

MUNICIPALITY OF ANCHORAGE

Public Transportation Department



***POLICY
AND
PROCEDURES
FOR
FEDERAL TRANSIT ADMINISTRATION
SUBSTANCE ABUSE TESTING
OF
SAFETY SENSITIVE EMPLOYEES***

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MUNICIPALITY OF ANCHORAGE

Public Transportation Department Substance Abuse Testing Policy and Procedure

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MUNICIPALITY OF ANCHORAGE

Public Transportation Department

Substance Abuse Testing

Policy and Procedure

I. NOTICE OF TESTING

This procedure will act as notice of Drug and Alcohol Testing for all safety-sensitive employees of the Public Transportation Department as prescribed by the Omnibus Transportation Employee Testing Act of 1991 and DOT regulations; 49 C.F.R. Part 40 (as amended), "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" and 49 C.F.R. Part 655 (as amended), "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations." A copy of both regulations is available for review in Public Transportation Department Dispatch and Maintenance Offices. All drug and alcohol testing will be conducted in accordance with 49 C.F.R. Part 40.

Mandatory testing under Federal Transportation Administration authority began on January 1, 1995. Every employee of a Public Transportation Department contractor who holds a position which would be defined as safety-sensitive (covered employee) is also subject to regulations issued pursuant to the Omnibus Transportation Employee Testing Act of 1991.

The Public Transportation Department may also test covered safety-sensitive employees under Municipality of Anchorage's own authority as described in AMC 3.30.190, Part 19 (Rule 19), Substance Abuse Testing. Such testing exceeds the minimum requirements set by the US DOT in 49 C.F.R. Part 655. For testing conducting pursuant to 49 C.F.R. Part 655, DOT authority supersedes Municipality of Anchorage authority.

Each safety-sensitive employee will receive and sign an acknowledgment of receipt of a copy of this substance abuse testing policy and procedure.

II. CONDITION OF EMPLOYMENT

Participation in the Public Transportation Department's Substance Abuse Policy and Procedures and subsequent testing program is a requirement of each safety-sensitive employee and is a condition of employment. All covered employees must submit to drug and alcohol testing in accordance with 49 C.F.R. Parts 40 and 655.

III. DEFINITIONS

- "Accident" - means an occurrence associated with the operation of a motor vehicle if, as a result:
 - An individual dies;

- An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident. This includes incidents where a person is injured on a bus not as a result of a collision and requires immediate transport to a medical treatment facility); or
- One or more of the vehicles involved incurs disabling damage and is transported from the scene by a tow truck or another vehicle.
- "Alcohol" - means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
- "Alcohol use" - means drinking or swallowing any beverage, liquid, mixture or preparation, including any medication, containing alcohol. The table on the effects of alcohol is contained in Attachment 2.
- "AMC 3.30.190" - means the Anchorage Municipal Code on Substance Abuse Testing, also referred to as "Rule 19."
- "Breath Alcohol Technician (BAT)" - means an individual who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.
- "Cancelled Test" - means a drug or alcohol test in which a problem is identified that cannot or has not been corrected, or which 49 C.F.R. 40.201 requires to be cancelled. A cancelled test is neither a negative nor a positive test.
- "CDL" - means a Commercial Driver's License issued by the State of Alaska or any other state.
- "Confirmatory Drug Test" - means a second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.
- "Covered Employee" - means a Public Transportation Department employee or an employee of a Public Transportation Department contractor who performs a safety-sensitive function, as defined under "Safety-Sensitive" in this section, and is subject to regulations issued pursuant to the Omnibus Transportation Employee Testing Act of 1991 and 49 C.F.R. Part 655.
- "Designated Employer Representative (DER)" - means an employee authorized by the employer to take immediate action(s) to remove employees from safety sensitive duties, or cause employees to be removed from covered duties, and to make the required decisions in the testing and evaluation process. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 C.F.R. Part 40.
- "Direct Observation" - means the procedure that requires that employees required to undergo a collection. Under direct observation, the employee must raise his or her shirt, blouse or dress/skirt, as appropriate, above the waist, just above the navel; and lower clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have a prosthetic or other device designed to carry "clean" urine and urine substitutes. The observer must watch the employee urinate into the collection container.
- "Disabling Damage" - means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.
 - Included in "disabling damage" is:

- Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
- Excluded from “disabling damage” is:
 - 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.
 - Headlight or taillight damage.
 - Damage to turn signals, horn, or windshield wipers which make the vehicle inoperable.
- “Drug and Alcohol Program Manager (DAPM)” - means the person designated by the Municipality of Anchorage to administer the Municipality’s Substance Abuse program, including that of the Public Transportation Department.
- “DHHS” - means the United States Department of Health & Human Services.
- “DOT” - means the United States Department of Transportation.
- “Drugs” - means marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP) for which testing is required under 49 C.F.R. Part 40.
- “Employee” - means any person employed by the Municipality of Anchorage Public Transportation Department or a contractor or contractor’s employee performing safety-sensitive functions for the Municipality.
- “EAP” - means an Employee Assistance Program provided by the Municipality to assist employees with substance abuse or personal or mental health issues affecting job performance.
- “Employer” - means the Municipality of Anchorage Public Transportation Department.
- “Evidential Breath Testing Device (EBT)” - A device approved by the National Highway Transportation Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA’s Conforming Products List (CPL) for “Evidential Breath Measurement Devices” and identified on the CPL as conforming with the model specifications available from NHTSA’s Traffic Safety Program.
- “FTA” - means the Federal Transit Administration of the U.S. Department of Transportation (US DOT).
- “Initial Drug Test (Screening Drug Test)” - means the test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.
- “Initial Specimen Validity Test” - means the first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.
- “Invalid Drug Test” - means the result reported by a DHHS-certified laboratory in accordance with the criteria established by DHHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test..
- “Laboratory” - means any U.S. laboratory certified by DHHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

- "Limit of Detection (LOD)" - means the lowest concentration at which a measure and can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.
- "Limit of Quantification" - means for quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.
- "Medical Review Officer (MRO)" - means a licensed physician who is responsible for receiving and reviewing laboratory results generated by the Public Transportation Department's drug testing program and evaluating medical explanations for certain drug test results.
- "Negative Result" - means the result reported by a DHHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.
- "Negative Test" - means 1) absence of drugs in the urine of an employee/applicant based on levels defined by DHHS and confirmed by DHHS certified laboratory and/or a medical review officer; 2) absence of alcohol in breath based on levels defined in 49 C.F.R. Part 40 confirmed by a evidential breath testing device.
- "Positive Result" - means the result reported by a DHHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.
- "Reconfirmed" - means the result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.
- "Rejected for Testing" - means the result reported by an DHHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.
- "Rule 19" - means Anchorage Municipal Code, Title 3, Chapter 3.30 (3.30.190 *et. seq.*) Rule 19, Substance Abuse Testing.
- "Safety Sensitive Employee" - means an employee who performs any of the following duties:
 - Operating a revenue service vehicle, including when not in revenue service;
 - Operating a non-revenue service vehicle which is required to operated by a CDL holder;
 - Controlling dispatch or movement of a revenue service vehicle;
 - Performing maintenance on a revenue service vehicle or equipment used in revenue service including repairs, overhaul and rebuilding;
 - Carrying a firearm for security purposes;
 - Any supervisor who may be called upon to perform any of the safety-sensitive duties described above.
 - All employees of independent contractors who perform safety-sensitive services for the Public Transportation Department are subject to the testing requirements outlined in this policy.
 - Those positions within the Public Transportation Department determined to be Safety Sensitive are listed in Attachment 3.
- "Specimen Validity Testing" - means the evaluation of the specimen to determine if it is consistent with normal human urine.
 - Adulterated means a specimen is considered adulterated if it contains a substance that is not a normal constituent or contains an endogenous substance at a concentration that is not a normal physiological concentration.
 - Diluted means specimens that have creatinine and specific gravity values that are lower than expected for human urine. The DHHS has determined that specimens with creatinine levels greater

- than or equal to 2.0 mg/dL but less than 20.0 mg/dL and have a specific gravity greater than 1.0010 but less than 1.0030 are dilute. Individuals with creatinine levels greater than or equal to 2.0 mg/dL but less than 5.0 mg/dL are required to be retested under direct observation.
- Substituted means specimens that have creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine. The DHHS has determined that specimens with creatinine levels of less than 2.0 mg/dL are substituted.
 - Invalid means the specimen is one that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.
 - "Split Specimen Collection" - means a collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).
 - "Substance Abuse Professional (SAP)" - means individuals with the following credentials who have the knowledge and training specified in 49 C.F.R. 40.281: licensed physician; licensed or certified social worker; licensed or certified psychologist; licensed or certified employee assistance professional; licensed or certified marriage and family therapist; or drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or other certification authorized in 49 C.F.R. 40.281.
 - "Supervisory Employee" - means supervisor, manager, or other employee of the Public Transportation Department who is responsible for supervising or monitoring the conduct or performance of one or more employees.
 - "Verified Positive Test" - means both a screen and confirmation test that shows an established detectable level of alcohol or drugs, as defined by DHHS and/or the US DOT. In the case of drugs, the test results have been reviewed by an MRO and determined to have evidence of prohibited drug use.
 - "ZERO TOLERANCE" - means any employee testing positive for drug use or any level of alcohol use on the job will be terminated from employment pursuant to Municipal policy.

IV. PURPOSE OF EMPLOYEE DRUG AND ALCOHOL TESTING

The Municipality of Anchorage Public Transportation Department is committed to providing a safe work place for all its employees which is free of the effects of substance abuse and supports employee health. Since the Public Transportation Department is involved in public service, the community depends on all employees paying careful attention to their jobs. Drugs and/or alcohol use compromise safety and will not be tolerated. Refer to Attachment 7 – Municipality of Anchorage Policy/Procedure No 40-22 Substance Abuse - Drug Free Workplace.

The Public Transportation Department expects all employees to report for work in condition to perform their duties. On-the-job involvement with drugs and/or alcohol is a violation of Municipal, State and Federal law. The Public Transportation Department also recognizes that employee off-the-job involvement with drugs and alcohol can impact the work place and is detrimental to the goal of a safe, effective, drug and alcohol-free work environment.

This document provides a uniform procedure concerning the testing of employees or applicants for employment in safety-sensitive positions to detect individuals using drugs and/or alcohol. The purpose of testing is to promote the safety of employees, passengers, and the general public. Testing helps ensure that work and service environments are free from the effects of drug and alcohol abuse.

The use of any drug, or alcohol, can interfere with the safe and efficient functioning of the Public Transportation Department's personnel. The Public Transportation Department's goal is to provide a safe work place and have employees function in the most effective manner. Drug or alcohol abuse is a matter of Public Transportation Department concern and will be dealt with in an appropriate manner.

V. PROHIBITED BEHAVIOR

The Public Transportation Department, as a recipient of Federal funds, is required to provide a drug-free workplace for its employees. In complying with the Drug-Free Workplace Act of 1988, the Public Transportation Department requires its employees to adhere to strict standards of conduct both on and off the job to meet our goal of providing a safe work environment and to continue to fulfill our responsibility to provide efficient and reliable service to our customers.

Therefore:

- The use, sale, manufacturing, or possession of narcotics, drugs or controlled substances, or the use or possession of alcohol while on the job or at a Public Transportation Department work site is cause for disciplinary action up to and including termination of employment. Any employee reasonably suspected of using a prohibited drug and/or engaging in alcohol misuse while on a Public Transportation Department work site or while on duty will be required to submit to substance abuse testing, which will include both urinalysis and breath testing, to determine fitness for duty. Refusal to submit to substance abuse testing is an act contrary to the Public Transportation Department's Substance Abuse Policy and Federal requirements. Illegal substances confiscated will be turned over to the appropriate law enforcement agency.
- Off-the-job drug and/or alcohol use may adversely affect an employee's job performance and could jeopardize the safety of other employees, the public, or municipal equipment. Therefore, any employee reporting to work while using a prohibited drug and/or engaged in alcohol misuse will be subject to substance abuse testing and disciplinary action up to and including termination.
- Employees who are arrested for off-the-job drug and/or alcohol activity may be suspended in appropriate cases pending disposition of the criminal prosecution. Employees who are convicted of off-the-job drug and/or alcohol activity may be considered in violation of Municipal policy against substance abuse and may be disciplined up to and including termination.
- Each Public Transportation Department covered employee, pursuant to the Drug Free Workplace Act is required to notify his/her supervisor, within five (5) calendar days of conviction, that he/she has been convicted of a drug crime occurring in the workplace.

The Public Transportation Department is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors and managers are directed to use and apply all aspects of this procedure in an unbiased and impartial manner. Any supervisor or manager who knowingly disregards the requirements of this procedure, or who is found to deliberately misuse the procedure in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

VI. HOURS OF COMPLIANCE

In accordance with 49 C.F.R. Part 655, this policy sets forth the time periods when all safety-sensitive employees must be in compliance with the alcohol rule. A safety-sensitive employee must not consume alcohol while performing safety-sensitive functions, four hours prior to performing safety-sensitive functions, while on-call to perform safety sensitive duty, and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first. Reasonable suspicion alcohol testing may only be performed just before an employee performs safety-sensitive functions, during the time the employee is performing safety-sensitive functions, or just after an employee has ceased performing such functions (49 C.F.R. 655.43). On-call employees are prohibited from consuming alcohol during the on-call hours. If an on-call employee has consumed alcohol within four hours prior to being called to perform safety-sensitive functions, the employee shall acknowledge that he or she has consumed alcohol and is unable to perform the safety-sensitive function (49 C.F.R. 655.33 (b)(1)). Any on-call employee who admits that he or she has consumed alcohol within four hours prior to being called to perform safety-sensitive functions and claims the ability to perform a safety-sensitive function, shall take an alcohol test prior to performing any safety-sensitive function (49 C.F.R. 655.33 (b)(2)).

In accordance with 49 C.F.R. Part 655, the use and ingestion of marijuana, cocaine, opiates, amphetamine, or phencyclidine (PCP) is prohibited at all times. Testing for prohibited drug use may occur any time the employee is on duty.

VII. SUBSTANCES TO BE INCLUDED IN TESTING

In accordance with 49 C.F.R. Parts 40 and 655, alcohol (ethanol), amphetamines, cannabinoids (marijuana), cocaine, opiates, phencyclidine (PCP), and their metabolites will be included in testing. DHHS may change or add to this list at any time.

VIII. PRESCRIPTION AND OVER-THE-COUNTER MEDICATIONS

- Employees who are taking prescription or non-prescription lawful drugs that may affect the performance of their job duties must report such usage to their immediate supervisor before beginning their workday. Such drugs may be determined to be allowable drugs if the medical professional has determined that the use of the drug is consistent with safe performance of the employee's duties and the drug is being used at the prescribed dosage.

- No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any controlled substance, except when the use is pursuant to the written instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely perform safety-sensitive duties. Please refer to Appendix B, Prescription and Over-The-Counter Medication for further information on prescription and over-the-counter medication.
- No supervisor having actual knowledge that an employee has used a controlled substance shall permit the employee to perform or continue to perform a safety-sensitive function.

IX. CIRCUMSTANCES OF DOT DRUG AND ALCOHOL TESTING

Six substance abuse testing categories defined by the US DOT are applicable for covered (safety-sensitive) employees of the Public Transportation Department in accordance with 49 C.F.R. Part 655. All drug and alcohol testing will be conducted in accordance with 49 C.F.R. Part 40.

- Pre-Employment Screen: Included in the Public Transportation Department Job Notice Bulletin is a notice of drug screening required of all safety-sensitive applicants. If an applicant qualifies for and is considered for a safety-sensitive position, he/she will be scheduled for collection of a urine sample for drug screening at a Public Transportation Department selected laboratory (this includes new department employees and employees transferring from a non-safety-sensitive position to a safety-sensitive position).
 - If an applicant refuses to be tested or tests positive, the application will be rejected.
 - An applicant with a cancelled test must take another pre-employment drug test with a verified negative result prior to performing a safety sensitive function.
 - When a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this policy, the employee must provide the employer proof of having successfully completed a referral, evaluation, and treatment plan as described in 49 CR Part 655.
 - No applicant shall be hired or transferred to perform a safety-sensitive function until they have taken a drug test with a verified negative result administered under this policy.
 - If an employee's status within the Department changes (i.e. does not perform safety sensitive function due to leave of absence, Worker's Compensation reassignment, seasonal layoff, etc.) and is removed from the random testing pool for a period of 90 days or longer, a pre-employment test is required prior to reassignment to performing safety-sensitive functions.
Additional testing may be required under the Municipality of Anchorage's independent authority.
- Post-Accident Testing: Post-accident testing is mandatory where there is loss of life and for all other non-fatal accidents as described below:
 - Fatal Accident:
 - All surviving employees operating the mass transit vehicle at the time of the accident.
 - All other covered (safety-sensitive) employees whose performance could have contributed to the accident.
 - Non-Fatal Accident:
 - An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident. This includes non-collision incidents where an individual is injured on a bus and requires immediate transport to a medical treatment facility.
 - One or more of the vehicles involved incurs disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or another vehicle. Disabling damage is defined as damage that precludes departure of a motor vehicle from the scene of an accident in its usual manner in daylight after simple repairs. This includes damage to a motor vehicle where the

- vehicle could have been driven, but would have been further damaged if so driven. Disabling damage does not include: (i) damage that can be remedied temporarily at the scene of the accident without special tools or parts; (ii) tire disablement without other damage even if no spare tire is available (iii) headlamp or tail light damage; (iv) damage to turn signals, horn or windshield wipers, which makes the vehicle inoperable.
- All covered employees operating the mass transit vehicle or whose performance could have contributed to the accident must be tested UNLESS their performance can be **COMPLETELY DISCOUNTED** as a contributing factor, based on the best information available at the time of the decision. The testing requirement includes employees who have recently performed maintenance activities that are linked to the cause of the accident.
 - In all accidents, the investigating supervisor shall complete the decision matrix (Attachment 4). The decision matrix shall be used to determine the need to conduct a post-accident test under the provisions of 49 C.F.R. Part 655. The decision matrix shall be attached to and accompany the accident report.
 - Post accident drug and alcohol tests must be conducted as soon as possible after the accident.
 - Attempts to complete the post accident drug testing must be done within 32 hours after the accident. If unable to obtain a specimen within 32 hours, the employer will document the reason(s) why and will cease attempts to obtain a specimen.
 - Attempts to complete the post accident alcohol testing must be done within two (2) hours after the accident. If unable to obtain a specimen within the 2 hours, the employer will document the reason(s) why and continue attempts to obtain a specimen. If unable to obtain a specimen within eight (8) hours, the employer will cease attempts to obtain a specimen and update the 2-hour report.
 - An employee who is subject to post accident testing shall remain readily available for such testing (8 hours for alcohol and 32 hours for drugs), including notifying the employer or the employer representative of his or her location if he or she leaves the scene of the accident. Leaving the scene of the accident prior to submitting to post accident testing may be deemed by the employer to have refused to submit to testing.
 - The requirement for drug and alcohol testing after an accident should in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident, assisting in resolution of the accident or to obtain necessary emergency medical care.
 - Under limited circumstances, drug and alcohol tests performed by law enforcement officials may be used. The results of a blood, urine, or breath test for the use of prohibited drugs or alcohol misuse, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section provided such test conforms to the applicable Federal, State, or local testing requirements and that the test results are obtained by the employer. Such test results may be used only when the employer is unable to perform an FTA post accident test within the required period noted in this section.
 - An employee involved in a collision where there is a fatality shall be removed from duty and placed on administrative leave pending the results of the substance abuse test testing.
 - An employee, involved in a collision requiring post-accident substance abuse testing under FTA regulations and there are injuries treated away from the scene and the employee cannot be completely discounted as contributing to the accident, shall be removed from duty and placed on administrative leave pending the results of the substance abuse testing test.
 - If the employee can be completely discounted from contributing to the accident by the investigating supervisor, substance abuse testing will be performed under MOA authority and the employee will remain on duty pending the results of the testing.

Post-accident testing shall be required under the Municipality of Anchorage's independent authority pursuant to AMC 3.30.190. In addition to the DOT requirements, the Municipality of Anchorage will test under the following conditions: an employee is cited for a moving violation; damage to Municipal or private property; Injuries treated away from the scene of the accident; a vehicle is towed from the scene of the accident or is

removed from service or if a supervisor has reasonable and specific grounds on which to believe that a substance abuse test is appropriate.

- Reasonable Suspicion: "Reasonable Suspicion" means that the Public Transportation Department, while acting through trained supervisory personnel, has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion testing is required when a trained supervisor(s) can articulate and substantiate physical, behavioral, and performance indicators of probable drug or alcohol misuse by directly observing the appearance, behavior, speech or body odors of the covered employee. Any employees tested under this clause shall be removed from duty and placed on administrative leave pending the results of the drug test, provided the accompanying alcohol test is negative. The Public Transportation Department's reasonable suspicion observation checklist is included as Attachment 5.
- Random: Random testing will be conducted in accordance with procedures established in 49 C.F.R. 655.45. All safety sensitive employees will be subject to testing on an unannounced/random basis and the employee will immediately report to the testing site when notified. The number of random tests to be conducted will be a minimum of 50% of all safety sensitive employees for drugs and 10% for alcohol each year. All safety sensitive employees will remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing. The random selection process shall be a scientifically valid method, such as a random number table or a computer-based random number generator, ensuring that every covered employee has an equal chance of being tested each time selections are made. There is no discretion on the part of management in the selection and notification of individuals for testing.

The dates for administering unannounced testing of randomly-selected covered employees shall be spread reasonably throughout the calendar year, ensuring covered employees the reasonable expectation of being called upon for testing on any day they are at work or at any time during their workday and there is no period during which testing is halted. Testing is conducted on all days and all hours of the day, week, and year that employees are performing safety-sensitive duties. If a safety-sensitive employee is unavailable to be tested on the random selection date because the employee is on Paid Leave or Leave without Pay on the date they are to be tested, the employee will be tested on their first workday back to work during the same month the testing was to originally occur.

- Return to Duty: Under the Municipality of Anchorage's ZERO TOLERANCE policy, this category of testing will not be utilized.
- Follow-up: Under the Municipality of Anchorage's ZERO TOLERANCE policy, this category of testing will not be utilized.

X. TRAINING

- All safety-sensitive employees will attend a minimum of 60 minutes of substance abuse educational training.

- All supervisory and management level employees will attend a minimum of 60 minutes training on drugs plus an additional 60 minutes (minimum) of training on alcohol. Supervisors shall also be trained in the reasonable suspicion detection of substance abuse.
- Attachment 7 is documentation of training and receipt of this Policy and Procedures for Substance Abuse Testing of Safety Sensitive Employees. All safety sensitive employees are required to sign and return Attachment 7 upon completion of the training on this matter.

XI. MEDICAL REVIEW OFFICER (MRO)

The MRO will verify all testing results (positive, negative, adulterated, invalid or substituted) received from the testing laboratory. If the laboratory reports a positive, adulterated, invalid or substituted result, the MRO shall contact the employee directly on a confidential basis and determine whether the employee wants to discuss the test results. The MRO is required to actually talk to the employee, and must document efforts to contact the employee in accordance with 49 C.F.R. 40.131. The MRO shall inform the employee that if he/she declines to discuss the test results, then the MRO will verify the results without input from the employee. The employee has the burden of proof to present information and documentation to the MRO to show that a legitimate medical explanation exists. If the employee meets the burden of proof, the MRO will report the test as negative. If the employee fails to meet the burden of proof, the MRO will verify the laboratory results. The MRO shall report test results to the Substance Abuse DAPM.

- Arbitrators cannot overturn the MRO's determination about the verification of a test result.
- If the test result of the primary specimen is positive, adulterated, or substituted, the employee may request the MRO to direct the split specimen be tested in a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen.
- The initial cost for transportation and testing of the split sample will be paid by the Public Transportation Department. The cost of all split-sample testing will be charged back to the employee unless the split-sample test results are reported by the MRO as a cancelled test.
- Action required by the employer as the result of a positive drug test (e.g., removal from performing a safety-sensitive function) is not stayed pending the result of the test of the split specimen.
- The MRO shall honor such a split-sample test request if it is made within 72 hours of the employee having been notified by the MRO of a verified positive test result.
- The MRO will inform the laboratory in writing that the employee has requested a test of the split specimen. The laboratory shall forward to a different DHHS-approved laboratory, the split specimen bottle with seal intact, a copy of the MRO request and the split specimen copy of the chain of custody form with appropriate chain of custody entries.
- The results of the test of the split specimen shall be the final test results and shall be reported by the second laboratory directly to the MRO.
- If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test and report the cancellation

and the reasons for it to the US DOT, the employer, and the employee.

- If laboratory analysis detects the presence of an adulterant in the primary specimen, the MRO shall report it as such and it will be considered a refusal to test.

XII. NEGATIVE DILUTE POLICY

- Following a negative dilute test, the employee will be required to undergo another test.
- Should this second test result in a negative dilute result, the test will be considered a negative.
- No additional testing will be required unless directed to do so by the MRO.”
- This provision applies to all testing situations except pre-employment.
- Employees will be given minimum advance notice of such re-test before proceeding to the collection site.

XIII. MRO AND LABORATORY CONFIDENTIALITY

The laboratory and MRO shall maintain strict confidentiality of all test results in accordance with 49 C.F.R. Part 40.

XIV. DRUG TESTING COLLECTION PROCEDURES

The use of any of the five drugs for which testing is mandated by DOT is always prohibited; therefore, drug testing may be conducted at anytime while a covered employee is on duty.

The Public Transportation Department shall identify and select through the Municipality only qualified medical facilities certified by the DHHS to perform the urinalysis testing described by this policy. The specimens will be collected at designated collection facilities that optimize confidentiality and observe DOT collection procedures as prescribed in 49 C.F.R. Part 40.

Public Transportation Department supervisory personnel will coordinate appointments for urine collection for drug screens. Supervisors will always transport employees to the test site for post-accident, reasonable suspicion and random testing. If there is concern about an individual's ability to function safely, that individual will be provided transportation to his/her home after completion of the drug testing.

Specimen Collection Procedures and Requirements

- Collection Site: The designated collection site shall be secure and shall have an enclosure within which private urination can occur, a toilet for completion of urination, and a suitable clean surface for writing.
- Security: The specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the mailer. The procedures and security measures in 49 C.F.R. 40.70-40.73 shall apply.
- Chain of Custody: A chain of custody form (and a laboratory internal chain of custody document, if applicable) shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen.
- Access to Authorized Personnel Only: No unauthorized personnel shall be permitted in any part of the designated collection site where urine specimens are collected or stored.
- Outer Clothing, Purses, and Pocket Contents: In accordance with 49 C.F.R. 40.61, the employee will be

asked to remove all outer clothing (e.g. coveralls, jacket, coat, hat, etc.) and leave them outside the toilet area along with purses, briefcases, etc. Wallets are permitted to be retained during the collection process. Employees will be asked to empty their pockets and display the items to the collector. Failure to comply with these provisions constitutes a refusal to test.

- Privacy: There shall be individual privacy when providing a urine sample unless there is a valid reason to conduct a directly observed urine collection.
- Specimen validity testing will be conducted on all urine samples provided for testing under DOT Authority
The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.
- Directly observed collection must be done with an observer of the same gender as the employee and conducted according to 40 C.F.R. 49.67-49.69.
- Under the following circumstances a directly observed urine collection is required by 49 C.F.R. 40.67:
 - All return to duty tests (not applicable under this policy)
 - All follow-up tests (not applicable under this policy)
 - Anytime the employee is directed to provide another specimen because the original specimen was out of the normal temperature range (32-38°C/90-100°F)
 - Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with.
 - Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen
 - Anytime the employee is directed to provide another specimen because the laboratory reported to the MRO that the original specimen was invalid and the MRO reports there was not a valid medical explanation for the results
 - Anytime the employee is directed to provide another specimen because the MRO determined the original specimen was positive, adulterated, or substituted, but the test had to be cancelled because the test of the split specimen could not be performed.
- Transportation to Laboratory:
Collection site personnel shall arrange to ship the collected specimen to the drug testing laboratory in accordance with 49 C.F.R. Part 40.
- Failure to Cooperate:
If the employee refuses to cooperate with the collection process, the collection site representative shall inform the DAPM and shall document the non-cooperation on the drug testing custody and control form.
- Shy Bladder:
 - This section sets forth procedures to be followed in any case in which an employee is unable, or alleges that he/she is unable to provide an amount of urine sufficient to permit a valid drug test.
 - The employee will be urged to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three (3) hours or until the employee has provided a sufficient urine sample, whichever occurs first.
 - If the employee fails to provide a sufficient urine sample within three hours of the first attempt, the collector will discontinue the collection process, shall so note in the "Remarks" section of the collection form and immediately inform the DAPM of an insufficient sample.
 - The DAPM must, after notification of the inability to provide a sufficient sample and after consultation with the MRO, direct the employee to obtain within five (5) working days, an evaluation from a licensed physician, acceptable to the MRO. The physician must report the finding of the evaluation to the MRO (either there is or is not a valid medical reason for the insufficient sample) and the MRO will

then determine whether the shy bladder was a refusal to test or not (see 49 C.F.R. Part 40.193). The MRO shall notify the DAPM of the final decision.

- Employee Requiring Medical Attention:

If the sample is to be collected from an employee in need of medical attention (e.g., as part of a post-accident test given in an emergency medical facility), necessary medical attention shall not be delayed in order to collect the specimen.

XV. DRUG TESTING CUTOFF LEVELS

Drug testing shall be conducted in accordance with the procedures set forth in 49 C.F.R. Part 40.

- Initial Test.

- The initial test shall use an immunoassay that meets the requirements of the Food and Drug Administration for commercial distribution. The most current DHHS cutoff levels shall be used when screening specimens to determine whether they are negative for these drugs.

- These cutoff levels are subject to change by the DHHS and/or the US DOT as advances in technology or other considerations warrant.

- Current initial testing cutoff levels are located in Attachment 1.

- Confirmation Test.

- All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques using the most current DHHS cutoff levels.

- These cutoff levels are subject to change by the DHHS and/or the US DOT as advances in technology or other considerations warrant.

- Current confirmation testing cutoff levels are located in Attachment 1.

XVI. ALCOHOL TESTING PROCEDURES

Alcohol testing may only be performed just before an employee performs safety-sensitive functions, during the time the employee is performing safety-sensitive functions, or just after an employee has ceased performing such functions. Alcohol testing will be conducted in accordance with 49 C.F.R. Part 40 using only evidential breath testing devices.

Supervisors will always transport employees to the test site. If there is concern about an individual's ability to function safely, the individual will be provided transportation to their home after completion of the testing.

The Public Transportation Department shall select and train supervisory employees to be qualified breath alcohol technicians (BATs). Training programs for BAT training will meet all the standards of the National Highway Safety Administration model course. Only trained and certified BATs will administer alcohol breath testing. An employee's direct supervisor may not conduct a breath test on that employee. The breath specimen will be collected at a site that optimizes confidentiality. A strict chain of custody will be maintained on the specimen and all record keeping will be in strict accordance with Federal regulations.

If the initial test results are less than .02 alcohol concentration, the test results are negative and will be reported by the BAT as such. If the initial test results are .02 or greater, a confirmatory test must be conducted.

- Procedures for Breath Alcohol Testing:

When the employee enters the alcohol testing location, the BAT will require him/her to provide positive photo identification. On request by the employee, the BAT shall provide positive identification to the employee. Breath alcohol testing procedures shall be as followed as described in 49 C.F.R. Part 40.

An employee with a confirmed breath alcohol test between .02 and .3999 will be immediately removed from duty and the employee will not be allowed to perform safety sensitive duties until:

- The employee's alcohol concentration measures less than 0.02; or
- The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.

The employee will be subject to the provisions of the Public Transportation Department Attendance Policy.

A confirmed breath alcohol of .04 or above will result in immediate removal from duty and termination of employment under the Municipality of Anchorage's ZERO TOLERANCE POLICY.

- Alcohol Test Reporting:

- All communications by BATs concerning the alcohol testing results of employees shall be to the DAPM.
- The BAT shall ensure immediate transmission to the DAPM of results that require the employer to remove the employee from performing a safety-sensitive function.
- The DAPM shall store alcohol-testing information to ensure that confidentiality is maintained.

- Refusals to Test and Uncompleted Tests:

- Refusal by an employee to complete and sign the breath alcohol testing form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the BAT in the remarks section of the form. The testing process shall be terminated and the BAT shall immediately notify the DAPM.
- If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test, as applicable, using a new breath alcohol testing form with a new sequential test number.

- Inability to Provide an Adequate Amount of Breath:

- This section sets forth procedures to be followed in any case in which an employee is unable, or alleges that he/she is unable to provide an amount of breath sufficient to permit a valid breath test.
- The BAT shall again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to make the attempt, the BAT shall immediately inform the DAPM.
- If the employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "Remarks" section of the breath alcohol testing form and immediately inform the DAPM.
- If the employee attempts and fails to provide an adequate amount of breath, the employer shall proceed as follows:
 - The employer shall direct the employee to obtain, as soon as practical after the attempted provision of breath, an evaluation from a licensed physician who is acceptable to the employer concerning the employee's medical ability to provide an adequate amount of breath.
 - If the physician determines, in his or her reasonable medical judgment, that a medical condition has or with a high degree of probability, could have precluded the employee from providing an

adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. The physician shall provide to the DAPM a written statement of the basis for his or her conclusion.

- If the licensed physician, in their reasonable medical judgment, is unable to make the determination of this section the employee's failure to provide an adequate amount of breath shall be regarded as a refusal to take a test. The licensed physician shall provide a written statement of the basis for his or her conclusion to the DAPM.

XVII. REFUSAL TO SUBMIT TO AN FTA SUBSTANCE ABUSE TEST

Behavior that constitutes a refusal to submit to a drug or alcohol test includes the following:

- Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the employer;
- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a urine specimen for any required drug test;
- Failure to permit the observation or monitoring of the specimen collection when required to do so;
- Failure to provide a sufficient amount of urine when directed and there is no adequate medical explanation for the failure;
- Failure to take a second test when directed to do so by the employer or collector;
- Failure to undergo a medical examination when directed to do so by the MRO or employer;
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector);
- Failure to follow the observer's instructions during an observed collection including instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- Admit to the collector or MRO that you adulterated or substituted the specimen;
- Leaving the scene of an accident without a valid reason before the tests have been conducted
- Behavior that constitutes a refusal to submit to an alcohol test also includes the following:
 - Refusal by an employee to sign the certification on the breath alcohol testing form (Step 2).

XVIII. POSITIVE TEST/REFUSAL TO TEST

A positive substance abuse test is a violation of Municipality of Anchorage and Public Transportation Department Policy and FTA regulations. Employees who refuse to submit to a drug and/or alcohol test will be considered to have failed the test(s). Failure to comply with the request for drug/alcohol testing, either verbal or written, including refusal to sign the US DOT testing forms or having a confirmed a drug/alcohol test will be just cause for termination under the Municipality of Anchorage's ZERO TOLERANCE Policy. *The Municipality of Anchorage Policy and Procedure 40-22 has a ZERO TOLERANCE on drugs and alcohol.*

Covered Public Transportation Department employees with positive drug/alcohol test results will be informed in a meeting with their supervisor and/or division manager and Employee Relations. Employee Relations will invite a Union representative to that meeting.

- Positive Drug Test

If the MRO reports a positive test for drugs, it is understood that the screening test was positive and a second confirmatory test, based on a different scientific principle was also positive, and the MRO has interviewed the employee and reviewed all information provided by the employee to determine whether the results are indicative of illegal or illicit drug usage. The acceptable method of confirmation is: gas chromatography/mass spectrometry (GC/MS).

- Upon MRO notification to the DAPM, an employee failing a drug test will be immediately removed from his/her safety-sensitive job.
- Each covered employee who has a verified positive drug test result or refuses to take a drug test shall be provided referral information to community resources for substance abuse treatment, this shall include resources available for evaluating and resolving problems associated with prohibited drug use. The Municipality of Anchorage will not provide rehabilitation to employees who refuse or have a positive drug test.
- Failing a drug test is just cause for termination in accordance with the Public Transportation Department's ZERO TOLERANCE Policy.

- Positive Alcohol Test

If a positive test for alcohol (.04 or above) is reported, it is understood that the positive test was the result of the confirmation test on an EBT.

- Failing an alcohol test (.04 or above) will result in an immediate removal of the employee from their safety-sensitive function.
- Each covered employee who fails an alcohol test (.04 or above) shall be provided referral information to community resources for substance abuse treatment, this shall include resources available for evaluating and resolving problems associated with alcohol misuse. The Municipality of Anchorage will not provide rehabilitation for employees who fail or refuse a breath alcohol test.
- Failing an alcohol test (.04 or above) is just cause for termination in accordance with the Public Transportation Department's ZERO TOLERANCE Policy.

XIX. CHANGES OR MODIFICATIONS

Changes required by Federal law in compliance with 49 C.F.R. Parts 40 and/or 655 will not require any advance notification. State, and/or Local law required changes will also not require advance notification.

XX. VOLUNTARY REHABILITATION

To meet the purpose of this substance abuse procedure, the Public Transportation Department provides a program to assist employees who voluntarily seek help with substance abuse. The Municipality maintains an Employee Assistance Program available to all employees.

Employees who voluntarily request assistance in dealing with personal substance abuse problems may utilize sick leave, annual leave, or leave without pay not to exceed six (6) months to participate in a rehabilitation program without jeopardizing their continued employment with the Public Transportation Department provided they stop all involvement with any and all such substances. Voluntary participation treatment programs will not prevent disciplinary action(s) for procedure violations that have already occurred.

Supervisors can assist in contacting the Employee Assistance Program. At the conclusion of treatment, arrangements for drug screen follow-up testing will be made. Management, supervisors and the rehabilitated employee will agree upon specific guidelines at the time the employee returns to work. Employees will be allowed only one voluntary rehabilitation opportunity during their employment with the Public Transportation Department.

XXI. INVOLUNTARY REHABILITATION

The Public Transportation Department has a ZERO TOLERANCE policy regarding drug and alcohol abuse by covered safety-sensitive employees. As such, there will be no involuntary rehabilitation offered for those safety-sensitive employees who test positive for either drugs or alcohol, as described above.

XXII. COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

The Americans With Disabilities Act of 1990 (ADA) does not, in any way, preclude or interfere with the employer's compliance with the Public Transportation Department's drug and alcohol testing regulations. The ADA does not preclude an employer from disciplining or dismissing an employee who commits a violation of the employer's conduct and performance standards.

XXIII. CONTACT PERSONS

The contact persons available to answer questions about the Public Transportation Department's Drug and Alcohol Testing Program are:

Municipal Compliance Manager (DAPM) - 343-4896.
or
Public Transportation Department Superintendent, Operations and Maintenance - 343-8228

XXIV. RIGHT TO EXAMINE RECORDS

Except as required by law, or expressly authorized in 49 C.F.R. Part 655, the Public Transportation Department may not release information pertaining to a covered employee that is contained in records required to be maintained by those regulations.

A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the covered employee's use of prohibited drugs, including any record pertaining to his/her drug tests.

In accordance with Alaska State Statute, AS 23.10.620 (b) (8) and (9):

- The right of an employee, on the employee's request, to obtain the written test results, and the obligation of the employer to provide written test results to the employee within five working days after a written request to do so, so long as the written request is made within six months after the date of the test;
- The right of an employee, on the employee's request, to explain in a confidential setting, a positive test result; if the employee requests in writing an opportunity to explain the positive test result within 10

working days after the employee is notified of the test result, the employer must provide an opportunity, in a confidential setting, within 72 hours after receiving the employee's written notice, or before taking adverse employment action;

XXV. RECORDS

General requirement: An employer shall maintain records of its anti-drug and alcohol misuse prevention program. The records shall be maintained in a secure location with controlled access. Records shall be retained in accordance with the provisions of 49 C.F.R. Part 655.

XXVI. EMPLOYEE ASSISTANCE PROGRAM (EAP), SUBSTANCE ABUSE PROFESSIONAL (SAP) AND MEDICAL REVIEW OFFICE (MRO) and DHHS CERTIFIED TESTING

The Public Transportation Department through the Municipality of Anchorage has secured the services of an MRO, SAP, EAP and DHHS certified testing laboratory. The names of the MRO, SAP, EAP and DHHS certified testing laboratory who are on contact to the Public Transportation Department are included as Attachment 6.

XXVII. ADOPTION BY THE MUNICIPAL ASSEMBLY

This policy has been approved and included by reference in the Anchorage Municipal Code, AMC 3.30.190, Part 19 (Rule 19), Substance Abuse Testing.

DRUG TESTING CUTOFF LEVELS

These cutoff levels are subject to change by DHHS

All cutoff concentrations are expressed in nanograms per milliliter (ng/mL).

Initial Test Analyte	Initial Test Cutoff Concentration	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL
Opiate metabolites			
Codéine/Morphine ²	2000 ng/mL	Codéine	2000 ng/mL
		Morphine	2000 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphétamine	250 ng/mL
		Methamphetamine ⁵	250 ng/mL
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL
		MDA ⁷	250 ng/mL
		MDEA ⁸	250 ng/mL
¹ Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA)			
² Morphine is the target analyte for codeine/morphine testing			
³ Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff			
⁴ Methamphetamine is the target analyte for amphetamine/methamphetamine testing			
⁵ To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL			
⁶ Methylenedioxymethamphetamine (MDMA)			
⁷ Methylenedioxyamphetamine (MDA)			
⁸ Methylenedioxyethylamphetamine (MDEA)			

EFFECTS OF ALCOHOL

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 mood 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.

1. Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction time
- Slurred speech

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

2. 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
- Fatal liver diseases
- Kidney disease
- Pancreatitis
- Ulcers
- Spontaneous abortion and neonatal mortality.
- Birth defects (up to 54% of all birth defects are alcohol related).
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma

3. Social Issues

- Two-thirds of all homicides are committed by people who drink prior to a 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.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes. 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.

4. 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.

5. Alcohol Traffic Safety Facts

Despite being totally preventable, impaired driving crashes figure prominently in overall traffic crash data and produce devastating consequences on America's roads. Consider the following:

- About three out every 10 Americans will be involved in an alcohol-related crash at some point in their lives.¹
- There were 16,653 alcohol-related traffic fatalities in 2000—four percent more than in 1999 but 25 less than in 1990, when alcohol-related fatalities numbered 22,084.
- Fatalities in alcohol-related crashes accounted for 40 percent of all traffic fatalities in 2000—an average of one alcohol-related fatality every 32 minutes.
- An estimated 310,000 people suffered injuries in crashes in which police reported that alcohol was present—an average of one person injured every 2 minutes.
- Approximately 1.5 million arrests were made in 1999 for driving under the influence of alcohol or narcotics. This equates to one out of every 121 licensed drivers in the US.
- In 2000, 31 percent of all traffic fatalities occurred in crashes in which at least one driver or non-occupant had a blood alcohol concentration (BAC) of .10 or higher.
- The rate of alcohol involvement in fatal crashes is more than three times higher at night (61 percent) than during the day (18 percent). For all crashes, the rate of alcohol involvement is four times as high at night (17 percent) than during the day (4 percent).
- More than half (53 percent) of all fatal crashes that occurred on weekends in 2000 were alcohol-related, compared to 30 percent during the week.
- The highest intoxication rates in fatal crashes during 2000 were recorded for drivers ages 21-24 (27 percent), followed by ages 25-34 (24 percent) and 35-44 (22 percent).
- Chronic drunk drivers represent only one percent of all weekend drivers; however, they are involved in nearly 50 percent of all fatal crashes occurring on weekends.
- About one-third of all drivers arrested or convicted of driving while intoxicated or driving under the influence of alcohol (DWI/DUI) are repeat offenders.
- Just one alcohol-related fatality costs society an estimated \$950,000. Each alcohol-related injury costs an estimated \$20,000.
- No one is safe when it comes to impaired driving—an alarming 68 percent of children killed in alcohol-related crashes were riding in a car with a drinking driver.

6. Intervention

Employees are advised that the Municipality of Anchorage provides an Employee Assistance Program as part of

its employee benefit program. Employees who may have a problem with alcohol consumption or illegal use are highly encouraged to take advantage of this program. Non-job jeopardy referrals or voluntary participation in this program is desired. The Municipality's EAP provider is listed in Attachment 6.

MUNICIPALITY OF ANCHORAGE
Public Transportation Department
Safety-Sensitive Positions

Operations:

Operations and Maintenance Superintendent

Operations Supervisor

Shift Supervisor

Bus Operator

Maintenance:

General Foreman

Maintenance Supervisor

Expeditor

Lead Equipment Technician

Parts Warehouse II

Equipment Technician

Body Repair Technician II

Equipment Service Technician II

Equipment Service Technician 1

Parts Warehouse I

Hostler

Maintenance Worker II

Maintenance Worker I

Revised 11 Jan 2005 to Reflect Classification Name Changes in the Union Agreements

**Post-Accident/Incident
Substance Abuse Testing Decision Matrix
For Safety Sensitive Employees**

Employee Name: _____

Accident Date: ___ / ___ / ___

Time of Accident: _____ AM/PM

Location of Accident: _____ IB/OB

FTA Criteria: ___ Fatality ___ Injuries/Transported Immediately ___ Vehicle Towed Due to Disabling Damage

Municipality of Anchorage Independent Authority Criteria:

___ Significant Damage ___ Employee Cited for Moving Violation ___ Vehicle Towed/Removed From Service
(Not Due to Disabling Damage)

Other Employees Operating the Vehicle: Y/N Name(s) _____

Maintenance Performance Involved: Y/N Name(s) _____

U/A Test Performed? Y/N If yes, Date and Time: ___ / ___ / ___ _____ AM/PM

Type of Test: ___ DOT Test ___ Non-DOT Test (*Municipality of Anchorage Authority Only*)

If no, why? ___ FTA Criteria Not Met ___ *Municipality of Anchorage Criteria not met*

___ Employee(s) Completely Discounted as Contributing Factor

___ Other: _____

Alcohol Test Performed? Y/N If Yes, Date and Time: ___ / ___ / ___ _____ AM/PM

Type of Test: ___ DOT Test ___ Non-DOT Test (*Municipality of Anchorage Authority Only*)

If No, Why? ___ FTA Criteria Not Met ___ *Municipality of Anchorage Criteria not met*

___ Employee(s) Completely Discounted as Contributing Factor

___ Other: _____ Was

Drug Test Performed Within 32 Hours of Accident/Incident? Y/N

If No, Why? _____

Was Alcohol Test Performed Within 2 Hours of Accident/Incident? Y/N Within 8 Hours After? Y/N

If No, Why? _____

Comments: _____

Supervisor's Signature: _____

Date: ___ / ___ / ___



REASONABLE SUSPICION TESTING REFERRAL FORM

Note to Supervisor/Company Official: This form is to be used to substantiate and document the objective facts and observations leading to a reasonable suspicion testing determination. After a direct observation of the employee's appearance, behavior, speech, body odors, and/or performance, please check ALL the indicators that raised your suspicion that the employee may have engaged in conduct, which violates the Drug and Alcohol policy. **Read further instructions on back page.**

Employee Name _____ Job Title _____

Supervisor _____ Job Title _____

Date/Time of Determination: _____

Name(s) of Witness(es), if any: _____

A. APPEARANCE OR PHYSICAL INDICATORS

- Flushed or very pale complexion
- Excessive sweating or skin clamminess
- Bloodshot or watery eyes
- Dilated or constricted pupils
- Nystagmus (jerky eye movement)
- Unfocused, blank stare
- Runny/bleeding nose
- Disheveled clothing
- Unkempt grooming
- Possible puncture marks on arms
- Dry mouth, wetting lips frequently

C. SPEECH OR BODY ODORS

- Slurred, thick, slowed
- Incoherent, nonsensical, silly
- Loud, boisterous
- Repetitious, rambling
- Cursing, inappropriate language
- Rapid, pressured
- Excessive talkativeness
- Exaggerated enunciation
- Odor of alcohol
- Distinctive pungent aroma

B. BEHAVIORAL INDICATORS

- Stumbling, unsteady gait
- Poor coordination
- Hyperactivity, fidgety, agitated
- Nervous, disorderly
- Irritable, moody, belligerent
- Shaking, tremors, twitches
- Dizziness or fainting
- Nausea or vomiting
- Breathing irregularly or with difficulty
- Extreme fatigue or sleeping on the job
- Depressed, withdrawn

D. PERFORMANCE INDICATORS*

- Delayed or faulty decision-making
- Impulsive, unusual risk-taking
- Inability to concentrate
- Lack of motivation
- Impaired mental functioning
- Decreased alertness
- Significant increase in errors
- Reduced quality/quantity of work
- Inappropriate response to instructions
- Excessive absences or use of sick time
- Lackadaisical, apathetic attitude

Other observations not noted above: _____

Date/Time of Test: _____ Test Refused: No Yes

Supervisor/Company Official Signature _____

***These are usually long-term indicators. Must be combined with other indicators under A, B, or C.**



REASONABLE SUSPICION TESTING REFERRAL FORM (Continued)

Instructions to Supervisor/Company Official:

1. Conduct the employee interview in a private setting, mindful of the dignity and confidentiality rights of the employee.
2. Give the employee an opportunity to explain the reason(s) for the indicators you have observed from his or her perspective. Expect denial. Note explanation given by the employee (if any) in the space below.

3. Once a reasonable suspicion testing determination has been made, immediately remove the employee from performing any safety-sensitive functions. Notify the employee that he or she will remain out of service until the test results are known.
4. Arrange to have the employee accompanied to the collection site for testing without delay.
5. FTA regulation requires that reasonable suspicion testing for alcohol be administered within two (2) hours following the determination to refer the employee for testing. If alcohol testing is not conducted within two hours, document the reason for the delay. If the test is not administered within eight (8) hours, cease all attempts to test and document the reason for the inability to test. Please use the space below to document any delays or inability to test.

6. Complete and sign this document and send original to the Drug and Alcohol Program Manager (Name).

IMPORTANT: DO NOT TRY TO DIAGNOSE ABUSE OR ADDICTION OR IDENTIFY THE SPECIFIC DRUG ASSOCIATED WITH THE EMPLOYEE'S BEHAVIOR OR APPEARANCE.

MUNICIPALITY OF ANCHORAGE
Public Transportation Department
Substance Abuse Testing

EMPLOYEE ASSISTANCE PROGRAM (EAP):

Magellan Behavioral Health
4300 B Street, Suite 202
Anchorage, AK 99503
Phone: 562-2812

DHHS CERTIFIED TESTING LABORATORY:

Laboratory Corporation of America Holdings
1229 Madison Suite 500
Seattle, Washington 98104
1-800-898-0180

COLLECTION SITE:

Beacon Occupational Health
800 West Cordova Street
Anchorage, AK 99501
Phone: 222-7612

MEDICAL REVIEW OFFICER (MRO):

Dr. Leo Morreseey, M.D.
800 West Cordova Street
Anchorage, AK 99501
Phone: 222-7612

SUBSTANCE ABUSE PROFESSIONAL (SAP):

Magellan Behavioral Health
4300 B Street, Suite 202
Anchorage, AK 99503
Phone: 562-2812

Revised listing of current providers:

As of

1 October 2010

Attachment 6

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Add Attachments 7 and 8 here if used.

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MUNICIPALITY OF ANCHORAGE
Public Transportation Department
Policy and Procedures
for
Substance Abuse Testing
of
Safety Sensitive Employees

DOCUMENTATION OF POLICY AND PROCEDURES NOTIFICATION

I acknowledge that I have received training on and a copy of the Municipality of Anchorage, Public Transportation Department's Policy and Procedures for Substance Abuse Testing of Safety Sensitive Employees. I also acknowledge that substance abuse testing became effective in the Public Transportation Department on January 1, 1995. I further acknowledge that substance abuse testing is a mandatory condition of my employment with the Public Transportation Department.

Employee Signature: _____

Name (printed): _____

Date: _____