

**AUBURN AREA RECREATION AND PARK DISTRICT MEETING OF THE
PROGRAM, PERSONNEL, POLICY, FEE & LEGAL REVIEW COMMITTEE AGENDA**
WEDNESDAY, JULY 17, 2019, 1:00 PM
CANYON VIEW COMMUNITY CENTER
471 MAIDU DRIVE, AUBURN, CA 95603

Materials related to an item on this Agenda submitted to the District after distribution of the agenda packet are available for public inspection in the District's Office at 471 Maidu Drive, Auburn, CA 95603. In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact the District Clerk at (530) 537-2187. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

1.0 CALL TO ORDER

Holbrook _____ Ainsleigh _____

2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL

3.0 PUBLIC COMMENT – This is the time wherein any person may comment on any item not on the agenda within the subject matter jurisdiction of the Committee Chairperson, please state your name and address for the record (optional). There is a time limitation of three minutes.

4.0 BUSINESS

4.1 Approval of Minutes from the June 19, 2019 Program, Personnel, Policy, Fee & Legal Review Committee Meeting

Recommendation: Review and approve minutes.

4.2 Fee Waivers Policy Review

Shall the Auburn Area Recreation and Park District (ARD) consider modifying its policy, criteria and/or the amounts of fees that are waived for future Fee Waivers at ARD?

4.3 Process for Selecting ARD Friend of Recreation

Shall the Auburn Area Recreation and Park District (ARD) create a policy and more defined process on how the Friend of Recreation Award winner is chosen?

4.4 Approval of Legal Bills from June, 2019

Recommendation: Review and approve legal bills.

Discussion Item:

1. Drug and alcohol policy review.

**5.0 ITEMS TO BE CONSIDERED AT FUTURE PROGRAM,
PERSONNEL, POLICY & FEE COMMITTEE MEETINGS**

5.1 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH

ADJOURNMENT

AUBURN AREA RECREATION AND PARK DISTRICT
This agenda is hereby certified to have been posted as follows:

7-12-19
Date

1:00 P.m.
Time

R. Larson
Secretary to the Board

**Auburn Area Recreation and Park District
Minutes
of the Program, Personnel, Policy, Fee & Legal Review Committee Meeting
Wednesday, June 19, 2019 at 1:30 PM
Canyon View Community Center
471 Maidu Drive
Auburn, CA 95603**

1.0 CALL TO ORDER

The meeting of the Program, Personnel, Policy, Fee & Legal Review Committee was called to order at 1:32 p.m.

ROLL CALL

Directors Holbrook and Ainsleigh were present.

2.0 ANNOUNCEMENTS, AGENDA REVIEW, CHANGES AND APPROVAL

The agenda was approved with item 4.6 being moved to after 4.8.

3.0 PUBLIC COMMENT- This is the time wherein any person may comment on Any item not on the agenda within the subject matter jurisdiction of the Committee. After you are recognized by the Committee Chairperson, please state your name and address for the record (optional). There is a time limit of three minutes.

None.

4.0 BUSINESS

4.1 Approval of Minutes from the May 21, 2019 Program, Personnel, Policy, Fee & Legal Review Committee Meeting

The minutes from the May 21, 2019 Program, Personnel, Policy, Fee & Legal Review Committee meeting were reviewed and approved by the Director Holbrook.

4.2 SDRMA & CAPRI

The Committee reviewed and approved ARD moving the Workers' Compensation Insurance to SDRMA and forwarded this item to the Board of Directors for review and approval.

4.3 Updated Recreation Services Manager Job Description

The Committee reviewed and approved the updated Recreation Services Manager Job Description and forwarded it to the Board of Directors for review and approval.

4.4 Process for Selecting ARD Friend of Recreation

The committee reviewed the process for selecting the ARD Friend of Recreation and forwarded this item to the Board of Directors with a negative recommendation.

4.5 Fee Waivers Policy Review

This item was reviewed by the Committee and forwarded back to the July 2019 Policy meeting for further discussion along with a copy of the fee schedule to be provided to the Committee.

4.6 Live Webcasts of ARD Meetings

This item was reviewed by the Committee and forwarded to the Board of Directors with a split recommendation of Director Holbrook against it and Director Ainsleigh in favor of live webcasts of ARD meetings.

4.7 Request for a new Needs Survey

This item was reviewed by the Committee and forwarded to the Board of Directors with a split recommendation of Director Holbrook against it and Director Ainsleigh in favor of a new needs survey.

4.7 Approval of Legal Bills from May, 2019

The legal bills from May, 2019 were approved.

Discussion Item:

1. Discussion of naming Recreation Park Cell Tower Site after Joe Fecko – no action was taken on this discussion item.

5.0 ITEMS TO BE CONSIDERED AT FUTURE PROGRAM, PERSONNEL, POLICY, FEE & LEGAL REVIEW COMMITTEE MEETINGS

None.

5.1 PENDING ITEMS REQUIRING MORE DETAILED RESEARCH

None.

ADJOURNED

As there was no further business, the meeting was adjourned at 2:13 p.m.

Board Secretary

Date

Item 4.2 Cover sheet – Fee Waivers Policy Review

**Auburn Area Recreation and Park District Policy Committee March, 2018; June, 2019;
July, 2019**

The Issue

Shall the Auburn Recreation District (ARD) consider modifying its policy, criteria and/or the amounts of fees that are waived for future Fee Waivers at ARD?

Background

The ARD Fee Waiver Policy was previously reviewed at the March, 2018 Policy Committee meeting. The Policy Committee decided at that point to not make any changes.

At the May 31st, 2019 Board Meeting, the ARD Board of Directors requested that the policy be reviewed again.

The Policy Committee reviewed the policy and asked that a copy of the current fee schedule/structure (including how fee groups are constituted) and a copy of the Fee Waiver application be sent back to the July meeting for review.

The existing policy on Fee Waivers at ARD with changes as proposed by the Policy Committee and staff is attached.

The following is a review of how much was waived over the past several years:

FY 09/10: \$15,689
FY 10/11: \$16,676
FY 11/12: \$16,298
FY 12/13: \$19,263
FY 13/14: \$9,627
FY 14/15: \$11,678
FY 15/16: \$13,341
FY 16/17: \$19,515
8 year average: \$15,261

Other related policies

ARD has a policy regarding charitable donations:

- ARD District Policy, Section XIII
 - C. Policy on Charitable Donations from ARD to Outside Organizations

ARD may, from time to time, consider making donations to charitable entities or outside agencies. These donations must fall within ARD's specifically enumerated powers (Parks and Recreation) and must meet one of the following three criteria:

1. The charity/agency must provide a service that complements or enhances services provided by ARD.
2. There is an identifiable secondary benefit to ARD.
3. The charity/agency provides a service that ARD could provide but chooses not to.

Should a donation request meet one of the criteria listed above, staff will forward the request to the ARD Policy Committee for consideration and recommendation. If the Policy Committee recommends approval of the donation request, it will be sent to the ARD Board of Directors for approval as a consent calendar item.

Recommendation for the Policy Committee

Review and discuss the existing Fee Waiver policy. Provide direction.

Staff feels that the word "minimum" should be removed in section "B" of the policy as it is too ambiguous.

Fiscal Impact

N/A

Attachments

Fee Waiver Policy with proposed changes
Facility and Fields Fee Schedule/Structure
ARD Fee Waiver Application and Request

Proposed changes to ARD's Fee Waiver Policy (new language in red)

XXIX. Policy & Procedures for Fee Waivers

Fee waivers may be granted to non-profit organizations, schools, other public agencies and ARD co-sponsored events for once per year, annual events or rentals. The following rules will apply to Fee Waivers:

- A. A 10% processing fee will be charged for all fee waivers. This fee does not apply to peak usage rentals paying 50%
- B. A ~~minimum~~ 20% fee will be applied to all groups that charge admission or do not meet at least one of the following criteria:
 1. The non-profit charity/agency must provide a service that complements or enhances services provided by ARD.
 2. There is an identifiable secondary benefit to ARD.
 3. The charity/agency provides a service that ARD could provide but chooses not to.

This fee does not apply to peak usage rentals paying 50%.

- C. During peak usage times, fee waivers will normally not exceed 50% of the current fees. Custodial and alcohol fees will normally not be waived during these peak periods.

Peak usage times for facilities are as follows:

Picnic Units: April – October
Gymnasiums: December – March
Baseball fields: February – July
Soccer fields: July – November
Swimming pools: May – July.

- D. ARD staff can approve fee waivers up to a dollar amount of ~~\$1,500~~ \$2,000. Fee waivers over this amount will be sent to the Finance Committee and finally to the Consent Calendar. Denied fee waivers can be appealed to the ARD Board of Directors. Appeals should be made in writing and sent to the Customer Service/Marketing Manager at least 7 days before the next ARD Board of Director's meeting.
- E. The person or organization making the fee waiver request should be responsible for the following:
 1. Paying applicable custodial, set up/take down fee.
 2. Paying the alcohol fee, if applicable.
 2. Special Events – paying the current rate per hour/person for staffing the event (one maintenance worker per 500 attendees).
 3. Special Events – events over 250 attendees require a dumpster.
 4. Special Events – events with 400 + attendees will require one portable toilet. Add 1 portable toilet for every 200 additional attendees.
 5. Special Events – in most cases the person/organization requesting the fee waiver will take care of trash, bathrooms, etc.

Facility Rental Fee Structure

Group A/B: Activities sponsored or conducted by volunteers, the majority of which are 17 years of age or under who have adult leaders or chaperones/Meetings or smaller activities of resident, civic or service organizations; non-profit groups where no fee is charged for participation.

Group C/D: Private citizens' parties/receptions where the primary function is social/activities sponsored by a business, corporation, or other firm where their interest is profit-making.

Rooms	Group A/B	Group C/D	Capacity	
	Per Hour	Per Hour	Dining	Seating
Sierra Room	\$49.50	\$77.00	140	200
Foothills Room	\$44.00	\$71.50	100	150
Lakeside Room	\$44.00	\$71.50	75	90
Canyon View Room	\$38.50	\$60.50	50	75
Board Room	\$44.00	\$55.00	0	90
Sunset Room	\$33.00	\$49.50	0	40
CVCC Kitchen	\$27.50	\$44.00	N/A	N/A
Broadwell Room-MVCC	\$40.00	\$80.00	80	100
Regional Kitchen	\$16.50	\$27.50	N/A	N/A

MINIMUM 2 HOURS

Rental hours	
Sunday - Thursday:	8:00am - 10:00pm (music must be off by 9:00pm)
Friday and Saturday:	8:00am - 11:00pm (music must be off by 10:00pm)

Additional Fees (all groups)	
Rental Deposit Fee	\$400.00 (refundable)
Out-Of-District Fee	\$50.00
Alcohol Permit Fee	\$40.00
Custodial Fee	\$40.00
Set Up/Take Down	\$100.00

Note: \$80.00 custodial fee for groups over 100.

Group A/B COMBINED
Regional & Rec Gym
Hourly
\$43.00
Custodial Fee: \$40 per day

All other groups with sports-related events:	\$60 per hour
Gym rental for non sport related events:	\$90.00 per hour, minimum of 2 hours

Outdoor Facilities	Res half	Res. full
Picnic Units (per unit)	\$50.00	\$75.00
Gazebos	Res full day	NR full day
Front Gazebo	\$40.00	\$60.00
Back Gazebo	\$90.00	\$100.00

NR half day	NR full day
\$60.00	\$85.00
Picnic units hold Approx. 50 people. \$40 custodial fee will be applied per unit.	

Pool	Group A/B	Group C/D
Marsha Skinner Pool (2hrs, max 75 people)	\$230.00	\$345.00
Splash Pool (2hrs, max 30 people)	\$180.00	\$290.00
Meadow Vista Pool (2hrs, max 75 people)	\$180.00	\$290.00

GROUP A: Activities sponsored or conducted by a volunteer organization, the majority of which are 17 years of age and under who have adult leaders or chaperones (i.e. Boy Scouts, Girl Scouts, Little League, etc)

GROUP B: Meetings or similar activities of resident, civic, or service organization; Non profit groups, such as Red Cross, schools, or other resident adult organizations where there is no fee charged for participation.

GROUP C: Private Citizens' parties/receptions where the primary function is social.

GROUP D: Activities sponsored by a business, corporation, or other firm where their interest is in profit making.

Fields	Group A	Group B	Group C	Group D
	Hourly	Hourly	Hourly	Hourly
Recreation Field	\$4.80	\$9.61	\$13.39	\$17.67
Beggs Field	\$10.66	\$24.52	\$31.97	\$40.53
James Field	\$18.25	\$25.40	\$33.50	\$41.60
Regional A Softball	\$18.11	\$23.47	\$30.92	\$39.45
Regional B Softball	\$8.53	\$10.65	\$14.91	\$18.67
Regional C Softball	\$17.06	\$21.31	\$29.82	\$37.33
Regional Soccer Field	\$12.81	\$21.31	\$29.82	\$37.33
MV Soccer A/B	\$13.20	\$23.35	\$30.45	\$38.60
MV Pee Wee Soccer	\$8.15	\$15.25	\$23.35	\$30.45
MV Softball	\$16.25	\$18.30	\$25.50	\$33.50
Railhead A Field	\$12.20	\$23.35	\$30.45	\$38.60
Railhead B Field	\$12.20	\$23.35	\$30.45	\$38.60
Christian Valley Field	\$9.61	\$16.01	\$24.52	\$31.97
Winchester Field	\$17.06	\$21.31	\$29.82	\$37.33
Placer Hills Field	\$7.51	\$16.01	\$24.82	\$31.97

Out of District fees: \$75 per hour for James field, \$60 per hour for all other fields.

Bocce Ball Courts(3 hour blocks)		\$20 per Court
Rental Times: 8am-11am, 11am-2pm, 2pm-5pm, and 5pm-8pm		

Tournament Packages

Tournament Location	All Groups	
	1/2 Day 9a-3p, or 3p-9p 6 hours	All day 9am-9pm, 12 hours
Recreation Fields	\$110.00	\$220.00
Regional Fields	\$110.00	\$220.00
Fairgrounds Fields	\$110.00	\$220.00
Regional Soccer Field	\$110.00	\$220.00
Railhead Soccer Fields	\$110.00	\$220.00
Bocce Ball Courts (all 4)	\$110.00	\$220.00

Lights	\$30.00 per hour
Field Lining-Softball Fields only	\$40.00
Custodial Fee over 100 people	\$80.00
Alcohol Permit Fee	\$40.00
Field Lining-Soccer Fields only	\$255.00



FEE WAIVER REQUEST AND APPLICATION

In order to be considered for a fee waiver request, you must complete this questionnaire and submit necessary documents as indicated below. A letter on the requesting organization's letterhead must accompany this application. The letter should include the reason for requesting a fee waiver and how this event benefits our community. Requests must be submitted 60 days prior to the event. Applicants must complete and submit Indoor or Outdoor Reservation Applications with this request. Incomplete applications will not be processed.

1) Is this a non-profit organization? _____

Must provide supporting documentation for non-profit status before being considered for a fee waiver request.

Example: A letter from IRS stating your non-profit status

2) Can you provide financial documents for the organization? _____

Example: Bank statements or tax returns. If unable to provide these documents, please attach an explanation letter.

3) Is this the first time that your organization is asking for a fee waiver from ARD? _____

4) Is this a fundraiser? _____

5) How much money do you anticipate generating from this event? _____

6) Is there a fee or a charge for people to attend or participate in your event? _____

7) How does a fee waiver affect your event? Can you hold your event in a different location if ARD can not consider a fee waiver at this time? Please explain.

8) Have you asked for a fee waiver from other agencies in the community? _____

Please indicate which agency: _____

9) Are there any other agencies in the community that are working with you on this project? _____

Please provide a list of these agencies and contact information.

10) If a full fee waiver is not granted, can your organization pay a percentage of the rental fees?

_____ If no, please explain:

11) Will you consider paying for staffing and utility fees if we waive the rental fees? _____

\$25.00 per hour plus applicable custodial fees

12) If you are unable to meet one of the offers (Items 10 or 11 above), are you able to provide a hardship statement with supporting documentations, such as bank statements or tax returns? _____

Please indicate what is being provided with this request:

FEE WAIVER REQUEST

PERSON MAKING REQUEST _____

NAME OF THE ORGANIZATION _____

IRS/NON PROFIT TAX ID NUMBER _____

ADDRESS AND PHONE NUMBER _____

Signature **Date**

OFFICE USE ONLY

APPLICABLE FEES

FEES WAIVED

Rental Fees \$ _____

\$ _____

Custodial Fees \$ _____

\$ _____

Alcohol Permit Fees \$ _____

\$ _____

Setup/Takedown \$ _____

\$ _____

Staffing Fees \$ _____

\$ _____

Miscellaneous Fees \$ _____

\$ _____

TOTAL FEES DUE \$ _____

REQUEST APPROVED? Yes No

COMMENTS: _____

Approved by: _____ Date

Item 4.3 Cover sheet – Process for Selecting ARD Friend of Recreation

Auburn Area Recreation and Park District (ARD) Policy Committee meeting May, 2019; Board of Directors meeting May, 2019; Policy Committee June, 2019; Board of Directors meeting June, 2019; Policy Committee July, 2019

The Issue

Shall the Auburn Area Recreation and Park District (ARD) create a policy and more defined process on how the Friend of Recreation Award winner is chosen? Director Ferris asked that this item be considered.

Background

Every year, ARD awards the “ARD Friend of Recreation Award” at the annual State of Community Dinner. Information on the Friend of Recreation Award is as follows:

The Auburn Area Recreation and Park District Friend of Recreation award is given to the person, organization or group that has made a significant contribution to parks, recreation and active leisure in the Auburn area. This award is presented annually at the State of the Community Dinner.

Specific criteria for nominees/winners are as follows:

- The person’s, organization’s or group’s contribution should include the last 5 years
- Volunteers, ARD employees and contract employees are eligible for the award
- Nominees from entities outside of ARD can be considered (Tevis Cup, Placer High, local youth sports organizations, etc.)

Typically, the ARD Board is polled for nominations, and then voting takes place based on those nominations. This process is not formalized anywhere.

A proposed formal process could look like this:

- 1) Staff submits an agenda item at a Board meeting asking for nominations. Each Board member would be allowed a brief time to share why the nominee should be considered. The date for this would be based on the date for the State of the Community Dinner, which occasionally fluctuates (was in September, 2018 and is in May, 2019).
- 2) A vote based on those nominees is taken via email. If no one nominee gets three votes, the top two will go to a run-off

At the July, 2019 ARD Board meeting, the Board requested that this item be sent back to the Policy Committee to formalize the policy. A formal policy is attached.

Recommendation for the Policy Committee

Review and send a positive recommendation to the Board of Directors

Fiscal Impact

N/A

Attachments

Proposed policy: ARD Friend of Recreation Award

Proposed ARD Friend of Recreation Policy and Procedures
For inclusion in the District Policies and Procedures Manual

XL. ARD Friend of Recreation

Each year, the District is asked to select the "ARD Friend of Recreation". The person(s) selected is presented the award at the annual Auburn State of the Community Dinner. The ARD Friend of Recreation award is given to the person, organization or group that has made a significant contribution to parks, recreation and active leisure in the Auburn area.

Specific criteria for nominees/winners are as follows:

- A. The person's, organization's or group's contribution should include the last 5 years
- B. Volunteers, ARD employees and contract employees are eligible for the award
- C. Nominees from entities outside of ARD can be considered (Tevis Cup, Placer High, local youth sports organizations, etc.)

The ARD Friend of Recreation will be selected in the following manner:

- D. Staff submits an agenda item at a Board meeting asking for nominations. Each Board member would be allowed a brief time to share why the nominee should be considered.
- E. A vote based on those nominees is taken via email. If no one nominee gets three votes, the top two will go to a run-off

Discussion Item #1. Cover sheet – Drug and Alcohol Policy Review

Auburn Area Recreation and Park District (ARD) Policy Committee July, 2019

The Issue

A review of ARD's Drug and Alcohol Policy. Director Holbrook requested that this item be considered.

Background

ARD has policies as they relate to Drug and Alcohol use. These policies are similar to the policies included in the Agreement between ARD and Local 39. A copy of a memo sent to employees in January, 2018 containing the policies is attached. This memo was reviewed by legal counsel.

Recommendation

Review and provide direction. There most likely updates that need to occur to this policy. This can happen in a couple of different ways:

- 1) Have Patti Eyres, CAPRI's (free) contracted attorney review and make necessary changes
- 2) Include this policy as part of the Personnel Manual review/update that is scheduled to be completed by Cota Cole, ARD's attorneys. This review/update was part of the FY 19/20 budget

Fiscal Impact

The cost for the Cota Cole review/update of the ARD Personnel Manual is \$3,200 and has been budgeted in this year.

Attachments

January 3, 2018 memo: Marijuana use and related policies.

January 3, 2018

MEMO

**To: All ARD employees, volunteers, work release and community service
From: Kahl Muscott, District Administrator**

**Re: Marijuana use and employment at the Auburn Area Recreation and Park District
(ARD)**

As you may be aware, there has been a change in California law with respect to possession and use of recreational marijuana. Regardless of California law, marijuana remains illegal under federal law.

The purpose of this memo is to refresh everyone with ARD policy and agreement with the Local 39 Operating Engineers regarding the possession and/or use of marijuana or any controlled substance. A copy of these policies are set forth below. Please review them carefully.

Bottom line: Marijuana is a controlled substance. Possession, use or being under the influence of any controlled substance, including marijuana, while on the job violates ARD Policy and the agreement between ARD and Local 39. This also applies to ARD volunteers, work release and community service individuals. A violation of this policy could lead to the imposition of discipline, up to, and including termination.

Please read and familiarize yourself with these policies. Please feel free to contact myself or your manager/supervisor with any questions.

From the Auburn Area Recreation and Park District Personnel Manual:

3.3 Drug and Alcohol Abuse

The District is concerned about the use of alcohol, illegal drugs, or controlled substances as they affect the workplace. Use of these substances, whether on or off the job, can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the District. In addition, the use or possession of these substances on the job constitute a potential danger to the welfare and safety of other employees and expose the District to the risks of property loss or damage, or injury to other persons. Inappropriate use of prescription drugs and/or over-the-counter drugs may do the same.

The following rules and standards of conduct apply to all employees either on District property or during the workday (including meals and rest periods). Behavior that violates District policy includes:

- A. Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job;
- B. Driving a District vehicle while under the influence of alcohol or an illegal or controlled substance;
- C. Distribution, sale, or purchase of an illegal or controlled substance while on duty or in the workplace.
- D. Reporting to work under the influence of alcohol, illegal drugs or any other controlled substance.
- E. Use of alcohol, illegal drugs or any other controlled substance while on duty or in the workplace.
- F. Misuse of prescription drugs or over the counter drugs while on duty or in the workplace.

Violation of these rules and standards of conduct will not be tolerated. The District also may bring the matter to the attention of appropriate law enforcement authorities.

In order to enforce this policy, the District reserves the right to conduct searches of any and all District property, including desks and lockers, and to implement other measures necessary to detect and deter abuse of this policy. No employee should assume that any area on District property is private. The District reserves the right to enter and search any desk or locker in the workplace.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off District property will not be tolerated because such conduct, even though off duty, reflects adversely on the District. In addition, the District must keep people who sell or possess controlled substances off the District's premises in order to keep the controlled substances themselves off the premises.

Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work.

The District encourages, and may accommodate if reasonable, employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is the District obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is

not intended to affect the District's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

All District employees are subject to drug and alcohol testing under federal and state guidelines allowing for "reasonable suspicion testing" as follows:

Reasonable suspicion testing is authorized when management believes an employee is using illegal drugs or alcohol. It is appropriate to request a reasonable suspicion drug and alcohol test when any of the following conditions exist:

- A. Direct observation of drug use and/or the physical symptoms of being under the influence of drugs or alcohol.
- B. A pattern of abnormal conduct or erratic behavior.
- C. Arrest or conviction for a drug related offense; or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking.
- D. Information that is either provided by reliable and credible sources or independently corroborated.
- E. Newly discovered evidence that the employee has tampered with a previous drug test.

From the agreement between the Auburn Recreation District and Local 39 Operating Engineers, Ratified April, 2017

ARTICLE 6

DRUGS AND ALCOHOL POLICY

6.1 Drug and Alcohol Abuse

The District is concerned about the use of alcohol, illegal drugs, or controlled substances as they affect the workplace. Use of these substances, whether on or off the job, can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the District. In addition, the use or possession of these substances on the job constitute a potential danger to the welfare and safety of other employees and expose the District to the risks of property loss or damage, or injury to other persons. Inappropriate use of prescription drugs and/or over-the-counter drugs may do the same.

The following rules and standards of conduct apply to all employees either on District property or during the workday (including meals and rest periods). Behavior that violates District policy includes:

1. Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job;
2. Driving a District vehicle while under the influence of alcohol or an illegal or controlled substance;
3. Distribution, sale, or purchase of an illegal or controlled substance while on duty or in the workplace.
4. Reporting to work under the influence of alcohol, illegal drugs or any other controlled substance.
5. Use of alcohol, illegal drugs or any other controlled substance while on duty or in the workplace.
6. Misuse of prescription drugs or over the counter drugs while on duty or in the workplace.

Violation of these rules and standards of conduct will not be tolerated. The District also may bring the matter to the attention of appropriate law enforcement authorities.

In order to enforce this policy, the District reserves the right to conduct searches of any and all the District property, including desks and lockers, and to implement other measures necessary to detect and deter abuse of this policy. No employee should assume that any area on District property is private. The District reserves the right to enter and search any desk or locker in the workplace.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off District property will not be tolerated because such conduct, even though off duty, reflects adversely on the District. In addition, the District must keep people who sell or possess controlled substances off the District's premises in order to keep the controlled substances themselves off the premises.

Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well being of others, must notify a supervisor of such use immediately before starting or resuming work.

The District will encourage, and reasonably accommodate, employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is the District obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the District's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

All District employees are subject to drug and alcohol testing under Federal and State guidelines allowing for “reasonable suspicion testing” as follows:

Reasonable suspicion testing is authorized when management believes an employee is using illegal drugs or alcohol. It is appropriate to request a reasonable suspicion drug and alcohol test when any of the following conditions exist:

1. Direct observation of drug use and/or the physical symptoms of being under the influence of drugs or alcohol.
2. A pattern of abnormal conduct or erratic behavior.
3. Arrest or conviction for a drug related offense; or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking.
4. Information that is either provided by reliable and credible sources or independently corroborated.
5. Newly discovered evidence that the employee has tampered with a previous drug test.