

Substance Abuse Coordination Committee Meeting - March 3, 2009

- Caltrans is committed to providing a safe, productive, drug and alcohol-free work environment to foster the well-being and health of its employees and to protect the traveling public from harm in connection with its operations.
- It is Caltrans policy that no one reports to work under the influence of illegal drugs or alcohol or uses prescription drugs illegally.
- To assist in ensuring this commitment to its workers and the traveling public Caltrans established The Office of Drug and Alcohol Programs (ODAP) in 1993 and delegated the responsibility of implementing a drug and alcohol testing program consistent with applicable regulations.
- The Caltrans Office of Drug and Alcohol Programs met that responsibility and has developed into a program fully involved in overseeing all components of drug and alcohol testing for approximately 8,000 Caltrans employees.
- Approximately 5000 of these employees operate vehicles meeting the criteria for federally defined commercial motor vehicles.
- These 8000 employees work in a capacity where the potential for harm is met on a daily basis, and therefore have the distinction of being identified in the classification of safety-sensitive employees.
- Safety-sensitive classifications are briefly defined as positions that have a greater than normal level of responsibility for or impact on the health and safety of others and where errors in judgment, inattentiveness or diminished coordination could clearly result in mistakes that could result in endangering the health and safety of others.
- The Office of Drug and Alcohol Programs monitors these classifications and as part of the conditional job offer, in addition to meeting all other requirements, each candidate is required to submit to and pass a mandatory pre-employment drug screen prior to appointment into state service.
- The Office of Drug and Alcohol Programs is responsible for coordinating all aspects of the drug and alcohol testing process and includes not only the pre-employment testing but the random testing for the commercial motor vehicle drivers – (briefly explain processes), the return-to-duty testing for persons completing a rehabilitation program that is administered prior to an employee returning to duty, follow-up testing as determined by a qualified substance abuse professional, Post-accident testing for commercial motor vehicle drivers when the

criteria is met and reasonable suspicion drug and alcohol testing when a trained supervisor suspects an employee is under the influence while on duty.

- In addition, we are responsible for the actions of our agents that assist in carrying out the testing process.
- Our office monitors the collection site testing process, and resolves issues when shy bladder, shy lung and testing issues occur.
- We are also provide oversight to the Laboratory, Medical Review Officer and Substance Abuse Professional processes ensuring the employees rights and compliance with applicable state and federal testing rules and regulations.

○ HOW DOES CALTRANS IDENTIFY EMPLOYEES WHO MAY HAVE A PROBLEM WITH DRUGS AND/OR ALCOHOL”?

- To assist Caltrans supervisors in identifying employees who may have a problem with drugs and/or alcohol the Office of Drug and Alcohol Programs provides mandatory in-house training for supervisors of safety-sensitive employees in the reasonable suspicion drug and alcohol testing process.
- This training focuses on recognizing the signs of and symptoms of Cocaine, Marijuana, Opiates, Phencyclidine, and Methamphetamines and Alcohol.
- Based on their training and observations the Caltrans supervisor may order an employee to a reasonable suspicion drug and alcohol test when the “Good Faith Belief” exists indication an employee may be under the influence and has violated prohibited conduct.
 - State Prohibited Conduct – DPA 599.960
 - 1) Use, possess or be under the influence of illegal or unauthorized drugs or other mind altering substances; or
 - 2) Use or be under the influence of alcohol to any extent that would impede the employee’s ability to perform his or her duties safely and effectively
 - Federal Prohibited Conduct – 49 CFR Part 382
 - 1) use illegal drugs,
 - 2) report for duty or be on duty with alcohol of 0.04 or greater,
 - 3) use alcohol while on duty,
 - 4) use alcohol within four (4) hours of performing safety-sensitive functions.

- Caltrans requires that all supervisors attend Reasonable Suspicion training upon entering into a supervisor classification and also requires that each supervisor attend a refresher training session every three years.
- Supervisors needing assistance after hours also have the ability to contact the Office of Drug and Alcohol Programs twenty-four hours a day, seven days a week whenever they have questions or concerns about an employee and receive guidance and if necessary have reasonable suspicion drug and alcohol testing conducted.
- **WHEN SHOULD SUBSTANCE ABUSE BECOME OF INTEREST TO BOARDS AND BUREAUS?**
 - Problems associated with substance abuse should be of ongoing interest to us all, as it is a never ending battle and appears that it will continue at all levels and lifestyles.
 - Caltrans expressed its interest in substance abuse by establishing the Drug Free Workplace Policy and establishing the Office of Drug and Alcohol Programs as the responsible program in 1993.
 - At that time Caltrans also addressed the concept of “Safety-Sensitive” employees and established “designated safety-sensitive positions” based on the level of work being done by its employees in these positions.
 - Using the State Personal Boards Rules for Hiring and the Department of Personal Administrations definitions of safety-sensitive classifications Caltrans established drug and alcohol testing positions and began testing its employees.
 - In 1995 when Federal regulations were placed into law by the United States Department of Transportation for persons operating commercial vehicles, Caltrans expanded its testing requirements and began testing its employees meeting the criteria of Commercial Motor Vehicle Drivers and established a random testing database by placing approximately 5000 Caltrans drivers into the mandatory random drug and alcohol testing pool.
 - Today approximately 5000 drivers remain in the random pool who are subject to the frequent unannounced drug and alcohol testing requirements.

HOW SHOULD IT BE DETERMINED THAT SUBSTANCE USE/ABUSE POSE A POTENTIAL THREAT TO THE PUBLIC?

- In its operations safety is the number one priority within Caltrans and an emphasis on the importance of understanding the seriousness of employees working in a diminished capacity is ever present.

- Caltrans understands that the illegal use of drugs and the misuse of alcohol has a negative impact and that anyone who uses or abuses a controlled substance or misuses alcohol creates a greater than normal potential for harm to themselves and the public by working in a diminished capacity.
- Based on this understanding Caltrans determined the need to established safety-sensitive positions to minimize the potential of harm to its employees and the traveling public.
- Through its testing and training processes, Caltrans supervisors understand how to recognize these issues and have been empowered to take pro-active measures designed to reduce the potential for threatening situations.
- **WHAT IS A MINOR/MAJOR SUBSTANCE ABUSE VIOLATION AND WHAT FACTORS SHOULD BE USED TO DETERMINE THE LEVEL OF VIOLATION?**
 - When the need for discipline is determined by Caltrans for a substance abuse violation, it is not based on a minor or major infraction.
 - Discipline is based on receiving notification from a Medical Review Officer or Certified Breath Alcohol Technician that an employee has failed or refused a test.
 - Caltrans basic principle of discipline is to provide equal treatment for equal offenses including any other issues that accompany problems associated with substance abuse (e.g., absenteeism, changes in work performance, etc.).
 - During the disciplinary process certain factors are taken into consideration and are used to determine an appropriate level of action.
 - It is those factors that have an impact on whether or not an employee would receive the opportunity for rehabilitation.
 - Each action the Office of Drug and Alcohol Programs prepares is prepared on a case by case basis and each case is decided on its own merit.
 - Also taken into consideration is the likelihood of recurrence and the potential for harm to themselves, and those around them.
 - Employees who are provided an opportunity for rehabilitation also understand that should they fail to meet the rehabilitation requirements they will be terminated from state service.
 - In addition, after returning to work employees understand that should they fail or refuse any follow-up test or any additional testing required of their classification, they will be terminated from state service with no additional opportunities for rehabilitation.
- It is important to understand that Caltrans is committed to assisting its employees and upon a notice of violation, first considers rehabilitation in lieu of formal

termination. This offer is made when established criteria is met and provided the employee is willing to seek and accept assistance.

- In the majority of cases employee will be offered the opportunity to enter into a program that will assist them in overcoming their problems associated with alcohol misuse or problems with the use of controlled substances.
- In these situations, an employee is provided with an agreement outlining the requirements for meeting with a qualified Substance Abuse Professional (SAP) and undergoing any program recommended by the SAP prior to returning to work and then, based on the SAP's determination, placed into a follow-up testing program in addition to any current testing requirements.
- Caltrans is proud to report that many employees who have overcome their problems associated with drugs and alcohol are still employed and have promoted through the ranks using their experience to identify employees under the influence and assist other employees in overcoming their problems with drugs and alcohol.

Caltrans is always willing to assist its employees with substance abuse problems and based on that willingness has developed a Drug and Alcohol Free Employment Agreement that is offered when an employee voluntarily comes forward.

The agreement is similar to our stipulated settlement agreement; however there is no penalty assessed on the employee for voluntarily disclosing their problem and assistance is provided.

This agreement is designed to allow the employee to remain at work on a modified work plan while undergoing the evaluation and rehabilitation programs. Upon meeting the requirements the employee is returned to their regular work assignments and placed into a follow-up testing plan as recommended by the substance abuse professional

Caltrans takes pride in its efforts to assist its employees and provides outreach in the form of worksite presentations at safety and tailgate meetings, newsletters providing relevant information and through is Caltrans employee based Substance Abuse Information Network consisting of employees who have overcome their problems associated with controlled substances and alcohol who have rehabilitated and are again productive employees within our agency.

In conclusion, I would like to thank the committee for allowing Caltrans the opportunity to share our information with you today. It is indeed a pleasure and privilege to be here today. Thank you.