

SECTION 4.2.16 Department of Transportation (DOT) DRUG/ALCOHOL TESTING LEAVE.

- (a) Definition. Leave from the employee's class and position required by the employee's appointing authority according to the conditions indicated under subsection (b) below. This leave shall be taken pursuant to the County's leave programs specified below under subsection (b) according to the employee's selection.
- (b) Conditions. This leave shall be required by the appointing authority according to the following conditions:
 - (1) An employee shall be placed on leave immediately if the following circumstances are present with respect to drug/alcohol testing required by the Omnibus Transportation Testing Act of 1991:
 - (a) Reassignment of the employee to non-safety- sensitive duties is not available; and
 - (b) The employee refuses the test by either: stating an intent not to submit to testing, failing to keep appointment for testing, or failing to provide a sufficient sample without adequate medical reason; or
 - (c) The employee tests positive for drugs and/or alcohol.
 - (2) If the above circumstances are present, the appointing authority shall place the employee on leave immediately under the following applicable leave programs. The employee may select which of the following applicable leave programs he/she wishes to be placed under during this required leave period. If the employee does not make a selection, the leave programs shall be in the order as listed:
 - (a) Sick Leave. Available only if the employee tests positive for drugs or alcohol (not available for refusal to test) and the employee has sick leave credits available.
 - (b) Vacation. If employee has vacation credits available.
 - (c) Compensatory time ("comp time off"). If employee has comp time off hours available.
 - (d) Leave Without Pay. The leave without pay programs available are Disability Leave Without Pay (available only if employee tests positive) and Miscellaneous Leave Without

Pay.

- (3) Notwithstanding the provisions of Sections 4.3.1 (Disability Leave) and 4.3.2 (Leave for Temporary County Positions), an employee who selects among the above indicated leave programs may take a leave without pay under either Leave of Absence Without Pay or Disability Leave without the requirement that the employee exhausts all applicable paid leave.

- (c) Duration. For the period of time it takes for the employee to be cleared by a County Substance Abuse Professional to return to his/her safety-sensitive duties, not to exceed the maximum period of leave for each applicable leave program in which the employee has been placed.

- (d) Eligibility. All employees (except those employees in classes designated AM, AS, CC, CS, DA, DI and DM) are subject to the provisions of this leave program.

(Added 05/26/95, Ord. No. 8526)
(Amended 12/04/01, Ord. No. 9405)
(Amended 01/18/08, Ord. No. 9912)