

**City Manager's Office**  
**Administrative Order No: 96-073**  
**Issued: 8/1996**  
**Revised 4/2021**



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**Approved by Garrett Evans**  
**City Manager**

**Subject: Alcohol & Drug Testing Requirements for Commercial Motor Vehicles Drivers**

**Purpose:** Ensure the continued safe operation of vehicles by commercial drivers conducting City business.

**Policy:** In accordance with U.S. Department of Transportation (DOT) regulations issued under the Omnibus Transportation Employee Testing Act of 1991/49 Code of Federal Regulations Part 40, drivers having a commercial driver's license (CDL) who operate specific commercial motor vehicles and occupy safety-sensitive positions are subjected to controlled substance and alcohol testing rules. The City has contracted with Municipal Pool Authority of Northern California, to administer this program. Any questions regarding these regulations and requirements should be referred to the Human Resources Department.

**Guidelines:** Detailed mandatory guidelines governing the areas listed below shall be distributed to employees directly affected by this policy. The guidelines address the following areas:

**1. Purpose:** The intent of the guidelines is to provide a safe and healthy work environment for employees by having an alcohol and drug-free workplace.

**2. Definitions:** Definitions of terms related to the Omnibus Transportation Employee Testing Act of 1991/49 Code of Federal Regulations Part 40 (49 CFR Part 40) such as: alcohol, alcohol use, breath alcohol technician, commercial motor vehicle, confirmation test, driver, employee, employer, evidential breath testing device, medical review officer, performing a safety sensitive function, reasonable suspicion, refusal to submit (to an alcohol or controlled substance test), safety sensitive function, screening test, and substance abuse professional.

**3. Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse:** In 2012, the Drug and Alcohol Clearinghouse online database was created by an act of Congress and became effective on January 6, 2020. The database will provide employers, substance abuse professionals, medical review officers, law enforcement officers, and other special designees with real-time information about commercial drivers who have violated DOT drug or alcohol testing rules across state lines. The

FMCSA Clearinghouse includes additional requirements for reporting DOT violations, return-to-duty and follow-up testing plans, as well as annual queries of commercial driving employees.

**4. Prohibited Activity:** Sets forth the alcohol and controlled substance-related activities that are prohibited and the resulting disciplinary actions which may be taken by the City.

**5. Types of testing:** Included in this section are the types of alcohol and substance abuse testing permitted under this policy. This includes pre-employment controlled substance testing-commercial drivers; random testing; reasonable suspicion testing; post-accident alcohol and controlled substances testing; positive alcohol/controlled substance test; mandatory drug/alcohol rehabilitation program; return to duty testing; and follow-up testing.

**6. Procedure:** Establishes the method of testing and the levels for determining whether an employee is under the influence. The procedures address alcohol and controlled substance testing.

**7. Consequences to employees engaging in conduct prohibited by the U.S. Department of Transportation Federal Motor Carrier Safety Administration Drug Use and Alcohol Misuse Rules:** Employees who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action up to and including termination. This section provides details into rehabilitation/disciplinary action which may be taken by the City.

**8. Training:** Staff training shall include informational materials as well as mandatory supervisory training. Training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and the use of controlled substances and is intended to assist supervisors in making appropriate determinations for reasonable suspicion testing.



# City of Pittsburg

## ALCOHOL AND DRUG TESTING REQUIREMENTS FOR COMMERCIAL MOTOR VEHICLES DRIVERS' REQUIREMENTS

### 1. PURPOSE

The purpose of these requirements is to explain in detail the procedures for implementing Administrative Order No.96-073 which set forth the requirements for commercial motor vehicle drivers. In accordance with U.S. Department of Transportation (DOT) regulations issued under the Omnibus Transportation Employee Testing Act of 1991/49 Code of Federal Regulations Part 40 (49 CFR Part 40), drivers having a commercial driver's license (CDL) who operate specific commercial motor vehicles and occupy safety-sensitive positions are subjected to controlled substance and alcohol testing rules. The City has contracted with Municipal Pooling Authority of Northern California to administer this program. Any questions regarding these requirements should be referred to the Human Resources Department.

### 2. DEFINITIONS

Following are the definitions of terms related to the Omnibus Transportation Employee Testing Act of 1991/ 49 CFR Part 40 and referenced in this policy:

**2.1 Alcohol** - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.

**2.2 Alcohol Use** - The drinking or swallowing of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.

**2.3 Breath Alcohol Technician (BAT)** – An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

**2.4 Commercial Motor Vehicle** – A motor vehicle or combination of motor vehicles which:

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

**2.4.2** has a gross vehicle weight rating of 26,001 or more pounds; or

**2.4.3** is designed to transport 16 or more passengers, including the driver; or

**2.4.4** is of any size and is used in the transportation of hazardous materials requiring placards.

**2.5 Confirmation Test** - For alcohol testing, a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data of alcohol concentration. For controlled substances testing, a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test in order to ensure reliability and accuracy.

**2.6 Driver** - Any person who operates a commercial motor vehicle. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle and current City employees transferring into positions which required driving of a commercial vehicle.

**2.7 Commercial Driving Licensed Employee** – For the purpose of this section, employee refers to any employee of the City, holding a California commercial driver's license, and occupying or applying for transfer to a position performing safety-sensitive functions as described herein. Those classifications which may require Class A or B California Driver's Licenses and/or hazardous materials or tanked endorsements are defined by the City's current classification specifications/job descriptions.

**2.8 Employer** - Any person or entity who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle, including agents, officers, and representatives of the employer.

**2.9 Evidential Breath Testing Device (EBT)** - A device approved by the National Highway Traffic Safety Administration ("NHTSA") for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

**2.10 Medical Review Officer (MRO)** - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the City's drug testing program or his/her designee who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

**2.11 Performing a Safety-Sensitive Function** - Any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

**2.12 Reasonable Suspicion** – Belief that the driver has violated the alcohol or controlled substances prohibitions, based on objective facts and reasonable inference drawn from those facts, that an employee is under the influence of a drug and/or alcohol. Such facts may include characteristic of the employee's appearance, behavior, mannerisms, speech, or body odors. Examples include but are not limited to:

- 2.12.1 Inability to perform work properly.
- 2.12.2 Behavior is creating a safety hazard.
- 2.12.3 Difficulties walking or standing, problems with dexterity, or other physical activity impairment.
- 2.12.4 Impaired ability to speak (slurred, thick speech).
- 2.12.5 Belligerent or violent behavior or wide mood swings.
- 2.12.6 Excessive unauthorized absenteeism
- 2.12.7 Any conduct which constitutes a significant change from the individual's usual behavior, or which indicates impairment of sound judgment.
- 2.12.8 Glazed/fixed stare.
- 2.12.9 Abnormally dilated or constricted pupils
- 2.12.10 Glassy or bloodshot eyes.
- 2.12.11 Unusual odor of breath or skin.
- 2.12.12 Nose bleeds and excessive sniffing.
- 2.12.13 Actual observation of the ingestion or use of alcohol or a drug by an employee.

Reasonable suspicion alcohol tests must be administered within two hours of observation. If not, the supervisor must document in writing why the test was not conducted promptly. No alcohol test based on reasonable suspicion may be given after eight hours from observation.

**2.13 Refusal to Submit (to an alcohol or controlled substance test) – A driver 1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing; 2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing; or 3) engages in conduct that clearly obstructs the testing process. Commercial driving employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions.**

**2.14 Safety-Sensitive Function – Any of those on-duty functions as follows:**

**2.14.1** All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatch, unless the driver has been relieved from duty by the employer.

**2.14.2** All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR), or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.

**2.14.3** All time spent at the driving controls of a commercial motor vehicle.

**2.14.4** All time, other than driving time, spent on or in a commercial motor vehicle.

**2.14.5** All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

**2.14.6** All time spent performing the driver requirements associated with an accident.

**2.14.7** All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**2.15 Screening Test (initial test)** - In alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

**2.16 Substance Abuse Professional (SAP)** – A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

**3. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION (FMCSA) CLEARINGHOUSE REQUIREMENTS**

On January 2020, the FMCSA Clearinghouse was established as a secured online database that contains real time information about drug and alcohol violations by commercial driver license holders. This database makes it easier for employers to get information on commercial drivers without relying on them to self-disclose. The Clearinghouse contains records of drug and alcohol violations as required by the regulations. The records include positive drug or alcohol test results and test refusals.

When a driver completes the return-to-duty (RTD) process and follow-up testing plan, this information will also be recorded in the Clearinghouse. The Human Resources Department is required to perform annual limited queries for every driver who is employed, and a pre-employment full query on candidates. The FMCSA Clearinghouse does not change any of the existing drug and alcohol program testing requirements. It only impacts the reporting of results.

**3.1** Employers are required to report the following personal information in the FMCSA Clearinghouse database within three business days:

**3.11** A verified positive, adulterated, or substituted drug test result.

**3.12** An alcohol confirmation test with a concentration of 0.04 or higher.

**3.13** A refusal to submit to any test as required by DOT guidelines.

**3.14** An employer's report of actual knowledge of a DOT drug or alcohol violation.

**3.15** A negative return-to-duty (RTD) test results and the successful completion of a driver's follow-up testing plan.

A driver does not need to be registered in the Clearinghouse for a violation to be added to their record. Drivers are required to receive a copy of the information reported to the FMCSA Clearinghouse via email or regular mail.

**3.2** Supervisors of employees who are commercial drivers, are required to understand the definitions of actual knowledge so that violations can be reported accurately. Such definitions include:

**3.22** A driver has used alcohol or controlled substances based on the employer's direct observation of the employee. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing.

**3.23** A traffic citation for driving a commercial motor vehicle while under the influence of alcohol or controlled substances or an employee's admission of alcohol or controlled substance use. "Traffic citation" means a ticket, complaint, or other document charging driving a commercial motor vehicle while under the influence of alcohol or controlled substances.

**3.3** The FMCSA Clearinghouse applies to and impacts all commercial drivers who operate a commercial motor vehicle. It is recommended that all City commercial holders registered on the FMCSA website to check their record at the following address: <https://clearinghouse.fmcsa.dot.gov/>. Registration is voluntary if a commercial driver has no DOT drug or alcohol violations. However, registration becomes mandatory if/when a DOT violation occurs on or after January 6, 2020. A commercial driver will

need to be registered to provide electronic consent in the Clearinghouse if a prospective or current employer needs to conduct a full query of the driver's record.

**3.31** Drivers can access their Clearinghouse record at no cost once registered. Drivers will be able to view any drug and alcohol program violation information available in the Clearinghouse, along with the status of their return-to-duty (RTD) process, if applicable.

**3.32** The Clearinghouse will also notify a driver anytime information is added to, revised, or removed from the Clearinghouse. Registered drivers can be notified via email or regular mail. If the driver has not yet registered for the Clearinghouse, these notifications will be sent by mail using the address associated with the driver's commercial driver's license (CDL).

**3.34** In the event that employers, MROs, or other service providers mistakenly add information to the Clearinghouse, drivers can petition the Clearinghouse to request corrections to their Clearinghouse record. Drivers may challenge only the accuracy of information reported, not the accuracy or validity of test results or refusals.

**3.4** Human Resources is required to "limited" query all current employees at least annually, all new potential hires, and newly transferred/promoted employees to commercial driving positions. All queries will require consent in order to be conducted. A limited query will only show that there is a record on a person but not what is on it. If no violation is found on a limited query then no further action is required.

**3.41** Employees must complete a consent form in order for Human Resources to run a limited query on their records. Limited queries will tell an employer if FMCSA Clearinghouse has any information about a driver's resolved or unresolved drug and alcohol violation but does not provide the specific details.

**3.42** If there is a record on a commercial driver, then Human Resources is required to run a full query on the driver. The driver will need to provide electronic consent for a full query through the FMCSA website. Full queries provide the employer with detailed information about any driver's resolved or unresolved drug and alcohol program violations.

**3.43** If the driver refuses to provide consent within 24 hours then he/she must be removed from their safety sensitive functions and operating a commercial motor vehicle. An alternative outcome cannot be determined until a full query is conducted.

**3.44** If a driver has violation and no negative "Return to Duty" test result, the driver is removed from safety-sensitive functions.



**3.45** If a driver has a violation and a negative "Return to Duty" test result, then no action is required.

**3.46** As part of the pre-employment hiring process for new commercial drivers, new potential hires will be required to register and/or grant the City's Human Resources with permission to run pre-employment queries AND will need to complete the paper DOT reference form to submit to current/previous employers in the last two years. By January 6, 2023, the manual submittal of the paper DOT reference form will be abandoned.

Human Resources is required to keep a record of each query conducted and all the information received in response, for three years (even for candidates who are not hired).

#### **4. PROHIBITED ACTIVITY**

The following alcohol and controlled substance-related activities are prohibited and may result in discipline up to and including termination:

**4.1** Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

**4.2** Performing safety-sensitive job duties within four hours of consuming alcohol.

**4.3** Being on duty or operating a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol, unless the packaging seal is unbroken.

**4.4** Using alcohol while performing safety-sensitive functions.

**4.5** When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.

**4.6** Refusing to submit to an alcohol or controlled substance test required by pre-employment, post-accident, random, reasonable suspicion, or follow-up testing requirements.

**4.7** Reporting for duty or remaining on duty, requiring the performance of safety sensitive functions, when the driver uses any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Use of controlled substances as defined by law must be in accordance with a physician's authorized prescription.

**4.8** Reporting for duty, remaining on duty, or performing a safety-sensitive function if the driver tests positive for controlled substances.

## **5. TYPES OF TESTING**

### **5.1 Pre-Employment Controlled Substance Testing – Commercial Drivers**

Prior to the employment of any individual who will occupy a classification designated to perform safety-sensitive functions (as listed in “2. Definitions”), and prior to the transfer of any current City employee into a position which performs safety-sensitive functions, that individual must submit to testing for controlled substances.

No candidate for City employment or current City employee involved in a transfer to a position designated to perform safety-sensitive functions shall be deemed qualified for appointment or transfer unless he/she has received a controlled substance test result from the City’s testing facility with a verified negative result.

### **5.2 Random Testing**

**5.2.1** Random alcohol testing shall be administered at a minimum annual rate of 25 percent of the average number of commercial driver positions.

**5.2.2** Random controlled substances testing shall be administered at a minimum annual rate of 50 percent of the average number of commercial driver positions.

**5.2.3** The City shall ensure that random alcohol and/or controlled substances tests are unannounced and spread reasonably throughout the calendar year. It is possible under this random testing program that one qualified employee could be tested more than once during a calendar year, while other employees may not be tested at all during that same time.

**5.2.4** The City shall ensure that commercial drivers selected for random alcohol and/or controlled substance tests are taken to the designated testing facility upon notification of being selected.

**5.2.5** Under this section, the employee shall be tested for alcohol while he/she is performing safety-sensitive functions (see 2.11).

**5.2.6** In the event the employee who is selected for random alcohol and/or controlled substances test is on vacation or an extended medical absence, the City may either select another employee for testing or keep the original selection confidential until the employee returns from leave.

### **5.3 Random Selection Process**

**5.3.1.** Drawing will be unannounced and the dates for testing will be spread out during the course of the year. The drawings will be conducted in a manner that ensures confidentiality and randomness of selections.

**5.3.2** After the drawing is completed, each selectee will be notified that they have been selected for a random alcohol and/or drug test and are to be taken immediately to the testing facility. Employees selected for random testing will be transported to the testing facility by the City.

### **5.4 Reasonable Suspicion Testing**

Employee is required to submit to an alcohol or controlled substance test when there is reasonable suspicion as defined herein to believe such employee has violated the alcohol or controlled substances prohibitions. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or manager who has been trained in accordance with this program.

### **5.5 Post-Accident Alcohol and Controlled Substances Testing**

As soon as practicable following an accident involving a commercial motor vehicle, the City shall test for alcohol and controlled substances each surviving employee when:

**5.5.1** The accident involved a fatality; or

**5.5.2** An injury treated away from the scene

**5.5.3** The employee receives a citation under state or local law for a moving traffic violation arising from the accident.

For the purposes of this section, accident is defined as an accident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene.

Controlled substance tests will be administered within the following time frame:

<b>Time Elapsed</b>	<b>Action Required</b>
2 hours	If the employee has not submitted to an alcohol test this time, the City shall prepare and maintain on file a record stating the reason a test was not properly administered.
8 hours	Cease attempts to administer alcohol test and prepare and maintain records described above.

32 hours

If the employee has not submitted to a controlled substance test at this time, the City shall cease attempts to administer the test and prepare and maintain the records described above.

**Employee's Responsibility:** Any employee who is subject to post-accident testing must remain available for testing, or the City may consider the employee to have refused to submit to testing. The employee subject to post-accident testing must refrain from consuming alcohol for eight hours following the accident, or until he/she submits to an alcohol test, whichever comes first. Failure to comply with these directions constitutes insubordination which may lead to disciplinary action up to and including termination.

### **5.6 Positive Alcohol/Controlled Substance Test**

Engaging in any prohibited activity (see Section 3) will constitute a positive alcohol/controlled substance test. In the event positive test results occur, the Human Resources Department will contact the appropriate department and provide assistance to the supervisor for follow-up action based on the supervisor's documentation and test results. Appropriate action will be determined by the Department with the assistance of the Human Resources Department. Action may include referral of the employee for participation in a mandatory Drug/Alcohol Rehabilitation Program, and may include temporary reassignment to non-safety-sensitive job functions with a reduction in pay appropriate to the new assignments.

### **5.7 Mandatory Drug/Alcohol Rehabilitation Program**

Any employee enrolled in a mandatory Drug/Alcohol Rehabilitation Program is subject to the terms and conditions of that agreement, which includes in part the requirement that all counseling be completed during non-work time, at the employee's own expense, and the requirement to submit to drug and/or alcohol tests at any time after returning to work when requested by a supervisor. The schedule of follow-up testing will be determined by the SAP.

The affected employee will receive a copy of the written agreement between the employee and the SAP stating the terms and conditions of the mandatory Drug/Alcohol Rehabilitation Program. The City will also receive a copy of the agreement. An employee refusing to participate in the mandatory Drug/Alcohol Rehabilitation Program may be subject to further disciplinary action including termination. Once enrolled in a mandatory drug/alcohol rehabilitation program, such employee cannot be considered for any driving, hazardous duty, or safety sensitive duty until a negative finding on a return-to-duty test is confirmed. Any employee participant in the mandatory Drug/Alcohol Rehabilitation Program must submit to random drug/alcohol testing.

Employees unable to work because of a positive test results will be allowed to use available sick leave, vacation leave, or compensatory time off during the rehabilitation period.

## **5.8 Return-to-Duty Testing**

### **5.8.1 Alcohol Misuse**

The City shall ensure that before an employee returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding alcohol misuse, such employee shall undergo a return-to-duty alcohol test indicating a breath alcohol concentration of less than 0.02.

### **5.8.2 Controlled Substance Abuse**

The City shall also ensure that before such employee returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding controlled substance use, the employee shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

## **5.9 Follow-Up Testing**

Following a determination that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the City shall ensure that the employee is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the Substance Abuse Professional. The employee shall be subject to a minimum of six random follow-up controlled substance and/or alcohol test in the first twelve months after testing positive under this section. The follow-up testing period can be as long as sixty months; this period is determined under the direction of the SAP.

Alcohol follow-up testing shall be performed only when the employee is performing safety-sensitive functions.

## **6. PROCEDURE**

### **6.1 Alcohol Testing**

Alcohol testing will be conducted using evidential breath testing devices (EBT) approved by the National Highway Traffic Safety Administration. A screening test must be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test must be conducted. If the level of the second confirmation test is below 0.02 then it shall be deemed a negative test. If the level is between 0.02 and 0.039, the employee shall be removed from service for 24 hours.

Alcohol testing shall be accomplished by the City's designated testing facility.

## **6.2 Controlled Substance Testing**

**6.2.1** The test must be conducted by analyzing the employees' urine.

**6.2.2** The urinalysis must be done at a laboratory certified by the Department of Health and Human Services.

**6.2.3** The urine specimen must be split into two bottles labeled as primary and split specimen. Both bottles must be sent to the lab.

**6.2.4** If the urinalysis of the primary specimen tests positive for the presence of illegal, controlled substances, the employee has 72 hours to request that the split specimen be analyzed by a second certified lab to be chosen at the discretion of the Medical Review Officer (MRO). The cost of the second test will be borne by the employee unless the test is confirmed negative,

**6.2.5** The urine sample must be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

**6.2.6** If the test is positive for one or more of the drugs listed in "6.25" above, a confirmation test must be performed using gas chromatography/mass spectrometry analysis.

**6.2.7** All drug test results will be reviewed and interpreted by the MRO before they are reported to the City's Human Resources Department.

**6.2.8** With all positive drug tests, the MRO will contact the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the City as negative.

## **7. CONSEQUENCES TO EMPLOYEES ENGAGING IN CONDUCT PROHIBITED BY THE DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION'S DRUG USE AND ALCOHOL MISUSE RULES**

Employees who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substances are subject to disciplinary action up to and including termination:

**7.1** The employee shall not be permitted to perform safety-sensitive functions.

**7.2** The employee shall be advised by the City of the resources available to him/her in evaluating and resolving problems associated with the misuse of alcohol or use of controlled substances.

**7.3** In accordance with the City's Alcohol and Drug Abuse Policy, the Human Resources Department shall determine appropriate disciplinary action, which must include evaluation by a Substance Abuse Professional (SAP) who shall determine what assistance if any the employee needs in resolving problems associated with alcohol misuse and controlled substance abuse.

**7.4** Any employee identified as needing assistance in resolving problems associated with alcohol or controlled substances shall be evaluated by the Substance Abuse Professional to determine that the employee has followed the rehabilitation program prescribed. The cost of the evaluation and rehabilitation program shall be borne by the employee (see section 5).

**7.5** Before the employee returns to duty performing safety-sensitive functions, he/she shall undergo a return-to-duty drug and/or alcohol test(s) with a result indicating a breath alcohol level of less than 0.02, and/or a verified negative controlled substance test. The specific return-to-duty test(s) will be determined by the SAP.

**7.6** The employee shall also be subject to unannounced follow-up alcohol and controlled substance testing as described in Section 5.7 above. The number and frequency of such follow-up testing shall be directed by the substance abuse professional and consist of at least six tests in the first twelve months after return-to-duty in the prescribed rehabilitation program. This return-to-duty testing may extend as long as sixty months.

## **8. TRAINING**

### **8.1 Informational Material**

As required by the Department of Transportation, the City of Pittsburg will provide information on drug use and treatment resources to safety-sensitive employees. Also, all safety-sensitive employees will receive a copy of this policy and must sign a confirmation of receipt.

### **8.2 Mandatory Supervisory Training**

All supervisors of safety-sensitive employees shall attend at least two hours of training on the signs and symptoms of substance abuse. This training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and the use of controlled substances, and is intended to assist supervisors in making appropriate determinations for reasonable suspicion testing.

## **9. CONFIDENTIALITY & RECORDKEEPING**

The City is required to keep records of its alcohol and drug testing. Alcohol and drug testing records are confidential and may only be released to the employer, substance abuse professional, and as required or authorized by law.