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July 27<sup>th</sup>, 2017

Mr. Ken Bruno  
Program Manager  
Gas Safety and Reliability Branch  
Safety and Enforcement Division  
California Public Utilities Commission  
320 W. Fourth Street, Suite 500  
Los Angeles, CA 90013

Dear Mr. Bruno:

The Safety and Enforcement Division (SED) of the California Public Utilities Commission conducted a G.O. 112 Inspection of Southern California Gas Company's (SoCalGas) Anti-Drug and Alcohol Misuse Prevention Programs from December 5 - 8, 2016. The inspection included a review of SCG's records from calendar years 2013 through 2015. In addition, SED staff also inspected three contractor collection sites and observed specimen collections at SCG's Downey, San Dimas and Saticoy bases.

SED staff identified one recommendation. Attached are SoCalGas written responses.

Please contact Troy A. Bauer at (909) 376-7208 if you have any questions or need additional information.

Sincerely,

  
Troy A. Bauer

CC:  
Michelle Wei, SED/GSRB  
Kan Wai Tong, SED/GSRB

ATTACHMENT

**Summary of Inspection Findings**  
**2016 SCG Anti-Drug and Alcohol Misuse Prevention Program Inspection**  
**December 5-8, 2016**

**SED Recommendations**

During record review, SED noted three instances where the Substance Abuse Professional's (SAP) recommendations for a follow up drug testing schedule were not followed. Typically, if the employee is not terminated after a positive drug or alcohol test, they will undergo some kind of treatment program. After successful completion of the treatment program, if the SAP determines that they are safe to return to work, then the SAP will recommend a schedule for the employee's follow up testing.

In the cases identified, the schedules were not followed due to an administrative error. An SCG employee scheduled the follow up tests with the intent that the employee being tested could not determine a pattern for his/her follow up tests, which led to the employees being tested less frequently than recommended. The three cases still met the requirements of 49 CFR 199.105(f) which states that a minimum of six follow up tests are to be conducted in the first 12 months following the covered employee's return to duty. While unpredictability is an important factor in drug testing, it is also important that the employee have a sufficient number of follow up tests. Therefore, SED recommends that SCG follow the SAP's testing recommendations unless they have a compelling reason to do otherwise.

**SCG RESPONSE:**

As indicated in the aforementioned, in the cases identified by the CPUC auditors, the Follow-up testing schedules outlined by the Substance Abuse Professional (SAP), who directed the substance abuse treatment program of each respective employee case, were not followed accurately due to an administrative error resulting from a SoCalGas Drug and Alcohol (D&A) employee's misinterpretation of the Department of Transportation (DOT) regulations. The D&A employee handling case management and monitoring of the employee records in 2015-2016, had erroneously scheduled the follow up tests with the intent that the employee being tested could not determine a testing pattern. While this logic was accurate, as it is a DOT-specified requirement in 49 CFR Part 40.309(b), the D&A employee failed to ensure that all of the follow-up tests recommended by the SAP were accounted for, which led to employees being tested less frequently than recommended. This was identified by the department manager as a training issue, which was addressed directly with the D&A employee in question, and the D&A employee was subsequently retrained in the appropriate scheduling of follow-up tests. In addition, all Wellness Team staff members who currently support DOT case management were also trained in the proper processes and procedures for scheduling and recording of follow-up testing records, following the attached Internal Processes & Procedural Guidelines for follow-up Test Scheduling. There are some exceptions when the Company must deviate from the SAP's recommended schedule, i.e., when employees are not available for testing due to scheduled days off, disability absences, vacation, etc., but the attached guidelines outline the process for handling and ensuring all missed tests are rescheduled to ensure the total number of tests recommended by the SAP have been accounted for.

**Attachment 2**  
**DOT DRUG AND ALCOHOL TESTING PROGRAM**  
**FOLLOW-UP TESTING PLAN (§199.105(f)) –**  
**INTERNAL PROCESSES & PROCEDURES**

**I. Follow-up Testing Plan Overview**

For each covered employee who has committed a DOT drug or alcohol regulation violation, refuses to take a drug test or has a positive test result, and who seeks to resume the performance of safety-sensitive functions, the employee is subject to Follow-up drug testing plan administered by the Company following the covered employee's return to duty procedures.

1. The Follow-up drug testing plan must be **unannounced**. The number and frequency of the Follow-up testing plan must be determined by a Substance Abuse Professional (SAP). The SAP must outline a minimum of six (6) tests within the first 12 months after the employee has returned to work from substance abuse treatment, or as per the frequency and duration outlined by the SAP, not to exceed 60 months (5 years).
2. All Follow-up drug tests must be conducted under direct observation per **DOT 49 CFR Part 40.67(3)(b) regulations**.
3. The SAP can terminate the requirement for Follow-up testing at any time after the first six (6) tests have been administered, if the SAP determines that such testing is no longer necessary.

**II. Internal Processes & Procedures for Scheduling Follow-up Tests**

- Employee Follow-up testing plans shall be scheduled following the frequency and duration outlined by the SAP in the Follow-up Evaluation Report (*also known as the SAP II Report*).
- All Follow-up testing must be arranged to be conducted as an **observed collection**, and you must ensure the observer is the **same gender** as the employee.
- As a general practice, the Follow-up testing schedule will be arranged to be implemented the first month following the employee's return to work date unless otherwise specified by the SAP.
- The testing schedule must be planned to avoid scheduling tests in a predictable pattern (i.e., avoid scheduling on same day of the week, certain weeks of the month, or for example, if 6 tests are recommended during the first 12 months, avoid scheduling a test every other month).
- All scheduled Follow-up tests must be accounted for regardless of employee scheduled time-off (i.e. vacation, scheduled day off, trainings, etc.). The testing schedule must be updated and arranged to make-up missed tests in adherence to the schedule outlined by the SAP – *refer to section IV. EXCEPTIONS TO SCHEDULING below for additional exception guidelines*.
- You cannot substitute any other tests (e.g., random tests) conducted on the employee for a Follow-up test.
- You cannot count a Follow-up test that has been cancelled as a completed test. A cancelled test must be recollected.

### III. Follow-up Testing Schedule Implementation

Administrator must ensure Follow-up testing is not scheduled on a specified date, same day, week or month to avoid a predictable scheduling pattern. In all examples listed below, the Follow-up testing plan is outlined and implemented adhering to comparable schedules outlined by the SAP.

#### Example #1:

- **Employee completes return-to-duty test and returns to work on June 1<sup>st</sup>**
- **Two (2) drug tests per month for 12 months (Total of 24 tests)**

The first month of testing begins in July - schedule one (1) drug test per month for the months of July, August, September, October, November, December, January, February, March, April, May, June. **(Ensure total of 24 drug tests are scheduled over this one-year period)**

#### Example #2:

- **Employee completes return-to-duty test and returns to work on January 1<sup>st</sup>**
- **Months 1-6: Two (2) drug tests monthly (total 12 tests)**
- **Months 7-12: One (1) drug test every other month (total 6 tests)**
- **Month 13-24: One (1) drug test per quarter (total 4 tests) - (Total of 22 tests in 24 months)**

1. **Month one (1):** first month of testing begins in February - schedule two (2) drug tests beginning in February, and two tests each subsequent month for six (6) months through July.
2. **Months 7-12:** starting in August, ~~switch to~~ schedule one (1) drug test every other month for the next six (6) months (i.e., August, October, December, February, April, June).
3. **Months 13-24:** starting in July schedule one (1) test per quarter for the remaining 12 months of testing. Since testing was scheduled during the third quarter of the current year, testing will conclude during the second quarter of the following year. Schedule the first quarterly test during any month in the third quarter (July-Sept); The second quarterly test can be scheduled during any month in the fourth quarter (Oct-Dec); the third quarterly test can be scheduled during any month in the first quarter of the following year (Jan-Mar); and the fourth quarterly test can be scheduled during any month in the second quarter (Apr-Jun). This concludes quarterly testing implemented during months 13-24 **(Ensure a total of 22 test were implemented over the 24-month period).**

#### Example #3:

- **Employee completes return-to-duty test and returns to work on December 1<sup>st</sup>**
  - **One (1) test per month for 60 months (5 years) - (total 60 tests)**
1. **Month one (1)** - begins in January – schedule one (1) test each month (avoid predictable scheduling patterns) for the next 60 months (5 years) with the last test to be implemented in January of the fifth year **(Ensure a total of 60 tests have been implemented).**

#### IV. EXCEPTIONS TO SCHEDULING

All Follow-up tests must be accounted for and may not be excused. In the event an employee is scheduled for time-off, vacation, disability, leave, etc., the Company must ensure testing is implemented per the Follow-up testing plan, and all tests are accounted for as outlined by the SAP.

If an employee is not available for testing due to any of the aforementioned reasons, the testing plan must be applied in the following manner:

- If employee is not available for testing on the day of any given month he/she has been scheduled for Follow-up testing, and the employee returns to work during the same test month, a new test date must be arranged within the same test month upon the employee's return to work date. The new date must be documented on the test log appropriately to reflect the reason for the change (i.e., *"on vacation on 6/12, rescheduled to 6/28," etc.*).
- If the employee does not return work within the scheduled test month, add the missed test to the first available free month on the employee's Follow-up testing plan, and document the testing log to reflect the reason for the change (i.e., *"May test missed due to disability; May test rescheduled to July to account for missed test," etc.*).
- If there is no free month remaining on the Follow-up schedule add the missed test to the end of the Follow-up testing schedule. The new date must be documented on the test log appropriately to reflect the reason for the schedule change (i.e., *"Employee missed six (6) tests due disability for the months of Jun-Dec 2017. Adding the missed tests to end of Follow-up schedule starting in January 2018. This will extend the completion of employee's Follow-up testing program for six (6) months with a new completion date of June 2018."*).