



# Board Agenda Item 52

DATE: June 22, 2021

TO: Board of Supervisors

SUBMITTED BY: Kirk Haynes, Chief Probation Officer  
Delfino E. Neira, Director, Department of Social Services

SUBJECT: First Amendment to Agreement A-20-212 with Averhealth for Random Drug Testing Services

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute first Amendment to Agreement No. 20-212 with Averhealth for Random Drug Testing Services, effective upon execution with no change to the term of July 1, 2020 through June 30, 2025 and increasing the maximum by \$988,000 to a total of \$3,836,000; and**
- 2. Approve Amendment to the Salary Resolution, deleting three filled positions from the Probation Org 3430, effective August 9, 2021 as reflected in Appendix C.**

There is no additional Net County Cost associated with the recommended actions, which will expand services to include the provision of a random drug testing program for individuals involved with the Probation Department and will increase the maximum compensation amount accordingly. As the Probation Department currently provides in-house drug testing services to individuals involved with Probation, approval of the recommended actions will allow Probation to begin outsourcing drug testing services. The resulting change in services will eliminate the need for three filled positions in Probation Org 3430. This item is countywide.

ALTERNATIVE ACTION(S):

If the recommended actions are not approved, the Probation Department would likely be required to continue to provide in-house drug testing services, which creates greater cost and liability to the County than the present cost of outsourcing these services. Additionally, a new Request for Proposal would need to be issued which would result in a lapse of service.

FISCAL IMPACT:

There is no additional increase in Net County Cost associated with the recommended actions. The recommended amendment provides an increase in the agreement maximum compensation of \$988,000, to a new total of \$3,836,000. The increase of \$988,000 will be allocated to Probation Org 3430, whereas the remaining \$2,848,000 will continue to remain allocated to the Department of Social Services Org 5610. Sufficient appropriations are included in the FY 2020-21 Adopted Budgets for these Orgs and will be included in subsequent budget requests accordingly.

The recommended actions would represent an estimated savings of approximately \$22,000 for Probation for FY 2021-2022, as the anticipated costs of providing in-house drug testing services exceeds the anticipated costs of outsourcing, primarily due to staffing costs. Additionally, the drug testing costs to the Probation Department are partially offset with revenue received from drug testing fees charged to probationers. The remaining costs are funded with Net County Cost. Sufficient Appropriations and estimated revenue are

included in the FY 2020-21 Adopted Probation Org 3430 Budget.

Drug testing fees are currently set to \$12 for adult offenders and have been so for several years; juveniles are not charged for drug testing. Based on the discretion of the Deputy Probation Officer, a fee for drug testing can be waived for an adult, primarily due to the inability to pay. It should be noted that Senate Bill 586 (SB-586) was published on 02/18/21 and is currently pending; if passed, the pending legislation may eliminate the County's ability to collect drug testing fees altogether. At present, the drug testing fee to adult offenders would remain at \$12 per test in order to keep the fees affordable to adult offenders. Should SB-586 pass and repeal the County's ability to collect drug testing fees altogether, the adult drug testing fees would be eliminated and covered under Probation Org 3430. If the pending legislation does not pass, the Probation Department would complete a rate study in order to determine new drug testing fees for adult offenders. It is unknown at this time if this State would provide backfill for these fees should it pass.

DISCUSSION:

On June 21, 2016, the Board approved an agreement with Redwood Toxicology Laboratory, Inc. (RTL) for toxicology laboratory services for evidentiary analysis consultation and testimony. The Probation Department currently provides in-house drug testing services, with one Office Assistant and two Probation Technicians currently assigned to support this program; these staff are stationed at the Drug Suppression Unit (DSU). Probation also maintains the contract with Redwood to provide toxicology laboratory testing services. The existing contract with Redwood expires on June 30, 2021. As the cost of outsourcing drug testing services will result in an anticipated savings of approximately \$22,000 in Probation revenue, and outsourcing will also eliminate the Department's liability associated with the supervision of sample collection, the Probation Department is now seeking to outsource drug testing services.

On June 9, 2020, the Board approved an agreement with Averhealth, to continue the provision of random drug testing services to individuals involved in the Department of Social Services' Child Welfare Services (CWS) system. Primary services include urine testing for the most common drugs used, alcohol testing and the availability of additional tests as needed by the Department. Test results are made available through an online portal designed to provide timely reports and to ensure participant confidentiality. Averhealth software ensures that participants are tested based on a truly randomized process, and participants can be called to test from one to ten times per month any day of the year. Service outcomes include maintenance of a professional and welcoming testing environment, provision of timely testing results, and compliance with high testing reliability.

The recommended amendment will extend program services to include the provision of a random drug testing program for individuals involved with the Probation Department and will increase the maximum compensation amount accordingly. Outsourcing drug testing services will also eliminate the need for three positions that are currently assigned to support Probation's in-house drug testing program at the Drug Suppression Unit (DSU). The individuals currently filling these positions will be transitioned into other vacant positions within the Department. The second recommended action will delete the following positions: two Probation Technicians and one Office Assistant.

REFERENCE MATERIAL:

BAI # 36, June 9, 2020  
BAI #40, June 21, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Amendment to Agreement with Averhealth  
Salary Resolution - Appendix C

CAO ANALYST:

Samantha Buck