

PERSONNEL COMMITTEE AGENDA
Monday, July 9, 2018 – 6:45 p.m.
(or immediately following previously scheduled meeting)
Police Department - 933 Michigan Avenue

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

Discussion and possible action on:

1. Modifications to Central Transportation's Drug and Alcohol Testing Policy.
2. Modifications to the City's DOT Drug and Alcohol testing policy.
3. Request for overlap of current Assistant Chief and newly appointed Assistant Chief, Fire Department.

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, 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 A.M. to 4:00 P.M.



July 3, 2018

MEMORANDUM

TO: Personnel Committee Members

FROM: Lisa Jakusz, City Personnel

RE: July 9, 2018 Agenda Items

1. I received notification from the DOT regarding updates to the drug and alcohol testing policy used for Central Transportation employees. The attached updated policy reflects those changes as well as changing the reference from "City Transit" to Central Transportation.
2. I collaborated with Jean Cole who is the Employment Practices Liability Specialist and HR Manager for Cities and Villages Mutual Insurance Company on updates to the drug and alcohol policy that covers our CDL operators in Streets, Parks and the Utility. The attached updated policy reflects those amendments.
3. Attached is a request from Chief Finn requesting permission for an employment overlap for his current Assistant Chief and soon to be appointed Assistant Chief in the Fire Department. Chief Finn will be on hand to address any questions or concerns.

Please feel free to contact me with any questions or concerns relating to the agenda and attached materials.

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2
3
4 **DRUG AND ALCOHOL TESTING POLICY**
5 **CITY OF STEVENS POINT**
6 **Adopted January 15, 2018**
7

8
9 A. PURPOSE

10
11 The City of Stevens Point provides fixed route public 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. In addition, the City provides rural fixed route bus
14 service, volunteer driver service and Taxi/SMV services to Portage County residents.
15 Part of our mission is to ensure that this service is delivered safely, efficiently, and
16 effectively by establishing a drug and alcohol-free work environment, and to ensure that
17 the workplace remains free from the effects of drugs and alcohol in order to promote the
18 health and safety of employees and the general public. In keeping with this mission, the
19 City of Stevens Point declares that the unlawful manufacture, distribution, dispensing,
20 possession, or use of controlled substances or misuse of alcohol is prohibited for all
21 employees.
22

23 Additionally, the purpose of this policy is to establish guidelines to maintain a
24 drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of
25 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is
26 intended to comply with all applicable Federal regulations governing workplace anti-
27 drug and alcohol programs in the transit industry. Specifically, the Federal Transit
28 Administration (FTA) of the U.S. Department of Transportation has published 49 CFR
29 Part 655, as amended, that mandate urine drug testing and breath alcohol testing for
30 safety-sensitive positions, and prohibit performance of safety-sensitive functions when
31 there is a positive test result. The U. S. Department of Transportation (USDOT) has
32 also published 49 CFR Part 40, as amended, that sets standards for the collection and
33 testing of urine and breath specimens.
34

35 Copies of Parts 655 and 40 are available in the Transit Department and can be
36 found on the internet at the Federal Transit Administration (FTS) Drug and Alcohol
37 Program website, <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.
38

39 Any provisions set forth in this policy that are included under the sole authority of
40 the City of Stevens Point and are not provided under the authority of the above named
41 Federal regulations are underlined.
42
43
44
45

46 B. APPLICABILITY

47
48 This Drug and Alcohol Testing Policy applies to all safety-sensitive employees
49 (full- or part-time) when performing any transit-related business. A safety-sensitive
50 function is any duty related to the safe operation of public transportation service
51 including the operation of a revenue service vehicle (whether or not the vehicle is in
52 revenue service), maintenance of a revenue service vehicle or equipment used in
53 revenue service Maintenance functions include the repair, overhaul, and rebuild of
54 engines, vehicles and/or equipment), security personnel who carry firearms, dispatchers
55 or person controlling the movement of revenue service vehicles and any other transit
56 employee who operates a non-revenue service vehicle that requires a Commercial
57 Drivers License (revenue or non-revenue vehicle operation). A list of safety-sensitive
58 positions who perform one or more of the above mentioned duties are provided in
59 Attachment B.

60
61 C. ~~DEFINITIONS~~

62
63 ~~Accident means an occurrence associated with the operation of a revenue~~
64 ~~service vehicle even when not in revenue service or a vehicle which requires a~~
65 ~~Commercial Drivers License to operate, if as a result--~~

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

82
83 ~~Adulterated specimen A specimen that contains a substance that is not~~
84 ~~expected to be present in human urine, or contains a substance expected to be present~~
85 ~~but is at a concentration so high that it is not consistent with human urine.~~

86
87 ~~Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other~~
88 ~~low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy,~~
89 ~~food, preparation or medication.~~

91 ~~Alcohol Concentration is expressed in terms of grams of alcohol per 210 liters of~~
92 ~~breath as measured by a test under 49 CFR Part 40.~~

93
94 ~~Aliquot. A fractional specimen used for testing. It is taken as a sample~~
95 ~~representing the whole specimen.~~

96
97 ~~Canceled Test is a drug test that has a problem identified that cannot be or has~~
98 ~~not been corrected or which is canceled. A canceled test is neither positive or negative.~~

99
100 ~~Covered Employee means an employee who performs a safety-sensitive function~~
101 ~~including an applicant or transferee whom will be hired to perform a safety-sensitive~~
102 ~~function (See Attachment B for a list of covered employees), and other employees,~~
103 ~~applicants, or transferee that will not perform a safety-sensitive function.~~

104
105 ~~Designated Employer Representative (DER). This is an employee authorized by~~
106 ~~the employer to take immediate action(s) to remove employees from safety-sensitive~~
107 ~~duties, or cause employees to be removed from these covered duties, and to make~~
108 ~~required decisions in the testing and evaluation process. The DER also receives test~~
109 ~~results and other communications for the employer.~~

110
111 ~~Department of Transportation (DOT). For the purposes of Drug and Alcohol~~
112 ~~oversight, DOT is the department of the federal government which includes the Federal~~
113 ~~Administration, Federal Railroad Administration, Federal Highway Administration,~~
114 ~~Federal Motor Carriers' Safety Administration, Pipeline and Hazardous Materials Safety~~
115 ~~Administration, United States Coast Guard, and the Office of the Secretary of~~
116 ~~Transportation.~~

117
118 ~~———— Dilute specimen. A specimen with creatinine and specific gravity values that~~
119 ~~are lower than expected for human urine.~~

120
121 ~~Disabling damage means damage, which precludes departure of any vehicle~~
122 ~~from the scene of the occurrence in its usual manner in daylight after simple repairs.~~
123 ~~Disabling damage includes damage to vehicles that could have been operated but~~
124 ~~would have been further damaged if so operated, but does not include damage, which~~
125 ~~can be remedied temporarily at the scene of the occurrence without special tools or~~
126 ~~parts, tire disablement without other damage even if no spare tire is available, or~~
127 ~~damage to headlights, taillights, turn signals, horn or windshield wipers that~~
128 ~~makes them inoperative.~~

129
130 ~~Evidentiary Breath Testing Device (EBT). A device approved by the NHTSA for~~
131 ~~the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations.~~
132 ~~Approved devices are listed on the National Highway Traffic Safety Administration~~
133 ~~(NHTSA) conforming products list.~~

135 ~~*Initial Drug Test (Screening Drug Test).* The test used to differentiate a negative~~
136 ~~specimen from one that requires further testing for drugs or drug metabolites.~~

137
138 ~~*Initial Specimen Validity Test.* The first test used to determine if a urine specimen~~
139 ~~is adulterated, diluted, substituted or invalid.~~

140
141 ~~*Invalid Result.* The result reported by an HHS-certified laboratory in accordance~~
142 ~~with the criteria established by the HHS Mandatory Guidelines when a positive,~~
143 ~~negative, adulterated, or substituted result cannot be established for a specific drug or~~
144 ~~specimen validity test.~~

145
146 ~~*Laboratory.* Any U.S. laboratory certified by HHS under the National Laboratory~~
147 ~~Certification program as meeting standards of Subpart C of the HHS Mandatory~~
148 ~~Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign~~
149 ~~laboratories, a laboratory approved for participation by DOT under this part.~~

150
151 ~~*Limit of Detection (LOD).* The lowest concentration at which a measurement can~~
152 ~~be identified, but (for quantitative assays) the concentration cannot be accurately~~
153 ~~calculated.~~

154
155 ~~*Limit of Quantitation.* For quantitative assays, the lowest concentration at which~~
156 ~~the identity and concentration of the measurement can be accurately established.~~

157
158 ~~*Medical Review Officer (MRO).* A licensed physician (medical doctor or doctor~~
159 ~~of osteopathy) responsible for receiving laboratory results generated by the drug testing~~
160 ~~program who has knowledge of substance abuse disorders, and has appropriate~~
161 ~~medical training to interpret and evaluate an individual's confirmed positive test result,~~
162 ~~together with his/her medical history, and any other relevant bio-medical information.~~

163
164 ~~*Negative Dilute.* A drug test result which is negative for the five drug/drug~~
165 ~~metabolites but has a specific gravity value lower than expected for human urine.~~

166
167 ~~*Negative Result.* The result reported by an HHS-certified laboratory to an MRO~~
168 ~~when a specimen contains no drug or the concentration of the drug is less than the~~
169 ~~cutoff concentration for the drug or drug class and the specimen is a valid specimen.~~

170
171 ~~*Non-negative test result.* A urine specimen that is reported as adulterated,~~
172 ~~substituted, invalid, or positive for drug/drug metabolites.~~

173
174 ~~*Oxidizing Adulterant.* A substance that acts alone or in combination with other~~
175 ~~substances to oxidize drugs or drug metabolites to prevent the detection of the drug or~~
176 ~~metabolites, or affects the reagents in either the initial or confirmatory drug test.~~

178 ~~———— *Performing (a safety-sensitive function).*— A covered employee is considered to~~
179 ~~be performing a safety-sensitive function during any period in which he or she is actually~~
180 ~~performing, ready to perform, or immediately available to perform such functions.~~

181
182 ~~*Positive result.*— The result reported by an HHS-Certified Laboratory when a~~
183 ~~specimen contains a drug or drug metabolite equal or greater to the cutoff~~
184 ~~concentrations.~~

185
186 ~~*Prohibited drug.*— Identified as marijuana, cocaine, opiates **opioids**,~~
187 ~~amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49~~
188 ~~CFR Part 40, as amended.~~

189
190 ~~*Reconfirmed.*— The result reported for a split specimen when the second~~
191 ~~laboratory is able to corroborate the original result reported for the primary specimen.~~

192
193 ~~*Rejected for Testing.*— The result reported by an HHS-Certified laboratory when~~
194 ~~no tests are performed for specimen because of a fatal flaw or correctable flaw that has~~
195 ~~not been corrected.~~

196
197 ~~*Revenue Service Vehicles.*— All transit vehicles that are used for passenger~~
198 ~~transportation service or that require a CDL to operate. Includes all ancillary vehicles~~
199 ~~used in support of the transit system.~~

200
201 ~~*Safety sensitive functions.*— A safety sensitive function is any duty related to the~~
202 ~~safe operation of public transportation service including: (a) the operation of a transit~~
203 ~~revenue service vehicle (whether or not the vehicle is in revenue service). Volunteers~~
204 ~~are considered safety sensitive and subject to testing if they are required to hold a CDL,~~
205 ~~or remunerated for service in excess of their actual expense; (c) Maintenance of a~~
206 ~~revenue service vehicle or equipment used in revenue service. Maintenance functions~~
207 ~~include the repair, overhaul and rebuild of engines, vehicles and/or equipment; (d)~~
208 ~~dispatchers or person controlling the movement of revenue service vehicles, and any~~
209 ~~other transit employee who operates a non-revenue service vehicle that requires a~~
210 ~~Commercial Driver's License, and (e) Security personnel who carrying a firearm.~~

211
212 ~~*Split Specimen Collection.*— A collection in which the urine collected is a divided~~
213 ~~into two separate bottles, the primary specimen (Bottle A) and the split specimen (Bottle~~
214 ~~B).~~

215
216 ~~*Substance Abuse Professional (SAP).*— A licensed physician (medical doctor or~~
217 ~~doctor of osteopathy) or licensed or certified psychologist, social worker, employee~~
218 ~~assistance professional, or drug and alcohol counselor certified by the National~~
219 ~~Association of Alcoholism and Drug Abuse Counselors Certification Commission or by~~
220 ~~the International Certification Reciprocity Consortium/Alcohol and other Drug Abuse~~
221 ~~(ICRC), or by the National Certified Counselors, Inc. and Affiliates/Master Addictions~~

222 Counselor (NBCC) with knowledge of and clinical experience in the diagnosis and
223 treatment of drug and alcohol related disorders.

224
225 ~~Substituted specimen.~~ A urine specimen with creatinine and specific gravity
226 values that are so diminished or so divergent that they are not consistent with normal
227 human urine.

228
229
230 ~~Verified negative test.~~ A drug test result reviewed by a medical review officer
231 and determined to have no evidence of prohibited drug use above the minimum cutoff
232 levels established by the Department of Health and Human Services (DHHS).

233
234 ~~Verified positive test.~~ A drug test result reviewed by a medical review officer and
235 determined to have evidence of prohibited drug use above the minimum cutoff levels
236 specified in 49 CFR Part 40 as revised.

237
238 ~~Validity testing.~~ The evaluation of the specimen to determine if it is consistent
239 with normal human urine. Specimen validity testing will be conducted on all urine
240 specimens provided for testing under DOT authority. The purpose of validity testing is to
241 determine whether certain adulterants or foreign substances were added to the urine, if
242 the urine was diluted, or if the specimen was substituted.

243 244 245 D.C. EDUCATION AND TRAINING

246
247 Every covered employee will receive a copy of this policy and will have ready
248 access to the corresponding federal regulations including 49 CFR Part 655, as
249 amended and Part 40, as amended. All covered employees will undergo a minimum of
250 60 minutes of training on the signs and symptoms of drug use including the effects and
251 consequences of drug use on personal health, safety, and the work environment. The
252 training also includes manifestations and behavioral cues that may indicate prohibited
253 drug use.

254 All supervisory personnel or company officials who are in a position to determine
255 employee fitness for duty will receive 60 minutes of reasonable suspicion training on the
256 physical, behavioral, and performance indicators of probable drug use and 60 minutes
257 of additional reasonable suspicion training on the physical, behavioral, speech, and
258 performance indicators of probable alcohol misuse.

259
260 Information on the signs, symptoms, health effects, and consequences of alcohol
261 misuse is presented in Attachment G D of this policy.

262
263 **Stevens Point Transit Central Transportation** will display and distribute to every
264 covered employee informational material and if available, display and distribute a
265 community service hot-line telephone number for employee assistance.

267 E.D. PROHIBITED SUBSTANCES

268 Prohibited substances addressed by this policy include the following:

269
270
271 (1) Illegally Used Controlled Substance or Drugs under the Drug-Free
272 Workplace Act of 1988. Use of any drug or any substance identified in Schedule I
273 through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as
274 further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the
275 workplace unless a legal prescription has been written for the substance. This includes,
276 but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP) and
277 cocaine, as well as any drug not approved for medical use by the U.S. Drug
278 Enforcement Administration or the U.S. Food and Drug Administration. Illegal use
279 includes use of any illegal drug, misuse of legally prescribed or over-the-counter drugs,
280 and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or
281 the use of hemp related products, as which cause drug or drug metabolites to be
282 present in the body above the minimum thresholds is a violation of this policy.

283
284 Federal Transit Administration drug testing regulations (49 CFR Part 655, as
285 amended) require that all covered employees be tested for marijuana, cocaine,
286 **Opioids**, amphetamines (including methamphetamine,
287 ~~methylenedioxyamphetamine [MDA] and ecstasy~~), opioids (including codeine,
288 ~~hydrocodone, oxycodone, morphine, hydromorphone, oxymorphone and heroin~~)
289 and phencyclidine (PCP). Illegal use of these drugs is prohibited at all times and
290 thus, covered employees may be tested for these drugs anytime that they are on
291 duty.

292
293 ~~(2) — Legal Drugs: The appropriate use of legally prescribed drugs and non-~~
294 ~~prescription medications is not prohibited. However, the use of any substance~~
295 ~~which carries a warning label that indicates that mental functioning, motor skills,~~
296 ~~or judgment may be adversely affected must be reported to a City Transit~~
297 ~~Department supervisor and the employee is required to provide a written release~~
298 ~~from his/her doctor or pharmacist indicating that the employee can perform~~
299 ~~his/her safety-sensitive functions.~~

300
301 ~~(3)~~**(2)** Alcohol: The use of beverages containing alcohol (including any
302 mouthwash, medication, food, candy) or any other substances such that cause
303 alcohol to be present in the body while performing safety-sensitive job functions
304 is prohibited. A reasonable suspicion or random alcohol test can only be
305 performed on a covered employee under 49 CFR Part 655, as amended just
306 before, during, or just after the performance of safety-sensitive job functions.
307 Under City of Stevens Point's authority, an alcohol test can be performed any
308 time a covered employee is on duty.

312 **E. PRESCRIPTION DRUGS**

313
314 The appropriate use of legally prescribed drugs and non-prescription
315 medications is not prohibited. However, the use of any substance which carries a
316 warning label that indicates that mental functioning, motor skills, or judgment
317 may be adversely affected must be reported to Transit supervisor and the
318 employee is required to provide a written release from his/her doctor or
319 pharmacist indicating that the employee can perform his/her safety-sensitive
320 functions.

321
322
323 **F. PROHIBITED CONDUCT**

- 324
325 (1) All covered employees are prohibited from reporting for duty or remaining
326 on duty any time there is a quantifiable presence of a prohibited drug in
327 the body above the minimum thresholds defined in 49 CFR PART 40, as
328 amended.
- 329 (2) Each covered employee is prohibited from consuming alcohol while
330 performing safety-sensitive job functions or while on-call to perform safety-
331 sensitive job functions. If an on-call employee has consumed alcohol,
332 they must acknowledge the use of alcohol at the time that they are called
333 to report for duty. The covered employee will subsequently be relieved of
334 his/her on-call responsibilities and subject to discipline for not fulfilling
335 his/her on-call responsibilities.
- 336 (3) The ~~Transit~~ **Central Transportation** Department shall not permit any
337 covered employee to perform **or continue to perform** safety-sensitive
338 functions if it has actual knowledge that the employee is using alcohol.
- 339 (4) Each covered employee is prohibited from reporting to work or remaining
340 on duty requiring the performance of safety-sensitive functions while
341 having an alcohol concentration of ~~0.02~~ **0.04** or greater regardless of when
342 the alcohol was consumed.
- 343 • **An employee with a breath alcohol concentration which**
344 **measures 0.02 – 0.039 is not considered to have violated the**
345 **USDOT-FTA drug and alcohol regulations, provided the**
346 **employee hasn't consumed the alcohol within four (4) hours**
347 **performing safety sensitive-duty. However, if a safety-sensitive**
348 **employee has a concentration of 0.02-0.39, USDOT-FTA**
349 **regulations require the employee to be removed from the**
350 **performance of safety-sensitive duties until:**
 - 351 -The employee's alcohol concentration measures less than
 - 352 **0.02 or**
 - 353 -The start of start of the employee's next regularly scheduled
 - 354 **duty period, but not less than eight (8) hours following the**
 - 355 **administration of the test.**

- 356 (5) No covered employee shall consume alcohol for eight (8) hours following
357 involvement in an accident or until he/she submits to the post-accident
358 drug/alcohol test, whichever occurs first.
- 359 (6) No covered employee shall consume alcohol within four (4) hours prior to
360 the performance of safety-sensitive job functions.
- 361 (7) The City of Stevens Point under its own authority also prohibits the
362 consumption of alcohol during lunch periods, rest breaks, split shift
363 breaks, or anytime the employee is on duty or in uniform.
- 364 (8) Consistent with the Drug-free Workplace Act of 1988, all City of Stevens
365 Point employees are prohibited from engaging in the unlawful
366 manufacture, distribution, dispensing, possession, or use of prohibited
367 substances in the work place including ~~Transit Department~~ **Central**
368 **Transportation** premises, transit vehicles, while in uniform or while on
369 City of ~~Stevens Point Transit~~ **Central Transportation** business.

370

371 G. DRUG STATUTE CONVICTION

372

373 Consistent with the Drug Free Workplace Act of 1988, all employees are required
374 to notify the City of Stevens Point ~~Transit~~ **Central Transportation** Department
375 management of any criminal drug statute conviction for a violation occurring in the
376 workplace within five days after such conviction. Failure to comply with this provision
377 shall result in disciplinary action as defined in Section J of this policy.

378

379 H. TESTING REQUIREMENTS

380

381 Analytical urine drug testing and breath testing for alcohol will be conducted as
382 required by 49 CFR part 40 as amended. All covered employees shall be subject to
383 testing prior to performing safety sensitive duty, for reasonable suspicion, following an
384 accident, and random.

385

386 A drug test can be performed any time a covered employee is on duty. A
387 reasonable suspicion or random alcohol test can be performed just before, during, or
388 after the performance of a safety-sensitive job function. Under City of Stevens Point's
389 authority, a non-DOT alcohol test can be performed any time a covered employee is on
390 duty.

391

392 All covered employees will be subject to urine drug testing and breath alcohol
393 testing as a condition of ongoing employment with Stevens Point Transit. Any safety-
394 sensitive employee who refuses to comply with a request for testing shall be removed
395 from duty and subject to discipline as defined in Section J of this policy.

396

397

398 Pre-Employment Testing

399 All applicants for covered transit positions must undergo USDOT urine drug testing prior
400 to the performance of a safety-sensitive functions. **All offers of employment**

401 **(including a transfer into a safety-sensitive position) shall be extended**
402 **conditional upon the applicant passing a pre-employment drug screen.**
403

- 404 (1) A safety sensitive applicant shall not be allowed to perform a safety-
405 sensitive duty unless the applicant takes a USDOT pre-employment drug
406 test with verified negative results.
- 407 (2) A non-safety sensitive employee shall not be placed, transferred or
408 promoted into a covered position until the employee takes a USDOT drug
409 test with verified negative results.
- 410 (3) If a safety sensitive applicant fails a pre-employment drug or alcohol test,
411 the conditional offer of employment shall be rescinded. Failure of a pre-
412 employment drug test will disqualify an applicant for employment for a
413 period of at least one year. Before being considered for future
414 employment, the applicant must provide the employer with proof of having
415 successfully completed a referral, evaluation and treatment plan as
416 described in Section 655.62 of subpart G. The cost for the assessment
417 and any subsequent treatment will be the sole responsibility of the
418 applicant.
- 419 (4) When an employee being placed, transferred, or promoted from a non-
420 covered position to a covered position submits a drug test with a verified
421 positive result, the employee shall be subject to disciplinary action in
422 accordance with Section J.
- 423 (5) If a pre-employment/pre-transfer test is canceled, ~~Stevens Point Transit~~
424 **Central Transportation** will require the safety sensitive applicant to take
425 and pass another pre-employment drug test.
- 426 (6) In instances where a safety-sensitive employee has not performed a
427 safety sensitive function for 90 consecutive days or more, regardless of
428 reason, and is not in the random testing pool during that time, the
429 employee will be required to take a pre-employment drug test under 49
430 CFR Part 655, as amended and have negative test results prior to
431 resuming safety-sensitive job functions. The requirement also applies to
432 an applicant with a pre-employment test result that is 90 days or more old.
- 433 (7) A safety sensitive applicant with a dilute negative test result will be
434 required to retest. Should this second test result in a negative dilute
435 result, the test will be considered a negative and no additional testing will
436 be required unless directed by the MRO.
- 437 (8) Safety sensitive applicants are required (even if ultimately not hired) to
438 provide their ~~consent~~ **signed written release** to ~~Stevens Point Transit~~
439 **Central Transportation requesting DOT to request FTA** drug and
440 alcohol records from all previous, DOT-covered, employers that the safety
441 sensitive applicant has worked for within the last two years. Failure to do
442 so will result in the employment offer being rescinded.
- 443 (9) ~~Stevens Point Transit~~ **Central Transportation** is required to ask all safety
444 sensitive applicants (even if ultimately not hired) if they have tested
445 positive or refused a pre-employment test for a DOT covered employer

446 within the last two years. If the applicant has tested positive or refused to
447 test on a pre-employment test for a DOT covered employer, the safety
448 sensitive applicant must provide ~~Stevens Point Transit~~ **Central**
449 **Transportation** proof of having successfully completed a referral,
450 evaluation and treatment plan as described in section 655.62 of subpart
451 G.

452
453 **Central Transportation** ~~Stevens Point Transit~~ reserves the right to re-evaluate
454 the employee's job
455 status based on the information received from background checks.

456 Reasonable Suspicion Testing

457 All ~~Stevens Point Transit's~~ **Central Transportation's** safety-sensitive employees will be
458 subject to a USDOT reasonable suspicion drug and/or alcohol test when the Transit
459 Provider has reasonable suspicion to believe that **the covered employee has used a**
460 **prohibited drug and/or engaged in alcohol misuse.** ~~drug or alcohol use is impacting~~
461 ~~job performance and safety.~~

462
463 Reasonable suspicion shall mean that there is objective evidence, based upon specific,
464 contemporaneous, articulable observations of the employee's appearance, behavior,
465 speech or body odor that are consistent with possible drug use and/or alcohol misuse.
466 Reasonable suspicion referrals must be made by one or more supervisors who are
467 trained to detect the signs and symptoms of drug and alcohol use, and who reasonably
468 concludes that an employee may be adversely affected or impaired in his/her work
469 performance due to possible prohibited substance abuse or alcohol misuse.

470
471 A reasonable suspicion alcohol test can only be conducted just before, during, or just
472 after the performance of a safety-sensitive job function. However, under the Transit
473 Provider's authority, a non-DOT reasonable suspicion alcohol test may be performed
474 any time the covered employee is on duty.

475
476 A reasonable suspicion drug test can be performed any time the covered employee is
477 on duty.

478
479 Transit Provider shall be responsible for transporting the employee to the testing site.
480 Supervisors should avoid placing themselves and/or others in a situation which might
481 endanger the physical safety of those present. The employee shall be placed on
482 administrative leave pending disciplinary action described in Section J of this policy.

483
484 A safety sensitive employee who refuses an instruction to submit to a drug/alcohol test
485 shall not be permitted to finish his or her shift and shall immediately be placed on
486 administrative leave pending disciplinary action as specified in Section J of this policy.

487
488 A written record of the observations, which led to a drug/alcohol test, based on
489 reasonable suspicion shall be prepared and signed by the supervisor making the
490

491 observation. This written record shall be submitted to Designated Employer
492 Representative (DER) and shall be attached to the forms reporting the test results.

493
494 All non-safety-sensitive employees covered under the sole authority of ~~Stevens Point~~
495 ~~Transit~~ **Central Transportation** will also be subject to non-USDOT reasonable
496 suspicion testing procedures modeled off the provisions in 49 CFR Part 655 and Part
497 40.

498
499 When there are no specific, contemporaneous, articulable objective facts that indicate
500 current drug or alcohol use, but the employee (who is not already a participant in a
501 treatment program) admits the abuse of alcohol or other substances to a supervisor in
502 his/her chain of command, the employee shall be referred to the Employee Assistance
503 Program (EAP) for an assessment. ~~Stevens Point Transit~~ **Central Transportation** shall
504 place the employee on Administrative Leave in accordance set forth under Section J of
505 this policy. Testing in this circumstance would be performed under the direct authority
506 of ~~Stevens Point Transit~~ **Central Transportation**.

507
508 Since the employee self-referred to management, testing under this circumstance would
509 not be considered a violation of this policy or a positive test result under Federal
510 authority. However, self-referral does not exempt the covered employee from testing
511 under Federal authority as specified in Section H of this policy or the associated
512 consequences as specified in Section J.

513 514 Post-Accident Testing

515 Covered employees shall be subject to post-accident drug and alcohol testing under the
516 following circumstances:

517 518 *Fatal Accidents*

519 **As soon as practicable**, all covered employees will be required to undergo urine and
520 breath testing if they are involved in an accident with a transit revenue service vehicle
521 that results in a fatality regardless of whether or not the vehicle is in revenue service.
522 This includes all surviving covered employees that are operating the vehicle at the time
523 of the accident and any other employee whose performance may have been a
524 contributing factor to the accident, **as determined by the employer using the best**
525 **information available at the time of the decision.**

526 527 *Non-Fatal Accidents*

528 A post-accident test **of the employee operating the public transportation vehicle** will
529 be conducted if an accident **occurs and at least one of the following conditions is**
530 **met:**

531 **The accident** results in injuries requiring immediate ~~transportation to a medical~~
532 ~~treatment~~ **away from the scene, and the covered employee may have contributed**
533 **to the accident.** ~~facility or one or more vehicles incurs disabling damage, unless the~~
534 ~~covered employees' performance can be completely discounted as a contributing factor~~
535 ~~to the accident.~~

536
537 **One or more of the vehicles incurs disabling damage as a result of the**
538 **occurrence and must be transported away from the scene and the covered**
539 **employee may have contributed to the accident.**

540
541 As soon as practicable following an accident, as defined in this policy, the ~~Transit~~
542 **Central Transportation** Supervisor investigating the accident will:

- 543
544 (1) Notify the ~~transit~~ **Central Transportation** employee operating the transit
545 vehicle and all other covered employees whose performance could have
546 contributed to the accident of the need for the test. The supervisor will
547 make the determination using the best information available at the time of
548 the decision.
549
550 (2) Ensure that an employee, required to be tested under this section, is
551 tested as soon as practicable following the accident, but no longer than
552 eight (8) hours after the accident for alcohol, and no longer than 32 hours
553 after the accident for drugs. If an alcohol test is not performed within two
554 hours of the accident, the Supervisor will document the reason(s) for the
555 delay. If the alcohol test is not conducted within (8) eight hours, or the
556 drug test within 32 hours, attempts to conduct the test must cease and the
557 reasons for the failure to test documented.
558
559 (3) Inform any covered employee involved in an accident they must refrain
560 from alcohol use for eight (8) hours following the accident, or until he/she
561 undergoes a post-accident alcohol test.
562

563 An employee who is subject to post-accident testing who fails to remain readily
564 available for such testing, including notifying a supervisor of his or her
565 location if he or she leaves the scene of the accident prior to submission to
566 such test, may be deemed to have refused to submit to testing.
567

568 Nothing in this section shall be construed to require the delay of necessary
569 medical attention for the injured following an accident, or to prohibit an
570 employee from leaving the scene of an accident for the period necessary to
571 obtain assistance in responding to the accident, or to obtain necessary
572 emergency medical care.
573

574 In the rare event that ~~Stevens Point Transit~~ **Central Transportation** is unable to
575 perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is
576 detained by law enforcement agency), ~~Stevens Point Transit~~ **Central Transportation**
577 may use drug and alcohol post-accident test results administered by local law
578 enforcement officials in lieu of the FTA test. The local law enforcement officials must
579 have independent authority for the test and ~~Stevens Point Transit~~ **Central**
580 **Transportation** must obtain the results in conformance with local law.

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Random Testing

All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. *Non-safety-sensitive employees covered under Stevens Point Transit's authority will be selected from a pool of non-USDOT covered employees.*

- (1) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- (2) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates ~~established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations.~~ **Set each year by the FTA Administrator.** The random testing rate for drugs is published each year by ODAPC (<http://www.dot.gov/ost/dapc/random-testingprates.html>) and/or in the Federal Register.
- (3) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal changes of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- (4) Random **drug** testing may occur anytime an employee is on duty.
- (5) Alcohol random tests can only be performed just before, during, or after the performance of a safety-sensitive duty. However, under ~~Stevens Point Transit's~~ **Central Transportation's** authority, a non-USDOT random alcohol test may be performed any time employee is on duty. Testing can occur during the beginning, middle or end of an employee's shift.
- (6) Employees are required to proceed immediately to the collection site upon notification of their random selection.

620 Return-To-Duty-Testing

621 All covered employees who previously tested positive on a drug or alcohol test or
622 refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and
623 be evaluated and released by the Substance Abuse Professional (**SAP**) before
624 returning to work.

625
626 For an initial positive drug test a Return-to-Duty drug test is required and an alcohol test
627 is allowed. For an initial positive alcohol test a Return-to-Duty alcohol test is required
628 and a drug test is allowed. Following the initial assessment, the SAP will recommend a
629 course of rehabilitation unique to the individual.

630
631 The SAP should schedule the return-to-duty test only when the employee is known to
632 be drug- and alcohol-free and there is no risk to public safety.

633
634 Follow Up Testing

635 Covered employees will be required to undergo frequent, unannounced drug and
636 alcohol testing following their return-to-duty. The follow-up testing will be performed for
637 a period of one to five years with a minimum of six tests to be performed the first year.

638
639 The frequency and duration of the follow-up tests (beyond the minimums) will be
640 determined by the SAP reflecting the SAP's assessment of the employee's unique
641 situation and recovery progress. Follow-up testing should be frequent enough to deter
642 and/or detect a relapse. Follow-up testing is separate and in addition to the random,
643 post-accident, reasonable suspicion and return-to-duty testing.

644
645 I. TESTING PROCEDURES

646
647 Drug Testing Procedures

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

655
656 Specimen validity testing will be conducted on all urine specimens provided for testing
657 under DOT authority. Specimen validity testing is the evaluation of the specimen to
658 determine if it is consistent with normal human urine. The purpose of validity testing is to
659 determine whether certain adulterants or foreign substances were added to the urine, if
660 the urine was diluted, or if the specimen was substituted.

661
662 The drugs that will be tested for include:

663 *Marijuana

664 *Cocaine

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*Opioids (including codeine, hydrocodone, oxycodone, morphine, hydromorphone, oxymorphone and heroin)

*Amphetamine (including methamphetamine, methylenedioxyamphetamine [MDA] and ecstasy), and

*Phencyclidine (PCP)

Cutoff levels regarding initial test cutoff levels and confirmatory test cutoff levels adhere to 49 CFR Part 40, as amended.

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 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 knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substituted, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/ medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to the City of Stevens Point's Drug and Alcohol Program Manager (DAPM). If a legitimate explanation is found, the MRO has the responsibility to raise fitness-for-duty considerations with ~~Stevens Point Transit~~ **Central Transportation** during the verification process. Once verified, the MRO will report the test result as negative to the DAPM and no further action will be taken. If the test is invalid with out a medical

709 explanation, a retest will be conducted under direct observation. Employees do not
710 have access to a test of their split specimen following an invalid result.

711
712 *Split Sample Test*

713 Any covered employee who questions the results of a required drug test as stated in
714 this policy may request that the split sample be tested. The split sample test must be
715 conducted at a different DHHS-certified laboratory with no affiliation with the laboratory
716 that analyzed the primary specimen. The test must be conducted on the split sample
717 that was provided by the employee at the same time as the primary sample. The
718 method of collecting, storing, and testing the split sample will be consistent with the
719 procedures set forth in 49 CFR Part 40, as amended. The employee's request for a
720 split sample test must be made to the Medical Review Officer within 72 hours of notice
721 of the original sample verified test result. Requests after 72 hours will only be accepted
722 at the discretion of the MRO if the delay was due to documentable facts that were
723 beyond the control of the employee. The City of Stevens Point will ensure that the cost
724 for the split specimen is covered in order for a timely analysis of the sample; however
725 the City will seek reimbursement for the split sample test from the employee if the result
726 of the split specimen analysis confirms the original result.

727
728 If the analysis of the split specimen fails to confirm the presence of the drug(s) detected
729 in the primary specimen, if the split specimen is not able to be analyzed, or if the results
730 of the split specimen are not scientifically adequate, the MRO will declare the original
731 test to be canceled. ~~If the split specimen is not available to analyze, the MRO will direct
732 Stevens Point Transit to retest the employee under direct observation.~~

733
734 The split specimen will be stored at the initial laboratory until the analysis of the primary
735 specimen is completed. If the primary specimen is negative, the split will be discarded.
736 **If the primary is positive it will be retained in frozen storage for one year and the
737 split specimen will also be retained for one year.** ~~adulterated, or substituted, the
738 split will be retained for testing if so requested by the employee through the Medical
739 Review Officer.~~ If the primary specimen is positive, **the primary and the split will be
740 retained for testing** ~~it will be retained in frozen storage for longer than one year and
741 the split specimen will also be retained for one year for testing if so requested by the
742 employee through the Medical Review Officer, Stevens Point Transit~~ **Central
743 Transportation** or by the relevant DOT agency.

744
745 *Direct Observation Conditions*

746 ~~Stevens Point Transit~~ **Central Transportation** must direct an immediate collection
747 under direct observation, by a person of the same gender, with no advance notice to the
748 employee, if:

- 749
750 (1) The laboratory reports to the MRO that a specimen is invalid, and the MRO
751 reports there was not an adequate medical explanation for the result; or
752 (2) The MRO reports the original positive, adulterated, or substituted ~~test~~ result had to
753 be cancelled because the test of the split specimen could not be performed;

754 (3) The laboratory reports to the MRO that the specimen was negative-dilute with a
755 creatinine concentration greater than or equal to 2mg/dL but less than or equal to 5
756 mg/dL, and the MRO reports the specimen as negative-dilute and that a second
757 collection must take place under direct observation (see SS 40.197(b)(1));

758 (4) The collector observes materials brought to the collection site or the employee's
759 conduct clearly indicates an attempt to tamper with a specimen;

760 (5) The temperature on the original specimen was out of range;

761 (6) Anytime the employee is directed to provide another specimen because the
762 original specimen appeared to have been tampered with or;

763 (7) The test is a return-to-duty test or follow-up test.

764 765 *Direct Observation Criteria*

766 The employee who is being observed will be required to raise his or her shirt, blouse, or
767 dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show
768 the collector, by turning around that they do not have a prosthetic device. The direct
769 observation must be conducted by a person of the same gender as the employee being
770 tested.

771 772 *Split Specimen Testing*

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

775 776 *Negative Dilute*

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

780 781 *Alcohol Testing Procedures*

782 Tests for breath alcohol concentration will be conducted utilizing a National Highway
783 Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT)
784 operated by a trained Breath Alcohol Technician (BAT).

785
786 Alcohol screening tests may be performed using a non-evidential testing device, which
787 is also approved by NHSTA. The test will be performed in a private, confidential manner
788 as required by 49 CFR Part 40, as amended. The procedure will be followed as
789 prescribed to protect the privacy of the employee and to maintain the integrity of the
790 alcohol testing procedures and validity of the test result.

791
792 If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will
793 be performed to confirm the results of the initial test.

794
795 The confirmatory test must occur using a NHTSA-approved on an EBT operated by a
796 trained BAT.

798 The confirmatory test will be conducted at least fifteen minutes after the completion of
799 the initial test.

800 The EBT will identify each test by a unique sequential identification number. This
801 number, time, and unit identifier will be provided on each EBT printout. The EBT
802 printout, along with an approved alcohol testing form, will be used to document the test,
803 the subsequent results, and to attribute the test to the correct employee.

804
805 An employee who has a confirmed alcohol concentration of 0.04 or greater will be
806 considered a positive alcohol test and in violation of this policy. The consequences of a
807 positive alcohol test are described in Section J of this policy.

808
809 Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039
810 is not considered positive, the employee shall still be removed from duty for at least
811 eight hours or for the duration of the work day whichever is longer and will be subject to
812 the consequences described in Section J of this policy.

813
814 An alcohol concentration of less than 0.02 will be considered a negative test.

815
816 The City Transit Department affirms the need to protect individual dignity, privacy, and
817 confidentiality throughout the testing process. If at any time the integrity of the testing
818 procedures or the validity of the test results is compromised, the test will be canceled.
819 Minor inconsistencies or procedural flaws that do not impact the test result will not result
820 in a cancelled test.

821
822 The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used
823 for all FTA required testing. Failure of an employee to sign Step 2 of the ATF will be
824 considered a refusal to submit to testing.

825 826 J. RESULT OF DRUG/ALCOHOL TEST VIOLATION

827
828 Following a positive drug or alcohol test (BAC at or above 0.04) test result or test
829 refusal, the employee will be immediately removed from safety-sensitive duty and
830 referred to a **list of USDOT qualified** Substance Abuse Professional (SAP).

831
832 An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the
833 employee from duty for eight hours or the remainder of the work day whichever is
834 longer. The employee will not be allowed to return to safety-sensitive duty for
835 his/her next shift until he/she submits to an alcohol test with a result of less than
836 0.02 BAC. If the employee has an alcohol test result of ≥ 0.02 to ≤ 0.039 two or
837 more times within a six month period, the employee will be removed from duty
838 and referred to a Substance Abuse Counselor/Employee Assistance Program
839 (EAP) for assessment and treatment.

840
841 The cost of any treatment or rehabilitation services will be paid directly by the
842 employee or their insurance provider.

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Failure of an employee to report within five days to a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

Drug Test Refusals

An employee is considered to have refused to take a drug test if the employee:

- (a) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, ~~consistent with applicable DOT agency regulations after being directed to do so by the employer.~~ This includes the failure of an employee to appear for ~~a test when called by a Third Party Administrator (TPA).~~
- (b) Fails to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- (c) Fails to provide a urine specimen. ~~for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.~~
- (d) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen;
- (e) Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure;
- (f) Fails or declines to take an additional drug test ~~as directed by Stevens Point Transit~~ **Central Transportation or collector has directed you to take;**
- (g) Fails to undergo a medical examination or evaluation, as directed by the MRO ~~as part of the verification process,~~ or as directed by the Designated Employee Representative (DER). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test;
- (h) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);
- (i) For an observed collection, fails to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if

- 888 you have any type of prosthetic or other device that could be used to
889 interfere with the collection process;
- 890 (j) Possesses or wears a prosthetic or other device that could be used
891 to interfere with the collection process;
 - 892 (k) Admits to the collector or MRO that the specimen was adulterated or
893 substituted;
 - 894 (l) The MRO verifies a test result as adulterated or substituted.
 - 895 **(m) Fails to remain readily available for testing following an accident.**

896
897 *Alcohol Test Refusals*

898 An employee is considered to have refused to take an alcohol test if
899 the employee:

- 900 (a) Fails to appear for any test (except a pre-employment test) within a
901 reasonable amount of time, as determined by the employer,
902 consistent with applicable DOT agency regulations, after being
903 directed to do so by the employer. This includes the failure of an
904 employee to appear for a test when called by the Third Party
905 Administrator (TPA).
- 906 (b) Fails to remain at the testing site until the testing process is
907 complete. Provided, that an employee who leaves the testing site
908 before the testing process commences (see state statute 40.243(a))
909 for a pre-employment test is not deemed to have refused to test;
- 910 (c) Fails to provide an adequate amount of saliva or breath for any
911 alcohol test required by this part or DOT regulations. Provided, that
912 an employee who does not provide an adequate amount of breath or
913 saliva because he or she has left the testing site before the testing
914 process for a pre-employment test is not deemed to have refused to
915 test.
- 916 (d) Fails to provide a sufficient breath specimen, and the physician has
917 determined through a required medical evaluation, that there was no
918 adequate medical explanation for the failure;
- 919 (e) Fails to undergo a medical examination or evaluation, as directed by
920 ~~Stevens Point Transit~~ **Central Transportation**; ~~as part of the insufficient~~
921 ~~breath procedures.~~
- 922 (f) Fails to sign the certification at Step 2 of the ATF (Alcohol Testing
923 Form) **or**;
- 924 (g) Fails to cooperate with any part of the testing process.
- 925 **(h) Fails to remain readily available for testing following an accident.**

926
927
928 K. VOLUNTARY SELF-REFERRAL

929
930 Any employee who has a drug and/or alcohol abuse problem and has not been
931 selected for reasonable suspicion, random or post-accident testing or has not refused a
932 drug or alcohol test may voluntarily refer her to himself to the ~~Stevens Point Transit~~

933 **Central Transportation** Manager, who will refer the individual to a substance abuse
934 counselor for evaluation and treatment.

935
936 The substance abuse counselor will evaluate the employee and make a specific
937 recommendation regarding the appropriate treatment. Employees are encouraged to
938 voluntarily seek professional substance abuse assistance before any substance use or
939 dependence affects job performance.

940
941 Any safety-sensitive employee who admits to a drug and/or alcohol problem will
942 immediately be removed for his/her safety-sensitive function and will not be allowed to
943 perform such function until successful completion of a prescribed rehabilitation program.

944
945 A voluntary referral does not shield an employee **from:**
946 disciplinary action or guarantee ~~continued~~ employment with Stevens Point
947 Transit and;
948 **The requirement to comply with drug and alcohol testing.**

949
950 **In the instance of a self-referral or a management referral, disciplinary action**
951 **against the employee shall include mandatory referral for an assessment by an**
952 **employer approved counseling professional for assessment, formulation of a**
953 **treatment plan and execution of a return to work agreement.**

954 **Failure to execute, or remain compliant with the return-to-work agreement shall**
955 **result in termination from Transit provider employment.**

956 **Failure to execute, or remain compliant with the return-to-work agreement shall**
957 **result in termination from ~~Stevens Point Transit~~ Central Transportation**
958 **employment.**

959
960 L. GRIEVANCE AND APPEAL

961
962 The consequences specified by 49 CFR Part 40.149(c), as amended for a
963 positive test or test refusal are not subject to arbitration.

964
965 M. PROPER APPLICATION OF THE POLICY

966
967 The City of Stevens Point is dedicated to assuring fair and equitable application
968 of this substance abuse policy. Therefore, supervisors/managers are required to use
969 and apply all aspects of this policy in an unbiased and impartial manner. Any
970 supervisor/manager who knowingly disregards the requirements of this policy, or who is
971 found to deliberately misuse the policy in regard to subordinates, shall be subject to
972 disciplinary action, up to and including termination.

973
974 N. RECORDS MANAGEMENT

975
976 According to 49 CFR Part 655, as amended, the following minimum record
977 retention schedule shall be maintained, ~~as a minimum~~ by the City of Stevens Point

978 ~~DER.~~ Sometimes, additional records will be kept to complete a paper trail and
979 thoroughly document the decision-making process.
980

981

982 **Record Retention Schedule**

983

984 Record Retention

985

986 Alcohol Test Results <0.02 1 year

987 Records of Negative Test Results

988

989 Education and Training Records 2 years

990

991 Information obtained through previous employer 3 years

992 record checks

993

994 Records of covered employee verified positive 5 Years

995 Drug test results

996

997 Alcohol test results with readings of 0.02 or greater

998

999 Documentation of refusal to take required drug or

1000 Alcohol test

1001

1002 **Documentation of employee disputes**

1003

1004 Evidential breath device calibration documentation

1005

1006 Employee evaluation and referrals

1007

1008 Annual MIS reports

1009

1010 **Type of Records**

1011

1012 The following specific records will be maintained:

1013

1014 1. Records related to general policies and procedures

1015 a. Current policy statement listing effective date and the approval
1016 by the highest ranking official of the City of Stevens Point.

1017 b. Employee and new hire policy receipt acknowledgements.

1018 c. Previous policy statements listing effective dates and the
1019 corresponding approvals by the highest ranking official;
1020 employee and new hire policy receipt acknowledgements.

1021 2. Records related to employee training

1022 a. Training materials on drug use awareness and alcohol misuse,
1023 including a copy of the City of Stevens Point's policy on

- 1024 prohibited drug use and alcohol misuse.
- 1025 b. Names of covered employees attending training on prohibited
- 1026 drug use and alcohol misuse and the dates and times of such
- 1027 training.
- 1028 c. Documentation of training provided to supervisors for the
- 1029 purpose of qualifying the supervisors to make a determination
- 1030 concerning the need for drug and alcohol testing based on
- 1031 reasonable suspicion.
- 1032 d. Certification that any training conducted complies with the
- 1033 requirements for such training.
- 1034 3. Records related to the collection process
- 1035 a. Collection logbooks, if used.
- 1036 b. Documents relating to the random selection process.
- 1037 c. Documents generated in connection with decisions:
- 1038 i. To administer reasonable suspicion drug or alcohol
- 1039 tests.
- 1040 ii. On post-accident drug and alcohol testing.
- 1041 d. MRO documents verifying existence of medical explanation of
- 1042 the inability of a covered employee to provide an adequate
- 1043 urine or breath sample.
- 1044 4. **Records related to test results**
- 1045 a. Stevens Point's copy of the custody and control form.
- 1046 b. Documents related to the refusal of any covered employee to
- 1047 submit to a required test.
- 1048 c. Documents presented by a covered employee to dispute the
- 1049 result of a test.
- 1050 5. Records related to referral and return to duty and follow-up testing
- 1051 a. Records concerning a covered employee's entry into and
- 1052 completion of the treatment program recommended by the
- 1053 substance abuse professional.
- 1054 6. Records related to the employers MIS annual testing data.
- 1055
- 1056 7. Records related to credentials documenting that each service agent (i.e.
- 1057 MRO, SAP, Certified Labs, etc.) meets the minimum basic knowledge,
- 1058 qualifications, training, certification/examination, error-correction training,
- 1059 and refresher training.
- 1060 a. If the service agents maintain these records, the employer should
- 1061 perform and keep documents of periodic spot checks to ensure that
- 1062 the minimum requirements are met.

1064 *Location of Records*

1065 Drug/alcohol testing records shall be maintained by the City of Stevens Point's Drug
 1066 and Alcohol Program Manager in a locked and secure manner so that disclosure of
 1067 information to unauthorized persons does not occur.

1068 *Information Disclosure*

1069 Records will be released to the entities/individuals listed below in the following
1070 circumstances:

- 1071 1. The ~~Stevens Point Transit~~ **Central Transportation's** Drug and Alcohol
1072 Program Manager and other transit system management personnel for
1073 records of a verified positive drug/alcohol test.
- 1074 2. A third party only as directed by specific, written instruction of the
1075 employee.
1076 The employee, upon written request, is entitled to obtain copies of any
1077 records pertaining to their use of prohibited drugs or misuse of alcohol
1078 including any drug or alcohol testing records. Covered employees have
1079 the right to gain access to any pertinent records such as equipment
1080 calibration records, and records of laboratory certifications. Employees
1081 may not have access to SAP follow-up testing plans.
- 1082 3. **A subsequent employer only upon receipt of a written request from**
1083 **the employee.**
- 1084 4. **The National Transportation Safety Board during an accident**
1085 **investigation.**
- 1086 5. **An agency with regulatory authority (such as over Central**
1087 **Transportation) or any of its employees.**
- 1088 6. The adjudicator in a grievance, lawsuit, or other proceeding initiated by or
1089 on behalf of the tested individual arising from the results of the
1090 drug/alcohol test. The records will be released to the decision maker in
1091 the proceeding.
- 1092 7. A Federal, state or local safety agency with regulatory authority over
1093 Central Transportation or the employee.
- 1094 8. In cases of a contractor or subrecipient of a state department of
1095 transportation, records will be released when requested by such
1096 agencies that must certify compliance with the regulation to the
1097 FTA.
- 1098 9. To the decision maker in a criminal or civil action proceeding
1099 resulting from an employee's performance of safety-sensitive duties,
1100 in which a court of competent jurisdiction determines that the drug
1101 or alcohol test information is relevant to the case and issues and
1102 order to ~~Stevens Point Transit~~ **Central Transportation** to release the
1103 information. ~~Stevens Point Transit~~ **Central Transportation** will release
1104 the information which a binding stipulation that it will only be released to
1105 the parties of the proceeding.

1106
1107 If a party seeks a court order to release ~~the~~ a specimen or part of a specimen
1108 contrary to any provision of Part 40 as amended, necessary legal steps to
1109 contest the issuance of the order will be taken.
1110

1111

1112 This Policy was adopted by the City of Stevens Point on ~~January 15, 2018~~ **July 16,**
1113 **2018.**

1114

1115 Mayor of the City of Stevens Point

1116

1117

1118 _____

1119

1120

1121

1122 City Clerk of the City of Stevens Point

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1124

1125 _____

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1172

ATTACHMENT A
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/
Drug and Alcohol Program 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: David Nahin, MD
Title: i3screen MRO Services
Address: 9501 Northfield Blvd
Denver, CO 80238
Telephone Number: 877-585-7366
Fax Number: 855-253-5666

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
Or select one from www.saplist.com - Wisconsin

DHHS Certified Laboratory Primary Specimen Lab

Name: ~~Quest Diagnostics~~ **Medtox**
Address: ~~10101 Renner Blvd, Lenexa KS 66219~~ **www.medtox.com**
Telephone Number: ~~800-877-7484~~ **1-800-832-3244**

DHHS Certified Laboratory Split Specimen Backup Lab

Name: ~~Lab Corp~~ **www.questdiagnostics.com**
Telephone Number: ~~800-833-3984~~ **1-800-877-7484**

Attachment B
List of Safety Sensitive Positions
For Stevens Point Transit Central Transportation

1173
1174
1175
1176
1177
1178
1179
1180
1181
1182

Title	Testing Authority
Bus Operators	FTA
Mechanics	FTA
Dispatch Scheduler	FTA
Supervisor(s)	

Attachment C - Definitions

1183
1184
1185 *Accident.* An occurrence associated with the operation of a revenue service vehicle (even when
1186 not in revenue service) or a vehicle which requires a Commercial Driver's License to operate, if
1187 as a result--
1188

- 1189 (1) An individual dies;
1190
1191 (2) An individual suffers a bodily injury and immediately receives medical treatment
1192 away from the scene of the accident; or,
1193
1194 (4) One or more vehicles incur disabling damage as the result of the occurrence and
1195 is transported away from the scene by a tow truck or other vehicle. For purposes
1196 of this definition, *disabling damage* means damage, which precludes departure of
1197 any vehicle from the scene of the occurrence in its usual manner in daylight after
1198 simple repairs. Disabling damage includes damage to vehicles that could have
1199 been operated but would have been further damaged if so operated, but does not
1200 include damage which can be remedied temporarily at the scene of the
1201 occurrence without special tools or parts, tire disablement without other damage
1202 even if no spare tire is available, or damage to headlights, taillights, turn signals,
1203 horn, or windshield wipers that makes them inoperative.
1204

1205 *Adulterated specimen.* A specimen that has been altered, as evidence by test results showing
1206 either a substance that is not a normal constituent for that type of specimen, or showing an
1207 abnormal concentration of an endogenous substance.
1208

1209 *Alcohol.* The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight
1210 alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or
1211 medication.
1212

1213 *Alcohol Concentration.* Expressed in terms of grams of alcohol per 210 liters of breath as
1214 measured by a test under 49 CFR Part 40.
1215

1216 *Aliquot.* A fractional part of a specimen used for testing. It is taken as a sample representing the
1217 whole specimen.
1218

1219 *Canceled Test.* A drug **or alcohol** test that has a problem identified that cannot be or has not
1220 been corrected or which is cancelled. A canceled test is neither positive nor negative.
1221

1222 ***Confirmatory Drug Test.* A second analytical procedure performed on a different aliquot
1223 of the original specimen to identify and quantify the presence of a specific drug or
1224 metabolite.**
1225

1226 ***Confirmatory Validity Test.* A second test performed on a different aliquot of the original
1227 urine specimen to further support a validity test result.**
1228

1229 *Covered Employee.* An employee who performs a safety-sensitive function including an
1230 applicant or transferee whom will be hired to perform a safety-sensitive function (See
1231 **Attachment B** for a list of covered employees), and other employees, applicants, or transferee
1232 that will not perform a safety-sensitive function.
1233

1234 *Designated Employer Representative (DER)*. This is an employee authorized by the employer to
1235 take immediate action(s) to remove employees from safety-sensitive duties, or cause
1236 employees to be removed from these covered duties, and to make required decisions in the
1237 testing and evaluation processes. The DER also receives test results and other communications
1238 for the employer.

1239
1240 ***DOT, The Department, DOT Agency or USDOT***. These terms encompass all Department
1241 of Transportation (DOT) agencies, including but not limited to the Federal Transit
1242 Administration (FTA), Federal Railroad Administration (FRA), Federal Aviation
1243 Administration (FAA), Federal Motor Carriers' Safety Administration (FMCSA), the
1244 National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous
1245 Materials Safety Administration (PHMSA) and the Office of the Secretary of
1246 Transportation. For purposes of 49 CFR part 40, the United States Coast Guard (USCG),
1247 in the Department of Homeland Security is considered to be a DOT agency for drug
1248 testing purposes. These terms include any designee of a DOT agency.

1249
1250 *Dilute specimen*. A specimen with creatinine and specific gravity values that are lower than
1251 expected for human urine.

1252
1253 *Disabling damage*. Damage, which precludes departure of any vehicle from the scene of the
1254 occurrence in its usual manner in daylight after simple repairs. Disabling damage includes
1255 damage to vehicles that could have been operated but would have been further damaged if so
1256 operated, but does not include damage, which can be remedied temporarily at the scene of the
1257 occurrence without special tools or parts, tire disablement without other damage even if no
1258 spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield
1259 wipers that makes them inoperative.

1260
1261 *Drug and Alcohol Program Manager (DAPM)*: An employee authorized by the employer to
1262 manage and monitor the drug and alcohol testing program. This person may make required
1263 decisions in the testing and evaluation process, maintain required records, update policy and
1264 procedures, and monitor contractors and vendors. The DAPM may also receive test results and
1265 other communications for the employer and may act as the DER.

1266
1267 *Evidentiary Breath Testing Device (EBT)*. A device approved by the NHTSA for the evidential
1268 testing of breath at the 0.02 and the 0.04 alcohol **concentrations and appears on ODAPC's**
1269 **webpage for "Approved Evidential Breath Measurement Devices" because it conforms**
1270 **with the model specifications available from the** National Highway Traffic Safety
1271 Administration (NHTSA) conforming products list.

1272
1273 *Fitness For Duty (FFD)*. The employee is physically and mentally capable of safely performing
1274 the essential functions of his/her job.

1275
1276 *Initial Drug Test (Screening Drug Test)*. The test used to differentiate a negative specimen from
1277 one that requires further testing for drugs or drug metabolites.

1278
1279 *Initial Specimen Validity Test*: The first test used to determine if a urine specimen is adulterated,
1280 diluted, substituted or invalid.

1281

1282 *Invalid Result.* The result reported by an HHS-certified laboratory in accordance with the criteria
1283 established by the HHS Mandatory Guidelines when a positive, negative, adulterated, or
1284 substituted result cannot be established for a specific drug or specimen validity test.
1285

1286 *Laboratory.* Any U.S. laboratory certified by HHS under the National Laboratory Certification
1287 program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal
1288 Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved
1289 for participation by DOT under this part.
1290

1291 *Limit of Detection (LOD).* The lowest concentration at which a measurement can be identified,
1292 but (for quantitative assays) the concentration cannot be accurately calculated.
1293

1294 *Limit of Quantitation.* For quantitative assays, the lowest concentration at which the identity and
1295 concentration of the measurement can be accurately established.
1296

1297 *Medical Review Officer (MRO).* A licensed physician (medical doctor or doctor of osteopathy)
1298 responsible for receiving laboratory results generated by the drug testing program who has
1299 knowledge of substance abuse disorders, and has appropriate medical training to interpret and
1300 evaluate an individual's confirmed positive test result, together with his/her medical history, and
1301 any other relevant bio-medical information.
1302

1303 *Negative Dilute.* A drug test result which is negative for the five drug/drug metabolites but has a
1304 specific gravity value lower than expected for human urine.
1305

1306 *Negative result.* The result reported by an HHS-certified laboratory to an MRO when a specimen
1307 contains no drug or the concentration of the drug is less than the cutoff concentration for the
1308 drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than
1309 0.02 BAC is a negative test result.
1310

1311 *Non-negative test result.* A urine specimen that is reported as adulterated, substituted, invalid,
1312 or positive for drug/drug metabolites.
1313

1314 *Oxidizing Adulterant:* A substance that acts alone or in combination with other substances to
1315 oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects
1316 the reagents in either the initial or confirmatory drug test.
1317

1318 *Performing (a safety-sensitive function).* A covered employee is considered to be performing a
1319 safety-sensitive function during any period in which he or she is actually performing, ready to
1320 perform, or immediately available to perform such functions.
1321

1322 *Positive result.* The result reported by an HHS-Certified Laboratory when a specimen contains a
1323 drug or drug metabolite equal or greater to the cutoff concentrations.
1324

1325 *Prohibited drug.* Identified as marijuana, cocaine, **opioids**, amphetamines, or phencyclidine at
1326 levels above the minimum thresholds specified in 49 CFR Part 40, as amended.
1327

1328 *Reconfirmed.* The result reported for a split specimen when the second laboratory is able to
1329 corroborate the original result reported for the primary specimen.
1330

1331 *Rejected for Testing.* The result reported by an HHS-Certified laboratory when no tests are
1332 performed for specimen because of a fatal flaw or a correctable flaw that has not been
1333 corrected.

1334
1335 *Revenue Service Vehicles.* All transit vehicles that are used for passenger transportation
1336 service.

1337
1338 *Safety-sensitive functions.* A safety-sensitive function is any duty related to the safe operation of
1339 public transportation service including the:

- 1340 ✓ Operation of a transit revenue service vehicle (whether or not the vehicle is in revenue
1341 service),
- 1342 ✓ Maintenance of a revenue service vehicle or equipment used in revenue service
 - 1343 ○ Maintenance functions include the repair, overhaul, and rebuild of engines,
1344 vehicles and/or equipment.
- 1345 ✓ Security personnel who carry firearms,
- 1346 ✓ Dispatchers or person controlling the movement of revenue service vehicles, and
- 1347 ✓ Any other transit employee who operates a non-revenue service vehicle that requires a
1348 Commercial Drivers License.
- 1349 ✓ Volunteers are considered safety sensitive and subject to testing if they are required to
1350 hold a CDL, or are remunerated for service in excess of their actual expense.

1351
1352 *Split Specimen Collection.* A collection in which the urine collected is divided into two separate
1353 bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

1354
1355 *Substance Abuse Professional (SAP).* A licensed physician (medical doctor or doctor of
1356 osteopathy) or licensed or certified psychologist, social worker, employee assistance
1357 professional, state-licensed or certified marriage and family therapist or drug and alcohol
1358 counselor (certified by **an organization listed at <https://www.transportation.gov/odapc/sap>** with
1359 knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related
1360 disorders.

1361
1362 *Substituted specimen.* A urine specimen with creatinine and specific gravity values that are so
1363 diminished or so divergent that they are not consistent with normal human urine.

1364
1365 *Verified negative test.* A drug test result reviewed by a medical review officer and determined to
1366 have no evidence of prohibited drug use above the minimum cutoff levels established by the
1367 Department of Health and Human Services (DHS).

1368
1369 *Verified positive test.* A drug test result reviewed by a medical review officer and determined to
1370 have evidence of prohibited drug use above the minimum cutoff levels specified in 49 CFR Part
1371 40 as amended.

1372
1373 *Validity testing.* The evaluation of the specimen to determine if it is consistent with normal
1374 human urine. Specimen validity testing will be conducted on all urine specimens provided for
1375 testing under DOT authority. The purpose of validity testing is to determine whether certain
1376 adulterants or foreign substances were added to the urine, if the urine was diluted, or if the
1377 specimen was substituted.

1378

1379 **Attachment D**
1380 **Alcohol Fact Sheet**

1381
1382 Alcohol is a socially acceptable drug that has been consumed throughout the world for
1383 centuries. It is considered a recreational beverage when consumed in moderation for
1384 enjoyment and relaxation during social gatherings. However, when consumed primarily
1385 for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it
1386 slows down physical responses and progressively impairs mental functions.

1387
1388 **Signs and Symptoms of Use**

- 1389
1390 Dulled mental processes
1391 Lack of coordination
1392 Odor of alcohol on breath
1393 Possible constricted pupils
1394 Sleepy or stuporous condition
1395 Slowed reaction rate
1396 Slurred speech

1397
1398 (Note: Except for the odor, these are general signs and symptoms of any depressant
1399 substance.)

1400
1401 **Health Effects**

1402
1403 The chronic consumption of alcohol (average of three servings per day of beer
1404 [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in
1405 the following health hazards:

- 1406
1407 Decreased sexual functioning
1408 Dependency (up to 10 percent of all people who drink alcohol become
1409 physically and/or mentally dependent on alcohol and can be termed
1410 "alcoholic")
1411 Fatal liver diseases
1412 Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast,
1413 and malignant melanoma
1414 Kidney disease
1415 Pancreatitis
1416 Spontaneous abortion and neonatal mortality
1417 Ulcers
1418 Birth defects (up to 54 percent of all birth defects are alcohol related).

1419
1420 **Social Issues**

- 1421
1422 Two-thirds of all homicides are committed by people who drink prior to the
1423 crime.

- 1424 Two to three percent of the driving population is legally drunk at any one time.
1425 This rate is doubled at night and on weekends.
- 1426 Two-thirds of all Americans will be involved in an alcohol-related vehicle
1427 accident during their lifetimes.
- 1428 The rate of separation and divorce in families with alcohol dependency
1429 problems is seven times the average.
- 1430 Forty percent of family court cases are alcohol problem related.
- 1431 Alcoholics are 15 times more likely to commit suicide than are other segments
1432 of the population.
- 1433 More than 60 percent of burns, 40 percent of falls, 69 percent of boating
1434 accidents, and 76 percent of private aircraft accidents are alcohol related.
- 1435

1436 The Annual Toll

- 1437
- 1438 24,000 people will die on the highway due to the legally impaired driver.
1439 12,000 more will die on the highway due to the alcohol-affected driver.
- 1440 15,800 will die in non-highway accidents.
1441 30,000 will die due to alcohol-caused liver disease.
- 1442 10,000 will die due to alcohol-induced brain disease or suicide.
1443 Up to another 125,000 will die due to alcohol-related conditions or accidents.
- 1444

1445 Workplace Issues

- 1446
- 1447 It takes one hour for the average person (150 pounds) to process one serving
1448 of an alcoholic beverage from the body.
- 1449 Impairment in coordination and judgement can be objectively measured with
1450 as little as two drinks in the body.
- 1451 A person who is legally intoxicated is 6 times more likely to have an accident
1452 than a sober person.
- 1453
- 1454
- 1455
- 1456

1457 **Attachment E – Resources**

1458 **NOTE: Always consult FTA’s website for the most current version.**

1459

1460 **USDOT Office of Drug and Alcohol Policy and Compliance**

1461 **USDOT Office of Drug and Alcohol Policy and Compliance (ODAC)**

1462 <http://www.dot.gov/ost/dapc/>

1463

1464 **What Employers need to Know About DOT Drug and Alcohol Testing – Guidance**
1465 **and Best Practices –**

1466 <http://www.dot.gov/ost/dapc/documents/EmployerGuidelinesOctober012010.pdf>

1467

1468 **What Employees Need to Know About DOT Drug and Alcohol Testing-**

1469 <http://www.dot.gov/ost/dapc/documents/EmployeeHandbookOctober2010.pdf>

1470

1471 **ODAC – Email Notification Updates**

1472 http://www.dot.gov/ost/dapc/email_list.html

1473

1474

1475 **FTA**

1476 **Federal Transit Administration**

1477 <http://www.fta.dot.gov/>

1478

1479 **FTA – Legislation and Regulations**

1480 <http://transit-safety.fta.dog.gov/DrugAndAlcohol/Newsletters/Topics.aspx>

1481

1482 **MIS – Drug and Alcohol Reporting**

1483 <http://transit-safety.fta.dog.gov/DrugAndAlcohol/DAMIS/default.aspx>

1484

1485 **Best Practices Manual: FTA Drug and Alcohol Testing Program**

1486 <http://transit-safety.volpe.dog.gov/Publications/order/singledoc.asp?docid=704>

1487

1488 **Implementation Guidelines for Drug and Alcohol Regulations in Mass Transit**

1489 <http://transit-safety.fta.dot.gov/Publications/order/singledoc.asp?docid=61>

1490

1491 **Prescription and Over-the-Counter Medications Toolkit**

1492 [http://transit-](http://transit-safety.fta.dog.gov/publications/substance/RxOTC/RxOTC_Sept2011.pdf)
1493 [safety.fta.dog.gov/publications/substance/RxOTC/RxOTC_Sept2011.pdf](http://transit-safety.fta.dog.gov/publications/substance/RxOTC/RxOTC_Sept2011.pdf)

1494

1495 **Training Information**

1496 **FTA Training**

1497 <http://transit-safety.fta.dot.gov/DrugAndAlcohol/Training/Default.aspx>

1498

1499 **RTAP Scholarship Program**

1500 <http://www.dot.wisconsin.gov/localgov/transit/rtap.htm>

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Attachment F – Employee Certified Receipt

Employee Name: _____

Employee Signature: _____ **Date:** _____

Supervisor: _____ **Date:** _____

This is to certify that I have been provided educational materials that explain the requirements of 49 CFR Part 655, as amended and 49 CFR, Part 40, as amended and my employer’s policies and procedures with respect to meeting the requirements. The materials include detailed information of the following checked (x) items:

- 1. The designated person(s) to answer questions about the materials.
- 2. Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
- 3. Specific information concerning prohibited conduct.
- 4. Circumstances under which a safety-sensitive person will be tested.
- 5. Test procedures, integrity of the testing process, and safeguarding the validity of the test.
- 6. An explanation of what will be considered a refusal to submit to a test and the consequences.
- 7. Information on the affect of alcohol and controlled substance use on:
 - An individual’s health
 - Signs and symptoms of a problem
 - Work
 - Personal Life
 - Available methods of intervening when a problem is suspected
- 8. A copy of **Central Transportation’s Stevens Point Transit’s D and Alcohol policy**
- 9. Training Materials
- 10. Optional Information: _____

DRUG AND ALCOHOL TESTING POLICY

I. STATEMENT OF POLICY

The City of Stevens Point recognizes that the use and/or abuse of alcohol or controlled substances by drivers of commercial motor vehicles present a serious threat to the safety and health of the driver and the general public. It is the policy of the City of Stevens Point that its drivers should be free of drugs and alcohol. In order to further the City's goal of obtaining a drug-free and alcohol-free transportation system, and to come into compliance with the Omnibus Transportation Employee Testing Act of 1991, the City of Stevens Point has implemented a drug and alcohol testing program which is designed to help reduce and avoid traffic accidents and injuries to the City's employees and the public, to discourage substance and alcohol abuse, and to reduce absenteeism, accidents, health care costs, and other drug and alcohol-related problems.

II. PURPOSE

The Department of Transportation (DOT), the Federal Highway Administration (FHWA) and the Federal Transportation Authority (FTA) have issued Federal Regulations (49 CFR Parts 40, 382, and 655) implementing the provisions of the federal Omnibus Transportation Employee Testing Act of 1991 which requires alcohol and controlled substance testing of drivers who are required to have a commercial driver's license. These Regulations include detailed procedures for urine drug testing and breath alcohol testing of employees in safety-sensitive positions. The purpose of this Policy, then, is to establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of these substances by drivers of commercial motor vehicles. Consequently, the City of Stevens Point has established the following alcohol misuse prevention program and anti-drug program as well as the subsequent enforcement of violations for its employees conducting safety-sensitive job functions. Employees should also refer to the City's "Drug Free Workplace Policy" which addresses the strict enforcement of workplace controlled substances and alcohol usage.

III. COVERAGE

For purposes of this Policy, the City of Stevens Point and the DOT strictly prohibit the use of alcohol and/or controlled substances by its employees and volunteers who are performing, ready to perform, or ceasing to perform the following safety-sensitive job functions:

1. ~~Operation of a commercial motor vehicle~~ **All driving time, i.e. all time spent at the driving controls of a commercial motor vehicle in operation;**
2. **All time other than driving time, in or upon any commercial motor vehicle;**

3. **All time loading or unloading a vehicle supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle;**
- ~~2. Directly supervising employees who perform safety sensitive job functions or supervisors required to have a CDL.~~
4. **All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.**
5. **All time inspecting equipment as required by 392.7, "Equipment, Inspection and Use," and 392.8, "Emergency Equipment and Use," or otherwise inspecting, servicing, or conditioning any CMV at any time.**

IV. PROHIBITED CONDUCT

Federal Regulations (49 CFR Parts 40 and 382) of the Omnibus Transportation Testing Act of 1991, all employees who operate a commercial motor vehicle (CMV) on a full time, casual, intermittent or occasional basis are prohibited from the use of illegal drugs at all times, as well as from engaging in the following conduct:

1. Using or possessing alcohol while on duty performing safety-sensitive functions.
NOTE: Federal Regulations include medications containing alcohol in the substances banned from use or possession in the workplace. Therefore, employee will not be assigned to safety-sensitive job functions while using or possessing prescription or non-prescription medication if such medication contains any measurable amount of alcohol. It is the responsibility of the employee to notify his/her supervisor of such medication;
2. No driver required to take a post-accident alcohol test under ~~§ 382.303~~ shall use alcohol for eight (8) hours following the accident, ~~or until he/she undergoes a post-accident alcohol test, whichever occurs first;~~
3. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater;
4. Consuming any amount of alcohol within four (4) hours before reporting for duty performing safety-sensitive functions;
5. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any ~~drug or~~ **controlled** substances ~~identified in 21 CFR 1308.11~~ Schedule I;
6. ~~No driver shall~~ Report for duty or remain on duty requiring the performance of safety-sensitive functions when the ~~driver~~ **employee** uses any ~~non-Schedule I drug or~~ **controlled** substance, that is identified in the other Schedules in 21 CFR part ~~1308~~ except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in ~~§ 382.107, who is familiar with the driver's medical history and~~ **who** has advised the

driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle

7. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances; or
8. ~~No driver shall refuse to submit to a pre-employment controlled substance test required under § 382.301, a post-accident alcohol or controlled substance test required under § 382.303, a random alcohol or controlled substances test required under § 382.305, a reasonable suspicion alcohol or controlled substance test required under § 382.307, a return-to-duty alcohol or controlled substances test required under § 382.309, or a follow-up alcohol or controlled substance test required under § 382.311.~~ **Performing safety sensitive functions after refusal to submit to any of the following: post-accident, random, reasonable suspicion or follow-up alcohol or controlled substances test.**

In addition, City of Stevens Point Policies prohibits employees from engaging in the following conduct:

1. Dispensing, distributing or receiving alcohol and controlled substances while on duty;
2. Possession of controlled substances while on duty, unless the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle;
3. Reporting for duty or remaining on duty while having an alcohol concentration of 0.02 but less than 0.04;
4. ~~Reporting for duty or remaining on duty while under the influence of alcohol or a controlled substance;~~
5. Deliberately misusing this policy in regard to subordinates; and
6. Providing false information in connection with a test or falsifying test results through tampering, contamination, adulteration, or substitution.

V. REQUIRED TESTS

Refusal to take a required test will result in the removal of that employee from the employee's assignment(s), which, in turn, will result in discipline.

Testing must be conducted in the following situations:

1. **Pre-employment Testing** - Any individual not currently employed by the City of Stevens Point who is applying for a safety-sensitive position shall be required to undergo drug and alcohol testing after a conditional offer of employment has been made.

Prior to the first time an existing employee performs safety-sensitive functions for the City of Stevens Point (i.e. new position, job transfer, promotion, new duties, etc.), the employee shall be required to undergo testing for alcohol and controlled substances. A positive test will result in a disqualification for further consideration for employment in that safety sensitive position until the employee presents evidence of successful completion of a Substance Abuse Treatment Program.

Any applicant or existing employee who refuses to undergo such alcohol or drug testing will be disqualified from further consideration for employment in that safety-sensitive position.

2. **Reasonable Suspicion Testing** - Reasonable suspicion means suspicion based on a specific, contemporaneous, articulable observation by a trained supervisor or other trained City of Stevens Point representative concerning the appearance, behavior, speech or body odors of an employee, including indications of the chronic and withdrawal effects of controlled substances. Reasonable suspicion drug or alcohol testing will only occur under these rules if the supervisor's observations are made during, just before, or just after the time the employee is performing work in a safety-sensitive position.

- (a) In a situation where an employee is either acting in an impaired manner or the supervisor has reasonable suspicion to believe the employee is using or is under the influence of alcohol or drugs, the supervisor may order the employee to undergo a drug or alcohol test. The supervisor may, but need not, seek a corroborating opinion from another supervisor prior to immediately removing the employee from the job and sending the employee for drug or alcohol testing.
- (b) Once the employee has been removed from the job, the supervisor is to contact the Personnel Department. If contact cannot be made at that time, the supervisor is to proceed through the next step of this procedure and make contact with the Personnel Department as soon thereafter as possible.
- (c) The supervisor is to then take the employee to the collection site for drug and/or alcohol testing immediately, but no later than three (3) hours for an alcohol test or twenty-four (24) hours for a drug test, of having determined that there is reasonable suspicion to believe that the employee is using or is under the influence of alcohol or drugs. The supervisor is to wait at the facility with the employee until the breath test has been completed or the urine sample has been taken. If the alcohol test is not conducted within eight (8) hours after the supervisor makes such reasonable suspicion determination, or if the drug test is not conducted within twenty-four (24) hours after such determination, the

supervisor will complete a report explaining the reasons why the test was not conducted.

- (d) Once the alcohol testing has been completed and a positive confirmation test result has been received (0.04 percent or above), the supervisor or designee will return the employee to the work site. The employee may make his/her arrangements for transportation home. If the employee elects to drive his own vehicle, the supervisor will contact the Police Department if the test result was over the legal limit [per State Statute 346.63(1)].
- (e) If a urine test has been administered, the City of Stevens Point will contact the employee once the test results are known and a decision has been made as to the employee's status.
- (f) The results of the drug testing will be sent directly to the Medical Review Officer (MRO) for review and the results of the alcohol testing will be sent directly to the Human Resource Manager. When the results are obtained, the employee's supervisor and department head will meet with the Human Resource Manager to determine the appropriate course of action to be taken. This is a confidential process. Test results will be held in strict confidentiality in compliance with all applicable confidentiality rules, regulations and statutes. Likewise, a supervisor will maintain a like confidentiality standard in instance of a referral or disciplinary action.
- (g) Once the test has been completed and the employee has been sent home, the supervisor must submit a written report to the Human Resource Manager outlining, in detail, the event and the behavior observed that led the supervisor to believe the employee was under the influence of alcohol and/or drugs.

This report must be done within 24 hours of the testing.

- 3. Random Testing** - Random alcohol and drug testing will be conducted just before, during, or just after an employee's performance of safety-sensitive duties. The employee will be randomly selected for testing from a "pool" of employees subject to testing. The testing dates and times are unannounced and will occur with unpredictable frequency throughout the year.

The minimum annual percentage rate for random alcohol testing shall be 25 percent and the minimum annual percentage rate for random drug testing shall be 50 percent of the average number of employees in safety-sensitive positions. The City of Stevens Point reserves the right to either increase or decrease the minimum annual percentage rate for random alcohol and drug testing based upon the violation rate for the entire industry as determined by the Federal Highway Administration and the Federal Regulations implementing drug and alcohol testing in the transportation industry.

The selection of employees from the pool for random testing shall be made by Ministry Medical Group / St. Michael's Hospital, using a scientifically valid method. This method will be a random number table of a computer-based random number generator that is matched with employee's social security numbers. Under this selection process, each employee in the pool will have an equal chance of being tested each time selections are made. As a result, some employees in the pool may be tested more than once each year, while other employees in the pool may not be tested at all.

4. Post-Accident Testing - As soon as practicable following an accident involving a commercial motor vehicle, the City of Stevens Point shall test an employee driver for alcohol and controlled substances in the following situations:

- a. the accident involved the loss of human life; or
- b. the employee receives a citation **within 8 hours (for alcohol) or 32 hours (for controlled substances)** under state or local law for a moving traffic violation arising from the accident, **IF the accident involved:**

***bodily injury to anyone who immediately receives medical treatment away from the accident scene OR**

***one or more of the vehicles incur disabling damage and require towing.**

- c. In accidents involving ~~Transit~~ **Central Transportation** vehicles, **refer to their separate policy.**~~the following situations require testing:~~

~~(i) — An individual dies;~~

~~(ii) — An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident;~~

~~(iii) — Any occurrence in which the vehicle or vehicles involved incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, "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, or windshield wipers that makes them inoperative.~~

The alcohol breath test must be administered as soon as possible, but no later than three (3) hours following the accident, and the drug test must be administered within thirty-two (32) hours of the accident. If the alcohol test is not administered within eight (8) hours of the accident or if the drug test is not administered within thirty- two (32) hours of the accident, the supervisor will complete a Report explaining why the test was not conducted.

An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City of Stevens Point to have refused to submit to testing. A covered employee who leaves the scene of the accident may continue to be considered as “readily available” for testing if (1) the employee notifies his supervisor or, if unavailable, another supervisor of his or her location; (2) the employee left the scene to obtain necessary medical care (for himself, herself, or others); or (3) the employee left the scene to obtain assistance in responding to the accident.

- 5. Return-to-Duty/Follow-Up Testing** - The City of Stevens Point will ensure that before an employee returns to duty requiring the performance of a safety-sensitive job function after engaging in conduct prohibited by Federal Regulations in Part IV above, the driver shall undergo a return-to-duty alcohol and/or controlled substance test with a result indicating an alcohol concentration of less than 0.02 and a verified negative result for controlled substance use. In any event, an employee will not be allowed to return to duty without first having been evaluated by the City of Stevens Point’s EAP provider in order to determine the employee’s fitness-for-duty. Such follow up activity may be required if an employee has engaged in conduct prohibited by City Policy in Part IV above.

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the City of Stevens Point will ensure that the employee is subject to unannounced follow-up alcohol and/or controlled substances testing in consultation with a substance abuse professional. Consequently, the employee will be given at least six (6) unannounced tests during the 12 month period after returning to duty with the possibility of follow-up testing for up to 60 months after the employee returns to duty.

VI. TESTING PROCEDURES

The City of Stevens Point has entered into an alcohol and drug testing agreement with Ministry Medical Group / St. Michael's Hospital. Testing may be done on both urine and breath (blood alcohol may also be required). All drug and alcohol testing will be conducted in conformance with the procedures and rules established by the federal Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations. St. Michael's will handle taking the sample (in standard collection kits) twenty-four (24) hours per day, Sunday through Saturday. They will be responsible for seeing that the samples are sent to a certified laboratory, and assist in the interpretation of the results. Specimen collection is not to be done anywhere but at Ministry Medical Group / St. Michael's unless specifically authorized by the Human Resource Manager.

A. ALCOHOL TESTING

Employees will be required to submit to breath testing using an approved Evidential Breath Testing (EBT) device. A certified Breath Alcohol Technician (BAT) will administer an initial screening test. If the employee tests positive for alcohol, then the BAT will conduct a confirmation test. The City of Stevens Point will take action based only upon the positive results of the confirmation test, ~~0.04~~ **0.02** or greater. All procedures and steps used in conducting both the initial and confirmation tests will be performed in conformance with the Federal Law and Federal Regulations.

1. Preparation for Breath Alcohol Testing

The following procedures summarize the procedures established by the Federal Highway Administration regulations implementing drug and alcohol testing under the Federal Law. These procedures are not binding and are subject to change in the event the Federal Highway Administration or other government agency changes the regulations on drug and alcohol testing of employees in safety- sensitive positions.

- a. When the employee enters the collection site, the BAT will require him/her to provide positive identification (i.e. photo I.D. or employer identification).
- b. The BAT will explain the test procedure.
- c. Employees will be required to complete and sign various forms used to document the testing process. Refusal to sign the test forms will be regarded as a refusal to take the test.
- d. Employees will be instructed to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.

- e. If an employee tests positive during the screening test, the employee shall not eat, drink, put any object or substance in his or her mouth and to the extent possible, not belch during the 20 minute waiting period before the confirmation test is conducted.
- f. Refusal by an employee to complete and sign the test form, to provide breath, to provide an adequate amount of breath, or other failure to cooperate with the testing process in a way that prevents the completion of the test will subject the employee to discipline, up to and including termination.

In the event of conflicting results between the initial test and the confirmation test, the confirmation test results will determine the outcome of the test.

2. Blood Alcohol Testing

Blood alcohol testing is authorized only in the following circumstances:

- a. When this Policy or Federal Rules requires a post-accident or reasonable suspicion test, and an EBT is not readily available for either a screening or confirmation test, or if there is an EBT available only for a screening test.
- b. When an employee attempts and fails to provide an adequate amount of breath, blood alcohol testing may be used for both screening and confirmation test purposes.

Upon the conclusive finding of a positive (0.04 or greater) blood alcohol test result, the employee has 72 hours in which to request a test of the split specimen. (For explanation of "split specimen," refer to the TESTING FOR CONTROLLED SUBSTANCES section below.) An employee, who fails to notify the Medical Review Office (MRO) within 72 hours of receiving the results of the positive test of the employee's desire to have the split specimen tested, shall be deemed to have waived the employee's right to seek testing of the split specimen.

Pending receipt of the result of the analysis of the split specimen, the employee shall not perform safety-sensitive functions unless the employee has met conditions set forth in this Policy for a return to safety-sensitive functions following a test result of 0.04 or greater.

All blood alcohol testing will be conducted in conformance with the procedures established by the Federal Regulations.

3. Results of Positive Test

If a confirmation alcohol test measures 0.04 or greater, the City of Stevens Point is required to:

- a. Remove the employee from the safety-sensitive position;
- b. Before returning the employee to employment, take the following steps:
 - i. Refer the employee to the City of Stevens Point's EAP for assessment and a determination of whether participation in a treatment program is necessary;
 - ii. Obtain a verification from a substance abuse professional that the employee has complied with any required rehabilitation or treatment program; and
 - iii. Re-test to verify the employee's alcohol concentration is below 0.02;
- c. The employee will subsequently be given at least six (6) unannounced tests during the next year with the possibility of follow-up testing for up to 60 months.

If the confirmation test level is between 0.02 and 0.039, the employee will be removed from the safety-sensitive position.

In the event that an employee is required to comply with breath testing as a result of a law enforcement investigation, the employee must submit to the examination. The test will be considered enforceable for purposes of this Policy if the testing officer is a qualified BAT and the EBT that was used for the test has been certified by the State of Wisconsin or a local law enforcement agency.

B. TESTING FOR CONTROLLED SUBSTANCES

The City of Stevens Point has established its anti-drug program through its Drug Free Workplace Policy which strictly prohibits the unlawful manufacture, distribution, dispensing, possession or unauthorized use of a controlled substance in the workplace. Furthermore, any abnormal conduct that may create a reasonable suspicion that an employee is under the influence of a controlled substance is addressed in the "Reasonable Suspicion Testing" section described previously in this Policy.

For purposes of this Policy and the Federal Regulations, the City of Stevens Point will utilize a ***65-panel drug screen consisting of the following drugs:***

1. Cannabinoids

2. Cocaine
3. Amphetamines [including methamphetamine, methylenedioxyamphetamine (MDA), and ecstasy)
4. Phencyclidine (PCP)
5. MDA Analogues
6. Opioids (DOT) [including codeine, hydrocodone, oxycodone, morphine, hydromorphone, oxymorphone and heroin)

In instances where there is reason to believe an employee is abusing a substance other than the drugs listed above, the City reserves the right to test for additional drugs under the City's own authority using standard laboratory testing protocols.

Drug testing is conducted by analyzing an employee's urine specimen (through a certified testing lab). This procedure will include use of a split specimen testing procedure. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles will be sent to a certified lab. Only the "primary" specimen is opened and used for the urinalysis. The split specimen bottle will remain sealed and stored at the lab. If the analysis of the primary specimen confirms the presence of illegal, controlled substance, the employee has 72 hours to request the split specimen be re-tested at the same lab or be sent to another certified laboratory for analysis, at the employee's expense. An employee who fails to notify the Medical Review Officer (MRO) within 72 hours of receiving the results of the positive test of the employee's desire to have the split specimen tested shall be deemed to have waived the employee's right to seek testing of the split specimen. In some cases the employee may be unable to provide a urine specimen. After a reasonable waiting period (not less than two hours) the collection site person may terminate the testing procedure. The City of Stevens Point will proceed with laboratory testing based upon blood specimen alone.

1. Preparation for Drug Testing

The following procedures summarize the procedures established by the Federal Highway Administration regulations implementing drug testing under the federal law. These procedures are subject to change in the event the Federal Highway Administration or other government agency changes the regulations on drug and alcohol testing of employees in safety-sensitive positions.

- a. When the employee enters the collection site, the employee will be required to provide positive identification (i.e., photo I.D. or employer identification).

- b. The employee will be instructed to provide at least 45 ml of urine under the split sample method of collection. This will be done in a specifically designated “donor” bathroom.
- c. The urine sample shall be divided into a primary specimen (30 ml) and a split specimen (15 ml).
- d. If the test result of the primary specimen is positive, the employee may request, within 72 hours of receiving the positive test result, that the Medical Review Officer (MRO) direct that the split specimen be tested in the same or a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen.
- e. An employee will be removed from the safety-sensitive position pending the result of the test of the split specimen.
- f. If the result of the test of the split specimen fails to confirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the Medical Review Officer (MRO) shall cancel the test.
- g. Employees will be required to complete and sign various forms used to document the testing and chain of custody process. Refusal to sign the test form(s) will be regarded as a refusal to take the test.
- h. Refusal by an employee to complete and sign the test and chain of custody forms, to provide urine, to provide an adequate amount of urine (to be decided on a case-by-case basis), or other failure to cooperate with the testing process in a way that prevents the completion of the test will be considered grounds for disciplinary action.

In the event of conflicting results between the initial test and the confirmation test, the confirmation test results will determine the outcome of the test.

2. Results of Positive Test

As with an alcohol misuse violation, the City of Stevens Point is required to act upon a positive drug test result in the following manner:

- a. Remove the employee from the safety-sensitive position. This removal will only take place after the employee has been allowed to meet or speak with a Medical Review Officer (MRO) to determine that the positive drug test did not result from the authorized use of a controlled substance;
- b. Refer the employee to the City of Stevens Point’s EAP for assessment and subsequent compliance with recommended rehabilitation after a determination of a drug problem has been made;

- c. Employee must be evaluated by a substance abuse professional or Medical Review Officer (MRO) and determined to be fit to return to work prior to their release of the employee; and
- d. Employee must have a negative result on a return-to-duty drug test. Follow-up testing to monitor the employee's continued abstinence from drug use will be required if the employee is determined as needing rehabilitation.

VII. PRESCRIPTION DRUGS

Before performing work-related duties, employee must notify their supervisor if they are taking any legally prescribed medication, therapeutic drug, or any non-prescription drug which contains any measurable amount of alcohol or which carries a warning label that indicates the employee's mental functioning, motor skills, or judgment may be adversely affected by the use of this medication. A written report of this notification is to be filed by the supervisor with the Personnel Department with a copy to the employee. It is the responsibility of the employee to inform his/her physician of the type of safety-sensitive function that the employee performs in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of City equipment. However, as required by the Federal Regulations, any employee who uses or possesses medication containing alcohol while on duty or who tests positive for alcohol will be removed from his/her safety-sensitive position, and subject to the provisions of this Policy, even though the reason for the positive alcohol test is the fact that the employee's prescription medication contains alcohol.

A legally prescribed drug is one where the employee has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment. The prescription must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. Employees do not need to disclose the purpose or the name of the medication being taken. Disclosure will be on a form prepared by the City with one copy going to the employee's medical file and one copy to the employee. The misuse or abuse of legal drugs while performing City business is prohibited by City Policy.

VIII. CONFIDENTIALITY OF RECORDS

The City of Stevens Point respects the confidentiality and privacy rights of all of its employees. Accordingly/ the results of any test administered under this Policy and the identity of any employee participating in the City of Stevens Point's EAP or other assessment or treatment program will not be revealed by the City of Stevens Point to anyone except as required by law. The City of Stevens Point will release an employee's records as directed by the express written consent of the employee authorizing release to an identified person. In addition, the City of Stevens Point will ensure that any lab or agency used to conduct testing under this Policy will maintain the confidentiality of employee test records.

However, the lab or testing agency will disclose information related to a positive drug or alcohol test of an individual to the Human Resource Manager. The Human Resource Manager may disclose this information to the employee or to the decisionmaker in a lawsuit, grievance, or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as required by law, including court orders or subpoenas.

The Medical Review Officer (MRO) will not reveal individual test results to anyone except the Human Resource Manager unless the MRO has been presented with a written authorization from the tested employee. The MRO may reveal to the Human Resource Manager relevant information as to whether the employee is qualified to perform safety-sensitive functions or whether the employee has tested positive for alcohol or a controlled substance. The Human Resource Manager may disclose this information to the employee or to the decisionmaker in a lawsuit, grievance or other proceeding on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as required by law, including court orders or subpoenas; or upon the tested employee's written authorization and consent.

All records related to drug and alcohol tests of individual employees will be maintained in individual files separate from the employee's personnel file. These records will be stored in a locked cabinet and access will only be allowed to those employees who have a legitimate need to review the records of a particular employee.

IX. COSTS

The employer shall pay all costs associated with the administration of alcohol and controlled substance testing except those costs for a "split specimen" test requested by an employee or an alcohol test as outlined in Section XI(c) below. **The City of Stevens Point will ensure that the cost for the split specimen is covered in order for a timely analysis of the sample; however the City will seek reimbursement for the split sample test from the employee if the result of the split specimen analysis confirms the original result.** ~~The employee shall pay for the split specimen test. If the result of the test is negative the City shall reimburse the employee for said test.~~

The employee must bear the cost of the alcohol test outlined in XI(c).

X. PAY STATUS

All time spent undergoing required alcohol or controlled substance testing, including travel time shall be paid in accordance with applicable provisions of a Collective Bargaining Agreement or pay policy of the City, except that an alcohol test as described in Section XI(c) below must be done on an employee's own time, prior to the start of his/her regular shift.

XI. DISCIPLINE

Consistent with this policy the employer may take disciplinary action based on non-compliance with this policy by an employee and specifically for actions as follows:

- A. If a Medical Review Officer (MRO) reports that a urine drug test is positive, the employee will be subject to discharge. Discharge may be held in abeyance if the employee enters into a last chance agreement and successfully completes a Substance Abuse Treatment Program.
- B. If a BAT reports that a breath test is equal to or exceeds 0.04 employee shall be subject to discharge. Discharge may be held in abeyance if the employee enters into a last chance agreement and successfully completes a Substance Abuse Treatment Program.
- C. If a BAT reports a breath test is recorded between 0.02 and 0.04, the employee shall be subject to discipline. At a minimum, the employee will be placed on leave without pay for a minimum of 24 hours following administration of the test. Employees will be permitted to return to work at the start of their next regularly scheduled shift provided they present proof of a retest resulting in a reading less than 0.02. This retest must be conducted at Ministry Medical Group / St. Michael's Hospital. **The City of Stevens Point will ensure that the cost for the retest is covered in order for a timely process to occur; however the City will seek reimbursement for the retest from the employee if the result of the retest confirms the original result** ~~and employees must make their own arrangements and pay for the retest.~~
- D. Any employee who refuses to submit to a urine drug and/or breath alcohol test shall be subject to discharge.

Questions: Any employee having questions with respect to the scope of this policy and its contents, may contact the Human Resource Manager at (715) 346-1594.

This policy amendment is effective ~~January 15, 2018~~ **July 16, 2018.**

Mike Wiza, Mayor

John V. Moe, City Clerk

EMPLOYEE ACKNOWLEDGMENT

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.

Name: _____
(Please print legibly)

Signed: _____

Date: _____

Memorandum

Date: June 25th, 2018
To: Mayor Wiza
From: Robert J. Finn, Fire Chief
RE: Early Hire for SPFD Assistant Chief of Fire



Pursuant to City Administrative Policy 2.14 (1), and supporting memo of July 29, 1996, I am respectfully requesting permission to fill the position of Assistant Chief of Fire with a start date of July 16, 2018 to ensure a smooth transition upon Assistant Chief Baganz's retirement on July 26th, 2018.

We will simultaneously begin the promotional process to identify my recommendation(s) for approval by the Police and Fire Commission.

There is enough remaining in the budget to cover the extra costs due to the department operating one position short for the past 6 months.

My timetable for filling this position is immediate. Due to scheduled and allowable absences, every day that this position goes unfilled will negatively impact our department.