

CITY OF FLAGSTAFF

City Employee Directives

No. 4-014

Title: **ALCOHOL AND CONTROLLED SUBSTANCE TESTING
POLICY FOR CDL OPERATORS**

Effective: **January 1, 1995** **Revision:** **May 10, 2019**

Contact: Office of Human Resources (779-7698)

A.PURPOSE

The purpose of this policy is to establish administrative and procedural guidelines to ensure that the City meets the legal requirements of the federal regulations requiring alcohol and controlled substance testing of employees who are required to possess a Commercial Drivers License as a requirement of their job duties. In addition the purpose of this policy is to deter and detect the use of alcohol and illegal use of controlled substances, to enforce the City's drug-free workplace policy, to ensure a safe working environment for employees, and to ensure that the employees who serve the community are drug and alcohol free.

B.SCOPE

This policy is adopted to coincide with the federal regulations which became effective January 1, 1995. This federal regulation requires all employers to test employees who are required to have a Commercial Drivers License (CDL) as part of their job for the illegal use of alcohol and controlled substances.

C.EMPLOYEES WHO WILL BE SUBJECT TO RANDOM TESTING

1. All tenured and tenure eligible, ATP, and temporary employees whose job descriptions require them to possess a CDL for their employment.
2. Employees whose job descriptions do not require a CDL will not be allowed to operate trucks or equipment which requires a CDL licensed employee or operator and will not be subject to random drug testing.
3. Employees who have a CDL but whose City job does not require them to possess a CDL will not be tested.

D.SUBSTANCES FOR WHICH EMPLOYEES WILL BE TESTED

1. Controlled substances: cocaine, marijuana, opioids, amphetamines, barbiturates, benzodiazepines, methadone, MDA-analogues, phencyclidine (PCP) and chemical derivatives of these substances.
2. Blood Alcohol Concentration (BAC).

E.PROHIBITIONS

1. No employee shall report for duty or remain on duty requiring the operation of a City vehicle or equipment functions while having a Blood Alcohol Concentration (BAC) of 0.02 or greater.
2. No employee shall be on duty while possessing or consuming alcohol.
3. No employee shall be on duty while having in his/her system, using or possessing any trace of controlled substances enumerated above.
4. No employee shall report to duty within four (4) hours after consuming alcohol.
5. No employee required to take a post-accident alcohol test shall consume alcohol for eight (8) hours following the accident, or until they undergo a post-accident alcohol test, whichever occurs first.
6. Medicine containing alcohol or controlled substances may be used while operating a vehicle only if taken pursuant to the instructions of a physician and either: (i) the driver/operator has been advised by such physician that the substance will not adversely effect his/her ability for safe operation, or (ii) the driver/operator has no reason to know (including label warnings, etc.) that such medicine will adversely effect his/her ability for safe operation.

**F.CIRCUMSTANCES UNDER WHICH ALCOHOL AND CONTROLLED
SUBSTANCE TESTING WILL BE CONDUCTED**

1. **Post-employment offer** - After the candidate has been offered the job but before they actually begin work.
2. **Post-layoff period** - Employees returning to work after a layoff period (for whatever reason) of more than thirty (30) days.

3. **Change in job duties** - Employee’s job duties change in such a way that they are required to obtain a CDL.
4. **Reasonable suspicion** – An employee will be tested when a supervisor has reasonable, articulable and individualized suspicion that an employee is under the influence of controlled substances or alcohol while on duty, at any time when reporting to work or during the employee’s shift. Possible grounds on which a supervisor’s reasonable suspicion may include factors, but not limited to, such as slurred speech, red eyes, dilated pupils, incoherence, unsteadiness, smell of alcohol or marijuana emanating from the employee’s body, inability to carry on a rational conversation, increased carelessness, erratic behavior, inability to perform the job, or other unexplained behavioral changes, characteristics, or events. Any factors upon which a supervisor relies in determining reasonable suspicion exists to test an employee shall be clearly set forth in the Reasonable Suspicion Observation Form, Appendix VII. In such circumstances, a trained supervisor may, but is not required to, seek the opinion of at least one additional trained supervisor, if practical, prior to ordering the employee to testing. After a reasonable suspicion drug test, the employee will be sent home with pay (refer to Appendix II, 3.D), pending the outcome of the test.
5. **Post-accident** - After every accident an employee is involved in while operating a City vehicle, equipment, or while on duty (i) which results in a fatality, or (ii) in connection with which the employee receives a moving traffic citation or which results in injury to any person that requires immediate medical attention away from the scene of the accident or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. Testing shall be done as soon as possible following the accident, but in no event more than eight (8) hours following the accident. A driver/operator who cannot provide a breath or urine sample within such time period as a result of serious injury sustained in such an accident must subsequently authorize a release to the Workplace Compliance Officer of such medical records that would indicate BAC or the presence of controlled substances in his/her system.
6. **Travel time** – Time spent traveling to and from taking tests (except for post-employment offer) will be recorded as “time worked.” All testing will be paid for by the City.
7. **Return to duty** - For a BAC testing of above 0.02 but less than 0.04 for any testing, that employee must undergo a return-to-work test to verify they are below 0.02.

8. **Follow-up testing** - Periodic unannounced testing of an employee who has tested positive in a previous alcohol test.
9. **Random testing** - Sporadically scheduled drug and alcohol tests will be performed throughout the calendar year. The percent of employees to be tested is based on the number of CDL holders (including temporary employees) as of January 31.
 - a. No less than fifty (50) percent of CDL holders shall be selected for random drug tests and for random alcohol tests, the percentage will be determined by the Department of Transportation on a yearly basis.
 - b. Being selected and subjected to a random test (or for any testing reason) does not remove the employee from future drawings. Therefore, it is possible for any one employee to be drawn for any or all tests throughout the year.

G. CONSEQUENCES OF TESTING REFUSAL

1. New hires

Candidates refusing post-offer testing, or failing to appear for testing, will have the job offer withdrawn. An exception will be if the candidate is delayed or mistaken about the appointment and is able to make up the appointment within a twenty-four (24) hour period of the originally scheduled appointment.

2. Employees

- a. Refusal of reasonable suspicion testing, post-accident testing, random testing, return-to-duty testing, or follow-up testing, will result in termination.
 - b. Change in jobs due to a promotion, will result in the offer being withdrawn. For demotion, reclassification, or change in job description, refusal will result in an administrative action, up to and including dismissal.
3. Behavior that constitutes refusal. An employee will be deemed to have refused testing when he/she:
 - a. Fails to provide adequate breath for testing without a valid medical explanation.
 - b. Fails to provide adequate urine for controlled substances testing without a valid medical explanation.

- c. Engages in conduct that clearly obstructs the testing process, including, but not limited to, tampering with any sample.
- d. Fails to arrive for a scheduled testing unless documentation of a medical reason is presented.
- e. Fails to proceed to the testing site within thirty (30) minutes of being notified to report for any post-accident, reasonable suspicion, or random testing, absent adequate documentation of a medical or similar emergency that prevented submission to testing.
- f. Fails to report for testing before going home sick without medical documentation stating that the employee is unable to test.

**H. CONSEQUENCES OF A POSITIVE BLOOD ALCOHOL CONCENTRATION
(BAC)**

1. **First Offense** - Test results of 0.02 to 0.04 will result in suspension without pay for twenty-four (24) hours. Suspensions for a positive test result shall commence on the day on which the positive result is reported to the Compliance Officer or, alternatively, on the employee’s next regularly scheduled day of work, whichever occurs sooner. Test results of 0.05 to 0.07 will require mandatory referral to a certified Substance Abuse Professional, 24 hours suspension without pay, and may result in termination. Test results of 0.08 or greater will result in immediate termination since blood alcohol content level is sufficient, pursuant to Arizona Revised Statutes, to presumptively establish that one is “under the influence.”
2. **Second Offense** - Within three (3) years of the first offense, an employee’s test results of 0.02 to 0.04 will result in an immediate three (3) day suspension without pay starting from the time of the positive test, and will require mandatory referral to a certified Substance Abuse Professional. Test results of 0.05 to 0.07 will require mandatory referral to a certified Substance Abuse Professional, an immediate four (4) day suspension without pay, and may result in termination. Test results of 0.08 or greater will result in immediate termination since blood alcohol content level is sufficient, pursuant to Arizona Revised Statutes, to presumptively establish that one is “under the influence.”

3. **Third Offense** – Any offense committed within three (3) years of the first offense in which test results of 0.02 or greater will result in immediate termination.

I. CONSEQUENCES OF A POSITIVE DRUG TEST

Any confirmed positive drug test will result in termination, unless the employee has availed him/herself of the prior reporting opportunity described in this policy.

Nothing in the Policy shall preclude an employee’s right to appeal any adverse determination hereunder in accordance with the City’s personnel regulations. It is a requirement of the Federal Regulation that anyone who has tested positive for a controlled substance be treated by a Substance Abuse Professional before they may be hired for or return to a CDL driving position with any employer or prospective employer. A listing of Substance Abuse Professionals in the Flagstaff area is listed in Appendix V of this Policy.

By: Barbara Goodrich, City Manager

Dated: May 10, 2019

The following appendices outline the detailed implementation guidelines for this Policy.

Appendix I - List of classifications that require a CDL

Appendix II - Responsibilities of involved parties (Human Resources Division, Employees, Supervisors)

Appendix III - Testing/collection sites
Confidentiality of testing results

Appendix IV - Testing methods and collection procedures

Appendix V - Substance Abuse Professionals listing

Appendix VI - U. S. Department of Transportation substance abuse testing forms

Appendix VII - Reasonable Suspicion Observation Form

APPENDIX I

LIST OF CLASSIFICATIONS THAT REQUIRE A CDL

Div	Classification Title
11	Library Assistant I - County Bookmobile
21	Assistant Fuel Manager
21	Fuel Management Leadworker
26	Maintenance Worker II
26	Maintenance Worker III
27	Fleet Supervisor
27	Mechanic Aide
27	Mechanic I
27	Mechanic II
29	Recreation Mechanical Maintenance Worker
32	Cemetery Maintenance Specialist
32	Equipment Operator I
32	Equipment Operator II
32	Equipment Operator III
32	Equipment Operator III Leadworker
32	Leadworker/Training Coordinator
32	Maintenance Worker I
32	Maintenance Worker II
32	Maintenance Worker III
32	Maintenance Worker III Leadworker
32	Traffic Signal Technician
38	Airport Service Worker I
38	Airport Service Worker II
38	Airport Operations Supervisor
41	Bin Maintenance/Equipment Operator
41	Landfill Equipment Operator I
41	Landfill Equipment Operator II
41	Landfill Equipment Operator III
41	Landfill Maintenance Operator
41	Environmental Services Equipment Operator I
41	Environmental Services Equipment Operator II
41	Environmental Services Supervisor (Routes)
41	Environmental Services Supervisor (Landfill)
47	Mechanical Maintenance Worker III

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- 47 Mechanical Maintenance Worker (temporary mountain crew)
- 47 Meter Service Technician
- 47 BB- Maintenance Specialist
- 49 MSW-Water Service Technician
- 49 BB-Water Services Specialist
- 54 BB-Water Services Specialist
- 54 MSW- Water Service Technician

APPENDIX II

RESPONSIBILITIES OF INVOLVED PARTIES

1. Human Resources Division

- A. For all new hires (temporary, tenured, tenured eligible, or ATP employees), Human Resources makes tentative job offers subject to a negative drug and alcohol screen.
- B. Human Resources will ensure that new CDL employees receive a copy of this Policy and attend orientation training upon employment.
- C. Human Resources will be responsible for administering and scheduling all drug and alcohol testing for post-job offers, post-layoff periods, changes in job duties, follow-up testing, and random testing.
- D. Human Resources will be responsible for coordinating training associated with this Policy.
- E. The Human Resources Manager will serve as the Workplace Compliance Officer.

2. Employees

- A. Employees who notify their supervisor, Department Head, or Human Resources that they have a drug or alcohol problem, or believe that they may test positive for drugs or alcohol when submitting to a test prescribed under this Policy, will be provided assistance through the City’s Employee Assistance Program and/or any other means of rehabilitation, so long as such notification is made *prior* to the employee’s submission to a drug or alcohol test as required under this Policy. Any employee who avails him/herself of this prior reporting opportunity shall not be terminated for a positive test result.
- B. Employees shall not report to work or remain on duty when they are under the influence of alcohol or have a controlled substance in their system (unless a doctor has stated that the substance is medicinal and will not impair the employee).
- C. An employee having grounds to reasonably suspect a co-worker of drug or alcohol use or impairment while on duty should bring such suspicion to the immediate attention of a supervisor. Failure to do so may result in disciplinary action.

- D. Employees must cooperate with test requests and release of information
- E. Employees must immediately notify the police regarding all motor vehicle accidents in which they are involved while driving a City vehicle in accordance with the City’s Accident Reporting Policy. Employees must immediately contact their supervisor for any equipment accidents or on-the-job employee injury.
- F. Any employee involved in a motor vehicle accident while driving a City vehicle shall notify a supervisor as soon as practical following such accident. A driver of a City vehicle who leaves the scene of an accident before notifying a supervisor (or, when no phone or radio is available to the driver at the scene, who unduly delays such notification) may be deemed to have refused to submit to testing. This does not mean that necessary treatment for injured people should be delayed or that a driver cannot leave the scene for the period necessary to obtain necessary assistance.
- G. Employees may drive themselves to the testing site for random testing scheduled by Human Resources. For tests following accidents or reasonable suspicion, the employee will be driven by the supervisor or his/her designee.
- H. Any employee found to have a BAC of 0.02 or greater will not be allowed to drive him/herself home from the testing site. The supervisor may, at his/her discretion, provide for transportation from the testing site, or may require the employee to arrange for such transportation.

3. **Supervisors**

- A. Any notification by an employee to his/her supervisor that he/she has a drug or alcohol problem prior to being directed to submit to a test will be provided assistance through the Employee Assistance Program and/or any other means of rehabilitation. Similarly, any employee who believes he or she may test positive in a test given pursuant to this Policy will likewise be provided assistance through the Employee Assistance Program and/or any other means of rehabilitation, so long as the employee gives notification *prior* to the administration of the test. Any employee who avails him/herself of this prior reporting opportunity shall not be terminated for a positive test result. Instead, the employee’s immediate supervisor will facilitate assistance through Human Resources.
- B. Every supervisor (any employee who would normally evaluate other employees) is required to have a minimum of one (1) hour of training in recognizing drug and

alcohol use within twelve (12) months of the adoption of this policy, or his/her employment with the City, if later.

- C. In order to require testing of an employee for reasonable suspicion of drug or alcohol use, a supervisor must have a reasonable, articulable and individualized suspicion that such employee is under the influence of controlled substance or alcohol while on duty. In such circumstances, a trained supervisor should, but is not required to seek the opinion of at least one additional trained supervisor, if practical, prior to ordering the employee to testing. If a supervisor has not yet received the training in recognizing drug and alcohol use required by paragraph 3.B. he/she *must* seek and obtain the opinion of another trained supervisor before requiring testing hereunder.
1. Grounds for reasonable suspicion include, but is not limited to such factors as slurred speech, red eyes, dilated pupils, incoherence, unsteadiness, smell of alcohol or marijuana emanating from the employee’s body, inability to carry on a rational conversation, increased carelessness, erratic behavior, inability to perform the job, or other unexplained behavioral changes, characteristics or events set forth in the Reasonable Suspicion Observation Form attached.
 2. If such grounds for reasonable suspicion exist, the supervisor(s) shall document these observations immediately in writing, if possible on the Reasonable Suspicion Observation Form. Following such documentation, the supervisor(s) shall notify the appropriate department head or designee that an employee is being sent for testing, if possible before the employee is sent for testing, or otherwise as soon as practicable. The supervisor shall then direct the employee to the appropriate testing site. A copy of the supervisor’s report(s) shall be forwarded to the Workplace Compliance Officer within twenty-four (24) hours, and will be provided to the employee upon request.
- D. Supervisors shall arrange for the transportation of any employee to and from for reasonable suspicion and post-accident testing, An employee of whom reasonable suspicion or post-accident testing is required shall be directed to accompany the supervisor, or his/her designee, to the appropriate testing site (listed below) for a urinalysis and/or a breath alcohol test. The supervisor shall inform the employee of the following:

1. The test is part of his/her job responsibilities and that refusal to take the test, cooperate, or sign the release of information will result in termination.
 2. The employee will be sent home with pay until results are received by the City.
 3. The employee will be sent home without pay for twenty-four (24) hours from the time of the positive alcohol test. Further disciplinary action will be as per policy.
 4. The employee will be suspended without pay from the time of the notification of a positive drug test pending the final Medical Review Officer (MRO) report of the drug screening results. If the final MRO report comes back negative, pay will be reinstated.
 5. The City will pay for the test, and the time spent going to and taking test is counted as time worked.
- E. For return-to-duty testing (may be contingent upon release by S.A.P.) for alcohol, the supervisor shall schedule an alcohol test no sooner than eighteen (18) hours after the initial test and subject to testing site availability and office hours. All copies of test results shall be sent to the Workplace Compliance Officer.
- F. A supervisor shall require post-accident testing of an employee as required in F.5 Post-Accident of this Policy. A copy of the supervisor’s report shall be forwarded to his/her department head, or designee, the Workplace Compliance Officer within twenty-four (24) hours and will be provided to the employee upon request. The supervisor’s report shall not be disclosed to any other party, unless required by law or City policy. Any City employee receiving a copy of the supervisor’s report shall maintain the confidentiality of the contents of that report, unless otherwise required by law.

APPENDIX III

1. TESTING/COLLECTION SITES

Testing/collection sites are as follows:

- A. NorChem, Monday through Friday, 10 a.m. to 7 p.m. NorChem is located at 1760 E. Route 66, Flagstaff, Arizona 86004.
- B. Concentra Medical Center, Monday through Friday, 8 a.m. to 8 p.m., Saturday and Sunday, 8 a.m. to 4 p.m. Concentra Medical is located at 120 W. Fine Avenue, Flagstaff, AZ 86001.
- C. Testing procedures are as follows:
The employee tells the technician it will be a split NIDA (DOT) collection test for the NIDA-5. Regardless of which collection sites the employee uses, the specimen shall be sent to Southwest Labs for processing.

The chain of custody form and the urine specimen will go to the following lab:

Southwest Lab
2727 West Baseline Road
Suite 1
Tempe, AZ 85283
~~(800) 279-0027~~

The chain of custody form needs the City of Flagstaff account number and address written in the employer section, and the employer copy must be mailed to:

(9504N) City of Flagstaff
ATTN: Work Place Compliance Officer
211 West Aspen Avenue
Flagstaff, AZ 86001

The chain of custody form also needs the MRO name and address written, and the MRO copy mailed to:

(8908) Timothy Woehl MD MROCC
Occupational Physician Service

1501 N. Gilbert Rd., Ste. #205
Gilbert, AZ 85234

D. Procedures for after hours are as follows:

1. Go to Flagstaff Medical Center’s Emergency Room. Register as an outpatient and put the City of Flagstaff as Guarantor. Tell emergency personnel this is only for a drug a screen and you need to go to the Lab. It is in the same building and is open 24 hours a day.
2. Tell the technician it will be a split NIDA (DOT) collection testing for the NIDA-5. The chain of custody form and the urine specimen will go to Southwest Labs for processing and the process outlined in C above will be followed.

2. CONFIDENTIALITY OF TESTING RESULTS

Release of controlled substances and alcohol tests will be allowed only under the following circumstances:

- A. Testing results shall be placed in the workplace compliance file and will be kept confidential, except as otherwise provided herein. Such results will not be placed in the employee’s 201 file, ~~or~~ any department files, or reported to any other agency, except as specifically required by law.
- B. Employees are entitled, upon written request, to obtain copies of any records pertaining to their use of alcohol or controlled substances, including any records pertaining to any testing conducted pursuant to this Policy. Human Resources shall promptly provide the records requested by the employee.
- C. The City shall permit access to all facilities utilized in complying with the requirements of this law to the Secretary of Transportation, any DOT agency, or any state or local official with regulatory authority over the City or any of its employees.
- D. The City shall make available copies of all results of the City’s alcohol and/or controlled substances use prevention program when requested by the Secretary of Transportation, any DOT agency, or any state or local official with regulatory authority over the employer or any of its employees.

- E. When requested by the National Transportation Safety Board as part of an accident investigation, the City shall disclose information related to the City’s administration of a post-accident alcohol and/or controlled substance test administered following the accident under investigation.
- F. Records shall be made available to a subsequent employer upon receipt of a written request from an employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee’s request.
- G. The City may disclose information required to be maintained under this law pertaining to an employee , the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol and/or controlled substance test administered under this part, or from the City’s determination that the employee engaged in conduct prohibited by subpart B of this part (including, but not limited to a Workers’ Compensation claim, unemployment compensation, or other proceeding relating to a benefit sought by the employee or any administrative action). In any of these instances, the employee will be treated as having waived his/her right to confidentiality of any records and/or test results by putting such records or result in issue.

APPENDIX IV

TESTING METHODS AND COLLECTION PROCEDURES

1. Controlled Substances

The screening will utilize the Enzyme Immunoassay Test (EMIT). Initial positive drug screens will initiate a confirmation test. A confirmation test for controlled substances means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry GC/MS) is the secondary technique that will be used. Urine samples will be collected and recorded in accordance with procedures outlined in 49 CFR, Part 40 of the Federal Law. Urine samples will be processed in accordance with chain of custody procedures within this title. Analysis and review of specimens will be done at an NIDA certified laboratory.

A. Reporting and Review of Results

1. The Medical Review Officer (MRO) shall be a licensed physician (medical doctor or doctor of osteopathy) with knowledge of substance abuse disorders and appropriate training in interpretation and evaluation of drug and alcohol test results in conjunction with a subject’s medical history and other relevant biomedical information.
2. The role of the MRO is to review and interpret confirmed positive test results obtained through the City’s testing program. In carrying out this responsibility, the MRO shall examine alternative medical explanations for any positive test result. This action shall include conducting a medical interview with the individual employee, unless the MRO is unable to make contact with the employee (as described in sections 4a, 4.b, 4c below) and may include review of the individual’s medical history, as well as review of any other relevant biomedical factor(s). The MRO review shall include review of the chain of custody to ensure that it is complete and sufficient on its face. The MRO will only report test results in a manner consistent with this Policy. In the event of a confirmed positive test result, no information shall be given to the employer other than the type of substance for which the employee tested positive. No information regarding the amount of that substance (or substances) contained in the employee’s urine shall be given.

3. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the individual an opportunity to discuss the test result with them. The MRO shall contact the individual directly, on a confidential basis, to determine whether the employee wishes to discuss the test result.

Upon an initial positive test, employees will be sent home as soon as the City is notified by the MRO. Should the test be deemed later to be negative, employees will be paid for any work time.

- a. If, after making all reasonable efforts and documenting them, the MRO shall contact a designated City management official who shall direct the individual to contact the MRO as soon as possible. If, after making all reasonable efforts, the designated management official (Human Resource Manager or designee) is unable to contact the employee, the City may place the employee on temporary medically-unqualified or medical leave without pay.
 - b. The MRO may verify a test as positive without having communicated directly with the employee about the test in the three following circumstances:
 1. The employee expressly declines the opportunity to discuss the test.
 2. The designated employer representative successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than five (5) days have passed since the date the employee was successfully contacted by the designated employer representative.
 3. Other circumstances provided for in DOT agency drug testing regulations.
5. Following verification of a positive test result, the MRO will refer the case to the City’s management official empowered to recommend or take administrative action.
 6. The MRO shall only report a positive test result to the City’s Compliance Officer, and/or the Compliance Officer’s designee, by phone. In all instances of a positive result a signed, written notification must be

forwarded within three (3) business days or completion of the MRO review. The MRO shall report to the City clearly:

- a. That the controlled substances test being reported was in accordance with this Policy and federal law.
- b. The name of the individual for whom the test results are being reported.
- c. The type of test indicated on the custody and control form (i.e., random, post-accident, etc.).
- d. The date and location of the test.
- e. The identities of the persons or entities performing the collection, analysis of the specimens, and serving as the Medical Review Officer (MRO) for the specific test.
- f. The verified results of a controlled substance(s) test, either positive or negative, and if positive, the identity of the controlled substance(s) for which the test was verified positive.

2. Alcohol

Blood Alcohol Concentration (BAC) testing will be done by an Evidential Breath Testing Device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s Conforming Products List (CPL) of Evidential Breath Measurement Devices. BAC breath testing shall be administered by a Breath Alcohol Technician (BAT), an individual trained in alcohol testing procedures and the operation of an EBT, which meets or exceeds the guidelines outlined in Part 40.51 of DOT regulations.

A. Procedures for Screening Tests

1. When the employee enters the alcohol testing location, the BAT will require them to provide positive identification (e.g., through use of a photo I.D. card or identification by an employer representative).
2. The BAT shall explain the testing procedure to the employee.

3. The BAT shall complete Step 1 on the Breath Alcohol Testing Form. The employee shall then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification shall be regarded as a refusal to take the test.
4. An individually sealed mouthpiece shall be opened in view of the employee and BAT and attached to the EBT in accordance with the manufacturer’s instructions.
5. The BAT shall instruct the employee to blow forcefully into the mouthpiece until the Evidential Breath Testing Device (EBT) indicates that an adequate amount of breath has been obtained to enable the BAT to collect a valid sample.
6. In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4 of the form.
7. If the employee does not sign the certification in Step 4 of the form or does not initial the logbook entry for a test, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee’s failure to sign or initial in the “Remarks” section of the form.
8. If a test result printed by the EBT does not match the displayed result, the Breath Alcohol Technician (BAT) shall note the disparity in the “Remarks” section. Both the employee and the BAT shall initial or sign the notation. In accordance with Department of Transportation 49 CFR Part 40.79, the test is invalid and the employer and employee shall be so advised.
9. If a test results are 0.02 or greater, the BAT shall transmit the results to the employer in a confidential manner, and the employer shall receive and store the information so as to ensure that confidentiality is maintained.
10. If the result of the screening test is an alcohol concentration of 0.02 or greater, an additional Blood Alcohol Concentration test will be performed as provided in Part 40.65 of DOT regulations as a confirmation test.
11. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test shall complete and sign the form and log book.

12. All Breath Alcohol Testing shall be conducted in a location which affords visual and audible privacy to the individual being tested sufficient to prevent unauthorized persons from seeing or hearing the results.
13. Unauthorized persons shall be permitted access to the testing location when the EBT remains unsecured or, in order to prevent such persons from seeing or hearing a testing result, at any time when testing is being conducted.
14. In unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the requirements of paragraph (a) of this section. In such a case, the employer or BAT shall provide visual and aural privacy to the employee to the greatest extent practicable.
15. Under the following circumstances, a blood test for blood alcohol levels may be used: (1) when an evidential breath testing device is not available; or (2) upon the determination of a physician that a medical condition has, or with a high degree of probability could have, precluded the employee from having an adequate amount of breath to provide a testable breath sample. As it relates to this section, the term “medical condition” includes, for instance injuries sustained in an accident. In the event a physician determines blood testing is appropriate, he or she shall provide the City with a written statement of the basis for that condition.

B. Confirmation Test Procedures

- a. The BAT shall instruct the employee not to eat, drink, put any object or substance in his/her mouth, and to the extent possible, not belch or vomit during a waiting period before the confirmation test. This time period begins with the completion of the screening test and shall not be less than fifteen (15) minutes. The confirmation test shall be conducted within twenty (20) minutes of the completion of the screening test. The BAT shall explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol from leading to an artificially high reading) and the fact that it is for the employee’s benefit. The BAT shall also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the BAT

becomes aware that the employee has not complied with the instruction, the BAT shall so note in the “Remarks” section of the form.

- b. Before the confirmation test is administered for each employee, the BAT shall ensure that the EBT registers 0.00 on the air blank.
- c. Testing as outlined under “Procedures for Screening Test,” as defined in this Appendix, will be conducted in the event that the screening and confirmation test results are not identical. In the event a confirmation test is required, the result of that test is deemed to be the final result upon which any action under operating administration rules shall be based.
- d. Following the completion of the test, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4 of the form.

APPENDIX V

SUBSTANCE ABUSE PROFESSIONALS

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

Psychology Practitioners
617 N. Humphreys St.
Flagstaff, AZ
(928) 779-3783

Flagstaff Child & Family Counseling Center
408 N. Kendrick St., Suite #3
Flagstaff, AZ
(928) 774-6364

The above is a referral list of local substance abuse professionals. The list is not exhaustive of all current or future local professionals. Payment for services of the substance abuse professional is the responsibility of the individual. However, the services may be covered by the City of Flagstaff group health insurance policy. In addition, Psychology Practitioners and Flagstaff & Child Family Counseling Center are the approved counselors under the City of Flagstaff Employee Assistance Program. For more information regarding the Employee Assistance Program or the Group Health Plan, contact the Human Resources Division.

APPENDIX VII

**REASONABLE SUSPICION OBSERVATION FORM
(STRICTLY CONFIDENTIAL)**

EMPLOYEE NAME: _____

DATE/TIME OF INCIDENT: _____

SUPERVISOR #1 NAME: _____

SUPERVISOR #2 NAME: _____

This checklist is to be completed when an incident has occurred which provides reasonable suspicion that an employee is under the influence of a prohibited drug substance or alcohol. The supervisor(s) note all pertinent behavior and physical signs or symptoms which lead you to reasonably believe that the employee has recently used or is under the influence of a prohibited substance. Mark each applicable item on this form and any additional facts or circumstances which you have noted.

A. NATURE OF THE INCIDENT/CAUSE FOR SUSPICION

- 1. Observed/reported possession or use of a prohibited substance
- 2. Apparent drug or alcohol intoxication
- 3. Observed abnormal or erratic behavior
- 4. Arrest or conviction for drug-related offense
- 5. Evidence of tampering on a previous drug test
- 6. Other (e.g., flagrant violation of safety regulations, serious misconduct, fighting or argumentative/abusive language, refusal of supervisor instruction, unauthorized absence on the job) (please specify)

APPENDIX VII (continued)

B. UNUSUAL BEHAVIOR

- 1. Verbal abusiveness
 - 2. Physical abusiveness

 - 3. Extreme aggressiveness or agitation
 - 4. Withdrawal, depression, mood changes, or unresponsiveness
 - 5. Inappropriate verbal response to questioning or instructions
 - 6. Other erratic or inappropriate behavior (e.g., hallucinations, disorientation, excessive euphoria, confusion) (please specify)
-
-
-

REASONABLE SUSPICION OBSERVATION FORM
(STRICTLY CONFIDENTIAL)

C. PHYSICAL SIGNS OR SYMPTOMS

- 1. Possessing, dispensing, or using controlled substances
- 2. Slurred or incoherent speech
- 3. Unsteady gait or other loss of physical control; poor coordination
- 4. Dilated or constricted pupils or unusual eye movement
- 5. Bloodshot or water eyes
- 6. Extreme fatigue or sleeping on the job
- 7. Excessive sweating or clamminess to the skin
- 8. Flushed or very pale face
- 9. Highly excited or nervous
- 10. Nausea or vomiting
- 11. Odor of alcohol
- 12. Odor or marijuana
- 13. Dry mouth (frequent swallowing/lip wetting)
- 14. Dizziness or fainting
- 15. Shaking hands or body tremors/twitching
- 16. Irregular or difficult breathing
- 17. Runny sores or sores around nostrils

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- 18. Inappropriate wearing of sunglasses
- 19. Puncture marks or “tracks”
- 20. Other (please specify)

D. WRITTEN SUMMARY

Please summarize the facts and circumstances of the incident, employee response, supervisor actions, and any other pertinent information not previously noted. Please note the date, times, and location of reasonable cause testing or note if employee refused test. Attach additional sheets as needed.
