



Administrative Policy 4.11

PRE-EMPLOYMENT/PRE-PLACEMENT SCREENING POLICY

Approved: January 24, 2017

Authority: Human Resources

Revised Date:

I. PURPOSE

It is the purpose of this policy to promote consistency in hiring practices and appropriate, job related screening of finalists for County positions. Effective pre-employment screening will help ensure that the County's mission is supported with qualified employees, and that we provide a safe, secure, and drug and alcohol free environment for employees, clients, residents, and the public which we serve.

II. POLICY

The County of Sonoma (County) is committed to providing equal employment access to all qualified applicants and employees, and a workplace free of discrimination and harassment on the basis of race, color, ancestry, national origin, religious creed, belief or grooming, sex (including sexual orientation, gender identity, gender expression, transgender, pregnancy, childbirth, medical conditions related to pregnancy, childbirth, breastfeeding), marital status, age, medical condition, physical or mental disability, genetic information, military or veteran status, or any other legally protected category, in accordance with federal and state laws and County ordinances.

It is a policy of the County and all agencies and special districts under the direct control and under the governing authority of the Board of Supervisors (hereafter referred to as County) that, as a condition of employment, finalists for full-time, part-time, and extra help positions will be required to successfully pass the pre-employment background, medical, and drug screening requirements that have been identified as appropriate for the position. The medical screening requirements for each assignment are detailed on the Sonoma County Job Classification Screening Schedule and will be included in the conditional job offer letter. Volunteers and interns in assignments that are safety sensitive or physically demanding will also be subject to testing as appropriate for the assignment.

This policy supersedes all previous Human Resources policy memos and guidelines relating to pre-employment medical, drug, and background screening.

III. RESPONSIBILITIES

Department/Agency Heads are responsible for ensuring compliance with all rules, laws, standards, and policies applicable to their department.

The Human Resources Department is responsible for educating Department/Agency Heads, Human Resource Liaisons, and Payroll Clerks about the County's pre-employment screening policies and procedures and appropriate standards to employ in meeting policy requirements.

IV. PRE-EMPLOYMENT BACKGROUND INVESTIGATIONS

Finalists for County employment will be subject to background investigation after the applicant's suitability for employment has been ascertained. The specific components of the background check will be limited to job-relevant and legally mandated matters, based on the nature and duties of the position(s) sought. Background investigations may include: criminal conviction history, verification of social security number, prior work verification, verification of academic credentials, credit history, driving history, and other investigations that are determined to be relevant.

Background checks are conducted with the full knowledge and consent of the finalist. Finalists will be provided with all rights afforded by and all notifications required under applicable State and Federal law, including the Fair Credit Reporting Act (FCRA), California Investigative Consumer Reporting Agencies Act ("ICRAA"), and the California Consumer Credit Reporting Agencies Act ("CCRAA") and will be required to sign releases authorizing the background and reference checks. A refusal to sign a release form will serve to eliminate the finalist from further consideration for employment.

Unless otherwise provided by law, having a criminal conviction history may not necessarily preclude employment. The nature and date of any criminal conviction and its relevance to the finalist's suitability for the particular position and whether the finalist's employment by the County poses an unacceptable risk will be considered on a case-by-case basis. The appointing authority will evaluate whether a sufficient job-related connection exists between the conviction and the specific duties and responsibilities of the position in question that may impact the finalist's eligibility and suitability for the position and will make the final employment determination in accordance with the [Sonoma County Guidelines for Conducting Background Checks](#) and in consultation with the Human Resources Department. In making the decision, the appointing authority will carefully consider the potential impact of the adverse information on the safety and security of employees, clients, residents and the public, and the security of County assets. Similarly, in those instances where a credit check is performed for a position specified in Labor Code section 1024.5, having a poor credit history may not necessarily preclude employment in and of itself, but will be evaluated on a case-by-case basis.

V. PRE-EMPLOYMENT MEDICAL SCREENING

Pre-employment medical screening may include physical examinations, psychological examinations, physical abilities testing, and other job-related medical screening tests, depending on the nature and duties of the position. Finalists must meet a job classification's established screening criteria in order to be designated as qualified for employment in that classification. For details on the screening requirements for a specific job, please review the County of Sonoma Job Classification Screening Schedule. Finalists will be made a job offer that is contingent upon the successful completion of any pre-employment medical screening.

Classifications that are primarily administrative in nature, and which have been determined to have limited physical requirements for lifting, carrying, etc. will not be required to undergo a physical examination. Finalists for classifications that are not required to complete a physical examination will, upon receipt of a conditional job offer, be required to complete a Self-Disclosure of Restrictions and/or Need for Accommodation in order for the County to insure that the individual can safely perform the job.

A. Documenting job requirements

The requirements and essential functions of a job are determined using information gathered from current employees performing the job and their supervisors, with an industrial specialist performing on-site job demands assessments as needed.

- Job classifications must have properly executed job demands and essential functions documentation on file in the Human Resources Department prior to scheduling of pre-employment medical screening.
- When the requirements for a specific job classification change, the appointing authority is responsible for notifying the Human Resources Department in order to update the documentation on file.

B. Reasonable Accommodation

Candidates have the right to request an accommodation under the Americans with Disabilities Act and Fair Employment and Housing Authority (ADA/FEHA).

The County is committed to providing reasonable accommodation for the known disabilities of a qualified employee or finalist to (1) enable the individual to be considered for a job; (2) enable the individual to perform the essential functions of the job; or (3) enable the individual to enjoy equal benefits and privileges of employment. The County is not required to provide an accommodation that would be an undue hardship or that would present a direct threat to the employee/candidate or others.

VI. PRE-EMPLOYMENT DRUG TESTING

A finalist for a position in a classification that has been designated as meeting the criteria for pre-employment drug testing must participate in and successfully pass a drug test as part of the County's post-offer, pre-employment screening process. Failure or inability to successfully pass the drug test will result in disqualification from eligibility for County employment for a period of six months.

A. Classes Requiring Pre-employment Drug Testing

All finalists applying for a position where the essential functions generally require the incumbent to meet one or more of the following conditions will be subject to pre-employment drug testing:

- 1) Operate commercial motor vehicles (as defined under State and Federal regulations and administered under the [County's Department of Transportation Alcohol and Drug Testing Policy](#)).
- 2) Perform public safety/law enforcement activities.
- 3) Carry a firearm.
- 4) Perform emergency response activities.
- 5) Operate heavy equipment, machinery, or power tools on a regular basis.

- 6) Routinely work with gases or hazardous materials.
- 7) Provide direct service or care to a sensitive/vulnerable population.
- 8) Provide medical advice.
- 9) Perform duties which include regular, frequent and/or unsupervised access to: drugs, inmates, evidence, criminal databases and records, and/or sensitive security information.
- 10) Safety-sensitive – Positions where mistakes pose an immediate and severe risk of harm.
- 11) Other – Positions where errors in judgment, inattentiveness, or diminished coordination, dexterity or composure while performing assigned duties could result in mistakes that could endanger the health and safety of others.

The criteria listed above is intended to provide guidance when evaluating a position and/or classification for pre-employment drug testing and is not intended to be exhaustive. Consideration is given to each position with respect to assigned duties and the manner in which they are performed, environment, location, degree of involvement with sensitive populations, and the element of risk to one's self, others and the public.

B. Testing Procedures

All testing will be conducted by a licensed independent medical laboratory, in accordance with applicable laws and which will follow established testing standards and protocols. Testing will be conducted on a urine sample provided by the finalist to the testing laboratory under procedures established by the laboratory to ensure privacy of the employee while protecting against tampering/alteration of the test results.

C. Refusal to Undergo Testing

Finalists who refuse to submit to a drug test or who fail to show up for a drug test will no longer be considered for employment.

D. Positive Drug Tests

With all positive drug tests, the licensed independent medical laboratory that conducted the test will first contact the finalist to determine if there is a medical explanation for the positive test result. If documentation is provided and the independent Medical Review Officer determines that there was a legitimate medical explanation for the positive result, the test result will be reported to the County as negative.

If the analysis tests positive for the presence of controlled substances (as defined by either State and/or federal law), the finalist has seventy-two (72) hours to request that a different certified lab analyze the specimen. All costs associated with the request of the finalist for a second analysis shall be the financial responsibility of the finalist, unless an error in the initial results is identified.

E. Dilute Specimen

A dilute specimen is a urine specimen with creatinine and specific gravity values that are lower than expected for human urine. A negative dilute result is unsatisfactory on a pre-employment test. In such instances, finalists will be provided one additional opportunity to provide a valid specimen, and will immediately be scheduled for a retest. The result of the second test will determine whether the finalist is eligible for employment.

F. Medical and Recreational Marijuana

Although California law exempts from criminal prosecution in state court those individuals who obtain a medical marijuana identification card from the California Department of Public Health, and the passage of Prop 64 allows for off-duty recreational use of marijuana by adults who are over age 21 in certain locations without fear of criminal prosecution, neither of these laws affect an employer's rights and obligations to maintain a drug and alcohol free workplace. Similarly, these laws and case law, do not require employers to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of marijuana in the workplace, or affect the ability of employers to have policies prohibiting the use of marijuana by employees and prospective employees. Under the federal Controlled Substances Act, marijuana remains an illegal drug, and California laws do not prevent employers from complying with Federal Law. Consequently, and consistent with a California Supreme Court decision upholding the right of an employer not to hire an applicant who tested positive for marijuana recommended by his physician, employers in California can continue to rely on federal law and enforce their workplace substance abuse policies and can continue to test for use of and refuse to hire applicants who test positive for controlled substances, including marijuana, even in instances where the applicant was legally using marijuana for medical reasons under the state's Compassionate Use Act and/or for non-medical, recreational use under Prop 64.

Accordingly, medical use of marijuana that may be legal under the State Compassionate Use Act or non-medical recreational use that may be legal under Prop 64 does not constitute an acceptable explanation for a positive drug test under this Policy, and does not hinder or affect the County's ability to refuse to hire such applicant as a result of the positive drug test. In such instances, the Medical Review Officer (MRO) will automatically verify such tests as "positive", and the candidate will be disqualified from further consideration.

G. Failure to Successfully Complete the Drug Testing Process

A finalist who receives any of the following results on the drug test is not eligible to be hired, and is disqualified from consideration from County employment for a period of six months from the date of the test result:

- verified "positive"
- second "negative dilute"
- "cancelled—invalid result" where the finalists explanation is not accepted by the MRO
- verified "adulterated"
- verified "substituted"

VII. PRE-PLACEMENT TESTING OF CURRENT EMPLOYEES

Current employees applying for transfer, promotion, or demotion to a position which includes statutory or regulatory requirements for pre-employment screening will be subject to all mandated screening. In addition to any mandated screening, current employees will be subject to pre-placement testing as detailed below:

Medical/Physical Exams: Current employees moving into positions with greater physical demands than the employee's current position will be subject to any medical screening requirements they have not previously completed (e.g. new position requires physical exam which was not required in current or previous positions), including job specific physical abilities testing.

Alcohol and Drug Screening: Current employees are only subject to: 1) drug screening if moving into law enforcement departments (District Attorney's Office, Probation Department, and Sheriff's Office), and within these departments into positions requiring additional background/medical screening requirements; and 2) alcohol and drug screening if moving into commercial driving positions, as detailed in the County's Department of Transportation (DOT) Alcohol and Controlled Substance Testing Program.

Background Investigations: Current employees moving into positions with different background requirements than that of their current position will be subject to those background checks they have not previously completed (e.g. new position requires education and professional license verification which were not required in current or previous positions).

VIII. RE-HIRES

Employees re-hired within ninety (90) days of separation will not be required to complete pre-employment screening unless otherwise specified by Peace Officer Standards and Training (POST), Standards and Training for Corrections (STC), Federal Department of Transportation (DOT), or other applicable state or federal regulations.

IX. COST OF TESTING

The County shall pay the cost of all initial pre-employment screening*, including the confirmation of any positive drug test result by gas chromatography. All testing will be performed by the County's designated facility(s).

*If a candidate with a positive drug screen requests that a different certified lab analyze their specimen, all costs associated with the request shall be the financial responsibility of the candidate, unless an error in the initial results is identified.

X. PRIVACY RIGHTS

Privacy and confidentiality of all information obtained in the pre-employment screening process will be adhered to in accordance with applicable state and federal regulations.

XI. CIVIL SERVICE RULES/OTHER RULES AND POLICIES

Nothing in this policy should be construed to limit, remove, or in any way alter:

- The existing or future jurisdiction or authority of the Civil Service Commission as provided in Sonoma County Ordinance No. 305-A as amended or as provided in the rules adopted thereunder.
- The County, Agency and District's general policies prohibiting the presence and use of alcohol and drugs in the workplace.

XII. RELATED INFORMATION

In addition to this policy, information related to pre-employment screening and the drug and alcohol policies of the County pertaining to current employees are also included in:

- [Civil Service Rules](#)
- [Administrative Policy 8-2 Drug and Alcohol Guidelines](#)
- Departmental policies and procedures
- [County of Sonoma Guidelines for Conducting Background Investigations](#)
- [County of Sonoma Guidelines for Obtaining and Providing Employment References](#)
- [County of Sonoma Disability and Reasonable Accommodation Policy](#)
- [County of Sonoma Equal Employment Opportunity Policy](#)