



**City of Vernon, California
Human Resources Policies and Procedures**

Director of Human Resources

City Administrator

Number: III-8 Effective Date: _____

**U.S. Department of Transportation (DOT) – Federal Motor Carrier Safety Administration
(FMCSA) Drug & Alcohol Testing Policy**

**Also Referred to as:
49 Code of Federal Regulations (CFR) PART 382
CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICY**

Designated Employer Representative

Effective Date

City of Vernon

LETTER TO APPLICANTS AND EMPLOYEES

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those who work around them. Every employee and applicant should understand those dangers and be aware of the Federal requirements and State guidelines concerning substance abuse in the workplace. The City of Vernon is committed to creating and maintaining a workplace free of substance abuse.

To answer this problem, the City of Vernon (City) has developed a policy in conformity with Department of Transportation (DOT) Regulations 49 CFR Part 40 regarding the illegal use of drugs and the abuse of alcohol that we believe best serves the interests of our employees. A copy of these Federal Regulations is on file with the City's Designated Employer Representative (DER) for review at any time during normal working hours.

Our policy formally and clearly states the illegal use of drugs or abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining our policy, we have implemented, as of the effective date of this Policy, pre-employment and active employee drug testing as outlined in the Policy.

Employees who are subject to the DOT testing regulations and City Policy will be placed in a separate random testing pool containing only DOT-covered employees for purposes of DOT compliance. With regard to the Drug and Alcohol Testing Policy, the federal regulations shall be considered as preempting any inconsistent state or local laws or regulations.

The purpose of this policy is safety and to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles and other safety sensitive employees of the City covered by this policy.

An employee whose conduct violates this substance abuse policy will be subject to discipline up to and including termination.

We believe that the benefits derived from the policy objectives outweigh the potential inconvenience to employees, and we earnestly solicit the understanding and cooperation of all employees in implementing this policy.

City of Vernon
DRUG & ALCOHOL TESTING POLICY

A. STATEMENT OF POLICY

The City has a legal responsibility to comply with the United States Department of Transportation (DOT) regulations regarding testing of certain city employees. DOT Regulations 49 CFR Part 40 are on file with the City's Designated Employer Representative (DER) for review at any time during normal working hours.

The City prohibits and will not tolerate any of the following behaviors by its employees:

- a. Use of illicit drugs.
- b. Abuse of legal drugs (prescription or over-the-counter).
- c. Abuse of alcohol.
- d. Sale, purchase, transfer or use or possession of illegal drugs or prescription drugs obtained illegally.
- e. Arrival for work under the influence of drugs or alcohol.
- f. Consuming illicit drugs or alcohol while working.

The purpose of this policy, in addition to meeting Federal regulations, is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.

Within this Drug & Alcohol Testing Policy, certain elements are required because the City is regulated by the U.S. Department of Transportation (DOT). In addition, certain policy elements related to specific personnel actions or the City's drug-free workplace regulations or City Policy, reflect requirements of the CITY but are not required by DOT. With regard to those employees governed by DOT regulations, federal regulations shall be considered as preempting any inconsistent City policy, state or local law or regulation.

1. Designated Employer Representative (DER)

Section N of this policy lists the City DER, as the responsible person for this Policy. The DER shall be responsible for providing oversight and evaluation on the policy; providing guidance and counseling; reviewing of all discipline applied under this policy for consistency and conformance to human resources policies and procedures; scheduling for types of testing (random, post-accident, reasonable suspicion, etc.); maintaining a locked file system on all test results; and overseeing the referral of employees for evaluation and treatment. The City shall ensure that all covered employees are aware of the provisions and coverage of the City's Drug & Alcohol Testing Policy and that all employees are notified prior to testing.

2. Department of Transportation Regulations

The City's policy requires that employees participating in activities regulated by DOT, be subject to urine drug testing and breath alcohol testing in accordance with DOT drug and alcohol testing regulations 49 CFR Part 40 and FMCSA regulations 49 CFR Part 382. A copy of these regulations is available from the City's DER. Non-DOT regulated employees may also be subject to drug and alcohol testing.

Separate testing pools will be established for non-DOT regulated employees as previously described and may be further divided by safety-sensitive and non-safety-sensitive employees.

This policy specifically notifies all employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited while on the job or on City property. Further, this policy notifies employees the use of a prohibited drug at any time, whether on duty or off duty, is not permitted. Additionally, the consumption of alcohol (whether as a beverage or in a medicinal formulation, and also to include methanol and isopropanol) is prohibited while performing a safety-sensitive activity or within four (4) hours before performing a safety-sensitive activity, or within eight (8) hours following an accident to which the employee's behavior may have contributed, or after having been notified to report to duty for any reason.

3. Commercial Drivers' Licenses

It is the policy of the City that persons having a Commercial Driver's License (CDL) and participating in activities regulated by DOT are subject to drug testing and alcohol testing. The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety-sensitive employees in aviation, motor carriers, railroad, and mass transit industries. Provisions of this policy are based upon said Act and the relevant federal regulations applicable to the Act. As a condition of employment, the City reserves the right to require all employees having a CDL and performing safety-sensitive activities regulated by DOT, to submit to drug and/or alcohol testing to determine the presence of prohibited substances. These rules and this policy also require all drivers to notify their supervisor within five (5) days of any criminal drug statute conviction.

Who is Covered for DOT FMCSA Drug & Alcohol Testing

A covered employee is one who holds a CDL and operates a Commercial Motor Vehicle (CMV). A CMV is defined as a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds), inclusive of a towed unit with a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds); or
- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more 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 Transportation Act and which require the motor vehicle to have a placard under the Hazardous Materials Regulations

PROCEDURES:

B. SUBSTANCES TO BE TESTED AND DETECTION THRESHOLDS

The substances to be tested under this policy and the cut-off levels of detection for those substances are those as specified under the current version of the regulation 49 CFR Part 40.

1. Marijuana metabolites
2. Cocaine metabolites
3. Phencyclidine
4. Amphetamines -amphetamine, methamphetamine, MDMA & MDA

5. Opioids – codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone & hydromorphone

Some common names for the semi-synthetic Opioids (oxycodone, oxymorphone, hydrocodone & hydromorphone) include OxyContin®, Percodan®, Percocet®, Vicodin®, Lortab®, Norco®, Dilaudid®, and Exalgo®

Alcohol testing requires removal from safety sensitive position at .02% Blood Alcohol Concentration (BAC) or greater with a violation of the policy and DOT regulation 49 CFR Part 40 at .04% BAC or greater.

C. MEDICATIONS

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 49 CFR 382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Employees will report their use of any legal prescription medications that may adversely affect their ability to safely operate a commercial motor vehicle. to their supervisor before beginning work; those sensitive to the disclosure of their use of certain medications may call or visit the City official (see name and telephone number in Section N) in charge of the Drug & Alcohol Testing Policy, in confidence to resolve their unique work situation.

Employees shall not use or be under the influence of medications while working if the medications have the potential to alter or to adversely affect their judgment, motor skills, to induce sleepiness or to otherwise detract from their safe job performance. An essential DOT covered employee job duty is the ability to perform job functions in a constant state of alertness, and safe manner.

The City may require Fit for Duty documentation from a prescribing physician when an employee performing safety-sensitive activities reports use of a legal prescription or when the Medical Review Officer (MRO) reports a **safety concern** on a negative drug test result. The City has final authority for fitness for duty determinations.

This policy makes no exception for medical marijuana. The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40 – does not authorize the use of Schedule I drugs; including marijuana, for any reason medical, recreational or otherwise.

D. DRUG & ALCOHOL TESTING POLICY MONITORING

To measure the success of, and to aid in enforcing, our Drug & Alcohol Testing Policy, the following types of drug screening tests may be administered to employees:

1. **Pre-employment** - job applicants, as a condition of obtaining employment, must be tested with a negative result received before operating in a safety sensitive position.
2. **Random** testing as described in Exhibit I

3. **Post Accident** testing as described in Exhibit II
4. An employee will be required to submit to a drug and alcohol test if there is **reasonable suspicion** that the employee is under the influence of drugs and/or alcohol. A trained supervisor must make this decision.
5. **Return to Duty** testing following a removal from a Safety Sensitive position after a positive, adulterated or substituted test and referral to a Substance Abuse Professional (SAP).
6. Employees as a **Follow-Up** to a return from rehabilitation program. These employees will be tested periodically. Under DOT regulations, follow up testing will be at a minimum six tests over the first year of return to duty.

Notice of Drug Testing will be given on all vacancy announcements for recruitment. In addition to the drug screening, a test for the presence of alcohol may be administered as a result of the conditions stated in Section D. 2, 3, 4, 5 and 6 above.

A copy of documentation supporting a REASONABLE SUSPICION drug and alcohol test will be completed within seven (7) days after testing, will be provided to the employee upon request, and will be retained confidentially by the City for at least one (1) year.

On the basis of an accident that requires a DOT post-accident test or the finding of reasonable suspicion that leads to a DOT reasonable suspicion test, the employee will immediately be removed from safety-sensitive functions with pay pending the outcome of the post-accident or reasonable suspicion drug/alcohol test.

A laboratory approved by the Substance Abuse and Mental Health Services Administration (SAMHSA) will perform testing for the presence of drugs after obtaining urine specimens for drug tests. Laboratories are mandated to test all DOT specimens for specimen validity (i.e., adulterants and urine substitutes). All non-negative specimens from the initial screening are then tested a second time using a different technique and chemical principal from the initial test to insure reliability and accuracy. All drug test results are reported to the Medical Review Officer (MRO) for verification prior to being transmitted to the employee and/or employer.

Medical Review Officer (MRO)

All drug test results are reported from the lab to the Medical Review Officer (MRO) for review and verification prior to being transmitted to the employee and/or employer. The MRO is a licensed physician who has been trained to review and verify drug test results. Contact information for the MRO is listed in Section N. When a prescribed medication causes a drug test result to be positive from the lab, the employee will be contacted by the MRO to discuss this medication and verification of a prescription in order to have the MRO reverse the drug test result and report to the employer as negative.

Prescribed use of certain medications and the semi- synthetic opioids prescription drugs could render a DOT covered employee as medically unqualified under an applicable DOT agency regulation or is likely to pose a significant safety risk. When a negative result is reported by the MRO after evaluation of a driver's prescribed medication, the MRO may indicate a safety concern on the test result report to the employer. When a laboratory positive test is reversed due to a

prescribed opioid, the Medical Review Officer (MRO) has been directed by DOT to first provide the employee with up to five business days after the reporting of the verified negative result to have the prescribing physician contact the MRO to determine if the medication(s) can be changed to one that does not make the employee medically unqualified or that the medication does not pose a significant safety risk before reporting the safety concern.

Non-DOT Drug & Alcohol Testing

In addition to drug and alcohol testing conducted by the City pursuant to 49 CFR Part 40 and 49 CFR Part 382, the City reserves the independent authority to screen and/or test employees under the City's policy including, but not limited to, laboratory testing and point of collection test (POCT) devices utilizing alternative body specimens including hair, urine and oral fluid (saliva), for the detection of illegal drugs, prescription and over-the-counter medications or substances which have an impairing affect and/or alcohol, taken by those who are considered safety-sensitive employees, as may be permitted and/or restricted by applicable state or local laws or regulations and applicable collective bargaining agreements. The term "illegal use of drugs" includes any mind altering synthetic or designer drugs as well as any controlled or scheduled substance not used in accordance with a health care provider's lawful prescription for the user. These collections will be performed in addition to, and not as a substitute for, DOT regulated tests and these urine specimens will not be poured from or taken from the same specimen collected for a DOT urine test or alcohol test (49 CFR Part 40 Section 40.13) and will not be conducted using DOT forms (49 CFR Part 40 Sections 40.47, 40.227).

Dilute Specimens

If the MRO informs the City that a negative test was dilute, the City may take the following action depending on City policy and/or guidance provided by the MRO:

(1) If the MRO directs that a recollection take place under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL), the City will do so immediately. Failure of the employee or applicant to submit for this recollection is classified by the DOT, and under this policy, as a refusal to test.

(2) Otherwise (i.e., if the creatinine concentration of the negative dilute specimen is greater than 5 mg/dL), the City will, for existing employees, require the employee to retest upon immediate notification and be escorted by a supervisor.

(3) Regarding a negative dilute (greater than 5 mg/dL on an applicant, the City will require the applicant to retest within 24 hours and provide instructions to applicant on how to avoid a dilute specimen.

When such a retest is required after a negative dilute specimen, the employee or applicant will be given the minimum possible advance notice that he or she must go to the collection site. Instructions will be provided on how to avoid a dilute specimen. The result of the retest will be considered the final result, not the result from the first test. For current employees required to submit to a return-to-duty test or follow-up test (both of which under DOT regulations must render a negative test result) a second directly observed collection resulting in a negative dilute urine test result will render the final result a "negative" test; and an applicant with a second directly observed negative dilute urine test result will not be eligible for hire under the City's uniformly enforced policy.

If the employee declines to take a retest required because of a dilute specimen, the action will be considered a “refusal to be tested” and will be treated the same as a confirmed and verified positive result. The offer of employment will be rescinded if an applicant refuses to take the retest because of a dilute specimen.

Invalid Results Due to Medical Conditions

An employee with a previously diagnosed medical condition which has caused them in the past to provide an invalid urine test result when called for testing, may now be referred directly to the MRO who will conduct a “signs and symptoms” medical evaluation (or the MRO may direct a licensed physician acceptable to the MRO to perform such an evaluation in accordance with DOT Regulations) to determine if there is evidence the employee is an illicit drug user. If no such evidence is found, the MRO will determine the test result to be a “negative” test and provide a report to the City. If the medical evaluation provides contrary evidence, the MRO will provide the City a report that the test is cancelled and state the reason(s). The employer cannot hire nor have the individual resume safety-sensitive work without a negative result.

Direct Observation Specimen Collections

Under certain circumstances applicants or employees (donors) may be required to submit their urine specimen for drug testing under direct observation. During the observed collection, items such as prosthetic devices designed to carry clean urine will be checked for by observers with both male and female donors, by asking the donor to raise and lower clothing, turn around, and then put the clothing back into place for the observed collection. The observer must then watch the employee urinate into the collection container. Specifically, the observer must watch the urine go from the donor’s body into the collection container. The observer must be of the same gender as the donor, and does not need to be the collector.

E. CONSEQUENCES TO EMPLOYEES:

The following is an overview of the terms and conditions of the City’s drug and alcohol policy, and for violation of which an employee is subject to discipline as outlined below.

(1) It is a violation of City policy for any employee to use, possess, manufacture, sell, trade, offer for sale, offer to buy, or make arrangements to distribute illegal drugs, or to otherwise engage in the illegal use of drugs during working hours or on City property

(2) It is a violation of City policy for anyone to report to work under the influence of alcohol, or any illegal drugs.

(3) It is a violation of City policy for anyone to remain on duty that requires the operation of a motor vehicle or other hazardous equipment, or the performance of safety-sensitive job duties, while under the influence of illegal drugs or alcohol.

(4) It is a violation of City policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.) Such prescription drugs brought to work should remain in the original labeled container and show both the prescribing doctor’s name and expiration date.

(5) It is a violation of City policy to report to work or be at work, where the presence of prescribed or over-the-counter narcotics or drugs exceeds statutory limits in blood or urine, or

the use of prescribed or over-the-counter narcotics or drugs poses a risk to the safety of the employee, other persons, the general public or property or may render the employee temporarily medically unfit under applicable DOT agency regulations.

(6) It is a violation of City policy to ingest hemp food products or coca food products. (Recent studies indicate that ingestion of hemp seed oil and hemp food products can result in a positive test for marijuana.) A MRO may not accept consumption or other use of hemp products, coca teas, recreational or medical marijuana as an excuse for a positive drug test.

(7) It is a violation of City policy for employees to use alcohol within four (4) hours before performing any safety-sensitive activity. The City will provide an opportunity for each such on-call employee to acknowledge the use of alcohol at the time he/she is called to report for duty, and it is the employee's responsibility to inform his/her supervisor at the earliest possible time of any potential impairment from alcohol.

(8) It is a violation of City policy to engage in the following conduct as defined and identified in 49 CFR Part 40 and this Policy:

- a) Receiving a verified positive drug test
- b) Receiving a verified adulterated or substituted drug test
- c) Receiving an alcohol test result of 0.04 BAC or higher
- d) Failure to appear for a drug or alcohol test within the time directed by the DER but no longer than two (2) hours of being so ordered
- e) Refusal of an Alcohol or Drug Test
- f) Refusal to provide the collector with requested information to be placed on the Custody and Control Form (CCF)
- g) Refusal to cooperate with the collector's directions to remove outer clothing, leave personal belongings, empty pockets, wash hands or other such directives of the collector
- h) Refusal to follow the collector's instructions to submit to an observed or monitored collection
- i) Submit, or attempt to submit, an adulterated, diluted or otherwise altered specimen, or substituting a specimen from another person
- j) Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by Consortium Third Party Administrators
- k) Failure to remain at the testing site until the testing process is complete
- l) Failure to provide a urine specimen or failure to attempt to provide a saliva or breath specimen
- m) Fail or decline to take a second test the DER or collector has directed
- n) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of a verification process, or as directed by the DER as part of the "shy bladder" procedures or "shy lung" (failure to provide an adequate breath specimen during submission of a breath alcohol test) procedures
- o) Behave in a confrontational way that disrupts the collection process is classified as refusal to test or fail to cooperate with any part of the alcohol/drug testing process

- p) For an observed collection, fail to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine the presence of any type of prosthetic or other device that could be used to interfere with the collection process
- q) Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- r) Admit to the collector or MRO that you adulterated or substituted the specimen
- s) Reporting for work with an illegal drug, including marijuana (medical, recreational or otherwise), in his or her system. The City enforces this policy consistently with respect to all drugs, including medical or recreational marijuana use, as the law allows the city to do

DISCIPLINE ACTIONS FOR VIOLATIONS LISTED ABOVE:

Each employee should understand that certain policy violations will result in immediate termination. Such violations of the policy include, but are not limited to:

- the consumption of alcohol on City time or in a City vehicle ;
- the possession, sale or use of illegal drugs on City premises or on City time;
- any effort to substitute or adulterate a drug test sample or otherwise alter a drug test result; and
- refusal to test when required as per this policy

Additional Discipline Actions for Violations of this Policy:

1. Job Applicants will not be hired and will be provided a referral list to a Substance Abuse Professional (SAP) to meet the required conditions of 49 CFR Part 40.281 Subpart O.
2. An employee violation of this policy will result in immediate removal from the safety sensitive position and meet the required conditions of 49 CFR Part 40.281 Subpart O with referral to the Substance Abuse Professional as stated below in Item 3. Per the City authority, a second violation of this policy will result in immediate termination of employment.

Employees testing positive or refusal to test may forfeit eligibility for unemployment payments per City authority. Injured employees after a positive or refusal to test on a post-accident testing event may forfeit eligibility for workers' compensation medical payments and indemnity payments per City authority.

3. DOT consequences for a confirmed positive, adulterated, substituted drug/alcohol test or refusal to test require the employee to be removed from a DOT safety sensitive position and referred to a SAP. The employee cannot return to the safety sensitive position until a final evaluation from the SAP and a return to duty negative test. The employee will be responsible for any costs associated with the SAP program.
4. City policy requires that employees arrested, indicted or convicted of violating controlled substance laws will notify the employer within five business (5) days of the event and if this substance abuse policy was also violated, that the employee will be disciplined up to and including termination, depending on the circumstances.

F. CHALLENGES TO CONFIRMED POSITIVE TEST RESULTS

DOT Testing – 49 CFR Part 40 Regulations

- a. Upon receipt of a verified positive drug test result, the City will immediately remove the employee involved from performing safety-sensitive functions. The City will take this action upon receiving the initial report of the verified positive test result.
- b. On positive or refusal to test, the MRO will explain the split specimen testing process to the employee.
- c. Employee has 72 hours after verification to request testing of split specimen; employee will be responsible for the cost of the split specimen testing. Funds for this may be held from employee's last paycheck.
- d. When the employee makes a timely request for a test of the split specimen, the MRO immediately provides written notice to the laboratory that tested the primary specimen, directing the laboratory to forward the split specimen to a second laboratory certified also by the United States Department of Health and Human Services (HHS).

G. CONFIDENTIALITY OF DRUG TESTING INFORMATION

All written reports and related information received by the City, laboratories, employee assistance programs, drug and alcohol rehabilitation programs and their agents will be held in strictest confidence and will not be disclosed except in accordance with Federal Statutes or otherwise legally disclosed. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested. Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant.

Agents of the City and the laboratory conducting a drug test will, however, have access to drug test information when consulting with legal counsel in connection with actions brought against them when the information is relevant to its defense in a civil or administrative matter.

H. CONFIDENTIAL REPORTING OF MEDICATION USE

The City recognizes that most people will require the use of medication at some point to address illness or medical conditions. Employees must realize, however, that many medications will alter or affect a drug test. An employee could possibly test positive for a drug when taking medications prescribed by a doctor or bought over the counter at a pharmacy. Many medications that are known to alter or affect a drug test are listed in Section M. The name of the testing laboratory and MRO are listed in Section N. Employees who want more technical information about medications may consult the testing laboratory or the MRO. To avoid the potential problems created by a false test result, the City has implemented procedures to enable employees to confidentially report the use of medications. Employees may record the use of medications on the back of their copy of the chain of custody form after their specimen is collected and discuss only with the MRO.

I. EMPLOYEE ASSISTANCE PROGRAM

The City maintains an Employee Assistance Program (EAP) that consists of referring employees with drug or alcohol problems to local rehabilitation centers. Any costs of outside services are, however, the employee's responsibility.

Any employee who has not previously tested positive for drug or alcohol use and has not yet entered a drug and/or alcohol abuse rehabilitation program, may seek assistance for drug and alcohol use or misuse before they lead to disciplinary actions. Seeking a referral after a positive drug or alcohol test, however, will not in any way excuse the employee from disciplinary action required by violations of this policy.

No employee will be discharged, disciplined or discriminated against solely upon the employee's voluntarily seeking treatment for a drug/alcohol related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug related problems, or entered an alcohol and drug rehabilitation program.

Through the EAP, the City will attempt to provide appropriate referral to drug and alcohol abuse rehabilitation programs.

If an employee wishes to pursue help through the EAP or wishes to contact a SAP, please contact the person listed in Section N for appropriate referral. Section O also has additional EAP and SAP information.

J. COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE

FMCSA regulations for the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse (Clearinghouse) were effective January 6, 2020. Motor carriers, designated service agents, medical review officers and substance abuse professionals are required to submit a variety of drug and alcohol test-related records to the clearinghouse. For more Clearinghouse information, visit: <https://clearinghouse.fmcsa.dot.gov/>. Drivers are encouraged to seek substance abuse treatment if they currently have a problem with the misuse of alcohol and/or controlled substance(s).

A copy of the City's policy and plan for compliance with the Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse (Clearinghouse) is available on request from the CITY DER.

K. FEDERAL AND STATE LAWS AND REGULATIONS

Nothing in this statement of policy shall be presumed to override, amend or change any requirements of State and/or Federal law. In the event any of the provisions of this policy conflict with applicable laws and regulations, such laws and regulations will be deemed to control.

L. AMENDMENT AND SEVERABILITY

The City may amend this policy in any and all respects at any time. If any provision of this policy or the application thereof to any party or circumstance is held invalid or unenforceable, the remainder of the terms of this policy and the application of any invalid or unenforceable provisions to other parties or circumstances will not be affected thereby, and to this end the provisions of this policy are severable.

M. SUBSTANCES WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST

(BRAND NAMES AND COMMON NAMES)

1. **AMPHETAMINES:** Abetrol, Biphetamine, Desoxyn, Dexedrine, Didrex
2. **CANNABINOIDS:** Marinol (Dronabinol, THC), Marijuana, Hash Pot
3. **COCAINE:** Cocaine HCl topical solution (Roxanne), Crack, Coke
4. **PHENCYCLIDINE:** Not legal by prescription; PCP, Angel Dust
5. **OPIATES:** Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Opium, Heroin, OxyContin, Percodan, Percocet, Vicodin, Lortab, Norco, Dilaudid, and Exalgo
6. **METHAQUALONE:** Not legal by prescription
7. **BARBITURATES:** Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Firoicet, Esgic, Butisol Mebaral, Butabarbital, Butabital
8. **METHADONE:** Dolphine, Methadose
9. **BENZODIAZEPINES:** Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, and Centrax
10. **PROPOXYPHENE:** Darvocet, Darvon N, Dolene, Etc.
11. **ALCOHOL:** Alcoholic beverages and Liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

Other Drugs which may or may not be listed above:

Meperidine (Demerol) Quinine Methamphetamine, Meth Hydromorphone (Dilaudid) Phenothiazines Phenmetrazine (Preludin) Pentazocine (Talwin) Amitriptyline/Nortriptyline (Elavil) Ecstasy, MDMA/MDA Fentanyl K2, Spice, Bath Salts	Phenobarbital Imipramine/Desipramine Hydroxyzine (Vistaril) Doxepin (Sinequan/Adapin) Hydrocodone (Hycodan) Phentermine Meperidene Other Barbiturates (specific identity not differentiated, includes: Amobarb, Pentobarb, Secobarb, Butalbital, etc.)	Diazepam (Valium) Ativan and/or Dalmane Clonazepam (Klonopin) Meprobamate (Equanil) Glutethimide (Doriden) Ethchlorvynol (Placidyl) Fenfluramine Tramadol Other Benzodiazepines (specific identity not differentiated, includes: Librium, Larazepam)
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Also including synthetic or designer drugs and other drugs not yet classified by the federal government as illegal under the Controlled Substances Act.

City of Vernon

N. DRUG & ALCOHOL TESTING POLICY - INFORMATION AND REVISION SHEET

Company Designated Employer Representative (DER) – This is the Program Administrator, the person in charge of the drug/alcohol testing program. This representative must remove employees from a Safety Sensitive position upon a violation of the DOT rules and regulations for drug & alcohol testing.

DER Name:	Michael A. Earl	
Company Location:	City of Vernon 4305 Santa Fe Ave. Vernon, CA 90058 323-583-8811 Ext. 239	
TPA Service Agent:	Quality Consortium Services (507) 838-3080	
Drug Testing Laboratory:	LabOne, Inc. d/b/a Quest Diagnostics 10101 Renner Blvd. Lenexa, KS 66219 Phone: 913-888-3927 800-873-8845	Alere Toxicology Services 1111 Newton St. Gretna, LA 70059 Phone: 504-361-8989 800-433-3823
Drug & Alcohol Collections Coordinated by:	Quality Consortium Services (507) 838-3080	
Medical Review Officer (MRO):	Dr. Brian N. Heinen 151 Leon Ave. Eunice, LA 70535 Phone: 888-382-2281	
Substance Abuse Professional (SAP):	American Substance Abuse Professionals 711 W. 40th Street, Suite 235 Baltimore, MD 21211 888-792-2727 National Substance Abuse Professionals Network 1-800-879-6428	
Employee Assistance Program (EAP):	Anthem PRISM See section O of this Policy for EAP information	

For EAP (Employee Assistance) Referral: Attached to this policy is also a list of referral sources (Section O). For required SAP referral speak to the DER listed above and/or the SAP listed above.

O. NATIONAL HOTLINE NUMBERS

Employee Assistance Program

DOT regulated employee testing positive, or refusal to test must be referred to a **Substance Abuse Professional (SAP)**:

American Substance Abuse Professionals, Inc. 888-792-2727	National Substance Abuse Professionals Network 1-800-879-6428
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Anthem PRISM (833) 954-1067

The following organizations and resources provide confidential assistance to individuals who have, or know someone who has, a problem with alcohol or other drugs.

Substance Abuse Treatment Locator www.findtreatment.gov

Phone: 1-800-662-4357 / 1-800-662-9832 (Español) / 1-800-228-0427 (TDD)

This Substance Abuse and Mental Health Services Administration (SAMHSA) Web site and toll-free phone line help individuals locate drug and alcohol abuse treatment programs in their communities.

Other National Hotlines & National Assistance Groups:

Drug & Alcohol Abuse Hotline	1-800-252-6465
Drug Addiction Referral Hotline	1-800-758-5877
Alcoholics Anonymous	1-800-344-2666
Narcotics Anonymous	1-818-773-9999
AL-ANON Family Group Headquarters	1-800-356-9996
Child Help's - National Child Abuse Hot Line	1-800-422-4453
M.A.D.D.	1-800-438-6233
S.A.D.D.	1-508-481-3568
Families Anonymous	1-800-736-9805
National Runaway Switchboard	1-800-621-4000
National Institute on Drug Abuse (NIDA)	1-301-443-1124
National Suicide Prevention Lifeline	1-800-273-8255
National Council on Alcoholism & Drug Dependence Hopeline	1-800-622-2255
National Clearing House for Alcohol & Drug Information	1-800-729-6686

Employees may also speak with the City representative identified in **Section N** for additional Employee Assistance Program (EAP) information or required referral to a Substance Abuse Professional.

EXHIBIT I

City of Vernon DRUG & ALCOHOL TESTING POLICY

Random Testing

- a. Certain categories of workers are required to undergo random drug testing to ensure continued fitness for duty as required by the US DOT guidelines.
- b. Random drug testing will be performed at a rate of 50% of the qualified workers per year for FMCSA. Random alcohol testing should be conducted at an annualized rate of 10% of the qualified workers for FMCSA.
- c. After notification, it is the responsibility of the employee to provide the urine specimen within the allotted time. Failure to comply with a request for a random specimen will result in the immediate medical disqualification of the employee, resulting in the employee being unable to perform assigned job duties. This may result in discipline up to and including termination.
- d. At the time of notification, the donor will be instructed to go directly to the designated collection site. The employee will notify the collection site personnel that he/she has been selected for a random test and that they are ready to provide a urine specimen for a drug test and/or a breath specimen for an alcohol test. Saliva may be requested for the initial alcohol test, a breath specimen will be used to confirm a positive alcohol test.

The employee will need to bring to the designated collection site a drug testing chain of custody form and if selected for alcohol an alcohol testing form (BAT form).

EXHIBIT II

City of Vernon DRUG & ALCOHOL TESTING POLICY

Post Accident Testing

- a. Certain employees are required to submit to post-accident urine drug testing as required by the US DOT guidelines.
- b. An employee will submit a specimen for a drug test as soon as possible from the time of the reportable accident but no later than 32 hours after the time of the accident as defined in the table below. Alcohol testing must be conducted as soon as possible from the time of the reportable accident but no later than eight (8) hours from the time of the accident. The employee is prohibited from consuming alcohol for eight (8) hours following an accident.
- c. If the employee is injured, the City retains the right to contact any treating medical facility and request that a controlled substance and alcohol test be obtained, or to obtain from the employee's medical records, the result of any such test obtained during the course of treatment. The refusal of any employee to allow the collection of these specimens or to attempt to block the release of said specimen will result in the immediate medical disqualification of the employee.
- d. No driver required to take a post-accident alcohol test under 49 CFR Section 382.303 Post-Accident Testing shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- e. An employee who fails to report an accident to the City and who fails to comply with the post-accident requirements of this policy will be presumed to be positive for the presence of a controlled substance resulting in the medical disqualification from City employment.

The following table notes when a FMCSA DOT post-accident test is required:

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
Human fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

This table has been reproduced from Federal Motor Carrier Safety Administration 49 CFR Part 382 rules for Controlled Substances and Alcohol Use and Testing.

Post Accident testing may be required under City Policy even when FMCSA regulations do not require such testing. This would be non-DOT testing.

-Please Post-

IMPORTANT INFORMATION FOR FMCSA DRUG & ALCOHOL TESTING POLICY

<p><u>Notice to Applicants and Employees</u></p> <p>REQUIRED DRUG TESTING IS FOR THE FOLLOWING FIVE DRUGS:</p> <ul style="list-style-type: none">◆ Marijuana◆ Cocaine◆ Phencyclidine (PCP)◆ Opiates – Codeine, Morphine, Heroin◆ Amphetamines - Methamphetamine, MDMA (Ecstasy) <p>Alcohol is tested for when required:</p> <ul style="list-style-type: none">◆ Saliva Screening◆ Breath Alcohol Testing	<p>CITY DESIGNATED EMPLOYER REPRESENTATIVE (DER) – ALL QUESTIONS REGARDING THE DRUG & ALCOHOL TESTING PROGRAM</p> <p>DER: Michael A. Earl</p> <p>CITY LOCATION: City of Vernon 4305 Santa Fe Ave. Vernon, CA 90058 323-583-8811 ext. 239</p>
<p>DRUG OR ALCOHOL TREATMENT PROGRAMS</p> <p>SAMHSA (Substance Abuse Treatment Facility Locator) http://findtreatment.gov/ 1-800-662-HELP (4357)</p> <p>Alcohol & Drug Referral Hot Line 1-800-252-6465</p> <p>SUBSTANCE ABUSE PROFESSIONAL (Employee must be referred after violation of DOT drug/alcohol policy):</p> <p>American Substance Abuse Professionals, Inc. 711 W 40th Street, Suite 235 Baltimore, MD 21211 888-792-2727</p> <p>National Substance Abuse Professionals Network 1-800-879-6428</p>	<p>It is the policy of The City of Vernon that there is no place for those who use illegal drugs or who abuse legitimate drugs or who have become dependent upon any chemical substance including alcohol.</p> <p>The City intends to be in compliance with the DOT regulations concerning drug abuse and alcohol misuse which includes a program of random urinalysis testing for illicit drug use and a program for random alcohol testing.</p> <p>Employees who refuse to test or have a confirmed positive test for drugs or alcohol will be removed from their safety sensitive position and are subject to dismissal, discipline or transfer to a non-covered position.</p>

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City of Vernon
DRUG & ALCOHOL TESTING POLICY RECEIPT

I hereby acknowledge that I have received a copy of the City's Drug & Alcohol Testing Policy. I also acknowledge that I have received a full and complete explanation of the Program, including all policies and the availability of an Employee Assistance Program.

I have had the terms and conditions of the City's Drug & Alcohol Testing Policy explained to me, and I freely and voluntarily consent to submit to drug and alcohol screening or testing as set forth in the City's Policy. I understand that violation of any provision of this policy may lead to disciplinary action up to and including termination of employment, and that I may forfeit my unemployment and/or workers' compensation benefits.

I understand the City has developed a policy in conformity with DOT Regulations 49 CFR Part 40 regarding the illegal use of drugs and the abuse of alcohol. A copy of these Federal Regulations is on file with City's Designated Employer Representative (DER) for review at any time during normal working hours.

I further agree to and hereby authorize the release of the results of said tests to the City's Medical Review Officer and as set forth in the City drug and alcohol testing policy.

Finally, I agree that neither the issuance of these policies, nor the acknowledgment of its receipt, constitutes or implies a contract of employment or a guaranteed right to recall.

Date Received

Employee Signature

Employee Print Name & Employee Number

Date

Witness Signature

Witness Print Name & Title