Mayor
Clay Koplin
Council Members
James Burton
Kenneth Jones
Jeff Guard
Melina Meyer
Anne Schaefer
David Allison
James Wiese
City Manager
Alan Lanning
City Clerk
Susan Bourgeois
Deputy Clerk
Tina Hammer
Student Council
Olivia Carroll

City Council Work Session
January 16, 2018 @ 6:00 pm
Cordova Center Community Rooms
Agenda

A. Call to order

B. Roll call

Mayor Clay Koplin, Council members James Burton, Kenneth Jones, Jeff Guard, Melina Meyer, Anne Schaefer, David Allison and James Wiese

C. Work Session topics

1. Review of City of Cordova Drug policy..... (page 1)

D. Adjournment

If you have a disability that makes it difficult to attend city-sponsored functions, you may contact 424-6200 for assistance.

Full City Council agendas and packets available online at www.cityofcordova.net

Policy LTR # 2014-01

Tittle: **Drug & Alcohol Abuse**

Purpose: The Purpose of this policy letter is to outline the City's policies and procedures related to Drug and Alcohol issues and testing protocol.

Discussion: It is unlawful and or in violation of city policy to manufacture, distribute, disperse, possess or use a controlled substance unless prescribed under a doctor's orders. This will include the use and/or possession of alcohol and/or a controlled substance in/or on any city owned facility or property.

To insure everyone's safety, employees who exhibit signs of being under the influence of alcohol or a controlled substance will be prohibited from operating any vehicle, machinery or city equipment. They may be removed from the city facility/property or suspended if the substance has been determined to be other than prescribed by a doctor. If there is a determination that drug or alcohol use has transpired, the employee will be disciplined up to and including termination.

Testing process: All employees (Full-time, Part-time, Permanent and Temporary, Seasonal, etc.) are subject to the terms and conditions outlined in this Policy Letter. Any employee involved in a motor vehicle accident, or an accident where the supervisor has a concern the employee has used drugs or alcohol, will be required to submit to the post-accident testing process outlined in "The City of Cordova: Substance Abuse Policies and Procedures for City Employees" manual, dated 26 June, 1996, and Amended on 1 January, 2014. (attached)

Conclusion: Drug and alcohol abuse within the work place costs Americans hundreds of billions of dollars each year in productivity, accidents, injuries and/or death. The objective of this policy is to provide City of Cordova employees and supervisors with a clear, unambiguous guide on internal policies, processes and procedures related to drug and alcohol abuse issues. It also is meant to posture an environment and values-based code of behavior to ensure protection of the citizens and community that we serve.

Randy Robertson, City Manager

12 FEB 2014
Effective Date Signed

CITY OF CORDOVA, ALASKA

RESOLUTION 91-53

A RESOLUTION OF THE CITY OF CORDOVA, ALASKA,
ADOPTING THE REQUIREMENT FOR A DRUG FREE WORK PLACE POLICY

WHEREAS, it is considered to be unlawful and or in violation of City policy to manufacture, distribute, disperse, possess or use a controlled substance unless prescribed under a doctor's order. This will include the use and/or possession of alcohol and/or any controlled substance in any city facility; and

WHEREAS, any city employee under the influence of alcohol or a controlled substance will be prohibited from operating any vehicle, machinery or city equipment; and

WHEREAS, any city employee under the influence of alcohol or controlled substance may be removed from the city facility or suspended if the substance has been determined to be other than that which is prescribed by a doctor; and

WHEREAS, any employee determined to having used or using illegal substance in the work place will be disciplined up to and including termination.

NOW, THEREFORE, BE IT RESOLVED that the Cordova City Council hereby adopts the policy of a drug free work place for the City of Cordova, Alaska.

PASSED AND APPROVED THIS 17th DAY OF JULY, 1991.

RRV Brocklin

Mayor Robert Van Brocklin

Lynda Plant

City Clerk Lynda Plant

6/26/96
AMENDED 1 JAN 2014

CITY OF CORDOVA

SUBSTANCE ABUSE POLICIES AND PROCEDURES FOR CITY EMPLOYEES

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IMPLEMENTATION DATE: 1 January 2014

The policy is available on the city's web page www.cityofcordova.net . Written notice of the availability of this information will be provided to representatives of employee organizations.

CONTACT PERSON:

CITY MANAGER OR HIS DESIGNEE

(907) 424-6200

CATEGORIES OF EMPLOYEES SUBJECT TO TESTING:

1. Persons performing any safety sensitive functions for the city.
2. Persons who may be required to operate a motorized vehicle if it's an element of their duties.
3. Public safety Employees

(amended January 1, 2014)

ANIT-DRUG PLAN

SECTION I. INTRODUCTION

A. Prohibited Drug Policy.

1. The City of Cordova has a long standing commitment to maintain the highest standards for employee safety and health; and the use of controlled substances and alcohol is contrary to these high standards.
2. This policy is also to bring the city of Cordova into compliance with federal law. The purpose of the anti-drug plan is to reduce accidents resulting from the use of controlled substances and alcohol, thereby reducing fatalities, injuries and property damage.
3. The presence in the body of prohibited substances and alcohol is not condoned.

B. Background.

1. The catalyst for the anti-drug plan requires Commercial Motor Vehicle operators to test their employees for prohibited drugs under the following work-related conditions :
    a. Pre-Employment
    b. Post-accident
    c. Random
    d. Reasonable Cause
    e. Return-to-Duty
2. Title 49 CFR Part 40 specifies procedures which must be followed by the City of Cordova when conducting drug testing pursuant to regulations issued by agencies of the Department of Transportation.

(amended January 1, 2014)

D. Definitions.

The following definitions are derived from The Department of Transportation's Operating Administration which impacts our operations.

1. **Accident** means an occurrence associated with the operation of a commercial motor vehicle that involves a loss of human life, or the employee/driver receives a citation under state or local law for a moving violation arising from the occurrence.

2. **Air Blank.** Air blank means a reading by an evidential breath testing device (EBT) of ambient air containing no alcohol.

3. **Alcohol.** Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

4. **Alcohol Concentration.** Alcohol concentration means the alcohol in a volume of breath expressed in terms of grams of alcohol - per 210 liters of breath as indicated by an evidential breath test conducted under the federal regulations.

5. **Alcohol Use.** Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

6. **Blind Tests.** Urine samples submitted to the testing laboratory for quality control testing purposes. These "blind test" samples have fictitious identities so the testing laboratory cannot distinguish them from employee specimens. The "blind test" samples have known quantities of specific drugs, or are blank (containing no drugs). Blind samples will be submitted at a rate of 3 samples for every 100 employee specimens submitted.

7. **Breath Alcohol Technician (BAT).** Breath alcohol technician means an individual who instructs and assists individuals in the alcohol testing process and operates a EBT.

Canceled or Invalid Test.

a) Canceled or Invalid Test as pertains to alcohol tests. Canceled or invalid test means a test that is defined to be invalid as listed in Section XV.I of Appendix I.

b) Canceled or Invalid Test as pertains to drug tests. Canceled or invalid test means a test that is defined to be invalid as listed in Section II.G.12(k) of Appendix C, Section I.F.3 of Appendix E, or as may be otherwise defined by DOT regulations.

8. **Collection Site Person.** An individual authorized by the City of Cordova to collect samples in accordance with this Program and trained in procedures for such collection in accordance with 49 CFR Part 40.

9. **Commercial Motor Vehicle.** Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

   a) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

   b) Has a gross vehicle weight rating of 26,001 or more pounds;

   c) or Is designed to transport 16 or more passengers, including the driver; or

   d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

10. **Covered or Safety Sensitive Function** means operation of a commercial motor vehicle as defined in letter H above.

11. **Covered, Subject or Safety Sensitive Employee** means any person performing any Commercial Motor Vehicle Safety Sensitive Function.

12. **Custody and Control Form** is a form that accompanies the urine specimen to account for the integrity of each specimen by tracking its handling and storage from point of specimen collection to its final disposition.

13. **DOT Procedure.** "Procedure for Transportation Workplace Drug Testing Programs" published by The Office Of The Secretary of Transportation in 49 CFR Part 40 of this Title.

14. **Employee means** any person performing any Commercial Motor Vehicle Safety Sensitive Function.

15. **Evidential Breath Testing Device (EBT).** Evidential breath testing device (EBT) means a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List" (CPL) of evidential breath measurement devices.

16. **Employee Assistance Program.** Employee assistance program (EAP) means a confidential counseling/referral service provided free-of-charge to employees and their dependents. EAP is designed to provide assistance to employees and their

families to deal with personal problems which may affect their productivity, health or continued employment. All counseling, assessment and referral services will be provided by qualified, experienced clinicians with special training in short-term counseling and in assessing and treating substance abuse problems.

17. **Failing A Drug Test.** Shall mean the test results show positive evidence of the presence of a prohibitive drug or drug metabolite in an employee's system in amounts that exceed cutoff levels established by DOT procedures.

18. **Medical Review Officer.** Medical Review Officer is the licensed physician who is responsible for receiving laboratory results generated by the City of Cordova's drug testing program. The Medical Review Officer must have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual's positive test result together with his or her medical history and any other relevant biomedical information.

19. **Screening Test or Initial Test.** Screening test or initial test means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.

20. **Passing A Drug Test.** Means that the test result does not show positive evidence of the presence of a prohibitive drug or drug metabolite in an employee's system.

21. **Performing a Covered Function.** An employee is considered to be performing a covered function (safety-sensitive function) during any period in which he/she is actually performing, ready to perform, or immediately available to perform such covered functions.

22. **Prohibited Drug** . Means marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.

23. **Refusal to Submit.** Refusal by an individual to provide a urine sample after he or she received notice of the requirement to be tested in accordance with the City of Cordova's Anti-Drug Program. For alcohol it is when a covered employee fails to provide an adequate breath for testing without a valid medial explanation after receiving notice of the requirement to be testing in accordance with the provisions of the DOT and the City of Cordova's alcohol misuse prevention plan or engages in conduct that clearly obstructs the testing process.

24. **Substance Abuse Professional (SAP).** Substance Abuse Professional (SAP) means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders.

E. Company Responsibilities.

1. Drug Program Manager (DPM): The DPM shall be responsible for the preparation of a drug and alcohol testing anti-drug and alcohol plan which complies with requirements of the Department of Transportation regulations as set forth in the 49 CFR 391 subpart H.
2. Supervisors: The City of Cordova supervisors are responsible for observing the performance and behavior of employees; observation / documentation of events providing reasonable cause for suspicion; responsible for requests of second supervisor for substantiation and concurrence for reasonable cause testing.
3. Employees: Each employee has the responsibility to be knowledgeable of the requirements of the City of Cordova's anti-drug and alcohol plan and to fully comply with the provisions of the plan.

SECTION II DRUG TESTING REQUIREMENT

A. Applicability.

1. Individuals Subject to Drug and Alcohol Employees: Any person who performs sensitive safety-related functions or who may operate any of the City's motor vehicle fleet are subjected to policy and procedures outlined herein.
2. Procedures for Notifying Employees: This anti-drug and alcohol testing plan shall be included in the City of Cordova manual. Managers shall post the plan in a prominent location readily accessible to all employees. A copy of the entire plan can be found on the City's home page at www.cityofcordova.net and all new hires will be apprised of its location at the time of hire.
3. Substance for Which Testing Must BE Conducted: The City of Cordova shall test each employee who operates a CMV for evidence of the following substances:
   Marijuana, Cocaine, Opiates, Phencyclidine (PCP), and Amphetamines

(amended January 1, 2014)

Alcohol: Testing by Breath Analyzer

B. Drug Tests Required.

1. Pre-Employment Testing. A pre-employment drug testing must be conducted before an individual is hired or contracted and when an individual is transferred/promoted from a non-covered to a covered position. This also applies to employees returning from a leave of absence who have not been participating in the anti-drug and alcohol testing plan and subject to the random selection process. A negative test result is required prior to performing covered functions.
2. Post-Accident Testing.
   (a) The City shall promptly determine if the employee's performance contributed to the accident, or if the employees' performance cannot be ruled out as a contributing factor. In either case, each accident-involved employee shall be drug tested as soon as possible but no later than 32 hours after the accident for controlled substance and 8 hours for alcohol. The City must take all reasonable steps to obtain a urine specimen from each surviving driver after an accident, as defined below, but any injury should be treated first.

NOTE: Failure to provide a sample will be treated the same as a positive test result.

3. Random Testing.
   a. The primary purposes of random testing are to deter prohibited drug use and to ensure a drug free workforce. DOT regulations require that covered employees shall be subject to drug and alcohol testing on an unannounced and random basis. 50 percent of a testing pool must be randomly selected for drug testing each year and 25 percent must be selected for alcohol. The selections must be spread reasonably over a 12-month period.

      The supervisor will determine the appropriateness of having the employee return to the duties they were engaged in prior to the accident. In no case will the employee return to his or her duties if there is any visible evidence or concern by the supervisor that the employee may still be in an impaired condition.

(amended January 1, 2014)

(1) Employees must remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.

(2) Employees shall be selected for testing by using a computer-based random number generator or equivalent random selection method that is matched with an employee's social security number or employee ID number. The process will be unannounced as well as random.

b. Notification of employees:

(1) The appropriate manager/supervisor will notify the employee to be tested to report to the manager/supervisor's office at a specified time.

(2) The employee will not be notified of the test until after reporting for duty.

(3) Employees shall report immediately to the collection site or to the collection site within 30 minutes, plus travel time, once notified by the appropriate City official.

4. Reasonable Cause Testing. Reasonable cause testing is designed to provide management with a tool (in conjunction with supervisor training on the signs and symptoms of drug and alcohol use) to identify drug and alcohol affected employees who may pose a danger to themselves and others in their job performance. Employees may be at work in a condition that raises concern regarding their safety or productivity. Supervisors must then make a decision as to whether there is reasonable cause to believe an employee is using or has used a prohibited drug.

a. The decision to test must be based on a reasonable and articulable suspicion or belief that the employee is using a prohibited drug or alcohol on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug and alcohol use. At least two of the employee's supervisors, one of whom is trained in detection of the possible symptoms of drug use, shall substantiate and concur in the decision to test an employee. The concurrence by both supervisors may be accomplished by phone, by discussions a few hours later, or by having another supervisor travel to the job site, if only one supervisor is available at that particular job site.

b. In making a determination of reasonable cause, the factors to be considered include, but are not limited to the following:

(1) Adequately documented pattern of unsatisfactory work performance, for which no apparent non-impairment related reason exists, or a change in an employee's prior pattern of work performance, especially where there is some evidence of drug related behavior on or off the work site.

(2) Physical signs and symptoms consistent with substance abuse.

(3) Evidence of illegal substance use, possession, sale, or delivery while on duty.

(4) Occurrence of a serious or potentially serious accident that may have been caused by human error, or flagrant violations of established safety, security, or other operational procedures.

a) Transport the employee. The potentially affected employee should not be allowed to proceed alone to or from the collection site. In addition to the safety concerns for the employee, accompanying the employee also assures that there is no opportunity en route to the collection site for the employee to ingest anything that could affect the test result or to acquire "clean" urine from another person.

b) Document the events. Record the behavioral signs and symptoms that support the determination to conduct a reasonable cause test. This documentation of the employee's conduct should be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.

c) Denial should be an expected reaction. If a person knows they will test positive, they may give many explanations and protestations, wanting to avoid drug testing. If they are not under the influence or affected by a prohibited drug, vehement denial would still be expected. Listen to the employee and carefully evaluate the employee's explanation. Remember, a request to provide a urine specimen is not an accusation; it is merely a request for additional objective data. To the employee it may feel it is an accusation; so it is important to stress that this is merely a request for additional data.

d) Following collection. After returning from the collection site, the employee shall not perform duties pending the receipt of the drug test results. The employee should make arrangements to be transported home. The employee should be instructed not to drive any motor vehicle due to the reasonable cause belief that they may be under the influence of a drug.

5. Return-to-Duty Testing for Controlled Substance. An employee who refuses to take or fails a drug test may not return to duty until the employee passes a drug test and the MRO and the City have determined that the employee may return to duty. An employee who returns to duty shall be subject to a reasonable program of follow-up drug testing, without prior notice, for up to 60 months after his or her return to duty.

   Return-to-Duty Testing for Alcohol. An employee who refuses to take or fails an alcohol test may not return to duty until the employee is evaluated by a substance abuse professional (SAP) and completed the recommended treatment. An employees who returns to duty shall be subject to six follow up breath test over the next 12 months.

NOTE: Return-To-Duty testing is not an option under this drug and alcohol plan if the City terminates an employee who has tested positive or refuses to test. Provided, however, if an employee is reinstated through the grievance arbitration procedure, Return-to-Duty-Testing will be applicable.

SECTION III. USE OF EMPLOYEE WHO FAILS OR REFUSES A DRUG TEST

A. General. Compliance with this drug testing plan is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing covered functions. Additional disciplinary action up to and including termination may result.

B. Prohibitions On Use. The City shall not use, in a function covered by Part 391, subpart H anyone who:

   1. Fails a drug test as verified by the MRO, or

   2. Refuses to take a drug test required by this plan.

C. Options For Return-To-Duty. In the event an employee is given an opportunity to retain his or her employment, the following conditions will apply:

   1. Have been recommended by the SAP and the MRO for return to duty,

   2. Pass a DOT drug and alcohol test, and

   3. Not failed a drug or alcohol test required by Part 391 after returning to duty.

   * 4. Enter into a company approved evaluation/rehabilitation program and successfully complete the program.

   5. Return to duty is contingent upon an available position.

*NOTE: Rehabilitation is not mandated by DOT regulations and paragraph 4 is based on other company policy and procedures. the City may place any employee who fails a drug or alcohol test on leave with out pay. It is the employee's responsibility to make arrangements for their own rehabilitation. The employee must within 10 working days show the City's Drug Program Manager an action plan for rehabilitation. The action plan must be signed off by an authorized SAP. If no action is taken within the 10 days the employee will have forfeited his or her employment with the City.

SECTION IV. SPECIMEN COLLECTION REQUIREMENTS

General.

1. All collection will follow the federal regulation 49 CFR 40. The collection site shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory designated by the City. An independent medical facility may also be utilized as a collection site.

2. A designated collection site shall be any suitable location where a specimen can be collected under conditions set forth in 49 CFR 40. A designated collection site shall have an enclosure within which private urination can occur, a toilet for completion of urination, and a suitable clean surface for writing. The site must also have a source of water for washing hands, which if practicable, should be external to the enclosure where urination occurs.

3. Detailed Specimen Collection Procedures are outlined in 49 CFR 40 at each collection site or by contacting the City's drug program manager.

SECTION V. DRUG TESTING LABORATORY

A. SAMHSA Laboratory.

1. The City shall use a drug testing laboratory certified under DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; 53 FR 11970, April 11, 1988 and subsequent amendments.

2. The laboratory shall provide services in accordance with 49 CFR 40 and 49 CFR 391.

3. The laboratory shall permit inspections by the City, the FHWA Administrator, or if the City is subject to the jurisdiction of a state agency, a representative of the state agency.

SECTION VI. BLIND PERFORMANCE TEST PROCEDURES

A. General.

1. The City shall use blind testing quality control procedures as provided in this section.

2. On behalf of the City, the contractor who administers the City's drug and alcohol program shall submit three blind performance test specimens for each 100 employee specimens it submits, up to a maximum of 100 blind performance test specimens submitted per quarter.

SECTION VII. REVIEW OF DRUG TESTING RESULTS

A. General.

1. The City shall contract the services of a Medical Review Officer (MRO). The MRO shall be a licensed physician with knowledge of drug abuse disorders. The MRO shall review all negative and positive drug test results and interview individuals tested positive to verify the laboratory report before the City is notified. The review of negative test may be an administrative process to ensure the chain-of-custody procedures were intact. The MRO in conjunction with the SAP may also recommend to the City whether and when an employee who refused to take or did not pass a drug test may return to work and schedule follow-up unannounced drug testing for a period of 60 months.

B. Reporting and Review of Results.

1. The MRO shall review confirmed positive results. An essential part of the drug testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of a DOT regulation.. This review shall be performed by the MRO prior to the transmission of results to City administrative officials. The MRO review shall include review of the chain-of-custody to ensure that it is complete and sufficient on its face.

2. The duties of the MRO with respect to negative results are purely administrative.

3. The MRO will inform the Employee that upon notification of the verified positive test result that they have 72 hours to request a re-test of the split sample. A re-test is an analysis of the "B" sample bottle. The re-test can be sent to a SAMHSA certified laboratory of the employees choice. The employee will be responsible for payment of the re-test and will be reimbursed by the City if the sample comes back as negative.

C. Verification for Opiates; Review for Prescription Medication.

1. Before the MRO verifies a confirmed positive result for opiates, the MRO shall determine that there is clinical evidence of unauthorized use of any opium, opiate, or opium derivative (e.g., morphine/codeine).

2. This requirement does not apply if the City's GC/MS confirmation testing for opiates confirms the presence of 6-monoacetylmorphine.

D. Reconfirmation Analysis Authorization.

1. Should any question arise as to the accuracy or validity of a positive test result, only the MRO is authorized to order a reconfirmation of the original sample and such re-tests are authorized only at laboratories certified by DHHS.

2. The MRO shall authorize a reconfirmation of the original sample if requested in writing by the employee within 72 hours of the employee having received actual notice of the positive test.

3. If the re-test is negative, the MRO shall cancel the test.

E. Results Consistent with Legal Drug Use. If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO shall report the test result to the City as negative.

F. Disclosure of Information.

1. Except as provided in this paragraph, the MRO shall not disclose to any third party medical information provided by the individual to the MRO as a part of the testing verification process.

2. The MRO may disclose such information to the City, DOT or other Federal safety agency. Any other release of information must be accompanied by a release of information signed by the employee.

SECTION VIII. RETENTION OF SAMPLES

A. General. Samples that yield positive results on confirmation must be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days.

B. Retention Period.

1. Within this 365 day period, the employee or designated representative, FHWA or other state agencies with jurisdiction, or the City may request in writing that the sample be retained for an additional period.

2. If the laboratory does not receive the request to retain the sample within the 365 day period, the sample may be discarded.

SECTION IX. RE-TESTING OF SAMPLES

A. General. An employee/applicant may request in writing to the MRO a re-test of the sample within 72 hours of notification of a positive test result from the MRO.

B. Re-test Provisions. The employee may specify that the specimen be re-tested by the original laboratory or sent to another SAMHSA certified laboratory. The employee may be required to pay in advance for the cost of the shipment and re-analysis of the sample. The employee will be reimbursed for the costs incurred in the re-analysis if the re-test of the specimen is negative. If the employee requests a re-test at a second laboratory, then the original laboratory must follow the approved custody and control procedures in transferring a portion of the specimen.

C. Detection Levels. Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a re-test is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

SECTION X. EMPLOYEE ASSISTANCE PROGRAM (EAP)

A. Scope of Program.

The EAP will provide education and training on drug use to all employees. The education shall include:

1. Informational material displayed on bulletin boards, employee break rooms, locker rooms, etc., and distributed to employees.

2. A community service hot-line telephone number for employee assistance displayed on bulletin boards and distributed to employees, and

3. Distribution of the City's policy regarding the use of prohibited drugs and alcohol to all new employees. The policy shall be displayed in prominent places throughout the City (i.e., employee bulletin board, break room, locker rooms).

B. Supervisor Training.

1. Supervisory personnel responsible for those employees covered under Part 382 will receive training under the anti-drug and alcohol plan. The training shall include at least 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use and 60-minute period of training on the effects of alcohol. This training shall be for supervisors who may determine whether an employee must be drug and alcohol tested for reasonable cause.

SECTION XI. RECORD KEEPING PROCEDURES

A. General.

1. The Drug Program Manager (or designee) shall maintain a locked file system which will contain drug test results. This file shall be maintained as Confidential. Employee files shall be handled on strict "need to know" basis.

2. Drug tests results shall not be included in personnel files. Information regarding an individual's drug testing result or rehabilitation may be released only upon written consent of the individual, except:

   a. Such information must be released regardless of consent to FHWA or other government agency as a part of an accident investigation;

   b. Such information may be disclosed regardless of consent in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a verified positive drug test.

B. Statistical Data. Statistical data related to drug testing and rehabilitation that is non name-specified and training records may be released to FHWA or other governmental agency upon request.

C. Record Retention.

The records that must be maintained are:

1. Records that demonstrate the collection process conforms to § 40.25 shall be retained for a 3-year period.

2. Employee drug test results that show positive and test type (pre-employment test, random test, post-accident test, or post-rehabilitation test), and records that demonstrate rehabilitation (including the MRO's determination). These records shall be retained for a 5-year period and must include the following information:

   a. Job classification and functions of employee.

   b. Prohibited drug(s) used.

   c. Disposition of employee (i.e., rehab, suspension, termination, etc.)

3. Employee drug tests that demonstrate negative results shall be retained for a period of 1 year.

4. A record indicating the total number of employees tested and the results of tests separated into categories shall be retained for a 5-year period.

5. Training records confirming that supervisors and employees have been trained as required under § 382, and copies of training material used shall be retained for a 3-year period.

SECTION XII. CONTRACTOR EMPLOYEES

A. General. The City shall include a clause in the contractors contract providing for drug testing, education and training which shall be addressed by the contractor in accordance with Part 382 and Part 40 for covered functions.

B. Records and Access. Contractors shall retain copies of appropriate records required by Part 382 and Part 40. The records and access to the contractor's property shall be readily accessible for inspection by the City, FHWA, and representatives of those state agencies under which jurisdiction the City operates.

C. Contractor Coverage. The City can, as an alternative to the above guidance, provide coverage for the contractor's employees by including them in the City's drug and alcohol testing program and random pool for the duration of the contract.

APPENDIX A

LABORATORY PROCEDURES

A. Testing.

1. Initial Test - The initial test shall use an immunoassay which meets the requirement of the Food and Drug Administration for commercial distribution.

2. Confirmatory Test - All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff values listed in this paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations which exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard curve value."

B. Reporting Results.

1. The laboratory shall report test results to the City's MRO within an average of 5 working days after receipt of the specimen by the laboratory. Before any test result is reported (the results of initial tests, confirmatory tests, or quality control data), it shall be reviewed and the test certified as an accurate report by the responsible individual. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the employer, and the drug testing laboratory specimen.

2. The laboratory shall report as negative all specimens which are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for a specific drug.

3. The MRO may request from the laboratory and the laboratory shall provide quantitation of test results. The MRO shall report whether the test is positive or negative and may report the drug(s) for which there was a positive test, but shall not disclose the quantitation of test results to the City. The MRO may reveal the quantitation of a positive test result to the City of Cordova, the employee, or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test.

4. The laboratory may transmit results to the MRO by various electronic means (e.g., teleprinter, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory and employer must ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.

5. The laboratory shall send only to the MRO the original or a certified true copy of the drug testing custody and control form (copy 1), which, in the case of a report

positive for drug use, shall be signed (after the required certification block) by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached to which shall be a copy of the test report.

SECTION XIII. ALCOHOL TESTING

■ Employees performing safety-sensitive functions are subject to drug and alcohol testing and must refrain from consuming any alcohol (not just alcoholic beverages) whenever they are performing, ready to perform or immediately available to perform these functions.

Employees will only be tested for alcohol while they are at the work site (this could include locations other than our home base). Therefore, a vehicle operator on-call for duty while at home has not violated the regulations if he or she has an alcoholic beverage unless he or she reports for duty within eight (8) hours of consuming such alcohol. He or she is not subject to alcohol testing until he or she reports for work. Therefore, if he or she is called to work and has consumed alcohol within the 8 hour time frame, he or she would have to decline to report until 8 hours has passed with no alcohol consumption.

1. PROHIBITED CONDUCT:

Alcohol Use

■ Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

■ Alcohol use is defined as the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. Over the counter medication included.

Alcohol Concentration

■ Covered employees may not report for duty or remain on duty in a position requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 to 0.039 or greater.

Pre-Duty Use

■ Employees may not perform safety sensitive duties within 8 hours after consuming alcohol.

■ On-call employees who are not at work, but could be called to perform safety-sensitive functions, are subject to the pre-duty alcohol prohibition (i.e., they would have to decline a call to work if acceptance would result in performing safety-sensitive duties within the 8 hours.

On-Duty Use

- Covered employees may not consume alcohol while performing safety-sensitive functions.

- This prohibition also applies to covered employees who are at work and immediately available to perform safety-sensitive functions.

- Covered employees with knowledge of an accident involving a vehicle for which they performed a safety-sensitive function at or near the time of the accident may not use alcohol for 8 hours after the accident unless they have been given a post-accident test, or the City has determined that their performance could not have contributed to the accident.

- Accident is defined as an occurrence associated with the operation of a vehicle which the accident involves a fatality, the driver receives a citation under state or local law for a moving violation arising from the accident, injury treated away from the scene or vehicle requires to be towed from the scene.

Refusal to Submit to Testing

- Covered employees may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol test. The City will not permit an employee who refuses to submit to such a test to perform or continue to perform safety-sensitive functions.

- Refusal to submit to a pre-employment or return-to-duty test is not a violation of the FWHA rule, but a refusal (the same as a positive test result) will preclude any person from performing safety-sensitive functions.

2. CIRCUMSTANCES THAT REQUIRE TESTING:

Covered employees are subject to the following federally mandated alcohol tests:

Post-Accident

- Within 2 hours but no later than 8 hours, each covered employee must be alcohol tested if that employee's performance either contributed to the accident or cannot be discounted as a contributing factor to the accident.

- A covered employee who is subject to post-accident alcohol testing will remain readily available for testing or may be deemed to have refused to submit to testing.

- Attempts to conduct post-accident alcohol testing will cease 8 hours after the accident, even if no alcohol test has been conducted.

Random

- 25% of the covered employees will be selected for random alcohol testing through a scientifically valid method. The City's contractor will use a random-number computer generator to select employees.

* 50% of the covered employees will be selected for random drug testing through a scientifically valid method. We will use a random number generator to select employees.

- Random tests will be reasonably spaced throughout the year and will be unannounced.

- Employees notified of selection for random testing must proceed immediately to the testing site.

- Random tests will be conducted while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.

Reasonable Suspicion

- A covered employee must submit to a drug and alcohol test if the City has determined that reasonable suspicion exists that the employee has violated the drug and alcohol misuse prohibitions.

- This determination must be based on a trained supervisor's specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

- If an alcohol test required by this section is not administered within eight (8) hours following the determination under this section, the City shall not take any action against an employee based solely on the employee's behavior and appearance with respect to alcohol use, in the absence of an alcohol test.

- A supervisor who identifies an employee for a reasonable suspicion test cannot conduct the alcohol test as the breath alcohol technician for that employee.

Return to Duty

- Before a covered employee returns to duty in a safety-sensitive function after engaging in prohibited conduct, he or she will undergo a return to duty test.

- The employee cannot perform a safety-sensitive function until a drug or alcohol result indicating a negative or an alcohol concentration of less than 0.02 is obtained.

Follow-Up

- Each covered employee, who has been identified by a substance abuse professional (SAP) as needing assistance in resolving a problem with alcohol misuse and who has returned to duty performing a safety-sensitive function, will be subject to follow-up testing.

- Follow-up tests will be unannounced and at least 6 tests must be conducted in the first 12 months after the employee is back on the job. Follow-up testing may continue for up to 60 months.

- The schedule for follow-up alcohol testing is established by the SAP.

(amended January 1, 2014)

3. PROCEDURES FOR ALCOHOL TESTING: PROTECTING THE EMPLOYEE AND THE INTEGRITY OF THE BREATH TESTING PROCESS: SAFEGUARDING THE VALIDITY OF THE TEST RESULTS: AND ENSURING THAT THOSE RESULTS ARE ATTRIBUTED TO THE CORRECT EMPLOYEE:

Preparation for Breath Alcohol Testing

- Upon entering the alcohol testing location, the breath alcohol technician (BAT) will require the employee to provide positive identification (photo I.D.). On request, the BAT will provide positive identification to the employee. The BAT will explain the testing procedure to the employee.

Screening Tests

- The BAT will complete Step 1 on the breath alcohol testing form, and the employee will then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification will be regarded as a refusal to take the test.

- An individually sealed mouthpiece will be opened in view of the employee and BAT and attached to the evidential breath testing device (EBT) in accordance with the manufacturer's instructions.

- The BAT will instruct the employee 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.

- If the EBT does not have a printer capable of generating a printed result, a sequential test number, the manufacturer's name for the device, the device's serial number, and the time and date of the test: the BAT will show the employee the result displayed on the EBT. The BAT will record the displayed result, test number, testing device, serial number of the testing device, date, time, and quantified result in Step 3 of the form record the test number, date of the test, name of the BAT, location, and quantified test result in a log book if used. The employee will initial the log book entry.

- If the EBT provides a printed result, but does not print the results directly onto the form, the BAT will show the employee the result displayed on the EBT. The BAT will then affix the test result printout to the breath alcohol test form in the designated space, using a method that will provide clear evidence of removal (e.g., tamper-evident tape).

- If the EBT prints the test results directly onto the form, the BAT will show the employee the result displayed on the EBT.

- In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT will date the form and sign the certification in Step 3 of the form. The employee will sign the certification and fill in the date in Step 4 of the form.

- If the employee does not sign the certification in Step 4 of the form or does not initial the log book entry for a test, it will not be considered a refusal to be tested. In this event, the BAT will note the failure to sign or initial in the "Remarks" section of the form.

- If a test result printed by the EBT does not match the displayed result, the BAT will note the disparity in the remarks section. Both the employee and the BAT will initial or sign the notation. The test is then invalid and the City and the employee will be so advised.

- In the event of a result less than 0.02, no further testing is authorized. The BAT will transmit the result of less than 0.02 to your drug program manager in a confidential manner, and will receive and store the information so as to ensure that confidentiality is maintained as required.

Confirmation Tests

- If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test will complete and sign the form and log book entry if used. The BAT will provide the employee with Copy 2 of the form.

- The BAT will conduct an "air blank" to ensure that the device is working correctly. The air blank result must be 0.00. If the reading is greater than 0.00, the BAT will conduct one more air blank. If the reading is greater than 0.02, testing will not proceed using that instrument. However, testing may proceed on another instrument.

- The BAT will instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This time period begins with the completion of the screening test, and will not be less than 15 minutes. The BAT will explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT will also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the BAT becomes aware that the employee has not complied with this instruction, the BAT will so note in the "Remarks" section of the form.

- If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT will initiate a new Breath Alcohol Testing form. The BAT will complete Step 1 on the form. The employee will then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification will be regarded as a refusal to take the test. The BAT will note in the "Remarks" section of the form that a different BAT conducted the screening test.

- A breath alcohol test is invalid under the following circumstances:

■ The EBT does not pass its next external calibration check (invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test: does not invalidate negative tests).

■ Recalibration of the EBT will be performed within 24 hours of each positive test.

■ The breath alcohol technician does not observe the minimum 15-minute waiting period prior to the confirmation test.

■ The breath alcohol technician does not perform an air blank of the EBT before a confirmation test, or such an air blank does not result in a reading of 0.00.

■ The breath alcohol technician does not sign the form.

■ The breath alcohol technician fails to note in the remarks section of the form that the employee has failed or refused to sign the form after the test has been conducted.

■ An EBT fails to print a confirmation test result.

■ The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.

■ Employee records pertaining to alcohol testing will be maintained in a secure location with controlled access.

■ These records will be promptly released to the employee, or a person identified by the employee (including subsequent employers), upon written request of the employee. This release of information will not be contingent upon payment for records other than those specifically follow-up testing).

Required Evaluations and Testing

■ No covered employee who has violated the rules on alcohol misuse or refusal to submit to testing can perform any safety-sensitive function unless and until that employee has:

1. Been evaluated by a SAP to determine whether the employee is in need of assistance in resolving problems related to alcohol use;

2. Completed any treatment recommended by the SAP;

3. Been evaluated by an SAP to ensure that the employee has properly followed the treatment program; and

4. Undergone required return to duty testing.

- A SAP is a licensed physician (medical doctor or doctor of osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of disorders related to drug use and abuse.

4. CONSEQUENCES FOR HAVING AN ALCOHOL CONCENTRATION OF 0.02 OR GREATER BUT LESS THAN 0.04

- If a covered employee is found to have an alcohol concentration of 0.02 or greater but less than 0.04, that employee will be immediately removed from performing safety-sensitive functions, until the employee is re-tested with a result below 0.02, or until the start of the employee's next regularly scheduled duty period, if it occurs at least 8 hours following administration of the test.

5. **INTERVENING WHEN AN ALCOHOL PROBLEM IS SUSPECTED, INCLUDING CONFRONTATION, REFERRAL PROGRAM, AND/OR REFERRAL TO MANAGEMENT:**

Why You Should Get Involved:

- Although the City has no history of substance abuse problems, we recognize that alcoholism and alcohol misuse are problems throughout America.
- There are three good reasons why you should be concerned if any of your coworkers is using drugs or alcohol on the job:
    a) Your health and safety may be at risk
    b) Alcohol misuse costs you money.
    c) Alcohol creates a negative work environment.
- According to the National Institute on Alcohol Abuse and Alcoholism, drug and alcohol use on the job cost society an estimated hundreds of billions of dollars each year. Since most of this cost is passed on to you in the form of higher health insurance rates or in the prices you pay for things, drug and alcohol use on the job costs you and your fellow workers.
- Absenteeism among problem drinkers or alcoholics is 3.8 to 8.3 times greater than normal. If your fellow workers don't come to work, you may have to do their jobs in addition to your own.
- Workers who misuse alcohol don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity. Since our product is the safe transportation of the public, alcohol misuse is an especially serious issue.

(amended January 1, 2014)

■ No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the City. Acceptance of any misuse puts you, the City, and the public at risk.

6. EFFECTS OF ALCOHOL MISUSE ON AN INDIVIDUAL'S HEALTH, WORK, AND PERSONAL LIFE:

- Alcohol is a central nervous system depressant. Taken in large quantities it causes not only the euphoria associated with "being drunk" but also adversely affects your judgment, your ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.

- Long term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.

- In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated it will inevitably get worse.

- Workers who use alcohol (and other drugs) affect everyone. Studies show that compared to alcohol- and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers' compensation claims.

- The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the City's public image mean that workplace substance abuse can further cut profits and competitiveness.

- Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.

- If drinking affects your work life, it could lead to job loss and all of the financial problems that would follow.

SIGNS AND SYMPTOMS OF ALCOHOL MISUSE

Any one or more of the following signs may indicate a drinking problem:

- Family or social problems caused by drinking.

- Job or financial difficulties related to drinking.

- Loss of a consistent ability to control drinking.

- "Blackouts" or the inability to remember what happened while drinking.

- Distressing physical and/or psychological reactions if you try to stop drinking.

- A need to drink increasing amounts of alcohol to get the desired effect.
- Marked changes in behavior or personality when drinking.
- Getting drunk frequently.
- Injuring yourself--or someone else--while intoxicated.
- Breaking the law while intoxicated.
- Starting the day with a drink.

7. AVAILABLE METHODS OF EVALUATING AND RESOLVING PROBLEMS ASSOCIATED WITH THE MISUSE OF ALCOHOL

- Outpatient programs exist in a variety of settings:

1. Community mental health centers.
2. Family service agencies.
3. Private physicians' and therapists' offices.
4. Occupational settings.
5. Specialized alcoholism treatment facilities.

- Inpatient services, designed for those with more serious alcohol problems, can be found in hospitals, residential care facilities, community halfway houses, and some alcoholism clinics.

Your local phone directory will list helpful referral organizations such as:

1. Local council on alcoholism.
2. Alcoholics Anonymous.
3. Community alcoholism or mental health clinic.
4. Social services or human resources department.
5. County medical society.

- The SAP for the City is Charter North Hospital in Anchorage and can be reached at (907) 258-7575. He will perform an initial evaluation, recommend any additional treatment if necessary, and refer employees needing assistance for treatment covered under our health insurance program.

COMPANY POLICY ON ALCOHOL MISUSE

The policy of the City as it relates to drug and alcohol misuse by employees performing safety-sensitive functions is as follows:

1. Any employee who registers an alcohol concentration of 0.04 on any test administered by or for the City of Cordova or who engages in other alcohol misuse may be disciplined up to and including discharge.

2. Employees self referring for an alcohol problem prior to being selected for testing will not be terminated and will be sent to a substance abuse professional and will be responsible for any expenses which exceed the amount covered by insurance.

3. Any employee who refuses an FHWA-mandated alcohol test will be terminated.

4. Any employee who registers an alcohol concentration of 0.02 but less than 0.040 on an FHWA-mandated test will be sent home for the day in a unpaid status the first time such a test result is obtained. Any employee who twice registers an alcohol concentration of 0.02 but less than 0.040 on FHWA-mandated tests may be subject to discipline.