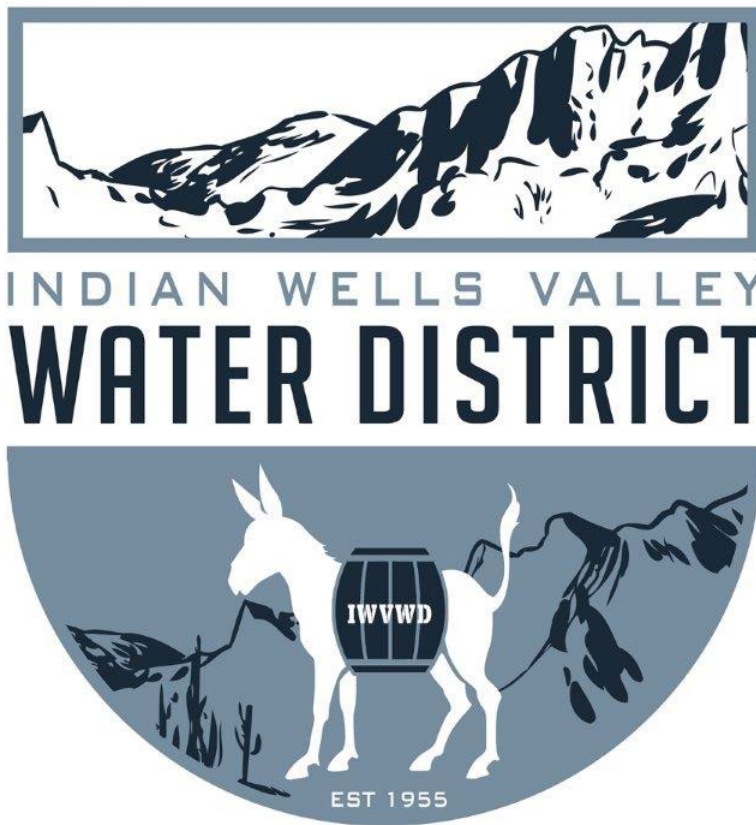


INDIAN WELLS VALLEY WATER DISTRICT

Board of Directors Meeting



April 14, 2025



INDIAN WELLS VALLEY WATER DISTRICT



BOARD OF DIRECTORS

David C. H. Saint-Amand, President
Charles D. Griffin, Vice President
Mallory J. Boyd
Ronald R. Kicinski
Stanley G. Rajtora

George D. Croll
General Manager
Krieger & Stewart, Incorporated
Engineers
McMurtrey, Hartsock, Worth & St. Lawrence
Attorneys-at-Law

2025 COMMITTEE ASSIGNMENTS

ADMINISTRATION/EXECUTIVE COMMITTEE (GRIFFIN/SAINT-AMAND)

Personnel, Legal Matters, General Plan, Community Relations, Board Meeting Agendas, Ordinances, Rules, Regulations, Policies, Procedures, Customer Service, Variances, Director’s Manual. Groundwater Sustainability Act, Indian Wells Valley Groundwater Authority, Water Management, Water Policy, Conservation, Alternative sources for water supply including Blending, Importation, Reuse, etc.

FINANCE COMMITTEE (KICINSKI/RAJTORA)

Rates, Cost-of-Service, Budget, Audits, Cost Allocation, Investments, Financial Services, Insurance, Loans/Grants, Water Sales & Service Policy Manual, Accounting, Assessment Districts, Billing, etc.

PLANT & EQUIPMENT COMMITTEE (BOYD/KICINSKI)

Transmission/Distribution System, Vehicles & Equipment, Wells, Reservoirs, Real Property Management, and Telemetry, Water Quality, Urban Water Management Plan, CalWEP, Title 22 Compliance, etc.

Committee Meetings are generally scheduled on a regular day and time.
Committee Meetings are subject to change.

Plant & Equipment
Finance
Administration/Executive

Monday before the Board Meeting at 3:00 p.m.
Tuesday before the Board Meeting at 3:00 p.m.
Wednesday before the Board Meeting at 3:00 p.m.

BOARD OF DIRECTORS
INDIAN WELLS VALLEY WATER DISTRICT

REGULAR BOARD MEETING

AGENDA

MONDAY, APRIL 14, 2025
CLOSED SESSION - 4:30 P.M.
OPEN SESSION - 6:00 P.M.

BOARD OF DIRECTORS' HEARING ROOM
500 W. RIDGECREST BLVD., RIDGECREST

All District meetings are streamed live through Zoom

Join Zoom Meeting at:
<https://zoom.us/j/9649549487>
Meeting ID: 964 954 9487

One tap mobile:
669-900-9128, 9649549487# US (San Jose)
669-444-9171, 9649549487# US
Dial by your location:
669-900-9128 US (San Jose)
669-444-9171 US
253-215-8782 US (Tacoma)

(In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact Lauren Smith at (760) 384-5502. Requests must be made as early as possible and at least one full business day before the start of the meeting. Pursuant to Government Code section 54957.5, any materials relating to an open session item on this agenda, distributed to the Board of Directors after the distribution of the agenda packet, will be made available for public inspection at the time of distribution at the following location: Indian Wells Valley Water District, 500 W. Ridgecrest Blvd., Ridgecrest, CA.)

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Posting of Agenda Declaration
5. Conflict of Interest Declaration
6. Public Questions and Comments on Closed Session
7. Closed Session
 - A. Potential Litigation
Conference with Legal Counsel
1 Matter
(Pursuant to Government Code Section 54956.9(d)(2)(4))

- B. Existing Litigation
Conference with Legal Counsel
Mojave Pistachios, LLC v Indian Wells Valley Water District, et al.
Orange County Superior Court Case No. 30-2021-01187275-CU-OR-CJC
(Pursuant to Government Code Section 54956.9(d)(1))
 - C. Existing Litigation
Conference with Legal Counsel
Mojave Pistachios, LLC v Indian Wells Valley Groundwater Authority, et al.
Orange County Superior Court Case No. 30-2021-01187589-CU-WM-CXC
(Pursuant to Government Code Section 54956.9(d)(1))
 - D. Existing Litigation
Conference with Legal Counsel
Searles Valley Minerals Inc., v Indian Wells Valley Groundwater Authority, et al.
Orange County Superior Court Case No. 30-2021-01188089-CU-WM-CXC
(Pursuant to Government Code Section 54956.9(d)(1))
 - E. Conference with Labor Negotiators
District Representatives: George Croll and Jim Worth
Employee Organizations: Exempt and Non-Exempt
(Pursuant to Government Code Section 54957.6)
8. Public Questions and Comments
(This portion of the meeting is reserved for persons desiring to address the Board on any matter not on the agenda and over which the Board has jurisdiction. However, no action may be taken by the Board of Directors on any item not appearing on the agenda. Non-agenda speakers are asked to limit their presentation to five minutes. Public questions and comments on items listed on the agenda will be accepted at any time the item is brought forth for consideration by the Board. When you are recognized by the chairperson, please state your name for the record.)
9. Current Business/Committee Reports
- A. Consent Calendar
Description: Approval of Board Meeting Minutes and Accounts Payable Disbursements.
 - 1. Approval of Minutes:
 - i. March 10, 2025, Regular Board Meeting
 - ii. March 18, 2025, Special Board Meeting
 - 2. Approval of Accounts Payable Disbursements
 - B. Salary Survey
Description: Board consideration to adjust entry and maximum levels of positions as proposed by staff.
 - C. Administration/Executive Committee
 - 1. Resolution No. 25-02: Support of the Nomination of Melody McDonald as Candidate for re-election to the ACWA JPIA Executive Committee
Description: Committee consideration to support nomination for Melody McDonald for re-election to the Association of California Water Agencies Joint

Powers Insurance Authority (ACWA JPIA) Executive Committee

Committee Recommends the Following: deferring further conversation regarding support of the nomination to the Board.

2. Draft Drug and Alcohol Policy for DOT Drivers

Description: Board to review draft Drug and Alcohol Policy for Safety Sensitive Employees subject to Federal drug and alcohol testing.

Committee Recommends the Following: Board approve policy as presented.

D. Retention of KP Public Affairs

Description: Discussion of Retaining KP Public Affairs as the District lobbyist to address proposed legislation that impacts groundwater adjudications and/or SGMA. Discussion to include proposed AB 1413 and AB 1466.

E. Indian Wells Valley Groundwater Authority

Description: Report and discussion regarding meetings of the Indian Wells Valley Groundwater Authority (IWVGA). Including, Board discussion and consideration of issues of importance requiring action by the IWVGA. Next meeting is scheduled for May 14, 2025.

F. Comprehensive Adjudication

Description: Report and discussion regarding the status of the Comprehensive Adjudication.

G. General Manager and Staff Update (The Board will consider and may act on the following items):

1. Water Production, New Services, and Personnel Safety Record

Description: Water produced from all District wells, report of the new services installed in the District, and personnel safety record for the preceding month.

2. Committee Meeting Updates

Description: Staff to provide updates from the monthly Committee Meetings that are not currently on the agenda.

3. Public Outreach

Description: Public Outreach Report.

4. NW Transmission Pipeline

Description: Update on this Project.

5. Brady Street Transmission Pipeline Break

Description: Update on pipeline break.

6. Water System Consolidations Update

Description: Update on these Projects.

7. Financial Status

Description: Report on the District's current financial status.

8. Arsenic Treatment Facilities

Description: Staff will update the Board on maintenance issues and production.

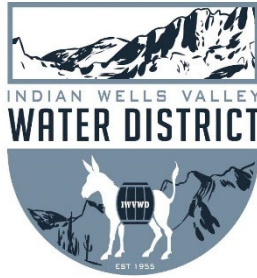
9. Operations

Description: Staff report on operations.

10. Board Comments/Future Agenda Items

11. Date of next Regular Board meeting: **May 12, 2025.**

12. Adjournment



Committee Reports

BOARD OF DIRECTORS
INDIAN WELLS VALLEY WATER DISTRICT

PLANT AND EQUIPMENT COMMITTEE
REGULAR MEETING

REPORT

MONDAY APRIL 7, 2025 – 3:00PM
BOARD ROOM
500 W. RIDGECREST BLVD., RIDGECREST

Attendees: Ron Kicinski, Mallory Boyd, George Croll, Jason Lillion, Ty Staheli, and Renee Morquecho.

1. Call to Order

The meeting was called to order at 3:00 pm.

2. Committee/Public Comments

None.

3. Contract Approval: District Contract with Dune 3 Mutual Water Company

Committee reviewed the draft agreement with Dune 3. Legal counsel is working on verifying information about the corporate entity (LLC). Once completed, the draft will be sent to the State for approval. Once approved, the Agreement will be presented to the entire Board.

4. Recycled Water Feasibility Study: Discussion

General Manager Croll reported that he has given the go-ahead to Krieger & Stewart to sample and test the wastewater effluent for all “constituents of concern” in order to prepare for a full future feasibility study.

5. NW Transmission Pipeline Replacement Project: Update

The plastic trash bad was successfully removed from the pipeline on March 10th. The camera located it fairly quickly as it had not travelled far and was caught on a butterfly valve near where it had entered the pipeline. The contractor was provided a Corrective Work List a few weeks ago. They continue to work on the list, including some items for Caltrans.

6. Brady Street Pipeline Break: Update

The repair has been completed and the pipeline is back in service. Onstott completed the repair of the road last week. Staff is waiting for a schedule from Nicholas for the pipe installation under Hwy 178 at Brady Street.

7. Water System Consolidations: Update

Hometown Water: 95% design plans under review by staff. Will soon go to the State for approval.

Rademacher Way: Staff reviewed the alignment for Phase 2 with Krieger & Stewart. K&S is now working on draft plans. Staff will send follow up letters for the needed easements this month. Preliminarily, staking of Phase 1 and mobilization will occur April 14th with tie-in to Springer on the 15th.

Dune 3: The State is still reviewing the right of entry agreement that will be needed for both Dune 3 and the Hometown projects.

Inyokern Community Services District: General Manager Croll reported that he stopped by ICSD and spoke to their general manager last week regarding his concern over the amount of money they still owed the District. The GM committed to increasing the monthly payment to the District. Mr. Croll also offered to provide any advice the District can provide.

8. Arsenic Plants: Update

The support media has been installed in the filter vessels at Plant 2. Unfortunately, the manways all need new gaskets and when they arrive, the remaining media layers will be installed and work will begin to bring the plant online.

9. Future Agenda Items

- La Mirage Housing Area Grant Funding
- Transmission pipeline(s) inspection
- Springer Ave pipeline schedule
- Imported pipeline infrastructure upgrades

10. Adjournment

The meeting was adjourned at 3:24 pm.

BOARD OF DIRECTORS
INDIAN WELLS VALLEY WATER DISTRICT

FINANCE COMMITTEE
REGULAR MEETING

REPORT

TUESDAY APRIL 8, 2025 – 3:00 PM
BOARD ROOM
500 W. RIDGECREST BLVD., RIDGECREST

ATTENDEES: Ron Kicinski, Stan Rajtora, George Croll, Ty Staheli, Jason Lillion, and Renee Morquecho

1. Call to Order

The Finance Committee Meeting was called to order at 3:00 pm.

2. Committee/Public Comments

None.

3. Fraud Risk Discussion

Description: Discuss potential or actual fraud risks within the organization.

None to report.

4. GA Imported Water Costs

Description: Discuss imported water costs and potential impact to customers' bills.

Nothing new to report.

5. Financial Statements March 31, 2025 (preliminary)

Description: Presentation to Committee financial reports and graphs depicting current revenue and expense trends compared to budget and previous fiscal year actuals.

Estimated year-to-date revenues as of March 31, 2025, are \$12,617,952 and expenses are \$13,684,238, therefore expenditures exceeded revenues by \$1,066,286, which is better than budget by \$609,027.

Estimated year-to-date capital expenditures are \$7,408,062, of that, \$6,095,609 are funded from applicable restricted funds.

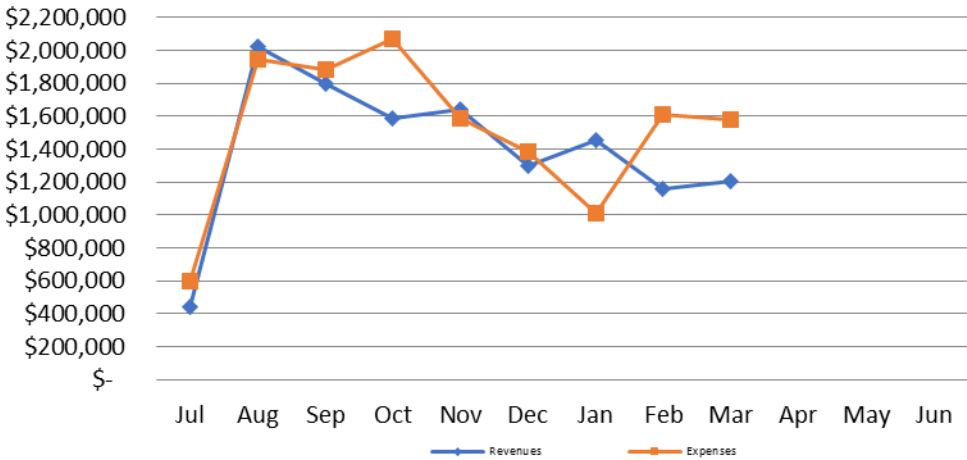
To date, the District rate payers have paid the Groundwater Authority \$17,004,388 in fees.

Staff presented the following spreadsheet, which compares March year-to-date actual to budgeted revenues and expenses by category:

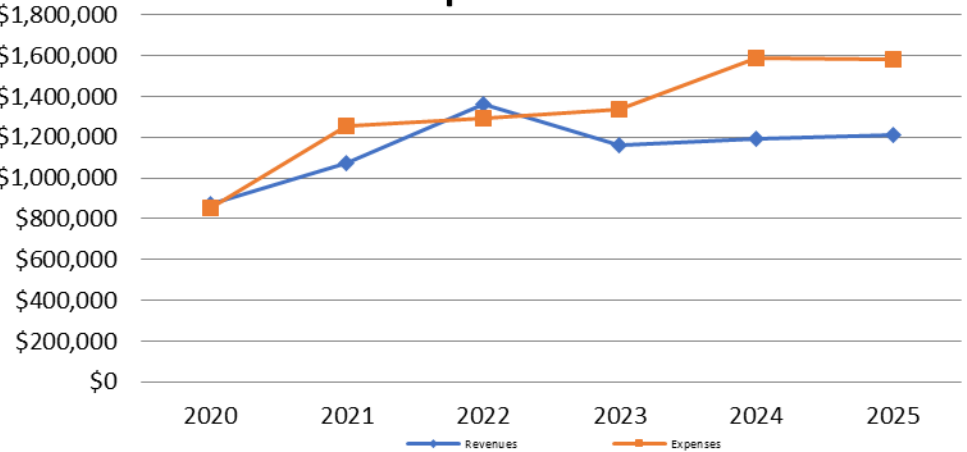
Indian Wells Valley Water District
Revenues vs. Expense
Actuals & Budget through March 2025 (Preliminary)

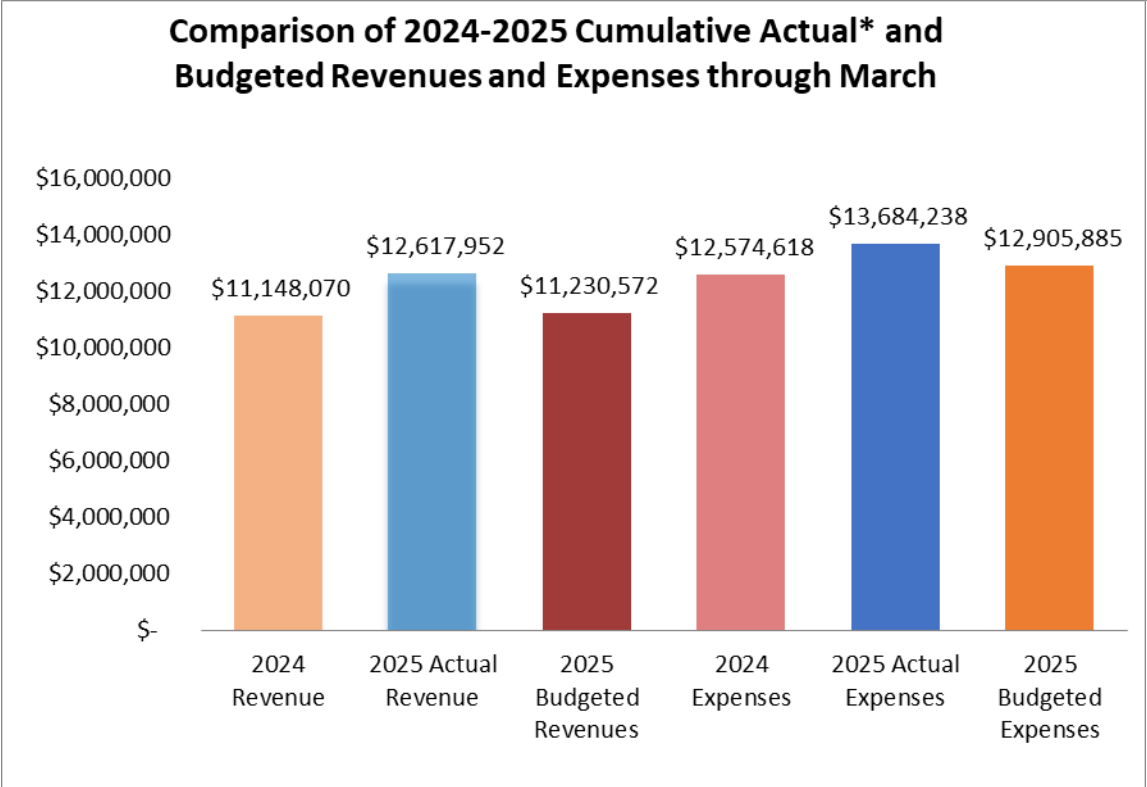
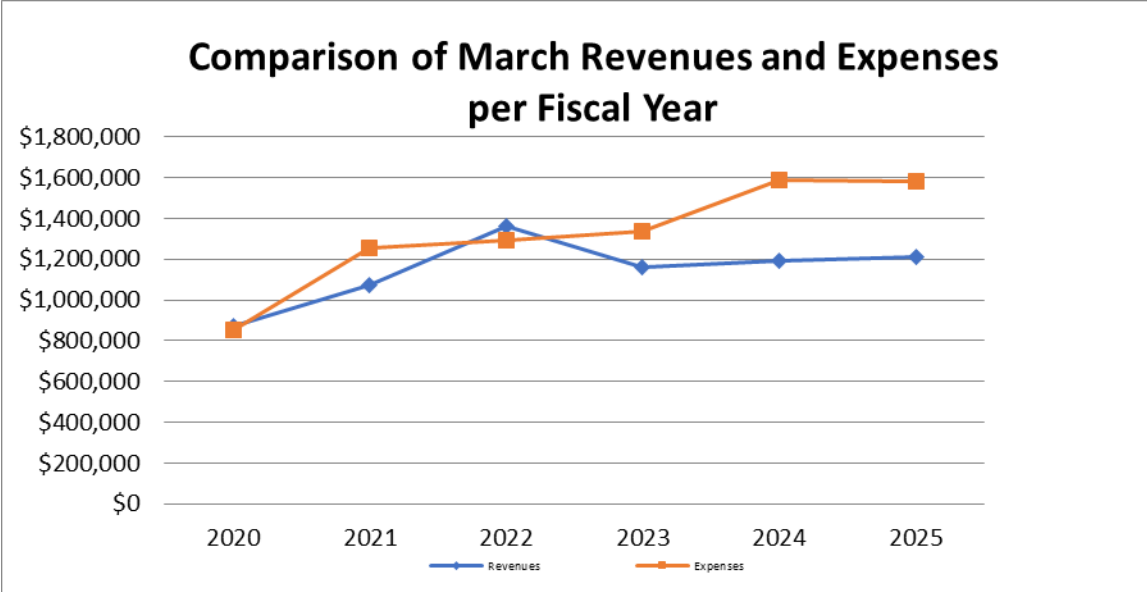
	2025 Budget	YTD Budget	Actuals	Δ
Revenues				
Total Water Sales	13,064,552	8,588,175	9,172,290	584,114
GSA Fees	3,112,486	2,051,181	2,520,676	469,495
Total Water Service Revenue	375,900	316,218	351,117	34,899
Total Non-Operating Income	172,400	129,970	199,385	69,415
Capital Contributions	154,500	145,028	374,485	229,457
Total Revenues	16,879,838	11,230,572	12,617,952	1,387,380
Expenses				
Water Supply	1,622,677	1,216,359	1,206,593	-9,766
Arsenic Treatment Plants	456,719	342,357	171,194	-171,163
Transmission & Distribution	1,861,515	1,395,392	1,147,824	-247,567
Engineering	544,019	415,293	445,766	30,473
Customer Service	516,579	387,228	322,693	-64,534
Field Services	570,208	427,428	439,999	12,571
General & Administration	2,758,794	2,067,992	2,111,483	43,491
Legal	1,050,000	787,080	770,269	-16,811
Legislative	119,400	89,502	73,503	-15,999
Depreciation	3,300,000	2,475,000	2,475,000	0
Non-Operating, Interest	1,747,156	1,064,970	1,064,328	-641
Non-Operating, Miscellaneous	436,000	214,386	368,758	154,373
GSA Fees	3,111,310	1,928,300	3,033,763	1,105,462
Non-Operating, Conservation	34,200	25,636	9,847	-15,790
Non-Operating, Alternate Water	92,000	68,963	43,219	-25,745
Total Expenses	18,220,578	12,905,885	13,684,238	778,354
Net Revenue Increase (Decrease)	-1,340,740	-1,675,313	-1,066,286	609,027
Capital Expenditures			7,408,062	
-\$3 mil grant, 555k AD, balance bond			6,095,609	
Debt Service Principle			845,873	
Total GSA Extraction Fee Paid			3,149,284	
Total GSA Replenishment Fee Paid			13,855,103	
			17,004,388	

Comparison of FY 2024-2025 Revenues and Expenses by Month



Comparison of March Revenues and Expenses per Fiscal Year





**Actual Revenues and Expenses are Estimated*

6. Fiscal Year 2026 Budget Update

Description: Discuss updates to the FY 2026 Budget development

Staff continues to work on development of the FY 2026 Budget. The revenue projections are completed and work has begun on the expenditures. Complicating this process is the implementation of the Construction Crew and its allocation to applicable capital projects.

Staff is working towards bringing a draft budget to the Committee at its May meeting.

7. Accounts Payable Disbursements

Description: Presentation to Committee of Accounts Payable Disbursements reports for Board approval.

The Committee reviewed the accounts payable disbursements totaling \$1,118,224.72 as follows:

Checks through:	<u>3/13/25</u>	<u>3/27/25</u>
Prepaid	\$ 75,387.07	\$ 86,314.00
Current	<u>752,582.91</u>	<u>290,254.74</u>
Total	<u>\$ 827,969.98</u>	<u>\$ 290,254.74</u>

The Committee recommends Board approval.

8. Future Agenda Items

FY 2026 Draft Budget

9. Adjournment

The Committee adjourned at 3:21 pm.

BOARD OF DIRECTORS
INDIAN WELLS VALLEY WATER DISTRICT

ADMINISTRATION/EXECUTIVE COMMITTEE
REGULAR MEETING MINUTES

WEDNESDAY, APRIL 9, 2025 – 3:00 P.M.

BOARD ROOM
500 W. RIDGECREST BLVD., RIDGECREST

Attendees: Chuck Griffin, David Saint-Amand, George Croll, Ty Staheli, Renee Morquecho, and Jason Lillion

- 1. Call to Order**
The meeting was called to order at 3:01 p.m.

- 2. Committee/Public Comments**
None.

- 3. Resolution No. 25-02: Support of the Nomination of Melody McDonald for re-election to the ACWA JPIA Executive Committee**
The Committee recommends deferring further conversation regarding support of the nomination to the Board.

- 4. Draft Drug and Alcohol Policy for DOT Drivers**
The purpose of this policy is to protect the physical and psychological well-being of all employees at the District’s facilities and job sites and protect the safety of the public, as well as comply with federal regulations.

The Committee recommends the Board approve the Drug and Alcohol Policy for DOT Drivers as presented.

- 5. Outstanding Public Record Requests (PRR)**
Staff and legal are currently working on a PRR previously received.

- 6. Indian Wells Valley Groundwater Authority**
The April IWVGA Board meeting was cancelled.

The next IWVGA Board meeting is scheduled for May 14, 2025.

- 7. Alternate Water Sources**
George Croll commented he denied the Department of Water Resources’ request for a timeline extension of the Brackish Groundwater Feasibility Study grant until Wade Major with Aquilogic provides the final report. Mr. Major has committed to completing the report by the end of this month.

Staff to meet with the Navy regarding an Environment Resiliency program that NAWS China Lake will be participating in. This would possibly provide funding for the development of natural capture basins on the west side of the valley.

8. Draft Agenda for the Regular Board Meeting of April 14, 2025

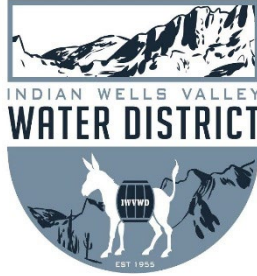
The Committee reviewed the agenda and made minor changes.

9. Future Agenda Items

None.

10. Adjournment

The meeting adjourned at 3:13 p.m.



Approval of Minutes

MINUTES OF THE REGULAR BOARD MEETING

BOARD OF DIRECTORS
INDIAN WELLS VALLEY WATER DISTRICT

MARCH 10, 2025

The Regular Meeting of the Board of Directors of the Indian Wells Valley Water District was called to order by President Saint-Amand at 4:30 p.m. in the Board of Directors Hearing Room, 500 West Ridgecrest Boulevard, Ridgecrest, California. **CALL TO ORDER**

The Pledge of Allegiance was led by Ron Kicinski. **PLEDGE**

DIRECTORS PRESENT: President David C.H. Saint-Amand
Director Mallory J. Boyd
Director Ronald R. Kicinski
Director Stan G. Rajtora **ROLL CALL**

DIRECTORS ABSENT: Vice President Charles D. Griffin

STAFF PRESENT: George Croll, General Manager
Jim Worth, Attorney
Jason Lillion, Operations Manager
Renée Morquecho, Chief Engineer
Tyrell Staheli, Chief Financial Officer
Lauren Smith, Recording Secretary

AGENDA DECLARATION **AGENDA DECLARATION**
Recording Secretary, Lauren Smith, reported that the agenda for today's Regular Board Meeting was posted on Thursday, March 6, 2025.

CONFLICT OF INTEREST DECLARATION **CONFLICT OF INTEREST**
None.

PUBLIC QUESTIONS AND COMMENTS ON CLOSED SESSION **PUBLIC COMMENTS**
None.

With no further Board or Public comments, President Saint-Amand recessed the meeting and adjourned to Closed Session at 4:32 p.m.

CLOSED SESSION **CLOSED SESSION**
The meeting was reconvened in Closed Session at 4:34 p.m.

Closed Session was adjourned at 5:57 p.m.

The meeting was reconvened to Open Session at 6:02 p.m.

No action was taken that requires disclosure under the Brown Act.

DIRECTORS PRESENT: President David C.H. Saint-Amand
Vice President Charles D. Griffin
Director Mallory J. Boyd
Director Ronald R. Kicinski
Director Stan G. Rajtora

ROLL CALL

PUBLIC QUESTIONS AND COMMENTS

Sophia Merk, Mike Neel, and Judie Decker.

**PUBLIC
COMMENTS**

CONSENT CALENDAR

MOTION: was made by Director Kicinski and seconded by Vice President Griffin approving the Minutes of the February 10, 2025, Regular Board Meeting, and Payment of Accounts Payable totaling \$764,587.20. Motion was carried, unanimously. (Ayes: Boyd, Griffin, Kicinski, Rajtora, Saint-Amand. Nays: None. Absent: None.)

**CONSENT
CALENDAR**

John Kersey clarified the project mentioned in the Admin/Exec Report is the Nature Base Solutions project, where they are selecting three California based installations, China Lake being one of them, to find some solutions that meet some resiliency components, in this case, flooding going into the range. Mr. Kersey commented they hope to be able to work together and obtain DoD money to help support the installation as well as the community

BOARD OF DIRECTORS MANUAL

Lauren Smith explained that part of the reaccreditation process for the SDF District of Distinction certificate is for the Board to review and adopt the recent policies and procedures Board of Directors Manual within the past year. The Board manual is updated annually, with the most recent update being in February 2025.

BoD MANUAL

MOTION: was made by Vice President Griffin and seconded by Director Boyd to accept the Board Manual 2025 version as presented by staff. Motion was carried, unanimously. (Ayes: Boyd, Griffin, Kicinski, Rajtora, Saint-Amand. Nays: None. Absent: None.)

RESTRUCTURE OF ORGANIZATIONAL CHART

Staff sought approval from the Board to create a Supervisor position within the Maintenance Repair and Construction (MRC) Department, and reorganization of District's Organizational Chart to facilitate the creation of a District construction crew. This position will not add any additional staff, and immediate fiscal impact is negligible.

**RESTRUCTURE
ORG CHART**

MOTION: was made by Vice President Griffin and seconded by Director Boyd to approve the restructure of the organizational chart as presented by staff to include a supervisor position within the MRC department. Motion was carried, unanimously. (Ayes: Boyd, Griffin, Kicinski, Rajtora, Saint-Amand. Nays: None. Absent: None.)

FINANCE COMMITTEE

FINANCE CM
PRELIMINARY
ENGINEERING
ANALYSIS

The District requested access to the City's wastewater effluent during the last City Council meeting. Since the City still has an agreement with the IWV Groundwater Authority (IWVGA) until November, the Council directed the District to speak to the IWVGA.

Staff is looking for direction from the Board on whether to move ahead with a feasibility study and cost estimate by Krieger & Stewart or a study by Parker Groundwater on the best areas in the valley for injection and/or percolation of recycled water and other captured water.

The Board unanimously agreed to hold off on pursuing a feasibility study by K&S or Parker Groundwater until the District receives a commitment from the City.

The Board heard public comment from Judie Decker, Mike Neel, and Renee Westa-lusk.

ADMINISTRATION/EXECUTIVE COMMITTEE

ADMIN/EXEC
CM:
DRAFT DRIVER
POLICY

Lauren Smith reported a sample driver policy was provided by our insurance carrier, Special District Risk Management Authority (SDRMA). The policy reflects recent requirements for changes regarding driver's licenses (SB-1100 - FEHA), which were addressed at the February Board meeting. Legal and management have reviewed the policy presented.

MOTION: was made by Director Kicinski and seconded by Director Rajtora approving the driver policy as presented by staff. Motion was carried, unanimously. (Ayes: Boyd, Griffin, Kicinski, Rajtora, Saint-Amand. Nays: None. Absent: None.)

Ty Staheli commented sometimes District issued checks, go uncashed, even after attempts are made to contact the individuals, causing a liability to the District. This policy would allow the District to retain the funds, rather than transferring those uncashed check funds to the state. Anything under \$15 after one-year, can be removed from the books, anything \$15 and over requires a three-year wait time, publication through the newspaper and posting on the District's website, followed by a 45-day waiting period. This policy would satisfy state requirements.

RESO: 25-01
STALE DATED
CHECK POLICY

MOTION: was made by Director Boyd and seconded by Director Rajtora approving Resolution No. 25-01: Stale Dated Check Policy as presented by staff. Motion was carried, by the following roll call vote:

President Saint-Amand:	Aye
Vice President Griffin:	Aye
Director Kicinski:	Aye
Director Rajtora:	Aye
Director Saint-Amand:	Aye

INDIAN WELLS VALLEY GROUNDWATER AUTHORITY (IWVGA)

IWVGA

The Board discussed items on the February 12th IWVGA Board meeting agenda, including:

- Settlement agreement with Mojave Pistachios (Griffin abstained)
- Periodic Evaluation of the GSP, approval to be postponed until the March meeting to allow adequate time for public review
- WRDA-24 Letter of intent to the Army Corps of Engineers - project specific to the imported pipeline (Griffin voted nay)
- Introduction of second transient pool for discussion and comment - to be discussed further at the March IWVGA meeting
- Three amendments to contracts involving imported pipeline project change orders (Griffin voted nay)

George Croll commented the District received a request from the GA to coordinate the tie-in for their imported pipeline. The Board shared their concerns with the request, including potential costs to the District to modify their system, annual expenses, and lack of exploring other options.

Director Griffin commented he did not have a chance to review the letter recently released by the GA and posted on the City’s Facebook page entitled “Searles Valley Minerals Lawsuit Aims to Distract”. He also questioned if other Board members were given the chance to review it prior to posting.

The Board heard public comment from Mike Neel, Renee Westa-Lusk, and Judie Decker.

The Board directed staff to decline the request.

Jim Worth commented the GA released a proposal last month which is looking to amend the Water Code § 10726.6 with the intent to retroactively have the law changed to where a GSP can only be challenged through a validation action.

Jim Worth commented the District’s Groundwater Model will be released to the Court on April 21, 2025.

COMPREHENSIVE ADJUDICATION

COMPREHENSIVE ADJUDICATION

Phase 1 trial to quantify the federal reserve water rights is scheduled for April 28, 2025. Discovery is ongoing.

Phase 2 trial - at the last Case Management conference, the District requested and was provided with a 60-day extension to produce the Groundwater Model. As a result of that, the Navy and the GA are arguing the trial needs to be continued for at least another 60-days to allow them sufficient time. Tomorrow, March 11th, at 10:30 a.m., there will be an Informal Discovery Conference, at which time the parties will discuss with the court whether to keep the original trial date, or extend it.

GENERAL MANAGER AND STAFF UPDATE

GENERAL MANAGER AND STAFF UPDATE COMMITTEE MEETING UPDATES

Mr. Croll reported on the District’s previous and upcoming outreach efforts, and ongoing outreach efforts through the District’s media platforms, and newspaper articles regarding the District.

Mr. Croll summarized the topics of discussion on the Committee agendas, including GA imported water cost, Grant Writing Assistance, Potential

Collaboration with the Navy on Nature Base Solution, Rademacher update, and Public Records Request (PRR). (Committee Reports included in Board packet.)

Renee Morquecho announced the bag has been found. Photos were displayed showing the butterfly valve where it was stuck. NW TRANSM. PIPELINE

Staff expects costs this week from the Nichlas Construction to install the new pipe under Highway 178 at Brady to prepare for future replacement of the entire line in Brady, from Highway 178 to the tanks on Bowman Road.

Jim Worth to follow up with contractor regarding the removed pipeline to obtain a more definitive timeline for disposing of the pipeline.

Renee Morquecho provided the following updates for the Water Systems Consolidations: CONSOLIDATION PROJECTS

Dune 3: Legal is working on the language of the agreement between Dune 3 and the District. Virtual kick-off meeting with GHD held last week. State is also reviewing the right of entry agreement that will be needed for both Dune 3 and the Hometown projects.

Hometown: Potholing to finish the Hometown design was completed and the design should be completed within 2 weeks.

Rademacher: Potholing completed for Phase 2. Preliminary pipeline alignment under review by Staff. Two of five easement documents signed/filed.

Ty Staheli reported the estimated year-to-date revenues as of February 28, 2025, are \$11,409,117 and expenses are \$12,102,725. Expenditures exceeded revenues by \$693,608, which is better than budget by \$1,091,500. To date, the District has paid \$16,934,621 in GA Fees to the Groundwater Authority. FINANCIAL STATUS

District maintenance staff has completed the installation of the approximately 50' section of pipe on Brady. Staff will now begin shading and backfilling the pipe in preparation for filling, flushing, and sampling the pipe prior to bringing it back online for use. BRADY TRANS. PIPELINE BREAK

Jason Lillion reported the Water Supply staff has completed removal of old media, and is currently making repairs to interior structure. Next steps are to install underdrain laterals and begin installation of replacement media. The plants will be ready for the Summer season. ARSENIC TREATMENT

For the month of February, seven services were repaired and eight were replaced. The NO-DES truck made no runs in February. Since inception, the NO-DES truck has filtered 9,501,562 gallons. One valve was exercised. The GIS continues Water Supply Testing. OPERATIONS

BOARD COMMENTS/FUTURE AGENDA ITEMS

BOARD COMMENTS

Director Kicinski thanked staff and public for their participation in tonight's meeting.

Director Rajtora stated he was elated that staff was able to locate the bag.

Director Boyd commended George and staff for their way of presenting during the meeting and requested PowerPoint slides somehow be included in the packet. Staff will begin posting the slides on the website along with the packet and agenda.

The Board heard an agenda item request from Mike Neel regarding how many lawns currently have grass and calculations of potential savings if all grass was removed.

DATE OF NEXT REGULAR BOARD MEETING

The date of the next Regular Board Meeting is Monday, April 14, 2025.

DATE OF NEXT BOARD MEETING

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned at 7:38 p.m.

ADJOURNMENT

Respectfully submitted,

Lauren Smith
Recording Secretary

APPROVED: _____

MINUTES OF THE SPECIAL BOARD MEETING

BOARD OF DIRECTORS
INDIAN WELLS VALLEY WATER DISTRICT

MARCH 18, 2025

The Special Meeting of the Board of Directors of the Indian Wells Valley Water District was called to order by Director Kicinski at 3:00 p.m. in the Board of Directors Hearing Room, 500 West Ridgecrest Boulevard, Ridgecrest, California. **CALL TO ORDER**

The Pledge of Allegiance was led by Mallory Boyd. **PLEDGE**

DIRECTORS PRESENT: Director Mallory J. Boyd
Director Ronald R. Kicinski
Director Stan G. Rajtora **ROLL CALL**

DIRECTORS ABSENT: President David C.H. Saint-Amand
Director Charles D. Griffin

STAFF PRESENT: George Croll, General Manager
Jim Worth, Attorney
Jason Lillion, Operations Manager
Renée Morquecho, Chief Engineer
Tyrell Staheli, Chief Financial Officer

AGENDA DECLARATION

Operations Manager, Jason Lillion, reported that the agenda for today's Special Board Meeting was posted on Monday, March 17, 2025. **AGENDA DECLARATION**

CONFLICT OF INTEREST DECLARATION

None. **CONFLICT OF INTEREST**

PUBLIC QUESTIONS AND COMMENTS

None. **PUBLIC COMMENTS**

NORTHWEST TRANSMISSION LINE CHANGE ORDER

Staff presented a Change Order to the current contract with Nicholas Construction in the amount of \$332,000.00. This is for work to cross under Highway 178 at Brady Street with fusible PVC pipe. This will facilitate future replacement of the current transmission pipeline in Brady Street. Using Nicholas Construction for this work now will save time and money in the future by negating the need to go through the bid process which could delay the needed work during an emergency situation. **NW TRANS. LINE CHANGE ORDER**

The Board heard public comment from Renee Westa-Lusk.

MOTION: was made by Director Rajtora and seconded by Director Boyd approving the change order for Nicholas Construction in the amount of \$332,000.00. Motion was carried, by the following roll call vote:

President Saint-Amand:	Absent
Vice President Griffin:	Absent
Director Kicinski:	Aye
Director Rajtora:	Aye
Director Saint-Amand:	Aye

ADJOURNMENT

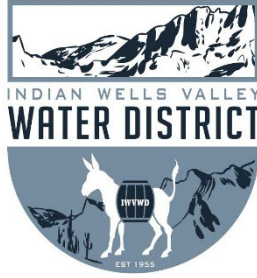
With no further business to come before the Board, the meeting was adjourned at 3:11 p.m.

ADJOURNMENT

Respectfully submitted,

Lauren Smith
Recording Secretary

APPROVED: _____

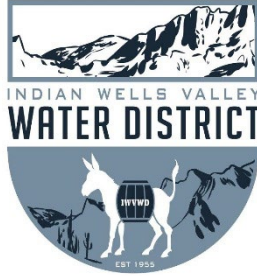


9.B.

2024 Salary Ranges

Proposed 2025 Salary Ranges

Position	Current Entry	%	Current Max	%	New Entry	New Max
Accountant	\$72,197.00	2.6%	\$94,733.00	-0.3%	\$72,197.00	\$94,733.00
HR Specialist	\$87,755.00	4.6%	\$118,997.00	-2.5%	\$87,755.00	\$118,997.00
Assc. Engineer	\$97,416.00	9.5%	\$131,733.00	2.4%	\$106,716.74	\$131,733.00
CA Rep	\$56,680.00	7.1%	\$75,246.00	1.5%	\$60,718.52	\$75,246.00
CA Supervisor	\$77,043.00	17.9%	\$103,085.00	1.8%	\$90,833.36	\$103,085.00
CFO	\$143,769.00	8.1%	\$191,363.00	4.0%	\$155,465.93	\$191,363.00
Chief Engineer	\$138,166.00	8.0%	\$184,440.00	4.2%	\$149,209.74	\$184,440.00
Exec Secretary	\$61,131.00	-1.1%	\$82,930.00	-7.4%	\$61,131.00	\$82,930.00
FS Rep II	\$55,307.00	5.5%	\$74,360.00	-0.6%	\$58,328.43	\$74,360.00
FS Supervisor	\$78,936.00	5.6%	\$109,845.00	1.7%	\$83,337.63	\$109,845.00
FS Tech	\$69,430.00	0.6%	\$94,162.00	-6.0%	\$69,430.00	\$94,162.00
IT Admin	\$90,606.00	8.3%	\$119,629.00	4.0%	\$98,154.70	\$119,629.00
MRC I	\$40,394.00	18.6%	\$64,418.00	-0.8%	\$47,923.76	\$64,418.00
MRC II	\$64,522.00	4.2%	\$86,008.00	-1.4%	\$64,522.00	\$86,008.00
MRC Tech	\$77,314.00	5.5%	\$101,733.00	1.6%	\$81,552.39	\$101,733.00
MRC Supervisor	\$92,560.00	5.6%	\$122,429.00	1.8%	\$97,705.75	\$122,429.00
Ops Manager	\$138,712.00	7.4%	\$191,602.00	1.3%	\$149,039.59	\$191,602.00
WH Admin	\$63,482.00	1.9%	\$81,952.00	-0.3%	\$63,482.00	\$81,952.00
WS Operator I	\$55,536.00	8.0%	\$78,146.00	2.3%	\$59,974.98	\$78,146.00
WS Operator II	\$75,296.00	11.8%	\$103,293.00	3.3%	\$84,175.42	\$103,293.00
WS Tech	\$85,821.00	10.9%	\$112,610.00	6.0%	\$95,193.74	\$119,328.76
WS Supervisor	\$96,616.00	7.8%	\$129,133.00	5.2%	\$104,115.56	\$135,876.91



9.C.1.



San Bernardino Valley Water Conservation District

Helping Nature Store Our Water

Indian Wells Valley Water District
Mallory Boyd
JPIA Director
500 W Ridgecrest Blvd
Ridgecrest, CA 93555

February 3, 2025

Dear Mallory Boyd,

On behalf of the Board of Directors of the San Bernardino Valley Water Conservation District (SBVWCD), we are honored to nominate our President, Melody McDonald, for re-election to the Association of California Water Agencies Joint Powers Insurance Authority (ACWA JPIA) Executive Committee. Enclosed, please find a certified copy of SBVWCD Resolution No. 626, formally supporting Mrs. McDonald's nomination.

For over three decades, Ms. McDonald has exemplified exceptional leadership, unwavering dedication to the water industry, and a steadfast commitment to risk management and training. Her unparalleled institutional knowledge and contributions to ACWA JPIA have earned her recognition as a cornerstone of its success.

Ms. McDonald's service to her community spans many critical aspects of the water sector:

- President, ACWA JPIA Board of Directors
- Member, ACWA JPIA Executive Committee (since 2001)
- Chair, ACWA JPIA Personnel Committee
- Director, ACWA JPIA (since 1991)
- President, San Bernardino Valley Water Conservation District
- Director, San Bernardino Valley Water Conservation District (since 1991)
- Member, ACWA State Legislative Committee
- Board Member, Association of San Bernardino County Special Districts

In addition to her ongoing roles, Ms. McDonald has previously served as Chair and Vice-Chair of the ACWA JPIA Liability, Property, and Workers Compensation Program committees. Notably, she spent eight years as Chair of the State of California Santa Ana Regional Water Quality Control Board under a gubernatorial appointment from 1993 to 2000.

With over 32 years of experience in the water industry, Ms. McDonald's leadership has guided ACWA JPIA's remarkable growth, now managing assets exceeding \$244 million. In 2024, JPIA conducted 207 training classes and equipped more than 4,400 employees with essential skills to mitigate risks. Her guiding philosophy, "The best

1630 W. Redlands Blvd, Suite A
Redlands, CA 92373
Phone: 909.793.2503
Fax: 909.793.0188
www.sbvwd.org Email: info@sbvwd.org

BOARD OF DIRECTORS

Division 1:
Richard Corneille

Division 2:
Mark E. Falcone

Division 3:
Robert Stewart

Division 4:
John Longville

Division 5:
Melody McDonald

GENERAL MANAGER

Betsy Miller

claim is the one that never happened,” underscores her commitment to proactive risk management and loss prevention—key drivers of ACWA JPIA’s success.

We respectfully request that your organization adopt a concurring resolution of nomination in support of Ms. McDonald. A sample resolution is enclosed for your convenience or can be accessed at ACWA JPIA [Election Page](#). Given the time-sensitive nature of this request, we kindly ask that it be included on your next Board meeting agenda.

Thank you for your consideration and support of Ms. McDonald’s candidacy. Should you have any questions or need additional information, please feel free to contact me at 909-793-2503 or bmiller@sbcwcd.org.

Please send a certified copy of your resolution to:

ACWA/JPIA
Attention: Laura Baryak
ACWA JPIA
P.O. Box 619082
Roseville, CA 95661-9082
lbaryak@acwajpia.com

and

**San Bernardino Valley Water
Conservation District**
Attention: Allison Zecher
1630 W. Redlands Blvd. Suite A
Redlands, CA 92374
azecher@sbcwcd.org

This resolution must be received by ACWA/JPIA no later than 4:30 pm Friday, April 11, 2025.

Sincerely,

Betsy Miller
General Manager

Enclosures:

1. SBVWCD Resolution No. 626
2. Statement of Qualifications
3. Sample Concurring Resolution

RESOLUTION NO. 626

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN BERNARDINO VALLEY WATER CONSERVATION DISTRICT
NOMINATING ITS ACWA/JPIA BOARD
MEMBER TO THE EXECUTIVE COMMITTEE
OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES
JOINT POWERS INSURANCE AUTHORITY ("ACWA/JPIA")**

WHEREAS, this District is a member district of the ACWA/JPIA that participates in all four of its Programs: Liability, Property, Workers' Compensation, and Employee Benefits; and

WHEREAS, the Bylaws of the ACWA/JPIA provide that in order for a nomination to be made to ACWA/JPIA's Executive Committee, the member district must place into nomination its member of the ACWA/JPIA Board of Directors for such open position; and

WHEREAS, President McDonald has served District and the ACWA/JPIA Executive Committee for many years and brings leadership experience and perspective.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Bernardino Valley Water Conservation District that its member of the ACWA/JPIA Board of Directors, Melody McDonald, be nominated as a candidate for the Executive Committee for the election to be held at JPIA's Spring 2025 Conference.

BE IT FURTHER RESOLVED that the ACWA/JPIA staff is hereby requested, upon receipt of the formal concurrence of three other member districts to affect such nomination.

BE IT FURTHER RESOLVED that the District Secretary is hereby directed to transmit a certified copy of this resolution to the ACWA/JPIA at P.O. Box 619082, Roseville, California 95661-9082, forthwith.

ADOPTED this 13th day of November 2024.



Vice President, Board of Directors

ATTEST:


Secretary



Melody.sbvxcd@gmail.com

**Melody
Henriques-McDonald**

P.O. BOX 830
HIGHLAND, CA 92346

*(909) 793-2503 District
(909) 499-5175 cell
(909) 867-9821 fax*

Like @ <https://www.facebook.com/Melody4Water>

Candidate for:

**ACWA JPIA
EXECUTIVE COMMITTEE**
(Incumbent, seeking re-election)



Melody & Board receiving, District of Distinction Award, the highest governance and best practices accreditation possible.

Kathleen Tiegs, former Special Districts Board Member & ACWA President presenting. 2017

ASSOCIATIONS

Member, Board of Directors of the San Bernardino Valley Water Conservation District (Elected), Currently President, originally appointed in 1991, and first woman on the board.

Member, Executive Committee ACWA/JPIA since 2001

President, ACWA/JPIA BOD, Chair Executive Committee

Chair, Personnel Committee

Director, ACWA/Joint Powers Insurance Authority since 1991

Member ACWA State Legislative Committee

Board Member, Association of the San Bernardino County Special Districts

Over 32 + Years, Experience in the Water Industry includes:

Past Member, (CWA) California Women for Agriculture

Past Member, ACWA Water Management Committee

Past Member, ACWA Federal Affairs Committee

Past Chair & Vice-Chair, JPIA Liability, Property, & Workers Compensation Programs

Past Member, Board of Directors ACWA, Region 9 Chair

Past Chair, Water Management Certification Subcommittee

**Chair, California Water Quality Control Board, Santa Ana Region 8
Years of service, Gubernatorial Appointment 1993-2000**

CURRENT EMPLOYMENT

**Southwest Lift & Equipment, Inc. (Heavy Duty Vehicle Lifts)
Broker/Associate, Century 21 Lois Lauer Realty**

PROFESSIONAL ASSOCIATIONS & LICENSES

**Redlands Association of Realtors
California Real Estate Broker's License
Arizona Real Estate Broker's License**

ORGANIZATIONS AND SOCIETIES

**Highland Chamber of Commerce
San Bernardino Chamber of Commerce
Immanuel Baptist Church Highland, CA
BSF International**

EDUCATION

**San Geronio High School, 1976
Western Real Estate School, 1989
Graduate, Special Districts Board Management Institute, 1997
Studied at Crafton Hills College**

RESOLUTION NO. 25-02

RESOLUTION OF THE INDIAN WELLS VALLEY WATER DISTRICT, KERN AND
SAN BERNARDINO COUNTIES, CALIFORNIA, CONCURRING IN NOMINATION TO
THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF CALIFORNIA WATER
AGENCIES JOINT POWERS INSURANCE AUTHORITY ("JPIA")

WHEREAS, this District is a member District of the JPIA;
and

WHEREAS, the Bylaws of the JPIA provide that in order for a
nomination to be made to JPIA's **Executive Committee**, three
member Districts must concur with the nominating District; and

WHEREAS, another JPIA member District, San Bernardino
Valley Water Conservation District has requested that this
District concur in its nomination of its member of the JPIA
Board of Directors to the **Executive Committee** of the JPIA;

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of
the Indian Wells Valley Water District, that this District
concur with the nomination of Melody McDonald of San Bernardino
Valley Water Conservation District to the **Executive Committee** of
the JPIA.

BE IT FURTHER RESOLVED that the District Secretary is
hereby directed to transmit a certified copy of this resolution
to the JPIA at P.O. Box 619082, Roseville, CA 95661-9082,
forthwith.

All the foregoing being on the motion of Director and
seconded by Director, and authorized by the following vote,
namely:

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing resolution is the
resolution of Indian Wells Valley Water District as duly passed

and adopted by said Board of Directors at a legally convened meeting held on the 14th day of April, 2025.

WITNESS my hand and the official seal of said Board of Directors this 14th day of April, 2025.

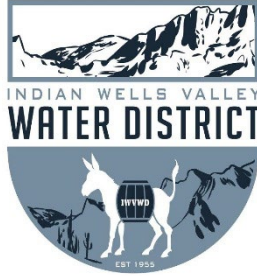
ADOPTED AND APPROVED this 14th day of April, 2025.

David C.H. Saint-Amand
President, Board of Directors
INDIAN WELLS VALLEY WATER DISTRICT

ATTEST:

George D. Croll
Secretary, Board of Directors
INDIAN WELLS VALLEY WATER DISTRICT

(SEAL)



9.C.2.

Indian Wells Valley Water District

Drug and Alcohol Policy for Safety-Sensitive Employees subject to Federal drug and alcohol testing US DOT 49 CFR Part 40 and US DOT Federal Motor Carrier Safety Administration (FMCSA) Part 382

Effective **April 10, 2025**, this Drug-Free Workplace Policy will be implemented and will apply to all prospective drivers, safety-sensitive employees, and current employees of ***Indian Wells Valley Water District (hereafter referred to as “the District”)***. This is regulated by DOT (Department of Transportation, 49 CFR Parts 40 and 382).

I. THE DISTRICT’S PHILOSOPHY

The District believes that it has an obligation and the right to have alert, drug/alcohol-free employees on the job and must provide a safe work environment. This means that during working hours, all employees are expected to be free from any substance, whether legal or illegal, that can negatively affect job performance or risk the health and safety of employees or the public.

The purpose of this testing policy is to protect the physical and psychological well-being of all employees at the District’s facilities and job sites and protect the safety of the public, as well as comply with federal regulations. Use of intoxicants and drugs that alter the ability to function on the job in an effective and safe manner will not be tolerated. The use of or condition of being under the influence of drugs/alcohol while at work can affect the morale of other employees as well as increase accidents, theft, and absenteeism. This testing policy is a critical step in establishing and maintaining an efficient and safe work force and will be applied in conjunction with all established District policies, procedures, and programs.

The District will vigorously pursue the enforcement of this policy while maintaining the privacy of its employees to the extent permitted by law. It is the intent of this policy to encourage and support employee recovery from substance abuse.

II. GENERAL

1. Applicability

Part 382, and this Plan, applies to every person and to all employers of such persons who operate a commercial motor vehicle in commerce in any State, and is subject to: (1) The commercial driver's license requirements of Part 3835; (2) The Licencia Federal de Conductor (Mexico) requirements; or (3) The commercial driver’s license requirements of the Canadian National Safety Code.

2. Compliance

Plan Development. The Plan meets the requirement of Part 382, paragraph § 382.601, to provide educational materials that explain the requirements of Parts 382 and 40 and the Company's policies and procedures with respect to meeting these requirements. The Plan describes the methods and procedures for compliance with the drug and alcohol program requirements of the DOT. The Plan covers the operational day-to-day requirements that are found in Part 382, and the procedural testing requirements that are found in Part 40. The Plan communicates to drivers, Company officials, and DOT officials the path that the District will follow in order to comply with the requirements for a successful DOT drug and alcohol program.

Plan Availability. The Plan will be posted in a **common place**, selected by the Company, for driver review and feedback. A copy of the **Plan will be made available to all drivers.** Any driver desiring a copy of Part 40 and/or Part 382 must contact the **Designated Employer Representative, Lauren Smith.** The Plan will provide a basic description of the rules and testing requirements and will show how the District implements and follows them. The Plan is not meant as a substitute for the details provided in either rule. If there is any difference in instruction or interpretation between the Plan and the rules, the rules prevail. The Plan will be updated at any time if its language, or the intent of its language, differs from that of either Part 40 or Part 382. Drivers are encouraged to obtain and read Part 40 and Part 382 on their own.

3. “DOT” vs. “FMCSA”

All DOT workplace testing procedures will follow Part 40 requirements. All DOT procedural responsibilities for motor carriers will follow Part 382. In the Plan, the term “DOT” will be used for references to general requirements (e.g., testing procedures) placed on motor carriers. The use of the term “FMCSA” will be to distinguish specific, unique administration requirements versus general, DOT requirements (e.g., blood alcohol test results received from law enforcement may be used in a post-accident situation).

4. DOT Procedures

The District will assure that the procedures of Part 40 are followed for drug and alcohol testing conducted under the requirements and authority of Part 382; a violation of Part 40 is a violation of Part 382. If the District employs a Consortium/Third-Party Administrator (C/TPA) to assist in program development, implementation, and management, the C/TPA will, likewise, follow all the requirements of Part 40 and Part 382. It is the District's goal to establish and maintain compliance with the DOT drug and alcohol program.

~~5. Stand-down Waiver~~

~~DOT “stand-down” is not in effect for this District. The District does not hold a stand-down waiver under Part 40, and has not applied for one. Should this status change, the District will notify all drivers and Company officials, in accordance with Part 40 requirements.~~

6.5. Preemption of State and Local Laws

Part 40 and Part 382 are Federal laws. Federal law preempts any state or local law, rule, regulation, or order to the extent that: (a) compliance with both the state or local requirement and Part 40 or 382 is not possible; or (b) compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement of Parts 40 or 382. This provision does not preempt provisions of state criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public

7.6. Definitions

Definitions from Parts 40 and 382 have been combined in alphabetical order and are provided in a single listing. For purposes of the Plan, the following definitions apply:

A. **Accident**

- A fatality; or
- A citation issued by a law enforcement official to the commercial driver AND one or more of the following situations:
 - Bodily injury to a person who, as result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more of the vehicles incurs disabling damage as a result of the accident that renders the vehicle unable to be driven in daylight hours or requires the vehicle to be transported away from the scene by a tow truck or other vehicle.

B. **Alcohol**

- The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

C. **Alcohol Concentration**

- 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.

D. Commercial Motor Vehicle

- A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - 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
 - Has a gross vehicle weight rating of 26,001 or more pounds; or
 - Is designed to transport 16 or more passengers, including the driver; or
 - Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

E. Confirmation Alcohol Test

- A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.

F. Confirmation Drug Test

- A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial Designated test, and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. (Gas chromatography/ mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opioids, amphetamines, and phencyclidine).

G. Controlled Substance

- Controlled substance means the category of drugs as listed in 49 CFR Part 40, including:
 - Marijuana
 - Cocaine
 - Opioids
 - Phencyclidine (PCP)
 - Amphetamines

H. Covered Employee

- Any employee that is subjected to alcohol and drug testing requirements of 49 CFR Part 382 or this policy.

- I. **Covered Position**
- Covered position is one that is subject to the alcohol and drug testing requirements of 49 CFR Part 382 or this policy.
- J. **Designated Employer Representative (DER)**
- The person(s) designated by the Employer to receive confidential test results.
- K. **Dilute Specimen**
- A urine sample with a low Specific Gravity and a low Creatinine level.
- L. **Direct Observed Collection**
- Employee must raise his/her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show you, by turning around, that they do not have a prosthetic device. You must urinate into the collection container. Specifically, the collector must watch the sample go from the employee's body into the collection container.
- M. **Driver**
- Any person who operates a commercial motor vehicle; this includes, but is not limited to, full-time, regularly employed drivers; casual, intermittent, or occasional drivers. For the purpose of pre-employment/pre-duty testing only, the term includes a person applying to an Employer to drive a commercial motor vehicle.
- N. **Invalid Test**
- A sample with which the laboratory has been unable to obtain a valid test result.
- O. **Medical Review Officer**
- A licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving laboratory results generated by an Employer's drug testing program who has knowledge of substance abuse disorders, possesses a certificate of completion or certification from an approved MRO program and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.
- P. **On-Duty Time**
- All time at a carrier or shipper plant, terminal, facility or other property, or on any public property, waiting to be dispatched (as defined by the Employer), unless the driver has been relieved from duty by the Employer;

- All time inspecting equipment or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time;
- All driving time, i.e., time spent at the driving controls of a commercial motor vehicle at any time;
- All time, other than driving time, in or upon any commercial motor vehicle;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded, or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- All time spent performing the requirements relating to accidents; or
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Q. Oral Fluid Testing

- A sample taken from the oral cavity. This is considered an observed sample. In accordance with the employer's decision about the testing methodologies to be used for both oral fluid and urine collections and laboratory testing.
- While the employer may opt for only one methodology, oral fluid testing must be available for directly observed collections for transgender and non-binary individuals.
- The employer has the right to request an oral fluid test for specific categories of DOT required testing.

R. Performing a Safety-Sensitive Function

- A driver is considered to be performing a safety-sensitive function during any period in which they are actually performing, ready to perform, or immediately available to perform a safety-sensitive function.

S. Positive Drug Test

- A drug test that is confirmed by G.C./M.S. technology at or above the cut-off levels established by the Department of Health and Human Services (DHHS). These cut-off levels may change from time to time depending upon DHHS rules. The District will always test at the currently required DHHS levels. The District will attempt to notify covered employees if these levels change. Currently, the cut-off levels are (expressed in nanograms per milliliters (ng/mL):

Urine Drug Screening

<u>Drug</u>	<u>Screening Level</u>	<u>Confirmation Level</u>
Marijuana	50	15
Cocaine	150	100
Opioids	2000	2000
Codeine and Morphine	2000	2000
6-acetylmorphine (6-AM)	10	10
Hydrocodone/Hydromorphone	300	100
Oxycodone/Oxymorphone	100	100
Phencyclidine (PCP)	25	25
Amphetamines	500	250
Methamphetamines	500	
MDMA, MDA	500	

Oral Fluid Drug Screening

<u>Drug</u>	<u>Screening Level</u>	<u>Confirmation Level</u>
Marijuana (THC) ²	4 ng/mL ³	2 ng/mL.
Cocaine/Benzoyllecgonine	15 ng/mL	8 ng/mL
Codeine/Morphine	30 ng/mL	15 ng/mL.
Hydrocodone/Hydromorphone	30 ng/mL	15 ng/mL.
Oxycodone/Oxymorphone	30 ng/mL	15 ng/mL.
6-Acetylmorphine	4 ng/mL ³	2 ng/mL.
Phencyclidine	10 ng/mL	10 ng/mL.
Amphetamine/Methamphetamine	50 ng/mL	25 ng/mL.
MDMA ⁴ /MDA ⁵	50 ng/mL	25 ng/mL.

T. Prohibited Conduct

- No employee shall report to work or engage in work while having alcohol, illegal drugs, or any other disabling or controlled substance in their system;
- Reporting to work or engaging in work with a breath alcohol level of 0.02 BAC or greater;
- The possession, sale, storage, transporting (without manifest) or use of alcohol while on-duty and/or on the District property;
- No employee shall perform safety-sensitive duties within four (4) hours after using alcohol;
- No employee involved in an accident and required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until the employee undergoes a DOT post-accident alcohol test, whichever comes first;
- Refusing to submit to any testing required under this policy or required by 49 CFR Part Part 382;

- No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle.
- U. **Refusal to Test (refusal to provide an acceptable alcohol or controlled substance test)**
- Failing to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirements for breath testing in accordance with the requirements of 49 CFR Part 382 or this policy.
 - Failing to provide adequate sample for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for sample testing in accordance with the requirements of 49 CFR Part 382 or this policy.
 - Failure to cooperate with the process in a manner that obstructs the collection of the specimen.
- V. **Safety-Sensitive Function**
- Any of those duties set forth in 49 CFR Part 382 (see also "on duty time").
- W. **Screening Alcohol Test**
- An analytical procedure, to determine whether an employee may have a prohibited concentration of alcohol in a breath sample.
- X. **Screening Drug Test**
- An immunoassay screen, to eliminate "negative" specimens from further analysis.
 - A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) who possesses a certificate of completion or certification from an approved SAP program with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.
- Y. **Validity Testing**
- Laboratory testing of urine samples for the presence of substances not normally found in human urine or naturally occurring substances at levels not consistent with human urine. Validity testing shall be conducted in accordance with the most recently published DOT guidelines.
- Z. **Waiting to be Dispatched**
- All other time not specified as on-duty time.

III. POLICY AND RESPONSIBILITIES

1. Responsibilities of Key Personnel

The District will convey to responsible individuals -- the **Designated Employer Representative(s), Lauren Smith,** and affected supervisors - that, to the fullest extent permitted by law, the privacy and confidentiality of any driver subject to the Plan must be maintained at all times.

Designated Employer Representative (DER). The DER is:

- a. The key employee for the Company's drug and alcohol program functions and has the knowledge and authority to make decisions about the testing process and answer questions about it.
- b. Not a service agent.
- c. One or more employees of the Company assigned to ensure adequate coverage on all shifts and at all locations.
- d. Responsible for the preparation of the Plan, as well as providing oversight and evaluation on the Plan.
- e. Responsible for reviewing all adverse personnel action or discipline applied under the Plan for consistency and conformance to human resources policies and procedures.
- f. Responsible for scheduling random, return-to-duty and follow-up testing, as applicable, and is authorized to receive and maintain, in a secure file system, all drug and alcohol testing results.
- g. Responsible for providing answers to driver questions regarding the testing program and information on the resources available for drug and alcohol counseling.
- h. Responsible for overseeing the employee assistance program (EAP).

Supervisor. A District individual(s) responsible for observing the performance and behavior of drivers that is suggestive enough to lead to reasonable suspicion/cause drug and/or alcohol testing. Supervisors who will determine whether a driver must be drug tested and/or alcohol tested based on reasonable suspicion/cause will be trained in the “signs and symptoms” of each substance. The supervisor is required to document a reasonable suspicion/cause event.

2. Responsibility of Drivers

Compliance. Each driver must comply with the requirements of the Plan, and the DOT drug and alcohol rules it pertains to, in order to remain eligible to **drive commercial motor vehicles**. Each driver has the responsibility to read, be knowledgeable of, and comply with, the requirements of the Plan, and Parts 40 and 382. Committing a DOT violation will result in the driver's immediate removal from the safety-sensitive function and remain so until successfully completing the DOT return-to-duty conditions of Part 40. The Plan describes circumstances for being tested, violations, prohibited conduct, and their subsequent consequences. The Plan describes what is available to each driver as services (e.g., EAP) in such cases where the driver has a potential problem with drugs or alcohol prior to a drug or alcohol test.

~~3. "Non-DOT" Testing Program~~

~~**Compliance.** The District may implement an additional drug and/or alcohol testing program, referred to as a "Non-DOT program." Any additional testing program would be completely independent of the DOT testing program. Such a testing program would be developed under the Company's own authority and kept separate from the DOT program. All DOT testing would be accomplished first; the Company's Non-DOT program would commence afterwards. The Non-DOT program would use different forms and not use the Federal Custody and Control Form or the DOT Alcohol Testing Form.~~

IV. PROGRAM REQUIREMENTS

1. Drivers Subject to Drug and Alcohol Testing Compliance.

Any driver who operates a commercial motor vehicle in commerce in any State and is subject to:

- a. The commercial driver's license requirements of Part 383;
- b. The Licencia Federal de Conductor (Mexico) requirements; or
- c. The commercial driver's license requirements of the Canadian National Safety Code.

2. Acknowledgement/Receipt Form

The "Acknowledgement/Receipt Form" (see attached), applies to all drug and/or alcohol tests, or related foregoing or subsequent DOT procedures, for drivers of commercial motor vehicles with the District. The signed form will be maintained by the District. For any test, the expectations placed on the driver by the District are to "follow all instructions" in order to accomplish the test.

3. History-Check Requirement

Compliance.

Prior to the first time that the District uses a driver (i.e., a new hire or an employee transferring into the safety-sensitive position), the District will require a “history check” of the driver. The history check will look back into the driver's past three years of DOT employment for DOT violations. History checks are conducted only after obtaining the driver's written authorization to do so. Any driver refusing to provide written consent will not be permitted to perform safety-sensitive functions. The District will not allow the driver to perform their functions after thirty (30) days from the date on which the driver first performed safety-sensitive functions, unless the District has obtained or made and documented a good-faith effort to obtain drug testing information from previous DOT- regulated employers.

Information request. The District will request the following information about the driver.

- a. Alcohol tests with a result of 0.04 or higher alcohol concentration;
- b. Verified positive drug tests;
- c. Refusals to be tested (including verified adulterated or substituted drug test results);
- d. Other violations of DOT agency drug and alcohol testing regulations; and
- e. With respect to any driver who violated a DOT drug and alcohol regulation, documentation of the driver's successful completion of DOT return-to-duty and follow-up testing requirements.

The District will make at least one attempt by telephone, e-mail or fax, and maintain documentation associated with the attempt to obtain history check information (e.g., date and time of the attempt, person contacted). If the District finds evidence of past DOT violations, those violations may be used as the sole reason for not hiring the individual or for termination.

Violation Consequences. The District will not use any driver who has had a past DOT violation and has not complied with DOT eligibility standards for returning to safety-sensitive work. The District will also ask the driver if they had any pre-employment test that was positive for which the previous employer did not hire them. The driver's answer to this question will be maintained as part of the driver's history check information.

4. Notification of Tests

Drivers will be notified directly when a test must be conducted. While the circumstances for a test will differ by its reason-for-test, the District will endeavor to conduct all tests with only a limited number of District personnel having knowledge of the reason for the test. All testing will be unannounced until the last possible moment. The timing will vary in conjunction with the reason-for-test.

For example, a pre-employment test will be announced during the job application; a random test is announced within the test period, but just prior to the test, to maintain the element of surprise; and, announcements of post-accident or reasonable suspicion tests are controlled by the circumstances that come to light around the time of the event (e.g., accident). All alcohol tests will be conducted just prior to, during, or just after the performance of safety-sensitive duties. Drug tests may be conducted anytime the driver is at work.

The DER and District supervisors will be responsible for notifications and to help maintain the element of confidentiality. When a driver is notified for a test, the driver must proceed to the collection site immediately. Immediately means that after notification, all the driver's actions must lead to an immediate specimen collection (or test). The District considers "travel time to the collection site, plus 30 minutes" as the maximum acceptable interval of time between notification and testing.

In test situations such as post-accident and reasonable suspicion/cause, where the driver's job performance is called into question, supervisors will use their discretion and training to minimize further confrontation. A reasonable attempt will be made by the supervisor to isolate and inform the driver of the decision to test, the steps that must be taken to accomplish the test, and the consequences of refusing the test. If possible, for post-accident and reasonable suspicion tests, the District will have the DER or a supervisor accompany the driver to the collection site. In post-accident test situations occurring where the supervisor is not present, the District will provide the driver with necessary post-accident information and instructions so that the driver will be able to comply with post-accident testing.

5. DOT Drug Violations

Drug Violations.

The following provides a listing of DOT drug violations of drivers:

- a. A verified positive drug test result;
- b. A refusal to be tested, determined by:
 - 1) Having a verified adulterated or substituted drug test result;
 - 2) Failing to appear for any drug test (except a pre-employment test) within a reasonable time, as determined by the District, after being directed to do so by the District;

- 3) Failing to remain at the drug testing site until the testing process is complete;
 - 4) Failing to provide a urine specimen for any drug test;
 - 5) Failing to allow a directly observed or monitored collection in a drug test that requires such a collection procedure;
 - 6) Failing to provide a sufficient amount of urine for a drug test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - 7) Failing or declining to take an additional drug test the employer or collector has directed you to take;
 - 8) Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER; or,
 - 9) Failing to cooperate with any part of the testing process (e.g., refuse to empty pockets or failure to wash hands when so directed by the collector, behave in a confrontational way that disrupts the collection process, tampering with a specimen).
 - 10) For an observed collection, fail to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.
 - 11) Possess or wear a prosthetic or other device that could interfere with the collection process.
 - 12) Admit to the collector or MRO that a specimen has been adulterated or substituted.
- c. On-duty use of any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, and who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

6. DOT Alcohol Violations and Prohibited Conduct

Alcohol Violations. The following provides a listing of DOT alcohol violations of drivers:

- a. A test result of 0.04 or higher alcohol concentration;
- b. A refusal to be tested, determined by:
 - 1) Failing to appear for any alcohol test (except a pre-employment test) within a reasonable time, as determined by the District, after being directed to do so by the District;
 - 2) Failing to remain at the alcohol testing site until the testing process is complete;

- 3) Failing to provide an adequate amount of saliva or breath for an alcohol test;
 - 4) Failing to provide a sufficient amount of breath for an alcohol test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - 5) Failing to undergo a medical examination or evaluation, as directed by the DER;
 - 6) Failing to sign the certification statement on the Alcohol Testing Form; or,
 - 7) Failing to cooperate with any part of the testing process.
- c. On-duty use of alcohol while performing safety-sensitive functions.
 - d. Pre-duty use of alcohol within four (4) hours prior to performing safety-sensitive functions.
 - e. Use of alcohol within eight (8) hours following an accident unless the driver has already been given a post-accident alcohol test.

Alcohol Prohibited Conduct. The following is prohibited conduct of drivers:

- a. A test result of 0.02 or greater alcohol concentration, but less than 0.04.

7. Violation Consequences and Company Actions

After DOT Rule Violations.

The District will not allow any driver who has a DOT drug or alcohol violation to perform safety-sensitive functions for the District. Immediately, upon learning of the violation, the DER shall assure the removal of the driver from all safety-sensitive duties. That driver will be ineligible to work in any DOT safety-sensitive function for the District until the driver has successfully completed the DOT return-to-duty process. The District will refer the driver to a Substance Abuse Professional (SAP) as soon as practicable after the verified violation report.

After DOT Alcohol Prohibited Conduct.

The District will not allow any driver to perform, or continue to perform, any safety-sensitive functions under Part 382 when the driver is found to have an alcohol concentration of 0.02, or higher, but less than 0.04. The District may not use the driver in a safety-sensitive function until the start of the driver's next regularly scheduled shift, which must be not less than twenty-four (24) hours following the test that indicated "prohibited conduct."

8. Drug and Alcohol Tests

Compliance.

The District will ensure that each driver will be drug and/or alcohol tested for the following reasons when called for by Part 382. All drug and alcohol tests will be conducted following the procedures of Part 40.

Pre-Employment. A pre-employment drug test will be conducted before an individual is hired or used to perform safety-sensitive functions. Pre-employment tests are also required of drivers returning from a leave of absence greater than thirty (30) days who have not been participating in the District's drug and alcohol program and subsequently subject to the random selection process. A negative DOT urine drug test result is required prior to performing safety-sensitive functions. DOT does not allow the use of a "quick test" or any other methodology other than laboratory-based urine testing. FMCSA does not mandate a pre-employment alcohol test for drivers. FMCSA does give motor carriers who wish to conduct a pre-employment alcohol test the authority to do so. If the District decides to conduct pre-employment alcohol testing, all applicants will be advised of the test prior to the test occurring, and all tests will be conducted before the first performance of safety-sensitive functions by every driver. The District will treat all drivers the same for the purpose of pre-employment alcohol testing; the District will not test some drivers and not others. The District will conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the driver passing the pre-employment alcohol test. A result of less than 0.02 alcohol concentration is required prior to performing safety-sensitive functions.

Post-Accident Testing. The District will conduct both a drug test and an alcohol test after an accident. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, the District will test for drugs and alcohol for each of its surviving drivers:

- a. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- b. Who 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:
 - 1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - 2) 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.

A post-accident drug test will be conducted on each driver as soon as possible but no later than thirty-two (32) hours after the accident. A post-accident alcohol test shall be conducted on each driver as soon as possible but no later than eight (8) hours after the accident. The District must take all reasonable steps to test the driver after an accident, but any injury should be treated first. The District will not delay necessary medical attention for an injured driver following an accident, prohibit a driver 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.

A driver who is subject to post-accident testing, who fails to remain readily available for such testing, including notifying the District or District's representative of their location if they leave the scene of the accident prior to submission to such test, may be deemed by the District to have refused to submit to testing. Depending on the circumstances of the accident, and if feasible, the driver will not be allowed to perform safety-sensitive functions pending the results of the drug test.

In situations where an accident occurs away from the District's principal place of business (e.g., "on the road") the responsibility of accomplishing the post-accident tests falls on the driver. The driver must immediately contact the District, the DER, or other designated District representative for information and instructions on how to get the test done.

Exception. All drug and alcohol testing under Part 382 and this Plan must conform to Part 40 standards, with one exception -- that being post-accident testing. In only a post-accident situation, the results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, meet the requirements of acceptable alcohol testing, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the District. Likewise, in only a post-accident situation, the results of a urine test for the use of drugs, conducted by Federal, State, or local officials having independent authority for the test, meet the requirements of acceptable drug testing, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.

Random Drug Testing. The District will conduct a number of random drug and alcohol tests each calendar year that meet or exceed the current minimum annual percentage random testing rate. The minimum rate for random drug testing, set by FMCSA regulations, is fifty percent (50%) of the District's drivers. The minimum rate for random alcohol testing, set by FMCSA regulations, is ten percent (10%) of the District's drivers. The District may use the services of the C/TPA to manage all aspects of the District's random testing program. If the District conducts random testing through a C/TPA, the number of drivers to be tested may be calculated for

each individual District or may be based on the total number of drivers covered by the C/TPA who are subject to random testing.

All drivers will be immediately placed in a random drug and alcohol pool after obtaining a negative result on their pre-employment test. Drivers will remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing. The selection of drivers will be made by using a computer-based, scientifically valid method (e.g., random number generator or equivalent random selection method) that is matched with a driver's social security number or driver ID number. The DER will ensure the pools contain driver social security numbers or driver identification numbers that are current, complete, and correct. Drivers will have an equal chance of being selected for testing. Drivers are subject to both random alcohol and drug testing.

Random testing will occur on a quarterly basis. Prior to selection, the DER will ensure that the random testing pool has been updated to include all current drivers in the District's workforce. The number of tests to be conducted will be based on the number of drivers at the beginning of each quarter's test cycle. The DER, or C/TPA, shall use the random selection procedures to compile lists of drivers selected for drug and alcohol testing in each testing cycle. The number of drivers selected on each list shall be sufficient to assure that the minimum number of required tests can be achieved for both drugs and alcohol. The list of drivers selected will be retained by the DER in a secure location until the time of testing when the list will then be provided to the appropriate division manager, department head, or supervisor who will, in turn, notify the driver(s) to report for testing.

Random testing is unannounced, with drivers being notified that they have been selected for testing after they have reported for duty on the day of collection. All testing will be conducted on different days of the week throughout each test cycle to prevent drivers from matching their substance use patterns to the schedule for testing.

Once notified by the appropriate District official, drivers will be instructed to report immediately to the collection site.

Reasonable Suspicion/Cause Testing. The District will conduct reasonable suspicion testing, also known as reasonable cause testing, based on the District's observation of "signs and symptoms" of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.

The supervisor making the determination to test must document, in writing, the behavioral signs and symptoms that support the determination to conduct a reasonable suspicion/cause test. This documentation of the driver's conduct shall be prepared and signed within twenty-four (24) hours of the observed behavior or before the results of the tests are released, whichever is earlier. The driver will be

tested for drugs if the supervisor believes the driver has violated the prohibitions of Part 382 and this Plan concerning drugs. The driver will be tested for alcohol if the supervisor believes the driver has violated the prohibitions of Part 382 and this Plan concerning alcohol. In situations where the supervisor is sure of the signs and symptoms but unsure of the substance, the driver will be tested for both drugs and alcohol. The potentially affected driver should not be allowed to proceed alone to or from the testing site. In addition to the safety concerns for the driver, accompanying the driver also assures that there is no opportunity en route to the testing site for the driver to compromise the test through any method of tampering that could affect the outcome of test result.

The driver must not perform a safety-sensitive function pending the receipt of the drug test results. The driver should make arrangements to be transported home. The driver should be instructed not to drive any motor vehicle due to the reasonable belief that they may be under the influence of a drug. If the driver insists on driving, a supervisor should notify the proper local law enforcement authority that a driver believed to be under the influence of a drug or alcohol is leaving the District premises driving a motor vehicle.

Return-to-Duty Testing. The District will conduct a return-to-duty test prior to a driver returning to safety-sensitive duty following a DOT violation. When a driver has a DOT violation, they cannot work again in any DOT safety-sensitive function until successfully completing the Substance Abuse Professional (SAP) return-to-duty requirements. Only after the SAP has reported to the District that the driver is eligible to return to safety-sensitive duties, is the District authorized to return the driver to a safety-sensitive function. However, whether or not to do so is a business decision of the District, not the DOT. When the District makes the decision to return the driver to safety-sensitive duty, the District will initiate the order for the return-to-duty test. All return-to-duty drug tests will be conducted using direct observation collection procedures.

A return-to-duty test, at a minimum, will be for the substance associated with the violation. A return-to-duty test may, however, be for both drugs and alcohol. The decision belongs solely to the SAP from information gained during the SAP-evaluation/treatment processes. The results of a return-to-duty test must be negative for drugs and less than .02 for alcohol in order “to count” and allow the driver to return to work. A cancelled test must be recollected. A positive drug test, an alcohol test of .04 or higher, or a refusal to test, will be considered as a new, separate violation. When the driver “passes” his return-to-duty test, their name is immediately placed into the District’s random testing pool.

Follow-up Testing. The District will conduct follow-up testing, as a series of tests that occur after a driver returns to safety-sensitive work, following a negative result on the return-to-duty drug and/or alcohol tests. Follow-up testing, as a minimum, will be for the substance associated with the violation. In addition, follow-up

testing may be for both drugs and alcohol, as directed by the SAP's written follow-up testing plan.

Follow-up testing is the District's responsibility to conduct. Follow-up testing will run concurrently with random testing. All follow-up drug tests will be conducted using direct observation collection procedures. The results of a follow-up must be negative for drugs and less than .02 for alcohol. A cancelled test must be recollected. A positive drug test, an alcohol test of .04 or higher, or a refusal to test, will be considered as a new, separate violation.

The number and frequency of the follow-up tests will be determined by the SAP but shall consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. The follow-up plan will give both the number of tests and their frequency; the District will select the actual day and time of the test, and the tests are unannounced. Follow-up testing shall not exceed sixty (60) months from the date of the driver's return to duty.

The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines that such testing is no longer necessary.

V. DRUG PROGRAM

1. Drug Tests That Require Direct Observation Procedures

Compliance. The District will conduct all return-to-duty and follow-up drug tests using the direct observation collection procedures specified by Part 40. Pre-employment, post-accident, reasonable suspicion/cause, and random drug tests are normally conducted by giving the driver the privilege of privacy when providing the urine specimen. However, should it become required that these collections be conducted under direct observation procedures, the District will convey instructions to the collector to ensure that this occurs. Direct observation procedures will also be used for collections when a specimen is provided and the temperature is out of range, when the specimen appears to have been tampered with, or when a previous specimen has been reported as invalid, adulterated, substituted or negatively-diluted with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, as defined in Part 40.

2. Specimen Collection Procedures

Compliance. The District will follow the requirements of Part 40 for its DOT collections. A full description of DOT collection requirements that collectors will follow can be found in Part 40, Subpart C ("Urine Collection Personnel"), Subpart D ("Collection Sites, Forms, Equipment and Supplies Used in a DOT Urine Collection"), and Subpart E ("Urine Specimen Collections").

Collection Site Personnel. The District will ensure that collection sites, utilized by its drivers, are aware of their responsibilities with regard to the DOT specimen collection process. These responsibilities are to collect urine specimens using Part 40 procedures, ship the specimens to a Department of Health and Human Services (HHS) certified laboratory for analysis, and distribute copies of the Federal Drug Testing Custody and Control Form (CCF) to the laboratory, Medical Review Officer, employer or employer's C/TPA, and driver in a confidential manner. All attempts are made to use collectors who have been trained in accordance with Part 40. The District, or the District's C/ TPA, will ask the collection sites conducting DOT collections to attest to the fact that they comply with DOT standards of practice. Any collection site that fails to attest to this goal will not be used by the District for a DOT collection. The direct supervisor of a driver shall not serve as a collector in conducting any required drug test unless it is otherwise impracticable.

Collection Site, Forms, and Specimen. The District will provide the driver with the specific location of the collection site where the drug test will take place. In most cases, the District will provide the driver with a drug testing kit, which includes the CCF, to present to the collector. The only specimen that will be collected for any DOT collection is urine; the only form that will be used is the Federal CCF.

Collections. The District will inform every driver that they are required to carry and present a current valid photo ID, such as a driver's license, passport, or employer-issued picture ID, to the collection site. The driver will be advised that the collector will ask them to empty their pockets, remove any unnecessary garments (the driver may retain their wallet), and wash and dry their hands prior to the collection. The driver will be instructed to follow the collector's instructions throughout the collection process. Normally, the driver will be afforded privacy to provide a urine specimen. Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where questions of specimen validity arise, like an unusual specimen temperature.

After the driver has provided the specimen (a minimum of 45 mL) of their urine into a collection container, the collector will check the temperature and color of the urine. All DOT collections are "split specimen collections." The collector will pour the urine into two separate bottles (bottle "A" as the primary specimen and bottle "B" as split specimen), seal them with tamper-evident tape, and then ask the driver to initial the seals after they have been placed on the bottles. (Remember: Neither the driver nor the collector should let the specimen out of their sight until it has been poured into two separate bottles and sealed.)

Next, the driver will write their name, date of birth, and daytime and evening phone numbers on the MRO Copy (Copy 2) of the CCF. This is so the MRO can contact the driver directly if any questions arise about their test.

Lastly, the collector will complete the necessary documentation on Copy 1 of the CCF and pack the CCF and the two specimen bottles in the plastic bag and seal the bag for shipment to the laboratory. Copies of the CCF will be distributed: Copy 2 to the MRO and Copy 4 to the employer or the employer's C/TPA; the collector keeps Copy 3; and the driver gets Copy 5. The driver may list any prescription and over-the-counter medications they may be taking on the back of their copy of the CCF (this may serve as a reminder for the driver in the event the MRO calls to discuss their test results).

Possible collection issues. If the driver is unable to provide 45 mL of urine on the first attempt, the time will be noted, and they will be required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from the District (e.g., supervisor accompanying the driver). Leaving the testing area without authorization may be considered a refusal to test. The driver will be urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours, and asked to provide a new specimen (into a new collection container). If the DER is contacted, the DER should instruct the driver to remain at the collection site to complete the collection process. If the driver does not provide a sufficient specimen within three hours, the DER, in consultation with the MRO, will direct the driver to obtain a medical evaluation within five (5) days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no acceptable physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

Directly observed collections. If a direct observation collection is required of the driver, the District will ensure that the DOT requirements (i.e., direct observation by same-sex collector, observation of body-to-bottle urination, and use of full turn-around observation) procedures are followed.

3. **Drug Testing Laboratory**

Compliance. The District will employ a laboratory that will follow the requirements of Part 40 for the Company's DOT drug tests. A full explanation of DOT drug testing requirements that the laboratory will follow is found in Part 40, Subpart F ("Drug Testing Laboratories").

Laboratory. The District shall ensure that all DOT testing is conducted only by a laboratory that is certified by the Department of Health and Human Services (HHS) under the National Laboratory Certification Program (NLCP). Doing so ensures that the District complies with the requirements of Part 40 and with all applicable requirements of HHS in testing DOT specimens, whether or not those requirements are explicitly stated in the Plan. The laboratory will report the certified results to the MRO and only to the MRO, at the address provided on the Federal CCF. Results will not be reported directly to the District, or to or through another service agent, such as the C/TPA.

Specimen. Urine is the only specimen that is authorized for DOT drug testing. The District will not use any other specimen (e.g., hair or saliva) for a DOT-required drug test. A “quick test” (e.g., a urine test that produces an immediate test result) is also prohibited by DOT.

Drug Testing. The laboratory will ensure that, on each DOT test, each specimen is tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine (PCP). The testing is a “two-step” process: all presumptive positive results on the initial test must be confirmed by a confirmation test. The initial and the confirmation tests use different chemical principles, and separate portions of the original specimen, for testing. DOT specimens will not be tested for any other drugs. DOT specimens will not be subjected to DNA testing.

Validity Testing. The laboratory will ensure that, on each DOT test, each specimen is also subjected to “validity testing.” The purpose of validity testing is to determine if the driver tampered with their specimen during the collection process. Validity testing measures the creatinine concentration and specific gravity to detect a diluted or substituted specimen; pH is measured as one criterion established to detect an adulterated specimen. Validity testing also incorporates HHS criteria (used by DOT) in testing for specific adulterants such as nitrites, chromates, surfactants, and other active chemical compounds.

Laboratory specimen handling and reporting. When the laboratory receives a DOT specimen they will unpack and enter it into the testing process. Part of that process is to examine the condition of the specimen bottles and accompanying CCF. The laboratory will look closely for any specific reason to stop the testing process (i.e., “fatal flaws”). If the laboratory determines a fatal flaw exists, the specimen is rejected for testing. If a fatal flaw does not exist, the specimen will be tested. DOT specimens are limited to four fatal flaws. They are:

- a. Specimen ID numbers on the CCF and the bottles do not match;
- b. Not enough urine and the bottles cannot be redesignated;
- c. Signs of tampering and the bottles cannot be redesignated; and
- d. Collector's printed name and signature are missing.

The laboratory will open only the primary specimen (“A” bottle) to conduct the two tests (initial and confirmatory). If the specimen tests are negative in either test, and do not have any specimen validity issues, the result will be reported to the MRO as a negative. Only if the specimen test results are positive, adulterated, substituted, and/or invalid under both tests will the specimen be reported to the MRO as a positive, adulterated, substituted, and/or invalid, respectively. These results are also referred to as “nonnegative” results.

4. Shy Bladder Syndrome

If an employee has a medical condition that prevents an acceptable sample from being collected in accordance with 49 CFR Part 40, the employee will be required to have a medical examination conducted by a physician acceptable to the MRO. The employee will have five (5) business days to obtain a physician's statement verifying that a qualifying medical condition exists that would have prevented the employee from providing an acceptable sample. If the employee has failed to keep the appointment with the physician, the employee may be disciplined up to and including termination. If the employee is unable to make an appointment with a physician in the five- (5-) day period, the employee is required to notify the District immediately of the situation. The District will then assist the employee to find a qualified physician to conduct the examination. If after the examination is completed, and the physician has determined that the employee does not have a qualified medical condition that would prevent an acceptable urine/breath sample from being obtained, the test result will be reported as a refusal to submit, which results in the same consequence as a positive test.

5. Laboratory Retention Periods and Reports

Specimen retention. Specimens that are confirmed by the laboratory to be positive, adulterated, substituted, or invalid will be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days. Within this 365-day period, the MRO, the driver, the District, FMCSA or other state agencies with jurisdiction, may request in writing that the specimens be retained for an additional period. If the laboratory does not receive the request to retain the specimen within the 365-day period, the specimen will be discarded.

Record retention. All laboratory records pertaining to any test for the District on its drivers will be retained for two years. The employer-specific data that is created by the laboratory for the laboratory statistical summary will be retained for two years.

Semi-annual reports. The laboratory will prepare and send to the District the aggregate employer specific summary on a semi-annual basis.

6. MRO Review of Drug Test Results

Compliance. The District will have, on staff or contract for the services of, a MRO who is a licensed physician with knowledge of drug abuse and is qualified under Part 40. The MRO will follow the requirements of Part 40 in carrying out the functions of the "independent and impartial gatekeeper of the drug testing process." A full description of DOT MRO requirements can be found in Part 40, Subpart G ("Medical Review Officers and the Verification Process"), and Subpart H (Split Specimen Testing).

Duties. All confirmed drug test results for the District are received by the MRO directly from the laboratory. The MRO is responsible for the review of both negative and non-negative test results, review of the CCFs associated with each test, and to conduct quality control reviews of the MRO staff. The MRO will review and interpret confirmed positive, adulterated, substituted, and invalid test results. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive, adulterated, substituted, or invalid test result. This action would include conducting a medical interview with the driver and review of the driver's medical history, or review of any other relevant biomedical factors, such as the results of a physical examination following an opiate positive. The MRO shall review medical records made available by the tested driver when the source of the confirmed result could have been from legally prescribed medication. The MRO should not, however, consider the results of urine or other specimens that are not obtained or processed in accordance with DOT regulations.

Results. The MRO will use staff under his direct supervision to handle administrative processes for negative test results, including receiving the result from the laboratory, reviewing the paperwork for accuracy, and reporting the result to the DER.

The MRO staff may make initial contact with drivers having confirmed positive, adulterated, substituted, and invalid test results, for the purpose of setting up an interview for the MRO. The MRO will personally conduct the interview with the driver to determine whether there is a legitimate medical explanation for these results. This interview will be conducted, in most cases, before the District is notified. If the result is confirmed positive, and a legitimate medical explanation is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive. If the confirmed result is adulterated or substituted, and a legitimate medical explanation is established, the MRO will report the result to the DER as cancelled and notify ODAPC, in accordance with Part 40 procedures. If not, the MRO will report the result to the DER as a refusal to test. If the result is invalid, and an acceptable reason is established, the MRO will report the result to the DER as cancelled and the process will stop, unless a negative test result is needed (e.g., pre-employment, return to duty). If an acceptable reason is not established, the MRO will report the result to the DER as cancelled and order an immediate recollection under direct observation.

Reports. All drug test results will be reported to the District DER in a confidential and timely manner. Before reporting any results, the MRO will have received a copy of the CCF showing where the driver has signed the form. The time period from collecting the specimen to reporting the verified is generally shorter for negatives than for non-negatives. Non-negatives will not be reported to the DER until all information required for the driver interview is received and approved by the MRO. The District may use a C/TPA as its intermediary in receiving drug test results. If so, those reports will be handled in accordance with Part 40 requirements. If the MRO does not use Copy 2 of the CCF for reporting results, the MRO will

maintain a copy of the signed or stamped report in addition to the signed or stamped and dated Copy 2. If the MRO uses an electronic data file to report negatives, the MRO will maintain a retrievable copy of that report in a format suitable for inspection and auditing by a DOT representative.

7. **Split Specimen Testing**

Split Specimen. When the MRO has verified a result as positive, adulterated, or substituted, the MRO will notify the driver of his right to have the split specimen tested. The driver must notify the MRO within seventy-two (72) hours of the result being verified in order to have this testing conducted. If the driver requests that the split specimen be tested within the seventy-two- (72-) hour period, the MRO will ensure that the split specimen is tested. Testing of the split specimen is only conducted at the request of the driver, and then only after using the MRO as the requesting agent for the driver.

The District is responsible for making sure that the MRO, first laboratory, and second laboratory perform the functions noted in Part 40 in a timely manner, once the driver has made a timely request for a test of the split specimen (e.g., by establishing appropriate accounts with laboratories for testing split specimens).

The District must not condition compliance with these requirements on the driver's direct payment to the MRO or laboratory or the driver's agreement for reimbursement of the costs of testing. For example, if the District asks the driver to pay for some or all of the cost of testing the split specimen, and the driver is unwilling or unable to do so, the District must ensure that the test takes place in a timely manner, which means that the District will pay for the split testing. The District may seek payment or reimbursement of all or part of the cost of the split specimen from the driver. Part 40 takes no position on who ultimately pays the cost of the test, so long as the District ensures that the testing is conducted as required and the results released appropriately.

Laboratory. The testing of the split specimen will be conducted at another HHS-certified laboratory, different from the original laboratory. The District will select the second laboratory. The split specimen will be tested for the same substance or condition that was found in the primary specimen. The MRO will report back to the DER and the driver whether the split reconfirms the primary. If the test of the split does not reconfirm the primary, both tests will be cancelled as if they never occurred.

8. **Medical Marijuana**

The DOT and the District do not accommodate the use of medical marijuana by DOT safety-sensitive employees.

VI. ALCOHOL PROGRAM

1. Alcohol Test

Compliance. The District will follow Part 40 procedures for alcohol testing. A full description of DOT alcohol testing requirements can be found in Part 40, Subpart J--Alcohol Testing Personnel; Subpart K--Testing Sites, Forms, Equipment and Supplies Used in Alcohol Subpart N--Problems in Alcohol Testing; Subpart L ("Alcohol Screening Tests"); Subpart M ("Alcohol Confirmation Tests"); and, Subpart N ("Problems in Alcohol Testing"). These procedures apply to all DOT alcohol tests regardless of the reason for the test.

Personnel and Testing Devices. The District will only use qualified Screening Test Technicians (STT) or Breath Alcohol Technicians (BAT) for DOT alcohol tests. These technicians will only conduct the test using DOT-approved devices. Devices are approved by the National Highway Traffic Safety Administration (NHTSA), an agency of DOT, and placed on the Conforming Products List (CPL). The devices used by the Company will be maintained according to the particular manufacturer's specifications in the Quality Assurance Plan (QAP). External calibration checks will be performed at the intervals specified in the manufacturer's instructions for any EBT used for DOT-required alcohol confirmation testing.

Testing Site, Forms, and Specimen. The District will provide the driver with the specific location where the test will take place. Tests will be conducted in an area to prevent unauthorized people from hearing or seeing the driver's test result. The District will remind the driver that failure to sign the DOT Alcohol Testing Form at the instruction of the testing technician will be viewed as a refusal to test. The alcohol screening test may be conducted with breath or saliva, as applicable for the device used by the testing technician. Only breath will be used for the confirmation test, which is conducted by a BAT using an EBT.

Test. The District will inform the driver that they are required to carry and present a current valid picture ID, such as a driver's license, passport, or employer-issued picture ID to the testing site. The testing technician will perform a screening test and show the driver the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the results on the ATF, provide the driver a copy, and also provide the District and/or the District's C/TPA a copy. If the screening test result is 0.02 or greater, the driver will be required to take a confirmation test, which can only be administered by a BAT using an EBT. The BAT will wait at least 15 minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, the driver will not be allowed to eat, drink, smoke, belch, put anything in their mouth, or leave the testing area. Leaving the testing area without authorization may be considered a refusal to test. The BAT will perform an "air blank" (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it. The confirmation

test result is the final result of the test, and the result will be shown to the driver and on the printout from the EBT. If the result is less than 0.02, no action is taken under Part 382. Any result of 0.02 or greater will be immediately reported to the District.

VII. PRESCRIPTION MEDICATIONS AND OVER-THE-COUNTER DRUGS

Employees are responsible for reporting to duty, free from the effects of any controlled substance or alcohol. Covered employees must report the use of prescriptions and over-the-counter drugs that could have a disabling effect, bears a prescription warning label or otherwise adversely affect the covered employee's fitness for duty or job performance to their immediate supervisor (without giving the name of prescription/over-the-counter drug).

VIII. PROGRAM ELEMENTS COMMON TO DRUG AND ALCOHOL

1. Substance Abuse Professional

Compliance. The District will follow the requirements of Part 40 for its Substance Abuse Professional (SAP) obligations. A full description of the SAP requirements is in Part 40, Subpart O ("Substance Abuse Professionals and the Return-to-Duty Process").

Qualifications. The District will refer drivers only to SAPs who have the credentials, basic knowledge, and qualification training, including fulfilling obligations for continuing education courses, for DOT violations. The SAP will not be an advocate for the District or the driver. The SAP's function is to protect the public interest in safety by professionally evaluating the driver and recommending appropriate education/treatment, follow-up tests, and aftercare.

SAP Referral. The District will provide, to each driver who violates a DOT drug and alcohol regulation, a listing of SAPs readily available to the driver and acceptable to the District. The list will include SAP names, addresses, and telephone numbers. There will not be a charge to the driver for compiling or providing this list. The District may use its C/TPA or other service agent to provide this information. Any driver who has violated DOT drug and alcohol regulations cannot again perform any DOT safety-sensitive duties for the District until and unless the driver successfully completes the SAP evaluation, referral, and education/treatment process.

Payment. The District is not required to pay for a SAP evaluation or any subsequent recommended education or treatment for a driver who has violated a DOT drug and alcohol regulation.

District Responsibility. The District is only bound by DOT to ensure that if the driver is provided an opportunity to return to a DOT safety-sensitive duty following a violation, that the District ensure that the driver receives an evaluation by a SAP

meeting the requirements of Part 40 and that the driver successfully complies with the SAP's evaluation recommendations before returning to the safety-sensitive job. Even if a SAP believes that the driver is ready to return to safety-sensitive work, the District is under no obligation to return the driver to work. Under the DOT regulations, hiring and reinstatement decisions are left to the employer. The DOT leaves all payment issues for SAP evaluations and services to the District and the driver to resolve.

SAP Process. The SAP will make a face-to-face clinical assessment and evaluation to determine what assistance is needed by the driver to resolve problems associated with alcohol and/or drug use. The SAP will refer the driver to an appropriate education and/or treatment program. At the completion of the education and/or treatment, the SAP will conduct a face-to-face follow-up evaluation to determine if the driver actively participated in the education and/or treatment program and demonstrated successful compliance with the initial assessment and evaluation recommendations. Reports will be provided to the District on both the initial requirements and the outcome of the follow-up evaluation. The report will be specific and will include all of the Part 40 requirements of a written SAP report. The SAP will provide the DER with a written follow-up drug and/or alcohol testing plan for the driver and, if deemed necessary, will also provide the driver and the District with recommendations for continuing education and/or treatment.

2. **Employee Assistance Program.** The District may provide an Employee Assistance Program (EAP) for its drivers and supervisors. The EAP may be established "in house," as part of internal personnel service or may be contracted to an entity that provides EAP services at other locations. Additionally, this Plan will be displayed and made available to all drivers. The Plan contains the employer's policy regarding the use of prohibited drugs and alcohol misuse. The areas and places in which the above material will be displayed include employee bulletin boards, breakrooms, locker rooms, or other areas designated by the District.
3. **Consequences of Engaging in Prohibited Alcohol and/or Controlled Substances Use or Treatment**
 - a. **New probationary employees**

Probationary employees who violate any provision of this policy shall be subject to discipline and may be offered a one-time Second Chance. This will require signing and following a "Second Chance Agreement."
 - b. **Regular status employees**

Any regular-status-covered employee who violates any provision of this policy shall be subject to discipline and offered a one-time Second Chance. This will include a requirement to fully comply with the Employer Return-to-Work/Last Chance Agreement. Such an agreement shall include the conditions under which the employee shall be allowed to continue their employment with the Employer. It may also include a requirement for

continued compliance and satisfactory completion of any treatment prescribed by the Substance Abuse Professional, including aftercare programs and special requirements by the Employer; or any other requirements deemed appropriate by the parties involved, including discharge if the conditions of the agreement are not met.

4. Recordkeeping

Compliance. The District will ensure that all records required by the DOT are maintained. The District is not required to keep records related to a program requirement that does not apply to Parts 40 or 382. The District or its C/TPA will maintain the records in a locked file system and will be accessed only on a strict "need-to-know" basis. The District or its C/TPA will not release a driver's drug and alcohol records to third parties without the driver's specific written consent. A "third party" is any person or organization to whom Parts 40 or 382 do not explicitly authorize or require the transmission of information in the course of the drug and alcohol testing process. "Specific written consent" means a statement signed by the driver that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time.

The District or its C/TPA will release the driver's information without consent to DOT, FMCSA, or other government agency having regulatory authority over the District or driver without consent. The District or its C/TPA will release the driver's information without consent as a part of an accident investigation by the National Transportation Safety Board. The District or its C/TPA will release the driver's information without consent in certain legal proceedings. These proceedings include a lawsuit, grievance, administrative proceeding (e.g., an unemployment compensation hearing brought by or on behalf of a driver resulting from a positive drug or alcohol test or refusal to test), a criminal or civil action resulting from a driver's performance of safety-sensitive duties in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the District to produce the information. In such a proceeding, the information will be released to the decisionmaker in the proceeding with a binding stipulation that the decisionmaker to whom it is released will make it available only to parties to the proceeding. After releasing the information, the District or its C/TPA will notify the driver.

If the District uses a C/TPA to maintain the records, the District will ensure that the C/TPA can produce these records at the District's principal place of business in the time required by the DOT agency for an inspection. The records will be provided within a reasonable time after receipt of the request. Most records will be stored electronically, where permitted by Parts 40 and 382. The District will ensure that the records are easily accessible, legible, and formatted and stored in an organized manner. If electronic records do not meet these criteria for the DOT inspector, the District will convert them to printed documentation in a rapid and readily auditable manner, at the request of DOT agency personnel.

Records and Retention Periods. The District or its C/TPA will maintain the following records for the noted time periods, as (at ?) a minimum:

- a. Records kept for five years:
 - 1) Records of alcohol test results indicating an alcohol concentration of 0.02 or greater;
 - 2) Records of the inspection, maintenance, and calibration of EBTs;
 - 3) Records of verified positive drug test results;
 - 4) Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);
 - 5) SAP reports;
 - 6) Follow-up tests and schedules for follow-up tests; and
 - 7) Statistical data related to the District's testing program will be available to a representative of DOT, FMCSA, or a state agency having regulatory authority over the District, upon request.
 - 8) Records.
- b. Records kept for three years:
 - 1) Records of information obtained from previous employers under Part 40 concerning drug and alcohol test results of drivers.
- c. Records kept for two years:
 - 1) Records that demonstrate the drug-testing collection process; and
 - 2) Records related to the alcohol collection process (i.e., calibration documentation for evidential breath testing devices, documentation of breath alcohol technician training, documents generated in connection with decisions to administer reasonable suspicion alcohol tests, documents generated in connection with decisions on post-accident tests, and documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath for testing).
- d. Records kept for one year:
 - 1) Negative drug test results; and
 - 2) Alcohol results less than 0.02.
- e. Records kept indefinitely:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers, shall be maintained by the District while the individual performs the functions which require the training and for two years after ceasing to perform those functions.
- f. Types of records to be maintained outlined in § 382.401(c).

Location of records. All records required by Part 382 shall be maintained as required by § 390.31 and shall be made available for inspection at the District's principal place of

business within a reasonable time after a request has been made by an authorized representative of FMCSA.

Request for Records. All drivers have the right to request and obtain copies of any records pertaining to the driver's use of alcohol and/or drugs, including records of the driver's DOT-mandated drug and/or alcohol tests, and copies of SAP reports. Requests for records must be made in writing to the DER. A laboratory must provide, within ten (10) business days of receiving a written request from a driver, and made through the MRO, the records relating to the results of the driver's drug test (i.e., laboratory report and data package). Service agents providing records may charge no more than the cost of preparation and reproduction for copies of these records. SAP must redact follow-up testing information from the report before providing it to the driver.

5. Reporting

The following violations or milestones, on or after January 6, 2020, will be reported to the Clearinghouse for any drivers who are subject to the Clearinghouse rules. The District, its service providers, its Medical Review Officer(s), and/or its Substance Abuse Professional(s) as required by FMCSA directive to report:

- Any verified positive, adulterated, or substituted DOT drug test
- Any validated DOT alcohol test result of 0.04 or higher
- Any refusal to submit to a DOT required drug or alcohol test
- Any confirmed and recorded "actual knowledge" that the driver violated the DOT drug or alcohol rules, including:
 - Any on-duty alcohol use, including any citation for driving under the influence of alcohol (DUI/DWI) while driving a commercial motor vehicle
 - Any alcohol use within four (4) hours before going on duty
 - Any alcohol use within eight (8) hours of an accident or before a post-accident test is complete (whichever occurs first)
 - Any prohibited drug use while on duty
- Successful completion of the return-to-duty process following treatment
- Any negative DOT return-to-duty test*
- Successful completion of follow-up testing*

**Only reported if the primary violation occurred on or after January 6, 2020.*

a. Granting of Consent

Drivers must grant consent for the District to submit Clearinghouse queries:

- Prior to employment with the District, all drivers must create a Clearinghouse account and log in to permit the District consent to acquire a "full" report.

- Drivers must sign a separate Consent “for Limited Queries” form allowing the District access to “limited” queries each year. Drivers may limit the length of time that such consent is valid but making it valid for the duration of employment with the District is recommended.
- The District will notify the driver that they must immediately log in to the Clearinghouse to provide permission so the District may obtain the driver's full Clearinghouse record if a limited query exposes information about the driver. Such record will be acquired within forty-eight (48) hours of the limited query.

A driver who refuses to grant the consent described above will not be allowed to perform any safety-sensitive duties as defined in § 382.107. The driver will not be allowed to resume the safety-sensitive duties until the driver has granted the mandatory consent, the District then obtains the report, and the Clearinghouse query shows that the driver is eligible to carry out safety-sensitive duties.

b. Driver Accounts

Drivers are required to have an online account at *clearinghousefmcsa.dot.gov* and are highly encouraged to provide an email address so they may be contacted. Drivers are permitted to see their own Clearinghouse records free of charge and may challenge the accuracy of information reported to the Clearinghouse, but not the accuracy of test results or refusals using the procedures listed in § 382.717.

c. Queries

The District will conduct queries from the Clearinghouse at these times:

- Once a year for all drivers, and
- Preceding employment of any new drivers.

A query search requires the following information:

- The driver's name;
- Date of birth; and
- Commercial driver's license number and state of issuance.

d. Notice of Violations

Drivers are required to notify the District in writing if they have violated the drug and/or alcohol prohibitions of 49 CFR Parts 40 or

382, while employed with the District. The statement must be received before the end of the business day, the day after the driver received notification of the violation or prior to performing any safety-sensitive duties, whichever comes first.

e. Reports from the Clearinghouse will include:

- The driver's name;
- Date of birth; and
- Commercial driver's license number and state of issuance
- violation and/or testing data.

f. Use of Information

The District will only use the information obtained from the Clearinghouse to determine if the driver is prohibited from performing safety-sensitive duties. The District will not divulge, nor permit any other person or entity to divulge, any driver-specific information from the Clearinghouse to any person or entity not directly involved in making such determination.

6. Management Information System

Compliance. The District will prepare and maintain the DOT Management Information System (MIS) report for its drug and alcohol testing program. This report will be submitted to FMCSA in accordance with annual submission requirements. If the District uses a C/TPA, then the C/TPA may prepare and maintain the MIS, reporting the MIS as the District requires. The DER will certify each report submitted by a C/TPA for accuracy and completeness.

IX. CERTIFICATE OF RECEIPT

Each covered employee will be required to sign a certificate of receipt certifying that he or she has received a copy of this policy, which is the basis for implementing the requirements of the U.S. Department of Transportation Federal Motor Carrier Safety Administration rules and regulations pertaining to alcohol and controlled substances testing of covered employees.

X. QUESTIONS REGARDING THIS POLICY

The following District representative is available to answer questions regarding the information contained in this policy:

District Contact: Lauren Smith **Title:** DER

OPTIONAL PROVISION

EMPLOYEE VOLUNTARY ADMISSION OF ALCOHOL OR CONTROLLED SUBSTANCES USE:

Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation, or treatment requirements of CFR Part 40 rules, provided that:

1. The employee does not self-identify in order to avoid testing under Part 40 rules;
2. The employee makes the admission of alcohol misuse or controlled substances use prior or during performing a safety-sensitive function (i.e., prior to reporting for duty); and
3. The employee does not perform a safety-sensitive function until the Employer is satisfied that the employee has been evaluated and has successfully demonstrated compliance with any education or treatment requirements in accordance with the recommended treatment plan as established by the evaluator.

The Employer will take no adverse action against an employee making a voluntary admission within the parameters of this policy. The Employer will allow the employee up to fourteen (14) days to complete the evaluation process. If the employee has failed to complete the evaluation process within fourteen (14) days from the date of referral, it will be considered misconduct, and the Employer will take disciplinary action up to and including termination. Employees who have voluntarily admitted use are not qualified to perform safety-sensitive functions and will be placed on unpaid medical leave or assigned non-safety-sensitive work duties if available and appropriate.

The employee will be allowed to return to safety-sensitive duty when the evaluating SAP determines that the employee is in full compliance with recommended education or treatment and has an established follow-up program in place. The employee will be required to take and pass a DOT return-to-duty drug and/or alcohol test prior to returning to safety-sensitive duty.

If, during the follow-up period, the employee fails to comply with the recommended treatment or fails a follow-up drug and/or alcohol test, it will be considered prohibited conduct under 49 CFR Part 40. The employee who has engaged in prohibited conduct will be required to comply with all applicable requirements under the DOT rules. Employees who have engaged in prohibited conduct are subject to immediate disciplinary action by the Employer, up to and including termination.

ACKNOWLEDGEMENT AND RECEIPT
OF DRUG AND ALCOHOL POLICY

Indian Wells Valley Water District

I, _____ have received a copy of the Drug and Alcohol Policy from the Indian Wells Valley Water District. I understand that the Policy is effective on.

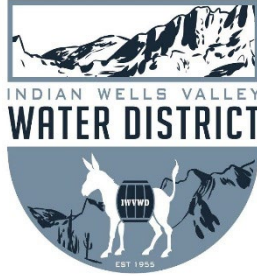
I will read (or have read to me) the Policy I have received this day.

Signature

Date

Printed Name

Title



9.G.3.



MEMORANDUM

March 24, 2025

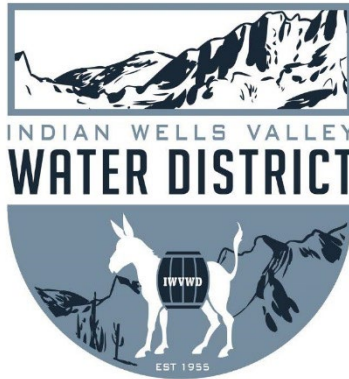
To: George Croll
From: Lauren Smith
Subject: 2025 Home & Leisure Show

There was a fairly good turnout at the Home & Leisure Show this year. Events such as these always prove to be an important outreach effort.

Estimated conservation items distributed are as follows:

	Low-Flow Hose Nozzles	Low- Flow Showerheads	Moisture Meters	Water Bottles/Cups	Reusable Bags	Miscellaneous
2024	220	175	200	300	200	30 – At Home Water Audit Kit 100 – Calendars 200 – Chip Clips 20 – Approved Plant List
2025	400	200	250	350	300	10 – At Home Water Audit Kit 150 – Calendars 300 – Chip Clips 45 – Approved Plant List/Book

Special thanks and appreciation to employees Isabel Tejada, Ana Chavez, Melody Miliano, Amber Chapin, and Lauren Smith for working the weekend; Robert Renfroe, Ryan Baker, and Sergio Cazares for organizing the supplies and hauling everything out to the site and back to the District. It wouldn't have been a success without them!



The Mission of the

Indian Wells Valley Water District

is to deliver the highest quality water at the best possible price while continuing to serve as respectful stewards of the environment.

The Vision of the

Indian Wells Valley Water District

is to provide for self-sustaining water resources now and for generations to come.

Board of Directors