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City Policies


SUBJECT: Drug and Alcohol Use and Testing for Drivers of City Commercial Vehicles Which Require a Commercial Driver's License (CDL)

POLICY NO. HR 15.4

EFFECTIVE: January 1, 1995

REVISED: February 9, 2004

APPROVED: _____


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City Manager

I. PURPOSE AND SCOPE:

The City of Corpus Christi has a responsibility to provide and maintain a drug-free work place for its employees and to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or the use of drugs by drivers of commercial motor vehicles.

This policy covers Department of Transportation (DOT) regulations 49 CFR, Part 382, et.al., Controlled Substances and Alcohol Use and Testing, administered by the Federal Highway Administration (FHWA), and specifically applies to municipal government employees who operate one or more commercial motor vehicles in interstate (across state lines) or intrastate (within one state) commerce.

This Policy covers any employee who is required to have a Commercial Driver's License (CDL), or who has a CDL and might: be called upon to drive a commercial vehicle, including, but not limited to: full time, part time, and temporary employees; employees who occasionally drive, such as laborers driving a commercial vehicle pursuant to HR 4.0-AP3, Acting, Skill-Based, Temporary Assignment Pay, trainees in CDL driver training program and supervisors who may be required to drive vehicles which require a CDL license; and leased drivers and independent owner-operator contractors directly employed by or under lease of the City, or who operate a commercial motor vehicle at the direction of, or with the consent of, the City who are required by this Policy to have a CDL-DOT

drug and alcohol testing program which meets all requirements of 49 CFR Part 382 prior to performing work for the City. Covered positions are listed in Appendix I. This list may be revised as essential CDL driving functions are added or deleted to the essential functions of specific positions. This Policy excludes drivers exempted from CDL license requirements by the State of Texas, such as Firefighter II's who drive fire trucks and related equipment.

Alcohol or drug testing conducted under this Policy shall comply with the procedures set forth in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

Employees covered under this Policy must also comply with the Citywide Alcohol and Drug Policy, H.R. 15.0, and other federally mandated testing programs which apply.

Questions regarding this Policy will be answered by the Director of Human Resources, or designee.

II. DEFINITIONS OF TERMS USED IN THIS POLICY

1. **Accident: Driver** of commercial motor vehicle who was performing safety-sensitive functions with respect to the vehicle when the incident occurred (1) if the accident involved the loss of human life, or (2) resulted in the driver receiving a citation under State or local law for a moving traffic violation arising from the accident and (2a) the accident involved bodily injury to any person who as a result of an injury, immediately received medical treatment away from the scene of the accident, or (2b) if the accident resulted in, as disabling damage, as defined in this policy to one or more vehicles requiring the vehicle to be transported away from the accident scene by a tow truck or other vehicle.
2. **Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.
3. **Alcohol Concentration (or content):** The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under CFR 49, Part 382.
4. **Alcohol Confirmation Test:** A second test, following a screening test, with a result 0.02 or greater that provides quantitative data of alcohol concentration.
5. **Alcohol Screening (Initial) Test:** An analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his/her system.
6. **Alcohol Use:** The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
7. **Canceled Test:** A drug test which is declared invalid and canceled by a Medical Review Officer. A canceled drug test is neither a positive nor negative test. For purposes of 49 CFR- Part 40.3, a sample which has been rejected for testing by a laboratory is a canceled test. The alcohol testing, a test that is deemed to be invalid and canceled by the Breath Analyst Technician (BAT) under 49 CFR, part 40.3, such test is neither a positive nor negative test result. Upon cancellation of an alcohol and/or drug test, the Director, or designee, shall be advised by the MRO of the canceled test, and shall direct further testing.
8. **Certified Drug Testing Laboratory:** Quest Diagnostic, 4770 Regent Boulevard, Irving, Texas 75063
9. **Chain of custody:** Procedures to account for the integrity for each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.
10. **Commercial Motor Vehicle:** A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross

combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (2) has a gross vehicle weight rating of 26,001 or more pounds; or (3) is designed to transport 16 or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

11. **Controlled Substance (Referred to as Drugs in this Policy):** Any of the following substances specified in Schedule I or II of the Controlled Substances Act: Marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).
12. **Disabling Damage:** Damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, which includes motor vehicles which could have been driven away from the accident, but in doing so, would likely result in further damage. Excluded from the definition of "disabling Damage" is (1) damage which can be remedied temporarily at the scene of the accident without special tools or parts; (2) tire disablement without other damage, even if no spare tire is available, (3) headlight or taillight damage; and (4) damage to turn signals, horn, or windshield wipers which makes them inoperative. If an accident occurs after daylight, exclusions 3 and 4 will be considered age disabling.
13. **Driver:** Any person who operates, or is required to operate, a commercial motor vehicle which includes, but is not limited to, full time, regularly employed drivers; casual, intermittent or occasional drivers; drivers in a City-sponsored CDL training program; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the City or who operate a commercial motor vehicle at the direction of the City or with the consent of the City. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to the City to drive a commercial motor Vehicle.
14. **Drug Confirmatory Test:** A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates amphetamines, and phencyclidine.
15. **Failing of an Alcohol Test:** A second test, following a screening test, with a result 0.02 or greater that provides quantitative data of alcohol concentration.
16. **Drug Initial (Screening) Test:** An immunoassay screen to eliminate "negative" urine specimens from further consideration.

17. ***Failing a Drug Test:*** "Failing a drug test" means confirmation of test results under DOT procedures which show positive evidence of the presence of a prohibited drug in a driver's system.
18. ***Medical Review Officers:*** Keith Rose, M.D., THE DOCTORS' CENTER (Calallen Minor Emergency Center) 11559 Leopard Street, Corpus Christi, Texas, 78410.
19. ***Passing a Drug Test:*** "Passing a drug test" means initial testing or confirmation testing under DOT procedures which do **not** show evidence of the presence of a prohibited drug in a driver's system.
20. ***Performing a Safety Sensitive Function:*** A driver is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.
21. ***Pre-Duty/Assignment Drug Testing:*** Drug testing of licensed current employees (learner's permit included) prior to their initial CDL driving assignments due to participation in a CDL driver's training program, or any other personnel action which results in an employee initially moving into a position which requires a CDL license and driving a CDL vehicle. Such drivers shall also receive required CDL Policy training, which will be held on a monthly basis, and shall be placed in the CDL random drug and alcohol testing pool.
22. ***Licensed Medical Practitioner:*** A person who is licensed, certified and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
23. ***Refusal to submit to Alcohol Testing:*** A driver who fails to provide adequate breath for testing as required by 49 CFR, Part 40, without a valid medical explanation after he/she has received notice of the requirement to be tested in accordance with this Policy, or engages in conduct which clearly obstructs the testing process.
24. ***Refusal to submit to Drug Testing:*** A Driver who fails to provide an adequate urine specimen for drug testing as required by 49 CFR, Part 40, without a genuine inability to provide a specimen (as determined by a medical evaluation), after he/she has received notice of the requirement for urine testing in accordance with these provisions, or engages in conduct which clearly obstructs the testing process, has refused to submit.
25. ***Rehabilitation Committee:*** The Rehabilitation Committee consists of the applicable Department Head, or designee; the Medical Review Officer (MRO) for drug related problem, (City's designated physician for positive drug tests); or the Substance Abuse Professional (SAP) supervising the employee's rehabilitation for alcohol misuse under this Policy, or both the MRO and the SAP if drugs and alcohol are involved. The "Rehabilitation Committee" develops and determines an employee's rehabilitation plan and schedule for an employee's return to duty upon the employee having sought help

through the applicable Department Head for a prohibited drug or alcohol related problem or addiction before it was discovered through poor performance or drug testing authorized under this policy.

26. ***Safety-Sensitive Function:*** Includes the time a driver begins to work, or is required to be in readiness to work, until the time he/she is relieved from work and all responsibility for performing work. (1) all time at a worksite waiting to be dispatched to drive a commercial vehicle unless relieved from duty by the Department Head, or designee; (2) all time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; (3) all time spent at the driving controls of a commercial motor vehicle in operation; (4) all time, other than driving time, spent on or in a commercial motor vehicle; (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 giving or receiving receipts for shipments loaded or unloaded; (6) all time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

27. ***Specimen Collection and Alcohol Testing Service Provider:***

8:00 a.m. – 9:00 p.m., Monday through Friday

8:00 a.m. – 6:00 p.m., Saturday

10:00 a.m. – 6:00 p.m. Sunday

The Doctors' Center
4637 S. Padre Island Drive
Corpus Christi, Texas 78411
361-852-6824

Calallen Minor Emergency Center
11559 Leopard Street
Corpus Christi, Texas 78410
361-241-1116

On-Call After Hours Testing (after 9:00 p.m. on Monday through Friday, on Holidays, and Weekends).

On-Call Number: Analytical Testing 438-2846, or 438-8722, or if no one can be reached at those phone numbers, call Dr. Keith Rose at 537-6150. Tell them you are requesting a drug test and/or breath alcohol test.

28. ***Split Sample Urine Specimen Collection:*** The driver shall urinate into a collection container or specimen bottle capable of holding at least 60 ml. per 49 CFR, Part 40, Section 40.25, of which 30 ml. of urine is in one bottle, to be used as the "primary specimen", and at least 15 ml. is in a second bottle, to be used as the "split specimen" portion.
29. ***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 (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with a knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

III. DRUG AND ALCOHOL TESTING REQUIREMENTS

As required by 49 CFR, Part 382, Federal Highway Administration (FHWA) regulations, the following drug and alcohol tests will be conducted in accordance with drug and alcohol testing procedures in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. Prior to performing a test at the direction of the Director or designee, the driver shall be notified by the Director's designee, who may be the specimen collector or BAT test is required by 49 CFR, Part 382:

A. Pre-Employment and Pre-Duty/Assignment Drug Testing and information Required from Previous Employers

- (1) **TESTING:** As a condition of employment, any applicant who is offered a position which requires the performance of safety-sensitive functions, must take a drug test and receive a negative test result as reported by the medical review officer prior to driving a City CDL vehicle and performing other safety Sensitive functions as Defined in this Policy. Pre-Duty / pre-employment drug testing and required training on the City's CDL Policy, as provided in Section X-E, shall apply to (a) all first-time City CDL drivers including, but not limited to new hires (b) current employees holding a position that requires a CDL and who just received their CDL; (c) employees who are promoted, demoted, or transferred from a non-CDL position to a CDL position; (d) employees placed in a training program which requires a CDL; and (e) employees who will start to practice learner's permit and who will start to practice driving City CDL vehicles. Applicants will be advised that they are required to sign a consent from acknowledging this policy as a condition of employment, granting consent for such testing, and releasing required information.
- (2) **Release of Alcohol and Drug Test Information by Previous Employers:** As a condition of employment any applicant who is offered a position after

January 1, 1995, to perform safety-sensitive functions, shall be required to provide a specific, written authorization for previous employers to release to the Director of Human Resources, or designee, (a) information on the driver's alcohol tests with an alcohol concentration result of 0.04 or greater.

Verified positive drug test results, and (c) refusals to be tested, within the preceding two years which is maintained under Part 382 by the driver's previous employers. Information obtained under Part 382 from previous employers is confidential and will be maintained separately from the official personnel file by the Human Resources Department. **No driver shall be permitted to commence work for the City until the information required from a previous employer within the preceding two years has been received by Human Resources.**

- (3) **Proof of Rehabilitation and Recertification:** As a condition of employment, any applicant who is offered a position AFTER January 1, 1995, to perform safety-sensitive functions, and who, while employed as a CDL driver from a previous employer, tested with alcohol concentration result of 0.04 or greater, had a positive drug test result, and/or refused to be tested within the preceding two years (from the date of the City's job offer) shall be required to provide proof of the SAP's evaluation and the driver's completion of rehabilitation and return-to-duty test requirements. To facilitate obtaining such proof, an applicant who is offered a position as a CDL driver after January 1, 1995, shall provide a specific, written authorization to release to the Director of Human Resources, or designee, proof of the SAP's evaluation and the driver's completion of rehabilitation and return-to-duty test requirements. Failure to have completed such rehabilitation and return to duty tests will disqualify the applicant. No driver shall be permitted to commence work for the City if such information indicates that the driver had an alcohol test with a concentration of 0.04 or greater, a verified positive drug test result, or a refusal to be tested, unless the driver has proof that he/she has been retested and medically certified by the SAP as a qualified CDL Driver.
- (4) **TIME LIMIT:** Documentation required by 49 CFR Part 382 must be received prior to a person beginning employment with the City of Corpus Christi. An offer of employment to a driver-applicant is conditional upon the receipt of required documentation no later than the 21st calendar day after the conditional offer is made to the applicant. On the 22nd day, the conditional offer of employment shall be withdrawn. Upon no response being received from requests to obtain information from a previous employer as required by Part 382, good faith efforts to do so shall be documented and retained in the Form 86 folder.
- (5) **DISQUALIFICATION FROM REHIRE BY THE CITY UPON HAVING FAILED A DRUG AND / OR ALCOHOL TEST: Applicants**

and City employees who fail a drug/alcohol test (confirmed positive result) will not be allowed to reapply for a designated CDL position for twenty-four (24) months after the date of the test. However during this twenty-four month period, if the applicant otherwise meets the minimum qualifications of the position, he/she can become eligible to reapply by presenting proof of a Substance Abuse Professional's evaluation, and evidence of completion of a physician-approved rehabilitation program, if required by the evaluation. In addition, he/she will need to meet the pre-employment pre-duty/assignment drug test requirement.

B. Post-Accident Testing

Following an accident involving a commercial motor vehicle, a surviving City driver of a commercial motor vehicle who was performing safety-sensitive functions with respect to the vehicle when the incident occurred, as defined in this Policy, shall be tested for alcohol and drugs (1) if the accident involved the loss of human life, or (2) resulted in the driver receiving a citation under State or local law for a moving traffic violation arising from the accident and (2a) the accident involved bodily injury to any person, who as a result of an injury, immediately received medical treatment away from the scene of the accidents or (2b) if the accident results in disabling damage, as defined in this Policy, to one or more vehicles, requiring the vehicle to be transported away from the accident scene by a tow truck or other vehicle.

Post accident testing under Part 382 is not authorized for: (1) an occurrence involving only the boarding or alighting from a stationary CDL motor vehicle: or (2) an occurrence involving only the loading and unloading of cargo: or (3) an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle by an employer unless the motor vehicle is transporting passengers for hire, or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with Part 382, Paragraph 177.823 of this title.

DRUGS: Testing shall be done as soon as possible after the accident, but in no case, more than 32 hours post-accident. If a drug test is not administered within 32 hours following the accident, the Department Head shall cease attempts to administer a drug test, and shall prepare and maintain on file a record stating the reasons the test was not promptly administered which shall be submitted to the FHWA upon request.

ALCOHOL: Testing shall be done as soon as possible, preferably within two hours of the accident, but in no case more than eight hours post-accident.

- (1) If a post-accident alcohol test is not administered within *two* hours following the accident, the applicable Department Head shall prepare and maintain on file a record stating the reasons why the test was not promptly administered.

If an alcohol test required by this section is not administered within **eight** hours following the accident, the Department Head shall cease attempts to administer an alcohol test and shall prepare and maintain the same record which shall be submitted to the FHWA upon request.

- (2) A driver who is subject to post-accident testing and who fails to remain readily available for such testing, including notifying the applicable Department Head, or designee, of his/her location if he/she leaves the scene of the accident prior to submission to such test, may be deemed by the Department Head, or designee, to have refused to submit to testing.
- (3) Necessary medical attention for injured people following an accident is not to be delayed by the requirements of this Policy. The necessity of a driver to leave the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care is not a violation of this Policy.

C. Random Drug and Alcohol Testing

1. Drivers covered by this policy will be subject to random drug and alcohol testing. Initially, a minimum of 50% of these employees will be drug tested every 12 months, and a minimum of 25% will be alcohol tested every 12 months. The required random testing rate may be revised by FHWA and will be published annually in the Federal Register to become effective beginning January 1 of the calendar year following publication.
2. Drivers to be tested will be selected by a computer-based random number generator that is matched with an employee's social security number. Each driver shall have an equal chance of being tested each time a random drug testing list is generated. Random tests will be unannounced and the dates for administering random tests will be spread reasonably throughout the calendar year to meet the separate annual percentage rate established for alcohol and drug testing.
3. **Drivers shall be tested for alcohol only while the driver is performing safety sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions; drivers may be drug tested whether performing safety-sensitive functions or not.**
4. **Upon notification, a randomly selected driver must: proceed to the testing site immediately** or if the driver is performing a safety-sensitive function at the time of notification, the Driver shall be directed by the Department Head, or

designee, to cease the performance of the function and proceed to the testing site as soon as possible.

5. **City employees who are covered under more than one DOT agency's random drug testing regulations will be included in separate DOT pools for each regulation for random selection which contain the names of drivers who are subject to testing at the specific percentage drug testing rate as set annually by DOT and required for each specific pool.**
6. **Separate lists for random testing will be generated for random drug testing and random alcohol testing required by this Policy.**

D. Reasonable Suspicion Drug & Alcohol Testing

1. A driver will be tested for drugs and alcohol when there is reasonable suspicion to believe the employee has violated one or more prohibitions in Section V of this Policy.
2. Alcohol testing is authorized only if observations are made during, just preceding, or just after the period of the work day that the driver is required to perform safety-sensitive functions. **The decision to test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver which may include indications of chronic and withdrawal effects of drugs.**
3. **The decision to test shall be made by the applicable Department Head, and/or one or more supervisors, who shall have received at least 60 minutes of training on alcohol misuse and at least an additional 60 minutes of training on drug use and have personally observed the driver. The supervisor who makes the determination that reasonable suspicion to test exists, must complete a Reasonable Suspicion Observation Form, Attachment III, upon obtaining the concurrence of the Director of Human Resources, or designee.**
4. **A copy of the Reasonable Suspicion Observation Form, Attachment III, shall be completed and forwarded to the Director of Human Resources, or designee, to document the observations leading to alcohol and/or drug reasonable suspicion testing and shall be signed by the supervisor or Department Head, or designee, who made the observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.**
5. **Alcohol: Testing shall be done as soon as possible preferably within two hours of the determination of Reasonable Suspicion, but in no case after more than eight hours:**

- a. if a reasonable suspicion alcohol test is not **administered** within **two** hours following the termination of reasonable suspicion, the applicable Department Head shall prepare and maintain on file a record stating the reasons why the test was not promptly administered.
- b. if an alcohol test required by this section is not administered within **eight** hours following the determination of reasonable suspicion, the Department Head shall cease attempts to administer an alcohol test and shall prepare and maintain the same record which shall be submitted to the FHWA upon request.

DRUGS: Testing shall be done as soon as possible after the determination of reasonable suspicion, but in no case after more than 32 hours.

If a drug test is not administered within **32 hours** following the determination of reasonable suspicion, the Department Head shall cease attempts to administer a drug test, and shall prepare and maintain on file a record stating the reasons the test was not promptly administered which shall be submitted to the FHWA upon request.

6. **No driver shall be permitted to report for duty, or remain on duty to perform safety-sensitive functions while the driver is under the influence of, or impaired by, alcohol as shown by the behavioral, speech, or performance indicators of alcohol misuse. A driver under the influence of, or impaired by alcohol, shall not be permitted to perform, or continue to perform, safety-sensitive functions until the following occurs:**
 - (1) a return-to-duty alcohol *test* is administered as provided in Section IV-E and the employees concentration measures less than 0.02; or
 - (2) twenty-four (24) hours have elapsed following the determination that reasonable suspicion exists that the driver has violated the prohibitions of this Policy concerning the use of alcohol as stated in Section V.

The driver must comply with Section VII, Required Evaluation and Testing.

7. Per DOT regulations, no disciplinary action shall be taken against a driver based solely on the employee's behavior and appearance. The results of an alcohol test and/or drug test must indicate that the Driver was in violation of this Policy.

E. Return-to-Duty Drug and Alcohol Testing

1. No driver who tested and had an alcohol concentration of 0.02 or greater, but less than 0.04, or used alcohol within 8 hours of an accident, or consumed alcohol within four hours prior to duty, or is tested based on reasonable suspicion, shall be

permitted to return to duty requiring the performance of a safety-sensitive function until the driver has (1) undergone a return-to-duty alcohol test with a result which indicates an alcohol concentrate of less than 0.02 and (2) complied with Section VII, Required Evaluation and Testing

2. An employee who undergoes rehabilitation must pass a return-to-duty alcohol test with a result indicating in alcohol concentration of 0.00, pass a drug test if directed by the SAP, and shall be subject to decisions made by the SAP regarding follow up testing as set out in this Section and Section IV, Subsection F, Follow up Drug and Alcohol Testing.

F. Follow-up Drug and Alcohol Testing

1. Self-Referral for Rehabilitation:

In addition to other drug and alcohol testing required by this policy, a driver covered by this Policy will be subject to follow-up drug testing without prior notice for up to **sixty (60) months** from the date of return:

- a. From alcohol and/or drug rehabilitation treatment which was entered into as a result of a driver's self-disclosure of a prohibited drug or alcohol related problem or addiction prior to failing a drug test pursuant to this Policy; or,
- b. As part of a disciplinary agreement between the City and the employee.

2. Mandatory Referral for Rehabilitation:

- a. Following a determination through the Substance Abuse Professional's assessment, as required in Section VII, Required Evaluation and Testing that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or drug use, the employee shall be subject to unannounced follow-up alcohol and drug testing with the number and frequency of such follow-up testing to be determined by a substance abuse professional.
- b. Follow-up testing may include testing for drugs, as directed by the substance abuse professional, to be performed in accordance with 49 CFR, Part 40.
- c. Follow-up testing shall **not exceed 60 months** from the date of the driver's return to duty. **The Substance Abuse Professional may terminate the requirement or follow-up testing at any time during the first 12 months following the employee's return to duty after the first six tests have administered, if the substance abuse professional determines that such testing is no longer necessary.**

- d. Follow-up testing is to be conducted when the driver is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

IV. PROHIBITED ACTIVITIES AND VIOLATIONS

A. Prohibited Activities and Violations -Drugs

1. Failing any drug test required under this policy.
2. Refusing to take any test required by this policy. Consent for testing is indicated by signing the Federal Drug Testing Custody and Control Form (CCF) required by 49 CFR Part 40. A driver who refuses to submit to a post-accident, reasonable suspicion, random, or follow-up drug test required under 49 CFR Part 382 as directed will not be allowed to perform or continue to perform safety-sensitive functions. The Department Head, or designee, shall not permit a driver who refuses to submit to a drug test to perform or continue to perform safety-sensitive functions.
3. Reporting for duty or remaining on duty when required to perform safety-sensitive functions when the driver has used or uses any drug that could adversely affect the driver's ability to safely operate a commercial motor vehicle. Failing to provide the department head, or designee, with a written statement from the physician or other licensed medical practitioner as defined in this Policy and/or with pharmaceutical information on a prescription and/or over the-counter medication taken to verify that the drug will not adversely affect the driver's ability. A Department Head, or designee, shall not permit a Driver to perform or continue to perform safety-sensitive functions upon having actual knowledge that a Driver has used a drug which could adversely affect the driver's ability to safely operate a commercial motor vehicle.

B. Prohibited activities and Violations -Alcohol

1. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
2. Consuming alcohol in any form including medications, while performing safety-sensitive functions.
3. Possession of alcohol in any form while on duty.
4. Consuming alcohol in any form including prescription or over-the-counter medications which contain alcohol within 4 hours prior to going on duty, or operating, or having physical control of, a commercial motor vehicle.

5. Consuming alcohol in any form within 8 hours following an accident in which the Driver was involved unless he/she has been given a post-accident test under this Policy, or the Department Head, or designee, has determined that the driver's performance could not have contributed to the accident
6. Refusing to submit to a post-accident, reasonable suspicion, follow-up, or random alcohol test required under 49 CFR Part 382, this Policy, or a disciplinary agreement.
7. Failing a confirmation alcohol test administered under this Policy which provides quantitative data of alcohol concentration by having a result of 0.02 or greater on the confirmation alcohol test (conducted per 49 CFR. Part 40, following an initial/screening alcohol test). A Department or designee, shall not permit an employee to perform or continue to perform safety-sensitive functions upon having actual knowledge that an employee has an alcohol concentration of 0.02 or greater, possesses un-manifested alcohol, is using alcohol while on duty, or has used alcohol within four hours prior to performing safety sensitive functions, or by the employee's general appearance or conduct and/or by other substantiating evidence that the employee appears to have used alcohol within the preceding four hours.

C. Consequences For Violation Of This Policy – Drugs

A violation of this Policy shall be considered a violation of the Civil Service Board's Rules and Regulations for which disciplinary action up to and including termination may be taken by the applicable Department Head, with the concurrence of the Director of Human Resources, or designee.

1. Any violation of Section IV-A, Prohibited Activities and Violations – Drugs, Subsections 1 and 2, of this policy, shall result in automatic and mandatory termination, without rehabilitation, upon the first offense.
2. Failure to report the use of a therapeutic drug to the Department Head, or designee, whether over-the-counter or prescription, and to bring to the Department Head, or designee, written pharmaceutical information on prescription or over-the-counter medication which documents that the medicine is safe to use while performing safety sensitive job functions shall result in disciplinary action up to and including termination, without rehabilitation, on the *first* offense.
3. The City of Corpus Christi is not required by 49 CFR, Part 382, to provide rehabilitation and will do so only when an employee refers him/herself prior to being directed to test under this policy.
4. No driver shall report for duty, remain on duty, or perform a safety-sensitive function, as defined in this Policy, if the driver tests positive for drugs. No Department Head

having actual knowledge that a driver has tested positive for drugs shall permit the driver to perform or continue to perform safety-sensitive functions.

D. Consequences For Violation Of This Policy – Alcohol:

- (1) The following violations of this Policy by a driver will result in automatic and mandatory termination upon the first offense:
 - a. an employee who is tested under 49 CFR, Part 382, and is found to have an alcohol concentration of 0.02 or greater; or
 - b. an employee who refuses to take an alcohol test required by this Policy;
or,
 - c. unauthorized use or possession of alcohol by an employee while on duty, including lunch or break periods; or,
 - d. an employee upon reinstatement following rehabilitation testing who subsequently has an alcohol concentration of 0.02 or greater on a follow-up alcohol test, or a confirmed positive test result on a follow-up drug test, (i) which is part of a written disciplinary agreement between the driver and the Department Head, or designee, or (ii) is the result of the driver's referral of him/herself for rehabilitation prior to being in violation of this policy.

- (2) Disciplinary action up to and including termination will result from violation by the driver of the following:
 - a. An employee who is tested under 49 CFR, Part 382, and is found to have an alcohol concentration of 0.02, but less than 0.04, and who has one prior alcohol test result showing an alcohol concentration of 0.02, but less than 0.04; or,

 - b. violates other parts of this Policy.

- (3) On the first occurrence of a test result of an alcohol concentration of at least 0.02, but less than 0.04, a letter of reprimand will be placed in the employee's official personnel file and he/she shall be required to comply with Section VII Required Evaluation and Testing. An employee will be required to use accrued sick leave, personal leave, and/or vacation leave, if any, in that order, for the hours required for evaluation and testing by the Substance Abuse Professional, as provided in Section VI.

E. Required Evaluation and Testing:

4. A driver who has an alcohol test; result with an alcohol concentration of between 0.02 or 0.04 will not be allowed to resume job duties until after (1) the Substance Abuse Professional (SAP) has evaluated and released the employee to return to duty; and (2) the employee has taken an alcohol test with a resulting alcohol concentration of less than 0.02; (3) has passed a drug test if determined by the SAP that it is necessary for a specific driver; and (4) the employee has otherwise complied with any recommended rehabilitation based on the Samples assessment or the provisions of any disciplinary agreement between the Department Head and the employee regarding rehabilitation.
2. An employee who is suspended for violation of prohibitions of this Policy, and who has signed a disciplinary agreement with the City to seek counseling from a Substance Abuse Professional through the City's Employees Assistance Program, must abide by the terms of the disciplinary agreement which shall include, but are not limited to: (1) recommended rehabilitation and aftercare program if any, (2) pass a return-to-duty alcohol test with an alcohol concentration of 0.00 and/or a drug test with a verified negative result if recommended by the SAP, and (3) unannounced follow-up alcohol and drug tests administered pursuant to the agreement and as directed by the SAP.
3. The Department Head may direct the driver to undergo return-to-duty and follow-up testing for both alcohol and drugs **if** the SAP determines that it is necessary for that specific driver. Follow-up testing shall not exceed 60 months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time within the first 12 months following the driver's return to duty after the first 6 tests have been administered, if the SAP determines that such testing is no longer necessary.
4. Employees who seek help through the Department Head for a prohibited drug or alcohol-related problem or addiction **before** it is discovered through poor performance or alcohol or drug testing authorized under this policy, shall be allowed to participate in a rehabilitation program as recommended by the Employee Assistance Program counselor as documented in a written rehabilitation agreement between the employee and the City of Corpus Christi. An employee who undergoes rehabilitation must pass a return-to-duty alcohol test with a result indicating an alcohol concentration of 0.00 and a drug test and shall be subject to decisions made by the SAP regarding follow-up testing as set out in this Section and Section III, Subsection F, Follow-Up Drug and Alcohol Testing.

F. Use of Employee Who Fails or Refuses Drug or Alcohol Test

A driver who has refused an alcohol or drug test, failed a drug test, or has an alcohol test result of 0.04 or greater, shall not be permitted to work and shall be subject to the provisions of Section III, Consequences for violation of this Policy.

V. TESTING PROCEDURES

A. DRUG TESTING

1. **DRUG SPECIMEN COLLECTION AND DRUG TESTING LABORATORY** :The City's designated specimen collection services provider, The Doctors' Center, Corpus Christi, TX, will follow split-specimen collection and CCF procedures for drug testing mandated by 49 CFR, Part 382, which meet the requirements of 49 CFR, Part 40, Procedure for Transportation Workplace Drug and Alcohol Testing Programs as described in Attachment I.

The City of Corpus Christi will use drug testing laboratories certified by Federal Substance Abuse & Mental Health Services Administration, Department of Health and Human Services, under DOT procedures. The selected certified laboratory must submit to inspections by the City of Corpus Christi and to unannounced inspections including examinations of records at any time by the City of Corpus Christi and the FHWA Administrator. Laboratories used will follow DOT procedures outlined in 49 CFR, Part 40, on procedures for Transportation Workplace Drug and Alcohol Testing Programs.

2. **Review of Drug Testing Results:** The Medical Review Officer (MRO) for the City of Corpus Christi will be the City's designated Physician for that purpose who is a licensed physician with knowledge of drug abuse disorders.

The MRO will (1) review the results of drug testing before they are reported to the Director of Human Resources, or designee; (2) review and interpret confirmed positive test results to determine if there is an alternative medical explanation of the confirmed positive result which will be accomplished through (a) a medical interview with the employee; (b) a review of the employee's medical history and any relevant biomedical factors; (c) a review of all medical records provided by the employee to determine if a confirmed positive test resulted from legally prescribed medication; (d) if necessary, have the original specimen reanalyzed to verify accuracy of the reported test result; and (e) verify that the laboratory report and assessment are correct.

3. **Medical Review Officer's Determination:** Procedures to be followed by the City's Medical Review Officer are provided in Attachment II to this Policy.

If the MRO's review indicates a legitimate medical explanation for the confirmed positive test result, no further action will be taken against the employee, the test result will be reported as a negative to the Director of Human Resources, and the applicant will be eligible for hire.

If the MRO's review determines there no legitimate medical explanation for the confirmed positive test result, the test result will be reported to the Director of Human Resources, or designee, as a positive, **and the employee will be subject to automatic and mandatory termination, without rehabilitation, upon the first offense, Provided in Section V-A.**

If the MRO's review of laboratory inspection reports, quality assurance and control data and other test results show that a test is scientifically insufficient for further action, the test will be determined negative for the presence of a prohibited drug or metabolite in the employee's or applicant's system and no further action will be taken.

4. **Medical Review Officer's Notification to the City:** Within three business days of completion of the medical review by the MRO, the MRO may initially report the test results to the Director of Human Resources, or designee, using any communication device, but in all instances a signed, written notification must be forwarded within three business days of completion of the MRO's review, and shall include the following:
 - a. State that the drug test being reported was in accordance with Part 40 of Part 382;
 - b. State the name of the individual for whom the test results are being reported;
 - c. State the type of test indicated on the CCF form, i.e., random, post-accident, etc.;
 - d. State the date and location of the test collection;
 - e. State the identities of the persons or entities performing the collection, analysis of the specimens and serving as the MRO for the specific test;
 - f. State the verified results of a drug test, either positive or negative, and if positive, the identity of the drug(s) for which the test was verified positive; and
 - g. State that the MRO has made all reasonable efforts to contact the driver as provided in 49 CFR 40). The Director of Human Resources, or designee, as soon as practicable, shall request that the driver contact the MRO prior to dispatching the driver or within, 24 hours, whichever is earlier.

5. **Retention of Samples and Retesting :** As provided in 49 CFR, Part 40, if the test result of the primary specimen is positive, the applicant/employee may request that the MRO direct that the split sample be tested in a different HHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result. Upon receipt of the result of the test of the split specimen which reaffirms the results of the test of the primary specimen, the employee and the Director shall be notified within one work day. Upon receipt of the result of the test of a split specimen which fails to reconfirm the presence of the drugs(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test, and report the cancellation & the reasons for it to the DOT, the City, and the employee.

The fee for transferring and retesting a split specimen by another HHS certified laboratory, upon timely request to MRO by a City applicant or employee, is to be prepaid by cash,

cashier's check, or money order by the requesting applicant or employee directly to the HHS certified laboratory performing the testing. Under this Policy, employees shall use MEDTOX Laboratories, Inc. 402, W. County Road D, St. Paul, Minnesota 55112, at \$110 per retest, which fee may change without further notice.

Upon the driver requesting a test of the "split specimen" portion of the original specimen following the confirmed positive drug test result being received by the MRO, the Director of Human Resources, or designee, shall be notified by the MRO of the request for split specimen testing and the driver shall be removed from his/her safety-sensitive functions by the Department Head, or designee, and sent home pending the results of the retest. The driver may use accrued sick leave, personal leave, or vacation leave, if any, in that order, pending receipt of the split specimen drug test results by the Department Head, or designee.

Specimens which yield confirmed positive results will be retained by the laboratory in secured, frozen storage for a minimum of 365 days and may be extended for an additional time period upon notification of the laboratory.

On retested samples from storage, deterioration may occur resulting in a detected level of drug less than noted in the DOT procedures or the prior tests. Results equal to or greater than the established sensitivity of the assay will be considered corroborative of the original positive results.

B. ALCOHOL TESTING PROCEDURES

The City's designated specimen collection services provider, occupational Health Services, Corpus Christi, will follow alcohol testing guidelines mandated by 49 CFR, Part 382, which meet the requirements of 49 CFR, Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as described in Attachment I, Section II, DOT Mandated Alcohol Testing.

VI. EMPLOYEE ASSISTANCE PROGRAM (EAP)

- A. It is recognized that drug and alcohol addiction is a medical disorder which can be treated. The City of Corpus Christi believes it has a responsibility to offer assistance to City employees through the Employee Assistance Program, (EAP) but that the initiative in asking for and obtaining such help is the responsibility of the employee. Employees who seek help through the applicable Department Head, or designee, for a prohibited drug and/or alcohol related problem or addiction before it is discovered through poor performance or testing authorized under this policy, shall be allowed to participate in a rehabilitation program as recommended by the Employee Assistance Program counselors who is a Substance Abuse Professional, the Rehabilitation Committee and as otherwise agreed to in writing - by the Department Head and the employee.

- B** The **Rehabilitation Committee**, as defined in Section II of this Policy, will determine if an employee involved in **self-referral** to a drug rehabilitation program may be returned to duty. In addition, the Rehabilitation Committee ensures an employee, upon completing rehabilitation, passes a return-to-work drug and/or alcohol test in accordance with DOT procedures before returning to duty and determines a schedule of unannounced follow-up drug and/or alcohol testing for an employee who has returned to duty after rehabilitation to confirm his/her drug free status as provided in Section III, Subsections E and F. **This provision applies only to employees who seek help for a prohibited drug-related problem or addiction prior to being identified through a positive drug test administered under this Policy.**
- C.** While medical costs of rehabilitation are the sole responsibility of the employee, medical plan insurance may be used to the extent provided under the individuals health insurance coverage. Existing leave policies [Family Medical Leave Act, sick leave, personal leave, vacation, or special leave requests without pay] may be requested for use during rehabilitation periods.
- D.** **The City's Employee Assistance Program services are provided by Deer Oaks EAP Services, 410 SPID #200, Corpus Christi, Texas 78405, 814-8806.**
- E.** The City's EAP will provide a total of 120 minutes of training programs for supervisors of drivers who are responsible for determining the existence of reasonable suspicion, how to assess contemporaneous physical, behavioral, speech, and performance indicators of probable drug and/or alcohol misuse, and which includes 60 minutes of training on drug use in the workplace and 60 minutes on alcohol use in the workplace. The training curriculum for CDL employees includes the following areas: (1) display and distribution of informational Materials, (2) hot-line telephone number for assistance, and (3) distribution and explanation of the City's alcohol and drug policy.

VII. CONTRACTORS AND SUBCONTRACTORS HIRED BY THE CITY OF CORPUS CHRISTI

Contractors and their subcontractor, as part of contractual agreements with the City, will be required to provide drug and alcohol testing, education and training for their employees in compliance with DOT regulations 49 CFR, Parts 382 and 40.

Access to related property and records of contractor and subcontractors shall be made available to the Gas superintendent, or designee, and the FHWA Administrator for the purpose of monitoring the City's compliance with DOT regulations.

VIII. RECORDS: Retention Schedule

The Director of Human Resources, or designee, applicable Department Head, or designee, the City's designated Medical Review Officer, the Breath Analyzer Service Provider, and the Employee Assistance Program Administrator and applicable Department Head shall be jointly responsible for coordinating record keeping requirements under the DOT regulations with records maintained in secure locations with controlled access. All records required by 40 CFR, Part 382, shall be made available for inspection at City Hall, Human Resources Department, 1201 Leopard Street, within two business days after a written request has been made by an authorized representative of FHWA.

The following record retention schedule will be followed:

A. Drug Records to be Maintained by the MRO:

	<u>Minimum</u>
(1) Collection process drug records	3 years
(2) Employees' verified positive drug tests; and types of tests, e.g. post-accident and rehabilitation records	5 years

Specific information retained on employees who have failed tests (No. 2 above) will include: (1) functions performed by each employee; (2) the prohibited drug used; (3) disposition of employees (e.g. termination, rehabilitation, leave without pay); (4) and the age of each employee.

(3) Employees' negative drug tests	1 year
(4) Record of number of employees tested by type of test	5 years
(5) Records of training sessions attended by supervisors and employees; copies of training materials provided; and rosters of attendance.	Indefinitely

To be retained while driver or supervisor performs functions which require the training and for two years after they cease to perform those functions

(6) Documentation of refusals to test	5 years
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B. Alcohol Records

(1)	Test Results with 0.02 or greater alcohol concentration	5 years
(2)	Documentation of Refusals to test	5 years
(3)	Calibration documentation	Indefinitely
(4)	Driver evaluation and referrals	5 years
(5)	MIS Annual Report Data	5 Years
(6)	Records related to collection process (except Calibration of EBT's and training of Bats)	Indefinitely
(7)	Training provided per year	2 years
(8)	Test results below 0.02	1 year

C. The following specific records shall be maintained indefinitely related to Alcohol testing: Records related to the collection process:

- collection log books, if used
- calibration documentation for EBT devices;
- documentation of breath alcohol technician training;
- documents generated in connection with decisions to administer reasonable suspicion alcohol tests;
- documents generated in connection with decisions on post-accident, reasonable suspension, and random tests;
- documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath for testing;
- records related to test results;
- the City's copy of the alcohol test form, including the results of the test and the City's copy of-CCF forms for drug testing;
- documents related to the refusal of any driver to submit to an alcohol test;
- documents presented by a driver to dispute the result of an alcohol test;
- Documents sent by the MRO to the Director of Human resources, or designee.
- Documents generated in connection with verifications of prior employees' alcohol and drug test results.

- **Records related to other violations of 49 @ Part 382:**
- Records related to evaluation by a substance abuse professional concerning a driver's need for assistance;
- records concerning a driver's compliance with the recommendations of the substance abuse professional;
- records related to the City's MIS annual testing data;
- records related to education and training including materials on alcohol misuse awareness, a copy of the City's policy on alcohol misuse;
- documentation of compliance with requirements of access to facilities and records;
- documentation of training provided to supervisors for the purpose of qualifying them to make a determination concerning the need for alcohol testing based on reasonable suspicion;
- certification that any training conducted under 49 CFR, Part 382, complies with the requirements for such training, names and addresses of officials and their roles in alcohol and drug testing programs;
- quarterly laboratory statistical summaries of urinalysis collections;
- the City's drug and alcohol testing policy and procedures.
- Administrative records related to alcohol and drug testing, such as agreements with collector, laboratory, BAT's etc.

D. Annual Summary Report of Alcohol and Drug Testing Program

An annual management information system (MIS) report will be produced and Submitted by the Director of Human Resources, or designee, which will be forwarded to FHWA an drug and alcohol testing results in the form and manner prescribed by the Administrator by March 15 of each year for the previous calendar year (January 1 through December 31) if the City of Corpus Christi is notified to submit the report during January of each year.

Since the City is subject to more than one DOT agency alcohol rule, City employees will be counted and reported to FHWA which were tested under FHWA DOT agency rules, 49 CFR, Part 382. Alcohol-related testing records to be kept include:

- **number of drivers subject to Part 382;**
- number of drivers subject to alcohol misuse rule of more than one operating DOT agency;
- number of urine specimens collected by type of test;
- number of positive and negative tests verified by a MRO by type of test and type of drug.
- number of confirmation tests indicating an alcohol concentration of **0.02 or greater but less than 0.04 by type of test;**
- number of negative tests verified by the MRO by type of tests;
- number of persons denied a driving position due to verified drug tests for

pre-employment;

- number of drivers with tests verified positive by MRO for multiple drugs;
- number of alcohol confirmation tests indicating an alcohol concentration of 0.01 or greater, by type of test;
- number of drivers with a confirmation test indicating an alcohol concentration of 0.04 or greater or who have violations of other alcohol misuse provisions who were violations of alcohol misuse provisions who were returned to duty in safety-sensitive provisions who were returned to duty in safety-sensitive positions after having complied with the recommendations of a substance abuse professional.
- number of drivers who were alcohol and drug tested concurrently and who had both a verified positive drug test and an alcohol concentration of 0.04 or greater.
- number of drivers who were found to have violated other prohibitions of number of drivers who refused to submit to an alcohol test required and the action taken in response to the refusal;
- number of supervisors who have received required training during the reporting period in determining the existence of reasonable suspicion of alcohol misuse.
- number of drivers who were returned to duty after compliance with requirements of Substance Abuse Professional.

E. Release of Information:

1. Requests for employment verification or references for an individual terminated under this policy shall be forwarded to the Human Resources Department for response. For Texas Employment Commission hearings on granting unemployment insurance, the City will cite a rules violation as the reason for termination and will supply a copy of the letter of termination which states specific reasons. Where there is doubt about the release of information, the Legal Department shall be consulted for guidance.
2. The City may disclose information required to be maintained by 49 CFR, Part 382, pertaining to a driver to the employee or 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 test administered under 49 CFR, Part 382, including, but not limited to, worker's compensation, unemployment compensation, or other proceeding related to a benefit sought by the employee.
3. Information regarding an individual's drug and/or alcohol testing or rehabilitation may be released only upon the written consent and release of that individual except when used in administrative or disciplinary proceedings.
4. **No drug or alcohol testing are to be placed in the employee's official personnel file or in departmental working files.** Such reports shall be maintained by the Human Resources Department in a locked area with restricted access. Such information must be released to the DOT Administrator, regardless of individual's consent, when requested as part of an accident investigation. Statistical data related to drug testing and rehabilitation (that is not name specific) and training records must be made available to the DOT Administrator upon request.
5. Except as required by law or expressly authorized or required in 49 CFR Part 382, the City of Corpus Christi shall not release driver information that is contained in records required to be maintained by Part 382.
6. The driver is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his/her alcohol tests. The City shall promptly provide records requested by the employee. Access of an employee to his/her own records shall not be contingent upon payment for records other than those specifically requested.
7. The City will permit access and provide copies of name-specific alcohol test results, records, and reports to the Secretary of Transportation, and DOT agency, or a representative of a state agency with regulatory authority over the City. Information will be provided by the City when requested by the National Transportation Safety Board as part of an accident investigation, related to the

City's administration of any post-accident alcohol tests administered following the accident under investigation.

8. The City shall make records available to a subsequent employer upon receipt of a written request which includes a release form signed by the driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's written request.
9. The City shall release information regarding a driver's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

IX. EMPLOYEE ACKNOWLEDGEMENT FORM

Compliance with the city of Corpus Christi's Policy on Drug and Alcohol Use and testing for Drivers of City Commercial Vehicles Which Require a Commercial Driver's License (CDL) is a condition of employment for all drivers hired prior to and after the effective date of this policy. Current and new employees will be provided a copy of the City's CDL Policy, H.R. 15.4, and required to sign an acknowledgement of understanding which will become part of each employees personnel file.

**EMPLOYEE ACKNOWLEDGEMENT FORM
DRUG AND ALCOHOL USE AND TESTING FOR DRIVERS OF CITY
COMMERCIAL VEHICLES WHICH REQUIRE A COMMERCIAL DRIVER'S LICENSE**

I have received a copy of the City of Corpus Christi's Policy on Drug and Alcohol Use and Testing for Drivers of City Commercial Vehicles Which Require a Commercial Driver's License (CDL), HR 15.4 as revised. I understand that compliance with this Policy is a condition of employment with the City of Corpus Christi for all drivers hired prior to and after the effective date of this Policy, January 1, 2004. I understand that the Director of Human Resources, or designee, is the person I am to contact if I have questions regarding this Policy.

I have carefully heard and/or read this policy and understand its content. I have been given an opportunity to ask questions about this Policy and receive explanations in English and Spanish. I agree to comply with this policy. I understand that failure to do so will result in my being in violation of this policy and will subject me to disciplinary action up to and including termination on the first offense.

I understand that this policy will become effective, as revised March 4, 2004.

(PRINT) Employee's Name

Employee's Signature

Date

Employee's Social Security #

Employee's Job Title

Department Name

Activity Number

ATTACHMENT I

DOT SPECIMEN COLLECTION PROCEDURES FOR DRUG TESTING AND DOT ALCOHOL TESTING PROCEDURES

A Specimen Collector (Collector) and Collection Facility (Facility) which complies with accessibility requirements of Title III of The Americans With Disabilities Act (ADA) must be available, upon pager notification, 24-hours a day, 7 days a week including weekends and holidays for alcohol and drug testing of City employees and applicants (collectively "Donors") with specimen collection to be performed by qualified Seller's staff at a designated City Facility, or Memorial Hospital, Spohn Hospital, Spohn South emergency rooms, or as otherwise specified to the Seller in writing by the Director of Human Resources.

The Collector will follow this procedure for each individual specimen collected for DOT drug testing or alcohol testing performed for the City of Corpus Christi (City) using an Evidentiary Breath Testing Device (EBT). It is the intent of the City that the collection procedures for all drug and alcohol testing of Donors be consistent with and of the same level of precision required for the federally approved procedures for workplace drug and alcohol testing programs, (49 CFR Part 40, Procedures For Transportation Workplace Drug and Alcohol Testing Programs). If problems arise during a specific collection, the Donor shall be asked to wait while the City's Director of Human Resources, or designee, (Director) is contacted for a decision on the situation. IF Donor refuses to wait, City's Director must be notified at the beginning of the next work day if after hours and within thirty (30) minutes minutes if during the normal work day.

The Collector is responsible for maintaining the integrity of the specimen collection and transfer process and/or of the alcohol test and for carefully ensuring the modesty and privacy of each Donor. The Collector is expected to avoid any conduct or remarks which could be construed as accusatorial or otherwise offensive or inappropriate. Strict CCF procedures for drug tests are to be followed from pre-collection through shipment to the laboratory.

Each Collector shall have successfully completed training to carry out specimen collections for drug testing following DOT regulations as cited, or shall be a licensed medical professional, or technician, who is provided instructions for collection which comply with DOT regulations under Section 49 CFR Part 40. The breath alcohol technician (BAT) shall be trained to proficiency in the operation of the EBT's being used for initial and confirmation breath alcohol testing and in the alcohol testing procedures of 49 CFR Part 40.

Attachment I may be revised as required to meet revisions to 49 CFR Part 40 and/or other revisions to DOT regulations which apply to City applicants and employees.

I. DRUG TESTING PROCEDURES:

A. REQUIREMENTS OF COLLECTION SITE FOR DRUG TESTING:

1. The Facility must contain an enclosure within which private urination can occur, a toilet for completion of urination, a suitable clean surface for writing, and a source of water for washing hands. The Facility must allow for the Collector to wait outside the restroom door to monitor, not observe the collection.
2. The Collector actually monitoring the collection of a urine specimen shall, in all cases, be of the same gender as the Donor providing the specimen. If using a public restroom, the Collector is to remain in the restroom, but outside the stall, until the specimen is collected and must be of the same sex as the Donor providing the specimen.
3. If the Facility cannot be dedicated solely to drug testing, the portion used for testing must be secured during drug testing by ensuring other persons are not present, ensuring that there is no undetected access through any rear doors, and posting signs restricting access to authorized personnel during the entire collection process.
4. The Facility must be clean, well lit and secured as defined herein.
5. The Facility must have all required materials, personnel, and supervision required to provide valid chain-of custody procedures and to have available one male and one female Collector necessary for monitoring collections. Forms used for the collection process must comply with requirements of the Department of Transportation 49 CFR Part 40 for Donors tested under DOT regulations, as they may be amended.

B. FAILURE OF DONOR TO REPORT FOR DRUG TESTING AS SCHEDULED

If the Donor does not report at the assigned time for drug testing, the Collector will contact the Director to obtain guidance on the action to be taken within 30 minutes if during workday or at beginning of next workday if after hours.

C. COLLECTION PROCEDURES

PREPARATION OF THE COLLECTION SITE PRIOR TO THE PRESENCE OF THE DONOR MUST INCLUDE: ADDING BLUING AGENTS IN TOILET TANKS AND BOWLS SO THAT THE WATER REMAINS BLUE; TAPING OFF OTHER SOURCES OF WATER, OR IF THE COLLECTION IS TAKING PLACE IN A RESTROOM WITH ONE OR MORE STALLS, THE COLLECTOR (OF SAME SEX

OF DONOR) WILL MONITOR TO ENSURE SUCH WATER SOURCE IS NOT USED FOR DILUTING THE SPECIMEN

D. SPECIMEN COLLECTION PROCEDURE

THE CITY OF CORPUS CHRISTI HAS ELECTED TO USE A "SPLIT SAMPLE" METHOD OF COLLECTION FOR ALL DRUG TESTS CONDUCTED FOR COVERED DOT CITY EMPLOYEES. The use of the word "specimen" in this procedure is defined as split specimen unless otherwise designated.

The following procedure is to be followed in each split specimen collection:

1. Positively identify the Donor as the person selected for testing. Ask Donor for a photo I.D. which can be an identification badge with photo, Driver's License with photo, or if no photo identification is available, positive identification by a City official. If identification cannot be established, the Collector shall not proceed with the collection.
2. Explain the collection to the Donor. The collection is to be done as a 5-panel DOT collection (covering marijuana, cocaine, opiates, amphetamines and phencyclidine) as authorized by DOT regulations and City Policy.
3. The Donor is **NOT to be** required to provide a list of any prescription or over-the-counter drugs, but may do so for his/her own information as a "memory jogger" for his/her own use only.
4. The Donor will remove any unnecessary outer garments, such as a coat, jacket, hat, etc. which could be used to tamper with or adulterate the Donor's Specimen. The Collector shall ensure that all personal belongings, such as a purse or briefcase, remain with the outer garments. The Donor may retain his/her wallet. If the Donor requests it, the Collector shall provide the Donor with a receipt for any personal belongings.
5. Donor is to wash hands prior to urination in view of Collector prior to the collection, and is to remain in the presence of the Collector without access to any water fountain, faucet, soap dispenser, cleaning agent or any other materials which could be used to adulterate the Specimen.
6. The Donor may provide his/her Specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The Collector shall provide the specimen container for this purpose which is suitable for the gender of the Donor.
7. The collection kit is to be opened in front of the Donor by the Collector. The donor shall urinate into a collection container or a specimen bottle capable of holding at least 60 milliliters. If a collection container is used, the Collector, in the presence of the Donor, shall pour the urine into two specimen bottles. Thirty (30) ml shall be poured

into one bottle, to be used as the **Primary Specimen**. At least 15 milliliters shall be poured into the other bottle, to be used as the Split Specimen. If a single specimen bottle is used as a collection container, the Collector shall pour 30 milliliter of urine from the specimen bottle into a second specimen bottle to be used as the Primary Specimen and retain the remainder of at least 15 milliliters in the collection bottle to be used as the Split Specimen. Both bottles shall be shipped in a single shipping container, together with copies 1, 2 and the split specimen copy of the CCF form, to the laboratory.

8. The Collector shall note any unusual behavior by the Donor or unusual appearance of the urine on the CCF Form, e.g. color, odor, temperature.
9. Upon collecting the Specimen, the Collector will determine if the container contains at least 45 milliliters of urine. If the Donor is unable to provide 45 milliliters of urine, the Collector shall direct the Donor to drink not more than 24-ounces of fluids and, after a period of up to two hours, again attempt to provide a complete Specimen using a fresh specimen bottle and collection kit. The original insufficient specimen is to be discarded.

If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the Director of Human Resources Notified. The MRO shall refer the individual for a medical evaluation to develop pertinent information concerning whether the individual's inability to provide a specimen is genuine or constitutes a refusal to test. In pre-employment testing, if the City does not wish to hire the individual, the MRO is not required to make such a referral. Upon completion of the examination, the MRO shall report his or her conclusions to the Director of Human Resources in writing.

10. After the Specimen has been provided and submitted to the Collector, the Donor shall be allowed to wash his/her hands. At this point, sink faucets may be untaped and the commode flushed. With the Specimen in the presence of both the Donor and Collector, they may then proceed to another appropriate area to continue this procedure.
11. Immediately after the Specimen has been provided and submitted to the Collector, and in the presence of the Donor, the Collector shall measure the temperature of the Specimen within a maximum time of 4 minutes from the time of urination, and inspect the Specimen to determine if its color and look indicates any signs of contaminants. Any unusual findings shall be noted on the CCF Form.

A specimen temperature outside the range of 32.5-37.7 degrees C/90.5-99.8 degrees F constitutes a suspicion that that the Donor has altered or substituted the Specimen. In such cases, the Donor supplying the Specimen may volunteer to have his or her oral temperature taken to provide evidence to counter the suspicion that the Donor may have altered or substituted the Specimen.

All specimens suspected of being adulterated shall be forwarded to the Laboratory for testing.

12. Whenever there is suspicion that that a particular Donor has altered or substituted the Specimen, proceed as required under Section E, "Direct Observation". With the Director's approval, a second split Specimen shall be obtained as soon as possible under the direct observation of a same gender Collector.
13. Both the Donor and the Collector shall keep the Specimen in view at all times prior to the Specimen being sealed with a tamper proof seal and labeled. Both parties are to remain in the presence of the Specimen while the Collector places an identification label which contains the date, the Donor's Specimen number, and any other identifying information provided.
14. In the presence of both parties, the Donor shall initial the identification label on the Specimen bottle for the purpose of certifying that it is the Specimen collected from him/her.
15. The Collector shall enter on the CCF Form all information identifying the Specimen. The Collector shall sign the CCF Form certifying that the collection was accomplished according to the applicable Federal requirements.
16. The Donor shall be asked to read and sign a statement on the drug CCF Form certifying that the Specimen identified as having been collected from him/her is in fact the Specimen he/she provided.
17. The Donor is to sign the CCF Form which authorizes the collection of the Specimen, analysis of the Specimen for designated controlled substances, and release of the results to Director.
18. The Collector shall complete the chain of custody portion of the CCF Form to indicate receipt of the Specimen from the Donor and shall certify proper completion of the collection. The Donor may now leave.
19. The urine Specimen and CCF Form are now ready for shipment. If the Specimen is not immediately prepared for shipment, the Collector shall ensure that it is appropriately safeguarded during temporary storage.
20. While any part of the CCF procedures are being performed, it is essential that the urine Specimen and custody documents be under the control of the involved Collector. If the involved Collector leaves his/her work station momentarily, he/she shall take the Specimen and CCF Form with him/her, or shall secure them. After the Collector returns to the work station, the custody process will continue. If the Collector is leaving for an extended period of time, he/she will package the specimen for mailing before leaving the Facility.

21. The Collector shall not leave the Facility in the interval between presentation of the Specimen by the Donor and securing the Specimen. The Specimen is secured by placing an identifying label on it which contains the Donor's Specimen identification number (as shown on the CCF-Form), attaching the tamper-proof seal, and obtaining the Donor's initials on the seal. If it becomes necessary for the Collector to leave the Facility during this interval, the collection shall be nullified and, upon direction of the Director, a new collection begun.
22. If the Collector uses an incorrect non-DOT CCF form for a DOT collection for an employee covered by this Policy, the collection for an employee covered by this Policy, the collection shall be declared cancelled by the MRO and, upon direction of the Director, or designee, a new collection shall be begun.

E. DIRECT OBSERVATION:

All specimens collected which are suspected of adulteration shall be forwarded to the laboratory for testing with the Collector documenting on the CCF Form his/her observations.

Direct observation of a second specimen collection by a Collector of the same gender may be authorized by the Director for covered DOT Donors when the following conditions exist:

1. When the temperature (which must be taken within a maximum of 4 minutes) falls outside a temperature range of 90.5 to 99.8 degrees F, or 32.5-37.7 degrees C.
2. If the specimen has a specific gravity of less than 1.003 and a creatinine concentration below .2g/L.
3. If the Collector observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen, a second specimen is to be obtained and the Director notified in writing of the circumstances.
4. If the Donor who had a previous positive drug screen result under City Policy and is now required to submitting a specimen for follow-up or return-to-work testing.

If the Collector suspects that the specimen has been tampered with in any way, that collection is to be declared canceled by the MRO and, upon direction of the Director, or designee, a new collection shall be obtained before the Donor is allowed to leave. The Director must be informed if the Donor refuses to give another specimen within thirty (30) minutes of the refusal if during the normal

workday, or at the beginning of the next work day if after hours, during weekends or holidays.

F. TRANSPORTATION TO LABORATORY

The Collector shall arrange to ship the Split Specimen to the drug testing laboratory. The Split Specimen shall be placed in a single shipping container designed to minimize the possibility of damage during shipment together with copies 1, 2, and the Split Specimen copy of the CCF Form. The shipping container shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the shipping container, the Collector shall ensure that the CCF documentation is attached or enclosed in each container sealed for shipment to the drug testing laboratory.

G. FAILURE OF DONOR TO COOPERATE

If the Donor refuses to cooperate with the collection process, the Collector shall inform the Director within 30 minutes if it is a workday or at the beginning of the next workday if after hours, and shall document the non-cooperative behaviors on the CCF Form.

H. HONOR REQUIRING MEDICAL ATTENTION

If the Specimen is being collected from a Donor in need of medical attention (e.g. as part of a post-accident test given in a clinic or emergency medical facility), necessary medical attention shall NOT be delayed in order to collect a Specimen.

I. USE OF CCF FORMS

A CCF Form shall be used for maintaining control and accountability of each Specimen from the point of collection to final disposition of the Specimen. The date and purpose shall be documented on the CCF Form each time a Specimen is handled or transferred and every individual in the chain shall be identified in writing on the CCF Form. Every effort shall be made to minimize the number of persons handling Specimens.

J. RECORDS MAINTENANCE AND DISCLOSURE OF RECORDS

The following information is to be collected and provided to the City monthly in two separate written reports for Donors tested under authority of Part 199 and those tested under-Part 382. These reports shall contain the following information: the number of Donors who refused to submit to a controlled substances test; the number of DOT urine specimens collected by type of test (e.g. pre-employment, random, reasonable suspicion, post-accident); and the number of Donors with positive test results, with the positive test results further broken out to indicate positives by type of test and type of drug. One copy of each collection form completed for DOT drug testing is to be forwarded to the Director of Human Resources, or designee, within one workday.

K. RECORD MAINTENANCE

Records related to services provided under this Agreement must be maintained for five (5) years after termination or expiration of this Agreement.

II. DOT MANDATED ALCOHOL TESTING

A. DEVICES TO BE USED FOR BREATH ALCOHOL TESTS:

For breath alcohol screening and confirmation tests, Collector shall use Evidentiary Breath Testing Devices (EBTS) which meet the requirements of 49 CFR Part 40, as follows:

EBT's shall (1) have the capability of providing, independently, or by direct link to a separate printer, a printed result in triplicate (or three consecutive identical copies) of each breath test; (2) EBT's shall be capable of assigning a unique and sequential number to each completed test, with Breath Alcohol Technician (BAT) and the employee or applicant having capabilities of reading the number before each test and of being printed out on each copy of the result (3) EBT's shall be capable of printing out, on each copy of the result, the manufacturer's name for the device, the device's serial number and the date and time of the test; (4) the EBT's shall be able to distinguish alcohol from acetone at the 0.02 alcohol concentration level; (5) EBT's shall be capable of testing an air blank prior to the collection of breath and performing an external calibration check.

B. QUALITY ASSURANCE PLANS FOR, EBTS

EBT's used in either screening or confirmation alcohol testing shall have a Quality Assurance Plan (QAP) developed by the manufacturer and maintained by the Collector which meets the requirements of 49 CFR Part 40 and which provides for the following:

(1) The QAP shall designate the method or methods to be used in performing external calibration checks of the device, using only calibration devices on the NHTSA "Conforming Products List of Calibrating Units for Breath Alcohol Tests." (2) The QAP shall specify the minimum intervals for performing external calibration checks of the device. Intervals shall be specified for different frequencies of use, environmental condition, such as temperature, altitude, humidity, and contexts of operation. In addition, the City requires that official calibration be performed immediately following each confirmed positive alcohol test by a City applicant: or employee. (3) The QAP shall specify the tolerances on an external calibration check within which the EBT is regarded to be in proper calibration. (4) The QAP shall specify inspection, maintenance, and calibration requirements and intervals for the device. (5) The QAP must have been submitted to NHTSA for review and have received NHTSA approval of the Plan.

The Seller shall comply with the NHTSA approved quality assurance plan for each EBT it uses for Alcohol screening or confirmation testing subject to this Agreement. The Seller shall ensure that external calibration checks of each EBT are performed as provided in the QAP and additional external calibration checks are performed upon obtaining a confirmed positive test result on a City employee or applicant. The Seller shall take an EBT out of service if any external calibration check results in a reading outside the tolerances for the EBT set forth in the QAP and shall not use the EBT for alcohol testing under this Agreement until it has been serviced and has had an external calibration check resulting in a reading within the tolerances for the EBT. The Seller shall ensure that inspection, maintenance, and calibration of each EBT are performed by the manufacturer or a maintenance representative certified by the device's manufacturer or a state health agency or other appropriate state agency. The Seller shall ensure that each BAT, or other individual who performs an external calibration check of an EBT used for alcohol testing subject to this Agreement, has demonstrated proficiency in conducting such a check of the model EBT checked. The Seller shall maintain records of the external calibration checks of EBT's as provided in 49 CFR 40. The Seller, when not using the EBT at an alcohol testing Facility, shall store the EBT in a secure location.

C. THE BREATH ALCOHOL TESTING FORM

The Collector shall use the Breath Alcohol Testing Form provided in the DOT Regulations, 49 CFR Part 40, (sample copy is attached at the end of Attachment 1) or may use a form directly generated by an EBT which includes all aspects of the form except that the EBT form may omit the space for affixing a separate printed result to the form.

D. QUALIFICATIONS OF THE BREATH ALCOHOL TECHNICIAN

The Breath Alcohol Technician (BAT) shall be trained to proficiency in the operation of the EBT to be used and in the alcohol testing procedures of 49 CFR, Part 40. Proficiency shall be demonstrated by successful completion of a course of instruction which, at a minimum, provides training in the principles of EBT methodology, operation, and calibration checks; the fundamentals of calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required in Part 40 for obtaining a breath sample and interpreting and recording EBT results. Any BAT who performs external calibration checks of an EBT shall be trained to proficiency in conducting the check on the particular model of EBT the Collector uses, which includes practical experience and demonstrated competence in preparing the breath alcohol simulator or alcohol standard, and in maintenance and calibration of that EBT. The Collector will document the qualifications of each BAT it uses to test employees and applicants and maintain the documentation as provided in 49 CFR 40.

Law enforcement officers who have been certified by state or local governments to conduct breath alcohol testing are deemed to be qualified as BATS. In order for a test conducted by such an officer to be accepted under DOT alcohol testing requirements, the

officer must have been certified by a state or local government to use the EBT that was used for the test.

E. LOCATION FOR BREATH ALCOHOL TESTING

Alcohol testing shall be conducted in a location which affords visual and aural privacy to the individual being tested so that unauthorized persons cannot see or hear test results. ALL necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is conducted.

The BAT shall supervise only one Donor's use of the EBT at a time and shall not leave the testing location while the testing procedure for a given Donor is in progress.

F. PREPARATION FOR BREATH ALCOHOL TESTING

The Donor to be tested will be required to provide positive identification through use of a photo I.D. card or by identification by a City representative. The BAT shall provide positive identification to the Donor and shall explain the testing procedure to the Donor.

G. PROCEDURE FOR SCREENING TESTS

The BAT will complete Step 1 on the Breath Alcohol Testing Form and the employee shall complete Step 2 on the form and sign the certification. Refusal of the employee to sign the certification shall be regarded as a refusal to take the test.

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. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will show the employee the result of the screening test. In a 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 and the employee shall sign date the certification and sign it in Step 4 of the form. If the employee does not sign the certification in Step 4 of the form, 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.

If a test result printed by the EBT does not match the displayed result, the BAT shall note the discrepancy in the remarks section and both the Donor and the BAT shall initial or sign the notation. In accordance with 49 CFR Part 40, the test is invalid and the Donor and the City shall be so advised. No further testing is authorized. The BAT shall transmit the result of less than 0.02 to the City in a confidential manner which is approved by the Director of Human Resources.

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed as provided in CFR 49 Part 40, Procedures for Confirmation Tests. The BAT who conducted the screening test shall complete and sign the form and will provide the employee with Copy 2 of the form.

H. CONFIRMATION TESTS

If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT shall follow 49 CFR Part 40 entitled "Preparation for Breath Alcohol Testing" and Procedures for Confirmation Tests, and will initiate a new Breath Alcohol Testing Form for the confirmation test. Refusal by the Donor to sign this certification in Step 2 shall be regarded as a refusal to take the test. An individually-sealed mouthpiece shall be opened in view of the Donor and the BAT and attached to the EBT in accordance with the manufacturer's instructions.

The BAT shall instruct the Donor to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained. Before the confirmation test is administered, the BAT shall ensure that the EBT registers 0.00 on an air blank. If the reading is greater than 0.00, the BAT shall conduct one more air blank. If that reading is greater than 0.00 testing shall not proceed using that EBT, but the test may proceed using another EBT. Any EBT taken out of service because of failure to perform an air blank accurately shall not be used for testing until a check of external calibration is conducted and the EBT is found to be within tolerance limits.

The BAT shall instruct the Donor not to eat, drink, put any object or substance in his/her mouth and, to the extent possible, not belch 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 15 minutes or more than 20 minutes after the completion of the screening. The BAT shall explain to the Donor the reason for this requirement which is that it is to prevent any accumulation of mouth alcohol leading to an artificially high reading. If the BAT becomes aware that the Donor disregarded this instruction, the BAT shall so note in the Remarks section of the form.

In the event the confirmation test results and the screening test results are not the same, the confirmation test results is deemed by DOT rules to be the final result upon which any personnel action is taken.

The BAT shall show the Donor the result displayed on the EBT and the test result printed on the Form. Following the completion of the test, the BAT shall date the form and sign the certification in Step 3 of the Form and the Donor shall sign the certification and fill in Step 4 of the Form. If the Donor does not sign the certification in Step 4 of the form, it shall not be considered a refusal to be tested. In this event, the BAT shall note the Donor's failure to sign or initial in the "Remarks" section of the form.

If the test result printed does not match the display on the EBT, the BAT shall note the discrepancy in the Remarks section, the BAT and Donor shall initial or sign the notation. In accordance with 49 CFR 40, the test is invalid and the City and Donor shall be advised within 30 minutes of the completion of the test if during a workday or at the beginning of the next workday if after hours.

The BAT shall transmit all results to the Director of Human Resources, or designee, in a confidential manner in writing, in person or by telephone or electronic means, but the BAT shall ensure immediate transmission to the Director of Human Resources, or designee, all test results that require the City to prevent the Donor from performing a safety-sensitive function. Regardless of how the results are transmitted, the Director of Human Resources, or designee, shall receive a copy of Forms documenting the results of the tests.

I. REFUSALS TO TEST AND UNCOMPLETE TESTS

Any refusal by a Donor to complete and sign the Breath Alcohol Testing Form (Step 2) to provide breath, to provide an adequate amount of breath, or otherwise to fail to cooperate with the testing process which prevents the completion of the test, shall be documented by the BAT in the remarks section of the form and the Director of Human Resources, or designee, shall be notified within 30 minutes of the completion of the test if during a workday or at the beginning of the next workday if after hours. If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT shall, cancel the test, and upon direction of the Director or designee, shall begin a new screening or confirmation test, as applicable, using a new breath alcohol testing form with a new sequential test number when using a EBT with that capability in the case of a confirmation test.

J. EMPLOYEES INABILITY TO PROVIDE AN ADEQUATE AMOUNT OF BREATH

Whenever a Donor is unable, or alleges that he/she is unable, to provide an amount of breath sufficient to permit a valid breath test because of a medical condition, the following procedure is to be used: (1) The BAT shall instruct the Donor to attempt to provide an adequate amount of breath. If the Donor refuses to try, the BAT shall immediately inform the Director of Human Resources, or designee; (2) If the Donor attempts and fails to provide an adequate amount of breath, the BAT shall note it in the remarks section of the breath alcohol testing form and immediately inform the Director of Human Resources, or designee; (3) Upon being informed, the Director of Human Resources, or designee, shall direct the Donor to obtain, as soon as practical after the attempted provision of breath, an evaluation from the City designated physician concerning the Donor's medical ability to provide an adequate amount of breath. If the City's designated physician finds, with a high degree of probability, that the Donor has a medical condition which could have precluded the Donor from providing an adequate amount of breath, the Donor's failure to provide an adequate amount of breath shall not be

deemed a refusal to take a test. The City's designated physician shall provide the Director of Human Resources, or designee, with a written statement of the basis for his/her medical judgment. If the City's designated physician cannot make such a determination, the Donor's failure to provide an adequate amount of breath shall be regarded as a refusal to take a test and the City's designated Physician will provide the Director of Human Resources, or designee, with a written statement of the basis for his/her conclusion.

K. INVALID TESTS

A breath alcohol test shall be invalid under the following circumstances:

- (1) The next external calibration check of an EBT produces a result that differs by more than the tolerance stated in the Quality Assurance Plan (QAP) from the known standard. In this event, every test result of 0.02 or above obtained on the device since the last valid external calibration check shall be invalid. For this reason, the City of Corpus Christi requires calibration checks immediately after and on the same date as a result of 0.02 or above is obtained on the EBT to ensure that any disciplinary action taken based on these test results can be validated prior to any personnel action being taken.
- (2) The BAT does not observe the minimum 15-minute waiting period prior to the confirmation test, as required by DOT regulations.
- (3) The BAT does not perform an air blank of the EBT before a confirmation test, or an air blank does not result in a reading of 0.00 prior to or after the administration of the test, as provided in the DOT regulations.
- (4) The BAT does not sign the form as required by DOT regulations.
- (5) The BAT has failed to note in the Remarks section of the form that the Donor has failed, or refused to sign the form following the recording, or printing on, or attachment; to the form of the test result.
- (6) An EBT fails to print a confirmation test result.
- (7) On a confirmation test and, where applicable, on a screening test, the sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.

L. AVAILABILITY AND DISCLOSURE OF ALCOHOL TESTING INFORMATION ABOUT INDIVIDUAL EMPLOYEES

A Donor subject to alcohol testing is entitled, upon written request, to obtain copies of any records pertaining to the Donor's use of alcohol, including any records pertaining to his/her

alcohol tests. The Director of Human Resources, or designee, shall promptly provide the requested records and shall not make such records

The Director of Human Resources, or designee, shall make records available to a subsequent employer of the employee upon receipt of a written request from a covered terminating employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's written request.

The Director of Human Resources, or designee, may disclose information required to be maintained under DOT alcohol testing regulations pertaining to a covered applicant or employee to that applicant or employee or to the decision maker in a lawsuit, grievance, or other proceeding initiated by, or on behalf of, the applicant or employee and arising from the results of an alcohol test administered under the requirements of DOT regulations. This includes, but is not limited to, worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the applicant or employee.

The Director of Human Resources, or designee, shall release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information is permitted only in accordance with the terms of the employee's consent.

M. RECORDS RETENTION, MAINTENANCE AND DISCLOSURE OF RECORDS CONCERNING EBT's AND BAT's

The City and the Collector, as its agent, shall maintain the following records for two years after termination or expiration of this Agreement:

- (1) Records of the inspection and maintenance of each EBT used in Donor testing;
- (2) Documentation of the City's compliance with the QAP for each EBT it uses for alcohol testing under DOT regulations;
- (3) Records of the training and proficiency testing of each BAT used in Donor testing;

The City and the Collector, as its agent, shall maintain records which pertain to the calibration of each EBT used in alcohol testing under DOT regulations, including records of the results of external calibration checks for five years after termination or expiration of this Agreement. Records required to be maintained shall be disclosed as indicated elsewhere in this procedure.

Statistical data, format and reporting requirements of alcohol testing shall be separately maintained annually on a calendar year summary of the results of alcohol testing which meet the requirements of 49 CFR Parts 382, et. al. and CFR Part 199, which includes the following informational elements:

- (a) Number of DOT screening alcohol tests by type of test broken out separately by Drivers and other DOT employees;
- (b) Number of confirmation alcohol tests indicating an alcohol concentration of 0.02 or greater but less than 0.04 by type of test broken out separately by Drivers and other DOT employees;
- (c) Number of confirmation alcohol tests indicating an alcohol concentration of 0.04 or greater by type of test broken out separately by Drivers and other DOT employees;
- (d) Number of Donors who refused to submit to a DOT alcohol test broken out separately by Drivers and other DOT employees.

One copy of each collection form completed for DOT alcohol and drug testing is to be forwarded to the Director of Human Resources, or designee, within one workday of the day tested.

ATTACHMENT II

PROCEDURE FOR MEDICAL REVIEW OFFICER

I. UPON RECEIPT FOR MEDICAL REVIEW OFFICER

Urine or blood specimens will be collected using CCF procedures and using a HHS certified forensic drug testing laboratory to perform the urine or blood specimen testing and test result reporting as required by 49 CFR, Part 40. The testing laboratory will transmit all test results directly to the Medical Review Officer (MRO). The transmittal from the laboratory will be by secured printer or fax machine or by other means agreed upon by the City, laboratory and MRO, to be provided by the MRO for that purpose in the MRO's facility. Results from the laboratory will not be transmitted by telephone.

A. Upon receipt of a negative test result, the MRO will perform the following steps:

1. Review the laboratory report **within one day of receipt** to ensure that applicant or employee identification information on laboratory test reports matches with the MRO's "collection" copy, and the individual is accurately identified as the person having a negative test report and that the CCF form and procedures were correctly followed.

For applicants and employees tested under Department of Transportation (DOT) drug testing regulations a verification to be noted on the CCF form is required which indicates that the testing was performed by a HHS certified laboratory and that there was compliance with CCF procedures and forms as outlined in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

2. Report negative test results for applicants and City employees to the Director of Human Resources, or designee, (Director), and provide written notification to the Director of Human Resources for all test results within three business days after completion of the MRO's review. The MRO's staff may rubber stamp negative result notifications upon written authorization of the MRO.

B. The MRO will Complete the review the same day of receipt of laboratory results for tests positive for cocaine, marijuana, and PCP and within two (2) workdays after receipt of all pertinent information for Positive test results related to other substances. Upon receipt of positive test results, the MRO will perform the following steps:

1. Review the laboratory report to ensure that applicant or employee identification information on laboratory test reports and MRO's collection copy match, the individual is accurately identified as the person having a

positive test report and that the CCF form and procedures were correctly followed.

2. If the MRO has any questions about the test documentation or test analysis, the MRO may exercise the following two options:
 - (a) Request the laboratory records regarding the specimen testing procedures followed.
 - (b) Require the retest of a Primary Specimen should questions arise as to the accuracy or validity of a positive test result. Only the MRO has the authority to order a reanalysis of the Primary Specimen using a certified laboratory prior to reporting result as positive. Under DOT regulations, applicant or employee is not authorized to request a reanalysis of the Primary Specimen.
3. Notification of the employee or applicant of positive test result

A **The MRO or a supervised and trained staff person** may make initial contact and a medically licensed or certified staff person may gather information from the applicant or employee, but the MRO must communicate directly with the applicant or employee before verifying a test as Positive. The MRO shall tell the person that he/she is an agent of the City and advise the applicant or employee of the positive test result and the type of illegal drug or substance reported.

Since the City uses a split specimen method of collection, the MRO shall notify each employee who has a confirmed positive test that the employee has 72 hours (excluding weekends and designated City holidays) in which to request a test of the split specimen, if the test is verified as positive. If the employee requests an analysis of the split specimen within 72 hours of having been informed of a verified positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another HHS-certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug (s) or drug metabolite (s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or non-testable, the MRO shall cancel the test and report cancellation and the reasons for it to the DOT, the City, and the applicant or employee.

If an applicant or employee has not contacted the MRO within 72 hours, as provided, in DOT regulations, the applicant or employee

may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the person from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within 72 hours, the MRO shall direct that the reanalysis of the split specimen, as applicable, be performed.

B The MRO may verify a test as positive without direct communication with the employee or applicant if:

1. The employee or applicant expressly declines the opportunity to discuss the test with the MRO.
2. If the MRO, or designee, cannot make contact with an applicant or employee within 24 hours from receipt of test results, the MRO, or designee, shall contact the City's Director, or designee. Failure of an applicant or employee to respond and contact the MRO within five (5) days of receipt of a documented contact by the City's Director will result in the MRO verifying the test as positive without having communicated directly with the applicant or employee. The MRO shall keep documentation on attempts to contact the applicant or employee. The Director of Human Resources, or designee, upon directing the driver to see the MRO, shall immediately notify the MRO that the driver has been directed to contact the MRO within 24 hours.
3. When other legitimate circumstances occurred which unavoidably prevented the employee or applicant from contacting the MRO, such as serious injury or illness, the MRO may reopen the verification allowing the employee or applicant to present information relative to a confirmed positive test.

C. Review of Medical History, Records and Biomedical Factors

1. The MRO must review medical records to ascertain if a positive result is due from legally prescribed medication. This review is based on the person's doctor's report, copy of a prescription, or other proof of legitimate use of medication. The employee or applicant must provide such

proof during the interview with the MRO to be held within one (1) work day of contact if possible.

2. The MRO's records must indicate one of the following valid medical explanations for a positive test which is reported by the MRO as "negative":
 - (a) legally prescribed or dispensed medication;
 - (b) ingested substances producing the same metabolites as illegal substances (e.g. poppy seeds and opiates). In such cases, clinical evidence, in addition to the urine test, must be present of unauthorized use of any opium, opiate, or opium derivative, such as recent needle tracks and/or behavioral and psychological signs of acute opiate intoxication or withdrawal;
 - (c) errors in CCF;
 - (d) errors in laboratory technical analysis.

D. Reporting Results of Medical Review of Positive Test Result

1. If satisfied there exists a valid medical explanation for a positive test, the MRO will inform the employee or applicant of the findings and reassure him/her of the confidentiality of all information related to the positive test. The MRO will then verify and personally sign that the test result is negative and report it accordingly to the Director.
2. Upon conclusion that no legitimate medical reason exists for a positive test, the MRO will report a 'verified' positive test to the Director and may refer an employee to the City's Employee Assistance Program. The MRO will then personally sign a verification statement of the positive or canceled test result, and provide written notification to the Director of Human Resources, or designee, within three business days of completion of the MRO's review pursuant to Part 40.

E. Medical Review Officer's Notification to the City

Within three business days of completion of the medical review by the MRO, the MRO may initially report the test results to the Director of Human Resources, or designee, using any communications device, but in all instances a signed, written notification must be forwarded **within three business days** of completion of the MRO's review, and shall include the following:

- a. State that the drug test being reported was in accordance with 49 CFR, Part 40;
- b. State the name of the individual for whom the test results are being reported;
- c. State the type of test indicated on the CCF form, i.e., random, post-accident, etc.;
- d. State the date and location of the test collection;
- e. State the identities of the persons or entities performing the collection, analysis of the specimens and serving as the MRO for the specific test;
- f. State the verified results of a drug test, either positive or negative, and if positive, the identity of the drug(s) for which the test was verified positive; and
- g. State that the MRO has made all reasonable efforts to contact the driver as provided in Part 40.33(c). The Director of Human Resources, or designee, as soon as practicable, shall request that the crewmember contact the MRO prior to dispatching the crewmember or within 24 hours, whichever is earlier.

F. Employees or Applicant's Request for Retest

Requested retest by employees or applicants received by the MRO after the MRO has verified a positive test to the Director will be communicated to the Director who shall make the decision on retesting of the primary sample of urine based on the retesting provisions in the applicable City policy, providing the request is received within sixty (60) days of verification of the final test result from the MRO.

As provided in 49 CFR, Part 40, if the test result of the primary specimen is positive, the applicant or employee may request that the MRO direct that the split sample be tested in a different HHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result. Upon receipt of the result of the test of the split specimen which reaffirms the results of the test of the primary specimen, the employee and the Director shall be notified within one work day. Upon receipt of the result of the test of a split specimen which fails to reconfirm the presence of the drugs(s) or drug metabolites found in the primary specimen, the MRO shall cancel the test, and report the cancellation and the reasons for it to the DOT, the City, and the employee.

Fee for transferring and retesting of split specimen to another HHS certified laboratory, upon timely request to MRO by a City applicant or employee, is

to be paid by cash, cashier's check, or money order by the requesting applicant or employee directly to the HHS certified Laboratory performing the testing except for split: specimen testing requests for Firefighters which will be paid for by the City.

G. Invalid or Canceled Test

Per 49 CFR Part 40, Section 4.03 a drug test which is declared invalid by a MRO is a "canceled" test and is neither positive or negative. The MRO shall contact the Director of Human Resources, or designee, who shall direct a retest (same type of test, e.g. canceled test a random/retest a random, etc ...) to provide either a positive or negative test result.

II. Disclosure of Information

The MRO will not disclose to any third party medical information, drug testing results, or rehabilitation records provided to the MRO as part of the testing verification process except as follows:

- A. Disclosure may be made to the Director, a Department of Transportation (DOT) Agency representative, to employees or applicants, or to a physician responsible for determining the medical qualification of the employee or applicant under DOT regulations, as part of an accident investigation, or where the information indicates that continued performance by an employee of his/her safety-sensitive function could pose a significant safety risk.
- B. As Part of the verification process, the MRO shall inform the employee or applicant of third parties who receive disclosures as noted above. The identify of such parties who receive information may be disclosed to the applicant or employee.
- C. Upon written request, any employee or applicant who is subject to a drug test conducted by the City shall have access from the MRO 'to any records relating to that drug test or to review certification or revocation of certification records.
- D. Statistical data related to drug testing and rehabilitation that is not name specific and which is formatted to comply with record keeping requirements of 49 CFR Part 40 must be made available to the DOT, or designee, and the Director of Human Resources, or designee, upon request.

III. MRO STEPS IN REHABILITATION OF EMPLOYEE AND RETURN-TO-DUTY DETERMINATION AFTER SELF-DISCLOSURE BY AN EMPLOYEE PRIOR TO BEING DIRECTED TO TAKE A DRUG AND/OR ALCOHOL TEST UNDER THIS POLICY.

- A. The MRO makes a return-to-duty recommendation regarding when an employee covered by DOT Regulations may be returned to duty.

- B. The MRO ensures that the applicant or employee is drug free based on a drug test that shows no evidence of any current drug use.
- C. The MRO ensures the applicant or employee has been evaluated by a rehabilitation program counselor through the City's Employee Assistance Program by obtaining from the counselor an evaluation of the applicant's or employee's drug and/or alcohol use including the nature and degree of past abuse, progress in any rehabilitation effort, and prognosis and recommendations for after-care services.
- D. The MRO must be satisfied with the applicant's or employee's compliance with any conditions or requirements of a rehabilitation and after care program in which the individual participated.
- E. The MRO in consultation with the Director of Human Resources and the Employee Assistance Counselor determines a schedule of unannounced testing for an applicant or employee who has returned to duty after rehabilitation. Such testing may be scheduled for up to sixty (60) months with the frequency determined by the MRO based on the assessment and recommendation of the counselor.
- F. The MRO in consultation with the Director of Human Resources and the Employee Assistance Counselor determines a schedule of unannounced testing for an applicant or employee who has returned to duty after rehabilitation. Such testing may be scheduled for up to sixty (60) months with the frequency determined by the MRO based on the assessment and recommendation of the counselor.
- G. Per DOT regulations, 49 CFR 382 and 49 CFR 199, a covered employee who has been identified by a Substance Abuse Professional (SAP) as needing assistance in resolving problems with alcohol misuse and who has returned to duty involving the performance of a safety-sensitive function, shall be subject to a minimum of 6 unannounced, follow-up alcohol tests administered by the City over the following 12 months. The SAP can direct additional testing during this 12 month period or for an additional period of up to a maximum of 60 months from the date the employee returns to duty. A positive alcohol test under DOT rules, 49 CFR Part 40, provide that the City can conduct follow-up drug tests on an employee during the follow-up alcohol testing period, and vice versa, whenever the SAP has reason to suspect drug involvement.

IV. BLIND SAMPLES REQUIRED BY DOT

- A. The MRO shall obtain and submit three (3) blind performance test specimens for each 100 specimens processed and advise the Director whenever a blind sample has been submitted and the results of the test ascertained.
- B. Approximately 80% of the blind performance test samples shall be blank (i.e., containing no drug) and the remaining samples shall be positive or "spiked" for one or more drugs per sample. Spiked samples are limited to marijuana, cocaine, opiates, amphetamines, and PCP.
- C. Upon receipt of a false positive error on a blind sample which is determined to be a technical or methodological error, the MRO will advise the Director who will notify the applicable DOT designee.

V. RECORD KEEPING

The following records must be maintained by the MRO in a separate, secured location with access restricted to the MRO and only his/her authorized staff. In addition, all records are subject to review by the Director and DOT representatives. DOT drug testing records must not be filed together with other City records. Separate statistical data must be kept on all tests for employees covered by 49 CFR Part 199, Research and Special Programs Administration, and for 49 CFR Parts 382, et.al., Federal Highway Administration, for Titles 33 and 46 of the Coast Guard Regulations, and for other non-DOT City employees tested under City Policies.

- 1. Drug testing data demonstrating that collection processes conformed to requirements of 49 CFR, Part 40 (5 year retention).
- 2. Records on failed drug test results for employees and applicants must be retained for five (5) years and include the following specifics:
 - a. Number of employees and applicants who failed a drug test by type of test;
 - b. Records that demonstrate rehabilitation;
 - c. Function performed by employees who failed a test;
 - d. Prohibited drug(s) used
 - e. Age of person.
- 3. Individual records on negative drug tests for employees and applicants must be kept for one (1) year.
- 4. Individual records on number of employees tested by type of test must be kept for five (5) years (e.g. post-accident/marine casualty).
- 5. Individual records maintained on blind samples sent to the certified laboratory in compliance with 49 CFR, Part 40, must be kept for five (5) years.

VI. Medical Services Provided by the MRO

Medical services provided by the MRO shall include legal depositions, courtroom testimony, evaluation of test results, and advice about medical matters related to drug testing as requested by the City in connection with grievances, arbitrations, claims and lawsuits or other proceedings arising from the City's reliance on such test results.

APPENDIX II

COMPANY:
ADDRESS:
CITY:
STATE:
PHONE NUMBER:
NAME OF PERSON COMPLETING FORM:
TITLE OF PERSON COMPLETING FORM:

Please furnish the following information pursuant to 49 CFR Section 382.405 (f) to the City of Corpus Christi, Director of Human Resources. Attached is consent for release of confidential information form provided by the employee named above.

Director of Human Resources: _____
City of Corpus Christi
Date of Request: _____

INFORMATION FROM SECTION 382.401 (B), (I), (II), AND (III).

- | | YES | NO |
|---|-----|-----|
| 1. Has the above named individual had no alcohol test with a breath alcohol concentration of 0.04 or greater in the past two years? | [] | [] |
| 2. Has the above named individual had a controlled substance test with a positive result in the past two years? | [] | [] |
| 3. Has the above named individual refused a controlled substance test or alcohol test within the past two years? | [] | [] |

Please identify the Substance Abuse Professional you referred the driver to if he/she tested positive or refused testing.

Name: _____
Address: _____
City, State, Zip: _____
Phone Number: _____

Note: Failure to furnish information as required by 49 CFR 382.413 (b) within 14 days will delay, and could exclude, the applicant's employment. The applicant will be notified of the reason for the delay and/or exclusion.

Attached; Consent for Release of Confidential Information

APPENDIX III
CONSENT FOR RELEASE OF CONFIDENTIAL INFORMATION

I, _____, authorize my former employers for the preceding two (2) years as stated on my employment application dated _____, 200____, to disclose to the Director of Human Resources, City of Corpus Christi, P.O. Box 9277, 78469, the following information from my records maintained by them under Department of Transportation (DOT) regulations for Drivers who operate commercial vehicles, 49 CFR, Part 382:

- (1) any and all information concerning my employment as a driver maintained by my previous employers of the preceding two years maintained under Part 382, e.g., evaluation by a Substance Abuse Professional (SAP), subsequent return-to-duty and/or follow-up drug and/or alcohol test results; rehabilitation, etc.;
- (2) any information on my alcohol test with a concentration result of 0.04 or greater, positive controlled substances within the preceding two years, which are maintained by my previous employers under 49 CFR 40.

In compliance with DOT regulations, my former employers are requested to forward this information to the address stated above, or fax this information to (361) 880-3322 upon receipt of this request. Your promptness in responding to this request is appreciated.

This consent for release of confidential information as stated above is given this the

_____ day of _____, 200_____.

Employee:

Employee's Name

Social Security Number

Witness:

Witness' Name

Date

**SUPPLEMENTAL QUESTIONNAIRE FOR APPLICANTS FOR POSITIONS WHICH
REQUIRE DRIVING AS AN ESSENTIAL FUNCTION**

NAME: _____

SOCIAL SECURITY NO. _____

APPLYING FOR POSITION OF: _____

CURRENT LICENSES/ CERTIFICATIONS/ REGISTRATIONS:

TYPE _____	NO _____	State / Agency ISSUING _____	Expiration DATE: _____
TYPE _____	NO _____	State / Agency ISSUING _____	Expiration DATE: _____

**RELEASE AND AUTHORIZATION AND CONDITION OF
EMPLOYMENT. Read before signing.**

I certify that I have made no willful misrepresentation in this supplement to my application for employment for a position which requires driving as an essential function, nor have I withheld information in my statements and answers to questions. I am aware that the information given by me in my application will be investigated.

I authorize the City of Corpus Christi to obtain from my employers during the past two years all data on my alcohol and drug testing records needed to support this application and to comply with the Department of Transportation, Federal Highway Administrations Regulations, 49 CFR, Parts 382 et.al. I further understand that falsification or omission of information is grounds for rejection of this application and should I be employed may be grounds for dismissal.

I further understand that this supplement to my application becomes the property of the City of Corpus Christi and will not be returned.

I further understand that as a condition of employment with the City of Corpus Christi, I will be required to pass a drug test and alcohol test and agree to abide by the City's CDL Alcohol and Drug Policy and other City Alcohol and Drug Policies which may apply to me based on the position I am assigned.

I understand that the documentation required by 49 CFR Part 382 must be received prior to my beginning employment with the City of Corpus Christi, and that an offer of employment is conditional upon the receipt of required documentation no later than the 21st calendar day after the conditional offer is made to me. I further understand that on the 22nd day, the conditional offer of employment will be withdrawn.

Signature _____

Please answer YES or NO; explain any YES answers below:

1. As of this date, do you have more than one Commercial Driver's License (CDL)?
2. As of the date of this application, is your license suspended, revoked, or cancelled?
3. As of the date of this application, list all moving violations or accidents on your Texas DPS Motor Vehicle Driver Record or out-of-state Driver's Records within the last 36 months.

Violation	Date	Status of License
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4. As of the date of this application, list all Driving while intoxicated (DWI) convictions on your Texas DPS Motor Vehicle Driver Record or out -of -state Driver's Records within the last three years.

DWI	Date	Status of License
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5. During the past 2 years from the date of this-supplement, list all your employers for whom you performing driving which required a CDL as an essential function.

Company: _____
Address: _____
Phone No.: _____
Supervisor: _____

Company: _____
Address: _____
Phone No.: _____
Supervisor: _____

Company: _____
Address: _____
Phone No.: _____
Supervisor: _____

6. During the past 2 Years from the date of this supplement, list all alcohol tests for which you were alcohol tested and had a result of an alcohol concentration of 0.04 or greater.

DATE	TYPE OF ALCOHOL TEST
_____	_____
TEST RESULT	POSITION HELD
_____	_____

7. During the past 2 years from the date of this supplement, list all drug tests for which you had a positive result. State the type of test and drug(s) for each positive drug test result.

DATE	TYPE OF ALCOHOL TEST
_____	_____
TEST RESULT	POSITION HELD
_____	_____

8. During the past 2 years from the date of this supplement, list all refusals you made to test for alcohol and/or drugs: State the type of test, reason for refusal, resulting action taken by employer.

DATE _____ TYPE OF ALCOHOL TEST _____
TEST RESULT _____ POSITION HELD _____

9. For any answers given to questions 6, 7 and 8, provide the following information on counseling you received from a Substance Abuse Professional and the date and test result from a return-to-duty test if you remained employed after the positive drug test or alcohol test result with an alcohol concentration of 0.04 or greater.

Name of Counselor: _____

Recommended Treatment: _____

Date of Treatment Completion: _____

Return-to-duty Test Results

Alcohol: _____

Bulletin Language for CDL-Positions

Laborer/Refuse Collector:

A Commercial Driver's License is not a minimum requirement for the position of Laborer/Refuse Collector. However, if you have a valid CDL when employed by the City of Corpus Christi, you may be eligible to be assigned to occasionally drive a City commercial vehicle as required by the operational needs of the Department where you are assigned. Such temporary assignments are valuable as a training relevant to promotional opportunities. If you are assigned to use your CDL to drive a City commercial vehicle, you will be eligible for skill-based assignment pay and will be included in the DOT-CDL alcohol and drug testing program which includes random testing for alcohol and drugs.

CDL-Required Position:

This position requires a valid Commercial Driver's License (CDL) and is covered by Federal Department of Transportation (DOT) regulations, 49 CFR Part 382 and City Policy HR 15.4, Drug and alcohol Use and Testing for Drivers of City Commercial Vehicles Which Require a Commercial Driver's License (CDL). If selected for this position, you will be included in random drug and alcohol testing and subject to the other provisions of these DOT regulations and City Policy.

ATTACHMENT III
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.

B. UNUSUAL BEHAVIOR

- ___ 1. Verbal abusiveness
- ___ 2. Physical abusiveness
- ___ 3. Extreme aggressiveness or agitation
- ___ 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.

C. PHYSICAL SIGNS OR SYMPTOMS

- ___ 1. Possessing, dispensing, or using controlled substance
- ___ 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 watery 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 of 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
- ___ 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.

This form may be duplicated

Signature of Supervisor #1

Date/Time

Signature of Supervisor #2

Date/Time