



# Lake Shastina Community Services District

RESOLUTION NO. 3-97

A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT  
REGARDING USE OF ILLEGAL DRUGS AND ALCOHOL INTOXICATION BY  
DISTRICT EMPLOYEES AND DIRECTING TESTING  
OF CERTAIN DISTRICT PERSONNEL

WHEREAS, it is the intent of the District to operate in an environment free of illegal drug use, and alcohol; and,

WHEREAS, the illegal use of drugs, or alcohol, or being under the influence, jeopardizes the welfare and safety of District employees and of the public whom they serve, as well as their productivity and efficiency;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. PROHIBITED USE. The use, possession, distribution, or sale of alcohol or illegal drugs at the workplace, or elsewhere while conducting District business, is prohibited and considered a willful violation of District Policy.

2. TESTING OF NEW EMPLOYEES. The District will require pre-employment drug screening for all candidates considered for employment. These practices are designed to avoid the hiring of individuals whose use of illegal drugs indicates a potential for impairment or unsafe job performance.

3. RANDOM TESTING OF EXISTING EMPLOYEES. The District reserves the right periodically to order blood tests, urinalyses, or other drug or alcohol tests for all public safety employees (police and fire), on a random basis at the direction of the District General Manager, who shall determine which additional types or categories of employees are, by the nature of their work, to be subject to such random testing. In doing so, the General Manager shall consider public safety and security, and such other compelling factors as may from time to time be recognized by law. Employees with regular work hours shall be tested only during scheduled work periods. On-call employees may be called in for testing, and shall be paid for such time in the same manner as work.

4. INDIVIDUALIZED TESTING. The District General Manager or Department Head may order an employee reasonably suspected of being under the influence of illegal drugs or of alcohol intoxication to immediately, or at any later time, to take a blood test or urinalysis or other drug or alcohol tests. After the test, the employee will be placed on an immediate suspension from work, with pay, until the results are obtained. No employee who is suspected under this section shall be permitted to operate a motor vehicle to transport himself or herself to any testing facility.

5. CONDUCT OF TESTS. The tests are to be conducted in a professional manner and which imposes the least possible intrusion on the privacy of the tested employee, as determined by the District General Manager. The District may, but is not required to, allow a subsequent test in the event that there is reason to believe that a "false positive" result may have been given because of the employee's lawful ingestion of drugs or other substances. The results of all tests shall be confidential. The results may only be used for internal purposes and not turned over to the District Attorney for criminal prosecution, or subsequent prospective employers, or to any District personnel other than those authorized by the General Manager. Test results shall not be kept in the employee's personnel file, but shall instead be maintained by the District General Manager in a separate file.

6. COST OF TESTS. The District will bear the cost of all testing of all existing employees. In the event of a positive result during the initial pre-employment screening, the applicant has the option to bear the costs of a secondary test.

7. REFUSAL TO SUBMIT TO TESTING. Failure of any employee to consent or submit to testing, when requested to do so, shall result in immediate termination.

8. DISMISSAL OF EMPLOYEE. Any employee who tests positive for illegal drugs, or alcohol intoxication, shall be subject to immediate termination for violation of District policy. The test results shall not be made public.

9. EFFECTIVE DATE OF POLICY; PUBLICATION. This policy shall be effective and enforceable immediately upon its adoption, without prior notice. As soon as possible, the District General Manager shall cause a copy hereof to be posted in

CONSENT TO DRUG AND ALCOHOL TESTING

I, the undersigned, hereby consent to allow the Lake Shastina Community Services District to collect urine and/or blood specimens, at its option, from me for testing for alcohol, drugs, and controlled substances. I also give my consent to the release of the test results to appropriate management employees. I understand that if I decline to sign this consent and decline to take the test at the time required my application for employment with the District may be rejected or my employment may be terminated.

Consent Given: \_\_\_\_\_ Date \_\_\_\_\_  
(Signature)

Consent Refusal: \_\_\_\_\_ Date \_\_\_\_\_  
(Signature)

Reason Given for Refusal: \_\_\_\_\_

Witness: \_\_\_\_\_ Date \_\_\_\_\_  
(Signature)

places where it can be read by District employees, and shall likewise obtain from each such employee an acknowledgment of receipt of a copy and a pledge to comply.

10. "EMPLOYEE" DEFINED. For the purposes of this Resolution, the term "employee" includes but is not limited to persons who are employed by the District for compensation, student trainees and volunteer staff, including members of the Lake Shastina Volunteer Fire Department.

11. CONSENT FORM. Every employee and prospective employee shall be required to sign a consent to Drug and Alcohol Test form to be approved by District General Manager.

YES 4 NO 0


(Requires approval by 2/3 of votes cast.)


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I hereby certify that the foregoing is a full, true and correct copy of Resolution 3-97 duly passed and adopted by the Board of Directors of the Lake Shastina Community Services District, Siskiyou County, California, at a special meeting thereof duly held on the 21st day of May, 1997, by the following vote:

ROLL CALL VOTE:

AYES AND IN FAVOR THEREOF: Dean, Johns, McDowell, Wallace  
NOES: None  
ABSENT: Brezinsky  
ABSTAIN: None

  
\_\_\_\_\_  
DONALD WALLACE, CSD President

ATTEST:  
  
\_\_\_\_\_  
NINA EVANS, District Secretary

IV. APPROVE MINUTES OF REGULAR MEETING, 2/19/97:

\* Director Dean moved to approve minutes as written. The motion was duly seconded by Director McDowell, upon vote, **motion carried.**

V. PUBLIC COMMENT:

NONE:

Director Wallace introduced Lou Tepfer of **SHASTA VIEW GOLF VILLAGE**, who presented the modification to C.S.D. D.A. Recorded 12-23-92 in Siskiyou County. By reference incorporated herein. John Britt, designated negotiator, between Shasta View Golf Village and the Board, reported on expenditures such as \$29,000 paid in impact fees, to be paid to C.S.D. as permits are pulled from the county; accumulated stand-by fees; and \$41,000 transferred to the county. The modification sets up payment on a per unit basis and allows for C.S.D. to issue a paid receipt and the County to then issue each unit's permit, so sewer connections can be made. Remaining money to be placed in a fund to pay continuing stand-by fees. C.S.D. requested a written agreement from the county agreeing not to issue permits unless they have approval.

\* Director Johns moved to approve Modification to Agreement between C.S.D. and S.V.G.V. Motion was seconded by Director McDowell. Upon vote, **motion carried.**

Jill Tillinghast, from Personnel Preference, addressed the Board regarding the transition for setting up a Drug Free Work Place. By reference incorporated herein. The transition is in part due to the fact that our Rescue and Fire vehicles will now be carrying drugs that have restricted distribution. These drugs will also be stored at the fire station. Jill presented a sample of General Guidelines for Implementation of a Drug-Free Workplace and employment agreement used by her company. The standard would be for zero tolerance, no exceptions (for consistency).

Administrator Bare read to the Board A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LAKE SHASTINA COMMUNITY SERVICES DISTRICT REGARDING USE OF ILLEGAL DRUGS AND ALCOHOL INTOXICATION BY DISTRICT EMPLOYEES AND DIRECTING TESTING OF CERTAIN DISTRICT PERSONNEL (# 3-97). By reference incorporated herein.

\* Director Johns moved for the approval of Resolution 3-97. Director McDowell seconded the motion. President Wallace asked if there was any discussion.

John Britt noted that the Agenda read "Ordinance" 3-97 and should read "Resolution" 3-97.

Chief Spencer recommended adding for "internal use only" and "non-prosecutable" under # 5. CONDUCT OF TESTS

Director Johns requested "company business" be changed to "District business" in # 1. PROHIBITED USE

Jill suggested changing wording for zero tolerance. But stipulated that for random testing eliminate alcohol testing and only test alcohol under the "for cause" clause. A discussion

ensued regarding alcohol consumption (legal drug) by volunteers on their own time and when to use the "for cause" clause. Director Dean suggested that changing wording in # 7. REFUSAL TO SUBMIT TO TESTING from "may" result in immediate termination to "shall" result, will effectively make our policy a zero tolerance policy. He also asked Jill what Personnel Preference's role will be if Resolution is approved. Jill said her company would handle all pre-employment testing and paperwork. She also added that cost of extra lab work is \$49.50 and can be charged to any potential employee who denies a result is from illegal drug use. If the first result is shown to be a "false positive", the lab does not charge for the extra lab work. Director Johns retracted his motion to approve Resolution 3-97. Director McDowell retracted the second. President Wallace asked Administrator Bare to re-read Resolution 3-97 with suggested changes. Following the reading of Paragraph numbered five (5), discussion of "false positive" readings was brought up again. Jill recommended the use of Oregon Medical Labs to assist in further testing. Oregon Medical Labs is certified and can analyze specimens and break it into exact percents and causes within the reading.

\* Director Johns moved to adopt resolution 3-97 as changed and read. Director McDowell seconded the motion. Result of roll call vote was unanimous, motion carried.

A five minute break was called at 11:15 a.m. Meeting reconvened at 11:20 a.m.

**VI. BOARD MEMBER COMMENTS AND QUESTIONS:**

No comments or questions.

**VII. WRITTEN COMMUNICATION:**

A. "Bankruptcy and B. "Proposition 218" approved by consent agenda and incorporated herein.

**VIII. UNFINISHED BUSINESS:**

**A. REPORTS -**

1. LSCSD Combined Statement of Income & Expense and Balance Sheet, Period Ending 3/31/97. By reference incorporated herein. Approved by consent agenda.
2. L.S. Civic Services Cash Disbursements & Monthly Analysis for March, 1997. By reference incorporated herein. Approved by consent agenda.
3. Police Report for March 1997. By reference incorporated herein. Report by Police Chief, John Spencer: Training videos were discussed and trespassing problem was addressed.
4. Fire Report for March 1997. Included 16 incidences in February and March. Discussion on fire and rescue training and temporary structure cost of which went from \$50,000 to \$500,000. No longer considered a "burn" building. Now considered a training center. Fake smoke