



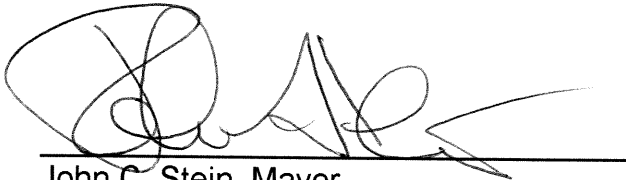
CITY OF WASILLA

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INFORMATION MEMORANDUM NO. 95-45

From: Mayor Stein
Date: November 21, 1995
Subject: Alcohol and Drug Abuse Policies

The "Alcohol and Drug Abuse/Drug-Free Workplace" policies for all employees and for Commercial Drivers License (C.D.L.) drivers are attached for your information. They are to be adopted as personnel policies by resolution following enactment of the new personnel code.



John C. Stein, Mayor

CITY OF WASILLA

Personnel Policy No. 95-XX

Alcohol and Drug Abuse/Drug-Free Workplace

All Employees

A. INTRODUCTION

The City of Wasilla (City) values our employees and recognizes each person's need for a safe and healthy work environment. The City has a strong commitment to the health, safety and welfare of its employees, their families, and our citizens. Widely available statistics and information establish that the incidence of drug and alcohol abuse is increasing and that the effect is devastating to lives, business, and the community at large. Employees who use illegal drugs and abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to greater absenteeism resulting in the potential for increased accidents, costs, and risks. The City of Wasilla is concerned because of the potential for abuse among some of our employees could endanger the safety of other employees and the general public. The City's commitment to maintaining a safe and secure workplace requires a clear policy and supportive programs relating to the detection, and prevention of substance abuse and alcohol misuse by employees.

The violation of this policy, regulations and Federal, State or Local laws may result in severe disciplinary action, up to and including immediate termination, at the City's sole discretion. In the event of a conflict between this policy and those governing DOT employee drug/alcohol testing, the more stringent policy shall apply.

B. GOAL

It is the goal of the City of Wasilla to provide a safe workplace by eliminating the hazards to health and job safety created by alcohol and other drug abuse. We believe this goal to be in the best interest of our employees, our citizens and the general public.

C. SCOPE

This policy applies to all employees and contractors of the City of Wasilla while on the job and to situations where an individual's off-the-job or off-premises conduct impacts work performance or undermines the public confidence in or harms the reputation of the City of Wasilla. The Prohibitions also apply to employees of firms doing business with the City of Wasilla while on our premises.

The City of Wasilla recognizes that involvement with alcohol or other drugs on the job eventually takes its toll on job performance. The City's concern is to ensure that employees report to work in a condition to perform their duties safely and efficiently in the interest of their fellow workers and citizens as well as themselves.

Employees who are regulated by the U.S. Department of Transportation (DOT) i.e. Commercial Drivers are subject to this policy and other policies covering their particular DOT agency rules and specifically written in accordance with DOT regulations.

D. POLICY STATEMENT

The City of Wasilla will not tolerate or condone substance abuse by its employees. It is the policy of the City of Wasilla to maintain a workplace free from alcohol and other drug abuse and its effects. For the purposes of this policy, the workplace includes: City Property, Buildings, Parks and Vehicles. Employees are subject to searches of their personal property located at the workplace.

It is the policy of the City of Wasilla that employees, while at the workplace, shall not engage in the distribution, dispensing, sale, use, possession, storage, transfer or manufacture of illegal drugs or controlled substances. Employees shall not offer to buy or sell such substances; use alcohol during working hours; or abuse prescribed drugs.

This policy is not intended to restrict the normal use of medications prescribed by a physician. However, employees must explain to their physician the type of work they are engaged in and ask the physician whether the medication could affect the safe performance of their duties. Employees are responsible for reporting this information to their supervisor before starting their next shift.

It is the policy of the City of Wasilla to commit the resources necessary to achieve and maintain a drug-free and alcohol-free environment.

E. PROHIBITIONS—An employee shall not:

- * Report for or remain on duty while having a blood alcohol concentration of 0.04 or greater;
- * Possess or use alcohol while on the job.
- * Possess or use controlled substances (drugs);
- * Report to work within four hours of using alcohol,
- * Use alcohol for 8 hours following an accident unless the employee has been given a post-accident test or told by a city official they are not subject to a test; or
 - * Refuse to submit to a required alcohol and/or drug test involving post-accident, or reasonable suspicion testing.

F. EMPLOYEE AND CITY REQUIREMENTS FOR FEDERAL GRANTS[Public Law 100-690 Title V, Subtitle D, 41 U.S.C. 701 et seq.]

All grantees receiving grants, including cooperative agreements, from any Federal Agency must certify that they will provide a drug-free workplace. Making the required certification has been a precondition of receiving a grant from a Federal Agency since March 18, 1989. Every grantee, except a state or state agency, is required to make this certification for each grant. State or State Agencies may elect to make a single annual certification to each Federal Agency from which it obtains grants if the Federal Agency has designated a central location for submission.

Employees are required to report to the City Clerk in writing of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) calendar days after such conviction. If the employee is involved in the administration or execution of a federal grant the City shall notify the grantor Federal Agency of the conviction within ten (10) calendar days after receiving notice from the employee. The City will, within 30 calendar days of receiving notice of such a conviction take the following actions: Take appropriate personnel actions against the employee, up to and including termination and/or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, state or local health, law enforcement, or other appropriate agency.

G. WHEN DRUG AND ALCOHOL TESTS WILL BE CONDUCTED

The drug test will use urine and the alcohol test will use breath.

<u>Type of Test</u>	<u>Alcohol</u>	<u>Drugs</u>
Pre-employment	No	yes
Reasonable Suspicion	Yes	Yes
Post-Accident	Yes	Yes

1. **PRE-EMPLOYMENT TESTING**—Those persons that the City of Wasilla intends to hire may be tested for drug use, prior to employment. A negative test result must be received before the employee performs duties. A positive pre-employment drug test will result in the applicant not being considered for further employment. Pre-employment testing for all employees other than Commercial Drivers will be a screening test only and will not involve a Medical Review Officer. Laboratory results are final.

2. **REASONABLE SUSPICION TESTING**—Reasonable suspicion means that a trained supervisor believes that the employee's appearance or conduct are indicative of the use of alcohol and/or drugs. The actions or observations of the employee must occur while the on duty or just preceding the work period. The conduct, appearance, or actions of the employee must be observed by a supervisor or city official. The supervisor or official must have received training in detection of probable alcohol and/or drug use. Other factors which may result in reasonable suspicion testing at the sole discretion of the City of Wasilla include, but are not limited to: reports of unsafe work practices or methods, high individual accident experience, excessive absenteeism and/or deteriorating job performance.

In the case of suspected drug use, the employee must be taken immediately to a collection site and a urine sample must be obtained. Employees who are tested for reasonable suspicion will be suspended immediately and without pay or reassigned to another, safer position until the results of the test are received by the City of Wasilla. Reassignments will be made at the sole discretion of the City of Wasilla, whether or not that reassignment results in reduction of pay, working hours, or terms of employment. If the testing is negative, the City may, in its unlimited discretion, compensate the employee, in whole or in part for the period of suspension.

In the case of suspected alcohol use, the breath alcohol test should be done as soon as practicable.

The employee's action that causes the supervisor or official to require the test must be documented and signed by the determining supervisor or official within 24 hours after the behavior is noticed.

3. **POST ACCIDENT TESTING**— In addition to required DOT post-accident criteria for DOT regulated employees all employees are subject to post-accident testing as follows:

- a. When involved in an accident in a City vehicle, including single vehicle accidents.
- b. When involved in any way with an on the job injury resulting in hospitalization or other medical treatment.
- c. When involved in an on-the-job accident or "near miss" which is unexplained; which involves suspicious circumstances; or which results in property damage, personal injury or the potential for such damage or injury.

An employee must supply a urine specimen for drug testing or a breath test for alcohol following the above types of accidents. The supervisor who investigates the accident will determine which employee or employees are to be tested. Employees who are tested post accident may be suspended immediately or reassigned to another, safer position until the results of the test are received by the City of Wasilla. Reassignments will be made at the sole discretion of the City of Wasilla, whether or not that reassignment results in reduction of pay, working hours, or terms of employment. If the testing is negative, the City may, in its unlimited discretion, compensate the employee, in whole or in part for the period of suspension.

4. **RETURN-TO-DUTY AND FOLLOW-UP TESTING**—These tests are required when an employee who has violated the prohibited alcohol conduct standards or tested positive for drugs returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. The City

of Wasilla is under no obligation to keep a driver employed or to rehire a driver who has violated our Alcohol and Drug Abuse Policies. Drivers may be returned to duty or rehired solely at the discretion of the City of Wasilla and only after the driver has complied with DOT requirements at his or her own expense.

H. REFUSAL TO BE TESTED

An employee shall not refuse to submit to post accident, reasonable suspicion, drug or alcohol tests.

In alcohol testing, the refusal to sign the certification in Step 2 on the Breath Alcohol Testing Form is regarded as a refusal to take the test. Not providing an adequate amount of breath may, under certain conditions, be regarded as a refusal to take a test.

In drug testing, failure to provide sufficient urine may constitute a refusal.

Failure to cooperate with the testing process in any way may also be considered a refusal to test.

I. TESTING PROCEDURES. With the exception of Pre-employment testing for applicants other than Commercial Drivers, the City of Wasilla will use the collection procedures delineated in CFR 49 Part 40.

1. DRUG TESTING PROCEDURES

The testing program is limited to five drug types:

(1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines, (5) Phencyclidine (PCP).

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require a designated collection site; security for the collection site; chain of custody documentation; use of authorized personnel; privacy during collection; integrity and identity of the specimen; and transportation to the laboratory.

Employee protection is built into the testing procedures. In order to meet the requirements, the only laboratories that can be used are those that have been certified by the Federal Government. The Substance Abuse and Mental Health Services Administration(SAMHSA) certifies laboratories that have met all of the guidelines established by the Department of Health and Human Services.

After the urine specimen has been collected and forwarded to the laboratory, two tests may be performed. The initial test is an immunoassay test. This is a screening test to determine drug usage for the five classes of drugs. The second test is a confirmation test. Pre-employment tests for applicants other than Commercial Drivers will be tested by the immunoassay test only

The positive levels for the five classes of drug tests are in the table below:

<u>DRUGS</u>	<u>Initial</u>	<u>Confirmation</u>
	Test Levels (ng/ml)*	Test Levels (ng/ml)*
Marijuana	50	15
Cocaine	300	150
Opiates	300	
Morphine		300
Codeine		300
Phencyclidine(PCP)	25	25
Amphetamines	1000	500
Methamphetamine		500

*ng/ml means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.

If the results of the initial test are negative, no additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the test levels for any of the five drug classes, a second (confirmation) test is performed. This test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

A split specimen collection will be done. That is, the urine is divided into two specimen bottles. If the test result of the primary specimen is positive, the employee may request to send the second (or split) specimen to a different certified lab for testing at the employee's expense. The split specimen test request must be made within 72 hours of being notified of the positive test result of the primary specimen. The testing of the split specimen will be for the presence of drugs with no cut-off levels. If the result of the test of the split specimen is "negative", the first test shall be canceled.

the City of Wasilla will keep a record in the employees file showing the type of test (pre-employment, random, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results.

2. ALCOHOL TESTING PROCEDURES

Alcohol testing is done by testing breath, because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidential Breath Testing Device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent by weight". It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A BAC (blood alcohol concentration) of 0.100 means one tenth of a gram of alcohol per 210 liters of breath. The EBT will print three copies of each test result and the test results are numbered. A test may have two separate parts. The first test is the initial or screening test. If the screening test shows a reading less than 0.02 the test is recorded as "negative". If the screening test result is 0.02 or greater a confirmation test will be done. The alcohol testing will be done in a site that affords privacy to the employees being tested. This site could be a room, van, or a partitioned-off area. Only one breath test will be conducted at a time. The person giving the test (Breath Alcohol Technician (BAT)) will not leave the testing sight during your test.

The BAT will ask the employee for a picture ID and will also show the employee a like ID, if requested. The technician will explain the testing process to the employee and answer any questions. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the employee is requested to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will read the results of the test and a copy of the printed results will be affixed to the Breath Alcohol Testing Form and copy 2 will be given to the employee. Printed results are not required for the screening test but must be used for the confirmation test.

When the initial test results show a reading of 0.02 BAC or greater, a confirmation test is necessary. Before the confirmation test, a 15 minute waiting period will be observed. The purpose of the 15 minute waiting period is to ensure that the presence of mouth alcohol from recent use of food, alcohol or hygiene product, does not artificially raise the test result. If the confirmation test is done on the same EBT as the first test, the testing procedures will be the same.

When the confirmation result is different from the initial test, the confirmation test results will always be used to determine the consequences for the employee. A breath alcohol testing form will be prepared with copy 2 for the tested employee.

J. CONSEQUENCES OF A POSITIVE TEST

ALCOHOL

CONSEQUENCES FOR EMPLOYEES WHO TEST 0.04 BAC AND ABOVE—Discipline up to and including immediate termination.

DRUGS

CONSEQUENCES OF A POSITIVE DRUG TEST—Discipline up to and including immediate termination.

K. SUSPENSION/REASSIGNMENT

Pending the results of a City or official investigation of possible violations of this Policy, the City may suspend the employee immediately and without pay. The City may also reassign the employee to another position pending the investigation, whether or not that reassignment results in reduction of pay, working hours, or terms of employment. If the investigation is negative, the City may, in its unlimited discretion, compensate the employee, in whole or in part for the period of suspension.

L. OBLIGATION TO SUBMIT TO SEARCH

As a condition of continued employment, and upon request of the City, employees are required to submit to searches of:

1. Any vehicle, trailer or recreational vehicle at the workplace;
2. Any pocket, package, purse, briefcase, tool box, lunch box, or other container brought to the workplace;
3. All desks, cabinets, or other fixtures, drawers, enclosed spaces, containers, or areas utilized by the employee at the workplace;

M. CONFISCATION OF PROHIBITED SUBSTANCE

The City may, in its sole discretion, take into custody any illegal, unauthorized, evidentiary or prohibited items and may turn them over to the proper law enforcement agencies.

N. REPORTING OF ILLEGAL ACTIVITY

The City may report suspicious or illegal activity of its employees, and solicit, encourage, and cooperate in investigations by law enforcement agencies.

O. REHABILITATION

Employees who are drug or alcohol dependent are encouraged to seek rehabilitation before the dependency results in a violation of this Policy. The City may, in its unlimited discretion, condition an employee's continued employment upon completion of a rehabilitation program within a specified period and at the employee's own expense. The City may, in its unlimited discretion, offer an opportunity for re-employment to employees who have violated this Policy, but have subsequently completed a rehabilitation program approved by the City.

P. CITY NOT REQUIRED TO PERFORM TESTING OR EXAMINATION

Notwithstanding this Policy, the City shall not be required to perform tests or examinations under any circumstances, including but not limited to personal injury, death or property damage involving third parties, except as may otherwise be required by law or DOT rules.

Q. RELEASE OF INFORMATION

All information concerning individual employee test results are considered confidential and will be held in strict confidence by all the City of Wasilla supervisors and managers. Only those supervisor with a direct need to know will be informed.

Except as provided for in DOT rules or other Federal or State rules, regulations or laws, the City of Wasilla will not release individual test results or other personal information.

Individual results from drug tests required by this Policy may be released if the individual tested signs a specific authorization for the release of the results to an identified person, city, or agency.

Individuals tested under this policy may receive results of their test.

R. RECORDS AND REPORTS. The City of Wasilla will maintain records and reports required by DOT Regulations and Rules and the City of Wasilla requirements. Additionally, the City will comply with the reporting requirements in Public Law 100-690 Title V, Subtitle D, 41 U.S.C. 701 et seq. (See F. above)

S. GENERAL

Employees are encouraged to report unsafe practices and violations of this Policy to management. Employees who fail to report known unsafe practices or violations of this Policy are subject to discipline, including termination. If discipline, testing, examination, or search takes place because of a coworker's report to the City, the City reserves the right to refuse to disclose the identity of the reporting party to the affected employee or their representative.

T. OVERALL PROGRAM INFORMATION AND ADMINISTRATION

The City of Wasilla, Personnel Office may establish a continuing Drug and Alcohol information and awareness program under WMC 3.90, Personnel Safety Program.

The Mayor has overall authority to implement this Policy on Alcohol and Drug Abuse.

THIS POLICY APPLIES TO ALL EMPLOYEES. COMPLIANCE WITH THIS POLICY IS A TERM AND CONDITION OF EMPLOYMENT. EACH EMPLOYEE AGREES TO COMPLY WITH THIS POLICY BY HIS OR HER CONTINUED EMPLOYMENT WITH THE CITY. ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING OF THIS POLICY IS A CONDITION OF EMPLOYMENT.

Mayor

Effective Date: January 1, 1996

CITY OF WASILLA

Personnel Policy No. 95-XX

CDL DRIVER-ALCOHOL AND DRUG ABUSE POLICY

A. INTRODUCTION

The City of Wasilla (City) values our employees and recognizes each person's need for a safe and healthy work environment. The City of Wasilla has a strong commitment to the health, safety and welfare of its employees, their families, and our citizens. Widely available statistics and information establish that the incidence of drug and alcohol abuse is increasing and that the effect is devastating to lives, business, and the community at large. Employees who use illegal drugs and abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to greater absenteeism resulting in the potential for increased accidents, costs, and risks. The City of Wasilla is concerned because of the potential for abuse among some of our employees could endanger the safety of other employees and the general public. The City's commitment to maintaining a safe and secure workplace requires a clear policy and supportive programs relating to the detection, and prevention of substance abuse and alcohol misuse by employees.

The violation of this policy, regulations and Federal, State or Local laws may result in severe disciplinary action, up to and including termination, at the City's sole discretion.

B. GOAL

It is the goal of the City of Wasilla to provide a safe workplace by eliminating the hazards to health and job safety created by alcohol and other drug abuse. We believe this goal to be in the best interest of our employees, our citizens and the general public.

C. SCOPE(§382.601(b)(2))

This policy applies to all employees of the City of Wasilla who because of their duties must possess a Commercial Drivers License(CDL). This policy is in effect while on the job and in situations where an employee's off-the-job or off-premises conduct impacts work performance or undermines the public confidence in or harms the reputation of the City of Wasilla. It is also intended to apply to employees of firms doing business with the City of Wasilla while on our premises.

The City of Wasilla recognizes that involvement with alcohol or other drugs of the job eventually takes its toll on job performance. The City's concern is to ensure that employees report to work in a condition to perform their duties safely and efficiently in the interest of their fellow workers and citizens as well as themselves.

The United States Department of Transportation requires certain employees to undergo drug and alcohol testing. The employees who must be tested are those required to have a Commercial Driver's License (CDL),

Who must have a CDL and be tested? Any driver who drives a motor vehicle:

- * With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;
- * With a gross vehicle weight rating of 26,001 or more pounds;
- * Designed to transport 16 or more passengers; or,
- * Of any size that is used to transport hazardous material which require the vehicle to be placarded under the hazardous materials regulations.

D. POLICY STATEMENT(§382.601(a))

The City of Wasilla will not tolerate or condone substance abuse by its employees. It is the policy of the City of Wasilla to maintain a workplace free from alcohol and other drug abuse and its effects. For the purposes of this policy, the workplace includes: City Property, Buildings, Parks and Vehicles. Employees are subject to searches of their personal property located at the workplace.

It is the policy of the City of Wasilla that employees, while at the workplace, shall not engage in the distribution, dispensing, sale, use, possession, storage, transfer or manufacture of illegal drugs or controlled substances. Employees shall not offer to buy or sell such substances; use alcohol during working hours or abuse prescribed drugs.

This policy is not intended to restrict the normal use of medications prescribed by a physician. However, employees must explain to their physician the type of work they are engaged in and ask the physician whether the medication could affect the safe performance of their duties. CDL employees may not use medication containing alcohol while performing safety sensitive functions. Employees are responsible for reporting this information to their supervisor before starting their next shift.

It is the policy of the City of Wasilla to commit the resources necessary to achieve and maintain a drug-free and alcohol-free environment.

E. SAFETY SENSITIVE FUNCTIONS(*FHWA-CDL Drivers*)(§382.601(h)(3))

A driver shall not use alcohol when performing safety-sensitive functions nor perform safety sensitive functions within four hours of using alcohol. Most testing will be done while the driver is performing a safety-sensitive function, just before the driver is to perform a safety sensitive function, or just after the driver has ceased performing such functions.

A driver shall not report for duty or remain on-duty when his or her job requires performing safety-sensitive functions if he or she has been using drugs or has tested positive for drug use.

A driver is performing a safety sensitive function when:

- Waiting at a terminal, facility, or other property to be dispatched, unless the driver has been relieved from duty by the city;
- Performing pre-trip inspections or servicing the motor vehicle;
- Driving the motor vehicle;
- On the vehicle, except when resting in the sleeper berth;
- Loading or unloading the vehicle, supervising the loading or unloading, giving receipts for the load, or remaining in readiness to operate the motor vehicle;
- Performing duties and services at an accident scene; or,
- Repairing, obtaining assistance, or remaining in attendance of a disabled vehicle.

F. PROHIBITED CONDUCT(§382.601(b)(4))

A driver shall not:

- * Report for or remain on duty performing a safety-sensitive function while having a blood alcohol concentration of 0.04 or greater;

Note: Employees who have a BAC between 0.020 and 0.039 must be removed from safety sensitive duties for 8-hours or until a breath the result is below 0.020 (Commercial Motor Vehicle drivers testing in this range must be removed from driving for 24 hours). FRA & FHWA rules do not allow for retesting.

- * Use alcohol while performing safety-sensitive functions;

- * Abuse controlled substances;
- * Be on duty or operate a commercial motor vehicle while possessing alcohol unless the alcohol is manifested and transported as part of the shipment;
- * Perform safety-sensitive functions within four hours of using alcohol,
- * Use alcohol for 8 hours following an accident unless the driver has been given a post-accident test; or
- * Refuse to submit to a required alcohol and/or drug test involving post-accident, random, reasonable suspicion, or follow-up testing.

G. WHEN A DRIVER MUST BE TESTED(§382.601(b)(5) & (6))

The DOT rules are very specific regarding when an employee must submit for a drug and an alcohol test. The drug test will use urine and the alcohol test will use breath.

<u>Type of Test</u>	<u>Alcohol</u>	<u>Drugs</u>
Pre-employment	No	Yes
Random	Yes	Yes
Reasonable Suspicion	Yes	Yes
Post-Accident	Yes	Yes
Return to Duty	Yes*	Yes
Follow-Up**	Yes*	Yes

*if required by a substance abuse professional.

**Required if the test results of the original tests were _ 0.04 BAC

1. PRE-EMPLOYMENT TESTING—Those persons that an employer intends to hire must be tested for drug use, prior to employment. For drug testing, a negative test result must be received before the employee performs safety sensitive duties.

Exception: The city may use a driver who is regularly employed by another motor carrier without having the driver submit to a drug test. This includes trip lease and drivers used under an interchange arrangement.

2. REASONABLE SUSPICION TESTING—Reasonable suspicion means that the city believes that the driver's appearance or conduct are indicative of the use of alcohol and/or drugs. The actions or observations of the driver must occur while the driver is on duty or just preceding the work period. The conduct, appearance, or actions of the driver must be observed by a supervisor or City official. The supervisor or official must have received training in detection of probable alcohol and/or drug use.

In the case of suspected drug use, the driver must be taken immediately to a collection site and a urine sample must be obtained. The Driver will not be assigned to safety sensitive functions until the results of the test are obtained by the City of Wasilla. Drivers who are tested for reasonable suspicion may be suspended without pay until the results of the test are received by the City of Wasilla. If the test comes back as negative the employee may, at the unlimited discretion of the City of Wasilla, be compensated, in whole or in part for the period of suspension.

In the case of suspected alcohol use, the test must be done as soon as possible. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the breath alcohol test on the driver.

The driver's action that causes the employer's supervisor or official to require the test must be documented and signed by the witness within 24 hours after the behavior is noticed.

3. RANDOM TESTING—Random testing ensures that every driver has an equal chance of being tested. Random tests are unannounced.

The regulations provide that a minimum testing rate of 50% is to be used in drug testing. For alcohol testing the random rate is 25%.

The rate for random testing is based on a 1 year period. The unannounced tests should be spread reasonably throughout the year. However, for seasonal employees random selection will necessarily be concentrated during the employment season. There are no requirements as to how often the random test must be conducted. It could be on a daily, weekly, monthly or quarterly basis.

4. POST ACCIDENT TESTING—An employee must supply a urine specimen for drug testing or a breath test for alcohol following certain types of accidents. DOT Agency rules dictate when. For FHWA, if there is a fatality, testing must be done. Also, testing must be done if the accident results in a death or bodily injury to a person who immediately receives medical treatment away from the accident site, or one of the involved vehicles is towed from the scene, and the CDL driver receives a citation under State or local law for a moving traffic violation. Drivers who are tested for post accident will be suspended without pay until the results of the test are received by the City of Wasilla. If the test comes back as negative the employee may, at the unlimited discretion of the City of Wasilla, be compensated, in whole or in part for the period of suspension.

5. RETURN-TO-DUTY AND FOLLOW-UP TESTING—These tests are required when an employee who has violated the prohibited alcohol conduct standards or tested positive for drugs returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following return to duty. The City of Wasilla is under no obligation to keep a driver employed or to rehire a driver who has violated our Alcohol and Drug Abuse Policies. Drivers may be returned to duty or rehired solely at the discretion of the City of Wasilla and only after the driver has complied with DOT requirements at his or her own expense.

H. REFUSAL TO SUBMIT TO A TEST(§382.601(b)(7)(8))

The DOT rules provide that an employee shall not refuse to submit to a post accident test, reasonable suspicion test, random selection test, or follow-up test.

No employer shall permit a driver who refuses to submit to a required test to perform or continue to perform safety-sensitive functions.

In alcohol testing, the refusal to sign the certification in Step 2 on the form is regarded as a refusal to take the test. Not providing an adequate amount of breath may, under certain conditions, be regarded as a refusal to take a test.

In drug testing, failure to provide sufficient urine may constitute a refusal.

Failure to cooperate with the testing process may also be considered a refusal to test.

I. TESTING PROCEDURES(§382.601(b)(6))

1. DRUG TESTING PROCEDURES

The testing program required by the regulations is limited to five drug types:

(1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines, (5) Phencyclidine (PCP).

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require a designated collection site; security for the collection site; chain of custody documentation; use of authorized personnel; privacy during collection; integrity and identity of the specimen; and transportation to the laboratory.

Driver protection is built into the testing procedures. In order to meet the federal requirements the only laboratories that can be used are those that have been certified by the Federal Government. The Substance Abuse and Mental Health Services Administration(SAMHSA) certifies laboratories that have met all of the guidelines established by the Department of Health and Human Services.

After the urine specimen has been collected and forwarded to the laboratory, two tests may be performed. The initial test the immunoassay test. This is a screening test to determine drug usage for the five classes of drugs. The second test is a confirmation test.

The positive levels for the five classes of drug tests are in the table below:

<u>DRUGS</u>	<u>Initial</u> Test Levels (ng/ml)*	<u>Confirmation</u> Test Levels (ng/ml)*
Marijuana	50	15
Cocaine	300	150
Opiates	300	
Morphine		300
Codeine		300
Phencyclidine(PCP)	25	25
Amphetamines	1000	500
Methamphetamine		500

*ng/ml means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.

If the results of the initial test are negative, the testing laboratory will advise the city's Medical Review Officer (MRO) that the drug test for the driver was negative. No additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the test levels for any of the five drug classes, a second (confirmation) test is performed. This test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

Only specimens that are confirmed positive on the second or confirmation test are reported positive to the Medical Review Officer for review and analysis.

A split specimen collection will be done. That is, the urine is divided into two specimen bottles. If the test result of the primary specimen is positive, the employee may request the Medical Review Officer to send the second (or split) specimen to a different certified lab for testing solely at the employee's expense. The testing of the split specimen will be for the presence of drugs with no cut-off levels. If the result of the test of the split specimen is "negative", the MRO shall cancel that test. If you want the split specimen tested, the employee must advise the MRO within 72 hours of being notified of the positive test result of the primary specimen.

The employer needs to keep a record in the driver's file showing the type of test (pre-employment, random, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results.

2. ALCOHOL TESTING PROCEDURES

Alcohol testing is done by testing breath, because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test are displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidential Breath Testing Device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent by weight". It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood, A BAC (blood alcohol concentration) of 0.100 means one tenth of a gram of alcohol per 210 liters of breath. The EBT will print three copies of each test result and the test results are numbered. A test may have two separate parts. The first test is the initial or screening test. If the screening test shows a reading less than 0.02 the test is recorded as "negative". If the screening test result is 0.02 or greater a confirmation test will be done. The alcohol testing will be done in a site that affords privacy to the employees being tested. This site could be a room, van, or a partitioned-off area. Only one breath test will be done at a time. The Breath Alcohol Technician (BAT) giving the test will not leave the testing sight during your test.

The BAT will ask the employee for a picture ID and will also show the employee a like ID, if requested. The technician will explain the testing process to the employee and answer any questions. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the employee is requested to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will read the results of the test and a copy of the printed results will be affixed to the Breath Alcohol Testing Form and copy 2 will be given to the employee. Printed results are not required for the screening test but must be used for the confirmation test.

When the initial test results show a reading of 0.02 BAC or greater, a confirmation test is necessary. Before the confirmation test, a 15 minute waiting period will be observed. The purpose of the 15 minute waiting period is to ensure that the presence of mouth alcohol from recent use of food, alcohol or hygiene product, does not artificially raise the test result. If the confirmation test is done on the same EBT as the first test, the testing procedures will be the same.

When the confirmation result is different from the initial test, the confirmation test results will always be used to determine the consequences for the employee. A breath alcohol testing form will be prepared with copy 2 for the tested employee.

J. CONSEQUENCES OF A POSITIVE TEST (§382.601(9))

CONSEQUENCES FOR DRIVERS WHO TEST 0.04 BAC AND ABOVE

A driver who tests 0.04 or above is subject to discipline up to and including termination and

- Cannot perform a safety-sensitive function,
- Will be made aware of resources for solving alcohol and drug problems,
- Must be evaluated by a substance abuse professional (SAP),
- Comply with treatment recommendations, and
- Must undergo a return to duty drug test with a negative test result.

The positive tested driver will also be subject to unannounced follow-up drug tests for up to 5 years depending on the evaluation of the substance abuse professional.

CONSEQUENCES OF A TEST OVER 0.02 BAC BUT LESS THAN 0.04 BAC

No driver who is found to have a BAC of 0.02 or greater but less than 0.04 shall perform safety sensitive functions until the start of the driver's next scheduled duty period, but not less than 24 hours following the test. A driver who tests between 0.02 and 0.039 twice in one year is subject to discipline up to and including termination.

CONSEQUENCES OF A POSITIVE DRUG TEST

- A driver who tests positive for drugs is subject to discipline up to and including termination and:
 - Cannot perform a safety-sensitive function,
 - Must be evaluated by a substance abuse professional,
 - Comply with treatment recommendations, and
 - Must undergo a return to duty drug test with a negative test result.

The positive tested driver will also be subject to unannounced follow-up drug tests for up to 5 years depending on the evaluation of the substance abuse professional.

K. RELEASE OF INFORMATION

All information concerning individual employee test results are considered confidential and will be held in strict confidence by all the City of Wasilla supervisors and managers. Only those supervisors with a direct need to know will be informed.

Except as provided for in 49 CFR Part 382 and Part 40, the City of Wasilla will not release individual test results or other personal information.

Individual results from drug tests required by this Policy may be released if the individual tested signs a specific authorization for the release of the results to an identified person.

Individuals tested under this policy may receive results of their test.

L. RECORDS AND REPORTS. The City of Wasilla will maintain records and reports required by 49 CFR Part 382 and Part 40 will be kept and reported as required.

M. GENERAL

Employees are encouraged to report unsafe practices and violations of this Policy to management. Employees who fail to report known unsafe practices or violations of this Policy are subject to discipline, including termination. If discipline, testing, examination, or search takes place because of a coworker's report to the City, the City reserves the right to refuse to disclose the identity of the reporting party to the affected employee or their representative.

The Mayor has overall authority to implement this Policy in accordance with DOT rules, CFR 49.

THIS POLICY APPLIES TO ALL CDL DRIVER EMPLOYEES. COMPLIANCE WITH THIS POLICY IS A TERM AND CONDITION OF EMPLOYMENT. EACH EMPLOYEE AGREES TO COMPLY WITH THIS POLICY BY HIS OR HER CONTINUED EMPLOYMENT WITH THE CITY. ACKNOWLEDGMENT OF RECEIPT AND UNDERSTANDING OF THIS POLICY IS A CONDITION OF EMPLOYMENT.

Mayor