

City of Galveston

**DOT FTA
DRUG &
ALCOHOL
TESTING POLICY**

Effective Date: October 1, 2021

Adopted by: _____

Date Adopted: 10/01/2021

Last Revised: 10/01/2021

City of Galveston **LETTER TO APPLICANTS AND EMPLOYEES**

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

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

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

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

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

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

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

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FMCSA DRUG & ALCOHOL TESTING POLICY

I. Statement of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website

- [Procedures for Transportation Workplace Drug and Alcohol Testing Programs | US Department of Transportation](#)
- [49 CFR Part 655 - eCFR — Code of Federal Regulations \(dot.gov\)](#)

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655. In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

To accomplish that end, the CITY cannot condone and will not tolerate any of the following behaviors by its employees:

- a. Use of illicit drugs
- b. Abuse of legal drugs (prescription or over the counter)
- c. Abuse of alcohol
- d. Sale, purchase, transfer or use or possession of illegal drugs or prescription drugs obtained illegally
- e. Arrival for work under the influence of drugs or alcohol.
- f. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace.
- g. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify no later than five days after such conviction.

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

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

A. Covered Employees - FTA

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4. Following is the list of the job titles that pertain, full or part-time:

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- ADA Coordinator
- Public Transit Supervisor
- Training Coordinator
- Public Transit Dispatcher
- Transit Operators
- Trolley Operators
- Shop Clerk/Dispatcher
- Automotive Mechanic
- Bus Service Attendant
- Fleet Maintenance Supervisor
- Automotive Parts Technician
- Public Transit Operations Manager

You are a covered employee if you perform any of the following:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

II. SUBSTANCES TO BE TESTED AND DETECTION THRESHOLDS

As specified in DOT regulations 49 CFR Part 40, Section 40.87, the following substances will be tested for: *(subject to change if the regulation changes)*

Initial Test Analyte	Initial Test Cutoff	Confirmatory Test Analyte	Confirmatory Test Cutoff Concentration
Marijuana metabolites (THCA) ²	50 ng/mL	THCA	15 ng/mL
Cocaine metabolite (Benzoylecgonine)	150 ng/mL	Benzoylecgonine	100 ng/mL
Codeine Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL 2000 ng/mL
Hydrocodone Hydromorphone	300 ng/mL	Hydrocodone Hydromorphone	100 ng/mL 100 ng/mL
Oxycodone Oxymorphone	100 ng/mL	Oxycodone Oxymorphone	100 ng/mL 100 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine (PCP)	25 ng/mL	Phencyclidine	25 ng/mL

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Amphetamine / Methamphetamines	500 ng/mL	Amphetamine Methamphetamines	252 ng/mL 252 ng/mL
MDMA ¹ / MDA ²	500 ng/mL	MDMA MDA	250 ng/mL

¹Methylenedioxyamphetamine (MDMA).

²Methylenedioxyamphetamine (MDA).

Alcohol:

- a. A candidate that has a blood alcohol concentration (BAC) level on their pre-employment breath alcohol test is not eligible for hire, zero tolerance for new hires. The candidate may re-apply for employment with the City after one year from the test date.
- b. An employee that has a BAC equal to or between 0.02- 0.039:
 - a. Will be sent home for the remainder of their scheduled shift
 - b. Is not to return to work for a minimum of an eight-hour period.
 - c. Will not be paid for the work time missed.
 - d. The employee will receive disciplinary action up to and including termination of employment.
 - e. A second BAT result between 0.02-0.039 within twelve months from the initial BAT result will result in immediate termination.
- c. A BAC result that is above 0.04 will result in immediate termination.

Employees are not to drink eight (8) hours prior to coming to work. If an employee has consumed alcohol and is called into work for any reason, they must report that they are unable to work. Employees that are on-call, must be cognizant of the eight (8) hour rule. Failure to comply with this standard may result in disciplinary action up to and including termination.

III. MEDICATIONS

Employees shall not use or be under the influence of medications while working if the medications have the potential to alter or to adversely affect their judgment, motor skills, to induce sleepiness or to otherwise detract from their safe job performance. Exceptions can, of course, be made in work areas and activities of decreased safety-sensitivity where the potential for accident and injury is minimal and where the effect of the medication on the employee is judged to be no factor by a medical authority. It must also be acceptable to management for the employee to continue work. Exceptions to this rule will be made at least one level of supervision above the concerned employee's immediate supervisor. *Employees will report their use of any legal prescription medications to their supervisor before beginning work;* those sensitive to the disclosure of their use of certain medications may call or visit the CITY official (see name and telephone number in Section XVI) in charge of the Drug/Alcohol Testing Policy, in confidence to resolve their unique work situation.

IV. DRUG & ALCOHOL TESTING POLICY MONITORING

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

a. Pre-Employment Testing

Job applicants, as a condition of obtaining employment. A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 30 or more consecutive calendar days and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

b. Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

A covered employee may only be randomly tested for alcohol misuse while the employee 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. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

c. Post-Accident Testing

Covered employees shall be subject to post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by City of Galveston using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (3) The vehicle is a rail car, trolley car or bus, or vessel, and is removed from operation, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by City of Galveston using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

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

d. Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when City of Galveston has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee 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.

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

e. **Return to Duty Testing**

Following a removal from a safety-sensitive position after a positive, adulterated or substituted test and referral to a Substance Abuse Professional (SAP).

f. **Follow-Up Testing**

Employees as a FOLLOW-UP to a return from rehabilitation program. These employees will be tested periodically. Under DOT regulations, follow up testing will be at a minimum six tests over the first year of return to duty.

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

V. **Testing Procedures**

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

A. Custody and Control Form (CCF)

A CCF is required for every drug test. Alcohol screening test results must be documented on an alcohol testing form. A CCF is necessary for every blood alcohol confirmation test. For confirmation alcohol tests using a breath alcohol device, result and zero blank printouts must be attached to the CCF or attached to the alcohol testing form.

B. Drug testing laboratories:

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

C. Dilute Specimens:

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

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

- ii. Otherwise (i.e., if the creatinine concentration of the dilute specimen is greater than 5 mg/dL but less than or equal to 20 mg/DL), the City will direct the employee/candidate to submit to the City's non-DOT drug and alcohol policy.

For current employees required to submit to a return-to-duty test or follow-up test (both of which under DOT regulations must be a negative test result) a second directly observed collection resulting in a negative dilute urine test result will render the final result a "negative" test.

If the employee declines to take a retest required because of a dilute specimen, the action will be considered a "refusal to be tested" and will be treated the same as a confirmed and verified positive result.

D. Challenges to Confirmed Positive Test Results

DOT Testing – 49 CFR Part 40 Regulations

- a. Upon receipt of a verified positive drug test result, the CITY will immediately remove the employee involved from performing safety-sensitive functions. The CITY will take this action upon receiving the initial report of the verified positive test result.
- b. On positive or refusal to test, the Medical Review Officer (MRO) will explain split specimen testing process to the employee
- c. Employee has 72 hours after verification to request test of split specimen.
- d. When the employee makes a timely request for a test of the split specimen, the MRO immediately provides written notice to the laboratory that tested the primary specimen, directing the laboratory to forward the split specimen to a second laboratory certified also by the United States Department of Health and Human Services (HHS). Timely request is about 72 hours after being informed of a positive drug test result.

E. Invalid Results Due to Medical Conditions

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

F. Direct Observation Specimen Collections

Under certain circumstances applicants or employees (donors) may be required to submit their urine specimen for drug testing under direct observation. During the observed collection, items such as prosthetic devices designed to carry clean urine will be checked for by observers with both male and female donors, by asking the donor to raise and lower clothing, turn around, and then put the clothing back into place for the observed collection. The observer must then watch the employee urinate into the collection container. Specifically, the observer must watch the

urine go from the donor's body into the collection container. The observer must be of the same gender as the donor, and does not need to be the collector.

VI. Prohibited Behavior

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

- a. It is a violation of City policy for any employee to use, possess, manufacture, sell, trade, offer for sale, offer to buy, or make arrangements to distribute illegal drugs, or to otherwise engage in the illegal use of drugs while at work or on CITY property.
- b. It is a violation of City policy for anyone to report to work under the influence of alcohol, or any illegal drugs.
- c. It is a violation of City policy for anyone to remain on duty that requires the operation of a motor vehicle or other hazardous equipment, or the performance of safety-sensitive job duties, while under the influence of illegal drugs or alcohol.
- d. It is a violation of City policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.) Such prescription drugs brought to work should remain in the original labeled container and show both the prescribing doctor's name and expiration date.
- e. It is a violation of City policy to report to work or be at work, where the presence of prescribed or over-the-counter narcotics or drugs exceeds statutory limits in blood or urine, or the use of prescribed or over-the-counter narcotics or drugs poses a risk to the safety of the employee, other persons, the general public or property or may render the employee temporarily medically unfit under applicable DOT agency regulations.
- f. It is a violation of City policy to ingest hemp food products or coca food products. (Recent studies indicate that ingestion of hemp seed oil and hemp food products can result in a positive test for marijuana.) A Medical Review Officer (MRO) may not accept consumption or other use of hemp products, or coca teas, or medical marijuana as an excuse for a positive drug test.
- g. It is a violation of City policy for employees to use alcohol within eight (8) hours before performing any safety-sensitive activity. The CITY will provide an opportunity for each such on-call employee to acknowledge the use of alcohol at the time he/she is called to report for duty, and it is the employee's responsibility to inform his/her supervisor at the earliest possible time of any potential impairment from alcohol.
- h. It is a violation of City policy to engage in the following conduct as defined and identified in 49 CFR Part 40 and this Policy:
 - i. Receiving a verified positive drug test
 - ii. Receiving a verified adulterated or substituted drug test
 - iii. Receiving an alcohol test result of 0.04 or higher
 - iv. Failure to appear for a drug or alcohol test within the time directed by the DER
 - v. Refusal of an Alcohol or Drug Test
 - vi. Refusal to provide the collector with requested information to be placed on the Custody and Control Form (CCF)
 - vii. Refusal to cooperate with the collector's directions to remove outer clothing, leave personal belongings, empty pockets, wash hands or other such directives of the collector
 - viii. Refusal to follow the collector's instructions to submit to an observed or monitored collection
 - ix. Refusal to sign a CCF or initial tamper-evident bottle seals

- x. Submit, or attempt to submit, and adulterated, diluted or otherwise altered specimen, or substituting a specimen from another person
- xi. Failure to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer.
- xii. Failure to remain at the testing site until the testing process is complete
- xiii. Failure to provide a urine specimen or fail to attempt to provide a saliva or breath specimen
- xiv. Fail or decline to take a second test the DER or collector has directed
- xv. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of a verification process, or as directed by the DER as part of the “shy bladder” procedures or “shy lung” procedures
- xvi. Behave in a confrontational way that disrupts the collection process is classified as refusal to test or fail to cooperate with any part of the alcohol testing process
- xvii. For an observed collection, fail to follow the observer’s instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process
- xviii. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
- xix. Admit to the collector or MRO that you adulterated or substituted the specimen.

DISCIPLINE ACTIONS FOR VIOLATIONS LISTED ABOVE:

- a. Job Applicants will not be hired.
Employees violating this policy will lead to disciplinary action up to and including termination of employment. Injured employees may also forfeit eligibility for unemployment payment as well as workers’ compensation medical payments and indemnity payments.
- b. Employees arrested, indicted or convicted of violating controlled substance laws will notify the employer within five (5) days of the event and if this substance abuse policy was also violated, will be disciplined up to and including termination, depending on the circumstances.
- c. DOT consequences for a confirmed positive, adulterated, substituted drug/alcohol test or refusal to test require the employee to be removed from a safety-sensitive position and referred to a Substance Abuse Professional (SAP). The employee cannot return to the safety-sensitive position until a final evaluation from the SAP and a return-to-duty negative test.

VII. Test Refusals

As a covered employee, you have refused to test if you:

- a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by City of Galveston.
- b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.

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- d. In the case of a directly observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- e. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- f. Fail or decline to take a second test as directed by the collector or City of Galveston for drug testing.
- g. Fail to undergo a medical evaluation as required by the MRO or City of Galveston's Designated Employer Representative (DER).
- h. Fail to cooperate with any part of the testing process.
- i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- j. Possess or wear a prosthetic or other device used to tamper with the collection process.
- k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
- l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- m. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

VIII. REPORTING DRUG TESTING INFORMATION

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

IX. CONFIDENTIALITY OF DRUG TESTING INFORMATION

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

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

X. CONFIDENTIAL REPORTING OF MEDICATION USE

The CITY knows that eventually most people need to take medications to combat various illnesses. Employees must realize, however, that many medications will alter or affect a drug test. An employee could possibly test positive for a drug when taking medications prescribed by a doctor or both over the counter at a pharmacy. Medications known to alter or affect a drug test are listed in Section XV. The name of the testing laboratory is listed in Section XVI. employees who want more technical information about medications may consult the testing laboratory. To avoid the potential problems created by a false test result, the CITY has implemented procedures to enable employees to confidentially report the use of medications. You may report the use of medications on the back of your copy of the chain of custody form after your specimen is collected and discuss only with the MRO.

XI. EMPLOYEE ASSISTANCE PROGRAM

Our company maintains an Employee Assistance Program (EAP) that consists of referring employees who have tested positive for drugs and/or alcohol to local drug and alcohol rehabilitation centers. Any costs of outside services are, however, the employee's responsibility.

Any employee who has not previously tested positive for drug or alcohol use and has not yet entered a drug and/or alcohol abuse rehabilitation program, may seek assistance for drug and alcohol problems before they lead to disciplinary actions.

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

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

Employees who violate this policy may not continue to work in safety-sensitive functions until they have completed a Substance Abuse Professional (SAP) course of action and provide negative result on a return-to-duty test. For up to five years, a series of periodic drug tests will be administered after returning to work. A minimum of six (6) tests will be required the first twelve (12) months.

If an employee wishes to pursue help through the EAP or wishes to contact an SAP, please contact the person listed in Section XVI for the appropriate referral. The following section also includes additional EAP and SAP information.

XII. FEDERAL AND STATE LAWS AND REGULATIONS

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

XIII. AMENDMENT AND SEVERABILITY

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

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

(BRAND NAMES AND COMMON NAMES)

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

Other Drugs which may or may not be listed above:

Mereperidine (Demerol)	Phenobarbital	Diazepam (Valium) Ativan
Quinine	Imipramine/Desipramine	and/or Dalmane Clonazepam
Methamphetamine,	Hydroxyzine (Vistaril)	(Klonopin) Meproamate
Meth Hydromorphone	Doxepin (Sinequan/Adapin)	(Equanil) Glutethimide
(Dilaudid)	Hydrocodone (Hycodan)	(Doriden) Ethchlorvynil
Phenothiazines	Phentermine	(Placidyl) Fenfluramine
Phenmetrazine	Meperidene	Tramadol
(Preludin) Pentazocine	Other Barbiturates (specific	Other Benzodiazepines
(Talwin)	identity not differentiated,	(specific identity not
Amitriptyline /	includes: Amobarb,	differentiated, includes:
Nortriptyline	Pentobarb, Secobarb,	Librium, Larazepam)
(Elavil)	Butalbital, etc.)	
Ecstasy, MDMA/MDA		
Fentanyl		

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XV. DRUG/ALCOHOL TESTING POLICY INFORMATION AND REVISION SHEET

City Designated Employer Representative (DER):

This is the Program Administrator, the person in charge of the drug/alcohol testing program. This representative must remove employees from a Safety-Sensitive position upon a violation of the DOT rules and regulations for drug/alcohol testing.

DER Name:	Kent Etienne Tel: 409-797-3650
City Location:	City of Galveston 823 Rosenberg Galveston, TX 77550
Drug Program Administrator:	Workplace Safety Screenings 1717 Turning Basin Suite 148 Houston, TX 77029 Phone: 832 572 5577
Testing Laboratory:	Clinical Reference Laboratory 8433 Quivira Rd Lenexa, KS 66214 Tel: +1 800-445-6917
Medical Review Officer:	Dr. David Nahin 9501 Northfield Blvd. Denver, CO 80238 Phone: 877-585-7366 Fax: 855-253-5666
Substance Abuse Professional (SAP):	American Substance Abuse Professionals, Inc. Tel: 888-792-2727

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DOT FTA DRUG FREE WORKPLACE PROGRAM

XVI. Employee Assistance Program

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

Substance Abuse Treatment Locator www.findtreatment.samhsa.gov

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

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

Other National Hotlines & National Assistance Groups:

Drug & Alcohol Abuse Hotline	1-800-252-6465
Drug Addiction Referral Hotline	1-800-758-5877
Alcoholics Anonymous	1-800-344-2666
Narcotics Anonymous	1-818-773-9999
AL-ANON Family Group Headquarters	1-800-356-9996
Child Help's - National Child Abuse Hot Line	1-800-422-4453
M.A.D.D.	1-800-438-6233
S.A.D.D.	1-508-481-3568
Families Anonymous	1-800-736-9805
Florida Alcohol and Drug Abuse Association	1-850-878-2196
National Runaway Switchboard	1-800-621-4000
National Institute on Drug Abuse (NIDA)	1-301-443-1124
National Suicide Prevention Lifeline	1-800-273-8255
National Council on Alcoholism & Drug Dependence Hopeline	1-800-622-2255
National Clearing House for Alcohol & Drug Information	1-800-729-6686

Local Assistance Groups:

AAMA – Project Tejas 204 Clifton, Houston, TX 77011	1-713-926-9491
ADAPT Angleton, Texas	1-979-480-3327
Amistad Recovery Services 200 W. 2nd Street Suite #101, Freeport, TX. 77541	1-979-281-4211
Bay Area Council on Drugs and Alcohol 1300 Bay Area Blvd., Houston, Texas 77058	1-800-510-3111
City of Houston Community Re-entry Network Kashmere Multi-Service Center 4802 Lockwood, Houston, TX 77026	1-832-393-5503
Council On Alcohol & Drug Abuse Coastal Bend 1801 S. Alameda St, Ste 150, Corpus Christi, TX 78412	1-361-854-9199

Employee Assistance Program, Continued

Crowley Behavioral Health Clinic 1822 West 2nd Street, Crowley, Louisiana 70526	1-337-788-7511
Gulf Coast Center Drug and Alcohol Recovery Dept. 123 Rosenberg, 6th Floor, Galveston, Texas 77550	1-409-944-4337
Imperial Calcasieu Human Services Authority Lake Charles Behavioral Health Clinic 4105 Kirkman Street, Lake Charles, LA 70607	1-337-475-8022
PaRC Memorial System Several Locations	1-713-939-7272
South East Texas Management Network AKA Spindletop MH/MR Services 655 South 8th Street, Beaumont, Texas 77701	1-409-838-1000 1-409-839-1022
Spindletop SCOPC 3407 57th Street, Pt. Arthur, TX 77640	1-409-813-8300
Phoenix House 501 Garden Oaks, Houston TX 77018	1-713-426-2637
Recovery Center of Cameron County 700 E. Levee, Brownsville, Texas 78520	1-956-548-0028
Texas Prevention Network, Inc. 10103 Fondren Road, Suite 330, Houston, TX 77096	1-713-981-6063

DOT Substance Abuse Professionals

DOT regulated employee testing positive, or refusal to test must be referred to a

Substance Abuse Professional (SAP):

American Substance Abuse Professionals, Inc.	888-792-2727	National Substance Abuse Professionals Network	1-800-879-6428
DOT Certified Counselors AOD Resource, Greater Houston Area 16815 Royal Crest Drive, Suite 130, Houston, Texas 77058			1-281-971-1969
DOT Certified Counselors Spindletop MMHR Beaumont, Texas 77001			1-409-784-5400
DOT Certified Counselor Second Mile Marcos Elizando Locations throughout Houston and surrounding areas			1-281-841-2545

XVII. IMPORTANT INFORMATION FOR ANTI-DRUG & ALCOHOL MISUSE PROGRAMS

<p><u>Notice to Applicants and Employees</u> DRUG TESTING IS REQUIRED FOR THE FIVE (5) DRUGS LISTED BELOW:</p> <ol style="list-style-type: none">1. Marijuana2. Cocaine3. Phencyclidine (PCP)4. Opiates (Codeine Morphine Heroin)5. Amphetamines (Methamphetamine MDMA (Ecstasy)) <p>ALCOHOL IS TESTED FOR, WHEN REQUIRED:</p> <ul style="list-style-type: none">• Saliva Screening• Breath Alcohol Testing	<p>City Designated Employer Representative (DER) – All questions regarding the Drug & Alcohol Testing Program</p> <p>DER: Kent Etienne</p> <p>CITY LOCATION: City of Galveston 823 Rosenberg Galveston, TX 77550 (409) 797-3650</p>
<p>DRUG OR ALCOHOL HOTLINE #s</p> <p>National Council on Alcoholism and Drug Dependence Hopeline Toll Free: 1-800-622-2255 www.ncadd.org</p> <p>Alcohol & Drug Referral Hotline Toll Free: 1-800-252-6465</p> <hr/> <p>SUBSTANCE ABUSE PROFESSIONAL (Employee must be referred after violation of DOT Drug & Alcohol Policy):</p> <p>National Substance Abuse Professionals Network 1-800-879-6428</p> <p>For Additional Assistance Call 832-572-5577 Workplace Safety Screenings</p>	<p>IT IS THE POLICY OF THIS CITY THAT THERE IS NO PLACE FOR THOSE WHO USE ILLEGAL DRUGS OR WHO ABUSE LEGITIMATE DRUGS OR WHO HAVE BECOME DEPENDENT UPON ANY CHEMICAL SUBSTANCE INCLUDING ALCOHOL.</p> <p>THIS CITY INTENDS TO BE IN COMPLIANCE WITH THE U.S. DEPARTMENT OF TRANSPORTATION (DOT) REGULATIONS CONCERNING DRUG ABUSE AND ALCOHOL MISUSE, WHICH INCLUDES A PROGRAM OF RANDOM URINALYSIS TESTING FOR ILLICIT DRUG USE, AND A PROGRAM FOR RANDOM ALCOHOL TESTING.</p> <p>EMPLOYEES WHO HAVE A CONFIRMED POSITIVE TEST FOR DRUGS OR ALCOHOL ARE SUBJECT TO DISMISSAL OR TRANSFER TO A NON-COVERED JOB WITH LOSS OF ALL OR PART OF WAGES.</p>

City of Galveston

XVIII. FTA DRUG & ALCOHOL TESTING POLICY EMPLOYEE RECEIPT

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

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

I give my consent to the CITY and/or its designated Service Agent to collect specimens for screening or testing for the purpose of determining the presence of, and content of, drug and alcohol substances, as well as to obtain results from any alcohol or drug screen, as set out in the drug and alcohol testing policy. I further agree to and hereby authorize the release of the results of said tests to the CITY's Medical Review Officer and as set forth in the CITY Drug/Alcohol Testing Policy.

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

Date Received

Employee Signature

Employee Print Name

Employee ID Number

Date

Witness