

CITY OF DIXON

**COMPENSATION PLAN FOR
TEMPORARY/SEASONAL EMPLOYEES**

Adopted by Resolution 16-163

December 13, 2016

TABLE OF CONTENTS

GENERAL

Section 1	Term of Plan
Section 2	Application

COMPENSATION

Section 3	Salary
Section 4	Mileage Reimbursement
Section 5	Public Agency Retirement System (PARS) replacement to Social Security

BENEFITS

Section 6	Holidays
Section 7	Sick Leave
Section 8	Health Insurance
Section 9	Deferred Compensation Plans
Section 10	Spanish Language Incentive

TESTING

Section 11	Controlled Substance and Breath Alcohol Testing
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GENERAL

Section 1 Term of Plan

This compensation plan shall be effective until the City Council acts to approve a new or amended plan thereafter.

Section 2 Application

This compensation plan applies to employees of the City of Dixon ("City"), who are employed in job classifications listed below as well as any class, who is hired in a temporary capacity and who are not represented by any recognized bargaining unit ("Employee").

Temporary/Seasonal

Aquatics Supervisor
Assistant Aquatics Supervisor
Audio Video Technician
Computer Support Technician
Departmental Intern
Facility Attendant
Lifeguard/Instructor
Police Recruit
Recreation Leader
Recreation Specialist I
Recreation Specialist II
Sports Coordinator
Student Worker
Swim Instructor/Guard

COMPENSATION

Section 3 Salary

The baseline schedules (attached hereto as Appendix A) will remain in effect until such time they are amended at a future date.

Section 4 Mileage Reimbursement

Due to the City's limited fleet of automobiles, and the possibility that selected positions may use their personal vehicles for City business, Employee is entitled to mileage reimbursement at the rate established by the Federal Government, IRS, and Dixon Resolution 99-088 for any required use of their personal vehicles for City business. Prior to use of personal vehicle for City business, proof of appropriate auto insurance must be on file with the Human Resources.

Section 5 Public Agency Retirement System (“PARS”) replacement to Social Security

The PARS Alternate Retirement System 457 Plan (“PARS ARS”) is an alternative retirement plan to Social Security for part-time, seasonal, and temporary employees which was adopted by City Council Resolution 10-161 on September 14, 2010.

All employees who are NOT eligible to participate in the Public Employees’ Retirement System (“CalPERS”) will be enrolled in the PARS ARS plan effective January 1, 2011.

A Notice of Exclusion from CalPERS Membership form will be completed upon hire.

BENEFITS

Section 6 Holidays

Fixed Holidays

The City observes eleven (11) fixed date holidays as follows:

January 1	New Years Day
3 rd Monday in January	Martin Luther King’s Birthday
3 rd Monday in February	Washington’s Birthday
Last Monday in May	Memorial Day
July 4	Independence Day
1 st Monday in Sept.	Labor Day
November 11	Veterans Day
4 th Thursday in Nov.	Thanksgiving Day
4 th Friday in Nov.	Day after Thanksgiving Day
December 24	Day before Christmas
December 25	Christmas Day

When a holiday falls on a Sunday, the following Monday is observed.

Temporary/Seasonal employees may be expected to work on fixed holidays. Temporary/Seasonal employees who work on a City Holiday will earn one and one half (1 ½) times their base hourly salary.

Section 7 Sick Leave

The City recognizes its responsibility to provide paid sick leave to eligible temporary/seasonal employees as described in the City’s Paid Sick Leave policy. The City’s Paid Sick Leave policy is attached hereto as Appendix B.

Section 8 Health Insurance

The City recognizes its responsibility to comply with the Affordable Care Act for eligible temporary/seasonal employees as described in the City's Affordable Care Act Compliance policy, attached hereto as Appendix C.

Section 9 457 Deferred Compensations Plans

Employees can voluntarily participate in the 457 Deferred Compensation Plans offered through the City. The money is invested in a tax sheltered investment program of Employee's choice. The amount that is deferred is tax free, and so is the interest that it earns. The investment is payable when the employee terminates employment or retires. The money becomes taxable when it is actually received. The City does not provide any matching funds for this plan.

Section 10 Spanish Language Incentive

Individuals who apply for and are certified by the City to possess appropriate Spanish language skills shall receive a differential of one hundred dollars (\$100) per month. Certification or re-certification of bilingual skills may be required as deemed appropriate and necessary. Certification shall be at the City's discretion and expense.

TESTING

Section 11 Controlled Substance and Breath Alcohol Testing

The purpose of random Controlled Substance Testing and Breath Alcohol Testing is to assure worker fitness for duty and to protect City employees and the public from risks posed by the use of alcohol and controlled substances.

As a result, all temporary/seasonal employees are subject to randomly selected, unannounced controlled substance testing and breath alcohol testing effective June 1, 2011. Any temporary/seasonal employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty and be immediately terminated. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

If an Employee has a confirmed positive controlled substance or alcohol test, he or she will be terminated from his or her position.

Please refer to City of Dixon Substance Abuse Policy for details attached hereto as Appendix D.

Appendix A

Effective December 25, 2016

	STEP A	STEP B	STEP C
Audio Video Technician	\$13.51	\$14.19	\$14.90
Assistant Aquatics Supervisor	\$12.16	\$12.77	\$13.41
Aquatics Supervisor	\$12.77	\$13.41	\$14.08
Computer Support Technician	\$19.34	\$20.31	\$21.33
Department Intern	\$10.50	\$11.03	\$11.58
Facility Attendant	\$10.50	\$11.03	\$11.58
Lifeguard/Instructor	\$11.03	\$11.58	\$12.16
Police Recruit	\$17.17		
Recreation Leader	\$10.50	\$11.03	\$11.58
Recreation Specialist I	\$10.50	\$11.03	\$11.58
Recreation Specialist II	\$11.28	\$11.84	\$12.43
Sports Coordinator	\$11.03	\$11.58	\$12.16
Student Worker	\$10.50	\$11.03	\$11.58
Swim Instructor/Guard	\$11.58	\$12.16	\$12.77

Effective December 24, 2017

	STEP A	STEP B	STEP C
Audio Video Technician	\$13.51	\$14.19	\$14.90
Assistant Aquatics Supervisor	\$12.73	\$13.37	\$14.04
Aquatics Supervisor	\$13.37	\$14.04	\$14.74
Computer Support Technician	\$19.34	\$20.31	\$21.33
Department Intern	\$11.00	\$11.55	\$12.13
Facility Attendant	\$11.00	\$11.55	\$12.13
Lifeguard/Instructor	\$11.55	\$12.13	\$12.73
Police Recruit	\$17.17		
Recreation Leader	\$11.00	\$11.55	\$12.13
Recreation Specialist I	\$11.00	\$11.55	\$12.13
Recreation Specialist II	\$11.28	\$11.84	\$12.43
Sports Coordinator	\$11.55	\$12.13	\$12.73
Student Worker	\$11.00	\$11.55	\$12.13
Swim Instructor/Guard	\$12.13	\$12.73	\$13.37

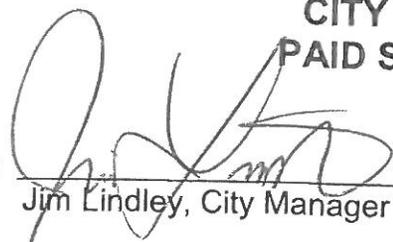
Effective December 23, 2018

	STEP A	STEP B	STEP C
Audio Video Technician	\$13.51	\$14.19	\$14.90
Assistant Aquatics Supervisor	\$13.89	\$14.59	\$15.32
Aquatics Supervisor	\$14.59	\$15.32	\$16.08
Computer Support Technician	\$19.34	\$20.31	\$21.33
Department Intern	\$12.00	\$12.60	\$13.23
Facility Attendant	\$12.00	\$12.60	\$13.23
Lifeguard/Instructor	\$12.60	\$13.23	\$13.89
Police Recruit	\$17.17		
Recreation Leader	\$12.00	\$12.60	\$13.23
Recreation Specialist I	\$12.00	\$12.60	\$13.23
Recreation Specialist II	\$12.60	\$13.23	\$13.89
Sports Coordinator	\$12.60	\$13.23	\$13.89
Student Worker	\$12.00	\$12.60	\$13.23
Swim Instructor/Guard	\$13.23	\$13.89	\$14.59



**CITY OF DIXON
PAID SICK LEAVE**

APPROVED:


Jim Lindley, City Manager

Date

6-30-15

I. Purpose and Scope

A. Purpose

In accordance with the Healthy Workplaces/Healthy Families Act of 2014, the City of Dixon recognizes that employees will need days off from work from time to time to address their medical needs. This document establishes the policies and procedures the City of Dixon (the City) shall adhere to with regards to paid sick time in accordance with California Labor Code section 245 *et seq.*

B. Applicability

This policy applies to non-regular (seasonal, limited term, and/or temporary) employees (exempt and non-exempt) who, on or after June 28, 2015, work for the City for 30 or more days within 12 months from the beginning of employment and who are not eligible for any form of "comprehensive leave" benefit provided by the City to other employee groups.

C. Exclusions

Employees not covered by this policy are those who are eligible for the more generous "comprehensive leave" benefit provided by the City pursuant to a memorandum of understanding (represented employees), employee benefits resolution (non-represented employees) or employment agreement.

POLICY NO.

15-001

CITY OF DIXON

Created: 6/2015

II. Policy

A. Entitlement

An employee working in California, on or after July 1, 2015, for thirty (30) or more calendar days within a year is entitled to paid sick leave.

Non-regular (seasonal, limited term, and/or temporary) employees covered by this policy ("Employees") are entitled to 3 days or 24 hours of paid sick time annually which may be used per fiscal year or after the ninetieth (90th) day after the first date of employment, whichever comes first. Twenty-four (24) hours shall be the maximum benefit except in situations where a day in an Employee's regular work schedule is longer than an 8-hour day (e.g. an Employee who works four, 10-hour days per week.) In such cases, a "day" shall be the equivalent of the hours in the Employee's regularly-scheduled work day.

Paid sick leave made available under this policy has no cash value, and the City does not pay Employees for available sick leave at separation.

The amount of paid sick leave available to an employee will be reflected on his or her pay stub every pay period.

B. Usage

- An Employee may use available paid sick days beginning on the 90th day of employment. However, at its sole discretion, the City may allow the use of paid sick leave to an Employee in advance of the 90th day of employment with proper documentation.
- The City shall allow the use of paid sick days upon the oral or written request of an Employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventative care, or specified purposes for an Employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in Labor Code section 230(c) and Labor Code section 230.1(a).
- "Family member" for purposes of this paid sick leave policy means:
 - A child (biological, adopted, or foster child, stepchild, legal ward, or child to whom the Employee stands in loco parentis, regardless of the age or dependency status);
 - A biological, adoptive, or foster parent, stepparent, or legal guardian of an Employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the Employee was a minor child;
 - A spouse;
 - A registered domestic partner;
 - A grandparent;
 - A grandchild;
 - A sibling.

The Employee must provide reasonable advance notification, orally or in writing, of the need to use sick leave, if foreseeable. If the need to use sick leave is not foreseeable, the Employee must provide notice as soon as practicable. The City will not condition the use of sick leave on the Employee finding someone to cover his/her work.

- Employees must use sick leave in at least one (1.0) hour increments.
- Employees will only receive paid sick time for the number of hours they would have worked during their scheduled shift. For example, if the Employee was scheduled for a four hour shift, they will be compensated with four hours of paid sick time only.

Employees will be provided the total amount of sick leave that may be used per fiscal year (24 hours or 3 days) at the beginning of each fiscal year beginning in July, or the first date of employment, whichever comes first, therefore no accrual or carry-over is permitted.

- The City will limit the use of paid sick days to 24 hours or three days in each fiscal year of employment.
- For returning non-regular employees who have completed 90 days of employment and have a break in service of less than one year, paid sick time will be earned as outlined above. However, these returning non-regular employees are not required to wait for a subsequent 90th day of employment to use their paid sick leave. They will have access to their available sick leave for that year immediately upon re-employment with the City; provided their returning start date is within 12 months of their previous departure date.
- For returning non-regular employees who have not completed their 90 days of employment and have a break in service, paid sick time will also be earned as outlined above. However, these returning non-regular employees will need to wait for a subsequent 90th day of employment to use their paid sick leave.

C. Retaliation Prohibited

Paid Sick Leave law protects employees who use sick leave, request to use sick leave, file a complaint with the Labor Commissioner's Office, allege a violation of these rights, cooperates in an investigation or prosecution, or oppose a policy or practice prohibited by the Paid Sick Leave law.

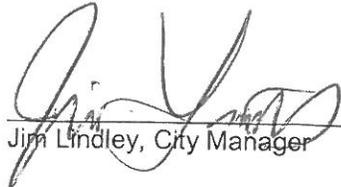
Retaliation prohibits the City from denying an employee the right to use paid sick leave, discharging or threatening to discharge an employee for using or requesting to use paid sick leave, demoting or suspending an employee for using or requesting to use paid sick leave, or in any manner discriminating against an employee because he or she uses paid sick leave or requests paid sick leave.

If an employee feels that he or she has been discriminated against for using paid sick leave or attempting to use paid sick leave, please inform Human Resources as soon as possible.



**CITY OF DIXON
AFFORDABLE CARE ACT COMPLIANCE POLICY**

APPROVED:


Jim Lindley, City Manager

Date

9-30-15

EFFECTIVE DATE: September 22, 2015 per Council Resolution 15-119

I. Purpose

The City of Dixon ("City") is considered a "large employer" for the purposes of the Shared Responsibility Provisions (Section 4980H of Title 26 of the United States Code and the Internal Revenue Code) of the Patient Protection and Affordable Care Act ("ACA").

The Internal Revenue Service ("IRS") will assess a penalty on the City if (1) it fails to offer "substantially all" of its full-time employees, and their dependents, the opportunity to enroll in minimum essential coverage or offers coverage to "substantially all" of its full-time employees, and their dependents, that is either "unaffordable" or does not provide "minimum value" and (2) any full-time employee receives a premium tax credit or cost sharing subsidy for coverage through an Exchange ("Penalty"). The ACA defines full-time employees as those employees working an average of thirty (30) hours or more per week or one hundred thirty (130) hours or more per month.ⁱ

This policy establishes categories of non-regular employees, the "Look Back Measurement Safe Harbor" under the ACA to determine which employees are full-time for the purpose of a potential Penalty, and Affordability Safe Harbors to determine affordability for purposes of managing any potential Penalty.

II. Notice of Exchange (Marketplace)

A notice will be provided to all City employees informing them of their ability to purchase coverage on the Exchange or Marketplace. The State of California's exchange is called "Covered California." The notice will include eligibility information, information about employer coverage and contact information for questions. The notice will be provided to new hires within fourteen (14) days of their hire date. (Sample notice attached)ⁱⁱ

III. Categories of Non-Regular Employees

Pursuant to the City's Personnel Rules, and for the purposes of this policy, a "non-regular employee" consists of seasonal employees, or limited term or temporary employees. For purposes of the ACA only, employees who fall into these categories will be consistent with the ACA definitions below.

- A. Limited Term or Temporary Employee: An employee who was hired for a limited duration and works on average the same number of hours each week. At the time of hire, the City will

determine whether the employee is reasonably expected to be a full-time employee as defined by the ACA.

- B. Seasonal Employee: An employee who works an average of thirty (30) hours or more per week or one hundred thirty (130) hours or more each month, works a defined season that is six (6) months or less, and for which the period of employment begins each calendar year in approximately the same part of each year. Employees in this category do not qualify as full-time employees and **will not** be offered medical benefits initially upon hire.ⁱⁱⁱ
- C. Variable Hour Employee: An employee who was hired for a limited duration and it cannot be determined whether employee will work an average of thirty (30) hours or more per week over the initial measurement period. Employees in this category do not qualify as full-time employees upon hire and **will not** be offered medical benefits initially upon hire.^{iv}

IV. New Employee Protocol

At the time of hire, the City will determine whether the employee is reasonably expected to be a full-time employee as defined by the ACA (i.e. the employee is expected to work an average of at least thirty (30) hours per week or one hundred thirty (130) hours per month over the initial measurement period) or a non full-time employee.

- A. Full-time Employee: If an employee is reasonably expected to work an average of thirty (30) or more hours per week or one hundred thirty (130) hours or more per month during his or her initial measurement period, healthcare coverage will be offered the first of the month following the date of hire.^v
- B. Non Full-time Employee: If an employee is not reasonably expected to work an average of thirty (30) or more hours per week or one hundred thirty (130) hours or more per month during his or her initial measurement period, healthcare coverage will not be offered and the initial measurement period will be relied upon to determine eligibility, as described in the Look Back Measurement and Safe Harbor section.

V. Look Back Measurement and Safe Harbor

- A. The City established the following Look Back Safe Harbor measurement periods^{vi}:
 - 1. Standard Measurement Period: October 15 through October 14
 - 2. Administrative Period: October 15 through December 31
 - 3. Stability Period: January 1 through December 31
- B. The City establishes the following period for new employees not reasonably expected to work an average of thirty or more per week or 130 hours or more per month^{vii}:
 - 1. Initial Measurement Period: Twelve (12) months beginning the first day of the first calendar month after the employee's start date.
 - 2. Initial Administrative Period: Sixty days (60) days beginning the last day of the initial measurement period.
 - 3. Stability Period: Twelve (12) months beginning the day following the last day of the administrative period.
- C. Transitioning from a new employee to an ongoing employee^{viii}: The City will measure the hours of a new employee (not reasonably expected to work an average of thirty or more per week or one hundred thirty (130) hours or more per month) during the first complete

standard measurement period for which he/she is employed. This means that a new variable hour employee's status may be tested both under an Initial Measurement Period and at the same time be measured under an overlapping Standard Measurement Period.

1. If an employee measures as full-time during the Initial Measurement Period, he or she will retain full-time status for the entire associated Stability Period (even if the employee does not qualify as full-time during the standard measurement period).
 2. If an employee does not measure as full-time during the Initial Measurement Period, but qualifies as full-time during the Standard Measurement Period, the employee must be treated as full-time during the Stability Period associated with the Standard Measurement Period (even if that means coverage must be offered before the end of the Stability Period associated with the Initial Measurement Period).
- D. Hours of Service Calculation: "Hours of Service" means each hour for which an employee is paid, or entitled to payment by the City for a period of time during which no duties are performed due to vacation, holiday, sick leave, paid time off (PTO), jury duty, military leave, and leave under the Family and Medical Leave Act.^{ix}
- E. Breaks in Service: When an employee experiences a break in service the employee will retain the status the employee had previously with respect to any Stability Period if^x:
1. The break in service is less than thirteen (13) weeks AND
 2. The employee worked at least four (4) weeks before the break AND
 3. The break in service is less than or equal to the time worked immediately before the break.

If all the conditions listed above are not met, the employee will be treated as a new employee if employed after a break in service.

VI. Offering "substantially all" Full-time Employees and Dependents Coverage

Under the ACA, coverage must be offered to at least 95% of all full-time employees. Safe harbors are available to employers to establish measurement periods for purposes of determining full-time hours and healthcare eligibility. The City has adopted a measurement period of 12 months. (See Look Back Measurement and Safe Harbor Section) The City has adopted an Affordable Care Act full-time employee definition as 130 hours or more per month as averaged over the applicable measurement period.

Penalty: Failure to comply with this provision results in exposure to Penalty A. In 2015, Penalty A = \$173.33 x (# of full-time employees employed during that month – the first 30 FT employees). Example, for an organization of 100 full-time employees the calculation = \$173.33 x (100-30) = \$12,133.10. The penalty is assessed for every month out of compliance.^{xi}

VII. Minimum Value

Under the Act, an employer must pay for at least 60% of the employee's healthcare costs, including co-pays. Accordingly, the employee must not be required to pay more than 40% of their healthcare costs, including co-pays.^{xii}

Penalty: Failure to comply with this provision results in exposure to Penalty B. In 2015, Penalty B = lesser of: Penalty A or \$260 X (# of employees receiving subsidy through the Exchange during that month). Example, if an employer has 100 full-time employees and 10 employees enroll in subsidized coverage = \$260 x 10 = \$2,600. Penalty A = \$12,133. The employer would be required to pay the lesser of the two and would pay \$2,600. The penalty is assessed for every month out of compliance.^{xiii}

VIII. Affordability Safe Harbor

Under the ACA, coverage that costs more than 9.5% of the employee's household income will not be considered affordable. The ACA allows employers to use the following methods to calculate affordability: Rate of Pay Safe Harbor, W-2 Safe Harbor, and Federal Poverty Line Safe Harbor. The City Intends to apply the Rate of Pay Safe Harbor to determine the affordability of the minimum essential coverage it offers its full-time employees. The City in its sole discretion, for the purpose of managing any penalties, may also apply the W-2 Safe Harbor or the Federal Poverty Line Safe Harbor. These affordability safe harbors will be applied on a uniform and consistent basis for all employees in a reasonable category.^{xiv}

The calculation to determine if the City's coverage is affordable is attached as Appendix A to this policy. Appendix A will be updated, as needed to confirm affordability.

Penalty: Failure to comply with this provision results in exposure to Penalty B. In 2015, Penalty B = lesser of: Penalty A or \$250 X (# of employees receiving subsidy through the Exchange during that month).

Example: if an employer has 100 full-time employees and 10 employees enroll in subsidized coverage = \$250 x 10 = \$2,500. Penalty A = \$11,667. The employer would be required to pay the lesser of the two and would pay \$2,500. The penalty is assessed for every month out of compliance.^{xv}

The City Manager, or his/her designee, may amend this policy at his or her discretion.

ⁱ Int.Rev. Code, § 4980H (a)-(b).

ⁱⁱ FLSA §18(B); Dept. of Lab. Technical Release No. 2013-02.

ⁱⁱⁱ 29 C.F.R. 500.20(s){1}; Int.Rev. Code, § 4980H(c)(2)(B)(ii); U.S. Treasury Dept. Fact Sheet/Final Regs.

^{iv} I.R.S. Notice 2012-58.

^v Int.Rev. Code, § 4980H(o)(4); Treas. Reg. § 54.4980H-1(a)(21)(ii).

^{vi} I.R.S. Notices 2011-36, 2012-17, 2012-58.

^{vii} I.R.S. Notice 2012-58.

^{viii} I.R.S. Notice 2012-58.

^{ix} Treas. Reg. § 54.4980H-1(a)(24).

^x Treas. Reg. § 54.4980H-3(d)(b)(i).

^{xi} Int.Rev. Code, § 4980H(a).

^{xii} Int.Rev.Code, §§ 5000A, 36(B)(c)(2)(c)(ii).

^{xiii} Fed.Reg. Vol. n9, No.29, Feb. 12, 2014, (I)(A).

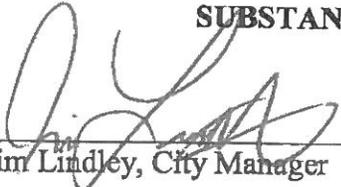
^{xiv} Internal Revenue Bulletin 2014-9(VIII).

^{xv} Fed.Reg. Vol. n9, No.29, Feb. 12, 2014, (I)(A).



**CITY OF DIXON
SUBSTANCE ABUSE POLICY**

APPROVED:


Jim Lindley, City Manager

Date

10-9-12

EFFECTIVE DATE: October 9, 2012

The purpose of this policy is to assure worker fitness for duty and to protect our employees, passengers and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA), which enacted 49 CFR Part 382; mandates urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. The policy incorporates those requirements of safety-sensitive employees and others when so noted.

The CITY OF DIXON recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the City to have a work force that is free from the influence of alcohol and controlled substances.

As with any City policy, The CITY OF DIXON reserves the right to change, alter, amend, and interpret this policy without notice.

A. APPLICABILITY

This policy applies to all employees and contractors when they are on City property or when performing any City related business. It applies to off-site lunch periods and breaks when an employee is scheduled to return to work. Visitors, vendors, and contracted employees are governed by this policy while on City premises, and they will not be permitted to conduct business if found to be in violation of this policy.

A listing of THE CITY OF DIXON'S classifications, including safety sensitive (function and/or position) classifications covered by this Policy can be found in Appendix "A" of this policy statement. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

All other employees (non safety-sensitive) of The CITY OF DIXON are subject to pre-employment, post accident, reasonable suspicion, return-to-duty and follow-up controlled substance and/or alcohol testing.

B. PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:

Drugs:

Amphetamines, cocaine, marijuana opiates and phencyclidine (PCP) for a safety-sensitive employee; and

Amphetemines, barbiturates, benzodiazepines, cocaine, marijuana, methadone, methaqualone, opiates, phencyclidine (PCP), and propoxyphene for all employees including safety-sensitive employees tested under City authority.

Alcohol:

This use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in Department of Transportation guidelines while actually performing, ready to perform, or immediately available to perform any City business is prohibited. "Alcohol" is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.

A. PROHIBITED CONDUCT

Manufacture, Trafficking, Possession, and Use

Any safety-sensitive employee engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on City premises, in City vehicles or while conducting City business off the premises is absolutely prohibited. Violation will result in removal from safety-sensitive duty and referral to a Substance Abuse Professional (SAP).

Impaired/Not Fit for Duty

Any safety-sensitive employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from safety-sensitive job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall

remain off duty and be referred to a Substance Abuse Professional (SAP). A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the Department of Transportation guidelines.

Alcohol Use

No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty or while performing safety-sensitive functions. No safety-sensitive employee shall use alcohol within four hours of reporting for duty nor during hours that he/she is on call. Violation of this provision is prohibited and will subject the employee to removal from safety-sensitive duty and referral to a Substance Abuse Professional (SAP).

Compliance with Testing Requirements

All safety-sensitive employees are subject to controlled substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a Substance Abuse Professional (SAP). Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

Treatment/Rehabilitation Program

An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

Positive Controlled Substance and/or Alcohol Test: A Rehabilitation Program is available for safety-sensitive employees who have tested positive for a prohibited substance on a one time basis only. Employee will be immediately terminated on the occurrence of a second verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the safety-sensitive employee. When recommended by the Substance Abuse Professional (SAP), participation and completion of the rehabilitation program is mandatory. Failure of a safety-sensitive employee to attend and/or complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one year or longer than five years.

Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to the rehabilitation program.

Requests must be submitted to an Administrator or his/her designee for review. **Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee.** An employee failing to complete the program will be subject to termination from employment. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for 36 months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests within a 36 month period will result in termination from employment.

Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any.

D. NOTIFYING THE CITY OF CRIMINAL DRUG CONVICTION

Pursuant to the "Drug Free Workplace Act of 1988" any employee who fails to immediately notify the City of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

E. PROPER APPLICATION OF THE POLICY

The City is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

F. TESTING FOR PROHIBITED SUBSTANCES

Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under Department of Transportation guidelines. All safety-sensitive employees shall be subject to testing prior to employment, randomly, for reasonable suspicion, and following an accident, as defined in the Department of Transportation guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five years, as determined by a Substance Abuse Professional (SAP). Safety-sensitive employees who perform safety-sensitive functions as defined in the Department of Transportation guidelines shall also be subject to testing on randomly selected, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in the Department of Transportation guidelines.

The controlled substances that will be tested for include: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the Department of Transportation guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. An employee who has a confirmed alcohol concentration of 0.02 but less than 0.04 will be removed from his/her position for at least twenty-four hours unless a retest results in an alcohol concentration less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of Department of Transportation guidelines and this policy.

Any safety-sensitive employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation program available, and evaluated by a Substance Abuse Professional (SAP).

The City affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

All safety-sensitive employees may be tested under any of the following circumstances:

Pre-Employment Testing

All safety sensitive applicants for City classifications shall undergo urine controlled substance testing prior to employment. Receipt of satisfactory test results is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment.

Reasonable Suspicion Testing

All safety sensitive City employees will be subject to urine and /or breath testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:

1. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
2. Physical signs and symptoms consistent with prohibited substance use.
3. Occurrence of a serious or potentially serious accident that may have been caused by human error.
4. Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Post-Accident Testing

All safety sensitive City employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a City vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if the safety-sensitive employee receives a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or if one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol and 32 hours for controlled substances. If an alcohol test is not administered within two hours following the accident, the City shall prepare and maintain a record stating the reasons the test was not promptly administered. Further, if an alcohol test is not administered within eight (8) hours or a controlled substance test is not administered within 32 hours following the accident, the City shall cease attempts to administer testing and shall prepare and maintain a written record. Any safety-sensitive employee who leaves the scene of an accident without appropriate authorization prior to submission to controlled substance and/or breath alcohol testing will be considered to have refused the test and subject to termination. That being said, the testing requirement should not be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a safety-sensitive employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. Furthermore, the results of a breath alcohol, a blood alcohol or a urine controlled substance test conducted by Federal, State, or local officials having independent authority for the test, shall be considered valid, provided those tests conform to the applicable Federal, State or local testing requirements, and that the results of the tests are obtained by the City.

Random Testing

Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty.

Return-to-Duty Testing

All safety sensitive employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP. However, it shall not be less than 6 tests during the first 12 months, nor longer than 60 months in total, following return to duty.

Employee Requested Testing

Any safety-sensitive employee who question the result of a required controlled substance test under Department of Transportation guidelines may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The safety-sensitive employee's request for a retest must be made to the MRO within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

All other (non safety-sensitive) employees may be tested under any of the following circumstances:

Pre-Employment Testing

All applicants for City classifications shall undergo urine controlled substance testing or provide certification of enrollment in a random selection program prior to employment. Failure of a controlled substance test will disqualify the applicant from further consideration for employment. Pre-Employment testing requirements will be conducted in compliance with Federal Regulations.

Reasonable Suspicion Testing

All non safety-sensitive employees will be subject to urine testing when there is a reason to believe that controlled substance use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:

1. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
2. Physical signs and symptoms consistent with prohibited substance use.
3. Occurrence of a serious or potentially serious accident that many have been caused by human error.

4. Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

Post-Accident Testing

Employees will be required to undergo controlled substance testing if they are involved in an accident with any City equipment or vehicle that results in an injury or a fatality. This includes all employees who are on duty and operating the equipment or vehicle and any other employee whose performance could have contributed to the injury or accident. A post-accident test will be conducted if an accident results in injuries: (1) which requires transportation to a medical treatment facility; (2) where one or more pieces of equipment or vehicles incurs disabling damage that requires extensive repair or towing; or (3) when required by Workers' Compensation Guidelines.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of employees will include not only the operation personnel, but any other covered employees whose performance could have contributed to the accident.

Return-to-Duty Testing

All non safety-sensitive employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released to duty by the Employee Assistance Professional (EAP) before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the EAP.

Employee Requested Testing

Any non safety-sensitive employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The safety-sensitive employee's request for a retest must be made within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

G. EMPLOYEE ASSESSMENT

Any safety-sensitive employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the Department of Transportation guidelines will be assessed by a Substance Abuse Professional (SAP). A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

If a safety-sensitive employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one to five years, as determined by the SAP. **The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the safety-sensitive employee and is on a one time basis only. Employee will be immediately terminated on the occurrence of a second verified positive test result.** Employees may use accumulated sick leave, vacation and floating holidays, if any, to participate in the prescribed rehabilitation program.

H. CONTACT PERSON

Any questions regarding this policy should contact the following City representative:

Name: Steve Johnson, or Designee
Title: Human Resources Director
Address: 600 East "A" Street, Dixon, CA 95620
Telephone: (707) 678-7000, Extension 111

A. DEFINITIONS

ACCIDENT -means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury, significant property damage, or an injury as defined by Workers' Compensation Guidelines.

ADULTERATED SPECIMEN –means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

ALCOHOL -means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

ALCOHOL CONCENTRATION -means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air.

ALCOHOL USE -means consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the Department of Transportation prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing affect due to the presence of other elements (e.g., antihistamines).

BREATH ALCOHOL TECHNICIAN (BAT) -means a person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATs are the only qualified personnel to administer the EBT tests.

CANCELLED TEST -means a drug test that has been declared invalid by a Medical Review Officer. A canceled test is neither positive nor negative.

CHAIN OF CUSTODY -means the procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

COLLECTION SITE -means a place designated by the City where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

COMMERCIAL MOTOR VEHICLE -means a motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (2) has a gross vehicle weight rating of 26,001 or more pounds; or (3) is designed to transport 16 or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

CITY -means The CITY OF DIXON.

CITY TIME -means any period of time in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

CONFIRMATION TEST -for alcohol testing means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

CONTROLLED SUBSTANCE (DRUG) TEST -A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body.

A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Controlled substances will be tested under the Department of Health and Human Services guidelines. **The primary (initial or screening) controlled substance test thresholds for a verified positive test result for a safety-sensitive employee are those that are equal to or greater than:**

- Amphetamines 1000 ng/ml
- Cocaine Metabolites 300 ng/ml
- Marijuana Metabolites 50 ng/ml
- Opiates Metabolites 2000 ng/ml
- Phencyclidine (PCP) 25 ng/ml

The primary (initial or screening) controlled substance test thresholds for a verified positive test result for a non safety-sensitive employee or a safety-sensitive employee tested under District authority are those that are equal to or greater than:

- Amphetamines 1000 ng/ml
- Barbiturates 300 ng/ml
- Benzodiazepines 300 ng/ml
- Cocaine Metabolites 300 ng/ml
- Marijuana Metabolites 50 ng/ml
- Methadone 300 ng/ml
- Methaqualone 300 ng/ml
- Opiates 2000 ng/ml
- Phencyclidine 25 ng/ml
- Propoxyphene 300 ng/ml

A confirmation drug testing is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principle in order to confirm reliability and accuracy. **The confirmatory controlled substance test thresholds for a verified positive test result for a safety-sensitive employee are those that are equal to or greater than:**

- Amphetamines
- Amphetamine 500 ng/ml
- Methamphetamine (1) 500 ng/ml
- Cocaine Metabolite (2) 150 ng/ml
- Marijuana Metabolite (THC) (3) 15 ng/ml
- Opiates
- Morphine 2000 ng/ml
- Codeine 2000 ng/ml
- 6-Acetylmorphine (4) 10 ng/ml

Phencyclidine (PCP) 25 ng/ml

The confirmatory controlled substance test thresholds for a verified positive test result for a non safety-sensitive employee or a safety-sensitive employee tested under District authority are those that are equal to or greater than:

Amphetemines
Amphetamine 500 ng/ml
Methamphetamine (1) 500 ng/ml
Barbiturates 200 ng/ml
Benzodiazepines 200 ng/ml
Cocaine Metabolites (2) 150 ng/ml
Marijuana Metabolite (THC) (3) 15 ng/ml
Methadone 200 ng/ml
Methaqualone 200 ng/ml
Opiates
Morphine 2000 ng/ml
Codeine 2000 ng/ml
6-Acetylmorphine (4) 10 ng/ml
Phencyclidine 25 ng/ml
Propoxyphene 200 ng/ml

1. Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml
2. Benzoylecgonine
3. Delta-9-tetrahydrocannabinol-9-carboxylic acid
4. Test for 6-Acetylmorphine when morphine concentration exceeds 2000 ng/ml

COVERED EMPLOYEE -means a person including a volunteer, applicant, or transferee, who performs a safety-sensitive function for the City.

DEPARTMENT OF TRANSPORTATION GUIDELINES -means the controlled substance and alcohol testing rules (49 CFR Part 199 (RSPA -Pipeline), Part 219 (FRA -Railroad), Part 382 (FMCSA-Commercial Motor Vehicle), 654 (FTA -Mass Transit) and 14 CFR 61 (FAA Aviation) et. al.) setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all the transportation industries.

DESIGNATED EMPLOYER REPRESENTATIVE -means an employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40, 283 and 655.

DILUTE SPECIMEN -means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

DISABLING DAMAGE -means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

DRIVER -means any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

DRUG (CONTROLLED SUBSTANCE) METABOLITE -means the specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

EMPLOYEE TRAINING (ALCOHOL) -No training required. However, the City must provide covered employees with educational materials that explain the alcohol misuse requirements and the City's policies and procedures with respect to meeting those requirements.

The information must be distributed to each covered employees and must include such information as the effects of alcohol misuse on an individual's health work, personal life, signs and symptoms of an alcohol problem; and the consequences for covered employees found to have violated the regulatory prohibitions.

EMPLOYEE TRAINING (DRUGS) -The City must train all employees who perform safety-sensitive duties on the effects and consequences of prohibited drug use on personal health, safety, and work environment, and on the manifestations and behavioral cues that may indicate drug use and abuse. The City must also implement an education program for safety-sensitive employees by displaying and distributing informational materials, a community service hotline telephone number for employee assistance and the City policy regarding drug use in the work place which must include information regarding the consequences under the rule of using drugs while performing safety-sensitive functions, receiving a verified positive drug test result, or refusing to submit to a drug test required under the rule.

EQUIPMENT -means any and all machinery, material, gear and the like in and/or around the City plants, on City premises, or on customer property and/or premises.

EVIDENTIAL BREATH TESTING DEVICE (EBT) -means the device to be used for breath alcohol testing.

MEDICAL REVIEW OFFICER (MRO) -means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) testing

program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.

NEGATIVE DILUTE TEST RESULTS -means a drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

NEGATIVE TEST RESULTS -means for: (1) drug a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended; and (2) an alcohol concentration of less than 0.02 BAC.

NON-NEGATIVE TEST RESULTS -means a test result found to be adulterated, substitute, invalid, or positive for drug/drug metabolites.

PERFORMING (SAFETY SENSITIVE FUNCTION) -means a safety-sensitive employee is considered to be performing a safety sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.

POSITIVE TEST RESULTS -means for: (1) drug a drug test a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended; and (2) a confirmed alcohol concentration of 0.04 BAC or greater.

POST-ACCIDENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING conducted after accidents on employees whose performance could have contributed to the accident.

For Drivers a test is conducted when a citation for a moving traffic violation is issued, and for all fatal accidents even if the driver is not cited for a moving traffic violation.

PRE-EMPLOYMENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING conducted before applicants are hired or after an offer to hire, but before actually performing safety sensitive functions for the first time. Also required when employees transfer to a safety sensitive position.

PROHIBITED DRUGS (CONTROLLED SUBSTANCES) -means Marijuana, Cocaine, Opiates, Amphetamines, or Phencyclidine.

PROHIBITED SUBSTANCES -means and is synonymous to drug abuse and/or alcohol misuse or abuse.

RANDOM ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING -conducted on a random unannounced basis just before, during or just after performance of safety sensitive functions.

REASONABLE SUSPICION ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING -conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol or controlled substance abuse.

REFUSE TO SUBMIT (TO AN ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST) -means that a safety-sensitive employee fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that safety-sensitive employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test.)

REHABILITATION -The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical or emotional/mental problems which contributed to job problems.

RETURN-TO-DUTY AND FOLLOW-UP ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING -conducted when an individual who has violated the prohibited alcohol or controlled substance conduct standards returns to performing safety sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty upon the SAP recommendation.

RETURN-TO-DUTY AGREEMENT -means a document agreed to and signed by the employer, safety-sensitive employee and the Substance Abuse Professional that outlines the terms and conditions under which the safety-sensitive employee may return to duty after having had a verified positive controlled substance test result or an alcohol concentration of 0.04 or greater on an alcohol test.

SAFETY-SENSITIVE EMPLOYEE (FUNCTION AND/OR POSITION) -An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

A complete list of safety-sensitive employee (function and/or position) classifications is listed in **Appendix "A"** of this Substance Abuse Policy Statement.

SCREENING (INITIAL) TEST -In alcohol testing, it means an analytical procedure to determine whether a safety-sensitive employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

SUBSTANCE ABUSE PROFESSIONAL (SAP) -means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP),

or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

SUBSTITUTED SPECIMEN -means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with normal human urine.

SUPERVISOR -means a person in authority who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour of training on the signs and symptoms of controlled substance abuse.

VALIDITY TESTING is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

VEHICLE -means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

VERIFIED NEGATIVE DRUG TEST -means a drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

VERIFIED POSITIVE DRUG TEST -means a drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part 40.

WORKERS' COMPENSATION GUIDELINES -means the procedures for determining the eligibility for workers' compensation benefits as determined by Labor Code and resulting case law.

APPENDIX "A"

COVERED EMPLOYEE CLASSIFICATIONS
FOR THE CITY OF DIXON

Classifications requiring Commercial Driver's Licenses: Subject to Pre-employment, Post Accident, Fit for Duty, Reasonable Suspicion and Random Testing:

Equipment Mechanic I/II/III
Laborer
Maintenance Worker I/II
Parks & Building Maintenance Supervisor
Senior Maintenance Worker
Senior Wastewater Maintenance Worker
Senior Wastewater Systems Operator
Street Maintenance Supervisor
Wastewater Maintenance Worker I/II
Wastewater Systems Operator I/II
Wastewater Systems Operator in Training

Classifications subject to pre-employment, post accident, reasonable suspicion, return-to-duty and follow-up controlled substance and/or alcohol testing:

All other positions (non safety-sensitive) not listed above.

The Human Resources Director will maintain a list of the specific positions within the above listed classifications that are covered under Department of Transportation regulations.

As with any City policy, The CITY OF DIXON reserves the right to change, alter, amend, and interpret this policy without notice.

**PROCEDURES
for
THE CITY OF DIXON**

A. PROCEDURES -REASONABLE SUSPICION TESTING

1. An employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor.
2. Any employee may identify someone suspected of alcohol and/or controlled substance to any supervisor. Employees should realize, however, that it is against City policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, the supervisor must witness first hand the employee's signs and symptoms.
3. The supervisor is then obligated to insure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the employee in question may indeed be under the influence of alcohol and/or controlled substances.
4. When the supervisor(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by City staff (or others designated) to the City specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification, such as a photo driver's license or state-issued photo identification card.
5. Whenever practical, an Administrator should be notified in advance of the employee being taken to the collection site.
6. At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
7. The City will take precautions to prevent the employee being tested from going back to work and driving their own car home. Instead, the employee will be given assistance in obtaining a ride home from the collection site.
8. The employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty for 24 hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a City specified outside Substance Abuse Professional (SAP) who will assess the employee's condition and make a recommendation for treatment which, if accepted by the City, must be followed by the employee. Failure to follow the accepted recommendations or refusal

to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.

9. The employee whose controlled substance test results are verified negative will be reinstated. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a City specified outside Substance Abuse Professional who will assess the employee's condition and make a recommendation for treatment which, if accepted by the City, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.

B. PROCEDURES -RANDOM TESTING

1. The compliance company notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.
2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a City specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the City, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
5. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a City specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the City, must be followed by the safety-sensitive employee. Failure to follow the accepted

recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

C. PROCEDURES -POST ACCIDENT

1. The employee notifies a supervisor that an accident has occurred.
2. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
4. An Administrator will be notified that an accident has occurred and that the employee was instructed to go to the collection site.
5. The employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty for 24 hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a City specified outside Substance Abuse Professional (SAP) who will assess the employee's condition and make a recommendation for treatment which, if accepted by the City, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.
6. The employee whose controlled substance test results are verified negative will be reinstated. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a City specified outside Substance Abuse Professional who will assess the employee's condition and make a recommendation for treatment which, if accepted by the City, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.

D. PROCEDURES -RETURN-TO-DUTY and FOLLOW-UP

1. The compliance company notifies the City to send the employee to the collection site for alcohol and controlled substance testing.

2. The supervisor notifies the employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification, such as a photo driver's license or state-issued photo identification card.
3. At the collection site, the employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
4. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 or whose controlled substance test is verified positive will be terminated.

E. PROCEDURES -CHAIN OF CUSTODY FOR CONTROLLED SUBSTANCE SPECIMENS

1. At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
2. Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.
3. Immediately after the specimens are collected, the urine bottles will, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the employee's presence and the employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.
4. A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

F. PROCEDURES -SPECIMEN COLLECTION OF STRANGE AND/OR UNRECOGNIZABLE SUBSTANCES

1. An employee is observed with a strange and/or unrecognizable substance.
2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and a witness.
3. An incident report is made and signed by both the supervisor and a witness.

4. The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

G. PROCEDURES -ALCOHOL CONCENTRATION

1. The employee and the on duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
2. After an explanation of how the breathalyzer works, an initial breath sample is taken.
3. If the results of the initial test show an alcohol concentration of 0.02 or greater a second or confirmation test must be conducted. The confirmation test must not be conducted less than 15 minutes after, nor more than 30 minutes after the screening test.
4. The confirmation test will utilize Evidential Breath Testing devices that prints out the results, date and time, a sequential test number, and the name and serial number of the Evidential Breath Testing device to ensure the reliability of the results.

RESOLUTION NO. 16-163

RESOLUTION APPROVING THE COMPENSATION PLAN FOR
TEMPORARY/SEASONAL EMPLOYEES, UPDATE THE CITY OF DIXON SALARY
SCHEDULE AND APPROVE A 2016-17 BUDGET AMENDMENT

WHEREAS, California Labor Code 1182.12 provides that effective January 1, 2017 the minimum wage shall not be less than ten dollars and fifty cents (\$10.50) per hour, effective January 1, 2018 the minimum wage shall not be less than eleven dollars (\$11.00) per hour, and effective January 1, 2019 the minimum wage shall not be less than twelve dollars (\$12.00) per hour; and

WHEREAS, the Compensation Plan for Temporary/Seasonal Employees has been updated to reflect compliance with the California Labor Code; and

WHEREAS, to account for increases to salaries for the Temporary/Seasonal classes associated with approval of this increase, an amendment to the General Fund budget in the amount of \$4,445 and an amendment to the Recreation Fund 103 budget for \$666 are necessary.

NOW, THEREFORE, BE IT RESOLVED, that the Compensation Plan for the Temporary/Seasonal Employees, attached hereto as Exhibit A is hereby approved; and

BE IT FURTHER RESOLVED, that the City Council hereby approves the following changes to the City of Dixon Salary Schedule effective December 25, 2016:

Class	Step A	Step B	Step C
Department Intern Facility Attendant Recreation Leader Recreation Specialist I Student Worker	\$10.50	\$11.03	\$11.58
Lifeguard/Instructor Sports Coordinator	\$11.03	\$11.58	\$12.16
Swim Instructor/Guard	\$11.58	\$12.16	\$12.77
Assistant Aquatics Supervisor	\$12.16	\$12.77	\$13.41
Aquatics Supervisor	\$12.77	\$13.41	\$14.08

BE IT FURTHER RESOLVED, that the City of Dixon Fiscal Year 2016-17 Budget is amended to appropriate \$4,445 to the General Fund and \$666 to Recreation Fund 103 accounts as per Exhibit B attached to this resolution.

BE IT FURTHER RESOLVED, that the City Council hereby approves the following changes to the City of Dixon Salary Schedule effective December 24, 2017:

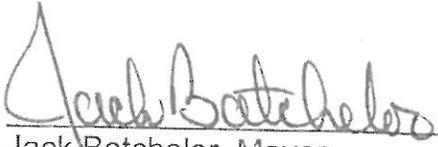
Class	Step A	Step B	Step C
Department Intern Facility Attendant Recreation Leader Recreation Specialist I Student Worker	\$11.00	\$11.55	\$12.13
Lifeguard/Instructor Sports Coordinator	\$11.55	\$12.13	\$12.73
Swim Instructor/Guard	\$12.13	\$12.73	\$13.37
Assistant Aquatics Supervisor	\$12.73	\$13.37	\$14.04
Aquatics Supervisor	\$13.37	\$14.04	\$14.74

BE IT FURTHER RESOLVED, that the City Council hereby approves the following changes to the City of Dixon Salary Schedule effective December 23, 2018:

Class	Step A	Step B	Step C
Department Intern Facility Attendant Recreation Leader Recreation Specialist I Student Worker	\$12.00	\$12.60	\$13.23
Lifeguard/Instructor Sports Coordinator Recreation Specialist	\$12.60	\$13.23	\$13.89
Swim Instructor/Guard	\$13.23	\$13.89	\$14.59
Assistant Aquatics Supervisor	\$13.89	\$14.59	\$15.32
Aquatics Supervisor	\$14.59	\$15.32	\$16.08

PASSED AND ADOPTED AS A RESOLUTION AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DIXON ON THE 13th DAY OF DECEMBER 2016, BY THE FOLLOWING VOTE:

AYES: Bird, Castanon, Hickman, Pederson, Batchelor
 NOES: None
 ABSTAIN: None
 ABSENT: None


 Jack Batchelor, Mayor

ATTEST:


 Holli Churchwell, Interim City Clerk