

PERSONNEL COMMITTEE AGENDA
Monday, August 12, 2013 – 5:30 p.m.
Lincoln Center – 1519 Water Street

[A quorum of the City Council may attend this meeting]

1. Discussion and possible action on pay plan policy issues.
2. Discussion and possible action on amendment to City Policy 3.02 ~ FMLA section.
3. Discussion and possible action on the City Assessor's Office and re-filling the Assessor position.
4. Discussion and possible action on guidelines relating to Domestic Partnership Coverage on the City's High Deductible Health Plan.
5. Discussion and possible action on amendments to Transit employee random testing policy.
6. Adjournment.

Any person who has special needs while attending this meeting or needs agenda materials for this meeting should contact the City Clerk as soon as possible to ensure a reasonable accommodation can be made. The City Clerk can be reached by telephone at (715) 346-1569, TDD # 346-1556, or by mail at 1515 Strongs Avenue, Stevens Point, WI 54481.

Copies of the ordinances, resolutions, reports and minutes of the committee meetings are on file at the office of the City Clerk for inspection during normal business hours from 7:30 AM to 4:00 PM.

July 30, 2013

MEMORANDUM

TO: Personnel Committee Members

FROM: Lisa Jakusz, City Personnel

RE: August, 2013 Personnel Agenda

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1. Charlie Carlson from Carlson Dettman will be reviewing pay study parameters with the committee.
 2. Amendments to the portion of this City policy relating to Family Medical Leave is being presented due to revised regulations from the US Department of Labor pertaining to the federal Family Medical Leave Act. These revised regulations primarily clarified and expanded upon the changes to the FMLA's military-related family leave that resulted from the enactment of the 2010 National Defense Authorization Act. These amendments have been reviewed by the City Attorney and Mayor.
 3. Included in the packet is a handout referencing current budget for the Assessor position and information regarding how other communities handle the contracted service for assessor.
 4. As a follow up to the July, 2013 Personnel Committee meeting, enclosed in the packet are the updated documents relating to health coverage under the high deductible health plan for domestic partners.

5. Enclosed is the drug/alcohol testing policy for member of our Transit Division. Modifications were made to the testing policy to ensure compliance.

*******FAMILY AND MEDICAL LEAVE ACT*******

Child rearing, family illness, employee medical leave, and military call-to-duty and military caregiver leave are available to employees as specified below. The intent of this policy is to comply with both the Wisconsin and Federal Family and Medical Leave Acts. Should this policy conflict in any way with the applicable federal and state statutes or regulations, the statutes, or regulations shall control.

Eligibility

Federal ~ To be eligible for the federal leave defined below, the employee must have worked for the City for twelve (12) months and worked at least one thousand two hundred fifty (1,250) hours in the last twelve (12) month period.

Wisconsin ~ Employees who have been employed by the City for one (1) year and who have worked one thousand (1,000) hours during the preceding fifty two (52) weeks are eligible for the leaves provided under Wisconsin law.

Length of Leave

The Federal Family and Medical Leave Law provides a total of twelve (12) weeks of family and medical leave for various purposes described below in a calendar year and an additional fourteen (14) weeks of military caregiver leave as described below.

Wisconsin law provides six (6) weeks of child-rearing leave, two (2) weeks of family illness leave, and two (2) weeks of employee medical leave in a calendar year.

Wisconsin, Federal, and City leave provided for the same purposes run concurrently; that is, they are not “stacked”.

The City administers such leave on a calendar year basis.

<u>TYPE</u>	<u>ELIGIBILITY</u>	<u>MAXIMUM DURATION FOR STATE LEAVE</u>	<u>MAXIMUM DURATION FOR FEDERAL LEAVE</u>
Personal serious health condition; inpatient hospitalization or chronic condition	Unable to work because of serious health condition	Up to two (2) weeks per calendar year	Up to twelve (12) weeks per calendar year
Birth, adoption, foster care	Birth of a child, placement of child for adoption or as pre-condition to adoption, or foster care placement	Up to six (6) weeks per calendar year provided the leave begins within 16 weeks of the birth of the child	Up to twelve (12) weeks per rolling 12-month period to be concluded within twelve months of birth or placement of the child

Family serious health condition, inpatient hospitalization or chronic condition	Necessary to care for spouse, child, parent, parent-in-law or parent of domestic partner (W/ FMLA only) with serious health condition	Up to two (2) weeks per calendar year Also covers care for qualifying domestic partners	Up to twelve (12) weeks per rolling 12-month period
Leave to care for a seriously ill or injured military service member <u>or covered veteran</u> who is a spouse, son or daughter, parent, or next of kin.	Spouse, son, daughter, parent, or next of kin service member has been injured on active duty, and service member is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list for a serious injury or illness.	None	Up to twenty-six (26) weeks per rolling 12-month period going forward, per service member, per injury.
“Qualifying exigency” leave due to employee’s spouse, son, daughter or parent being on or called up for active duty in the Armed Forces.	Short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities where the employer and employee agree to the leave.	None	Up to twelve (12) weeks per rolling 12-month period <u>which includes up to maximum of fifteen (15) calendar days for rest and recuperation.</u>

Definitions

“Child”

A child includes not only your biological, adopted, or foster child, but also a step child, legal ward, or child for whom you have day-to-day responsibilities to provide care and financial support. If older than age 18, the child must be incapable of self-care at the time leave is to commence because of a “physical or mental disability.” A “physical or mental disability” is a physical or mental impairment that substantially limits one or more of an individual’s major life activities.

For purposes of the Wisconsin FMLA, however, a child over 18 must be incapable of self-care because of a serious health condition (defined below).

“Spouse”

Is limited to your husband or wife and does not include an unmarried domestic partner. The Wisconsin FMLA also covers qualifying domestic partners for certain types of leaves.

“Domestic partner”

Under the Wisconsin FMLA, means either: (1) a same-sex partner registered with the Register of Deeds in your county of residence or (2) a same-sex or opposite-sex partner who is not registered but the following criteria are met: (a) both partners are at least 18 years old and able to consent to

a domestic partnership, (b) neither individual in the domestic partnership is married to or in a domestic partnership with another individual, (c) the partners share a residence, (d) the partners are not related by blood in any way that would prohibit marriage under Wisconsin law, (e) the partners consider themselves members of each other’s immediate family, and (f) the partners agree to be responsible for each other’s basic living requirements.

“Parent”

A parent includes your biological parents or another individual who provided day-to-day care and financial support during your own childhood.

Your parent-in-law or parent of your domestic partner is not considered a parent for purposes of the federal FMLA but is considered a parent for purposes of the Wisconsin FMLA.

“Serious health condition”

For the purposes of Wisconsin FMLA leave, a “serious health condition” is a disabling physical or mental illness, injury, impairment or condition involving either:

Inpatient care in a hospital, nursing home, or hospice; or

Outpatient care that requires continuing treatment or supervision by a health care provider.

For the purposes of the Federal FMLA leave, a "serious health condition" is considered to be an illness, injury, impairment, or physical or mental condition involving either:

“Inpatient care” which is an overnight stay in a hospital, hospice, or residential medical facility, including any period of incapacity or subsequent treatment in connection with or consequent to such inpatient care; or

“Continuing treatment by a health care provider” which includes any of the following:

Incapacity and Treatment: A period of incapacity – inability to work, attend

school, or perform other regular daily activities due to a serious health condition – of more than three full consecutive calendar days, that also involves:

Treatment two or more times within 30 days of the first day of incapacity, by a health care provider or by another health care ~~provider~~ professional under orders of, or on referral by, a health care provider; or

Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

NOTE: “Treatment” must be an in-person visit to a health care provider for examination, evaluation or specific treatment. Whether additional treatment or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

“Pregnancy”

Any period of incapacity due to pregnancy, or for prenatal care.

Chronic Conditions Requiring Treatment: Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

Requires periodic visits (at least twice a year) for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

Continues over an extended period of time (including recurring episodes of a single underlying condition);

May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)

Permanent/Long-Term Conditions Requiring Supervision: A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, severe strokes, or the terminal stages of a disease.

Multiple Treatments (Non-Chronic Conditions): Any period of absence to receive multiple treatments (including any period of recovery) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy), kidney disease (dialysis).

“Health care provider”

Includes a physician, dentist, clinical psychologist, podiatrist, chiropractor, a nurse practitioner, physician assistant, a nurse mid-wife, a clinical social worker, and certain other health care professionals.

“To care for”

A child, spouse, domestic partner (under Wisconsin FMLA only), or parent with a serious health condition is defined as caring for a family member's physical and psychological needs, which may encompass basic medical, hygienic, nutritional needs, or safety.

“Week” of Leave

When leave is taken as a continuous block, one “week” of leave means seven consecutive calendar days of leave.

For the purposes of Wisconsin FMLA, when leave is taken intermittently or partially, one “week” of leave is five calendar days of leave which would otherwise be workdays for the requesting employee.

To determine the amount of Federal FMLA leave to which an employee is entitled, the City uses a rolling 12-month period, measured backward from the date an employee uses FMLA leave. Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks (04 26 weeks for military caregiver leave) which has not been used during the immediately preceding 12 months.

Pursuant to Wisconsin law, entitlement to State FMLA will be calculated based on the calendar year.

Federal and State Family Medical Leave run concurrently, not consecutively.

Substitution: An employee may elect to substitute accrued paid sick or other accrued leave for any Wisconsin FMLA leave, but will not be required to substitute such paid leave. After the Wisconsin leave has expired, and during any remaining Federal FMLA leave, the employee may choose or the City may require that any accrued paid vacation, sick, personal holiday, or compensatory time leave be substituted for part or all of the remaining FMLA leave, provided the leave otherwise qualifies under the City's applicable paid leave policy.

Requesting and Scheduling Leave

- A. Except in situations where the employee is unable to provide a written request because of the need for emergency health care, the employee is to provide the City with a written application for family or medical leave prior to the requested commencement of the leave on the “FMLA Request Form,” available from the Human Resources Manager.

- B. In cases where the need for the leave is foreseeable, the request is to be made at least 30 days prior to the anticipated leave. If the employee gives less than 30 days notice of the need for leave, the City may require the employee to explain why it was not practicable to give the 30 days notice. In cases where the need for the leave does not become known more than 30 days in advance, the request shall also indicate the date that the employee is expected to return to work.

In cases of emergency, verbal notice of the need for leave should be given as soon as possible, but in all cases in accordance with the City's call in policy for absences. **Calling in sick, without providing additional information is not sufficient notice of the need for Federal FMLA leave.**

- C. The City requests that the employee provide notification if they intend to substitute paid leave and what type of accrued benefit the employee intends to substitute as provided under the law.
- D. The employee is to advise the supervisor if his or her return date changes. The employee who does not return from FMLA leave at the designated time will be considered to have voluntarily terminated unless the employee was unable, due to a health care emergency, to notify the employer.

E. If an employee has been out for three or more days in a row, or if the City has information that the employee is out for an FMLA-qualifying reason but has not requested FMLA leave, the City may require the employee to complete an FMLA Request Form and Medical Certification so the leave will be properly designated. The City may also retroactively designate FMLA leave when it later learns that certain leave was FMLA qualifying.

Intermittent or Partial Leave

- A. When medically necessary, an employee may take leave to care for a parent, spouse, domestic partner and parent-in-law (under Wisconsin FMLA only), or dependent child with a serious health condition or their own illness or for certain military-related leaves as an intermittent or as a partial absence from employment in increments of no less than one (1) hour.
- B. If the leave is for planned medical treatment, the employee is expected to schedule the intermittent or partial absence so it does not unduly disrupt the City's operations. To comply with this requirement, an employee must provide the City, in writing, with the employee's proposed schedule of partial absences with reasonable promptness after the employee learns of the probable necessity of such leave.
- C. During Wisconsin FMLA leave, an employee may take child rearing leave as an intermittent or as a partial absence from employment in increments of no less than one (1) hour. An employee who does so shall schedule the intermittent or partial

absence so it does not unduly disrupt the City's operations. To comply with this requirement, an employee is to provide the City, in writing, with the employee's proposed schedule of intermittent or partial absences no less than 30 days before the schedule of absences is to commence. The schedule must be of a sufficient definiteness that the City is able to schedule replacement employees, if necessary, to cover the absences. Partial or intermittent leave must commence within sixteen (16) weeks prior to the birth and end no later than sixteen (16) weeks following the birth, adoption, or foster placement of a child.

- D. Where intermittent leave or reduced work schedules are requested under Federal FMLA benefit, that is foreseeable, the City may temporarily transfer the employee to an available equivalent position if the employee is qualified and the position better accommodates recurring leave.

Medical Certification

- A. If an employee requests a family illness leave, military care giver leave, or employee medical leave under this policy, the employee must obtain a Medical Certification Form from the Human Resource Manager. This form must be completed by the employee and the health care provider treating the family member or employee. This certification should be returned to the City within 15 calendar days. In the case of unforeseen leave, the certification should be furnished as soon as practical. When an employee fails to provide certification within 15 days of the City's request, the City may delay the start of FMLA leave, or, in the case of unforeseeable leave, if the employee fails to provide certification, the City may delay the continuation of the employee's leave.
- B. If an employee never produces the required certification, the leave is not FMLA leave. This means that if an employee fails to produce certification, no FMLA job protection applies to that employee.
- C. The City may request a second health care provider opinion at the City's expense.

Insurance and Benefits

While an employee is on a FMLA leave:

1. The City will maintain group health insurance coverage under the conditions that applied before the leave began. If, prior to the leave, the employee was required to participate in the premium payments, the employee on leave is required to continue with his/her share of the premiums. The City's obligation to maintain health benefits will stop if and when an employee informs the City of an intent not to return to work at the end of the leave period, if the employee fails to return to work when leave entitlement is used up, or if the employee fails to make any required payments while on leave.

2. Employees have a 30 day period for payment of the employee's share of any premium to maintain group health coverage during FMLA leave. If the employee fails to pay, coverage will be dropped. The City must mail a written notice at least 15 days in advance of the date coverage is to cease, advising that coverage will be dropped on a specified date.
3. The City generally has the right to collect from an employee the health insurance premiums the City paid during a period of unpaid leave if the employee does not return to work after the leave entitlement has been exhausted or expired. An employee must return to work for at least 30 calendar days in order to be considered to have "returned" to work. The employee's liability to repay health insurance premiums does not apply if failure to return to work is due to a serious health condition or specific circumstances beyond the control of the employee, as defined in the Federal FMLA.
4. The employee will continue to earn accrued benefits during the period that City paid leave is substituted.

Return from Leave

- A. An employee returning from employee medical leave may be required to obtain medical certification from the health care provider that she/he is able to resume work.
- B. An employee returning from leave as provided under this policy can return to his or her old position if vacant at the time the employee returns to work. If the position is no longer vacant, the employee shall be offered an equivalent position with virtually identical pay, benefits, and working conditions, and the same or substantially similar duties and responsibilities unless the employee would have been terminated during the statutory leave for a legitimate business reason.
- C. Upon reasonable notice to the City, an employee may return to work prior to the scheduled end of his or her leave. An employee shall be returned to his or her old position or an equivalent position within a reasonable time after the request to return to work early is made.
- D. Unable to Return to Work: If following the expiration of an employee's FMLA leave entitlement, the employee remains unable to perform an essential function of the position, the employee has no right under the FMLA to restoration to the original position or another position and the person's FMLA rights end with the expiration of the FMLA leave period. The employee should contact the City to discuss the availability of any further leave to be determined on a case-by-case basis based on the employee's medical condition and any rights under ~~the~~ other laws or policies.

Procedures and Forms

- A. When an employee requests leave under the Wisconsin or Federal Laws, the employee will be provided with the following (1) employee written request form; (2) an eligibility and notification of rights form setting forth the employee's obligations and the City's expectations while the employee is on leave; and, if applicable, (3) a physician's certification form and definition of serious health condition.
- B. Upon gaining sufficient information to determine if the leave in question qualifies as FMLA leave, the City will furnish the Employee with a Designation Notice specifying the amount of leave designated as FMLA leave.
- C. Employees who have any questions in regard to this policy or their rights under the Wisconsin and Federal Family and Medical Leave Law should contact the Human Resources Manager.

ASSESSOR FUNCTION OTHER COMMUNITIES

Community

How Function is Handled

Ashland

Ashland contracts for assessment services with Bomar Appraisal out of Eau Claire.

On an annual basis, they pay \$22,100 for 4,520 parcels and personal property accounts.

The County tax lister and property description office interacts regularly with the contracted assessor. Some interactions occur between the assessor and Ashland's GIS technician on property descriptions. The assessor supports the GIS tech more than the City supports the assessor. The only real support provided by the City is board of review and open book. They are satisfied with the service.

Beloit

they have contracted with the former city assessor who left and formed his own firm about 3 years ago (Dan McHugh). The annual cost is \$24,000 and does not include annual market adjustments just sales and new construction as well as certification of all the required DOR reports and filings.

Beloit maintains 2 full time employees that assist with maintaining the property data base for sales, transfers, building permits, personal property, etc.

This structure seems to have worked for us. A number of cities are now contracting for some if not all of these services rather than having full time staff. I believe the DOR effort a few years ago to centralize assessment services had some merit. It should have continued under the Walker administration as a means of reducing costs.

Manitowoc

The City of Manitowoc has one full time Assessor and also contracts with Tyler Technologies to help support in-house staff.

Marshfield

Currently has in-house Assessor; is considering contract services as part of current staffing study. No decision has been made at this point.

Menasha

All Assessor services are contracted out for approximately 6 years with Associated. Have not had any concerns.

They are onsite Tues 8-12 and Thurs 12-4. There is someone onsite during other times (doing prep for open book) and will assist customers. Otherwise customers can call or stop at their location.

The annual cost is \$59,900 (payable monthly). We also pay \$59.76/month for provider to do the internet posting.

Fond du Lac

All Assessor services are contracted out with Grota and Associates. Two former Assessor Office employees now work there. City furnishes office space including desks, tables, file cabinets, heating , lighting, telephone and janitorial services. We do not include office machinery, equipment and computers. City rents them 4 computers and 2 printers for \$1,225 per quarter. Also changes back for toner, office supplies and paper.

Require the Assessor and his/her designee to maintain regular office hours in the building from 7:45 am to 4:30 pm Monday through Friday. If one is out of the office for appointments, etc. the other is in the office to answer phones and handle walk in customers. They do have planned additional hours after

assessment notices go out, during open book, and prior to the Board of Review.

COST: 2013-\$230,000
2014-\$250,000
2015-\$252,000
2016-\$254,000

Platteville

Platteville uses Accurate Assessor for assessing services. They pay approximately \$14,500 and are not providing support staff. This is the first year we are using Accurate Assessor so they cannot give a proper evaluation at this time.

Wisconsin Rapids

They have a mix; they contract out for Assessor with Forward Appraisal; their Assessment Tech reports to the contracted Assessor. Have had a contract arrangement for two years and is working well. No specific amount of office hours are required; this is coordinated between contractor and City staff person. Current contract cost is \$48,000. Additional \$5,000 has been approved due to reval process.

NOTE: The 2013 budget for the Assessor position (wages/fringes) is \$111,316.

Domestic Partner Health Care Benefit Information Bulletin

Policy. The City of Stevens Point (the “City”) has elected to offer Employees the ability to insure their Domestic Partners under the health care insurance plan sponsored by the City.

Eligibility. To be eligible for coverage as a Domestic Partner, the Employee and the Domestic Partner must meet the requirements listed on the “Affidavit of Domestic Partnership.” (See attached.) The Employee must meet the requirements for enrollment in the City’s health plan.

Enrollment. In order to insure a Domestic Partner, the Employee must enroll that individual with the Personnel Office by completing the Affidavit for Domestic Partnership form that is attached to this document. This Affidavit needs to be filed only once. It is the Employee’s responsibility to notify the City’s Personnel Office if a Domestic Partner relationship ends. A new Affidavit would have to be filed if another relationship comes into existence in the future and the Employee could enroll their Domestic Partner subject to a Waiting Period as described below.

Preexisting Conditions. Partners seeking health care coverage under the Domestic Partner program must meet the requirements regarding preexisting conditions and certificates of prior coverage listed in the City’s health plan.

Plan Selection and Premium. When a Domestic Partner is registered for insurance, the Employee will be required to pay a family premium for the insurance coverage. The City contribution to the premium shall be the same as the City contribution for employee family coverage for married couples. Employees whose registered Domestic Partner also works for the City must select either one family plan or two single health insurance plans.

Children. Children of either the Employee or his or her Domestic Partner may be insured under any of the health care options, provided they meet the eligibility and enrollment guidelines. If both employees have children, they can each carry a separate family plan but cannot be covered under each other’s family plan.

Date Benefits Become Effective. During the initial implementation, enrollment for insurance will be effective the first of the month following 30 days after the date your affidavit is received and accepted by the Personnel Department. This is the normal time frame for enrollment – (Late enrollments will be subject to the rules for late application that may apply).

Notifications of Changes. The Employee must notify the City’s Personnel Office of any change in the circumstances which have been attested to in the documents qualifying a person for coverage as a Domestic Partner. The employee must notify the Personnel Department as soon as possible, but within 30 days if the domestic partnership is no longer in effect.

Liability for False Statements. If the City suffers a loss because of a false statement contained in the documents submitted in connection with coverage for a Domestic Partner or as a consequence of the failure to notify the Personnel Office of a changed circumstance, the City will be entitled to recover reasonable attorney fees in addition to damages for all such losses.

Termination/Waiting Period. The employees must file a statement with the Personnel Office indicating the relationship has ended within 30 days thereafter. A copy of the termination will be mailed to the other partner unless both parties have signed the termination statement. Following the termination of Domestic Partnership, a twelve (12) month period must elapse before an Employee is eligible to designate a new Domestic Partner. The new Domestic Partner is not eligible for inclusion in the City's health care program until the first of the month following the twelve month waiting period.

Checklist for Domestic Partnership Benefit Registration:

- 1. Complete and submit the Affidavit of Domestic Partnership. You and your partner must meet the qualifications listed in the Affidavit and attest to the same. Filing an Affidavit containing false information may result in denial of Domestic Partnership benefits and possible prosecution.
- 2. Complete and submit the Memorandum of Release and Agreement to Hold Harmless the City of Stevens Point.
- 3. For employees seeking health care coverage for a dependent child or children of a Domestic Partner, complete and submit a Dependent Child/Children of a Domestic Partner form.
- 4. Receive and review the attached Domestic Partner Health Care Benefit Information Bulletin.
- 5. Receive and review the Domestic Partner Tax Implications Bulletin.
- 6. Receive and review the Termination of Domestic Partnership form.

Dependent Child/Children of a Domestic Partner

I, the Domestic Partner **named in the attached Affidavit of Domestic Partnership**, certify that the following individuals *are eligible, dependent children* as defined in the health benefit plan sponsored by my partner’s Employer:

Name	Date of Birth	Social Security Number

Domestic Partner Signature

Date

Dependent children must meet all of the plan requirements at the time of enrollment (see City’s Summary Plan Description for full details).

“Child(ren)” A *dependent child* until the *child* reaches his or her 26th birthday. The term *child* includes the following *dependents* who meet eligibility criteria listed below:

- An *employee’s child* who is under the age of 26;
- An *employee’s child* who is a full-time student, if the child was called to federal active duty in the National Guard or in a reserve component of the US armed forces while the *child* was under 26 years of age when attending, on a full-time basis, an institution of higher learning. To qualify, the *child* must apply to an institution of higher education as a full-time student within 12 months from the date the *child* fulfilled his or her active duty obligation;
- An *employee’s child* who was continuously covered prior to attaining the limiting age above, who is mentally or physically disabled, unable to sustain his own living, and is still primarily *dependent* upon the employee for support. Such *child* must have been mentally or physically disabled prior to attaining the limited age under the second and third bullets. You must furnish satisfactory proof to the *Plan Supervisor* that the above conditions continuously exist on and after the date the limiting age is reached. The Plan may require, at reasonable intervals, subsequent proof satisfactory to the *Plan* during the next two years after such date. After such two-year period, the *Plan* may require such proof, but not more often than once each year;
- The *employee’s* own blood descendant of the first degree or lawfully adopted *child*, any *stepchild* residing with the *employee*, a *child* placed with the *employee* in

anticipation of adoption, a *child* who is an alternate recipient under a QMCSO as required by the federal Omnibus Budget Reconciliation Act of 1993, or any other *child* for whom the *employee* has obtained legal guardianship and who resides with and who is *dependent* upon the *employee* in a regular parent-*child* relationship. A grandchild as long as the *employee's* covered *dependent* is the parent of the grandchild. Coverage for the grandchild will end when the *employee's* covered *dependent* (parent of *child*) turns age 18. The child is not married and either under 19 years of age or a full-time student;

- If a *child* is born to an *employee's* covered dependent, that grandchild of the employee is an eligible *dependent* until the earlier of the date the *employee's* covered *dependent* (who is the parent of the grandchild) reaches age 18 or otherwise no longer an eligible *dependent* under the plan.

Affidavit of Domestic Partnership

We, _____, and _____
Name of Employee, please print Name of Domestic Partner, please print

Certify that:

1. The effective date of this Domestic Partnership is _____ and that this
Date
Domestic Partnership has been in existence for a period of twelve (12) consecutive months prior to our signature of this Affidavit.
2. We share the common necessities of life.
3. We are not legally married to anyone else.
4. We are at least eighteen (18) years of age or older.
5. We are not related by blood closer than would bar marriage in the State of Wisconsin and are mentally competent to consent to contract.
6. We are each other's sole Domestic Partner and intend to remain so indefinitely and are responsible for our common welfare.
7. We do not have access to other **family** coverage sponsored by an employer or government-provided medical coverage.
8. We understand that Domestic Partners are subject to the same window period governing all other Employees who are covered by or applying for benefit plan coverage. Any children, new Employees, adoptions, new marriages, and Domestic Partnerships are all subject to a thirty (30) day limit on the enrollment period beginning on the date of the event.
9. We agree to notify the City of Stevens Point Personnel Office if there is any change of the circumstances attested to in this Affidavit within thirty (30) days of such change by filing a statement confirming such changes. The written statement confirming such changes shall be provided to the Personnel Office and shall affirm that a copy of the statement has been mailed to the other domestic partner.
10. We agree to notify the City of Stevens Point Personnel Office in the event of termination of this Domestic Partnership within thirty (30) days following such termination by filing a Termination of Domestic Partnership form (see attached). Such form shall be provided to the Personnel Office and shall affirm that a copy of the Termination form has been mailed to the other domestic partner.
11. In the event of a termination of this Domestic Partnership, I _____
Name of Employee, please print
understand that another Affidavit of Domestic Partnership cannot be filed until twelve (12) months after a Termination of Domestic Partnership has been filed with the City of Stevens Point.

Domestic Partner Tax Implications Bulletin

The City cannot provide Tax advice, but wants you to be aware of the following. Your choice to cover your domestic partner under the Stevens Point high deductible health plan, does result in Income Tax as well as FICA and Medicare Tax implications if your partner does not qualify as a legal dependent. The employee shall pay all taxes applicable on benefits provided to employee's DP. These tax implications are outside of the control of the City of Stevens Point.

A. If your domestic partner is not your dependent as defined by the Internal Revenue Code, then City of Stevens Point must:

1. Deduct your employee contribution for your domestic partner's insurance benefits from your pay on an After-Tax basis.
2. Include the City's contribution for your domestic partner's insurance benefits as taxable income to you for state and federal income taxes, and as taxable wages to you for Social Security taxes.

Note: City of Stevens Point will withhold state and federal income taxes, and FICA and Medicare taxes on this contribution. If you need additional income tax withholding to cover your added tax burden, you may complete a new W-4 withholding form, which is available on the City Employee website or from the Finance Department. See your tax consultant for tax advice.

B. Section 152(d) of the Internal Revenue Code states that, a "dependent" may include any individual (other than the employee's spouse) who receives over half of his/her support for the calendar year from the employee, and whose principal place of abode for the year is the employee's home, and who is a member of the employee's immediate household. If you believe your domestic partner is a "dependent" under this definition, you must notify the Personnel and Finance Departments in writing and provide supporting documentation after applying for insurance in order to avoid the tax implications described above.

C. Specifically, domestic partner insurances will result in taxable income for 2013 as follows*:

Income to you:

Family Health less Single Health Insurance premium = \$ 1,224.00/mo
(2,022.00 - 798.00)

Additional Annual Taxable Income: \$14,688.00

(*The amounts would be prorated based on the number of months your domestic partner is covered under your plan)

Insurance premiums paid through the Section 125 plan with pre tax dollars cannot include amounts for domestic partner benefits. Employees cannot

include or pay for any domestic partner benefits from Sec 125 accounts (FSA accounts) per IRS regulations. **In addition, per IRS regulations, you cannot use your Health Savings Account to pay for the health expenses of your domestic partner.** Your domestic partner can open his/her own HSA, but your HSA and your domestic partner's HSA need to be kept separate.

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4 **DRUG AND ALCOHOL TESTING POLICY**
5 **CITY OF STEVENS POINT**
6 **Adopted April 16, 2012**
7

8
9 **A. PURPOSE**

10
11 The City of Stevens Point provides both public fixed route transit and para-transit
12 services for the residents of the City of Stevens Point, and the Village of Whiting and
13 Crossroad Commons in Plover. Part of our mission is to ensure that this service is
14 delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work
15 environment, and to ensure that the workplace remains free from the effects of drugs
16 and alcohol in order to promote the health and safety of employees and the general
17 public. In keeping with this mission, the City of Stevens Point declares that the unlawful
18 manufacture, distribution, dispense, possession, or use of controlled substances or
19 misuse of alcohol is prohibited for all employees.
20

21 Additionally, the purpose of this policy is to establish guidelines to maintain a
22 drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of
23 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is
24 intended to comply with all applicable Federal regulations governing workplace anti-
25 drug and alcohol programs in the transit industry. Specifically, the Federal Transit
26 Administration (FTA) of the U.S. Department of Transportation has published 49 CFR
27 Part 655, as amended, that mandate urine drug testing and breath alcohol testing for
28 safety-sensitive positions, and prohibit performance of safety-sensitive functions when
29 there is a positive test result. The U. S. Department of Transportation (USDOT) has
30 also published 49 CFR Part 40, as amended, that sets standards for the collection and
31 testing of urine and breath specimens.
32

33 Any provisions set forth in this policy that are included under the sole authority of
34 the City of Stevens Point and are not provided under the authority of the above named
35 Federal regulations are underlined.
36

37 **B. APPLICABILITY**

38
39 This Drug and Alcohol Testing Policy applies to all safety-sensitive employees
40 (full- or part-time) when performing any transit-related business. A safety-sensitive
41 function is any duty related to the safe operation of mass transit service including the
42 operation of a revenue service vehicle (whether or not the vehicle is in revenue service),
43 maintenance of a revenue service vehicle or equipment used in revenue service,
44 security personnel who carry firearms, dispatchers or person controlling the movement
45 of revenue service vehicles and any other transit employee who is required to hold a

46 Commercial Drivers License (revenue or non-revenue vehicle operation). Maintenance
47 functions include the repair, overhaul, and rebuild of engines, vehicles and/or
48 equipment. A list of safety-sensitive positions who perform one or more of the above
49 mentioned duties are provided in Attachment A. Supervisors are only safety sensitive if
50 they perform one of the above functions.

51

52 C. DEFINITIONS

53

54 *Accident* means an occurrence associated with the operation of a revenue
55 service vehicle even when not in revenue service in revenue service or which requires a
56 Commercial Drivers License to operate, if as a result--

57

- 58 (1) An individual dies;
- 59 (2) An individual suffers a bodily injury and immediately receives medical
60 treatment away from the scene of the accident; or,
- 61 (3) One or more vehicles incur disabling damage as the result of the
62 occurrence and is transported away from the scene by a tow truck or other
63 vehicle. For purposes of this definition, *disabling damage* means damage,
64 which precludes departure of any vehicle from the scene of the
65 occurrence in its usual manner in daylight after simple repairs. Disabling
66 damage includes damage to vehicles that could have been operated but
67 would have been further damaged if so operated, but does not include
68 damage which can be remedied temporarily at the scene of the
69 occurrence without special tools or parts, tire disablement without other
70 damage even if no spare tire is available, or damage to headlights,
71 taillights, turn signals, horn, mirrors or windshield wipers that makes them
72 inoperative.

73

74 *Adulterated specimen* A specimen that contains a substance that is not
75 expected to be present in human urine, or contains a substance expected to be present
76 but is at a concentration so high that it is not consistent with human urine.

77

78 *Alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other
79 low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy,
80 food, preparation or medication.

81

82 *Alcohol Concentration* is expressed in terms of grams of alcohol per 210 liters of
83 breath as measured by an evidential breath testing device.

84

85 *Canceled Test* is a drug test that has been declared invalid by a Medical Review
86 Officer. A canceled test is neither positive nor negative.

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Covered Employee means an employee who performs a safety-sensitive function including an applicant or transferee whom will be hired to perform a safety-sensitive function (See Attachment A for a list of covered employees), and other employees, applicants, or transferee that will not perform a safety-sensitive function.

Dilute specimen. A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage means damage, which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage, which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Medical Review Officer (MRO) means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative test result for a drug test means a verified presence of the identified drug or its metabolite below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative test result is a test result found to be adulterated, substitute, invalid, or positive for drug/drug metabolites. Non-negative results are considered a positive test or refusal to test if MRO cannot determine legitimate medical explanation.

Performing (a safety-sensitive function) means a covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive test result for a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater.

130 *Prohibited drug* means marijuana, cocaine, opiates, **MDMA**
131 **(Methylenedioxyamphetamine)**, amphetamines, or phencyclidine at levels above
132 the minimum thresholds specified in 49 CFR Part 40, as amended.

133
134 *Revenue Service Vehicles* include all transit vehicles that are used for passenger
135 transportation service or that require a CDL to operate.

136
137 *Safety-sensitive functions* include (a) the operation of a transit revenue service
138 vehicle even when the vehicle is not in revenue service; (b) the operation of a non-
139 revenue service vehicle by an employee or volunteer when the operation of such a
140 vehicle requires the driver to hold a Commercial Drivers License (CDL); (c) maintaining
141 a revenue service vehicle or equipment used in revenue service; (d) dispatchers and (e)
142 carrying a firearm for security purposes.

143
144 *Substance Abuse Professional (SAP)* means a licensed physician (medical
145 doctor or doctor of osteopathy) or licensed or certified psychologist, social worker,
146 employee assistance professional, or addiction counselor (certified by the National
147 Association of Alcoholism and Drug Abuse Counselors Certification Commission or by
148 the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse)
149 with knowledge of and clinical experience in the diagnosis and treatment of drug and
150 alcohol related disorders.

151
152 *Substituted specimen.* A specimen with creatinine and specific gravity values that
153 are so diminished that they are not consistent with human urine.

154
155 *Test Refusal* The following are considered a refusal to test if the employee:

- 156 • Fails to appear for any test within a reasonable time, as determined by the
157 employer, after being directed to do so by the employer;
- 158 • Fails to remain at the testing site until the testing process is complete;
- 159 • Fails to sign the certification at Step 2 of the Alcohol Testing Form;
- 160 • Fails to provide a urine specimen for any drug test required by Part 40 or DOT
161 agency regulations;
- 162 • Fails to provide a sufficient amount of urine when directed, and it has been
163 determined, through a required medical evaluation, that there was no adequate
164 medical explanation for the failure;
- 165 • Fails or declines to take a second test the employer or collector has directed you
166 to take;
- 167 • Fails to undergo a medical examination or evaluation, as directed by the MRO as
168 part of the verification process, or as directed by the DER as part of the "shy
169 bladder" procedures;
- 170 • Fails to cooperate with any part of the testing process (e.g., refuse to empty
171 pockets when so directed by the collector, behave in a confrontational way that
172 disrupts the collection process).
- 173 • If the MRO reports that there is verified adulterated or substituted test result,
- 174 • In the case of a directly observed or monitored collection in a drug test, fails to

175 permit the observation or monitoring of your provision of a specimen

- 176 ■ Possesses or wears a prosthetic or other device that could be used to interfere
- 177 with the collection process; and
- 178 ■ Admits to the collector or MRO that you adulterated or substituted the specimen.

179
180 *Verified negative test* means a drug test result reviewed by a medical review
181 officer and determined to have no evidence of prohibited drug use above the minimum
182 cutoff levels established by the Department of Health and Human Services (DHHS).

183
184 *Verified positive test* means a drug test result reviewed by a medical review
185 officer and determined to have evidence of prohibited drug use above the minimum
186 cutoff levels specified in 49 CFR Part 40 as revised.

187
188 *Validity testing* is the evaluation of the specimen to determine if it is consistent
189 with normal human urine. The purpose of validity testing is to determine whether certain
190 adulterants or foreign substances were added to the urine, if the urine was diluted, or if
191 the specimen was substituted.

192 193 194 D. EDUCATION AND TRAINING

195
196 Every covered employee will receive a copy of this policy and will have ready
197 access to the corresponding federal regulations including 49 CFR Parts 655 and 40. In
198 addition, all covered employees will undergo a minimum of 60 minutes of training on the
199 signs and symptoms of drug use including the effects and consequences of drug use on
200 personal health, safety, and the work environment. The training also includes
201 manifestations and behavioral cues that may indicate prohibited drug use.

202 All supervisory personnel or company officials who are in a position to determine
203 employee fitness for duty will receive 60 minutes of reasonable suspicion training on the
204 physical, behavioral, and performance indicators of probable drug use and 60 minutes
205 of additional reasonable suspicion training on the physical, behavioral, speech, and
206 performance indicators of probable alcohol misuse. Under the City of Stevens Point's
207 own authority, supervisory personnel will also be trained on how to intervene
208 constructively, and how to effectively integrate an employee back into his/her work
209 group following intervention and/or treatment.

210 Information on the signs, symptoms, health effects, and consequences of alcohol
211 misuse is presented in Attachment B of this policy.

212 213 214 E. PROHIBITED SUBSTANCES

215
216 Prohibited substances addressed by this policy include the following.

217
218 (1) Illegally Used Controlled Substance or Drugs Under the Drug-Free
219 Workplace Act of 1988 any drug or any substance identified in Schedule I through V of

220 Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by
221 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a
222 legal prescription has been written for the substance. This includes, but is not limited to:
223 marijuana, amphetamines, opiates, phencyclidine (PCP), **MDMA**
224 **(Methylenedioxyamphetamine)**, and cocaine, as well as any drug not approved
225 for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and
226 Drug Administration. Illegal use includes use of any illegal drug, misuse of legally
227 prescribed or over-the-counter drugs, and use of illegally obtained prescription drugs.
228 Also, the medical use of marijuana, or the use of hemp related products, as which
229 cause drug or drug metabolites to be present in the body above the minimum thresholds
230 is a violation of this policy

231
232 Federal Transit Administration drug testing regulations (49 CFR Part 655) require
233 that all covered employees be tested for marijuana, cocaine, amphetamines,
234 opiates, **MDMA (Methylenedioxyamphetamine)**, and phencyclidine as
235 described in Section H of this policy. Illegal use of these five drugs is
236 prohibited at all times and thus, covered employees may be tested for these
237 drugs anytime that they are on duty.

238
239 (2) Legal Drugs: The appropriate use of legally prescribed drugs and non-
240 prescription medications is not prohibited. However, the use of any substance
241 which carries a warning label that indicates that mental functioning, motor skills,
242 or judgment may be adversely affected must be reported to a City Transit
243 Department supervisor and the employee is required to provide a written release
244 from his/her doctor or pharmacist indicating that the employee can perform
245 his/her safety-sensitive functions.

246
247 (3) Alcohol: The use of beverages containing alcohol (including any
248 mouthwash, medication, food, candy) or any other substances such that cause
249 alcohol to be present in the body while performing safety-sensitive job functions
250 is prohibited. An alcohol test can be performed on a covered employee under 49
251 CFR Part 655 just before, during, or just after the performance of safety-sensitive
252 job functions. Under City of Stevens Point's authority, an alcohol test can be
253 performed any time a covered employee is on duty.

254 255 F. PROHIBITED CONDUCT

256
257 (1) All covered employees are prohibited from reporting for duty or remaining
258 on duty any time there is a quantifiable presence of a prohibited drug in
259 the body above the minimum thresholds defined in 49 CFR PART 40, as
260 amended.

261 (2) Each covered employee is prohibited from consuming alcohol while
262 performing safety-sensitive job functions or while on-call to perform safety-
263 sensitive job functions. If an on-call employee has consumed alcohol,
264 they must acknowledge the use of alcohol at the time that they are called

265 to report for duty. The covered employee will subsequently be relieved of
266 his/her on-call responsibilities.

- 267 (3) The Transit Department shall not permit any covered employee to perform
268 or continue to perform safety-sensitive functions if it has actual knowledge
269 that the employee is using alcohol.
- 270 (4) Each covered employee is prohibited from reporting
271 to work or remaining
272 on duty requiring the performance of safety-sensitive
273 functions while having an alcohol concentration of
274 0.04 or greater regardless of when the alcohol was
275 consumed.
- 276 (5) No covered employee shall consume alcohol for eight (8) hours following
277 involvement in an accident or until he/she submits to the post-accident
278 drug/alcohol test, whichever occurs first.
- 279 (6) No covered employee shall consume alcohol within four (4) hours prior to
280 the performance of safety-sensitive job functions.
- 281 (7) The City of Stevens Point under its own authority also prohibits the
282 consumption of alcohol during lunch periods, rest breaks, split shift
283 breaks, or anytime the employee is in uniform.
- 284 (8) Consistent with the Drug-free Workplace Act of 1988, all City of Stevens
285 Point employees are prohibited from engaging in the unlawful
286 manufacture, distribution, dispensing, possession, or use of prohibited
287 substances in the work place including Transit Department premises,
288 transit vehicles, while in uniform or while on City of Stevens Point Transit
289 business.

290
291 G. DRUG STATUTE CONVICTION

292
293 Consistent with the Drug Free Workplace Act of 1988, all employees are required
294 to notify the City of Stevens Point Transit Department management of any criminal drug
295 statute conviction for a violation occurring in the workplace within five days after such
296 conviction. Failure to comply with this provision shall result in disciplinary action as
297 defined in Section Q.10 of this policy.

298
299 H. TESTING REQUIREMENTS

300
301 Analytical urine drug testing and breath testing for alcohol will be conducted as
302 required by 49CFR part 40 **as amended**. All covered employees shall be subject to
303 testing prior to employment, for reasonable suspicion, following an accident, and
304 random as defined in Section K, L, M, and N of this policy.

305
306 A drug test can be performed any time a covered employee is on duty. An
307 alcohol test can be performed just before, during, or after the performance of a safety-
308 sensitive job function. Under City of Stevens Point's authority, an alcohol test can be
309 performed any time a covered employee is on duty.

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All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Stevens Point Transit. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q.3 of this policy. Any covered employee who is suspected of providing false information in connection with a drug test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection. Verification of the above listed actions will be considered a test refusal and will result in the employee's removal from duty and disciplined as defined in Section Q.3 of this policy. Refusal can also include an inability to provide a sufficient urine specimen or breath sample without a valid medical explanation, as well as a verbal or written declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test within the specified time frame.

I. DRUG TESTING PROCEDURES

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved, by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

Specimen validity testing will be conducted on all urine specimens provided for testing under DOT authority. Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine, **Methylenedioxymethamphetamine (MDMA)**. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Chain of Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a DHHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended. A non-negative test result (adulterated, substituted, and/or invalid) without a legitimate medical explanation (determined by a MRO) is also considered positive.

The test results from the DHHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed

355 knowledge of substance abuse disorders and drug testing. The MRO will review the
356 test results to ensure the scientific validity of the test and to determine whether there is
357 a legitimate medical explanation for a confirmed positive, substitute, or adulterated test
358 result. The MRO will attempt to contact the employee to notify the employee of the non-
359 negative laboratory result, and provide the employee with an opportunity to explain the
360 confirmed laboratory test result. The MRO will subsequently review the employee's
361 medical history/ medical records as appropriate to determine whether there is a
362 legitimate medical explanation for a non-negative laboratory result. If no legitimate
363 medical explanation is found, the test will be verified positive or refusal to test and
364 reported to the City of Stevens Point's Drug and Alcohol Program Manager (DAPM). If
365 a legitimate explanation is found, the MRO will report the test result as negative to the
366 DAPM and no further action will be taken. If the test is invalid with out a medical
367 explanation, a retest will be conducted under direct observation.

368
369 Any covered employee who questions the results of a required drug test under
370 paragraphs L through P of this policy may request that the split sample be tested. The
371 split sample test must be conducted at a second DHHS-certified laboratory with no
372 affiliation with the laboratory that analyzed the primary specimen. The test must be
373 conducted on the split sample that was provided by the employee at the same time as
374 the primary sample. The method of collecting, storing, and testing the split sample will
375 be consistent with the procedures set forth in 49 CFR Part 40, as amended. The
376 employee's request for a split sample test must be made to the Medical Review Officer
377 within 72 hours of notice of the original sample verified test result. Requests after 72
378 hours will only be accepted at the discretion of the MRO if the delay was due to
379 documentable facts that were beyond the control of the employee. The City of Stevens
380 Point will ensure that the cost for the split specimen is covered in order for a timely
381 analysis of the sample; however the City will seek reimbursement for the split sample
382 test from the employee.

383
384 If the analysis of the split specimen fails to confirm the presence of the drug(s)
385 detected in the primary specimen, if the split specimen is not able to be analyzed, or if
386 the results of the split specimen are not scientifically adequate, the MRO will declare the
387 original test to be canceled and will direct St. Michael's Hospital Occupational Health
388 Department to retest the employee under direct observation.

389
390 The split specimen will be stored at the initial laboratory until the analysis of the
391 primary specimen is completed. If the primary specimen is negative, the split will be
392 discarded. If the primary is positive, adulterated, or substituted, the split will be retained
393 for testing if so requested by the employee through the Medical Review Officer. If the
394 primary specimen is positive, it will be retained in frozen storage for one year and the
395 split specimen will also be retained for one year.

396
397 Observed collections

398
399 Consistent with 49 CFR part 40 collection under direct observation (by a person of the

400 same gender) with no advance notice will occur if:

401 (1) The laboratory reports to the MRO that a specimen is invalid, and the MRO
402 reports to the City of Stevens Point's DAPM that there was not an adequate medical
403 explanation for the result; or

404 (2) The MRO reports to the City of Stevens Point's DAPM that the original positive,
405 adulterated, or substituted test result had to be cancelled because the test of the split
406 specimen could not be performed.

407 (b) The City of Stevens Point may direct a collection under direct observation of an
408 employee if the drug test is a return-to-duty test or a follow-up test.

409 (c) The collector, must immediately conduct a collection under direct observation if:
410 They are directed by the employer to do so; or

411 (2)The collector observes materials brought to the collection site or the employee's
412 conduct clearly indicates an attempt to tamper with a specimen or

413 (3) The temperature on the original specimen was out of range

414 (4) The original specimen appeared to have been tampered with.

415

416 Observed collections may be required in the following circumstances:

- 417 ▪ All return-to-duty tests
- 418 ▪ All follow-up tests;
- 419 ▪ Anytime the employee is directed to provide another specimen because the
420 temperature on the original specimen was out of the accepted temperature range
421 of 90°F - 100°F;
- 422 ▪ Anytime the employee is directed to provide another specimen because the
423 original specimen appeared to have been tampered with;
- 424 ▪ Anytime a collector observes materials brought to the collection site or the
425 employee's conduct clearly indicates an attempt to tamper with a specimen;
- 426 ▪ Anytime the employee is directed to provide another specimen because the
427 laboratory reported to the MRO that the original specimen was invalid and the
428 MRO determined that there was not an adequate medical explanation for the
429 result;
- 430 ▪ Anytime the employee is directed to provide another specimen because the MRO
431 determined that the original specimen was positive, adulterated or substituted, but
432 had to be cancelled because the test of the split specimen could not be
433 performed.

434

435 The employee who is being observed will be required to raise his or her shirt, blouse, or
436 dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show
437 the collector, by turning around that they do not have a prosthetic device.

438

439 Split Specimen Testing

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441 Employees do not have access to a test of their split specimen following an invalid
442 result.

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Negative Dilute

~~Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.~~

Negative Dilute or Positive Dilute

A dilute specimen is a specimen with creatinine and specific gravity values that are lower than expected for human urine. If the test is reported as a dilute positive, the test should be treated as a verified positive test result. If the test is reported as a negative dilute, the City of Stevens Point will direct the employee to take another test. The retest must not be conducted under direct observation, unless otherwise instructed by the MRO. Since federal regulations give discretion in this matter, the City of Stevens Point has established the policy that retests will be required for negative dilutes. The second test will be considered the test of record. All employees must be treated the same for this purpose and must be informed in advance of the policy. Questions should be directed to the MRO or Drug and Alcohol TPA.

J. ALCOHOL TESTING PROCEDURES

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). Alcohol screening tests may be performed using a non-evidential testing device, which is also approved by NHSTA. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted at least fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.

An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in Section Q.4-5 of this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and will be subject to the consequences

489 described in Section Q.9 of this policy. An alcohol concentration of less than 0.02 will
490 be considered a negative test.

491
492 The Transit Department affirms the need to protect individual dignity, privacy,
493 and confidentiality throughout the testing process. If at any time the integrity of the
494 testing procedures or the validity of the test results is compromised, the test will be
495 canceled. Minor inconsistencies or procedural flaws that do not impact the test result
496 will not result in a cancelled test.

497
498 **K. PRE-EMPLOYMENT TESTING**
499

500 All applicants for covered transit positions shall undergo urine drug testing and
501 breath alcohol testing prior to hire or transfer into a covered position that requires the
502 performance of a safety-sensitive function.

503 (1) All offers of employment for covered positions shall be extended
504 conditional upon the applicant passing a drug test. An applicant shall not
505 be allowed to perform a safety-sensitive duty unless the applicant takes a
506 drug test with verified negative results, and an alcohol concentration below
507 .02.

508 (2) A non-covered employee shall not be placed, transferred or promoted into
509 a covered position until the employee takes a drug test with verified
510 negative results and an alcohol concentration below 0.02 **in accordance**
511 **with 49 CFR Part 40 as amended:**

512
513 **A DOT-regulated employer (except under USCG and RSPA rules)**
514 **wising to conduct pre-employment alcohol testing under DOT**
515 **authority may do so if certain requirements are met.**

516
517 ***The testing must be accomplished for all applicants (i.e. the**
518 **employer cannot select for testing some applicants and not**
519 **others) and the testing must be conducted as a post-offer**
520 **requirement.**

521
522 ***In addition the testing and its consequences must comply**
523 **with Part 40 as amended.**

524
525 (3) If an applicant fails a pre-employment drug or alcohol test, the conditional
526 offer of employment shall be rescinded. Failure of a pre-employment drug
527 test will disqualify an applicant for employment for a period of at least one
528 year. Evidence of the absence of drug dependency from a Substance
529 Abuse Professional that meets with 49 CFR Part 40 as amended and a
530 negative pre-employment drug test and an alcohol concentration below
531 0.02 will be required prior to further consideration for employment. The
532 cost for the assessment and any subsequent treatment will be the sole
533 responsibility of the applicant.

- 534 (4) When an employee being placed, transferred, or promoted from a non-
535 covered position to a covered position submits a drug test with a verified
536 positive result, or an alcohol concentration of 0.02 or above, the employee
537 shall be subject to disciplinary action in accordance with Section Q.4-5
538 and 9 herein.
- 539 (5) If a pre-employment/pre-transfer test is canceled, the City of Stevens
540 Point will require the applicant to take and pass another pre-employment
541 drug and alcohol test.
- 542 (6) In instances where a covered employee is on extended leave for a period
543 of 90 days or more, and has been removed from the random pool, the
544 employee will be required to take a drug test under 49 CFR Part 655 and
545 have negative test results prior to the conduct of safety-sensitive job
546 functions. This requirement also applies to an applicant with a pre-
547 employment test result with a shelf life of 90 days or more.
- 548 (7) An applicant with a dilute negative test result will be required to retest.
549

550 If a new applicant performed safety-sensitive transportation work that was covered by a
551 DOT agency within the previous two years, the City of Stevens Point will check the
552 applicant's drug and alcohol testing record with written consent in accordance with 49
553 CFR Part 40.25. The City of Stevens Point reserves the right to re-evaluate the
554 employees job status based on the information received from the background checks.
555

556 L. REASONABLE SUSPICION TESTING 557

558 All City of Stevens Point covered employees will be subject to a reasonable
559 suspicion drug and/or alcohol test when there are reasons to believe that drug or
560 alcohol use is impacting job performance and safety. Reasonable suspicion shall mean
561 that there is objective evidence, based upon specific, contemporaneous, articulable
562 observations of the employee's appearance, behavior, speech or body odor that are
563 consistent with possible drug use and/or alcohol misuse. Reasonable suspicion
564 referrals must be made by one supervisor who is trained to detect the signs and
565 symptoms of drug and alcohol use, and who reasonably concludes that an employee
566 may be adversely affected or impaired in his/her work performance due to possible
567 prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can
568 only be conducted just before, during, or just after the performance of a safety-sensitive
569 job function. However, under the City of Stevens Point's authority, a reasonable
570 suspicion alcohol test may be performed any time the covered employee is on duty. A
571 reasonable suspicion drug test can be performed any time the covered employee is on
572 duty.
573

574 The City of Stevens Point shall be responsible for transporting the employee to
575 the testing site. Supervisors should avoid placing themselves and/or others into a
576 situation, which might endanger the physical safety of those, present. The employee
577 shall be placed on administrative leave pending disciplinary action described in Section
578 Q.4-5 and 9 of this policy. An employee who refuses an instruction to submit to a

579 drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be
580 placed on administrative leave pending disciplinary action as specified in Section Q.3 of
581 this policy.

582
583 A written record of the observations, which led to a drug/alcohol test, based on
584 reasonable suspicion shall be prepared and signed by the supervisor making the
585 observation prior to the release of the test results. This written record shall be
586 submitted to the City's DER and shall be attached to the forms reporting the test results.

587
588 When there are no specific, contemporaneous, articulable objective facts that
589 indicate current drug or alcohol use, but the employee (who is not already a participant
590 in a treatment program) admits the abuse of alcohol or other substances to a supervisor
591 in his/her chain of command, the employee shall be referred to the Substance Abuse
592 Professional (SAP)/Employee Assistance Program (EAP) for an assessment. The City
593 of Stevens Point shall place the employee on administrative leave in accordance with
594 the provisions set forth under Section Q.9 of this policy. Testing in this circumstance
595 would be performed under the direct authority of the City of Stevens Point. Since the
596 employee self-referred to management, testing under this circumstance would not be
597 considered a violation of this policy or a positive test result under Federal authority.
598 However, self-referral does not exempt the covered employee from testing under
599 Federal authority as specified in Sections L through N of this policy or the associated
600 consequences as specified in Section Q.9.

601
602
603 M. POST-ACCIDENT TESTING

604
605 All covered employees will be required to undergo urine and breath testing if they
606 are involved in an accident with a transit revenue service vehicle regardless of whether
607 or not the vehicle is in revenue service that results in a fatality. This includes all
608 surviving covered employees that are operating the vehicle at the time of the accident
609 and any other whose performance cannot be completely discounted as a contributing
610 factor to the accident.

611
612 In addition, a post-accident test will be conducted if an accident results in injuries
613 requiring immediate transportation to a medical treatment facility; or one or more
614 vehicles incurs disabling damage, unless the operators' performance cannot be
615 completely discounted as a contributing factor to the accident.

- 616
617
618 (1) As soon as practicable following an accident, as defined in this policy, the
619 transit supervisor investigating the accident will notify the transit employee
620 operating the transit vehicle and all other covered employees whose
621 performance could have contributed to the accident of the need for the
622 test. The supervisor will make the determination using the best
623 information available at the time of the decision.

- 624 (2) The appropriate transit supervisor shall ensure that an employee, required
625 to be tested under this section, is tested as soon as practicable, but no
626 longer than eight (8) hours of the accident for alcohol, and within 32 hours
627 for drugs. If an alcohol test is not performed within two hours of the
628 accident, the Supervisor will document the reason(s) for the delay. If the
629 alcohol test is not conducted within (8) eight hours, or the drug test within
630 32 hours, attempts to conduct the test must cease and the reasons for the
631 failure to test documented.
- 632 (3) Any covered employee involved in an accident must refrain from alcohol
633 use for eight (8) hours following the accident, or until he/she undergoes a
634 post-accident alcohol test.
- 635 (4) An employee who is subject to post-accident testing who fails to remain
636 readily available for such testing, including notifying a supervisor of his or
637 her location if he or she leaves the scene of the accident prior to
638 submission to such test, may be deemed to have refused to submit to
639 testing.
- 640 (5) Nothing in this section shall be construed to require the delay of necessary
641 medical attention for the injured following an accident, or to prohibit an
642 employee from leaving the scene of an accident for the period necessary
643 to obtain assistance in responding to the accident, or to obtain necessary
644 emergency medical care.
- 645 (6) In the rare event that St. Michael's Hospital, Occupational Health
646 Department is unable to perform an FTA drug and alcohol test (i.e.,
647 employee is unconscious, employee is detained by law enforcement
648 agency), the City of Stevens Point may use drug and alcohol post-
649 accident test results administered by local law enforcement officials in lieu
650 of the FTA test. The local law enforcement officials must have
651 independent authority for the test and the employer must obtain the results
652 in conformance with local law.

653
654 N. RANDOM TESTING

655
656 All covered employees will be subjected to random, unannounced testing. The
657 selection of employees shall be made by a scientifically valid method of randomly
658 generating an employee identifier from the appropriate pool of safety-sensitive
659 employees.

- 660 (1) The dates for administering unannounced testing of randomly selected
661 employees shall be spread reasonably throughout the calendar year.
- 662 (2) The number of employees randomly selected for drug/alcohol testing
663 during the calendar year shall be not less than the percentage rates
664 established by Federal regulations for those safety-sensitive employees
665 subject to random testing by Federal regulations. The random testing rate
666 for drugs is published each year by ODAPC
667 (<http://www.dot.gov/ost/dapc/oamanagers.html>) and/or in the Federal
668 Register. The number of covered employees in the pool and the random

669 testing rate for alcohol established by FTA equals ten percent of the
670 number of covered employees in the pool.

- 671 (3) Each covered employee shall be in a pool from which the random
672 selection is made. Each covered employee in the pool shall have an
673 equal chance of selection each time the selections are made. Employees
674 will remain in the pool and subject to selection, whether or not the
675 employee has been previously tested. There is no discretion on the part
676 of management in the selection and notification of the individuals who are
677 to be tested.
- 678 (4) Covered transit employees that fall under the Federal Transit
679 Administration regulations will be included in one random pool maintained
680 separately from the testing pool of employees that are included solely
681 under the City of Stevens Point's authority.
- 682 (5) Random tests can be conducted at any time during an employee's shift for
683 drug testing. Alcohol random tests can be performed just before, during,
684 or just after the performance of a safety sensitive duty. However, under
685 the City of Stevens Point's authority, a random alcohol test may be
686 performed any time the covered employee is on duty. Testing can occur
687 during the beginning, middle, or end of an employee's shift.
- 688 (6) Employees are required to proceed immediately to the collection site upon
689 notification of their random selection.

690
691 **O. RETURN-TO-DUTY TESTING**

692
693 All covered employees who previously tested positive on a drug or alcohol test or
694 refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and
695 be evaluated and released by the Substance Abuse Professional before returning to
696 work. For an initial positive drug test a Return-to-Duty drug test is required and an
697 alcohol test is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test
698 is required and a drug test is allowed. Following the initial assessment, the SAP will
699 recommend a course of rehabilitation unique to the individual. The SAP should
700 schedule the return-to-duty test only when the employee is known to be drug- and
701 alcohol-free and there is no risk to public safety.

702
703 **P. FOLLOW-UP TESTING**

704
705 Covered employees will be required to undergo frequent, unannounced drug and
706 alcohol testing following their return-to-duty. The follow-up testing will be performed for
707 a period of one to five years with a minimum of six tests to be performed the first year.
708 The frequency and duration of the follow-up tests (beyond the minimums) will be
709 determined by the SAP reflecting the SAP's assessment of the employee's unique
710 situation and recovery progress. Follow-up testing should be frequent enough to deter
711 and/or detect a relapse. Follow-up testing is separate and in addition to the random,
712 post-accident, reasonable suspicion and return-to-duty testing.

713

714 Q. RESULT OF DRUG/ALCOHOL TEST VIOLATION

715
716 Any covered employee that has a verified positive drug or alcohol test or refuses
717 to test will be removed from his/her safety-sensitive position, informed of educational
718 and rehabilitation programs available, and referred to a Substance Abuse Professional
719 (SAP) for assessment. No employee will be allowed to return to duty requiring the
720 performance of safety-sensitive job functions without the approval of the SAP.

721 A positive drug and/or alcohol test will also result in disciplinary action as
722 specified herein.

- 723
- 724 (1) As soon as practicable after receiving notice of a verified positive drug test
725 result, a confirmed alcohol test result, or a test refusal, the City of Stevens
726 Point's Drug and Alcohol Program Manager will contact the employee's
727 supervisor to have the employee cease performing any safety-sensitive
728 function.
 - 729 (2) The employee shall be referred to a Substance Abuse Professional for an
730 assessment. The SAP will evaluate each employee to determine what
731 assistance, if any, the employee needs in resolving problems associated
732 with prohibited drug use or alcohol misuse.
 - 733 (3) Refusal to submit to a drug/alcohol test shall be considered a positive test
734 result and a direct act of insubordination and may result in termination. A
735 test refusal includes the following circumstances.
 - 736 (a) A covered employee who consumes alcohol within eight (8) hours
737 following involvement in an accident without first having submitted to
738 post-accident drug/alcohol tests.
 - 739 (b) A covered employee who leaves the scene of an accident without a
740 legitimate explanation prior to submission to drug/alcohol tests.
 - 741 (c) A covered employee who is suspected of providing false information in
742 connection with a drug test, or who is suspected of falsifying test
743 results through tampering, contamination, adulteration, or substitution
744 of a urine specimen.
 - 745 (d) A covered employee who provides an insufficient volume of urine
746 specimen or breath sample without a valid medical explanation.
 - 747 (e) A verbal or written declaration, obstructive behavior, refusal to sign the
748 required DOT drug and/or alcohol testing forms (ATF) including refusal
749 to sign the certification at Step 2 of the ATF, or physical absence
750 resulting in the inability to conduct the test within the specified time
751 frame.
 - 752 (f) A covered employee whose urine sample has been verified by the
753 MRO as substitute or adulterated.
 - 754 (g) A covered employee fails to appear for any test within a reasonable
755 time, as determined by the employer, after being directed to do so by
756 the employer
 - 757 (h) A covered employee fails to remain at the testing site until the testing
758 process is complete;

- 759 (i) A covered employee fails to provide a urine specimen for any drug test
760 required by Part 40 or DOT agency regulations;
- 761 (j) A covered employee fails to permit the observation or monitoring of a
762 specimen collection
- 763 (k) A covered employee fails or declines to take a second test the
764 employer or collector has directed you to take;
- 765 (l) A covered employee fails to undergo a medical examination or
766 evaluation, as directed by the MRO as part of the verification process,
767 or as directed by the DER as part of the "shy bladder" procedures
- 768 (m) A covered employee fails to cooperate with any part of the testing
769 process (e.g., refuse to empty pockets when so directed by the
770 collector, behave in a confrontational way that disrupts the collection
771 process).
- 772
- 773 (4) For the first instance of a verified positive test from a sample submitted as the
774 result of a random, or reasonable suspicion drug/alcohol test (≥ 0.04 BAC),
775 disciplinary action against the employee shall include:
- 776 (a) Mandatory referral to Substance Abuse Professional for assessment,
777 formulation of a treatment plan and execution of a return to work agreement.
- 778 (b) Failure to execute, or remain compliant with the return to work agreement
779 shall be subject to discipline up to and including discharge.
- 780 Compliance with the return to work agreement means that the employee
781 has submitted to a drug/alcohol test immediately prior to returning to work; the
782 result of that test is negative; in the judgment of the SAP the employee is
783 cooperating with his/her SAP recommended treatment program; and, the
784 employee has agreed to periodic, unannounced follow-up testing as defined
785 in Section P of this policy.
- 786 (c) Refusal to submit to a periodic unannounced follow-up drug/alcohol test
787 shall be considered a direct act of insubordination and shall result in
788 termination.
- 789 (d) A periodic unannounced follow up drug/alcohol test which results in a
790 verified positive shall result in termination from employment.
- 791
- 792 (5) A verified positive post-accident drug and/or alcohol (≥ 0.04) test shall
793 result in discipline up to and including discharge.
- 794 (6) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of
795 the employee from duty for eight hours or the remainder of the workday
796 whichever is longer. The employee will not be allowed to return to safety-
797 sensitive duty for his/her next shift until he/she submits to an alcohol test
798 with a result of less than 0.02 BAC.
- 799 (7) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of
800 the employee from duty for eight hours or the remainder of the work day
801 whichever is longer. The employee will not be allowed to return to safety-
802 sensitive duty for his/her next shift until he/she submits to an alcohol test
803 with a result of less than 0.2 BAC.

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- (8) The cost of any treatment or rehabilitation services will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program. City Policy will be followed when determining the type of leave and length of leave that may or may not be allocated. In the instance of self-referral or a management referral, disciplinary action against the employee shall include:
 - (a) Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - (b) Failure to execute, or remain compliant with the return to work agreement shall result in termination from employment;
 - (c) Compliance with the return to work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy;
 - (d) Refusal to submit to periodic unannounced follow up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
 - (e) A self-referral or management referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q 4-5 of this policy.
 - (f) Periodic unannounced follow up drug/alcohol test conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q. 4-5 of this policy.
 - (g) A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with City of Stevens Point.
 - (h) A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Stevens Point Transit.
 - (i) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 655 for a positive test or test refusal are not subject to arbitration.

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S. PROPER APPLICATION OF THE POLICY

The City of Stevens Point is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

T. INFORMATION DISCLOSURE

Drug/alcohol testing records shall be maintained by the City of Stevens Point's Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.

- (1) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications.
- (2) Records of a verified positive drug/alcohol test result shall be released to the City of Stevens Point's Drug and Alcohol Program Manager, Department Supervisor and Personnel Manager on a need to know basis.
- (3) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- (4) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test.
- (5) Records will be released to the National Transportation Safety Board during an accident investigation.
- (6) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- (7) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over the City of Stevens Point or the employee.
- (8) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 necessary legal steps to contest the issuance of the order will be taken
- (9) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

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U. SYSTEM CONTACTS

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

Drug and Alcohol Program Manager:

Name: Lisa Jakusz
Title: Human Resource Manager
Address: 1515 Strongs Avenue, Stevens Point WI 54481
Telephone Number: 715 346-1594

Alternate/Back Up
Kelley Pazdernik
Assistant to the Mayor
1515 Strongs Avenue, Stevens Point, WI 54481
715 346-1570

Medical Review Officer

Name: Dr. Benjamin Gerson
Title: Doctor – University Services
Address: 10551 Decatur Road, Suite 200
Philadelphia, PA 19154
Telephone Number: 800-877-7484

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Substance Abuse Professional

Name: Harry Deets, MSW, LCSW
Title: EAP Director/Counselor ~ ERC, Inc.
Address: 3525 Stewart Avenue, Wausau WI 54401
Telephone Number: 715 845-9400

DHHS Certified Laboratory Primary Specimen

Name: Quest Diagnostics
Address: 10101 Renner Blvd, Lenexa KS 66219
Telephone Number: 800 877-7484

DHHS Certified Laboratory Split Specimen

Name: Lab Corp
Telephone Number: 800 733-3984

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950 **This Policy was adopted by the City of Stevens Point on April 16, 2012.**

951
952 **Mayor of the City of Stevens Point**

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959 **City Clerk of the City of Stevens Point**

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Attachment A
List of Safety Sensitive Positions
For Stevens Point Transit

Bus Operators
Mechanics
Dispatch/Supervisors

976 **Attachment B**

977 **Alcohol Fact Sheet**

978
979 Alcohol is a socially acceptable drug that has been consumed throughout the
980 world for centuries. It is considered a recreational beverage when consumed in
981 moderation for enjoyment and relaxation during social gatherings. However, when
982 consumed primarily for its physical and mood-altering effects, it is a substance of abuse.
983 As a depressant, it slows down physical responses and progressively impairs mental
984 functions.

985 **Signs and Symptoms of Use**

- 986
987
988 Dulled mental processes
989 Lack of coordination
990 Odor of alcohol on breath
991 Possible constricted pupils
992 Sleepy or stuporous condition
993 Slowed reaction rate
994 Slurred speech

995
996 (Note: Except for the odor, these are general signs and symptoms of any depressant
997 substance.)

998
999 **Health Effects**

1000
1001 The chronic consumption of alcohol (average of three servings per day of beer
1002 [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the
1003 following health hazards:

- 1004
1005 Decreased sexual functioning
1006 Dependency (up to 10 percent of all people who drink alcohol become
1007 physically and/or mentally dependent on alcohol and can be termed
1008 "alcoholic")
1009 Fatal liver diseases
1010 Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast,
1011 and malignant melanoma
1012 Kidney disease
1013 Pancreatitis
1014 Spontaneous abortion and neonatal mortality
1015 Ulcers
1016 Birth defects (up to 54 percent of all birth defects are alcohol related).

1017
1018 **Social Issues**

1019

- 1020 Two-thirds of all homicides are committed by people who drink prior to the
1021 crime.
- 1022 Two to three percent of the driving population is legally drunk at any one time.
1023 This rate is doubled at night and on weekends.
- 1024 Two-thirds of all Americans will be involved in an alcohol-related vehicle
1025 accident during their lifetimes.
- 1026 The rate of separation and divorce in families with alcohol dependency
1027 problems is 7 times the average.
- 1028 Forty percent of family court cases are alcohol problem related.
- 1029 Alcoholics are 15 times more likely to commit suicide than are other segments
1030 of the population.
- 1031 More than 60 percent of burns, 40 percent of falls, 69 percent of boating
1032 accidents, and 76 percent of private aircraft accidents are alcohol related.
- 1033
- 1034 The Annual Toll
- 1035
- 1036 24,000 people will die on the highway due to the legally impaired driver.
- 1037 12,000 more will die on the highway due to the alcohol-affected driver.
- 1038 15,800 will die in non-highway accidents.
- 1039 30,000 will die due to alcohol-caused liver disease.
- 1040 10,000 will die due to alcohol-induced brain disease or suicide.
- 1041 Up to another 125,000 will die due to alcohol-related conditions or accidents.
- 1042
- 1043 Workplace Issues
- 1044
- 1045 It takes one hour for the average person (150 pounds) to process one serving
1046 of an alcoholic beverage from the body.
- 1047 Impairment in coordination and judgement can be objectively measured with
1048 as little as two drinks in the body.
- 1049 A person who is legally intoxicated is 6 times more likely to have an accident
1050 than a sober person.
- 1051
- 1052
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Attachment C
Minimum Thresholds

INITIAL TEST CUTOFF
LEVELS
(ng/ml)

Marijuana metabolites	50
Cocaine metabolites	150
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine	500

1059
1060
1061

CONFIRMATORY TEST
CUT/OFF LEVELS
(ng/ml)

Marijuana metabolites	15
Cocaine metabolites	100
Opiates:	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	250
Methamphetamine	250

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Delta-9-tetrahydrocannabinol-9-carboxylic acid.
Benzoyllecgonine
Specimen must also contain amphetamine at a concentration greater than or
equal to **100** ng/ml.

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Employee Acknowledgement Form

Detach and return this page to the Personnel Department after you have received training on the City of Stevens Point's Drug and Alcohol Testing Policy and have received a copy of the Policy.

I acknowledge that I have received training and a copy of the City of Stevens Point's Drug and Alcohol Testing Policy on the date indicated below:

Signed: _____

Date: _____