

**SUBJECT: DRUG AND ALCOHOL TESTING UNDER DOT REGULATIONS**

**I. PURPOSE**

The **CITY OF LOMPOC** ("The City") recognizes that its employees are its most important resource. The purpose of this document is to outline the City's policy regarding drug and alcohol use and testing for employees who are required to have commercial drivers' licenses ("CDL"), to accomplish the following goals:

- A.** To provide a safe working environment for City Employees;
- B.** To protect the safety of persons and property;
- C.** To provide the highest quality of public service;
- D.** To promote efficiency and productivity;
- E.** To prevent loss of public confidence and damage to the City's reputation.
- F.** To encourage employees who are concerned about their alcohol and/or drug use to voluntarily seek assistance;
- G.** To provide reasonable accommodation to those employees whose drug and/or alcohol problem classifies them as disabled under the federal and/or state law;
- H.** To ensure compliance with federal regulations.

**II. REFERENCES**

- A.** United States Department of Transportation regulations, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs", 49 C.F.R. Part 40.
- B.** United States Department of Transportation, Federal Motor Carrier Safety Administration regulations, "Controlled Substances and Alcohol Use and Testing", 49 C.F.R. Parts 382, et. al. ;
- C.** United States Department of Transportation, Federal Transit Administration regulations, "Prevention of Alcohol Misuses and Prohibited Drug Use in Transit Operations", 49 C.F.R. Part 655.
- D.** Federal Drug Free Workplace Act of 1988.
- E.** City of Lompoc "Substance Abuse in the Workplace" policy, Chapter 52 of the Personnel Procedures Manual.

### **III. APPLICABILITY**

- A.** The operation of Commercial Motor Vehicles requiring a Commercial Drivers' License (Class A or Class B) is a safety sensitive function and employees performing this function are covered by this policy and the Federal Motor Carrier Safety Administration (FMCSA) regulations. These employees are referred to in this policy as FMCSA employees.
- B.** Operating, controlling the dispatch or movement of, or maintaining Transit revenue service vehicles are safety sensitive functions and employees performing these functions are covered by this policy and the Federal Transit Administration (FTA) regulations. These employees are referred to in this policy as FTA employees.
- C.** A listing of positions which are covered by this policy will be maintained by the Human Resources Department and are listed in Attachment E to this policy.
- D.** The provisions of this program also apply to contractors providing safety sensitive services, including maintenance and repair of transit vehicles consistent with a specific understanding or arrangement that reflects an on-going relationship between the parties.
- E.** Employees covered by this policy are also covered by the City of Lompoc's "Substance Abuse in the Workplace" policy, Chapter 52 of the Personnel Procedures Manual and its provisions which may be more restrictive than the Department of Transportation requirements.
- F.** The standards of discipline in this policy are City of Lompoc policy, as allowed by the Department of Transportation regulations.

### **IV. SCOPE**

This procedure is applicable to all "covered" full-time, part-time, and temporary City employees and contractors, as defined. Where any section, subsection, sentence, clause, or phrase of this procedure is found inconsistent with either properly negotiated ratified memorandum of understanding enacted between the City and a recognized employee organization, or with any state or federal law, the terms of such agreements or laws shall prevail. Exceptions to this procedure shall only be allowed when approved by the City Administrator.

A covered employee will also be subject to the provisions of Chapter 52 *Substance Abuse in the Workplace* of the Personnel Procedures Manual which provides for other reasonable suspicion causes, such as work performance.

### **V. AMENDMENTS**

This procedure may be amended by the City Administrator when approved by City Council.

## VI. DEFINITIONS

Pursuant to the maintenance of a safe and drug/alcohol-free workplace, the following definitions shall apply in support of enforcing City of Lompoc's policy:

- A. **Administrative Leave** - Paid or unpaid leave which is imposed pending determination/investigation of possible disciplinary action or other issues. If paid administrative is imposed, employees are subject to restrictions such as assignment to their residence during their normal working hours, except for normal lunch periods. Employees must be available by telephone at all times during these hours. Absences from the residence during duty hours must be approved in advance by the department/division manager.
- B. **Alcohol** - Any beverage containing alcohol. The possession, transportation, distribution, receipt, sale, purchase or arranging for the sale, purchase or distribution of alcohol, including medicines containing alcohol (prescription or over-the-counter), is prohibited while on duty, unless, with respect to medicines, the packaging seal is unbroken.
- C. **Commercial Drivers' License ("CDL")** - Refers to Class A or Class B licenses.
- D. **Commercial Motor Vehicle** - Vehicles with a gross vehicle weight of at least 26,001 pounds; vehicles with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating ("GVWR") of more than 10,000 pounds; DOT placarded vehicles under hazardous material regulations; or vehicles designed to transport 16 or more passengers, including drivers.
- E. **Covered Employees** - Means any employee of the City who is considered a FMCSA employee or FTA employee, as defined above under Section III, "Applicability", subsections "A" and "B" respectively. Job classes included are listed on Attachment E.
- F. **Drugs/Controlled Substances** - Defined as amphetamines, cocaine, marijuana, opiates, and phencyclidine ("PCP").
- G. **Fitness for Duty** - An individual's ability to perform his/her assigned job free from impairment due to the use of prohibited substances.
- H. **Five Panel Drug Test** - There are five categories of drugs established by the federal government which fall under "controlled substances". They are cocaine, amphetamines, opiates, marijuana and phencyclidine ("PCP"). Use, sale, dispensing, possession, distribution and/or manufacture of these substances is against the law and a direct violation of the City's policy.
- I. **Medical Review Officer ("MRO")** - Means a licensed physician certified to review and interpret all drug results before they are reported to the employer.

- J. **Premises** - Buildings, property, work areas, vehicles, parking lots and any place the employee happens to be during the course and scope of City employment during regular working hours, breaks, or any pay status.
- K. **Pre-employment** - Conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Also required when employees transfer to a safety-sensitive position.
- L. **Prescription Drugs** - Any drug or medication prescribed by a licensed physician for a medical condition. Use of prescribed drugs are not in direct violation of the City's policy, however, inappropriate use or prescribed use that may cause significant impairment, thus creating a safety hazard on the job, is in direct violation of the City's policy.
- M. **Program Administrator** - The organization or agency with which the City contracts for drug/alcohol testing and associated services.
- N. **Safety-Sensitive Personnel/Job Functions** - Means any employee of the City on a full-time, part-time or intermittent basis who is considered a FMCSA employee or FTA employee, as defined above under Section III, "Applicability", subsections "A" and "B" respectively. Job classes included are listed on Attachment E.
- O. **Substance Abuse Professional ("SAP")** - Means a licensed physician, licensed or certified psychologist, social worker, employee assistance professional or an alcohol and drug abuse counselor certified by the National Association of Alcohol and Drug Abuse Counselors ("NAADAC") Certification Commission. All persons listed in the definition must have specific knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders to qualify.

## VII. CLASSES OF TESTING

- A. **Drug Testing:** All urine specimens are analyzed for the following drugs:
  1. Marijuana Cannabinoids as Carboxy-("THC")
  2. Cocaine Metabolites as Benzoyllecgonine
  3. Amphetamines (amphetamine, methamphetamine)
  4. Opiates (codeine/morphine)
  5. Phencyclidine ("PCP")

The testing is a two-stage process. First, a screening test is performed. If it is positive for one or more of the drugs, then a confirmation test is performed for each identified drug using state of the art gas chromatography/mass spectrometry ("GC/MS") analysis. GC/MS confirmation ensures that over-the-counter medications or preparation are not reported as positive results. Drug testing will be conducted pursuant to the procedures set forth in Attachment A.

- B. Alcohol Testing:** The rules require breath testing using evidential breath testing devices ("EBT") approved by the National Highway Traffic Safety Administration ("NHTSA"). Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test.

If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The employee and the breath alcohol technician ("BAT") conducting the test complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test result determines any actions taken. The procedures that will be utilized by the lab for collection and testing of the specimen are set forth in Attachment A.

### **VIII. PROHIBITED ACTS**

The following conduct is prohibited and may result in discipline, up to and including termination:

- A.** Reporting for duty or remaining on duty requiring the performance of a safety sensitive function while having an alcohol concentration of 0.04 or greater as indicated by an alcohol breath test;
- B.** Performing a safety sensitive function within four hours of using alcohol;
- C.** Being on duty or operating a covered commercial vehicle while possessing alcohol or controlled substances;
- D.** Using alcohol or controlled substances while performing a safety sensitive function;
- E.** Reporting for duty or remaining on duty requiring performance of safety sensitive functions when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle. If an employee is called back to work by his/her supervisor and such employee has been using alcohol off-duty, he/she is obligated to disclose any consumption to his/her supervisor so a violation of the DOT regulations does not occur. This disclosure should occur when contacted by telephone to avoid delays in assigning call-out work;
- F.** Reporting for duty or remaining on duty requiring the performance of safety sensitive functions if the employee tests positive for controlled substances;

- G.** Refusing to submit to any alcohol or controlled substances test required by this Policy. A covered employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test;
- H.** Using alcohol within eight (8) hours after an accident, except when 1) you have already completed a post-accident alcohol test, or 2) you have been notified by a City manager that it has been determined your operation of the vehicle did not contribute to the accident.

## **IX. TYPES OF TESTING**

### **A. Job Applicant/Pre-employment**

1. All pre-employment health screens will include a urine drug screen for marijuana, cocaine, phencyclidine, opiates, amphetamines.
2. All job announcements or other promotional material for covered positions shall specify that drug screening shall be a part of the physical examination.
3. Only applicants who have been given a job offer conditioned upon passing a physical examination shall be given a drug screening test.
4. All applicants for said positions shall be given a copy of this policy at the time of their conditional offer of employment, and shall, as a prerequisite to employment, sign a consent form (Attachment B) and submit to pre-employment drug testing. Any applicants who do not consent to such testing will not be considered for employment.
5. If the consent form or forms are signed, the pre-employment health screen is conducted and the urine specimen collected.
6. Pursuant to Federal DOT regulations under 49 CFR part 40, all prospective employees and current employees who will begin safety-sensitive job positions must provide written consent to the City to obtain drug and alcohol testing information from previous DOT regulated employers going back two years before the employee's application or transfer. Past violations of a DOT drug testing policy within two years before an employee's application or transfer may preclude such individual from performing any safety-sensitive job positions.

7. Any applicant whose drugs test does not indicate a verified negative result, shall be given an opportunity by the MRO to withdraw his/her application for employment. If, under such circumstances, the applicant does not withdraw his/her application for employment, he/she shall be determined by the physician to be physically unfit for employment, and said determination shall be forwarded to the City's Personnel Director or other designees. Such applicants shall be disqualified for employment.
8. Results of any laboratory test will be sent to the City's Personnel Director or other designees designated to receive this information.
9. If the test results are negative, the individual will be contacted and be given a date to report to work.
10. If the test results are reported by the Medical Review Officer as positive, the City will inform the individual that he/she has not passed the pre-employment physical. No other elaboration will be made, even if requested.
11. No prospective employee may begin work **prior** to employee health approval **and** will **not** be allowed to begin work at all if illicit drugs are identified during the employment health screening process.
12. Any applicant disqualified for employment pursuant to this policy shall be permitted an opportunity to reapply after one (1) year, and if the disqualification was the result of a positive result on a drug test, the job applicant reapplying for a safety-sensitive position must prove he/she completed an applicable treatment program.
13. Testing is required when employees transfer, promote, or are advanced (career ladder) to a safety-sensitive position. Such employees must complete the testing requirements referenced above before assuming the safety-sensitive position.

**B. Random Selection and Testing**

1. **Random Testing Requirements:** Employees subject to random selection for the purpose of alcohol and drug testing for controlled substances will include covered employees.

The following items regarding the random selection and testing procedure will apply:

- a. The number of urine drug tests conducted annually shall equal or exceed 50% of the average number of employees for which testing is required. Random alcohol tests shall equal 25% of employees. Some employees may be tested more than once in a year, while others are not tested at all, depending on the random selection. These testing rates may be changed by the Department of Transportation in accordance with their regulations.
- b. The City shall use random selection process to select and request an employee to be tested for the use of controlled substances.
- c. An employee shall submit to controlled substance testing when selected by a random selection process used by the City. A covered employee who is not performing safety-sensitive duties for a period exceeding 60 days will be removed from the Random Testing pool. An employee removed from the Random Testing pool must complete a pre-employment drug test under Section "A" above prior to returning to safety-sensitive duties.

To assure that the process is in fact random, all covered employees, whether or not they have been chosen for testing in the past, will remain in the pool of employees for each subsequent period. This procedure assures that **the probability of any individual being selected each period is always the same**, whether or not the individual was selected in a previous period. As a result, the City does not have discretion in this process to determine who will or will not be tested through this random testing process.

When an employee is selected for random testing, his/her supervisor will ensure his/her duties are covered. The employee will be notified of the location and time he/she is to report for testing.

2. **Selecting Employees For Random Testing:** Covered employees shall be assigned numbers. Under a computerized system, a random number generating program is loaded into a computer along with the names or identification numbers for the covered employees. This list of names will be checked regularly by a third party who is not a City employee for additions or deletions. The computer then generates a list of employees to be tested during the current testing period.

The selection process is repeated until the required number of employees are selected. Once the list of test subjects is generated, employees should not be informed that they have been selected until they must report for testing. **Advance notice of testing shall not be given and the testing must be conducted immediately within the guidelines addressed above.** As in all types of tests, accurate records of the details of testing must be safely kept and confidentiality maintained at all times.

- C. Reasonable Suspicion:** The City shall require an employee to be tested, upon reasonable cause/suspicion, for the use of drugs, alcohol or other controlled substances.

An employee shall submit to testing, upon reasonable cause/suspicion, for the use of alcohol or controlled substances when requested to do so by his/her supervisor.

The conduct must be witnessed by a supervisor or City official and a witness. The supervisor and witness must have received at least two hours of training in the identification of actions, appearance, or conduct of an employee which are indicative of the use of alcohol or controlled substances. Supervisors will receive periodic refresher retraining. Department heads will arrange for new supervisors to receive training as soon as feasible.

The documentation of the employee's conduct shall be prepared and signed by the supervisor and witness, utilizing the Observed Behavior - Reasonable Suspicion Record Form (Attachment C), within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

"Reasonable Cause/Suspicion" means that the Employer/Supervisor believes that the actions, appearance, speech, body odors or conduct of an on-duty employee are indicative of the use of controlled substances or alcohol. The witness(es) must directly observe the behavior or other evidence. Hearsay or second-hand information is not sufficient cause to require an employee to submit to a drug test. The determination that a reasonable suspicion exists to require an employee to undergo an alcohol test must be based on a short-term, specific, objective, contemporaneous, articulable facts concerning the behavior, appearance, speech or body odors of the employee. It must be based upon observations of the supervisor making the determination, and may not be based upon hearsay. The supervisor may not rely on long-term signs, such as absenteeism or tardiness, to support the need for a reasonable suspicion test. The supervisors witnessing the impairment must document (on Attachment C) the specific observations upon which the reasonable suspicion is based.

Alcohol testing may be performed only if the observations upon which reasonable suspicion are based are made during, just preceding or just after the period of the work day that the employee is required to be in compliance.

If an alcohol test is not administered within two (2) hours following a reasonable suspicion determination, the supervisor shall document the reasons for the delay.

If an alcohol test is not administered within eight (8) hours, the test shall not be administered, and the supervisor shall document the reasons.

Once a reasonable suspicion determination is made, it is the responsibility of the Employer/Supervisor to assure that the employee under suspicion is evaluated, and when necessary, transported to a specimen collection site to provide a urine/breath sample.

The driver to be tested for reasonable suspicion must be removed from the job. The manager or supervisor should require employee to remain on the premises for a reasonable period of time until he/she can be arranged for transportation of the employee for testing and/or to home. Any time spent remaining on the premises at the request of the supervisor or manager, or time spent for drug/alcohol testing, will be considered City time, and paid for by the City. If the test results return positive, the employee will be considered not fit for duty. Sick leave may be authorized for time off the job until released to return to duty following drug/alcohol testing when the SAP verifies the employee is actively participating in a drug/alcohol assessment and rehabilitation program.

**D. Post-accident:** As soon as practicable following an accident involving a commercial motor vehicle, the City shall test for alcohol and controlled substances on each surviving driver under one of the following conditions:

(1) The accident involving either a FMCSA employee or a FTA employee resulted in a fatality;

(2) A FMCSA employee received a citation under state or local law for a moving traffic violation arising from the accident;

(3) A FTA employee was operating a covered vehicle involved in an accident (unless the City management representative determines, using the best information at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident);

(4) A FTA employee whose performance, as determined by the City management representative responding to the scene, could have contributed to the accident, as determined by the management representative using the best information available at the time of the decision.

The following criteria will be applied in conducting a drug/alcohol test due to accidents, incidents or related occurrences:

1. Post accident breath alcohol and/or drug test must be given as soon as practicable during the eight hours following an accident/incident.
2. The employee must be readily available for the test or they will be deemed to have refused the test.
3. The post-alcohol test should be administered as soon as possible. If not within two (2) hours, the Employer/Supervisor must prepare and maintain records stating why. If eight (8) hours have passed, the attempts should be discontinued. Again, the Employer/Supervisor must record why the City was unable to administer the test.
4. If a controlled substance test is not administered within 32 hours following the accident, the test may not be administered and the supervisor shall document the reasons.

5. Following an accident, the employee shall remain available for such testing, or may be deemed to have refused to submit to testing. This rule does **not** require the delay of necessary medical attention for injured people following an accident, nor prohibit the employee from leaving the scene to obtain assistance or necessary emergency medical care.
6. An employee subject to post-accident testing may not use alcohol within eight (8) hours following the accident or before an alcohol test, whichever comes first.
7. Post-accident information, procedures and instruction shall be provided to every employee for the first time prior to operating a CMV, and posted in every city CMV.
8. Any time spent remaining on the premises at the request of the supervisor or manager, or time spent for drug/alcohol testing, will be considered City time, and paid for by the City. If the test results return positive, the employee will be considered not fit for duty. Sick leave may be authorized for time off the job until released to return to duty following drug/alcohol testing when the SAP verifies the employee is actively participating in a drug/alcohol assessment and rehabilitation program.

**E. Return-to-duty:** Employees who violate this drug/alcohol policy standards and are accepted into Return-to-Duty and Follow-Up status will comply with the following guidelines in accordance with 49 C.F.R. part 40, subpart O:

1. Employees who violate the City's drug/alcohol policies must have a return-to-duty test that would require the employee to test negative for drugs or indicate an alcohol concentration of less than 0.02.
2. Such employees will meet with the Substance Abuse Professional ("SAP") for further assessment.

**F. Follow-up Testing:** All Employees identified by the Substance Abuse Professional ("SAP") as needing assistance will be subject to follow-up testing upon returning to duty. They will be subject to a minimum of six unannounced tests over the following 12 months. The SAP can direct additional testing during this period or for an additional period up to a maximum of 60 months from the date the employee returns to duty. The SAP can terminate the requirement for the follow-up testing in excess of the minimum at any time if the SAP determines that the testing is no longer necessary and the employer supports such determination.

Follow-up testing may include tests for other substances beyond the employee's initial positive test of alcohol and/or drug when the SAP has reason to suspect other drug or alcohol involvement during the follow-up period.

## **X. ACKNOWLEDGMENT AND CONSENT**

Employees will be asked to sign an Acknowledgment and Consent form (Attachment D) authorizing the drug/alcohol testing and permitting release of test results to those City officials, on a strictly need-to-know basis. The Acknowledgment and Consent form shall include language that employees acknowledge that they have read the City's drug/alcohol testing policy.

## **XI. INQUIRIES FOR ALCOHOL AND CONTROLLED SUBSTANCES INFORMATION FROM PREVIOUS EMPLOYERS**

Pursuant to Federal DOT regulations under 49 CFR part 40, the City may obtain from any previous employer within the past two years of an employee, provided the employee has given his/her written consent, any information concerning the driver's participation in a controlled substance and alcohol testing program.

An employer must obtain and review the information listed below from any employer the employee performed safety-sensitive functions for in the previous two years. The information must be obtained and reviewed prior to the first time an employee performs safety-sensitive functions. If not feasible, the information should be obtained no later than thirty (30) days after the first time an employee performs safety-sensitive functions. The information obtained must include:

1. Information of the employee's alcohol test in which a breath alcohol concentration of 0.04 or greater was indicated.
2. Information of the employee's controlled substance test in which a positive result was indicated.
3. Any refusal to submit to a required alcohol or controlled substance test. (including verified adulterated or substituted drug test results)
4. Other violations of DOT agency drug and alcohol testing regulations
5. If the employee has violated any of the dot drug and alcohol regulations, you must also obtain documentation of the employee's successful completion of the DOT return-to-duty requirements (including follow-up tests).

If the employee stops performing safety-sensitive functions for the employer before expiration of the 30-day period or before the employer has obtained the information listed above, the employer must still obtain the information. For example, if an employee quits after one week of employment and the information has not been obtained, the employer must still obtain the information.

The prospective employer must provide to each of the employee's previous employers of the past two years a written authorization from the employee for release of the required information. The release of this information may take the form of personal interviews, telephone interviews, letters, or any other method that ensures confidentiality. Each employer must maintain a written, confidential record with respect to each past employer contacted.

The employer may not use an employee to perform safety-sensitive functions if the employer obtains information indicating the employee has tested positive for **controlled substances**, tested at or above 0.04 breath alcohol concentration, or refused to test unless the employer has evidence the employee has been evaluated by a substance abuse professional, completed any required counseling, passed a return-to-duty test, and is or has been subject to follow-up testing.

## **XII. REFUSAL TO CONSENT**

A job applicant for a safety-sensitive job position who refuses to consent to a drug/alcohol test will be denied employment with the City of Lompoc. A prospective employee covered under this policy who fails to appear for a scheduled drug test, fails to remain at the testing site prior to the commencement of a test, or who aborts the collection of a specimen prior to commencing the drug test will not be considered to have refused to consent to a pre-employment drug and alcohol test. However, all prospective employees covered under this policy must eventually undergo a drug test and receive a verified negative result before they will be allowed to assume any safety-sensitive job duties.

All covered employees are required to submit to drug and alcohol tests as a condition of employment as required by the Federal Motor Carrier Safety Administration ("FMCSA"), 49 CFR Part 382; Federal Transit Administration ("FTA"), 49 CFR Part 655; and DOT Procedures for Transportation Workplace Drug Testing Program, 49 CFR Part 40. An employee's failure to submit to drug testing required by the City for any reason will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test and tested positively on a drug test. The employee is subject to disciplinary action, up to and including termination.

Any supervisor or manager encountering an employee who refuses an order to submit to a drug and/or alcohol test shall remind the employee of the requirements and disciplinary consequences of which he/she has been informed.

Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or supervisor shall arrange for the employee to be safely transported home. (The employee shall not be permitted to transport him/herself.)

In all circumstances a "refusal to test" will result in removal from safety-sensitive duty and referral to a Substance Abuse Professional. Refusals to test are defined in 49 CFR Part 40 as amended or (49 CFR 40.191 as amended for urine collections and 49 CFR 40.261 as amended for breath tests). As of December 1, 2012, this list includes:

During a urine drug collection, the following actions are considered a “refusal to test”:

- a. Failure to appear at the collection site when directed to report.
- b. Failure to remain at the collection site until testing is completed.
- c. Failure to provide a urine specimen.
- d. Failure to permit a monitored or observed collection when required.
- e. Failure to provide a sufficient specimen without medical explanation.
- f. Failure to submit to additional testing as directed by the employer or collector.
- g. Failure to undergo a medical evaluation when directed to do so by the employer or MRO.
- h. Failure to cooperate with any part of the urine collection process.
- i. Adulteration or substitution of a urine specimen you provided.
- j. In an observed collection, failure to follow the observer’s instructions to raise your clothing above the waist, lower clothing and undergarments, and turn around to permit the observer to determine if you have any type of device that could be used to interfere with the collection process
- k. To possess or wear a prosthetic or other device that could be used to interfere with the collection process
- l. Admitting to the collector or MRO that you have adulterated or substituted the specimen.

During a U.S. DOT-required breath alcohol test, the following actions are considered a “refusal to test”:

- a. Failure to appear for a breath alcohol test when directed to do so.
- b. Failure to remain at the testing location until the test is completed.
- c. Failure to provide an adequate breath sample without medical explanation.
- d. Failure to undergo a medical evaluation when directed.
- e. Failure to sign Step Two of the DOT Alcohol Testing Form.
- f. Failure to cooperate with any part of the alcohol testing process.

### **XIII. CONSEQUENCES OF FAILING AN ALCOHOL AND/OR DRUG TEST**

A positive result from a drug or alcohol test or a test refusal as defined above will constitute the employee being deemed unfit for duty and may result in disciplinary action, up to and including termination. As well, an employee providing a specimen that is considered to be “diluted” under the applicable DOT drug testing guidelines in 49 CFR part 40 will be considered to be a positive drug test. The following guidelines should be used in determining appropriate discipline:

**Alcohol**

.02 to less than .04	1st offense	Suspension (24 hours or one work day minimum); Retesting is required in order to return to duty; No referral to SAP.
	2nd offense	Suspension (72 hours or three work days minimum); Referral to SAP; Retesting is required in order to return to duty.
	3rd offense	Suspension (120 hours or five work days minimum); Referral to SAP; Retesting is required in order to return to duty-- Minimum 6 times retesting in next 12 months.
	4th offense	Discharge.

**Drug and Alcohol**

.04 or greater alcohol or positive drug or refusal to test.	1st offense	Suspension until clean test (72 hours or three work days minimum);Referral to SAP; Retesting.
	2nd offense	Discharge.

## Employee Comes Forward

Admits to supervisor of his/her use of a drug and/or alcohol (not in conjunction with notification of random testing or investigation of drug/alcohol reasonable suspicion testing or accident).	1st time	No suspension; Referral to SAP; Use of eligible leave, subject to proof of approved enrollment in an rehabilitation program; Testing required in order to return to duty.
	2nd time	No suspension; Referral to SAP; Use of eligible leave, subject to proof of approved enrollment in an rehabilitation program; Testing required in order to return to duty.
	3rd time	Based on the facts and circumstances, appropriate discipline may be imposed, up to and including discharge.

## Accident

.04 or greater alcohol or positive drug

Discharge.

In addition to possible disciplinary action, federal law requires that the employee who tests positive for a drug test or alcohol test:

- A.** Must be removed from performing safety-sensitive functions;
- B.** Must submit to an examination by a substance abuse professional following a positive drug test or alcohol test of over .04 BAC. Upon a determination by the substance abuse professional, the employee may be required to undergo treatment to cure his/her alcohol or drug abuse. The City is not required to pay for this treatment;
- C.** May not return to his/her former safety-sensitive position until the employee submits to a return-to-duty drug and/or alcohol test (depending on which test the employee failed) which indicated an alcohol concentration level of less than 0.02 or a negative result on a drug test;
- D.** Will be required to submit to unannounced follow-up testing after he/she has returned to his/her safety-sensitive function.

- E. Be removed from his/her safety sensitive position for at least 24 hours if his/her alcohol test indicates an alcohol concentration level between 0.02 and 0.04 if the employee is a FMCSA employee. A FTA employee may not perform a safety-sensitive function for 8 hours unless the employee is retested with a result of less than .02 BAC.

Sick leave may be authorized for time off the job until released to return to duty following drug/alcohol testing when the SAP verifies the employee is actively participating in a drug/alcohol assessment and rehabilitation plan. Employees must use sick leave for drug/alcohol counseling and/or treatment programs. An adjustment of paid sick leave to unpaid suspended days off will be made once disciplinary action is imposed. Offenses will be cumulative only if they have occurred within three (3) years of a previous offense.

If extended time off is required for inpatient rehabilitation treatment and counseling services, exhaustion of paid benefits must occur prior to taking an unpaid medical leave of absence, pursuant to Chapters 21 and 22 of the Personnel Procedures Manual. In all cases of extended unpaid medical leaves for said treatment, provisions of Chapter 22 of the Personnel Procedures Manual will prevail, except that no leave shall exceed six (6) months. Further, a leave may not be approved or may be discontinued within the six-month limit, if City management determines that the employee is uncooperative, malingering, or otherwise is unable to complete his/her treatment.

#### **XIV. DISCIPLINE FOR WORK-RELATED PROBLEMS**

The City of Lompoc may, in its sole discretion, impose administrative/disciplinary measures, up to and including termination, upon employees for rule violations and work-related problems, separate and apart from violations of this substance abuse policy and even if such rule violations or work-related problems result from alcohol or substance abuse. Additionally, this policy and procedure does not preclude the City from imposing progressive discipline based on a combination of violations of this policy and a history of other work-related problems/violations.

#### **XV. CONFIDENTIALITY AND NOTIFICATION OF TEST RESULTS**

- A. Confidentiality is an essential element of this substance abuse policy. Any employee violating this confidentiality shall be subject to discipline, and if the breach is intentional, may also be civilly or criminally liable.
- B. The results of any testing done pursuant to this policy shall be used for employment purposes only and shall not be released for use in the criminal justice system, except as required by law.
- C. All records pertaining to drug and alcohol testing of an employee shall be contained in a confidential medical file that will be securely kept under the control of and held at the Program Administrator's facilities.

- D. Absent the employee's consent, test results may be disclosed only to City management (which includes the City Administrator, the Department and Division Heads, the City Attorney, the Personnel Director, and the Senior Personnel Analyst) only on a strictly need-to-know basis, and to the employee upon request.
- E. The City may disclose test results without the employee's consent only when:
  - 1. The information is compelled by law or judicial or administrative process;
  - 2. The information has been placed at issue by the employee in a formal dispute between the employee and the City;
  - 3. The information is necessary to administer an employee benefit plan; or
  - 4. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.
- F. Any positive results which are later refuted shall be removed from the employee's file, and not used for any purpose.

## **XVI. RECORD-KEEPING**

The Personnel Department of the City of Lompoc maintains ultimate responsibility for the following records for the periods specified. The records, however, will be under the control of and held at the Program Administrator's facilities in a secure location with controlled access:

- A. Results of an employee's alcohol test which indicates an alcohol concentration level of .02 or higher; results of an employee's controlled substance test which is positive; documentation of any employee who refused to submit to a required alcohol/drug test; calibration documentation; employee assessments and referrals by substance abuse professionals. **Retention period:** 5 years.
- B. Records documenting the collection process for the alcohol and controlled substances test. **Retention period:** 3 years.
- C. Records of training of supervisors and employees. **Retention period:** 2 years (supervisor's certificates maintained in Personnel files).
- D. Results of any alcohol test which is less than .02; documentation of any negative or canceled drug test. **Retention period:** 1 year or until documentation of DOT random testing requirements finalized.

## **XVII. SUBSTANCE ABUSE PROFESSIONAL SERVICES ("SAP")**

The City of Lompoc observes drug and alcohol testing rules required by the Federal Motor Carrier Safety Administration ("FMCSA"), 49 CFR Part 382; Federal Transit Administration ("FTA"), 49 CFR Part 655; and DOT Procedures for Transportation Workplace Drug Testing Program, 49 CFR Part 40., and as subsequently amended.

The City supports an opportunity for treatment to be made available to covered employees. The City will advise a covered employee who engages in conduct prohibited under this policy of the available resources for evaluation and treatment of drug/alcohol problems, including the names, addresses and telephone numbers of Substance Abuse Professionals ("SAP's"), counseling, treatment programs or other available services. The City will provide for a SAP evaluation to assess employees with drug and/or alcohol misuse problems.

Each covered employee who violates these rules must be evaluated to determine whether the employee needs assistance resolving problems associated with drug and/or alcohol misuse, and if necessary, a referral for further treatment.

Before returning to duty, each employee identified as needing assistance must: (1) be evaluated again by a SAP to determine whether the employee has successfully complied with the treatment program prescribed following the initial evaluation; (2) undergo a drug and/or alcohol test to satisfy established acceptable results for return to duty; and, (3) be subject to a minimum of six (6) unannounced, follow-up drug and/or alcohol tests over the following 12 months.

The City will only provide for the cost of an assessment by a Substance Abuse Professional ("SAP"). The City has no obligation to provide or pay for further treatment; this is the responsibility of the employee.

#### **XVIII. EMPLOYEE ASSISTANCE PROGRAMS**

The City's Employee Assistance Program ("EAP") applies to all employees and eligible dependents who are covered under any of the various health and welfare programs to which the City contributes. The program is administered by the City's Personnel Department, which contracts with Occupational Health Services for EAP services.

The Employee Assistance Program Provides initial counseling services free of charge for employees and their immediate family members. If additional professional help is warranted, the employee or family member may be referred to the health insurance plan provider, community agency, or other professionals for further assistance.

#### **XIX. DISTRIBUTION OF POLICY AND TRAINING OF EMPLOYEES AND SUPERVISORS**

All covered employees shall be given a copy of this policy at the time they commence employment with the City. Covered employees currently employed by the City at the time this policy is adopted shall be given a copy thereof within ten (10) days of its adoption.

Covered employees whose positions are supported by FTA grant funds must receive at least 60 minutes of training on the effects and consequences of prohibited drug use and alcohol misuse on personal health, safety, and the work environment, and training on the signs and symptoms which may indicate prohibited drug use or an alcohol problem.

Supervisors whose positions are supported by FTA grant funds, and who may make reasonable suspicion determinations, shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech and performance indicators of probable alcohol misuse.

**XX. INTERPRETATION AND CONTACT PERSON**

Any questions relative to the interpretation, application, of and/or other issues related to this policy should be directed to the Senior Human Resources Analyst of the Human Resources Department of the City.

**XXI. DEPARTMENTAL RESPONSIBILITY**

It will be the responsibility of each department director to inform all concerned departmental staff of these personnel procedures as they are hired or transferred to his/her department and to issue any further instructions to insure their implementation.

**AUTHORIZED:**

\_\_\_\_\_  
Laurel M. Barcelona, City Administrator

\_\_\_\_\_  
Date

## **REASONABLE SUSPICION DRUG/ALCOHOL TESTING PROCEDURES UNDER DOT/FMCSA/FTA REQUIREMENTS FOR THE EMPLOYER**

There may be instances when supervisors have reasonable cause to believe that (1) an employee has consumed drugs and/or alcohol on City premises; or (2) reported to work under the influence of drugs and/or alcohol.

1. After consulting with the division or department head, the supervisor should personally escort the employee to an office or other private area. Have another supervisor present as a witness.
2. Confront the employee with reasons for suspecting drug and/or alcohol policy violations. Use the Reasonable Suspicion Record to question and document information from the employee. Complete the form and in conversation with the employee, determine whether or not the employee has consumed drugs and/or alcohol and is under the influence.
3. If the employee does not appear to be under the influence of drugs, including prescription drugs, **and** the employee is able to perform regular work duties, have him/her return to the work unit and resume work.
4. If it is believed that the employee is under the influence of, or has consumed drugs and/or alcohol, advise the employee that the City rules have been violated and that he/she is being requested to provide a urine sample for drug testing, plus the test for alcohol. Personally escort the employee (with another supervisor, when possible) to the City approved drug/alcohol testing site. (The employee shall not be permitted to drive him/herself to the testing facility.)
5. Require the employee to read and sign a chain of custody form available at the testing location. Advise the employee that refusal to give a specimen will be treated as a refusal to obey a direct request, and will constitute an admission that the suspicion is reasonable and will be grounds for discipline, up to and including termination. Once the specimen is taken and initialed by the employee, the employee will be transported home. If the test results return positive, the employee will be considered not fit for duty. Leave benefits will be charged and disciplinary action imposed in accordance with other provisions of this policy.
6. Whenever an employee is required to provide specimens for testing, two (2) specimens shall be collected at the same time in order to facilitate the testing procedures described herein.

7. In testing for the presence of illegal drugs, the testing facility shall submit the first specimen for testing, using an immunochemical assay or radioimmunoassay test on the employee's urine. If the initial test is positive for an illegal drug, the same specimen shall be subjected to a confirmatory test using the gas chromatography, thin layer chromatography or gas chromatography/mass spectrometry method ("GC/MS") for verification.
8. The MRO will report results to the Senior Human Resources Analyst (or Human Resources Director if Senior Human Resources Analyst is not available) of the City Human Resources Department via a signed, written communication, within three business days of completion of the MRO's review. The MRO shall also report to the City that he/she has made all reasonable efforts to contact the employee. The City shall, as soon as possible, request that the employee contact the MRO prior to dispatching the employee, or within 24 hours, whichever is earlier. At the time the employee contacts the MRO, he/she may request that a second specimen be tested at another laboratory.
9. If the employee fails to contact the MRO, or the employee does not request the testing of the second specimen, or if the employee does request the testing of the second specimen and it also tests positive for an illegal drug, rehabilitative/corrective action shall be taken as specified in this policy.
10. At any time within 24 hours of being notified of a positive test result, the employee may present bona fide verification of a current valid prescription in the employee's name for any potentially impairing drug or medication identified in the positive drug screen.
11. If it is believed that the employee is impaired, make arrangements to have the employee taken home. Do not permit him/her to leave the premises or drive alone. If the employee refuses any assistance, make sure the witnessing supervisor **can** verify that the **employee refused such assistance**. If the employee cannot control his/her actions and departs without assistance, immediately call the local police or law enforcement agency to inform them of the employee's condition and refusal for assistance. Tell the law enforcement officials the employee's name and a description of the automobile including the license number.
12. Each employee who has engaged in conduct prohibited under this policy will be advised by the City of resources available in evaluating and resolving problems associated with the misuse of alcohol and use of drugs.
13. Before an employee returns to duty requiring the performance of a safety-sensitive function, the employee shall undergo a return-to-duty alcohol test or a drugs test. In addition, the employee shall be evaluated by a Substance Abuse Professional to determine that he/she has properly followed any prescribed rehabilitation program.

14. The employee shall be subject to unannounced follow-up alcohol and drug tests following the employee's return to duty, consisting of at least six (6) tests in the first 12 months following the employee's return to duty.

**NOTE:** *FMCSA and FTA employees involved in a fatal accident, FMCSA employees who receive a citation for a moving violation, FTA employees operating a covered vehicle involved in an accident (unless discounted), and FTA employees determined to be responsible for an accident (unless discounted) are required to submit to a urinalysis test and the alcohol test. Consequently, steps 2 through 4, above, do not apply.*

## **GENERAL INFORMATION: DRUG TESTING PROCEDURES**

1. The test must be conducted by analyzing an employee's urine;
2. The urinalysis must be done at a laboratory certified by the Department of Health and Human Services;
3. The urine specimen must be split into two bottles labeled as "primary" and "split" specimen;
4. If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a different certified lab;
5. The urine sample must be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine;
6. If the test is positive for one or more of the drugs, a confirmation test must be performed using gas chromatography/mass spectrometry analysis;
7. All drug test results must be reviewed and interpreted by the Medical Review Officer ("MRO") before they are reported to the employer;
8. With all positive drug tests, the MRO must contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the employer as "negative."

## **ALCOHOL TESTING PROCEDURES FOR SPECIMEN COLLECTION**

1. The employee reports to collection site for the drug and alcohol screen.
2. The employee must present acceptable picture ID to the collector.
3. Should the collector have reason to believe the employee may become disorderly before administering the initial screen, or at any time during the completion of this protocol, the collector shall contact the City and request the presence of supervisory personnel of the City.
4. The drug screen shall be accomplished first in accordance with DOT protocols (see pages 6 and 7 of this Attachment).
5. The collector shall request that the employee provide an initial alcohol screen sample following the drug screen. The screening device shall be an EBT device listed on the current conforming products list published by the NHSTA.
6. If the initial screen is negative using the EBT, record the result on the alcohol test requisition form per instructions.
7. If the initial screen is positive, the collector shall perform a second screen. The collector shall instruct the donor to be seated for 15 minutes and not to drink or eat anything. The collector shall contact the City and request the presence of the employee's supervisor before performing a second EBT screen. After 15 minutes, the collector shall administer a second screen test using the same method as the first screen.
8. If the second screen is negative, the collector shall record the test as negative. No further testing is required.
9. If the employee's confirmatory test is positive, the collector shall advise the City supervisor present at the collection site to escort the employee back to his or her worksite or to his/her home. The collector shall record the results on the alcohol test requisition form per instructions.
10. The collector shall notify the City that it will fax the Breath Alcohol Test Requisition form to the Program Administrator and the City Human Resources Director.

## **DRUG TESTING PROCEDURES FOR THE SPECIMEN COLLECTION PERSONNEL AT THE COLLECTION SITE**

1. Verify the identity of the employee through the use of an official picture identification or verification by a City official. Notify the City if the employee fails to report or arrives late.
2. If the employee providing the specimen requests it, present your identification as well.
3. Request that the employee check his/her belongings, including unnecessary outer garments, purses and briefcases. The employee may retain his/her wallet. If the employee requests it, provide a receipt for his/her personal belongings.
4. Request the employee to rinse his/her hands with water and dry them.
5. Provide the employee with a specimen bottle and direct him/her to the privacy enclosure. Do not enter the enclosure. You should not observe the specimen collection unless special circumstances exist. Instruct the employee that at least 45 milliliters of urine are required and that the temperature will be taken to ensure the integrity of the sample.
6. If the employee refuses to provide a specimen, or otherwise fails to cooperate with the process, inform the employer and document the refusal on the custody and control form.
7. If the employee is unable to provide at least 45 milliliters, the original specimen shall be discarded and the employee will be instructed to drink not more than 24 ounces of fluid in a period of up to two hours. If 45 milliliters cannot be provided within the two-hour limit, notify the City.
8. After providing the specimen, allow the employee to wash his/her hands.
9. Measure the temperature of the specimen. If the temperature of the specimen is outside the acceptable range (90.5 to 99.8 F), the collection site person will require the employee to have his/her oral temperature taken to counter any suspicion of tampering with or substitution of the specimen. Note the temperature in the appropriate place on the custody and control form.
10. If there is any reason to suspect adulteration or substitution, notify a higher level supervisor, have a same-gender technician directly observe the collection of a second specimen, note the unusual behavior on the custody and control form, and submit both specimens for testing.
11. Pour the first 30 ml of urine into the specimen bottle for the original ("primary") specimen. Up to 15 ml is to be used for the split specimen.
12. Keep the specimens in view at all times prior to sealing and labeling. The specimen must also be in view of the employee.

13. Seal and label the specimens in view of the employee. Record the date on the specimen label. Have the employee initial the label verifying that the specimens are his/hers.
14. Complete the custody and control form ensuring that you and the employee have signed the appropriate certification statements. Document receipt and release of specimen and shipment courier in chain of custody section of the form.
15. Place the specimens and the copies of the custody and control form in a container suitable for shipment and seal. Initial the seal and record the time and date of closure for shipment.
16. Store all specimens in a secure location until shipment.
17. Ship the specimens to the laboratory (certified by the Department of Health and Human Services) using the designated courier.

## **DRUG TESTING SPECIMEN COLLECTION PROCEDURES FOR THE EMPLOYEE**

1. Report to the specimen collection site as soon as possible after notification to report. Refusal to report for collection or refusal to cooperate with the collection process will result in a determination of a refusal to provide a specimen.
2. Show the collection site personnel an official photo identification card.
3. Check your outer garments with the collection site personnel for safekeeping. You have the right to retain your wallet and to ask for a receipt for your belongings.
4. Rinse and dry your hands.
5. Obtain a wrapped specimen container from the specimen collection personnel.
6. Proceed to the privacy enclosure and provide a specimen in the collection container. At least 45 milliliters of urine are required for analysis. If an insufficient amount of urine is provided, the original specimen will be discarded and you will be required to consume not more than 24 ounces of fluids in two hours to provide another specimen. Do not tamper with the specimen or make substitutions. The specimen will be visually inspected for unusual color and sediment.
7. The temperature of the specimen will be measured and must fall within an acceptable range. If the temperature falls outside the acceptable range, you will be required to provide an oral temperature to counter any suspicion of tampering.
8. Give the specimen to the specimen collection personnel and watch the sealing and labeling of the bottles. Initial the labels verifying that the specimen is yours.
9. You may wish to indicate on the back of your copy of the custody and control form any medications you are currently using. This may serve as a memory jogger in the event a Medical Review Officer calls you to discuss the results of your test.
10. The results of the laboratory analysis will be forwarded to the City's Medical Review Officer. If the results are negative (no drugs detected), the MRO will notify the City. If the laboratory confirms a positive result (drugs detected), the MRO will contact you at the telephone number you provided to give you the opportunity to discuss the test results and to submit information demonstrating authorized use of the drugs in question.

**CITY OF LOMPOC**

**PRE-EMPLOYMENT URINALYSIS FOR DRUG TEST  
CONSENT FORM**

I understand that as required by the City of Lompoc's Department of Transportation ("DOT") Drug and Alcohol Testing Policy, as to applicants whose positions require commercial drivers' licenses, prior to being offered a position with the City of Lompoc, must be tested for controlled substances as a pre-condition for employment.

I consent to give a urine specimen collection that will be used to detect the presence of controlled substances.

I understand that a positive test result for controlled substances will render me unqualified to assume a position of employment with the City of Lompoc.

The medical review officer will maintain the results of my test. Negative and positive results will be reported to the City of Lompoc. If the results are positive, the controlled substances will be identified.

I further consent and agree that upon request by the City of Lompoc, the laboratory results of my test shall be furnished to the City of Lompoc by the facility chosen.

I understand the above conditions and hereby agree to comply with them.

\_\_\_\_\_

Date

\_\_\_\_\_

Applicant's Signature

\_\_\_\_\_

Applicant's Printed Name

Applicant's Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant's Telephone: \_\_\_\_\_

\_\_\_\_\_

**OBSERVED BEHAVIOR  
REASONABLE SUSPICION RECORD**

Employee Name: \_\_\_\_\_ Identification No. \_\_\_\_\_

Observation Date: \_\_\_\_\_ Time: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Location: \_\_\_\_\_  
*(Street) (City) (State) (Zip)*

**CAUSE FOR SUSPICION:**

1. Presence of drugs and/or drug paraphernalia (specify):

2. Appearance: \_\_\_\_\_ Normal \_\_\_\_\_ Flushed  
\_\_\_\_\_ Puncture Marks \_\_\_\_\_ Disheveled  
\_\_\_\_\_ Bloodshot Eyes \_\_\_\_\_ Profuse Sweating  
\_\_\_\_\_ Dilated/Constricted Pupils \_\_\_\_\_ Runny Nose/Sores  
\_\_\_\_\_ Dry-Mouth Symptoms \_\_\_\_\_ Other \_\_\_\_\_  
\_\_\_\_\_ Tremors  
\_\_\_\_\_ Inappropriate wearing of sunglasses

3. Behavior/Speech: \_\_\_\_\_ Normal \_\_\_\_\_ Incoherent \_\_\_\_\_ Slurred  
\_\_\_\_\_ Silent \_\_\_\_\_ Confused \_\_\_\_\_ Slowed  
\_\_\_\_\_ Whispering \_\_\_\_\_ Other \_\_\_\_\_

4. Awareness: \_\_\_\_\_ Normal \_\_\_\_\_ Confused \_\_\_\_\_ Mood Swings  
\_\_\_\_\_ Euphoria \_\_\_\_\_ Lethargic \_\_\_\_\_ Lack of Coordination  
\_\_\_\_\_ Paranoid \_\_\_\_\_ Disoriented  
Other \_\_\_\_\_

5. Motor Skills/Balance: \_\_\_\_\_ Normal \_\_\_\_\_ Swaying \_\_\_\_\_ Falling \_\_\_\_\_ Staggering  
Other \_\_\_\_\_

6. Walking & Turning: \_\_\_\_\_ Normal \_\_\_\_\_ Swaying \_\_\_\_\_ Arms Raised for Balance  
\_\_\_\_\_ Stumbling \_\_\_\_\_ Falling \_\_\_\_\_ Reaching for Support  
Other \_\_\_\_\_

7. Other Observed Actions or Behavior (specify):  
\_\_\_\_\_  
\_\_\_\_\_

**WITNESSED BY:**

\_\_\_\_\_ am/pm  
(Supervisor's Signature) (Title) (Date) (Time)

**I concur with the above written causes:**

\_\_\_\_\_ am/pm  
(Witness' Signature) (Title) (Date) (Time)

This document must be prepared and signed by the supervisor and witness within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.

## ACKNOWLEDGMENT AND CONSENT

I hereby acknowledge that I have received a copy of the City's Drug and Alcohol Testing Policy concerning drug and alcohol testing as required by the Federal Motor Carrier Safety Administration ("FMCSA"), 49 CFR Part 382; Federal Transit Administration ("FTA"), 49 CFR Part 655; and DOT Procedures for Transportation Workplace Drug Testing Program, 49 CFR Part 40.

I have read and clarified with my supervisor any questions regarding the provisions outlined in the City's Drug and Alcohol Testing Policy. I agree to comply with all the requirements contained therein, including consenting to any drug and/or alcohol testing when requested and permitting the release of test results to those City officials on a strictly need-to-know basis. I understand that compliance with the Drug and Alcohol Testing Policy is a condition of employment with the City. I understand that disciplinary action, up to and including termination, may be taken if I am found in violation of the policy.

\_\_\_\_\_

Date

\_\_\_\_\_

Employee's Signature

\_\_\_\_\_

Employee's Printed Name

\_\_\_\_\_

Date

\_\_\_\_\_

Witness' Signature

\_\_\_\_\_

Witness' Printed Name

**Covered Employees** – Means any employee of the City who is considered a FMCSA employee or FTA employee, as defined above in Chapter 54 under Section III, “Applicability”, subsections “A” and “B”. All employees classifications below are considered FMCSA employees unless otherwise noted.

**I. Electrical Division.**

- A. Apprentice Electrical Line Worker
- B. Apprentice Electrical Substation Technician
- C. Electrical Substation Technician
- D. Electrical Ground Support Worker
- E. Electrical Line Worker
- F. Electrical Supervisor
- G. Lead Electrical Line Worker
- H. Electrical Estimator

**VII. Urban Forestry.**

- A. Lead Tree Trimmer
- B. Senior Tree Trimmer
- C. Tree Supervisor
- D. Tree Trimmer
- E. Maintenance Worker
- F. Maintenance Worker Trainee
- G. P/T General (Manual)
- H. Sr. Maintenance Worker

**II. Fleet & Facilities Division.**

- A. Heavy Equipment Mechanic (FTA)
- B. Fleet Maintenance Supervisor

**VIII. Wastewater.**

- A. Electrical/Mechanical Technician I
- B. Electrical/Mechanical Technician II
- C. Facility Maintenance Supervisor
- D. Maintenance Worker Trainee
- E. Senior Maintenance Worker
- F. Senior Bldg. Maintenance Worker
- G. Senior Wastewater Collection Worker
- H. Wastewater Collection Supervisor
- I. Wastewater Collection Worker

**III. Parks.**

- A. Lead Park Maintenance Worker (Construction only)
- B. Park Maintenance Specialist (Construction only)
- C. Park Maintenance Worker (water truck only)
- D. Sr. Park Maintenance Worker (Construction only)

**IV. Parks & Recreation**

- A. Excursion Driver

**V. Street Division**

- A. Heavy Equipment Operator
- B. Lead Sign & Paint Worker
- C. Maintenance Worker
- D. Maintenance Worker Trainee
- E. Senior Maintenance Worker
- F. Street Maintenance Supervisor

**VI. Solid Waste Collection/Landfill.**

- A. Lead Sanitation Worker
- B. Sanitation Worker
- C. Senior Sanitation Worker
- D. Solid Waste Supervisor
- E. Landfill Coordinator
- F. Heavy Equipment Operator
- G. Landfill Supervisor
- H. Household Hazardous Waste Program Technician