

**DOT SAFETY-SENSITIVE DRIVERS  
CLASSIFICATIONS OF DRIVERS**

With the number of employees involved, employees subject to testing will be identified initially by classification where the classification is clearly one which requires a CDL and the function meets the criteria for safety-sensitive. The list of specific employees in safety-sensitive functions is maintained by computer. In the classifications listed for regular drivers, the majority of employees are subject to this policy.

Regular Drivers

Equipment Operator I  
Equipment Operator II  
Equipment Operator III

Equipment Mechanic  
Equipment Mechanic - Certified  
Equipment Mechanic Leader  
Equipment Shop Supervisor

Maintenance and Repair Worker III  
Maintenance and Repair Leader I  
Maintenance and Repair Leader II  
Maintenance and Repair District Supervisor  
Maintenance and Repair Supervisor

Passenger Van Driver

Residential Sanitation Supervisor  
Sanitation Leader  
Sanitation Supervisor

Signal Maintenance Supervisor

For some classifications, especially those involving skilled craft work, employees are not generally covered under this policy but may occasionally drive commercial motor vehicles to perform a specific task. Other employees will be subject to this policy when they qualify for other classifications and request that they be assigned to work in a higher classification as relief workers. Employees in both circumstances will be identified according to the procedure for identifying relief drivers (Appendix 2). They must be identified in one of the classifications listed in this appendix.

Occasional Drivers

Carpenter  
Engineering Technician II (Water TV Crew)  
Equipment Servicer  
Industrial Electrician  
Industrial Electrician Leader  
Industrial Mechanic  
Industrial Mechanic Leader  
Industrial Maintenance Supervisor  
Landfill Manager  
Landfill Supervisor I  
Landfill Supervisor II  
Machinist  
Mason  
Mechanic Helper  
Paint & Body Repairer  
Plumber  
Social Worker  
Tire Servicer  
Welder

RELIEF AND OCCASIONAL DRIVERS  
DESIGNATION AND DOT APPLICATION

Employees for whom driving is a primary function who are required to maintain a commercial drivers license (CDL) are identified for application of the Department of Transportation alcohol and substance abuse testing. Other employees who hold a CDL may be assigned to drive on an occasional basis or as a relief drivers when a regular driver is not available. Since these employees use a CDL, they are subject to alcohol and controlled substance testing under the DOT regulations. Accordingly, these employees must be identified, in advance, as a pool of employees from whom driving assignments may be made. The procedure and application of testing is outlined below.

FUNCTION / CLASSIFICATION

The designation of relief and occasional drivers will be based on the function to be performed, not just the fact that an employee holds a CDL. Driving a commercial motor vehicle must be necessary for completion of the function and requirement of a CDL must be listed in the job description for the classification. A list of classifications reflecting such functions, corresponding with those of regular drivers, is found in Appendix 1. This may be changed as needed, but revisions must follow the same guidelines as stated here.

DESIGNATION OF DRIVERS

1. The personnel manager/administrator for each department will notify employees that they are establishing a pool of occasional and relief drivers, giving them a chance to request that their names be placed on the list.
2. Employees who wish to be considered for driving assignments will show the administrator their current CDL and any other pertinent documents related to the type of driving involved, such as endorsements. At the same time, the employee will be required to sign a consent to be part of the drivers pool from which random selections will be made for substance abuse and alcohol testing. These employees will receive information on the Drug and Alcohol policy and will be subject to all of its requirements and applications. This form will be placed in the departmental personnel file.
3. The departmental administrator will confirm the possession of the CDL and other pertinent information, such as endorsements and required training, on the form signed by

the employee. He will designate classifications for which the employee is qualified to drive and make lists of designated relief drivers available to supervisors who make the immediate assignments.

4. Supervisors may assign qualified drivers from this list considering factors such as seniority, dependability and availability. These are temporary assignments which provide no guarantee of promotion and are unrelated to existing promotional eligibility registers. Actual vacancies will be filled through the normal promotional process.
5. Department administrators will update these lists at the first of each month, sending a copy of the list revisions to the Personnel Department for revision of the random testing pool. No employee shall be assigned to drive until they have been added to this pool list.

RELIEF / OCCASIONAL DRIVER  
REQUEST AND CERTIFICATION

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TO BE COMPLETED BY THE EMPLOYEE

Name: \_\_\_\_\_

Social Security No: \_\_\_\_\_

Department: \_\_\_\_\_

\_\_\_\_ I request that I be assigned to drive on a temporary basis when a regular driver is not available. OR

\_\_\_\_ I understand that I may need to drive occasionally to complete my job.

I have the license and related endorsements as listed below and agree to notify the department if there is a change in the status of these. I will also notify the department immediately of conviction for any moving traffic violation, including charges related to drugs and alcohol, both on and off the job. I understand that I must comply with all Department of Transportation regulations for drivers and consent to participate in the selection pool for random drug and alcohol testing.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

License and Qualifications

CDL Type: \_\_\_\_\_ Number: \_\_\_\_\_ Expires: \_\_\_\_\_

Endorsements: \_\_\_\_\_

Training/Certifications: \_\_\_\_\_

Equipment Operated: \_\_\_\_\_

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TO BE COMPLETED BY THE DEPARTMENT PERSONNEL MANAGER

I have certified the information given above and determined that this employee may be placed on a relief or occasional driver list for the classifications listed below as identified in Appendix 1:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## TECHNICAL TESTING PROCEDURES

### I. URINE SPECIMEN COLLECTION PROCEDURES

#### A. Scope

1. The drug testing plan requires testing for marijuana, cocaine, opiates, amphetamines, and phencyclidine.
2. Urine specimens collected under this plan may be used only to test for controlled substances designated or approved for testing as described in this appendix and shall not be used to conduct any other analysis or test.
3. This plan does not prohibit procedures reasonably incident to analysis of the specimen for controlled substances (e.g., determination of PH or tests for specific gravity, creatinine concentration, or presence of adulterants).

#### B. Security

1. The designated collection site is to be secure. If a collection site facility is dedicated solely to urine collection, it shall be secure at all times. If a facility cannot be dedicated solely to drug testing, the portion of the facility used for testing shall be secure during drug testing.
2. A facility normally used for other purposes, such as a public rest room or hospital examining room, may be secured by visual inspection to ensure other persons are not present and undetected access (e.g., through a rear door not in the view of the collection site person) is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public rest room, the facility must be posted against access during the entire collection procedure to avoid embarrassment to the employee or distraction of the collection site person.
3. If it is impractical to maintain continuous physical security of a collection site from the time the specimen is presented until the sealed mailer is transferred for shipment, the following minimum procedures shall apply:
  - a. The specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the mailer.
  - b. The mailer shall be immediately mailed, maintained in secure storage, or remain until mailed under the personal control of the collection site person.

C. Access to Authorized Personnel Only

1. No unauthorized personnel shall be permitted in any part of the designated collection site when urine specimens are collected or stored. Only the collection site person may handle specimens prior to their securement in the mailing container or monitor or observe a specimen (under the conditions specified in this appendix).
2. To promote security of specimens, avoid distraction of the collection site person, and ensure against any confusion in the identification of specimens, the collection site person shall have only one donor under supervision at anytime.
3. For this purpose, a collection procedure is complete when the urine bottle has been sealed and initialed, the drug testing custody and control form has been executed, and the employee has departed the site (or in the case of an employee who was unable to provide a complete specimen, has entered a waiting area).

D. Chain of Custody

1. The collection site person shall utilize the drug testing custody and control form provided by the DOT following instructions established in 49 CFR 40.23. This form is to be used as a permanent record on which identifying data on the employee and on the specimen collection and transfer process are retained.
2. The drug testing custody and control form may include such additional information as may be required for billing or other legitimate purposes necessary to the collection, provided that personal identifying information on the donor (other than the social security number or employee identification number) may not be provided to the laboratory. Donor medical information may appear only on the copy provided to the donor.
3. The chain of custody block of the drug testing custody and control form shall be properly executed by authorized collection site personnel upon receipt of specimens.
4. Handling the transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

E. Privacy

1. Procedures for collecting urine specimens shall allow individual privacy

unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided, as further described in this paragraph.

2. For purposes of this procedure, the following circumstances are the exclusive grounds constituting a reason to believe that the individual may alter or substitute the specimen:
  - a. The employee has presented a urine specimen that falls outside the normal temperature range (32° - 38°C / 90° - 100°F) and
    - (1) The employee declines to provide measurement of oral body temperature, as provided in paragraph F. 14. of this section; or
    - (2) oral body temperature varies by more than 1°C/1.8°F from the temperature of the specimen.
  - b. The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the lab to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L.
  - c. The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented); or
  - d. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test was being conducted under a DOT regulation providing for follow-up testing upon or after return to service.
3. A higher-level supervisor of the collection site person, or a designated employer representative, shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based upon the circumstances described in paragraph 2 above.

F. Integrity and Identity of Specimen

The collection site person shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identify the individual from whom the specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

1. To deter the dilution of specimens at the collection site, toilet bluing

- agents shall be placed in toilet tank wherever possible, so that the reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water (e.g., no shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.
2. When an individual arrives at the collection site, the collection site person shall ensure that the individual is positively identified as the employee selected for testing (e.g., through presentation of photo identification or identification by the employer's representative). If the individual's identity cannot be established, the collection site person shall not proceed with the collection. If the employee requests, the collection site person shall show proper identification to the employee.
  3. If the individual fails to arrive at the assigned time, the collection site person shall contact the appropriate authority to obtain guidance on the action to be taken.
  4. The collection site person shall ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The collection site person shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain his or her wallet. If the employee requests it, the collection site person shall provide a receipt for any personal belongings.
  5. The individual shall be instructed to wash and dry his or her hands prior to urination.
  6. After washing hands, the individual shall remain in the presence of the collection site person and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent, or any other materials which could be used to adulterate the specimen.
  7. The individual may provide their specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The collection site person shall provide the individual with a specimen bottle or collection container, if applicable, for this purpose.
  8. The collection site person shall note any unusual behavior or appearance on the urine custody and control form.
  9. In the exceptional event that an employer-designated collection site is not accessible and there is an immediate requirement for specimen collection (e.g., circumstances require a post-accident test), a public rest room may be used according to the following procedures. A collection site person of the same gender as the individual shall accompany the

individual into the public rest room which shall be made secure during the collection procedure. If possible, a toilet bluing agent shall be placed in the bowl and any accessible toilet tank. The collection site person shall remain in the rest room, but outside the stall, until the specimen is collected. If no bluing agent is available to deter specimen dilution, the collection site person shall instruct the individual not to flush the toilet until the specimen is delivered to the collection site person. After the collection site person has possession of the specimen, the individual will be instructed to flush the toilet and to participate with the collection site person in completing the chain-of-custody procedures.

10. Collection Methodology
  - a. Upon receiving the specimen from the individual, the collection site person shall determine if it has at least 30ml of urine for the primary or single specimen bottle and an additional 15ml of urine for the split specimen bottle. If the individual is unable to provide such a quantity of urine, the collection site person shall instruct the individual to drink not more than 24 ounces of fluids, and after a period of up to two hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing is discontinued, and the employer is 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. Upon completion of the examination, the MRO shall report his or her conclusions to the employer in writing.
  - b. In pre-employment testing, if Metro does not wish to hire the individual, the MRO is not required to make sure a referral. Upon completion of the examination, the MRO shall report his or her conclusion to the program administrator or designee in writing.
11. Employers using the split sample method of collection shall follow the procedures set forth below:
  - a. The donor shall urinate into a collection container or specimen bottle capable of holding at least 60 ml.
  - b. If a collection container is used, the collection site person, in the presence of the donor, pours 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 ml shall be poured into the other bottle, to be used as the split specimen.
  - c. If a single specimen bottle is used as a collection container, the

- collection site person, in the presence of the donor, shall pour 15ml of urine from the specimen bottle into a second specimen bottle (to be used as the split specimen) and retain the remainder (at least 30 ml) in the collection bottle (to be used as the primary specimen).
- d. Both bottles shall be shipped in a single shipping container, together with copies 1,2 and the split specimen copy of the chain-of-custody form, to the laboratory.
  - e. If the test result of the primary specimen is positive, the employee may request that the MRO direct that the split specimen be tested in a different DHHS-certified laboratory for presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The 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.
  - f. When the MRO informs the laboratory in writing that the employee has requested a test of the split specimen, the laboratory shall forward, to a different DHHS-approved laboratory, the split specimen bottle, with seal intact, a copy of the MRO request, and the split specimen copy of the chain-of-custody form with appropriate chain-of-custody entries.
  - g. The result of the test of the split specimen is transmitted by the second laboratory to the MRO.
  - h. Action required by DOT agency regulations as the result of a positive drug test (e.g., removal from performing a safety-sensitive function) is not stayed pending the result of the test of the split specimen.
  - i. If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test, and report the cancellation and the reasons for it to the DOT, the employer and the employee.
12. After the specimen has been provided and submitted to the collection site person, the individual shall be allowed to wash his or her hands.
  13. Immediately after the specimen is collected the collection site person shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure is critical and in no case shall exceed 4 minutes.
  14. A specimen temperature outside the range of 32°C - 38°C / 90°F - 100°F, constitutes a reason to believe that the individual has altered or

- substituted the specimen (See Section E.2a.). In such cases, the individual supplying the specimen may volunteer to have their temperature taken to provide evidence to counter the reason to believe the individual may have altered or substituted the specimen.
15. Immediately after the specimen is collected, the collection site person shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the urine custody and control form.
  16. All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.
  17. Whenever there is reason to believe that a particular individual has altered or substituted the specimen as described in Section E., a second specimen shall be obtained as soon as possible under the direct observation of a same gender collection site person.
  18. Both the individual being tested and the collection site person shall keep the specimen in view at all times prior to its being sealed and labeled. As provided below, the specimen shall be sealed by placement of a tamper-proof seal over the bottle cap and down the sides of the bottle and labeled in the presence of the employee. If the specimen is transferred to a second bottle, the collection site person shall request the individual to observe the transfer of the specimen and the placement of the tamper-proof seal over the bottle cap and down the sides of the bottle.
  19. The collection site person and the employee shall be present at the same time during the following procedures:
    - a. The collection site person shall place securely on the bottle an identification label which contains the date, the individual's specimen number, and any other identifying information provided or required by the employer. If separate from the label, the tamper-proof seal shall also be applied.
    - b. The individual shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from the donor.
    - c. The collection site person shall enter on the drug testing custody and control form information identifying the specimen. The collection site person shall sign the drug testing custody and control form certifying that the collection was accomplished according to the applicable Federal requirements.
    - d. The individual shall be asked to read and sign a statement on the drug testing custody and control form that the specimen collected from him/her is in fact that specimen he/she provided.

- e. The collection site person shall complete the chain of custody portion of the drug testing custody and control form to indicate receipt of the specimen from the employee and shall certify proper completion of the collection.
20. The urine specimen and chain-of-custody form are now ready for shipment. If the specimen is not immediately prepared for shipment, the collection site person shall ensure that it is appropriately safeguarded during temporary storage.
21. Control of Specimen
- a. While any part of the above chain-of-custody procedures is being performed, it is essential that the urine specimen and custody documents be under the control of the involved collection site person.
  - b. If the involved collection site person leaves their work station momentarily, the collection site person shall take the specimen and drug testing custody and control form with them or shall secure them. After the collection site person returns to the work station, the custody process will continue. If the collection site person is leaving for an extended period of time, they shall package the specimen for mailing before leaving the site.
  - c. The collection site person shall not leave the collection site in the interval between presentation of the specimen by the employee and securement of the sample with an identifying label bearing the employee's specimen identification number and seal initialed by the employee. If it becomes necessary for the collection site person to leave the site during this interval, the collection shall be nullified and at the election of the company administering the test a new collection may be begun.

G. Collection Control

To the maximum extent possible, collection site personnel shall keep the individual's specimen bottle within sight both before and after the individual has urinated. After the specimen is collected, it shall be properly sealed and labeled.

H. Transportation to Laboratory

Collection site personnel shall arrange to ship the collected specimens to the drug testing laboratory. The specimens shall be placed in shipping containers designed to minimize the possibility of damage during shipment (e.g., specimen

boxes and/or padded mailers); and those containers shall be securely sealed to eliminate the possibility of undetected tampering. On the tape sealing the container, the collection site person shall sign and enter the date specimens are sealed in the container for shipment. This collection site person shall ensure that the chain-of-custody documentation is attached to each container sealed for shipment to the drug testing laboratory.

I. Failure to Cooperate

If the employee refuses to cooperate with the collection process, the collection site person shall inform the designated Metro administrator or designee and shall document the non-cooperation on the drug testing custody and control form.

J. Employee Requiring Medical Attention

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

K. Use of Chain of Custody Forms

A chain of custody 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 form each time a specimen is handled or transferred and every individual in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

II. LABORATORY TESTING PROCEDURES

A. Testing

1. Initial Test - The initial test shall use an immunoassay which meets the requirement of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs:

	ng/ml
Marijuana metabolites .....	50
Cocaine metabolites .....	300
Opiate metabolites .....	300
Amphetamines .....	1000
Phencyclidine .....	25

These test levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

2. Confirmatory Test - All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff values listed in this paragraph for each drug. All confirmations shall be by quantitative analysis. Concentrations which exceed the linear region of the standard curve shall be documented in the laboratory record as "greater than highest standard curve value."

	ng/ml
Marijuana metabolites .....	15
Cocaine metabolites .....	150
Opiate metabolites .....	300
Amphetamines .....	500
Methamphetamines .....	500
Phencyclidine .....	25

These test levels are subject to change by the Department of Health and Human Services as advances in technology or other considerations warrant identification of these substances at other concentrations.

B. Reporting Results

1. The laboratory shall report test results to the designated MRO within an average of 5 working days after receipt of the specimen by the laboratory. Before any test result is reported (the results of initial test, confirmatory, tests, or quality control data), it shall be reviewed and the test certified as an accurate report by the responsible individual. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the employer, and the drug testing laboratory specimen.
2. The laboratory shall report as negative all specimens which are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported positive for specific drug.
3. The MRO may request from the laboratory and the laboratory shall provide quantitation of test results. The MRO shall report whether the test is positive or negative and may report the drug(s) for which there was a positive test, but shall not disclose the quantitation of test results to Metro officials. The MRO may reveal the quantitation of a positive test result to the Metro program administrator or designee, the employee, or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from a verified positive drug test.
4. The laboratory may transmit results to the MRO by various electronic means (e.g., teleprinter, facsimile, or computer) in a manner designed to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory and employer must ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.
5. The laboratory shall send only to the MRO the original or a certified true copy of the drug testing custody and control form (copy 1), which, in the case of a report positive for drug use, shall be signed (after the required certification block) by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached to which shall be a copy of the test report.
6. The laboratory shall provide to the Metro official responsible for coordination of the drug testing program a quarterly statistical summary of urinalysis testing of Metro's employees and shall not include in the summary any personal identifying information. Initial and confirmation data shall be included from test results reported within that month.
7. Quarterly reports shall not include data from which it is reasonably likely

that information about individuals' tests can be readily inferred. If necessary, in order to prevent the disclosure of such data, the laboratory shall not send a report until data are sufficiently aggregated to make such an inference unlikely. In any month in which a report is withheld for this reason, the laboratory will so inform the employer in writing.

8. The laboratory shall make available copies of all analytical results for Metro drug testing programs when requested by DOT with regulatory authority over Metro.
9. Unless otherwise instructed by appropriate Metro officials in writing, all record pertaining to a given urine specimen shall be retained by the drug testing laboratory for minimum of 2 years.

C. Long-Term Storage

Long-term frozen storage (-20 C or less) ensures that positive urine specimens will be available for any necessary retest during administrative or disciplinary proceedings. Drug testing laboratories shall retain and place in properly secured long-term frozen storage for a minimum of 1 year all specimens confirmed positive, in their original labeled specimen bottles. Within this 1-year period, an employer (or other person designated in a DOT agency regulation) may request the laboratory to retain the specimen for an additional period of time, but if no such request is received the laboratory may discard the specimen after the end of 1 year, except that the laboratory shall be required to maintain any specimens known to be under legal challenge for an indefinite period.

D. Retesting Specimens

Because some analytes deteriorate or are lost during freezing and/or storage, quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

E. Subcontracting

Drug testing laboratories shall not subcontract and shall perform all work with their own personnel and equipment. The laboratory must be capable of performing testing for the five classes of drugs (marijuana, cocaine, opiates, phencyclidine, and amphetamines) using the initial immunoassay and confirmatory GC/MS methods specified in this appendix. This paragraph does not prohibit subcontracting of laboratory analysis if specimens are sent directly from the collection site to the subcontractor: the subcontractor is a laboratory certified by DHHS as required in this appendix: the subcontractor performs all

analysis and provides storage required under this appendix: and the subcontractor is responsible to the company administering the program for compliance with this appendix and applicable DOT regulations as if it were the prime contractor.

F. Inspections

DOT, any company utilizing the laboratory, DHHS, or an organization performing laboratory certification on behalf of DHHS reserves the right to inspect the laboratory at any time. Company contracts with laboratories for drug testing, as well as contracts for collection site services, shall permit the company and the DOT of jurisdiction (directly or through an agency) to conduct unannounced inspections.

G. Documentation

The drug testing laboratories shall maintain and make available for at least 2 years documentation of all aspects of the testing process. This 2-year period may be extended upon written notification by DOT or by any company for which laboratory services are being provided. The required documentation shall include personnel files on all individuals authorized to have access to specimens; chain of custody documents; quality assurance/quality control records; procedure manuals; all test data (including calibration curves and any calculations used in determining test results); reports; record on performance testing; performance on certification inspections; and hard copies of computer-generated data. The laboratory shall maintain documents for any specimen known to be under legal challenge for an indefinite period.

H. Protection of Employee Records

1. Employer contracts with laboratories shall require that the laboratory maintain employee test records in confidence, as provided in DOT regulations.
2. The contracts shall provide that the laboratory shall disclose information related to a positive drug test of an individual to the individual, the employer, or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a certified positive drug test.

### III. EVIDENTIAL BREATH TESTING (EBT) PROCEDURES

#### A. Scope

The evidential breath testing procedures set forth in this appendix address all the requirements as set forth in 49 CFR Part 40 and specifies the required form and disposition of such testing forms.

#### B. Alcohol Testing Form and Log Book

1. The BAT shall utilize the Breath Alcohol Testing form provided by the DOT following instructions established in 49 CFR 40.59.
2. The company administering tests may utilize a form that is directly generated by an EBT and may omit the space for affixing a separate printed result to the testing form. The form shall provide triplicate or three consecutive identical copies with copy 1 (white copy) being retained by the company, copy 2 (green copy) shall be provided to the employee, and copy 3 (blue copy) shall be retained by the BAT.
3. The company shall use only approved evidential breath testing (EBT) devices for conducting the alcohol testing provisions required in Metro's policy and procedures. The company shall use a log book in conjunction with any EBT used for screening tests if the EBT being utilized does not have:
  - a. capabilities to be attached independently or by direct link to a separate printer, print a result in triplicate (or three consecutive identical copies) of each breath test;
  - b. capabilities to assign a unique and sequential number to each completed test so that the number can be read by the breath alcohol technician (BAT) and the employee before each test and be printed out on each copy of the result;
  - c. capabilities of printing out the manufacturer's name of the device, serial number and time of the test.
4. The breath alcohol testing form may include such additional information as may be required for billing or other legitimate purposes necessary to the testing provided that personal identifying information on the individual (other than the social security number or employee identification number) may not be provided.

#### C. Breath Testing Locations

1. Testing shall be conducted in a location that affords visual and aural

- privacy to the employee being tested, sufficient to prevent unauthorized personnel from seeing or hearing test results. All necessary equipment, personnel and materials for conducting the alcohol testing shall be provided at the testing site.
2. A mobile collection facility, such as a van that is equipped for alcohol testing, that meets the privacy requirements set forth above may be utilized.
  3. No unauthorized persons shall be permitted access to the testing site when the EBT remains unsecured, or in order to prevent such individuals from seeing or hearing a test result, at any time when testing is being conducted.
  4. In unusual circumstances (such as when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the privacy as specified in paragraph 1 above. In such a case, the BAT shall provide the necessary visual and aural privacy to the employee to the greatest extent practicable.
  5. The BAT shall supervise only one employee's use of the EBT at a time. The BAT shall not leave the alcohol testing site while the testing process is in progress.

D. Breath Alcohol Testing Preparations

1. When an employee arrives at the alcohol testing site, the BAT shall ensure that the individual is positively identified as the employee selected for alcohol testing (e.g. through presentation of photo identification or identification by a Metro representative). If the employee's identity cannot be established, the BAT shall not proceed with the alcohol test. If the employee requests, the BAT shall show proper identification to the employee.
2. The BAT shall explain the alcohol testing process to the employee.
3. If the employee fails to arrive at the assigned time, the BAT should contact the appropriate authority to obtain guidance on any action to be taken.

E. Screening Test Procedures

1. The BAT shall begin the alcohol testing process by completing Step 1 on the Alcohol Breath Testing form. The employee shall then complete Step 2 by signing the certification. Refusal by the employee to sign the certification shall be regarded as refusal to take the alcohol test.
2. The BAT shall select an individually-sealed mouthpiece and shall open it

- in full view of the employee and attach it to the EBT in accordance with the manufacturer's instructions.
3. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the EBT instrument indicates that an adequate amount of breath has been obtained.
  4. If the EBT is not capable of producing a triplicate copy print of the test results, the BAT shall show the employee the result displayed on the EBT. The BAT shall record the displayed result, test number, testing device, serial number of the testing device, time and quantified result in Step 3 of the form. The BAT shall record in the log book the test number, date of the test, name of the BAT, location, and quantified test result. The employee shall then initial the log book entry.
  5. If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space. The result shall be secured in such a manner that will provide clear evidence of removal, such as the use of tamper-evident tape.
  6. If the EBT prints the test result directly onto the alcohol form, then the BAT shall show the employee the result displayed on the EBT.
  7. If the result of the screening alcohol test is a breath alcohol concentration of less than 0.02, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall then sign the certification and fill in the date in Step 4 of the form. If the employee does not sign the certification in Step 4 or does not initial the log book entry for a test, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee's failure to sign or initial in the "Remarks" section of the form.
  8. If a test result printed by the EBT does not match the displayed result, the BAT shall note the disparity in the "Remarks" section. Both the BAT and the employee shall initial or sign the notation. The alcohol test is invalid and the Metro administrator and the employee shall be so advised.
  9. At this point, no further testing is authorized. The BAT shall transmit the result of less than 0.02 to the program administrator or designee in a confidential manner. The company shall receive and store the information so as to ensure that confidentiality is maintained as required.
  10. If the result of the screening test is an alcohol concentration of 0.02 or greater, then the BAT shall perform a confirmation test. If the confirmation will be conducted by a different BAT, then the BAT who conducts the screening test shall complete and sign the form and log entry. The BAT will upon completion of the alcohol test provide the

employee with Copy 2 of the breath alcohol testing form.

F. Confirmation Test Procedures

1. When a BAT other than the one who conducted the screening test is required to conduct the confirmation test, the new BAT will require the employee to provide positive identification such as photo ID card or identification by a Metro representative. The BAT will upon request of the employee being tested, provide such identification.
2. The BAT shall instruct the employee not to eat, drink, put any object or substance in his/her mouth, and to the extent possible, not belch during the waiting period just prior to the confirmation test being conducted. This waiting period shall begin with the completion of the screening test and shall not be less than 15 minutes, but must be within 20 minutes of the completion of the screening test. The BAT shall explain to the employee that the reason for this is to prevent any accumulation of mouth alcohol leading to an artificially high reading and that it is for the benefit of the employee to comply with these instructions. The BAT shall also explain that the test will be conducted at the end of the required waiting period, even if the employee has disregarded the instructions. Should the BAT become aware that the employee has not complied with the instructions as provided, the BAT shall note the observation in the "Remarks" section of the form.
3. When a BAT other than the one who conducted the screening test is required to conduct the confirmation test, the new BAT shall initiate a new Breath Alcohol Testing form. The BAT shall then complete step 1 on the form and the employee shall then complete Step 2 by signing the certification. If the employee should choose not to sign the certification, the BAT shall then make an appropriate notation in the "Remarks" section indicating the employee's refusal to take the alcohol test. The BAT shall note in the "Remarks" section that a different BAT conducted the screening test.
4. The BAT shall open, in the presence of the employee, a new individually-sealed mouthpiece and attach the mouthpiece to the EBT in accordance with the manufacturer's instructions. The BAT will then 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.
5. The BAT shall ensure, prior to the confirmation test being administered to the employee, that the EBT shall register 0.00 on an air blank. If the reading is greater, the BAT shall conduct one more air blank. Should EBT

- again register greater than 0.00, the testing shall not proceed using that EBT. An 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 the accepted tolerance limits. Alcohol testing using another EBT may proceed.
6. In the event that the screening and confirmation test results are not identical, the confirmation test result shall be deemed to be the final result on which any disciplinary action may be taken in order to comply with Metro's policy and procedures and any applicable federal requirements.
  7. If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the breath alcohol test form in the designated space. The result shall be secured in such a manner that will provide clear evidence of removal, such as the use of tamper-evident tape.
  8. If the EBT prints the test result directly onto the alcohol form, then the BAT shall show the employee the result displayed on the EBT.
  9. After the confirmation test is completed, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall then be instructed to sign the certification and fill in the date in Step 4. If the employee should elect to not sign the certification or to not provide his/her initials in the log book entry for the test conducted, it shall not be considered as a refusal to be tested. The BAT shall then note the employee's failure to sign or initial the log book entry in the "Remarks" section of the testing form.
  10. If a test result printed by the EBT does not match the displayed result, the BAT shall note the disparity in the "Remarks" section. Both the BAT and employee shall initial or sign the notation on the testing form. The test shall be considered "invalid" and the program administrator and the employee shall be so advised.
  11. The BAT shall transmit all alcohol testing results to the designated administrator or coordinator in a confidential manner. All communications by BATs shall be to the program administrator or designee only and may be provided in writing, in person, or by telephone or electronic means. The BAT shall ensure that immediate transmission of test results is conducted in order for Metro to prevent the employee from performing any covered functions.
  12. Should the initial transmission not be accomplished in writing, but via telephone notification, the program administrator or designee shall establish a mechanism to verify the identity of the BAT providing the

information. The BAT shall follow the initial transmission by providing to the program administrator or designee Metro's copy of the breath alcohol testing form. The test results shall be stored in such a manner so as to protect the confidentiality of the results and to eliminate the disclosure of information to unauthorized persons.

G. Refusals to Test and Uncompleted Tests

1. Refusal by an employee to complete and sign Step 2 of the breath alcohol testing form, to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test shall be noted by the BAT in the "Remarks" section of the form. The testing process shall be terminated and the BAT shall immediately notify Metro's administrator or designee.
2. If a screening or confirmation test cannot be completed or if an event occurs to invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test using a new breath alcohol testing form with a new sequential test number.

H. Inadequate Amount of Breath

1. If the employee is unable, or alleges that he/she is unable, to provide sufficient amount of breath to permit a valid breath test because of a medical condition, the BAT shall again instruct the employee to attempt to provide an adequate amount. If the employee refuses to make the attempt, the BAT shall immediately inform Metro's program administrator or designee.
2. If the employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "Remarks" section of the test form and shall immediately inform Metro's program administrator or designee. The program administrator or designee shall direct the employee to obtain, as soon as practical after the attempt, an evaluation from a licensed physician who is acceptable to the company concerning the employee's medical ability to provide an adequate amount of breath.
3. If the physician determines, in his/her reasonable medical judgment, that a medical condition has or could have precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed as a refusal to take an alcohol test. The physician shall provide to Metro's program administrator a written statement of the basis of his/her conclusion.
4. If the physician, in his/her reasonable medical judgment, is unable to

make the determination that a medical condition has precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall be regarded as refusal to take a test. The physician shall provide a written statement of the basis for his/her conclusion to Metro's program administrator.

I. Invalid Test

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

1. The EBT does not pass its next external calibration check. This invalidates all test results of 0.02 or greater on tests conducted since the last valid external calibration test. This would not invalidate any negative tests conducted.
2. The BAT does not observe the minimum 15-minute waiting period prior to conducting the confirmation test.
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 0.00 prior to the administration of an alcohol test.
4. The BAT does not sign the breath alcohol testing form.
5. The BAT fails to note in the remarks section of the form that the employee has failed or refused to sign the form following the recording or printing or attachment to the form of the test results.
6. An EBT fails to print a confirmation test result.
7. The sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number of alcohol concentration on the printed result.

**DOT ALCOHOL AND SUBSTANCE ABUSE TESTING  
PROGRAM ADMINISTRATORS AND COORDINATORS**

This program is administered by a third-party company and coordinated in the Metropolitan Government by the Personnel Department. Questions about the policy and its implementation may be directed to the general program administrator or to a coordinator in the immediate department as listed below.

GENERAL PROGRAM ADMINISTRATORS

Primary:	Susan G. Brumfield	862-6640
Back-up:	Billie Ferguson	862-6640
	Veronica Frazier	862-6640

DEPARTMENT COORDINATORS

M.A.C.

Primary:	Walter Hunt	862-8860
Back-up:	Ernest Calloway	862-8860

Parks and Recreation

Primary:	Wayne Winters	862-8400
Back-up:	Tom Burns	862-8400

Public Works

Primary:	Wayne McDonald	862-8628
Back-up:	John Walker	862-8700

Sheriff

Primary:	Don Knoch	862-8193
Back-up:	Joan Reuther	862-5461

Social Services

Primary:	Caroline Skelton	862-6400
Back-up:	B.J. Spears	862-6400

Water Services

Primary:	Ilene Cowden	862-4860
Back-up:	Barry Jones	862-4533

Board of Education

Administrators identified in policy approved by Board.