

**CITY OF ANNAPOLIS
CDL (FMCSA)
DRUG AND ALCOHOL
TESTING POLICY**

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In some cases, the City reserves the prerogative to utilize stricter policies or procedures than the U. S. Department of Transportation when such are believed to be in the best interest of the City of Annapolis residents and employees. Any provisions set forth in this policy that are included under the sole authority of the City of Annapolis and are not provided under the authority of the above named Federal regulations are underlined indicating it is a requirement of The City of Annapolis for employment by that entity, and not required by the U. S. Department of Transportation.

Underlined text = City of Annapolis requirements
Regular text = FMCSA requirements

I. STATEMENT OF PURPOSE:

City of Annapolis (CITY OF ANNAPOLIS) believes that the use of alcohol or illicit drugs in the workplace is deleterious to public safety, employee morale, and productivity. Additionally, designated employees come under the regulatory auspices of the United States Department of Transportation (DOT) (49 CFR Part 40 as amended), specifically the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Part 382). CITY OF ANNAPOLIS is required to comply with the regulations of this operating administration within the U. S. Department of Transportation.

In some cases, the City of Annapolis reserves the prerogative to utilize stricter policies or procedures than the U. S. Department of Transportation when such are believed to be in the best interest of the general public and City of Annapolis employees. When a policy or procedure is mandated by CITY OF ANNAPOLIS, rather than the FMCSA (49 CFR Part 382), underlined text will appear indicating it is a requirement of CITY OF ANNAPOLIS for employment by that entity, and not required by the U. S. Department of Transportation.

II. APPLICABILITY:

The testing program applies to all employees who are required to hold a commercial driver's license (CDL), and operate commercial motor vehicle for CITY OF ANNAPOLIS, even if they drive such vehicles only infrequently. The U. S Department of Transportation 49 CFR Parts 40 and 382 as amended, requires mandatory testing for those employees who must have a CDL driver's license in order perform their respective job functions, and/or are involved in maintaining the safety, and operation of commercially regulated vehicles.

III. AUTHORITY:

This program was adopted pursuant to, and is intended to comply with federal regulations promulgated by the Department of Transportation 49 CFR Parts 40 and 382 as amended and applicable state regulations. Unless otherwise indicated by underlined text, the testing provisions of the program are required by federal regulations.

IV. DEFINITIONS:

Commercial Motor Vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- 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;
- Has a gross vehicle weight rating of 26,001 pounds, or;
- Is designed to transport 16 or more passengers, including the driver, or;
- Is of any size, and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials 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).

Disabling damage: Damage that precludes the 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. This does not include damage which can be remedied temporarily at the scene of the accident, without special tools or parts, tire disablement (without other damage even if no spare tire is available), damage to headlights, taillights, turn signals, horns, mirrors, or windshield wipers, that makes them inoperative.

Performing Safety Sensitive Functions: A driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.

Post Accident Testing: All employees covered under this section of the City of Annapolis' Drug & Alcohol Testing Policy, will be required to undergo drug and alcohol testing as soon as practical following an accident involving a commercial vehicle operating on a public road, if as a result:

- A person dies;
- An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident, and the driver of the commercial vehicle was issued a citation.
- One or more vehicles incur disabling damage as the result of the accident, and are transported away from the scene by a tow truck or other vehicle, and the driver of the commercial vehicle was issued a citation.

Refusal to Test: The following actions/criteria are considered a refusal to test and subject to the same consequences as a positive test result:

- The employee fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the City of Annapolis, after being directed to do so by the City of Annapolis.
- The employee fails to remain at the collection site until the testing process is complete.
- The employee refuses to provide a urine or breath specimen for any drug or alcohol test required by Part 40 as amended or DOT agency regulations.
- The employee fails to permit the observation or monitoring of the provision of a specimen when the MRO had determined a direct observed or monitored specimen is required by Part 40 as amended or DOT agency regulations.
- The employee fails to provide a sufficient amount of urine, breath, or saliva when directed, after it has been subsequently determined through a medical evaluation, there is no adequate medical explanation for the failure to provide.
- The employee fails or declines to take a second test after the DER or collector has directed the employee to take such.
- The employee fails to undergo a medical evaluation or examination, as directed by the MRO or DER for the City of Annapolis, as part of the verification process after the employee has failed to provide a sufficient amount of urine, breath, or saliva for testing.
- The employee fails to cooperate with any portion of the testing process (e.g. refusal to empty pockets when directed to do so by the collector, confrontational behavior towards the collector that disrupts the collection process).
- The employee submits a specimen that has been verified as "adulterated" or "substituted" by the MRO.
- The employee is found to possess or wear a prosthetic or other device that could be used to interfere with the collection process.

- The employee refuses to follow the collector’s instructions during an observed collection process to raise and lower clothing as specified in the U.S. Department of Transportation 49 CFR Part 40 as amended testing regulations.
- The employee admits to the collector or MRO that he/she adulterated or substituted the specimen.
- The employee refuses to sign step 2 of the ATF (alcohol testing form).

Safety-Sensitive Functions: All time from the time a driver begins to work or is required to be in readiness to work, until the time he or she is relieved from work, and all responsibility for performing work. Safety sensitive functions shall include:

- All time at an employer, terminal, facility, or other property or any public property, waiting to be dispatched, unless the driver has been relieved from duty.
- All time inspecting, servicing, or conditioning any commercial vehicle.
- All time spent at the driving controls of a commercial motor vehicle in operation.
- All time other than driving time, in or upon any commercial motor vehicle, except for time spent resting in a sleeper berth that meets requirements of The U.S. Department of Transportation.
- All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded.
- All time remaining in readiness to operate a commercial motor vehicle.
- All time spent giving or receiving receipts for shipments loaded or unloaded.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

V. DESIGNATED EMPLOYER REPRESENTATIVE (DER)

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 Annapolis, Maryland 21401
 (410) 263-7998

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VI. MEDICAL REVIEW OFFICER (MRO):

The Medical Review Officer (MRO) is a licensed physician with knowledge of urine drug testing and substance abuse disorders. The primary role of the MRO is to act as an independent, impartial gatekeeper and advocate for the accuracy and integrity of the drug testing process. The MRO must also provide a quality assurance review of the drug testing process for the specimens reviewed and processed by said MRO.

The MRO will perform all mandated duties, and make all decisions and determinations in accordance with standard DOT procedures listed in 49 CFR Parts 40 & 382 as amended.

VII. EMPLOYEES SUBJECT TO TESTING:

All employees are subject to pre-employment, post accident, reasonable suspicion, random, return to duty, and follow up drug and/or alcohol testing. All drivers, or potential drivers, of commercial motor vehicles in the employ of CITY OF ANNAPOLIS, who are required to have a commercial driver’s license (CDL) in order to perform their job duties, are subject to testing as required by the U. S. Department of Transportation 49 CFR Parts 40 & 382 as amended. The Federal Motor Carrier Safety Administration (FMCSA) requires the testing of employees performing duties deemed to be safety-sensitive.

VIII. TESTING LABORATORIES:

CITY OF ANNAPOLIS retains the services of several DHHS (Department of Health and Human Services) certified forensic laboratories for the purposes of urine drug screening and confirmation testing. These laboratories have completed the certification program conducted by the DHHS and administered by the National Institute of Drug Abuse (NIDA).

The laboratory must retain any specimen reported with positive, adulterated, substituted, or invalid results, for a minimum of 1 (one) year. The MRO must offer the donor of any laboratory confirmed positive test result, the opportunity to have “split specimen” testing performed. Laboratories testing the “split specimen”, must also retain those specimens for 1 (one) year.

IX. COLLECTION SITES AND PROTOCOL:

Specimens for pre-employment, random, post accident, reasonable suspicion, return to duty, and follow up alcohol (excluding pre-employment) and drug testing will be collected at locations with properly trained and certified personnel to act as collectors. These locations will also furnish all of the necessary equipment and supplies for the purpose of collecting breath, saliva, and urine specimens for drug & alcohol testing. All procedures used for collection, shipment, custody control, and accessioning of specimens are performed within strict accordance of The U. S. Department of Transportation 49 CFR part 40 as amended, and will be reviewed regularly by the administrative staff of CITY OF ANNAPOLIS’s TPA, for compliance of these regulations.

CITY OF ANNAPOLIS employees required to test under The U. S. Department of Transportation 49 CFR Part 40 as amended and the City of Annapolis’ Drug & Alcohol Testing Policy will utilize collection sites proximate to all department locations. These sites can be utilized for immediate collection upon notification of required testing;

The City of Annapolis reserves the right to require a designated supervisor escort any employee who has been directed to test, to the collection site.

X. ALCOHOL TESTING:

For purposes of alcohol testing CITY OF ANNAPOLIS utilizes only screening test devices listed on the NHTSA’s CPL (Conforming Products List). These tests are supported and confirmed by a DOT approved and calibrated Alco Sensor IV Evidential Breath Testing Device (EBT). Any alcohol test registering an alcohol concentration above 0.02 must be confirmed after a 15 (fifteen) minute waiting period has elapsed, and the donor has been instructed not to eat, drink, smoke, chew, or belch, by a U. S. Department of Transportation

approved EBT. The confirmation test must be completed within 30 (thirty) minutes of the initial screening test result. If the confirmation test is not completed within the specified 30 (thirty) minutes, the testing will be still be conducted, and the reason for the delay and amount of time that has actually elapsed, are noted on the remarks line of the alcohol testing form. All federally mandated alcohol tests are conducted according to 49 CFR Part 40 as amended. A DOT approved alcohol testing form (ATF) is used to record the test results.

All alcohol-testing technicians are certified by a DOT approved training program as Screening Test Technicians (STT) and/or Breath Alcohol Technicians (BAT). They are also provided with continuing education and training with regards to equipment and testing protocols, to keep in compliance with Federal and State regulations. Training certifications and calibration information for equipment and collectors utilized by CITY OF ANNAPOLIS are maintained at CITY OF ANNAPOLIS and can be inspected upon request.

XI. DRUG TESTING:

The City of Annapolis's DOT Drug and Alcohol Testing Policy will adhere to The U.S. Department of Transportation 49 CFR Part 40 regulations as amended for urine specimen collection, transit, and laboratory analysis. The laboratory analysis of all specimens will include an initial screen with confirmation by GC/MS at the cutoff thresholds for drugs and drug metabolites mandated by the DOT (49 CFR Part 40 as amended).

Any laboratory results will be forwarded directly to the MRO, at which time the chain of custody and documentation concerning the specimen is examined in detail. Both the laboratory and the MRO inspect each sample for "fatal flaws". If any "fatal flaws" are discovered, the test is cancelled. In situations where correctable flaws exist, they must be corrected prior to the completion of MRO verification process.

After a thorough review of the collection procedure, chain of custody form, testing protocol and laboratory results, negative results are verified and reported by the MRO to the employer. For non-negative results, the MRO will contact the employee and conduct a medical interview, focusing on the individual's medical history and/or any other relevant biomedical factors. The MRO shall examine all alternative medical explanations for any positive test results. The MRO will also review all medical records made available by the donor, when a confirmed positive test result could have resulted from legally prescribed medications. Additionally, the MRO reserves the right to order additional laboratory ancillary testing and/or specimen re-analysis and quantification of the specimen submitted, in order to complete the verification process.

The MRO must offer the donor of any laboratory confirmed positive test result, the opportunity to have "split specimen" testing performed. The donor must notify the MRO of their request for "split specimen" testing within 72 (seventy two) hours of the initial interview by the MRO. Split specimen testing allows the donor to have the unopened specimen bottle, with the chain of custody and tamper evident seal intact, sent to a second independent DHHS approved laboratory for confirmation. The donor cannot be denied a "split specimen" test request based on his or her inability to pay.

The MRO will attempt to contact the donor a minimum of at least 3 (three) times during the first 24 (twenty four) hours. If the MRO is unable to contact the donor after 24 (twenty-four) hours, the MRO will request that the City of Annapolis's Designated Employer Representative (DER), attempt to contact the donor. The DER, will instruct the donor to contact the MRO immediately. The donor will be instructed that contact with the MRO must occur within 72 (seventy two) hours. The DER must also advise the donor, that his or her failure to

contact the MRO within 72 (seventy two) hours after being instructed to do so will result in the test being reported by the MRO as a refusal to test which is considered a verified positive.

If after 10 (ten) days from the MRO's receipt of the confirmed laboratory positive result, the MRO and DER are still unable to contact the donor the test will be reported as verified positive. In the event the donor expressly declines or refuses an interview with the MRO, the test will be reported as verified positive.

The MRO is permitted to release to the City of Annapolis's DER or any regulatory U.S. Department of Transportation agency the results of urine drug testing. The MRO will not release individual test results to any other person, without first obtaining specific written authorization from the donor.

All urine drug screens are collected with strict adherence to U. S. Department of Transportation collection protocols outlined in 49 CFR Part 40 as amended, utilizing only DOT approved "split" specimen collection kits. A federal chain of custody form is initiated for each DOT urine sample, such that the integrity is documented for each stage of transit.

Any corrupted samples or chain of custody forms that require cancellation based upon guidelines set forth in The U. S. Department of Transportation 49 CFR Part 40 as amended will result in the cancellation of the test by the MRO.

All collection officials have been trained and certified with regards to U. S. Department of Transportation collection procedures outlined in 49 CFR Part 40 as amended. Each collector participates in a quality assurance and continuing education program, which requires periodic monitoring and proficiency demonstrations utilizing mock collections. Training certification documentation for all collectors utilized is maintained at the offices of CITY OF ANNAPOLIS.

XII. SELF REPORT

The City of Annapolis does not consider a request for assistance with a drug and/or alcohol problem after an employee is required to report for testing as a "voluntary" or "self report". In this case, the employee would still be required to submit to any requested drug and/or alcohol testing, and subsequent action taken if adverse results were received.

If an employee has reason to believe he or she is unfit to perform safety sensitive functions and voluntarily seeks assistance, due to a drug and/or alcohol problem, the employee must contact the City of Annapolis's Drug & Alcohol Testing Program DER, and request a temporary leave from the performance of safety sensitive functions. The employee will be reassigned to non-safety sensitive functions, while under treatment. The employee may not return to the performance of safety sensitive functions until the City's EAP has approved him or her to do so, after completing an evaluation. The employee must also submit a negative return to duty drug test and/or alcohol test, prior to the commencement of any safety-sensitive functions. The employee remains subject to all personnel policies, including those related to drugs and/or alcohol while undergoing treatment. The employee is subject to termination if found to be violating the Drug & Alcohol Testing Policy, notwithstanding the fact that he or she may be receiving treatment.

XIII. EDUCATION & TRAINING REQUIREMENTS

All covered employees must acknowledge receiving a copy of the CITY OF ANNAPOLIS Drug & Alcohol Testing Policy and detailed information concerning the effects of alcohol and controlled substance use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem; and available methods of intervening when a problem is suspected.

All supervisors, particularly those who might conceivably be involved in reasonable suspicion determination, must receive at least 60 (sixty) minutes of training on alcohol misuse and an additional 60 (sixty) minutes of training on controlled substances use. This training includes the physical, behavioral, speech, and performance indicators of probable alcohol misuse and the use of controlled substances.

XIV. QUALITY ASSURANCE PROGRAM

In order to insure the sensitivity and reliability of the City of Annapolis's Drug and Alcohol Testing Policy, CITY OF ANNAPOLIS's TPA (Third Party Administrator) constantly monitors test cancellation rates, confers with laboratory certifying scientists, and submits blind specimens at a rate specified by The U.S. Department of Transportation 49 CFR Part 40 as amended. In the event that a blind specimen is not reported correctly, CITY OF ANNAPOLIS's TPA (Third Party Administrator) will contact the laboratory and certifying scientist directly and complete a thorough investigation. Evidence of deviance regarding blind specimen submission results, will result in a cessation of submissions to said laboratory, and subsequent reporting of these findings to the Office of Drug and Alcohol Policy Compliance (ODAPC). A separate file of blind test submissions and results is maintained by CITY OF ANNAPOLIS's TPA (Third Party Administrator).

XV. POLICIES & PROCEDURES

A. General Program Guidelines & Prohibited Behaviors

Covered employees are prohibited from performing safety sensitive functions while under the influence of alcohol and/or illegally prescribed or illegally used controlled substances.

Any employee of the City of Annapolis must inform any physician prescribing medication, that the employee is enrolled in a drug free workplace program. Any employee must inform any physician prescribing medication, prior to actually using any medication, that the employee's duties include the performance of safety-sensitive functions.

Any employee using prescription medication must obtain confirmation said usage does not pose any safety concerns from the prescribing physician, or CITY OF ANNAPOLIS's MRO. If a medically legitimate prescription, that would preclude or inhibit the performance of job duties, is dispensed to an employee, he or she will be placed on medical leave until the cessation of the prescribed medication is indicated. CITY OF ANNAPOLIS requires all prescription medication is kept in the original container.

Prohibited substances addressed by this policy include the following:

Controlled Substances and Illicit Drugs: Illegally used controlled substances, or drugs under the Drug-Free Workplace Act of 1988, any drug or any substance identified in Schedules I thru V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 thru 1300.15 is

prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U. S. Drug Enforcement Administration or the U. S. Food and Drug Administration. Illegal use includes usage of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy. Federal Motor Carrier Safety Administration (FMCSA) drug testing regulations 49 CFR Parts 40 and 382, as amended require that all covered employees be tested for: controlled substances outlined in those regulations, on a pre-employment, post accident, reasonable suspicion, return to duty, follow up, and random basis as required in 49 CFR Parts 40 and 382 as amended. Illegal use of these substances is prohibited at all times, and thus covered employees may be tested for these drugs anytime that they are on duty.

Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Parts 40 and 382, as amended just before, during, or just after the performance of safety-sensitive job functions.

On-call employees CANNOT perform safety sensitive duties if they have consumed alcohol within 4 (four) hours of reporting for duty. If you are on-call, and you consume alcohol, you MUST advise a supervisor you have done so PRIOR to reporting for duty. The City of Annapolis reserves the right to perform an alcohol screen PRIOR to determining a driver is not able to perform on-call duties.

CITY OF ANNAPOLIS considers the following behaviors prohibited, and will result in immediate removal from safety sensitive duties and subsequent disciplinary action taken, which may include termination of employment:

- On duty use or possession of alcohol or consuming alcohol while in uniform.
- Pre-duty use of alcohol within 4 (four) hours of reporting for duty.
- Use of alcohol within 8 (eight) hours of a reportable accident, or until post accident alcohol testing has been conducted.
- Refusal to submit to a required alcohol or controlled substances test.
- Use of controlled substances, unless a physician has advised the employee that the medication or substance does not adversely affect their ability to safely operate a motor vehicle or perform other safety sensitive functions.

CITY OF ANNAPOLIS reserves the right to search, at any time CITY OF ANNAPOLIS property used by employees, i.e. desks, work areas, motor vehicles, lockers, etc. for the presence of controlled substances and/or alcohol.

Drug/DUI Arrests and Convictions:

All employees are required to notify the City of Annapolis DER of any criminal drug statute and/or DUI arrest/conviction within 5 (five) days after such arrest or conviction.

Failure to comply with this provision shall result in immediate termination of employment.

B. Pre-Employment Testing

All applicants for employment with a CDL license, or occupation responsible for the movement, repair, or maintenance of a commercial vehicle and/or safety sensitive machinery, will be notified at the time of their application that as a condition of employment, they will be required to submit a urine drug screen with a negative result, prior to the performance of any duties considered safety sensitive by 49 CFR Parts 40 and/or 382 as amended, and the CITY OF ANNAPOLIS Drug & Alcohol Testing Policy.

The specimen collector will collect the specimen, following protocols set forth in 49 CFR Part 40 as amended. This testing will be conducted utilizing a Federal chain of custody form. A negative test result is required, and cancelled tests must be repeated before any safety sensitive functions can be performed.

Additional employees subject to pre-employment testing, are those who were hired before the requirement for pre-employment testing was introduced, and are under consideration for transfer to a position which 49 CFR Part 40 as amended, requires a negative pre-employment test result, prior to the commencement of safety sensitive functions.

An employee who has, for reasons of disability, leave of absence, or any other reason, been excluded from the random testing pool of employees, for 30 (thirty) or more preceding days, will be required to take a pre-employment urine drug screen prior to performing any duties.

In the event of a negative, but “dilute” specimen, the donor must immediately submit another sample for testing.

If any pre-employment drug test is verified positive, the applicant will be notified his or her candidacy will not receive further consideration. If any pre-employment test is cancelled, the applicant will be instructed to repeat the test immediately.

Upon consideration of a job offer, the City of Annapolis is responsible for directing applicants to the collection site for a urine drug screen. No applicant shall be allowed to begin the performance of duties until CITY OF ANNAPOLIS reports a negative urine drug screen result.

All employees will be asked to complete and sign a statement concerning prior positive pre-employment test results, and sign a release form. This release form allows the City of Annapolis to obtain from prior employers, a record of the applicant’s results and participation in a previous drug & alcohol-screening program. So as to avoid delays in employment, applicants will be permitted to begin performance of duties prior to receipt of this requested information. PLEASE NOTE: CITY OF ANNAPOLIS reserves the right to reverse any employment decision, if adverse information is received from a previous employer.

C. Random Testing

All employees are subject to random unannounced alcohol and drug testing. The frequency is determined by the Department of Transportation (FMCSA 49 CFR Part 382 as amended) on an annual basis. Random testing will occur at intervals spaced equally throughout the year, equally throughout all shifts, and equally throughout all days of the week.

All employees are tested following protocols set forth in 49 CFR Parts 40, & 382 as amended. All employees are tested just prior to, during, or immediately after performance of duties. All employees are to report directly

to the collection site upon notification any of required testing. Failure to report for testing after notification is considered a refusal to test, and grounds for immediate dismissal.

D. Post Accident Testing

If the involved employee is considered safety sensitive and the following circumstances apply, the urine drug testing must be performed in accordance with 49 CFR Parts 40 & 382 as amended, using Federal drug testing form (CCF):

- Any accident involving a fatality.
- Any accident in which any vehicle was towed from the scene, and the City of Annapolis's employee was issued a citation within 32 hours.
- Any accident in which any person was taken from the scene via ambulance, and/or received medical attention, and the City of Annapolis's employee was issued a citation within 32 hours.

If the involved employee is considered safety sensitive and the following circumstances apply, the alcohol testing must be performed in accordance with 49 CFR Parts 40 & 382 as amended, using Federal alcohol testing form (ATF):

- Any accident involving a fatality.
- Any accident in which any vehicle was towed from the scene, and the City of Annapolis's employee was issued a citation within 8 hours.
- Any accident in which any person was taken from the scene via ambulance, and/or received medical attention, and the City of Annapolis's employee was issued a citation within 8 hours.

Post accident testing should be performed immediately. Employees must remain readily available and refrain from any alcohol use until the testing has been performed. If an employee subject to post accident testing does not remain readily available for testing, including notifying the City of Annapolis of his or her location if he or she leaves the scene of the accident prior to submitting to testing, he or she may be deemed to have refused testing.

Alcohol testing should occur within 2 (two) hours of the accident. If not promptly administered, The City of Annapolis will prepare and maintain on file, a record stating the reasons for not administering the test. If a post accident alcohol test is not administered within 8 (eight) hours following an accident, the City of Annapolis shall cease attempts to administer the test, and prepare and maintain the same explanatory record. Urine drug testing should also occur immediately following an accident, but must be performed no more than 32 hours after the accident.

At no time shall any employee be delayed or denied medical attention or be prohibited from leaving the scene of an accident, for the period necessary, to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. If an employee cannot participate in the collection process due to injury or state of consciousness, the employer may accept test results performed by Federal, State, or Local officials, if the results are released. If the results are not released, or testing is not performed, the City of Annapolis will prepare and maintain an explanatory record.

If an employee subject to post accident testing does not remain readily available for testing, including notifying the City of Annapolis of his or her location if he or she leaves the scene of the accident prior to post accident testing, he or she may be deemed to have refused testing.

CITY OF ANNAPOLIS will require post accident testing for any accident or incident where there is damage to property exceeding \$500.00 (five hundred dollars), and/or where medical attention is rendered, and/or a worker's compensation claim is filed, and/or the police respond. This testing is performed under City of Annapolis policy, and will be collected utilizing Non-Federal testing forms. The City of Annapolis also reserves the right to perform expanded panel testing for Non-Federal testing.

E. Reasonable Suspicion

Any employee exhibiting behavior or conduct that has been observed by at least one supervisor who has received 2 (two) hours of training for drug & alcohol awareness, gives reasonable suspicion to suspect drug or alcohol use, he or she must submit to reasonable suspicion drug & alcohol testing. The trained supervisor must document the observed behavior and/or conduct within 24 (twenty-four) hours of the observation. The employee will be removed from duty and requested to submit to reasonable suspicion drug & alcohol testing. A refusal to submit to testing will be treated as a positive result, and grounds for immediate termination. The supervisor will escort the employee directly to the collection site for drug & alcohol testing. Under no circumstances will an employee who requires reasonable suspicion drug & alcohol testing be permitted to drive his or herself to the collection site.

F. Consequences of a POSITIVE Test Result

Any employee with a confirmed (Blood Alcohol Concentration) or BrAC (Breath Alcohol Concentration) greater than 0.02 will be IMMEDIATELY removed from duty for a period of no less than 24 (twenty four) hours.

Any employee with a confirmed positive drug test will be IMMEDIATELY removed from duty.

Any employee who refuses to submit to any drug and/or alcohol test will be considered positive.

Any employee with a confirmed positive drug test, confirmed alcohol test of 0.04 or greater (STAGE II), a refusal to test, or any other drug/alcohol policy violation of 49 CFR Parts 40 & 382 as amended, will be referred to a substance abuse professional. The employee will be required to complete all procedures outlined in 49 CFR Part 40 as amended Subpart O before being returned to the performance of safety sensitive functions.

G. Return to Duty Testing

Any employee with a confirmed positive drug test, confirmed alcohol test of 0.04 or greater (STAGE II), a refusal to test, or any other drug/alcohol policy violation of 49 CFR Parts 40 & 382 as amended, will be required to submit a return to duty urine drug and/or alcohol test prior to being returned to the performance of safety sensitive functions.

All return to duty urine drug screens must be collected utilizing direct observation procedures outlined in 49 CFR Part 40, as amended.

H. Follow up Testing

Any employee with a confirmed positive drug test, confirmed alcohol test of 0.04 or greater (STAGE II), a refusal to test, or any other drug/alcohol policy violation of 49 CFR Parts 40 & 382 as amended, will be required to submit to unannounced follow up drug and/or alcohol testing as prescribed by the SAP. This testing must include a minimum of 6 (six) tests over the first 12 (twelve) months. This testing must be unannounced, and conducted in addition to random drug testing as required by 49 CFR Parts 40 & 382, as amended. Follow up testing can continue for a period of up to 5 (five) years or 60 (sixty) months.

All follow up urine drug screens must be collected utilizing direct observation procedures outlined in 49 CFR Part 40, as amended.

I. Refusal to Test

The following behaviors are considered a refusal to test and carry the same consequences as a positive test result;

- Failure to appear for any test (except pre-employment) within a reasonable time after being notified to do so.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a specimen for any drug or alcohol test required by DOT/FMCSA rules.
- Refusal to allow the observation or monitoring of a specimen collection when it is required.
- Failure to provide a sufficient urine or breath sample without an adequate medical explanation for the failure.
- Failure to take a second test that the employer or collector has directed the employee to take.
- Failure to undergo a medical exam as directed by the employer or the MRO as part of the verification process, or “shy bladder” or “shy lung” procedures.
- Failure to cooperate with the testing process (Examples: refusal to empty pockets when requested, behaving in a confrontational manner that disrupts the process, or failure to wash hands after being directed to do so by the collector).
- For an *direct observation* collection; failure to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants to mid-thigh, and to turn around to allow the observer to see if employee is wearing a prosthetic or similar device that could be used to interfere with the collection process.
- Possession or wearing of a device or product intended to help the employee pass the drug test.
- Admitting adulteration or substitution of the specimen to the collector or the MRO.
- If the MRO reports a verified adulterated or substituted test result.
- In alcohol testing, refusal to sign Step 2 of the Alcohol Testing Form.
- An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying CITY OF ANNAPOLIS of his or her location if he or she leaves the scene of the accident prior to submission to a test.

J. Observed Collections

Consistent with The Department of Transportation 49 CFR Part 40 as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- a. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports there was not a valid medical explanation for the result; or
- b. The MRO reports the original positive, adulterated, or substituted specimen had to be cancelled because the test of the split specimen could not be performed.
- c. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
- d. The temperature of the original specimen was out of range; or
- e. The laboratory reports to the MRO, validity testing revealed an invalid "dilute" specimen with a creatinine of less than or equal to 5mg/dL and the specific gravity is less than or equal to 1.001 or greater than or equal to 1.020.
- f. A return to duty or follow up test is required.

During observed collections, observers will check for items such as prosthetic devices designed to carry clean urine, with both male and female donors. The observer will follow procedures outlined in 49 CFR Part 40 as amended, which includes have the donor raise and lower clothing, then put them back into place for the observed collection.

XVI. CONFIDENTIALITY AND RECORDKEEPING

Confidentiality will be maintained to the fullest extent possible with regards to drug and alcohol testing. All correspondence written or verbal, between the City of Annapolis's DER, TPA, and the City of Annapolis's MRO, is further protected from breeches in confidentiality by utilization of a password, known only to these individuals, prior to the exchange of any information.

The traditional doctor/patient relationship does not exist when the MRO is acting within the scope of duties assigned under the City of Annapolis's Drug & Alcohol Testing Policy. Individuals are advised, information provided to the MRO during the verification process of a confirmed laboratory positive test result, may be disclosed to third parties. No testing information will be furnished to a third party, without express written consent provided by the employee/donor. The MRO will notify the donor in writing, if test results are furnished to any third party other than DOT auditors and/or investigators. Test results will not be disclosed by the DER, the MRO, the TPA, or the testing laboratory, to anyone outside of the City of Annapolis's, including law enforcement agencies except when the following circumstances occur:

- a. The Department of Transportation regulations require such disclosure.
- b. The decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, including a worker's compensation claim, unemployment compensation claim, or any other proceeding relating to a benefit sought by the employee require such.
- c. As a requirement of any Federal, State, or Local regulation or statute.
- d. When results are requested by a potential employer and the appropriate authorization form signed by the employee or applicant has been provided.

XVII. SPECIMEN VALIDITY TESTING AND MEDICAL EVALUATIONS

All DHHS certified laboratories are required to perform validity and adulteration testing of all samples. Validity testing is conducted to insure the sample is consistent with human urine, and adulterants, substitutions, and dilutions have not been utilized in an attempt to corrupt the testing process and/or results. For specimens deemed invalid due to adulteration or substitution, the result will be treated as a positive, and the employee subsequently terminated. If the urine is reported as “dilute”, it is still a valid test, either positive or negative.

In the event of a negative, but “dilute” specimen, the donor must immediately submit another sample for testing.

In the event an employee is unable to produce a sufficient amount of specimen urine, breath, and/or saliva, the MRO will arrange for a medical evaluation to determine if a medical condition accounts for such. In the absence of a medical condition or legitimate medical explanation, insufficient samples will be treated as a refusal to test, and the employee will be required to follow the requirements set forth in 49 CFR Part 40 Subpart O, as amended.

Attachment A

(FMCSA Safety-Sensitive Positions)

AUTOMOTIVE TECHNICIAN

FLEET MAINTENANCE SPECIALIST

FLEET MAINTENANCE SUPERVISOR

FLEET MAINTENANCE TECH II

FLEET MAINTENANCE TECH III

FLEET MAINTENANCE TECHNICIAN I

GARAGE SUPERVISOR

CREW LEADER

EQUIPMENT OPERATOR I

EQUIPMENT OPERATOR II

EQUIPMENT OPERATOR III

METER TECHNICIAN II

TRAFFIC TECHNICIAN I

TRAFFIC TECHNICIAN II

TRAFFIC TECHNICIAN III

UNDERGROUND UTILITY LOCATOR

UTILITY MECHANIC II

UTILITY MECHANIC III

WATER PLANT MECHANIC

Attachment B **Alcohol Fact Sheet**

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

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stupor us condition
- Slowed reaction rate
- Slurred speech
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes.

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

Health Effects

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

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholics")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.

- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

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

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment C
Drugs of Abuse

Cannabinoids: (Marijuana, Hashish)

Effects: Euphoria, slowed thinking and reaction time confusion, impaired balance and coordination impaired memory, increased heart rate, anxiety

Depressants: (Barbiturates, Benzodiazepines)

Effects: Reduced anxiety, feeling of well being, lowered inhibitions, slowed pulse, poor concentration, impaired coordination, memory loss, addiction

Opioids: (Codeine, Morphine, Heroin, Opium)

Effects: Euphoria, drowsiness, nausea, vertigo, confusion, sedation, addiction, coma, increased tolerance, respiratory depression and arrest.

Stimulants (Amphetamine, Methamphetamine, Cocaine)

Effects: Increased heart rate, blood pressure, metabolism euphoria, reduced concentration, rapid irregular, heart rate, weight loss, decreased appetite, heart failure.

Dissociative Anesthetics: (PCP)

Effects: Increased heart rate, impaired motor function, psychotic behavior, numbness, nausea, memory loss, catatonia, lethargy, flashbacks