

**CITY OF FERNDALE
REQUEST FOR COUNCIL ACTION**

FROM: Byron A. Photiades, DPW Director

SUBJECT: Adoption of Updated Drug-Free Workplace Policy

SUMMARY & BACKGROUND:

On September 23, 1996, responding to procedures mandated by the U. S. Department of Transportation Motor Carrier Safety Administration, the then-City Council adopted a Drug-Free Workplace Policy. The Council approved an updated policy on February 10, 2003.

Since then, DOT has adopted new regulations, which have been incorporated in an updated policy.

The policy covers 24 hourly and three supervisory DPW employees, who will receive and sign the Acknowledgement of Receipt of Policy form attached to the policy.

Attachment: Policy

COUNCIL AGENDA DATE: November 9, 2009

CITY ATTORNEY REVIEW: P. Daniel Christ

LABOR ATTORNEY REVIEW: Howard L. Shifman

FINANCE DIRECTOR REVIEW: JCHubanks, 10/5/2009; with recommendation to add policy to Employee Handbook

CITY MANAGER APPROVAL: Robert J. Bruner, Jr.

COMMENTS:

RECOMMENDED ACTION:

Moved by , seconded by , to approve the U. S. Department of Transportation Motor Carrier Safety Administration Drug-Free Workplace Policy, which covers 24 hourly and three supervisory DPW employees, and to add said Policy to the Employee Handbook.

CITY OF FERNDALE

REGULATED DRIVERS (CDL)

**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
(FMCSA)
DRUG-FREE WORKPLACE POLICY**

Effective

TABLE OF CONTENTS

PURPOSE AND COVERAGE 3

NON-DISCRIMINATION 3

CRITERIA FOR EMPLOYEES SUBJECT TO TESTING 3

DEFINITION OF SAFETY-SENSITIVE 3

DEFINITIONS 4

TESTS REQUIRED..... 5

 PRE-EMPLOYMENT/PRE-PLACEMENT 5

 POST-ACCIDENT 6

 RANDOM 7

 REASONABLE SUSPICION..... 8

 RETURN-TO-DUTY 8

 POST-REHABILITATION/FOLLOW-UP 9

POLICY PROHIBITIONS 9

CONSEQUENCES FOR POLICY VIOLATIONS..... 10

VOLUNTARY ADMISSION OF DRUG/ALCOHOL USE 11

SUMMARY OF ALCOHOL TESTING PROCEDURES 11

SUMMARY OF DRUG TESTING PROCEDURES..... 12

EDUCATION AND TRAINING 15

ACKNOWLEDGEMENT 15

RESERVATION OF RIGHTS 15

SIGNS AND SYMPTOMS OF A DRUG-ALCOHOL PROBLEM 16

EFFECTS OF ALCOHOL AND DRUGS 16

ACKNOWLEDGEMENT OF RECEIPT OF POLICY 19

PURPOSE AND COVERAGE

The U. S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA), an agency within the DOT, have issued regulations (49 CFR, Parts 40 & 382, hereinafter referred to as "DOT regulations") which govern the use of drugs and alcohol by employees who hold a Commercial Driver's License (CDL) and drive a Commercial Motor Vehicle (CMV). The DOT requires an employer conduct drug and alcohol testing of its drivers at the times and under the conditions described in this Policy. The regulations apply to every person who operates a CMV in interstate, foreign, or intrastate commerce, to all employers of such persons and to all states. Please direct all questions regarding this Policy to the City of Ferndale's (the City's) Representative (DER).

It is the City's intention to comply fully with DOT regulations, in the event DOT regulations are amended or revised, the Policy and the applicable terms, conditions, and/or requirements shall be deemed to have been amended automatically. Redrafting will not be necessary in order to reflect and comply with DOT regulations. The City reserves the right to apply the amended or revised requirements immediately, without giving prior notice to drivers and/or applicants or other employees covered by the City of Ferndale (the City) Policy, unless DOT regulations or other applicable law requires such notice.

The goal of the City's Policy and the testing of drivers is to ensure a drug and alcohol-free transportation and work environment, to reduce and eliminate drug-and alcohol-related accidents, injuries, fatalities, and damage to City property. For this Policy, any employee performing under the definitions described below will be referred to as "driver."

NON-DISCRIMINATION

Complying with the requirements of the Americans with Disabilities Act, the City does not discriminate against employees or applicants who are qualified individuals with a disability and who are not currently engaged in using illegal drugs and who do not otherwise violate the provisions of the Policy, including but not limited to individuals who: 1) have successfully completed or who are currently participating in a supervised rehabilitation program and are no longer engaging in such use; or 2) have otherwise been rehabilitated successfully and are no longer engaging in such use.

CRITERIA FOR EMPLOYEES SUBJECT TO TESTING

Under the City's Policy and DOT Federal Motor Carrier Safety Administration (FMCSA) regulations, drivers who hold a CDL and drive a CMV are subject to the drug and alcohol testing according to federal regulations. CMV means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 11,794 or more kilograms (26,001 or more pounds), including a towed unit with a gross vehicle weight rating of 4,536 kilograms (10,000 pounds); or
- Has a gross vehicle weight rating of 11,794 or more kilograms (26,001 or more pounds); or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in transporting materials found to be hazardous under the Hazardous Materials Transportation Act and that require the motor vehicle to have a placard under the Hazardous Materials Regulations.

All applicants for positions as a driver or for a safety-sensitive position, which includes driving, will be notified of the City's Drug-Free Workplace Program (DFWP) when they apply for the position.

DEFINITION OF "SAFETY-SENSITIVE"

Safety-sensitive function means all time, from the time a driver begins to work, or is required to be in readiness to work, until the time he or she is relieved from work and all responsibility for performing work.

Under this Policy and the City's drug-and-alcohol-testing program, employees are considered to be performing a safety-sensitive function and subject to drug and/or alcohol testing at the following times:

- All time at an employer or shipper plant, terminal facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by 49 CFR §§ 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in reading to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

DEFINITIONS

Definitions as used under this Policy are set forth below and in greater detail in 49 CFR §§ 40.3 and 382.107.

Drug:

Under this Policy, “drug” means a controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC § 812. The term includes prescribed drugs not legally obtained, prescribed drugs not being used for prescribed purposes, and any prescribed drugs not taken in accordance with a prescription. In other words, medications prescribed for someone other than the driver will be considered unlawfully used under any circumstances. Pursuant to DOT regulations, all DOT-required drug tests must test for the following substances identified in 49 CFR § 40.85: marijuana, cocaine, amphetamines, opiates (e.g., opium, heroin, morphine or codeine) and phencyclidine (i.e. PCP or “angel dust”). The City reserves its independent authority and discretion to prohibit and test for other drugs, as defined above, within the limits of applicable state law.

Confirmation Test:

Alcohol: A second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration.

Drugs: A second analytical procedure to identify and quantify the presence of a specific drug or metabolite that is independent of the screening test.

Disabling Damage:

Damage that precludes a motor vehicle from leaving the scene of the accident in its usual manner in daylight after simple repairs.

Included:

1. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Excluded:

1. Damage that can be remedied temporarily at the scene of the accident without special tools or parts.
2. Tire disablement without other damage, even if no spare tire is available.
3. Headlight or taillight damage.
4. Damage to turn signals, horn, or windshield wipers, which makes them inoperative.

Driver:

Any person who holds a CDL and operates a CMV, which falls under the specific DOT criteria. This includes, but is not limited to, full-time or part-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.

Refuse to Submit:

A refusal to submit to a required drug and/or alcohol test (also "refusal to test") means that a driver:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, consistent with applicable DOT agency regulations, after being directed to do so by the City. This includes an employee (including an owner-operator) failing to appear for a test when called by the City's Consortium/Third-Party Administrator (C/TPA);
2. Fails to remain at the testing site until the testing process is complete;
3. Fails to provide a urine specimen for any drug test *or fails to provide an adequate amount of saliva or breath for any alcohol test* required by Part 382 or other DOT agency regulations;
4. In a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;
5. Fails to provide a sufficient amount of urine, *saliva or breath* when directed *and/or regarding urine or breath*, it has been determined through a required medical evaluation that there was no adequate medical explanation for the failure;
6. Fails or declines to take a second test the City or its collector has directed the driver to take (*e.g., 49 CFR § 40.197 (b)*);
7. Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process, or as directed by the DER pursuant to 49 CFR § 40.193 *or 49 CFR § 40.265(c)*;
8. *Fails to sign the certification at Step 2 of the ATF;*
9. Fails to cooperate with any part of the testing process (*e.g., refuse to empty pockets when so directed by the collector, behave confrontationally that disrupts the collection process*); or
10. Is reported by the MRO as having a verified adulterated or substituted test result.

Any driver who refuses to submit to a required drug and/or alcohol test or otherwise fails to cooperate with any part of the testing process violates this Policy. Any driver who refuses such a test will be subject to the consequences described in the "Consequences for Policy Violations" section.

TESTS REQUIRED

In general, DOT regulations require the City to conduct, and a driver to submit to, drug and/or alcohol tests at the following times and under the following conditions:

PRE-EMPLOYMENT/PRE-PLACEMENT

A drug test is required before any driver-applicant will be hired to perform a safety-sensitive function. A drug test will also be required before any current employee in a non-regulated position will be assigned,

transferred or otherwise permitted to operate a commercial motor vehicle on behalf of the City for the first time. Prior to taking a pre-employment/pre-placement drug test, the applicant will be given forms notifying the applicant to report for a drug test. All offers by the City to hire an applicant for, or to assign or transfer an applicant to, a driver position are conditioned upon the applicant:

- Signing the City's "Pre-Employment Acknowledgement Form" (MF109);
- Taking and providing a negative drug test as directed by the City;
- Authorizing the City to obtain past drug and alcohol test results. The "Previous DOT-Testing History Form (MF107)" permits the City to obtain past drug and alcohol test results, including any refusals to test, from each DOT-regulated employer for whom the driver either worked, took, or refused to take, a drug and/or alcohol test during the past two (2) years;
- Providing the City with information regarding whether the driver-applicant tested positive or refused to test on any DOT-required pre-employment drug or alcohol test in which the applicant applied for, but did not obtain, a safety-sensitive position in the preceding two (2) years (MF106);
- Passing DOT-required physical exam required for driver positions;
- Complying with any other conditions or requirements of which the City advises the applicant at the time of the offer.

Pursuant to DOT regulations, the City must make a "good faith effort" to obtain a driver's previous testing information from the driver's prior DOT-regulated employers, and such prior employers are required to provide the previous testing information to the City. This information should be obtained before the driver first performs safety-sensitive functions, unless this is not feasible, in which case the information should be obtained as soon as possible. In any event, a driver will not be allowed to perform a safety-sensitive function after 30 days from the date he or she first performed a safety-sensitive function, unless the City has obtained or made and documented a good-faith effort to obtain the previous testing information. **A separate release for each prior employer must be signed by the applicant for the prospective employer to legally receive and utilize information.** In addition, applicants must also complete a separate form indicating whether they have tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer to which the applicant applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol rules during the past two (2) years. The standard *ChoicePoint* Master Forms MF106 and MF107 should be used for this purpose.

Prior to the first time a current employee performs a safety-sensitive function for the City, the employee will undergo a drug test. The City will not allow an employee to perform a safety-sensitive function unless and until the City has received a negative test result for the employee.

A verified positive drug test will disqualify an applicant/employee from a safety-sensitive position and the conditional offer of employment in such a position will be withdrawn. Before an applicant/employee with a verified positive pre-employment drug test may be reconsidered for a safety-sensitive position with the City or any other DOT-regulated employer, the applicant/employee must complete the DOT-required Post-Violation/Return-to-Duty process as described herein.

POST-ACCIDENT

A driver who is performing a safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible after any occurrence that meets the description of a "DOT Accident." Under this Policy and the City's drug and alcohol testing program, a "DOT Accident" is defined as an occurrence involving a commercial motor vehicle operating on a public road in commerce that results in:

- A loss of human life; **or**
- The driver receiving a citation under state or local law for a moving traffic violation arising from the accident if the accident involved:

1. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, and/or:
2. One or more motor vehicles incurring disabling damage because of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A driver may be directed to submit to a drug and/or alcohol test at the accident scene by a federal, state, or local law-enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to immediately contact his/her supervisor or other City official to report the drug and/or alcohol test result and to provide the City with the name, badge number, and telephone number of the law-enforcement officer who conducted the test.

Whenever a driver is involved in a DOT Accident and is not tested for drugs and/or alcohol by a law-enforcement official, the driver is required to immediately contact his/her supervisor or other City official and remain available to be tested. A driver who is subject to post-accident testing must remain available for testing or the City may consider the driver to have refused to submit to testing. The procedures should be followed as detailed on the Driver's Post-Accident Checklist. **(Note to Ferndale: You must provide a Driver's Post-Accident Checklist to all drivers)**. The standard *ChoicePoint* Master Form MF114 should be used for this purpose.

As permitted by DOT guidance and based on the City's independent authority, drivers involved in a DOT Accident and required to take a Post-Accident drug and/or alcohol test will be removed from safety-sensitive duties until the Post-Accident test results are reported to the City. While awaiting the Post-Accident test results, the driver will be placed on non-disciplinary suspension. Hourly (non-exempt) employees will not be compensated for time missed from work if the test result is positive, adulterated or substituted, but will be compensated if the test result is negative.

Alcohol:

Tests should be administered within two (2) hours of an accident. If unable to test within the two- (2) hour time period, the City must document the reason(s) for the time delay. If the test was not performed within eight (8) hours, cease attempts to administer the test and document the reason(s) why the test was not conducted.

The driver must refrain from consuming alcohol for eight (8) hours after an accident and/or until the test is completed. A driver who is subject to post-accident testing must remain available or the City may consider the driver to have refused to submit to testing.

Drugs:

Tests should be administered within thirty-two (32) hours after an accident. If the test was not performed within thirty-two (32) hours, the City will cease attempts and prepare and maintain a record stating the reason(s) why the test was not conducted.

In the event of a DOT Accident that involves a traffic citation, the citation must have been issued within the foregoing prescribed time periods (8 hours for alcohol and 32 hours for drugs from the time of the accident) to trigger a referral for a DOT post-accident test. Should a traffic citation not be issued within the prescribed time periods and no DOT post-accident test performed, the City reserves the right, as recognized by the DOT, to require a non-DOT post-accident test based on its independent authority and discretion, and within the limits, if any, of applicable law. Drivers may refer to the City's non-DOT policy, if any, concerning non-DOT testing.

RANDOM

Every driver shall submit to random testing as directed by the City pursuant to DOT regulations. All such tests will be unannounced and performed at reasonable intervals throughout the year. Whenever a driver is randomly selected to be tested, he/she will be notified of their selection and instructed to immediately report to the collection site. A driver who tests positive or refuses to submit to a test is medically unqualified to drive and/or perform any other safety-sensitive function.

Each driver selected for random testing shall be tested during the selection period. If a driver selected for random testing is on vacation, temporary layoff, medical leave or otherwise not at work, the driver must be referred for a random test upon his/her return to work. The City will not skip or select an alternate should a selected driver be unavailable for testing on any particular day during the random-selection period. If a driver selected for random testing does not return to work before the beginning of a new random-selection period (i.e., the next random draw), the City will ensure that a sufficient number of drivers are subsequently selected so the annual testing rate is not less than the minimum annual percentage rates established by the FMCSA for random drug and alcohol testing.

Alcohol:

The annual rate for random alcohol testing is set by the FMCSA. Drivers may be tested just before, during, or just after performing a safety-sensitive function.

Drugs:

The annual rate for random drug testing is set by the FMCSA. Drivers may be tested at any time while the employee is at work for the City.

REASONABLE SUSPICION

Each driver is required to submit to a drug and/or alcohol test whenever a *supervisor* or *City official* has reasonable *suspicion* (also referred to as “reasonable *cause*”) to believe that a driver has used drugs/alcohol that violate DOT regulations. Reasonable *suspicion* will exist when a driver’s appearance, behavior, speech and/or body odors indicate drug/alcohol use or the chronic and withdrawal effects of drugs/alcohol. Whenever a driver is notified that there is reasonable *suspicion* to be tested, the driver is expected to report to the test/collection site immediately and will be escorted. Documentation of the employee’s conduct and/or appearance leading to a reasonable *suspicion* drug/alcohol test must be prepared and signed by the supervisor or City official who made the observations within twenty-four (24) hours of the observed behavior, or before the results of the drug/alcohol test are released, whichever is earlier. The standard *ChoicePoint* Master Form MF111 should be used for this purpose.

As permitted by DOT guidance and based on the City’s independent authority, following a reasonable *suspicion* determination that leads to a Reasonable *Suspicion* drug and/or alcohol test, a driver will be removed from safety-sensitive duties until the Reasonable *Suspicion* test results are reported to the City. While awaiting the Reasonable *Suspicion* test results, the driver will be placed on non-disciplinary suspension. Hourly (non-exempt) employees will not be compensated for time missed from work if the test result is positive, adulterated or substituted, but will be compensated if the test result is negative.

Alcohol:

Observations must be made just before, during, or just after the driver performs a safety-sensitive function. The person who makes the reasonable *suspicion* determination cannot conduct the alcohol test.

Alcohol tests should be administered within two (2) hours of observation. If unable to test within the two-(2) hour period, the employer must document the reasons for the delay. If the test is not performed within eight (8) hours, cease attempts to administer the test and document the reason(s) why the test was not conducted. If reasonable *suspicion* is observed and a test has not yet been performed, a driver will not perform a safety-sensitive function until:

- An alcohol test is performed and the result is less than 0.02; or
- Twenty-four (24) hours pass following the reasonable *suspicion* determination

Drugs:

Drug testing should be administered as soon as possible after making a reasonable *suspicion* determination. If unable to drug test within thirty-two (32) hours, the City must cease attempts and document the reason(s) why the test was not conducted.

RETURN-TO-DUTY

A driver who has been removed from his/her safety-sensitive function due to a DOT drug or alcohol regulation violation (e.g., a positive test, refusal to test, etc.) must provide a negative drug and/or alcohol test *under direct observation* (49 CFR § 40.67(b)) before being allowed to return to a safety-sensitive

function. (*Direct observation for all return-to-duty tests is required so that the observer may check an employer for prosthetic or other cheating devices.*) This test must be completed after an initial and follow-up evaluation by a Substance Abuse Professional (SAP), after the SAP's determination that the driver has successfully complied with prescribed education and/or treatment, and before resuming performing a safety-sensitive function. The result of the alcohol test must be less than 0.02.

The return-to-duty drug test is not limited to a specific substance (i.e. the particular drug for which the driver tested positive). Additionally, if the SAP determines that a multiple-substance abuse problem exists, a drug test may be performed with an alcohol test.

POST-REHABILITATION/FOLLOW-UP

A driver who violates a DOT drug and/or alcohol regulation (e.g., a positive test, refusal to test, etc.) must be evaluated by a SAP and follow the prescribed rehabilitation/treatment program. Following the determination that an employee needs to resolve problems associated with drug abuse and/or alcohol misuse, the City will ensure that the employee is subject to unannounced, follow-up drug and/or alcohol testing *under direct observation (49 CFR § 40.67(b))* as determined by the SAP. (*Direct observation for all follow-up tests is required so that the observer may check an employee for prosthetic or other cheating devices.*) Minimally, such testing must consist of at least six unannounced follow-up tests in the first 12 months following the driver's return to safety-sensitive functions. The choice of the SAP and assigning costs shall be made according to employer/driver agreements and employer policies. Follow-up alcohol testing must only be conducted just before, during, or just after a driver performs a safety-sensitive function.

POLICY PROHIBITIONS

Employee involvement with drugs and/or alcohol can adversely affect the work environment, job performance, and safety of all employees. Violating the prohibitions of this Policy will be considered serious misconduct and may result in termination.

Drug Prohibitions:

The regulations prohibit any drug use that could affect performing a safety-sensitive function. Listed below are the prohibitions regarding drug use.

- No driver shall report for duty or remain on duty requiring performing safety-sensitive functions when the driver uses any drugs, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the drug will not adversely affect the driver's ability to safely operate a CMV.
- No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.
- An employer may require a driver to inform the employer of any therapeutic drug use.
- No driver shall report for duty, remain on duty or perform a safety-sensitive function if the driver tests positive for controlled substances. No employer having actual knowledge that a driver has tested positive for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.
- No driver shall refuse to submit to a drug test required pursuant to DOT regulations.

Alcohol Prohibitions:

The regulations prohibit any alcohol use that could affect performing a safety-sensitive function. Listed below are the prohibitions regarding alcohol use.

- No driver shall report for duty or remain on duty requiring performing safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

- No driver shall use alcohol while performing safety-sensitive functions or perform such functions within four (4) hours after using alcohol. No employer having actual knowledge that a driver has used alcohol while performing safety-sensitive functions, or used alcohol within four (4) hours immediately preceding performing such functions, shall permit a driver to perform or continue to perform safety-sensitive functions.
- No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- No driver shall refuse to submit to an alcohol test required pursuant to DOT regulations.

NOTE: A regulated employee found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least twenty-four (24) hours.

CONSEQUENCES FOR POLICY VIOLATIONS

Removal from Safety-Sensitive Function:

Employees and applicants shall not perform, nor be permitted to perform, a safety-sensitive function, including driving a commercial vehicle as previously defined in this Policy, if any of the above prohibitions, or the drug and/or alcohol rule of another DOT agency, are violated. Employees and applicants who violate a DOT drug and alcohol regulation will be advised by the City of the resources available in evaluating and resolving drug and/or alcohol problems, including the names, addresses, and telephone numbers of Substance Abuse Professionals (SAPs) and counseling and treatment programs.

Additionally, employees subject to Post-Accident or Reasonable Suspicion testing will be removed from safety-sensitive functions and receive a non-disciplinary suspension until the City receives the test results. Hourly (non-exempt) employees will not be compensated for time missed from work if the test is positive, adulterated or substituted, but will be compensated if the test is negative.

Post-Violation/Return-to-Duty Procedures:

An employee who violates a DOT drug and/or alcohol regulation cannot again perform any DOT safety-sensitive duties for the City or any DOT-regulated employer until and unless the employee completes the SAP evaluation, referral and education/treatment process. Under this Policy, a DOT drug and/or alcohol regulation violation includes a verified positive DOT drug test, a DOT alcohol test with a result indicating an alcohol concentration of .04 or greater, a refusal to test (including by adulterating or substituting a urine specimen) or any other violation prohibiting using alcohol or drugs under a DOT agency regulation.

Before a driver who has violated a DOT drug and/or alcohol regulation may return to a safety-sensitive position, he or she must

- Meet with a Substance Abuse Professional (SAP) for an initial evaluation;
- Properly follow all SAP evaluation recommendations for assistance and referrals to an education and/or treatment program;
- Meet with the SAP for a follow-up evaluation to determine whether the individual successfully complied with the SAP's education and/or treatment recommendations;
- Take and provide a negative return-to-duty drug and/or alcohol test *under direct observation*; and
- Be subject to post-rehabilitation/follow-up testing *under direct observation* as determined by the SAP for up to sixty (60) months, to include a minimum of six (6) follow-up tests in the first twelve (12) months after the return-to-duty test with an alcohol concentration of less than 0.02 and a negative drug test. The SAP may terminate the requirement for the follow-up testing at any time after the first six (6) tests are administered, if the SAP determines that such testing is no longer necessary.

Employee Discipline:

Employees who engage in any of the prohibited conducted listed above violate this Policy and are subject to discipline, up to and including termination, at the City's discretion pursuant to its authority independent of federal requirements.

An employee who refuses to submit to testing or attempts to adulterate or substitute a specimen will be terminated.

A driver found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall not perform nor be permitted to work for at least twenty-four (24) hours.

VOLUNTARY ADMISSION OF DRUG/ALCOHOL USE

The City encourages all employees who need assistance in dealing with alcohol abuse or drug dependency problems to seek appropriate counseling and/or treatment through various private and public organizations that are available. Accordingly, employees who voluntarily come forward and admit to alcohol misuse or drug use will not be subject to disciplinary action or the Post-Violation/Return-to-Duty Procedures described above (i.e. the SAP evaluation, referral and treatment requirements set forth in Parts 40 and 382). Rather, employees who self-identify their need for assistance will be allowed sufficient opportunity to seek evaluation, education or treatment to establish control over their drug or alcohol problem.

Employees must make any such admission or self-identification of a drug and/or alcohol problem prior to performing a safety-sensitive function (i.e. prior to reporting for duty). Employees may not self-identify a drug and/or alcohol problem to avoid testing required under DOT regulations. Employees also may not escape discipline or the Post-Violation/Return-to-Duty Procedures by self-identifying a drug or alcohol problem after being referred for testing or after a DOT drug and alcohol regulation violation has occurred. Costs associated with any counseling or treatment program may be covered by the employee's medical insurance plan (if any); however, any costs not covered by the employee's medical insurance plan and that are not otherwise required to be paid by any applicable plan are entirely the employee's sole responsibility. The City will comply with any applicable medical leave law, disability discrimination law or applicable leave law if a leave is requested.

Employees who admit to a drug or alcohol problem will be referred to a drug-and-alcohol-abuse-evaluation expert (i.e. employee assistance professional, SAP, or qualified drug-and-alcohol counselor) for evaluation and recommendations for an appropriate education or treatment program. Such employees will not be permitted to return to a safety-sensitive function until the City is satisfied that the employee was evaluated by a drug-and-alcohol-abuse-evaluation expert and successfully completed the expert's recommendations for an educational or treatment program. Before the employee's return to a safety-sensitive function, the employee must also undergo a return-to-duty test with a result indicating an alcohol concentration of less than .02 and/or a verified negative drug test result. Except as otherwise required by applicable law or policy, the City cannot guarantee that the employee will return to the same or a comparable position upon return to duty. The City reserves the right, as recognized by the DOT, to require employee monitoring and/or non-DOT follow-up testing based on its independent authority and discretion and within the limits, if any, of applicable law. All returning employees are required to comply with the City's normal standards regarding work performance and conduct.

SUMMARY OF ALCOHOL TESTING PROCEDURES

The DOT regulations discuss alcohol-testing procedures in greater detail in 49 CFR, Part 40.

1. Alcohol testing is done in a private setting at locations determined by the City. The trained testing technician will ask test subjects to verify their identity; drivers must cooperate with that request. Drivers may ask the technician for identification also. The driver's identity will be recorded on a DOT alcohol-testing form.
2. A breath or saliva testing device approved by the federal government will be used for all alcohol tests. A screening test will be done first. If a breath-testing device is used, drivers will be instructed to exhale forcefully into the mouthpiece of the screening device.

If a saliva-testing device is used, a swab will be placed in the driver's mouth and saturated with saliva. After the saliva is collected, the swab will be inserted into the saliva-testing device.

3. The technician will show the result displayed on the screening device to the driver. If the reading is less than 0.02, the driver passed the alcohol test and the DOT alcohol-testing form will be completed.
4. If the screen test result is more than 0.02, a confirmation breath test, using a federally approved evidential breath-testing device, will be performed after at least a 15-minute waiting period from completing the screening test. During that time, for their own protection, drivers should not eat or drink anything.
5. For the confirmation test, the driver will exhale into the evidential breath-testing device until the technician tells the driver to stop. The driver will be shown the printed and displayed results.
6. A confirmation test result under 0.02 means the driver passed. A confirmation alcohol concentration level of 0.02 or higher will result in the driver's removal from safety-sensitive functions. The DOT prohibits any driver whose confirmation test registers 0.02 or greater but less than 0.04 from performing or from continuing to perform a safety-sensitive function until the driver's next regularly scheduled duty period, but for no less than twenty-four (24) hours. If the confirmation level is 0.04 or more, or if the driver refuses to cooperate, the driver violates DOT alcohol regulations and is subject to the Consequences for Policy Violations and Post-Violation/Return-to-Duty Procedures described above.
7. If a driver tries, but fails to provide a breath specimen adequate for testing, the driver will be asked to try again. If the driver still does not provide an adequate specimen, the driver's failure will be noted on the DOT alcohol testing form and the City's DER will be informed. The driver will be removed from performing "safety-sensitive" functions for a 24-hour time period and required to see a doctor acceptable to the City within five days for an evaluation. If the doctor provides a written statement to the employer concluding that it is highly probable a medical condition prevented the driver from providing an adequate breath specimen, the driver will not be disciplined for refusing to cooperate.

SUMMARY OF DRUG TESTING PROCEDURES

The DOT regulations discuss drug-testing procedures in greater detail in 49 CFR, Part 40.

1. Drivers subject to drug testing will be directed to provide a urine specimen at a City-designated facility. The driver will be driven or sent to the facility and required to verify his or her identity. In return, a driver may ask collection site personnel to disclose their identity.
2. The driver's urine specimen will be collected by a trained collection site person (the Collector) according to DOT rules, using a DOT Custody and Control Form (CCF), also known as chain-of-custody form. To protect themselves, drivers should ensure that the entries on the form are accurate, that their collected urine specimens are sealed, and that their specimens are labeled with the same number as appears on the CCF and are placed in a container with copies of the correct CCF.
3. The Collector will require drivers to remove unnecessary outer garments that might conceal items used to tamper with the collection process. The Collector will also retain personal belongings like briefcases and purses during the collection process. Drivers may keep their wallets and ask for a receipt for any belongings they surrender. The Collector will direct the driver to empty his or her pockets and display the items in them and the driver must allow the Collector to make this observation.

4. Drivers will be given a collection container and allowed to provide a urine specimen in private, unless the laboratory reports a specimen was invalid and the MRO reports there was no adequate medical explanation for the result; the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed; the *laboratory reports a specimen as having a low-creatinine concentration (i.e., a creatinine concentration greater than or equal to 2 mg/dL and less than or equal to 5 mg/dL) and the MRO reports the specimen as negative and dilute*; the City directs a return-to-duty test or follow-up test be performed under direct observation; the Collector observes materials brought to the collection site or the driver's conduct clearly indicates an attempt to tamper with a specimen; the temperature on the original specimen was out-of-range; or the original specimen appeared to have been tampered with. In such circumstances, the DER will be notified and drivers will be required to provide a specimen while being observed.
5. If the driver does not provide a sufficient amount of urine for testing (at least 45 ml), the Collector will discard the specimen, tell the driver to drink additional fluids, wait up to three (3) hours and try again to provide a specimen. If the driver refuses to drink those fluids or provide another specimen, the Collector shall notify the City's DER of the driver's refusal to cooperate. If the driver cooperates, but still does not provide an adequate specimen, testing will stop and the driver will be sent to a doctor acceptable to the City's MRO within five working days for an evaluation. If that doctor states in writing to the City's MRO that it is highly probable that a medical condition prevented the driver from providing an adequate specimen, the driver will not be disciplined on grounds of refusing to provide a specimen.
6. If the driver provides *a sufficient amount of urine for testing*, it will be inspected by the Collector and its temperature will be measured. If there is a reason to believe an altered or substituted specimen has been provided, the DER will be notified and a second, observed specimen will be collected. Collected specimens will be poured into two containers (i.e. a split-specimen collection). *The collector will seal the bottles by placing the tamper-evident bottle seals over the bottle caps/lids. The collector will date the seals and instruct the donor to initial the tamper-evident bottle seals so as to certify the bottles contain the specimens he or she provided.*
7. Both specimen containers will be sent to a federally certified laboratory designated by the City. The lab will review the CCF and check the specimens for apparent tampering. Any apparent tampering or CCF problems will be reported to the DER.
8. If the specimens appear to be in order, the lab will run an initial screening test on the primary specimen. If the screening test is negative, the lab will report the result as negative and the driver has passed the drug test. If the screening test is positive, the lab will conduct a confirmation test and analyze the specimen using Gas Chromatography/Mass Spectrometry (GC/MS). The laboratory will send the test results to the City's Medical Review Officer (MRO).
9. The MRO is a trained doctor the City has retained to review test results and to evaluate any explanation a driver may have for a positive, adulterated, substituted (*because of a creatinine concentration of less than 2 mg/dL*) or *invalid* drug test result. The MRO will telephone drivers at the numbers given on the CCF. If a driver believes a mistake was made at the collection site or lab, or on a CCF, or that the drug test result is caused by lawful substance use, the driver should tell the MRO. Drivers should cooperate with the MRO. If a driver does not cooperate, the City will be notified and the driver may be removed from duty and disciplined or discharged pursuant to the City's independent authority (or not hired, if the driver is an applicant).
10. If a driver wants his or her split specimen to be tested by another certified lab at the driver's expense, the driver should tell the MRO within 72 hours of notice of a positive, adulterated or substituted drug test result. **The driver will not have the opportunity to**

provide another specimen. The retest will be conducted on the secondary container of the **original** specimen. The driver's secondary specimen will then be sent to a different City-approved, certified laboratory for re-analysis. If that second lab does not find any evidence of the drug(s) that the first lab found or the split specimen cannot be tested, the MRO will cancel the test results and the driver will not be subject to discipline. If the second laboratory finds evidence of the drugs, adulteration or substitution that the first laboratory found, the MRO will tell the DER the split specimen was positive, adulterated or substituted. *As provided in 49 CFR § 40.187(a)(3), in the case of a reconfirmed substituted result in which the creatinine concentration for the primary specimen was less than 2 mg/dL and the creatinine concentration of the split specimen is between 2 and 5 mg/dL (inclusive), the MRO will report the result as "dilute" and the driver will be required to undergo an immediate recollection under direct observation.*

11. *If the MRO informs the City of a report of a dilute specimen, the following shall apply:*

a. *If a positive drug test was dilute, the employer will simply treat the test as a verified positive test. The employer must not direct the employee to take another test based on that the specimen was dilute,*

b. *If a negative test was dilute, the employer will take the following action:*

(1) *If the MRO directs the employer to conduct a recollection under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL (see § 40.155(c)), the employer must do so immediately. The DOT's stated purpose for this requirement is so that people who may naturally provide low-creatinine levels will not be reported to employees as having substituted their specimens.*

(2) *Otherwise (i.e., if the creatinine concentration of the dilute specimen is greater than 5 mg/dL), the employer may, but is not required to, direct the employee to take another test immediately.*

Such recollections may not be collected under direct observation, unless there is another basis for using it (§ 40.67(b) and (c)).

The employer must treat all employees the same for this purpose (e.g., the employer may not retest some employees and not others). The employer may, however, establish different policies for different types of tests (e.g., conduct retests in pre-employment situations, but not in random-test situations). The employer will inform employees in advance of its decisions on these matters.

c. *The following provisions will apply to all tests the employer directs an employee to take under paragraph (b) of this section:*

(1) *The employer must ensure that the employee is given the minimum possible advance notice that he or she must go to a collection site;*

(2) *The employer must treat the result of the test it directed the employee to take under paragraph (b) of this section – and not a prior test – as the test result of record, on which the employee relies for purposes of this part;*

(3) *If the result of the test the employer directed the employee to take under paragraph (b) (1) of this section is also negative and dilute, the employer is not permitted to make the employee take an additional test because the result was dilute.*

- (4) *If the result of the test the employer directed the employee to take under paragraph (b) (2) of this section is also negative and dilute, the employer is not permitted to make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs the employer to conduct a recollection under direct observation under paragraph (b) (1) of this section, it must immediately do so.*
- (5) *If the employee declines to take a test the employer directed him or her to take under paragraph (b) of this section, the employee has refused the test for purposes of this part and of DOT agency regulations. [68FR 31626, May 28, 2003; 69FR 64867, November 9, 2004; 73FR 35974, June 25, 2008]*

The DOT prohibits any covered employee who has a verified positive, adulterated or substituted drug test result from performing or from continuing to perform a safety-sensitive function until he/she has met the proper DOT requirements as described in the "Post Violation/Return-to-Duty Procedures" section above under Consequences for Policy Violations.

Medications prescribed for someone other than the *covered employee*, however, will be considered unlawfully used under any circumstance. The DOT also indicates that a *covered employee's* purported use of marijuana for medical purposes (even if pursuant to a state "medical marijuana" law) or use of hemp or marijuana-related products does not constitute a legitimate medical explanation for a positive test result and these are insufficient grounds for the MRO to verify the test result as negative.

EDUCATION AND TRAINING

The City has available information, education and training regarding problems associated with drug and alcohol abuse in the workplace and otherwise. One important source of information is the "Employee Handbook." The City also provides training for supervisors and managers through, among other things, the "Supervisor Training Manual."

ACKNOWLEDGEMENT

Covered employees and applicants must sign an acknowledgement form (a copy of which is attached hereto and made a part hereof) after receiving a copy of this Policy and prior to testing.

RESERVATION OF RIGHTS

This Policy supersedes and revokes any other City practice or policy relating to the use of drugs and alcohol in the workplace and drug and/or alcohol testing. The City reserves the right to interpret and administer this Policy, and at any time and at its sole discretion, amend, or change this Policy, in whole or in part, with or without notice. This Policy automatically incorporates any changes to the DOT or Federal Transit Administration Regulations (49 CFR, Parts 40 and 655) or related regulations or statutes that govern using drugs and alcohol by covered employees who perform a safety-sensitive function. This policy is not an express or implied contract of employment nor is it to be interpreted as such. Additionally, this Policy does not in any way affect or change the status of any at-will employee. Nothing in this Policy is a promise or guarantee or should be construed as a promise or guarantee that the City will follow in any particular circumstances any particular course of action, disciplinary, rehabilitative or otherwise.

Attachment to FMCSA Drug-Free Workplace Policy

SIGNS AND SYMPTOMS OF A DRUG-ALCOHOL PROBLEM

Drugs and alcohol can result in such work-related problems as absenteeism and tardiness, lower productivity, missed deadlines, poor work quality, unsafe driving, and increased injuries and accidents. Problems relating to or communicating with supervisors, co-workers or customers, following directions, concentrating or remembering things may also indicate a drug or alcohol problem.

Drugs and alcohol slow reaction times, cause confusion, harm coordination and motor skills and can impair decision-making and memory. People misusing alcohol and using illegal drugs may be withdrawn, lethargic, depressed, erratic, "hyper" or unusually anxious, hostile or paranoid.

Drugs and alcohol misuse can also result in health problems like chronic gastritis, headaches, chronic respiratory infections and liver problems. They may also show up as poor hygiene, a sloppy appearance, financial problems, DUIs or family problems.

Evidence of use can include paraphernalia such as pipes, syringes, foil packets, pills, powders and empty alcohol containers. Physical symptoms of use can include:

- Marijuana and alcohol odors
- Puffy or droopy eyelids, bloodshot eyes, dilated or pinpoint pupils
- Nosebleeds, excessive sniffing, chronic sinus problems, nasal sores
- Needle tracks or blood spots on clothing
- Tremors, racing or irregular heartbeats
- Slurred or incoherent speech
- Confusion, anxiety, paranoia
- Coordination problems
- Lethargy and sleepiness

EFFECTS OF ALCOHOL AND DRUGS

Drugs and alcohol can harm health and the workplace in a variety of ways.

Alcohol

Alcohol is a central nervous system depressant that acts like a poison if used in large quantities. Each year the lives of tens of thousands of Americans are shortened or ended by alcohol misuse. Alcohol quickly reaches the brain after drinking. It impairs self-control and other learned behaviors. This loss of self-control can lead to aggressive driving (or overly cautious driving), as well as the other kinds of aggressive behaviors associated with drinking. Even small doses of alcohol, i.e. a single drink, can harm driving performance. In large doses, alcohol significantly impairs coordination, memory and judgment. Over time alcohol misuse damages the liver, the heart, the digestive system and can cause permanent brain damage. On average, alcoholics shorten their life span by about 10 years.

Alcohol misuse harms the ability to think clearly, harms judgment and can affect the ability to get along with and work constructively with co-workers and customers. Alcoholics often have attendance and work performance problems and get fired because of the consequences of alcohol misuse. Because of its adverse effects on coordination, reflex time, vision, driving ability, judgment and the ability to evaluate and quickly process information, alcohol is especially dangerous for drivers of commercial motor vehicles.

A small glass of wine, a can of beer and a one and one-half ounce shot of liquor all contain about the same amount of alcohol. It takes the body about one hour to metabolize and eliminate each "drink" of alcohol. Coffee, exercise and cold showers do not speed up this process or magically produce sobriety. While individuals differ greatly, each drink on an empty stomach by an average-sized adult male may lead to an alcohol concentration of about .02. Thus, drinking more than two drinks raises a serious risk of having an alcohol concentration in excess of DOT rules, especially for people with low body weights. Any drinking while on duty or during the 4 hours before working violates DOT rules.

Cocaine

Cocaine is a powerful stimulant that can be inhaled up the nose, injected or smoked. It greatly increases heart rate and blood pressure. Partly because of its effects on the circulatory system, cocaine use can lead to seizures. Every time cocaine is used, there is some unquantifiable risk of a fatal stroke or heart attack. Cocaine can also cause tremors, convulsions, vomiting and raises body temperature to dangerous levels. Repeated snorting damages nasal tissues, sometimes permanently. Needle use carries risks of infection and overdose.

Initially, cocaine use brings a rush of euphoria and exaggerated overconfidence. Sometimes these effects are so strong that safe driving is impossible. Cocaine wears off in about an hour after it is snorted and in just a few minutes after it is smoked. When it wears off, the user may become depressed, anxious, paranoid and exhausted.

Cocaine users may exhibit rapid mood swings and changes in activity level. They may grind their teeth, repeatedly wash their hands or engage in other compulsive behaviors.

Amphetamines

Amphetamines also known as "speed," are powerful stimulants that are often abused by truck drivers because they make it easy to stay awake. Amphetamines, however, are dangerous drugs with a high potential for abuse. Amphetamines may also be known as uppers, black beauties, white crosses or dexies.

Use brings feelings of alertness and a loss in appetite. The user may also become very talkative or physically active or feel very strong after ingesting amphetamines. In a few hours however, the amphetamines wear off and restlessness, anxiety, paranoia and headaches set in.

In large doses, amphetamines can produce serious toxic effects. The user's blood pressure can rise to the point where strokes or heart attacks occur. Long-term users often have acne, tooth problems and may exhibit symptoms of permanent brain damage.

Marijuana

Marijuana is a hallucinogen that alters the user's sense of time and reduces the user's ability to perform tasks requiring coordination, swift reactions and concentration. Taken in large quantities, marijuana can act like a depressant.

While some people may regard marijuana as harmless, there is evidence its use is unhealthy and dangerous for the driver. Marijuana causes significant increases in blood pressure and pulse rate and, thus, can aggravate or cause heart disease. Marijuana smoke also contains a number of known carcinogens. Many experts believe that marijuana is actually healthier to smoke than tobacco.

Studies have shown that smoking marijuana affects the ability to perform tasks like driving, which require both thinking and motor skills, for at least 24 hours. Users, however, often believe that all the impairing effects of smoking have worn off after 4 to 6 hours. Marijuana significantly impairs short-term memory and can harm the user's ability to concentrate or plan for and achieve long-term goals. There is also significant evidence that marijuana harms the reproductive systems of men and women and is dangerous for children and non-smokers who live with the user.

Opiates

Opiates are a class of narcotics and sedatives derived from the opium poppy plant. Heroin is the strongest opiate. Heroin use has been increasing in recent years because of the availability of cheap, strong heroin from Asia. This new, stronger heroin can be smoked or snorted. Heroin can also be injected using needles. Morphine and codeine are opiates that are often used to relieve pain or induce sleep. However, they can be stolen from hospitals or pharmacies and abused.

Opiate misuse causes a number of health problems. Because of variations in dosages and strength, heroin use carries a risk of overdose and death. Addicts who use needles also risk contracting AIDS or hepatitis. Heroin is often contaminated with other drugs or toxins or combined with other narcotics. Opiate use slows down and depresses a number of body functions, including brain functioning. Heroin

users may act sleepy or euphoric for a while and then become anxious or irritated after the heroin wears off. Heroin users tend to have a number of related health problems and tend to also abuse alcohol and tobacco. Together, these drugs and the unhealthy lifestyles of heroin users result in decreased life expectancy.

PCP

Phencyclidine, or PCP, is also called angel dust or dust. PCP is an extremely dangerous hallucinogen that has unusual and unpredictable side effects. It was developed as an anesthetic in the late 1950's and used for a while as a tranquilizer both for humans and animals. Because of its dangers, it now has no legal uses and is no longer legally manufactured. Rather, PCP is manufactured in underground laboratories. It often contains dangerous adulterants but is very dangerous all by itself.

PCP can produce violence and bizarre behavior in anyone who uses it. Occasionally, PCP users attack nurses and policemen or jump out of windows because they believe they can fly. PCP somehow scrambles the brain's internal stimuli and seriously changes how users feel, see and deal with their environment.

In low doses, PCP produces a feeling of numbness. Increased doses produce excitement, confusion and delirium. The user's body may become rigid or go into convulsions. Routine activities like driving become dangerous and unpredictable.

Users may walk with strange uncoordinated steps. PCP users may have a blank stare, sweat heavily, have thick slurred speech or engage in some of the violent and bizarre behaviors mentioned above.

Acknowledgement of Receipt of Policy

I hereby acknowledge that I have received, read, and understand my Company's Drug-Free Workplace Program Policy required by Department of Transportation (DOT) regulations. I understand that I am subject to and must adhere to the DOT regulations, and must abide by the terms of the Company's Policy as a condition of employment.

I understand that during my employment I may be required to submit to drug and/or alcohol tests based on Department of Transportation regulations as directed by the Company. I agree to comply with the Company's Policy on drugs and/or alcohol and understand failure to comply is grounds for disciplinary action, up to and including termination, in addition to any action required by DOT regulations.

I also understand that refusal to submit to a controlled substances or alcohol test is a violation of DOT regulations, as well as the Company's Policy, and may result in disciplinary action, including but not limited to suspension (with or without pay) or termination of employment, in addition to action required by DOT regulations. I further understand the consequences related to controlled substances use or alcohol misuse as prohibited by Company's Policy.

I acknowledge that the provisions of Company's Drug-Free Workplace Program Policy are part of the terms and conditions of my employment, and that I agree to abide by them.

THE UNDERSIGNED STATES THAT HE OR SHE HAD READ THE FOREGOING ACKNOWLEDGEMENT AND UNDERSTANDS THE CONTENTS THEREOF.

Employee Name: _____ Date: _____

Employee Social Security Number: _____

Employee Signature: _____

Company Name: _____

I am the parent/guardian of _____, and I acknowledge that I understand the company's Drug-Free Workplace policy. I hereby agree to his/her participation in the Company's Drug-Free Workplace Program.

Parent/Guardian Signature: _____ Date: _____

Parent/Guardian Printed Name: _____ Date: _____

NOTE: *This certificate should be retained in a secured file.*