



# City of Culver City

## Staff Report

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**Item #:** A-3

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### Discussion Regarding Drug Testing Policy and Procedures

**Meeting Date:** October 4, 2017

**Contact Person/Dept:** Serena Wright-Black/Administrative Services

**Phone Number:** (310) 253-5640

**Fiscal Impact:** Yes ☐ No ☒

**General Fund:** Yes ☐ No ☐

**Public Hearing:** ☐ **Action Item:** ☒ **Attachments:** [2]

**Public Notification:** (Email) Meetings and Agendas - Civil Service Commission (09/28/17); (Email) All City Staff (09/28/17)

**Department Approval:** Serena Wright-Black, Director of Administrative Services (09/27/17)

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### RECOMMENDATION

Staff recommends that the Civil Service Commission discuss the City's policies and procedures pertaining to employee drug testing and provide comments to staff, as appropriate.

### BACKGROUND

At the September 6, 2017 Civil Service Commission (Commission) meeting, Chair Kuechle received consensus from the Commission to place an item on the agenda to discuss the City's drug testing policy and procedures. Drug testing for public employees is a complex nuanced matter, subject to many local, state and federal regulations. Following is general information to assist with facilitating the Commission's discussion, it should not be considered complete and detailed to cover the many scenarios that can exist.

### DISCUSSION

City Council Policy 4004 sets forth the City's commitment to maintaining a workplace free of drugs and alcohol. This broad policy applies to all City employees and informs said employees of the various testing procedures to which they may be subject. There are five types of drug testing:

- Pre-Employment
- Post-Accident

- Reasonable Suspicion
- Random
- Follow-up/Return to Work

Of those five types of testing, only the first three apply to all City employees. Random and Follow-Up/Return to Work testing only applies to Safety Sensitive Employees.

#### *Safety Sensitive Employees (SSE)*

Employees who hold jobs that perform safety sensitive functions as defined by the federal Department of Transportation (DOT) are subject to specific drug testing regulations as detailed in rule 49 CFR Part 40. As it pertains to Culver City, safety sensitive functions include operating a vehicle that weighs over 26,000 pounds or which carries 16 or more passengers; operating a revenue service vehicle (such as a municipal bus), even when it is not in revenue service; controlling dispatch or movement of a revenue service vehicle; and maintaining (including repairs, overhaul and rebuilding) a revenue service vehicle or equipment used in revenue service.

SSE are mandatorily subject to very specific drug tests as a condition of employment. The DOT rule 49 CFR Part 40 describes required procedures for conducting workplace drug and alcohol testing, i.e. what specimens are collected; who performs the tests and their required qualifications; how to conduct those tests; what procedures to use when testing, and the mandatory return to duty requirements of an employee returning to safety-sensitive service following a DOT drug and/or alcohol rule violation. With a few exceptions, DOT drug tests are conducted only using urine specimens. The urine specimens are analyzed for the following drugs/metabolites:

- Marijuana metabolites /THC
- Cocaine metabolites
- Amphetamines (including methamphetamine, MDMA)
- Opiates (including codeine, heroin (6-AM), morphine)
- Phencyclidine (PCP)

#### *Non-Safety Sensitive Employees*

City employees who do not perform any of the above mentioned duties fall under the category of "Non-Safety Sensitive". Those employees are subject to City policies and procedures pertaining to drugs and alcohol in the workplace. Policies affecting the terms and conditions of employment for represented employees require the City to negotiate with the recognized bargaining units, over said policies, in accordance with California Government Code 3500 et seq., known as the Meyers-Milias-Brown Act (MMBA).

### **ATTACHMENTS**

1. 2017-10-04 - ATT 1 - City Council Policy 4004
2. 2017-10-04 - ATT 2 - List of Safety Sensitive Job Classifications

### **MOTION**

That the Civil Service Commission:

1. Hold discussion; and
2. Provide comments to staff, as appropriate.