CITY OF TUMWATER

DRUG AND ALCOHOL TESTING PROCEDURES MANUAL
FOR EMPLOYEES WHO OPERATE COMMERCIAL VEHICLES
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I. INTRODUCTION

A. Requirement to Participate in Drug and Alcohol Testing Program

The City of Tumwater is required by Federal regulations—49 CFR Part 40—and administrative guidelines under the Federal Motor Carriers Safety Administration—49 CFR Part 382—to administer a testing program for drug and alcohol use for employees who are required to have and maintain a Commercial Driver's License to perform their job duties.

In that endeavor, the City of Tumwater is a member of a consortium of public sector employers in Washington state, as allowed under 49 CFR Part 40, entitled the Association of Washington Cities Drug & Alcohol Testing Consortium.

B. Covered Employees

The following groups of employees are required by law to participate in the drug and alcohol testing program:

1. Regular employees who are required to operate a commercial vehicle as part of their routine job duties;

2. Temporary employees who are required to operate a commercial vehicle as part of their routine job duties;

3. Any employee who possesses a Commercial Driver's License who may at any time operate a commercial vehicle on an on-call, emergency or unscheduled basis (including supervisory employees who may be called upon at any time to operate a commercial motor vehicle);

4. Current employees who transfer or promote to a position requiring operation of a commercial vehicle and possession of a Commercial Driver's License;

5. Regular employees who are required to transport materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F);

6. A pre-employment drug test is required of all persons given a conditional job offer for a position that meets the description outlined above.

C. Designated Employer Representative (DER)

The following individual(s) have been designated by the City of Tumwater to answer questions about the program and program materials and may provide
employees with resource materials or referral assistance:

   Eric Trimble, Administrative Services Director, Extension #123.

D. Employee Assistance Program

The City of Tumwater offers an Employee Assistance Program (EAP) designed to assist employees and their families who are experiencing personal or job-related problems. The EAP is available to employees who need assistance in dealing with a substance abuse problem. Employees are encouraged to contact the EAP for assistance in early detection of substance abuse problems and referral for treatment programs. All EAP services are confidential and at no cost to the employee. Employees who would like information on benefits of the Employee Assistance Program should contact the City of Tumwater Administrative Services Department at extension #122 or 123.

The individual to contact for EAP services is:

First Choice Health
1-800-777-4114
TTY: 1-800-777-4969
www.FirstChoiceEAP.com

E. Testing, Evaluation and Referral Services

The City of Tumwater has joined the Association of Washington Cities (AWC) Drug and Alcohol Testing Consortium for much of the administration of this program. The AWC consortium has contracted with HealthForce Partners to conduct the random testing services, provide the testing laboratory facilities, arrange the testing collection sites, and provide the Medical Review Officer (MRO) functions. The services of a Substance Abuse Professional (SAP) are also available for employees with positive test results.

Drug and Alcohol Testing Collection Site:

Capital Medical Center
3900 Capital Mall Drive SW
Olympia, WA 98502
360-754-5858 or 1-888-677-9757

Testing Laboratory:

LabCorp
1904 Alexander Drive
Research Triangle Park, NC 27709
Phone: 1-800-341-1150

Medical Review Officer:

Dr. Calvin Jones
13033 Bel-Red Road, Ste 110
Bellevue, WA 98005
Phone: 425-468-5000 or 425-806-5794
II. TESTING PROCEDURES

A. Pre-Employment Testing

Following a conditional offer of employment, prospective employees will be tested for the presence of drugs as part of the pre-employment physical examination. The City of Tumwater may not be required to administer a pre-employment controlled substances test if:

1. The driver has participated in a controlled substances program that meets the requirements of 49 CFR Part 382 within the last 30 days; and
2. While participating in that program, either:
   a. Was tested for controlled substances within the past 6 months (from the date of application with the employer), or
   b. Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the employer); and
3. The employer ensures that no prior employer of the driver has records of violation of this or any other US DOT agency rule within the previous 6 months.

The City of Tumwater will be required to obtain the name and address of the prior employer’s program; verify that the driver participated in the program and that the program conformed to 49 CFR Part 40; verify the date the driver was last tested for drugs and that the driver has not refused to test for drugs.

Current employees who are transferring from a position that does not require a Commercial Driver's License to a position that does require one, will be tested for the presence of drugs prior to performing duties that require driving or operating a commercial vehicle.

A positive drug test result for an employment candidate will result in rescinding the conditional offer of employment by the City of Tumwater. The individual will only be eligible to re-apply for a position covered by these procedures after six months. A positive drug test result for an employee seeking to transfer to a position requiring the driving of a commercial vehicle will be denied the transfer and the employee
will be subject to discipline as described in the City of Tumwater Substance Abuse Policy.

B. Random Testing

The names and social security numbers for employees covered by these procedures at the City of Tumwater have been included in the AWC Drug and Alcohol Testing Consortium pool. This pool contains all eligible individuals from all of the consortium members. The pool database is managed by HealthForce Partners and is updated monthly as changes in personnel occur.

The annual random testing rate required under federal regulations is 50% of the pool for drug testing and 10% of the pool for alcohol testing. This means that if the pool contains 1,000 members, there will be at least 500 random drug tests and at least 100 random alcohol tests conducted throughout the year.

HealthForce Partners uses a software program called HEIDI to randomly select individuals for random testing on a monthly basis. Some individuals will be selected for drug testing and others will be selected for both drug and alcohol testing.

Each month, HealthForce Partners will send the names of individuals selected for random testing to the appropriate consortium member contacts. If the City of Tumwater has any employees selected for testing, the names will be sent to the Designated Employer Representative.

Employees selected for random testing will be scheduled for a test by the Designated Employer Representative at some time during the month that the name was selected. Employees selected for alcohol testing may only be tested just before, during or after driving a commercial vehicle. Employees will not be notified until just prior to the testing.

Upon notification of selection for random testing, the employee will receive an Employee Notification of Scheduled Drug and/or Alcohol Test letter from the Designated Employer Representative. The employee will be asked to sign this letter. The employee must present the Employee Notification of Scheduled Drug and/or Alcohol Test letter at the collection site along with picture identification at the time of testing. A copy of all of the forms will be retained by the City of Tumwater.

After notification, the employee must proceed directly to the collection site for testing accompanied by a supervisor or other designee.

If an employee scheduled for an alcohol test receives a confirmed
test result with a breath alcohol level of 0.02 or above and is unaccompanied at the collection site, a supervisor will be called to the site to transport the employee.

Refusing to submit to a test will be considered the same as a positive test result and will subject the employee to the same consequences as receiving a positive test result.

C. Reasonable Suspicion Testing

According to the federal regulations, reasonable suspicion testing is to be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee." Only supervisors who have been trained in detecting the symptoms of alcohol misuse or drug use and who have directly observed behaviors, appearance or physical symptoms can subject an employee to reasonable suspicion testing. Supervisors should complete an Impaired Behavior Incident Report Form and, if possible, have the form signed by a witness.

If a supervisor has reasonable suspicion to believe that an employee who is on duty, about to go on duty or just completed duty is under any influence of drugs or alcohol, the supervisor will remove the employee from duty immediately. The employee will be advised of the reasons for reasonable suspicion and will be transported to the collection site by the supervisor for testing.

Reasonable suspicion alcohol testing may only occur just before, during or after an employee drives a commercial vehicle. If a reasonable suspicion alcohol test is not conducted within two hours of determination that it is necessary, the supervisor will prepare and maintain documentation of the reasons why it did not occur.

D. Post-Accident Testing

All employees covered by these procedures will be subject to post-accident testing if they are involved in an accident with a commercial vehicle on a public road which results in:

1. A fatality OR
2. The driver receives a citation under state or local law for a moving violation AND
   a. there is bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene OR
   b. one or more motor vehicles incurs disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
After an accident, employees are responsible for contacting the immediate supervisor or other management personnel. If the above conditions are met, the employee must make himself or herself available for post-accident testing as soon as possible. Post-accident testing for alcohol should occur within two hours if possible, but may not exceed eight hours. Testing for drugs shall occur within 32 hours. Employees subject to post-accident testing are prohibited from consuming alcohol for eight hours following the accident, or until the employee has completed the alcohol test, whichever comes first. An employee who does not comply with the post-accident testing will be considered to have refused testing and will be subject to disciplinary action. An employee in a post-accident situation should cooperate with law enforcement personnel investigating the scene.

Supervisors are responsible for determining if the accident qualifies the driver for post-accident testing and should escort the employee to the collection site if possible. If an employee is unable to provide consent to testing due to their medical condition, the supervisor will document the reasons why the employee was not tested. If testing is not completed within the required time following an accident, the supervisor will document in writing why the tests were not administered.

E. Return to Duty and Follow-Up Testing

All employees who have engaged in prohibited conduct as defined in the Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles, including those who have tested positive for drugs or alcohol, are subject to return to duty and may be subject to follow-up testing.

1. Return to Duty Testing

After engaging in prohibited conduct regarding alcohol or drug use, an employee is required to undergo a return to duty alcohol and/or drug test prior to returning to a duty which requires driving a commercial vehicle. A return to duty alcohol test must result in a breath alcohol concentration of less than 0.02. A return to duty drug test must result in a verified negative result.

2. Follow Up Testing

An employee who returns to work after evaluation by a Substance Abuse Professional (SAP) determining that the employee is in need of assistance in resolving problems associated with alcohol misuse or drug abuse is subject to unannounced follow up alcohol and/or drug
testing as directed by the SAP but no less frequent than six times in the first year following the return to work. The follow up testing period may not exceed 60 months for each incident.

F. After Hours Testing

If the need for testing occurs outside of the normal hours of operation of the designated collection site, a supervisor or manager will be responsible for following the procedures established by HealthForce Partners for such occurrences.

III. TESTING COSTS AND COMPENSATION

A. Testing Costs

1. The City of Tumwater will pay for the following alcohol and or initial drug tests:
   a. Random testing
   b. Reasonable suspicion testing
   c. Post-accident testing
   d. Pre-employment
   e. Follow-up testing
   f. Return to duty testing

2. Employees are responsible for the costs associated with the following tests:
   a. Split sample re-tests made at the employee’s request
   If a split sample re-test returns a negative result, the City of Tumwater will reimburse the employee for the cost of the test.

3. Rehabilitation costs will be the responsibility of the employee.

4. Substance Abuse Professional (SAP) costs will be the responsibility of the City.

B. Pay Status

1. For Time Spent Testing

Employees will be compensated for time spent to report to and return from the testing facility and be tested for the following alcohol and/or initial drug tests:

   a. Random testing
   b. Reasonable suspicion testing
   c. Post-accident testing
   d. Return to duty testing
   e. Follow-up testing

Employees are responsible for taking the following tests on their own time:

   a. Re-tests made at the employee’s request.

2. Waiting for Results

Employees who have been asked to submit to a reasonable suspicion drug test will be placed on unpaid leave pending the outcome of the test results. Such employees are eligible to use accrued
vacation or sick leave during this time. If the test result is negative, the time will be paid and any sick or vacation leave used will be credited.

3. Alcohol Concentration of 0.02 but less than 0.04

If an employee receives an alcohol test result of at least 0.02 but less than 0.04, the employee must be removed from duty which requires driving a commercial motor vehicle for at least 24 hours following the administration of the test. The employee may use accrued vacation or sick leave during this absence. If the employee has no accrued vacation or sick leave, the time will be treated as leave without pay.

4. Positive Drug Test or Alcohol Test Result of 0.04 or Higher

An employee who receives a positive drug test or who tests 0.04 or greater on an alcohol test is not allowed to return to work until all of the applicable requirements are met as outlined in the Policy (see Consequences of Engaging in Prohibited Conduct and Positive Drug or Alcohol Test). Such employees may use accrued vacation or sick leave during this absence. If the employee has no accrued vacation or sick leave, the time will be treated as leave without pay.

IV. TESTING METHODS

A. Drug Testing

The drug testing requires candidates to provide a urine specimen of at least 45 ml to be tested for the presence of amphetamines, cocaine, marijuana (THC), opiates, 6-acetylmorphine, MDMA phencyclidine (PCP) and any other substances as required under the federal regulations. The specimen will be sent to LabCorp, a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMSHA) to conduct screening and confirmation tests according to the protocols identified in the Department of Transportation Rules. All test results will be reviewed by the Medical Review Officer (MRO).

B. Alcohol Testing

Alcohol testing will be conducted using an approved evidential breath testing (EBT) device operated by a trained breath alcohol technician (BAT) at the collection site. The first test performed will be a screening test. If the screening test results in an alcohol concentration of less than 0.02, it will be considered a negative test. If the screening test results in an alcohol concentration of 0.02 or greater, a second, or confirmation test is performed within 15 to 20 minutes.
V. TRAINING AND EDUCATION

The City of Tumwater will provide all affected employees with copies of these procedures and the Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles and other information as may be required by the federal regulations. Each driver must sign a receipt upon having been provided the above referenced information.

Managers and supervisors designated to determine whether reasonable suspicion exists to require a driver to undergo alcohol or drug testing will receive at least 60 minutes of training on alcohol and 60 additional minutes of training on drug abuse. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.