employee is identified as under suspicion. The employee representative shall not participate in the investigation in any fashion, but shall be permitted to be present.

5.4 After receiving training, all employees are required to sign and turn-in the Acknowledgment Form, which is found at Attachment 4.

6. PROHIBITED ACTIVITIES

6.1 Legal Drugs

A. The undisclosed use of any legal drug that affects the employee's capabilities to safely perform Water Department business is prohibited. Each employee must evaluate their capabilities to determine that such use does not pose a threat to safely perform their job. Employees must notify their supervisor if they have any concerns about safely performing their assigned work.

B. Employees may continue to work while taking a legal drug if, after consulting with the Water Department's safety and/or human resources officials, management has determined it is safe to do so. Otherwise, the employee may be required to take leave or other appropriate action, as determined by the Water Department management.

C. The Water Department at all times reserves the right to judge the effect that a legal drug may have on job performance or safety and to restrict the use during the employee's work activity or presence at the workplace accordingly.

6.2 **Illegal Drugs and Alcohol:** The use, sale, purchase, transfer, or possession of an illegal drug or of alcohol by any employee while on the premises of Water Department workplaces/ work sites is prohibited. For alcohol, employees shall not be

under the influence nor alcohol impaired while on duty. For marijuana, employees shall not be under the influence nor marijuana impaired while on duty.

7. DISCIPLINE

7.1 Any employee who possesses, distributes, sells, attempts to sell, or transfers illegal drugs on Water Department workplaces/work sites will be discharged.

7.2 Any employee who is found to be in possession of or under the influence of alcohol in violation of this policy will be subject to discipline up to, and including, discharge.

7.3 Any employee who is found to be alcohol impaired is in violation of this policy. The situation shall be documented, and the employee may be subject to discipline.

7.4 Any employee who is found to be using illegal drugs or consuming alcohol while on duty will be subject to discipline up to and including termination. On Duty includes paid and unpaid breaks, meal periods, and while on call.

7.5 Any employee who is found to be in possession of contraband in violation of this policy will be subject to discipline up to and including discharge.

7.6 Any employee who has a positive drug test result, including marijuana or alcohol, will be subject to discipline up to and including discharge; however, depending on the circumstances of the case and the employee involved, the employee may be offered a one-time opportunity to enter into a Last Chance Agreement.

7.7 Employees with a Last Chance Agreement will be subject to unannounced drug or alcohol testing. Upon return to work, following execution of a Last Chance Agreement, the employee will be subject to unannounced drug or alcohol testing for a period of 24 months. Any test that is confirmed as positive after signing a Last Chance Agreement will result in discharge.

8. DRUG AND ALCOHOL TESTING OF JOB APPLICANTS

8.1 All applicants for employment, including applicants for part-time and seasonal positions and applicants who are former employees, are subject to drug and alcohol testing.

8.2 An applicant must have a negative drug and alcohol test to be considered for employment.

8.3 An applicant will be notified of the Water Department's drug and alcohol testing policy prior to being tested; will be informed in writing of his or her right to refuse to undergo such testing; and will be informed that the consequence of refusal is

termination of the pre-employment process.

8.4 An applicant will be provided written notice of this policy, and by signature will be required to acknowledge receipt and understanding of the policy.

8.5 If an applicant refuses to take a drug or alcohol test, or if evidence of the use of illegal drugs or alcohol by an applicant is discovered, either through testing or other means, the pre-employment process will be terminated.

9. DRUG AND ALCOHOL TESTING OF EMPLOYEES

9.1 The Water Department will notify employees of this policy by:

A. Providing to each employee a copy of the policy and obtaining a written acknowledgement from each employee that the policy has been received and read.

B. Announcing the policy in various written communications and making presentations at employee meetings.

9.2 The Water Department may perform drug or alcohol testing:

A. Of any employee who manifests "reasonable belief" behavior. (See Attachment 1)

B. Of any employee who is involved in an accident resulting in injury or property damage, as defined in this policy.

C. Of any employee who is subject to drug or alcohol testing pursuant to federal or state rules, regulations, or laws.

9.3 Immediate reporting of accidents, as defined by this policy, is a critical aspect of investigation and of drug or alcohol testing.

A. Employees must immediately report accidents to their supervisor, within 5 minutes of the accident. Medical treatment of the injured and securing an accident site are the only priorities over notification of the supervisor.

B. Supervisors must inform their Director or manager, as well as Safety, within 30 minutes of the supervisor's discovery of, or notification by an employee, of an accident.

C. Failure to report accidents as required by this policy may result in disciplinary action.

9.4 An employee's consent to submit to drug or alcohol testing, as specified herein, is required as a condition of employment. The employee's refusal to consent may result in disciplinary action, including discharge, for a first refusal or any subsequent refusal. The Consent Form is found at Attachment 2.

9.5 An employee who is tested in a "reasonable belief" situation may be placed on administrative leave pending receipt of written test results and whatever inquiries may be required.

9.6 In the event that an employee is under suspicion, that employee may request that a trained representative from his or her association be present during the investigation phase when an employee is identified as being under suspicion. The employee representative shall not participate in the investigation in any fashion, but shall be permitted to be present as an observer.

9.7 To the extent reasonably possible, the confirmation of reasonable belief shall be conducted in a fashion so as to minimize disruption to the Department and to ensure employee confidentiality.

10. DRUG TESTING PROCEDURES

10.1 Drug testing will primarily be done through urine specimens, collected under highly controlled conditions at a medical facility, in a location that affords privacy to the person being tested. Specimen collection procedures require security for the collection site; chain of custody documentation; integrity and identity of the specimen; and transportation to the certified laboratory.

10.2 The urine specimen will be collected and placed into two containers, which is called the "split sample" method. One of the containers is forwarded to the laboratory where the tests are performed. The initial test is the immunoassay test, a simple screening test to determine the presence of drugs.

10.3 If the result of the initial immunoassay test is "negative", no additional tests on the specimen will be done. The testing laboratory will advise the medical facility that the drug test was negative. The medical facility will then notify the Water Department.

10.4 If the initial immunoassay test results exceed the established cutoff levels for any of the five drug classes, the test is identified as "positive" for substance abuse and a second "confirmation" test must be performed. This confirmation test is done using a sophisticated gas chromatography/mass spectrometry technique.

10.5 Only specimens that are confirmed as "positive" on the confirmation test will be reported as positive.

10.6 If the first container specimen tested as positive, an employee may request that the second container specimen be sent to a different certified lab for testing. The employee must advise the Water Department within 72 hours of being notified of the positive test, if the second container testing is desired.

10.7 If the second container specimen testing result is negative, the Department shall accept that the testing for drugs was negative.

10.8 The Water Department reserves the right to use alternative forms of drug testing such as saliva, hair, tissue, and other specimens of the human body for the purpose of detecting a drug.

11. ALCOHOL TESTING PROCEDURES

11.1 Most alcohol testing is done by breath testing, because breath is an easily obtained bodily substance and the results are known within minutes.

11.2 The testing device is a scientific instrument that determines the concentration of alcohol in a person's blood.

11.3 The person giving the test must be trained and be documented as proficient on the device being utilized.

11.4 The alcohol testing will be done at a medical facility in a location that affords privacy to the person being tested.

11.5 A test may have two separate parts. The initial test called a screening test may be done on a non-evidential screening device such as a "breath analyzer" or device that measures alcohol content in the saliva.

11.6 If the initial test shows a reading of 0.02 or less, the test is recorded as "negative" and no additional alcohol tests will be conducted.

11.7 If the initial test result is greater than 0.02, a confirmation test will be done. The confirmation test must be done on an evidential breath-testing (EBT) device.

11.8 The device will immediately read the results of the test and will print out copies of the test results.

11.9 If the confirmation test result is less than 0.08 for non-commercial or 0.04 for commercial licensed drivers, the test is also recorded as a "negative" test for being under the influence.

11.10 If the confirmation test is 0.08 or higher for non-commercial or 0.04 or higher for commercial licensed drivers, the test is deemed as positive for being under the influence of alcohol. Because employees under the influence of alcohol are a potential safety hazard to themselves, co-workers and the general public, they shall not be allowed to remain on duty. The employee shall immediately be placed on administrative leave and shall not be allowed to drive home.

11.11 If the confirmation test results are at or between 0.03 and 0.07, above 0.02 and below 0.08 for non-commercial or 0.04 for commercial drivers, the test is deemed as a potential for alcohol impairment. The employee will meet with the supervisor before returning to work and review the test results. The employee and supervisor will discuss the possible level of impairment, the safety requirements of that employee's job and attempt to reach a consensus on the advisability of returning to work. The employee

may opt to use available leave balances to not return to work. If the employee believes that he or she can safely return to work, but the supervisor and director disagree with the employee, the employee may be placed on administrative leave, will not be allowed to continue working, shall not be allowed to drive home and will be placed in a "no pay" status for the remainder of that workday. Discussion about alcohol impairment and decisions on return to work shall be documented on an Employee Consultation Form.

12. APPEAL OF A DRUG OR ALCOHOL TEST RESULT

12.1 An applicant or employee whose drug or alcohol test reported positive will be offered the opportunity to give an explanation. The purpose will be to determine if there is any plausible reason that a positive finding could have resulted from some cause other than drug or alcohol use. The Water Department, through its safety and/or human resource officials, will judge whether an offered explanation merits further inquiry.

12.2 An employee whose drug or alcohol test is reported positive will be offered the opportunity to:

A. Obtain and independently test, at the employee's expense, the remaining portion of the urine specimen that yielded the positive result.

B. Obtain the written test result and submit it to an independent medical review at the employee's expense.

12.3 During the period of an appeal and any resulting inquiries, the pre-employment selection process for an applicant will be placed on hold, and an employee may be placed on administrative leave.

13. REHABILITATION AND EMPLOYEE ASSISTANCE

13.1 Rehabilitation assistance in lieu of discharge may be offered to:

A. Any employee who has requested rehabilitation assistance, provided that the request is unrelated to an identification of the employee as a violator of this policy.

B. Any employee who has violated this policy, provided that the violation does not involve selling or transferring illegal drugs, or serious misconduct.

13.2 Rehabilitation assistance given by The Water Department will be:

A. Limited to those medical benefits that may be available in the employee's medical benefits plan.

B. Obtained by the employee during times that will not conflict with the employee's work time, except that the employee may use any available sick leave, annual leave to be absent from

the job in a pay status or may use FMLA in a non-pay status.

13.3 Affected employees may use the Water Department's Employee Support Services (ESS) plan on a no cost basis. Information regarding the ESS is available from Water Department Human Resources.

13.4 Employees offered rehabilitation assistance in lieu of discharge must sign a "Last Chance Agreement". This agreement is found at Attachment 3.

14. INSPECTIONS AND SEARCHES

14.1 The Water Department may conduct unannounced general inspections and searches for drugs or alcohol on Water Department workplaces/work sites, in areas where no reasonable expectation of privacy arises. Inspections and searches may include all workplaces/work sites and Water Department-owned office furniture, lockers, toolboxes, computers, vehicles or equipment, wherever located. It is not reasonable to expect that Water Department-owned property carry an expectation of privacy. Employees are expected to cooperate in any legal search.

14.2 An employee's consent to a search of those areas for which no reasonable expectation of privacy is warranted is required as a condition of employment. An employee's refusal to consent in this case may result in disciplinary action, including discharge, even for a first refusal.

14.3 Illegal drugs, drugs believed to be illegal and drug paraphernalia found on Water Department property will be turned over to the appropriate law enforcement agency and full cooperation given to any subsequent investigation. Substances that cannot be identified as an illegal drug by a layman's examination will be turned over to a forensic laboratory for scientific analysis.

14.4 Other forms of contraband, such as drug paraphernalia, will be subject to seizure during an inspection or search. An employee who is found to possess contraband on Water Department workplaces/work sites will be subject to discipline up to and including discharge.

14.5 If an employee is the subject of a drug-related investigation by the Water Department or by a law enforcement agency, the employee may be placed on administrative leave pending completion of the investigation.

15. CONFIDENTIALITY

All information relating to drug or alcohol testing or the identification of persons as users of drugs and alcohol will be protected by the Water Department as confidential unless otherwise required by law, there are overriding public health and safety concerns, or authorized in writing by the persons in question.

Policy Review

Substantive changes Board Approved	<u>5/8/2018</u>
No changes:	<u>7/2019</u>
No Changes:	<u>7/2020</u>
Substantive changes Board Approved:	<u>8/24/2021</u>

**SUPERVISOR'S CHECKLIST FOR MAKING
REASONABLE BELIEF DETERMINATION**

Employee's Name _____

Department _____

Date & Time _____

KNOWING THE SIGNS

The indicators listed below are "warning signs" of drug and/or alcohol abuse and may be observed by supervisors:

Moods:

- Depressed
- Anxious
- Irritable
- Suspicious
- Complains about others
- Emotional unsteadiness (e.g., outbursts of crying)
- Mood changes after lunch or break

Actions:

- Withdrawn or improperly talkative
- Spends excessive amount of time on the telephone
- Argumentative
- Has exaggerated sense of self-importance
- Displays violent behavior
- Avoids talking with supervisor regarding work issues

Absenteeism:

- Acceleration of absenteeism and tardiness, especially Mondays, Friday, before and after holidays
- Frequent unreported absences, later explained as "emergencies"
- Unusually high incidence of colds, flu, upset stomach, headaches
- Frequent use of unscheduled vacation time
- Leaving work area more than necessary (e.g., frequent trips to water fountain and bathroom)
- Unexplained disappearances from the job with difficulty in locating employee
- Requesting to leave work early for various reasons

Accidents:

- Taking of needless risks
- Disregard for safety of others
- Higher than average accident rate on and off the job

**SUPERVISOR'S CHECKLIST FOR MAKING
REASONABLE BELIEF DETERMINATION**

Work Patterns:

- Inconsistency in quality of work
- High and low periods of productivity
- Poor judgment/more mistakes than usual and general carelessness
- Lapses in concentration
- Difficulty in recalling instructions
- Difficulty in remembering own mistakes
- Using more time to complete work/missing deadlines
- Increased difficulty in handling complex situations

Relationship to Others on the Job:

- Overreaction to real or imagined criticism (paranoid)
- Avoiding and withdrawing from peers
- Complaints from co-workers
- Borrowing money from fellow employees
- Persistent job transfer requests
- Complaints of problems at home such as separation, divorce and child discipline problems

OBSERVING AND DOCUMENTING CURRENT INDICATORS

Patterns of any of the above conduct or combinations of conduct may occur but must be accompanied by indicators of impairment in order to establish "reasonable belief." Please check all indicators listed below that are **currently** present:

- | | |
|---------------------------------|--------------------------------|
| _____ Constricted pupils | _____ Drowsiness |
| _____ Dilated pupils | _____ Odor of alcohol |
| _____ Scratching | _____ Nasal secretion |
| _____ Red or watering eyes | _____ Dizziness |
| _____ Involuntary eye movements | _____ Muscular incoordination |
| _____ Sniffles | _____ Unconsciousness |
| _____ Excessively active | _____ Inability to verbalize |
| _____ Nausea or vomiting | _____ Irritable |
| _____ Flushed skin | _____ Argumentative |
| _____ Sweating | _____ Difficulty concentrating |
| _____ Yawning | _____ Slurred speech |
| _____ Twitching | _____ Bizarre behavior |
| _____ Violent behavior | _____ Needle marks |

_____ Possession of paraphernalia (such as syringe, bent spoon, metal bottle cap, medicine dropper, glassine bag, paint can, glue tube, nitrite bulb, or aerosol can)

_____ Possession of substance that appears to possibly be a drug or alcohol

Other _____

SUPERVISOR'S CHECKLIST FOR MAKING

REASONABLE BELIEF DETERMINATION

DETERMINING REASONABLE BELIEF

If you are able to document one or more of the indicators above, ask yourself these questions to establish reasonable belief:

Y N

- [] [] Has some form of impairment been shown in the employee's appearance, actions or work performance?
- [] [] Does the impairment result from the possible use of drugs or alcohol?
- [] [] Are the facts reliable? Did you witness the situation personally, or are you sure that the witness(es) are reliable and have provided firsthand information?
- [] [] Are the facts capable of explanation?
- [] [] Are the facts capable of documentation?
- [] [] Is the impairment current, today, now?

Do NOT proceed with reasonable belief testing unless all of the above questions are answered with a YES.

TAKING ACTION

- _____ Reasonable belief established
- _____ Reasonable belief NOT established

Prepared by:

Supervisor's/Manager's Name:

Supervisor's/Manager's Signature:

**CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT**

APPLICANT'S CONSENT TO DRUG/ALCOHOL TESTING

I understand it is the policy of the Water Department to conduct drug and/or alcohol tests of job applicants for the purpose of detecting drug and/or alcohol abuse, and that one of the requirements for consideration of employment is the satisfactory passing of the drug and/or alcohol test(s).

For the purpose of being further considered for employment, I hereby agree to submit to a drug and/or alcohol test.

I understand that favorable test results will not necessarily guarantee that the Water Department will employ me.

If I am accepted for employment, I agree to take drug and/or alcohol tests whenever requested by the Water Department, and I understand that the taking of such tests is a condition of my continued employment.

I also give consent to the testing agency to release to the Water Department and other officially interested parties the results of my tests.

At this time, I consent to a drug and/or alcohol test.

(Signature of applicant)

(Date signed)

(Printed name of applicant)

(Signature of witness)

**CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT**

LAST CHANCE AGREEMENT

I have received a copy of the City of San Bernardino Municipal Water Department's Policy 33.035 - DRUG, ALCOHOL AND SUBSTANCE USE. I fully understand the provisions and acknowledge that compliance with the Policy is a condition of continued employment.

I hereby acknowledge that I have entered or will enter a treatment or rehabilitation program for alcohol or drug abuse, in a program which is satisfactory to the City of San Bernardino Municipal Water Department. I agree to complete the program, perform the duties of my job in accordance with standards of performance reasonably expected, and comply with the Water Department's rules, including the City of San Bernardino Municipal Water Department Policies. I agree to consent, for up to 24 months, to undergo physical or psychological examinations, and/or to random testing of my blood, urine or other body specimens for alcohol, drugs or their metabolites. I understand that a violation of said Policy or a breach of this Agreement may result in disciplinary action, up to and including discharge.

Employee's Name (Printed)

Date

Employee's Signature

Witness Signature

**CITY OF SAN BERNARDINO
MUNICIPAL WATER DEPARTMENT**

**EMPLOYEE NOTICE AND ACKNOWLEDGEMENT OF THE
WATER DEPARTMENT'S TESTING REQUIREMENTS**

PART 1: NOTICE

This is to inform you that the Water Department conducts testing to identify job applicants and current employees who may be abusing drugs and/or alcohol.

A copy of the policy is either attached to this notice or will be given to you upon request.

You have the right to refuse to undergo testing. However, the consequences of refusal to undergo testing or a refusal to cooperate in testing by an applicant will result in the termination of the pre-employment selection process, and the consequences of refusal to undergo testing or a refusal to cooperate in the testing by an employee will result in disciplinary action, up to and including discharge.

An applicant who fails a test will not be hired, and an employee who fails a test will be subject to disciplinary action, up to and including discharge.

Remaining drug and/or alcohol-free and participation in the Water Department's drug and/or alcohol testing program is a condition of continued employment.

PART II: ACKNOWLEDGEMENT

I acknowledge receipt and understanding of the above written notice of the Water Department's Testing Requirements from Policy 33.035 - Drug, Alcohol, and Substance Use.

(Signature) (Date signed)

(Printed name)

(Signature of witness) (Date signed)

**ACKNOWLEDGEMENT OF MANDATORY COMPLIANCE WITH
CITY OF SAN BERNARDINO MUNICIPAL WATER DEPARTMENT POLICY ON
DRUG, ALCOHOL, AND SUBSTANCE USE**

I hereby acknowledge receipt of the City of San Bernardino Municipal Water Department Policy on Drug, Alcohol, and Substance Use (Policy No. 33.035). I understand that compliance with this policy is mandatory and violation of this policy may result in discipline up to and including termination.

DATE

Employee Signature

Employee Name (Print)