

CHAPTER 4
SENSITIVE POSITIONS
TABLE OF CONTENTS

<u>POLICY</u>	4-3
<u>DEFINITION</u>	4-3
<u>IDENTIFICATION</u>	4-3
<u>NOTIFICATION</u>	4-4
Initial	4-4
New Employees	4-4
 <u>ANNEXES</u>	
<u>A</u> - RECEIPT AND ACKNOWLEDGEMENT FORM	4-7
<u>B</u> - SENSITIVE POSITION DESIGNATION.....	4-9

THIS PAGE INTENTIONALLY LEFT BLANK

CHAPTER 4
SENSITIVE POSITIONS

1. POLICY. Not all classifications or positions within the Department are subject to the requirements of substance testing. Only those in positions designated as "sensitive" by the Commissioner may be tested according to the provisions as stated in this manual.

2. DEFINITION.

a. For the purposes of substance abuse testing, a sensitive position is defined as any peace officer as identified in Section 830 of the Penal Code and any other position in which drug or alcohol affected performance could clearly endanger the health and safety of others. All of the following general characteristics must be present in the non-peace officer positions for them to be designated sensitive.

(1) Duties involve a greater than normal level of trust, responsibility for or impact on the health and safety of others; and

(2) Errors in judgment, inattentiveness or diminished coordination, dexterity or composure while performing duties could clearly result in mistakes that would endanger the health and safety of others; and

(3) Employees in these positions work with such independence or perform such tasks that it cannot be safely assumed that mistakes such as those described in paragraph 2.a.(2) above could be prevented by a supervisor or other departmental employee.

3. IDENTIFICATION.

a. Subject to the California Department of Human Resources (CalHR) approval, the Commissioner designates the positions within the Department which meet the criteria enumerated in paragraph 2. above. Accordingly, the following departmental classifications have been designated and approved as sensitive positions:

(1) All peace officers.

(2) All cadets.

(3) Automobile Mechanic.

(4) Automotive Technician series.

- (5) Commercial Vehicle Inspection Specialist I and II.
- (6) Public Safety Dispatcher and Public Safety Operator.
- (7) Public Safety Dispatch Supervisor I and II.
- (8) Gunsmith.
- (9) Heavy Truck Driver.
- (10) Lead Automobile Mechanic.
- (11) Lead Motorcycle Mechanic.
- (12) Motor Carrier Specialist I, II and III.
- (13) Motorcycle Mechanic.
- (14) School Pupil Transportation Safety Coordinator.

4. NOTIFICATION.

a. Initial. In accordance with the guidelines established in Sections 599.960-599.966, Title 2, Article 29, incumbent employees serving in positions designated sensitive and, where applicable, their exclusive representatives were provided a notice of the rules. Employees in sensitive positions were required to acknowledge their receipt of these rules by signing a *Receipt and Acknowledgment* form (refer to Annex A). The original forms were forwarded to Human Resources Section, Personnel Files Unit, for inclusion in the employees' permanent personnel files with copies placed in the employees' field folders.

b. New Employees. Once a position is designated sensitive, all appointees to that position must be informed and made aware of the CalHR substance abuse rules. This shall be accomplished through the following means:

(1) Uniformed - All departmental cadets shall be advised during the initial portion of their Academy training period of the designation and provided a copy of the CalHR rules (refer to Annex B). Acknowledgment of this fact shall be documented on the *Receipt and Acknowledgment* form (014-1) by having the cadet sign and date the form. The form will also be signed on the witness line by the person providing the information.

(2) Nonuniformed - All nonuniformed employees in sensitive positions shall be advised of the designation and provided a copy of the CalHR rules by their commander as part of the pre-employment process. Acknowledgment of this

fact shall be documented by having the employee sign and date the *Receipt and Acknowledgement* form. The person providing the information shall sign as the witness.

(3) The original copy of the completed *Receipt and Acknowledgment* form will then be forwarded to Human Resources Section, Personnel Files Unit, for inclusion into the employee's permanent personnel file and a copy placed in the employee's field folder. Both of these documents are retained until the employee permanently separates from the Department.

THIS PAGE INTENTIONALLY LEFT BLANK

THIS PAGE INTENTIONALLY LEFT BLANK

ANNEX B

SENSITIVE POSITION DESIGNATION

State of California
MEMORANDUM

To: _____ Date: _____

From: Department of Personnel Administration
Office of the Director

Subject: State's Substance Abuse Program - Sensitive Positions

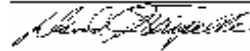
On September 6, 1988, the Department of Personnel Administration (DPA) received approval from the Office of Administrative Law (OAL) for Rules 599.960 through 599.966 pertaining to substance abuse and drug/alcohol testing. Under these rules, employees in sensitive positions may be tested for drugs and alcohol when there is reasonable suspicion that they are under the influence while at work or on standby.

Before a position is designated sensitive under these rules, DPA Rule 599.961 requires that an initial notice be given to employees serving in the identified positions and their union representative. Upon receiving this notice the employees and their representatives have 30 days to respond over the designation of these positions. After considering the responses to the initial notice, the rule also requires that a final notice be given to the employees and that no existing drug testing practices will change until 60 days after the final notice has been issued.

We have determined that positions in your classification are sensitive. Since you are serving in one of these positions you will be subject to the drug and alcohol testing policies outlined in these rules. We would point out that these rules do not mandate testing but allow it to be conducted for persons in sensitive positions and only if and when there is a determination of reasonable suspicion. This memo is intended to serve as your initial notice that your position has been designated sensitive. If you have questions or wish to respond, please contact the representative in your department indicated below.

Attached is a copy of the DPA rules for your information.

Departmental Representative
Office of Internal Affairs
916) 843-3060 or CAINET 437-7241



David J. Tirapelle
Director

Attachment

THIS PAGE INTENTIONALLY LEFT BLANK