

**AN ORDINANCE AMENDING
THE CITY OF ROLLING MEADOWS
PERSONNEL CODE**

WHEREAS, the United States Department of Transportation has issued regulations pertaining to testing and policy and procedures for alcohol abuse and drug use for employees with commercial driver's licenses; and

WHEREAS, the City Council has determined that it is in the best interests of the City to adopt an alcohol abuse and illegal drug use testing policy and procedures which will also comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991 and the Federal Motor Carrier Safety Regulations.

NOW, THEREFORE, BE IT ORDAINED by the City of Rolling Meadows, Illinois, as follows:

SECTION ONE: Section 5 of the City of Rolling Meadows Personnel Rules and Regulations are hereby amended to include the attached as section 5.2 of the said Personnel Rules and Regulations.

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SECTION TWO: This Ordinance shall be printed and published in pamphlet form by order of the Rolling Meadows City Council.

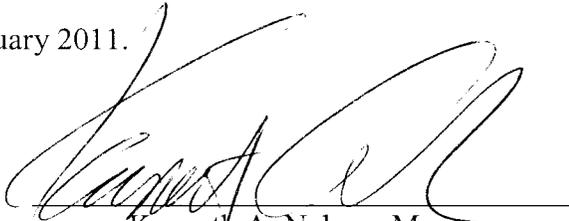
SECTION THREE: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

YEAS: Pitzafarro, Lusk, Buske, Judd, Adams, D'Astice

NAYS: 0

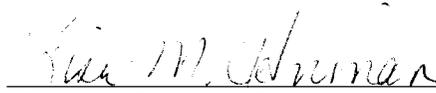
ABSENT: Larsen

Passed and Approved this 25th day of January 2011.



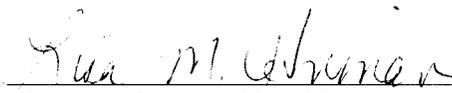
Kenneth A. Nelson, Mayor

ATTEST:



Lisa M. Hinman, City Clerk

Published this 26th day of January 2011.



Lisa M. Hinman, City Clerk

City of Rolling Meadows
Public Works Department

DRUG/ALCOHOL
TESTING POLICY & PROCEDURES

Updated & Revised, 2011



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**CITY OF ROLLING MEADOWS PUBLIC WORKS DEPARTMENT
CDL (U.S.D.O.T.) DRUG/ALCOHOL - TESTING POLICY & PROCEDURES**

I. STATEMENT OF POLICY

A. Purpose and Goals

1. The City of Rolling Meadows and the Federal Motor Carrier Safety Administration (FMCSA) of the U.S Department of Transportation have determined that alcohol abuse and illegal drug use pose specific dangers to the safety and welfare of drivers and the public. In order to achieve the goal of ensuring a drug and alcohol free transportation system, as well as to comply with requirements of the Omnibus Transportation Employee Testing Act of 1991 and the Federal Motor Carrier Safety Regulations, the City of Rolling Meadows has an alcohol and controlled substance testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers of commercial motor vehicles.
2. The City of Rolling Meadows drug and alcohol testing program is designed to create a drug and alcohol free transportation system and to provide help to those employees who have chemical dependency problems.
3. As an employer who uses drivers to operate commercial motor vehicles on public roads, the City of Rolling Meadows is required to implement a controlled substances and alcohol policy, including a drug and alcohol testing program, that is compliant with the requirements and procedures of 49 CFR Parts 40 and 382.

B. Employment Terms

1. Employment with the City of Rolling Meadows is considered "at will," meaning that it is for no set duration and can be terminated by the City of Rolling Meadows or the employee at any time, for any reason, unless prohibited by statute or public policy. Neither the implementation of this policy nor any of the terms of this policy is intended to modify the "at will" nature of the employment relationship at the City of Rolling Meadows or to otherwise create any contract, express or implied, with any employee.
2. In the event that the U.S.D.O.T. amends its regulations this policy and the applicable term(s), condition(s), and / or requirement(s) of this policy shall be deemed to have been amended automatically at that time, without the need for redrafting, in order to reflect and be consistent with U.S.D.O.T.'s regulations.
3. The City reserves the right to apply the amended requirements immediately, and without notice to drivers and / or applicants, unless such notice is required by U.S.D.O.T. or another applicable law.
4. It is also the City's intention to comply with any applicable state requirements governing drug and or alcohol testing.
5. The City further intends to comply with the applicable requirements of the Drug Free Workplace Act, the American with Disabilities Act, and the Family and

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Medical Leave Act, and any and all other applicable provisions of the City of Rolling Meadows Employee Personnel Rules and Regulations.

II. SCOPE

A. Employees Subject To Testing

1. The drug and alcohol testing required under this policy will apply to any individual who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce and who is required to possess a commercial driver's license (CDL) for the operation of the CMV.

B. Employer Responsibilities

1. The City of Rolling Meadows is responsible for meeting all applicable requirements and procedures of this policy.
2. The City of Rolling Meadows is responsible for all actions of City officials, employees, and agents (including service agents) in carrying out the requirements of the U.S.D.O.T. agency regulations.
3. All agreements and arrangements, written or unwritten, between and among employers and service agents concerning the implementation of U.S.D.O.T. drug and alcohol testing requirements are deemed, as a matter of law, to require compliance with all applicable provisions of this policy and U.S.D.O.T. agency drug and alcohol testing regulations.
4. Compliance with these provisions is a material term of all such agreements and arrangement.
5. The City must provide to collectors the name and telephone number of the appropriate Designated Employer Representative (DER) to contact about any problems or issues that may arise during the testing process.

III. DEFINITIONS

1. Adulterated Specimen: A specimen that contains a substance not expected to be found in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
2. Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
3. Alcohol use: The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.
4. Alcohol concentration (or content): The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

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5. Canceled Test: A drug or alcohol test that has a problem or cannot be considered valid under U.S.D.O.T. rules. A canceled test is neither a positive nor a negative test.

6. Commercial Motor Vehicle (CMV) is defined as a motor vehicle or combination of motor vehicles used to transport passengers or property which:

a) Has a gross combination weight rating of 26,001 or more pounds (11,794 or more kilograms) inclusive of a towed unit with a gross motor vehicle weight rating of more than 10,000 lbs. (4,536 kg.), or has a gross vehicle rating of 26,001 or more pounds (11,794 kg.); or

b) Is designed to transport 16 or more passengers, including the driver; or

c) Is of any size and is used in the transportation of hazardous materials and required to be placarded under the Hazardous Materials Transportation Act.

7. Controlled Substances Include: Amphetamines and methamphetamines (including ecstasy & crystal meth), Cocaine (including all derivatives), Marijuana, Opiates (including opium and codeine derivatives & heroin), Phencyclidine (PCP).

8. Designated Employer Representative (DER): An employee authorized by the employer to take immediate action(s) to remove employees from safety sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer.

a) The Department's DER will be the Assistant Public Works Director.

b) The alternate DER shall be the Public Works Director or the Director's designee.

9. Dilute Specimen: A specimen with creatinine and specific gravity values that are lower than expected for human urine.

10. Driver: Any person who operates a commercial motor vehicle, including but not limited to: fulltime regularly employed drivers; part-time or seasonal drivers, casual, intermittent or occasional drivers; leased drivers and independent, owner operator contractors.

11. Safety Sensitive Function: All time from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. "Safety Sensitive Functions" include:

a) All time at a City of Rolling Meadows terminal, facility, or other

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property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by their Supervisor.

b) All time inspecting equipment as required by 49 CFR Section 392.7 and Section 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

c) All time spent at the driving controls of a commercial motor vehicle in operation;

d) All time, other than driving time, in or upon any commercial motor vehicle except, time spent resting in a sleeper berth conforming to the requirements of 49 CFR Section 393.76;

e) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

f) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

12. Split Specimen: In drug testing, a part of the urine specimen that is sent to the laboratory and retained unopened in secure storage until the employee whose test is positive, adulterated or substituted, requests that the specimen be transferred to a second laboratory for reconfirmation.

13. Substituted Specimen: A specimen with creatinine and specific gravity values that are so diminished that they are inconsistent with human urine.

IV. QUALIFICATIONS FOR EMPLOYMENT

A. Prohibited Conduct

The City of Rolling Meadows policy prohibits the following conduct while operating a commercial motor vehicle:

1. No driver may report for duty or be on duty while having an alcohol concentration of 0.04 or greater.
2. No driver may use alcohol while performing safety sensitive functions.
3. No driver may perform safety sensitive functions within four hours after having used alcohol.
4. No driver required to take a post accident alcohol test under this policy may use alcohol for eight hours following the accident, or until they undergo a post accident alcohol test, whichever occurs first.

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5. No driver may report for duty or remain on duty when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
6. No driver may report for duty, remain on duty or perform a safety sensitive function, if the driver tests positive for controlled substances.
7. No driver may refuse to submit to any alcohol or controlled substance test required under this policy.
8. In the event the City of Rolling Meadows has actual knowledge that a driver has violated any of the above prohibitions, the City will prohibit the driver from performing any safety sensitive functions.

B. Removal From Service

1. A driver who has engaged in any prohibited conduct will be immediately removed from service and disqualified from the performance of any safety sensitive functions, unless and until that driver has complied with the return to work requirements as prescribed in 49 CFR Part 40, subpart O. The employee will also be subject to any discipline required by the City of Rolling Meadows in accordance with this policy.
2. Any driver requested to submit to an alcohol test required under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will be disqualified from performing or continuing to perform any safety sensitive functions, including driving a commercial motor vehicle, until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

C. Drug and Alcohol Background Check

1. Any driver who currently holds a CDL, and that the City of Rolling Meadows intends to hire or use to perform a safety sensitive function will be required to undergo a background check for any violations of Department of Transportation drug and alcohol testing regulations during the previous two years.
2. All applicants who hold current CDL licenses applying for driver positions with the City of Rolling Meadows will be required to sign an appropriate consent form authorizing previous employers to release this information to the City of Rolling Meadows. The City of Rolling Meadows will then obtain information on the driver's alcohol tests with a concentration result of 0.04 or greater, verified positive drug test results and refusals to be tested within the preceding two years from all of the driver's previous employers during that time period.

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3. No driver will be allowed to perform a safety sensitive function if the City of Rolling Meadows discovers that they have had an alcohol test with a concentration of 0.04 or greater, a verified positive drug test result or has refused to be tested.

4. The City of Rolling Meadows reserves the right to use drivers who have complied with the return to duty requirements of 49 CFR Part 40, Subpart O.

V. TESTING CIRCUMSTANCES

A. Pre-employment/Pre-duty

1. Prior to the first time a driver performs a safety sensitive function for the City of Rolling Meadows (including job applicants and employees transferring into a position requiring the operation of a commercial motor vehicle), the driver will be required to undergo testing for controlled substances and will not be allowed to perform any such function unless a verified negative drug test result is received from a medical review officer.

B. Post Accident

1. As soon as practicable following an accident, the City of Rolling Meadows will require any surviving driver to submit to tests for alcohol and controlled substances if:

a) The driver was performing safety sensitive functions with respect to the vehicle and the accident involved the loss of human life; or

(1) The driver received a citation under State or local law for a moving traffic violation arising from the accident and the accident involved:

(2) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(3) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

b) Drivers are prohibited from using alcohol for eight hours following any accident or until the required post accident alcohol test is administered, whichever occurs first. Every effort will be made to conduct post accident drug and alcohol tests within two hours following an accident. Any driver involved in an accident must therefore remain readily available for testing and will be considered to have refused to submit to testing if they fail to do so.

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c) This requirement will not, however, require a driver to delay any necessary medical attention for injured people following an accident or to remain at the scene of an accident when their absence is necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. In order to ensure expeditious testing, the City of Rolling Meadows will provide all drivers with information, procedures and instructions explaining the post accident testing requirements.

d) If an alcohol test is not administered within eight hours following an accident, the City of Rolling Meadows will make no further effort to administer an alcohol test and will document the reasons why the test was not administered within eight hours.

e) In the event a drug test is not administered within 32 hours following an accident, the City of Rolling Meadows will cease its attempts to administer any further testing and prepare and maintain a record stating the reasons why the test was not promptly administered.

2. The results of any breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, will be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements, and the results of the tests are obtained by the City of Rolling Meadows.

3. A driver must also submit to a post accident drug and or alcohol testing if directed to do so by a Federal, State or local law enforcement official. Whenever a post accident test is conducted by a law enforcement official, the driver is required to contact their supervisor, or the supervisor's designee, immediately.

4. Drivers may also be subject to post accident drug and alcohol testings under the allowable requirements of the Drug Free Work Palce Act.

C. Random

1. The City of Rolling Meadows will conduct random drug and alcohol tests at a minimum annual percentage rate established by the FMCSA of the average number of driver positions.

2. The random selection process will be completely objective and anonymous and will utilize a scientifically valid method such as a random number table or a computer based random number generator matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. The tests will be unannounced and the dates for testing will be reasonably spread throughout the course of the year.

3. All drivers will have an equal chance of being tested at any time, regardless of the number of their previous selections.

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4. Any driver notified of their selection for random alcohol and/or controlled substances testing will be expected to proceed to the test site immediately.

D. Reasonable Suspicion

1. Whenever the City of Rolling Meadows has reasonable suspicion to believe that a driver has engaged in prohibited conduct, the driver must submit to an alcohol and/or controlled substances test. Any such suspicion must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver, which may include indications of the chronic and withdrawal effects of controlled substances.
2. These observations will only be made by a supervisor of the City of Rolling Meadows Public Works Department who has received appropriate training and will be documented in writing by that individual within twenty-four (24) hours after their observations, or before any drug test results are released.
3. Any person who makes a determination that reasonable suspicion exists to require a driver to submit to an alcohol test will not be permitted to conduct the alcohol test for that driver. A reasonable suspicion alcohol test will only be required if the reasonable suspicion observations are made during, just preceding or just after the period of the work day that a driver is required to be in compliance with this policy. If the alcohol test is not administered within eight hours following the reasonable suspicion determination, the City of Rolling Meadows will no longer attempt to administer an alcohol test and will document the reasons for its inability to do so.
4. Notwithstanding the above testing requirements, a driver may not report for duty or remain on duty requiring the performance of a safety sensitive function if that driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse.
5. In any reasonable suspicion testing circumstance, a City of Rolling Meadows representative will transport the individual to an appropriate testing facility and await the completion of the testing procedure. The City of Rolling Meadows representative will then transport the individual back to the City of Rolling Meadows's premises, where a spouse, family member or other individual will be contacted to transport the individual home. In the event no such individual is available, the City of Rolling Meadows will make a reasonable effort to transport the driver home.
6. If the employee refuses to comply with any of these procedures and attempts to operate their own vehicle, the City of Rolling Meadows will take appropriate efforts to discourage him from doing so, up to and including contacting local law enforcement officials.
7. Any employee failing to cooperate with any of the above procedures will be

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subject to discipline, up to and including discharge.

8. A driver must also submit to reasonable suspension testing if directed to do so by a Federal, State or local law enforcement official.

E. Return-To-Duty

1. Before a driver who has engaged in any conduct prohibited by this policy will be allowed to return to duty to perform a safety sensitive function, they will be required to undergo return-to-duty alcohol and/or controlled substance tests, with results indicating an alcohol concentration of less than 0.02 and a verified negative for controlled substances use, respectively.

2. A driver must also have had an evaluation by a Substance Abuse Professional.

3. The ability of a driver who has engaged in any conduct prohibited by this policy to return to duty shall be at the discretion of the City and only after the driver has signed a Last Chance Agreement as described in Section XII of this policy.

F. Follow - Up

1. Any employee who has engaged in prohibited drug and/or alcohol related conduct will be subject to unannounced follow up testing for alcohol and/or controlled substances as directed by the Substance Abuse Professional for up to 60 months after return to safety sensitive duties, or

2. As recommended by a Substance Abuse Professional.

G. Refusal To Test

1. Any driver who refuses to submit to any drug or alcohol test required by this policy will be immediately removed from service and prohibited from performing or continuing to perform a safety sensitive function.

2. Employees will also be subject to discipline up to and including dismissal.

3. For purposes of this policy, "refusal to submit" to an alcohol or controlled substances test will include:

a) Failing to provide adequate breath for alcohol testing, without a valid medical explanation.

b) Failing to provide an adequate urine sample for controlled substances testing, without a valid medical explanation.

c) Failing to cooperate with any part of the testing process, including failing to permit direct observation or monitoring of specimen collection

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when required.

d) Submitting a substituted or adulterated specimen.

e) Failing to report for required testing; or failing to report within a reasonable time after notification to do so.

f) Failing to remain at the testing site until the testing process is complete.

g) Failing to undergo a medical examination when required as part of the test result verification process, or as directed for evaluation of the inability to provide an adequate urine or breath specimen.

VI. ALCOHOL TESTING PROCEDURES

A. Alcohol Testing Personnel and Equipment

1. All alcohol testing will be conducted by qualified Breath Alcohol Technicians and/or Screening Test Technicians using Alcohol Screening Devices or Evidential Breath Testing devices approved by the National Highway Traffic Safety Administration.

a) Screening Test Technicians and Breath Alcohol Technicians meeting their respective requirements of this subpart are the only people authorized to conduct U.S.D.O.T. alcohol tests.

b) A Screening Test Technician can conduct alcohol screening tests only; a Breath Alcohol Technician can conduct alcohol screening and confirmation tests.

B. Alcohol Testing Procedures

1. All alcohol testing conducted under this policy will be done in accordance with the procedures outlined in 49 CFR Part 40, Subparts L and M. After providing photo identification to the BAT or STT, the employee and the BAT/STT will complete the Alcohol Testing Form. Any employee who refuses to sign the acknowledgment of testing in Step 2 of the form will be considered to have refused to test. The employee will follow the BAT/STT's instructions and provide a breath or saliva sample for the initial test. If the result of the test is <0.02 alcohol concentration, the test is considered negative and the process is complete.

2. If the initial alcohol test result is 0.02 or greater, a confirmation test, using an EBT capable of printing the test results, will be conducted. After a waiting period of at least 15 minutes, during which the employee is observed and requested not to take anything by mouth, the employee will be asked to provide a breath sample. The purpose of the waiting period is to ensure that no residual mouth

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alcohol is present for the confirmation test. If the confirmation test result is >0.02 , the BAT will immediately notify the City of Rolling Meadows representative, and the employee will remain at the testing facility until provided transportation back to the work place. The employee and the BAT will complete and sign the breath alcohol testing form and a copy of the form, including the test results, will be provided to the employee. If the confirmation test result is <0.02 , the test is negative.

C. Inability to Provide a Sample

1. In the event an employee is unable to provide, or alleges that they are unable to provide a breath or saliva sample, the employee will make two attempts to complete the testing process.
2. If the employee cannot provide a saliva sample for the screening test, the employee will submit to a breath alcohol test. If the employee cannot provide an adequate breath sample after two attempts, the BAT/STT will discontinue the testing process, notify the City of Rolling Meadows representative, and the employee shall, as soon as practical, be evaluated by a physician, designated by the City of Rolling Meadows.
3. The physician will determine if there is a medical condition or diagnosis that prevents the employee from providing an adequate breath sample. If the physician is unable to document a medical condition or diagnosis responsible for the employee's failure to provide an adequate sample, the employee will have been considered to have refused the test. The employee will also be subject to any discipline outlined in Section XI of this policy.

VII. CONTROLLED SUBSTANCE TESTING

A. Specimen Collection Procedures

1. Controlled Substances testing will be conducted using a urine specimen collected by qualified collection personnel at a collection site located at an off site laboratory service center or medical facility. For all FMCSA required testing, a Federal custody and control form (CCF) will be used to document the collection process.
2. The driver will be required to present photo identification to the collector at the start of the collection process.
3. The collector will instruct the employee to empty the contents of their pockets, remove all outer clothing (jackets, hats, etc.) and leave all hand carried items outside the toilet enclosure. After washing their hands, the driver will be provided a wrapped collection container which is unwrapped in their presence. The wrapped/sealed specimen bottles will remain with the collector while the driver provides their specimen in the privacy of a toilet enclosure with a closed door. In circumstances where only a multi stall restroom is available, the collector will

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accompany the driver into the restroom. The collector will remain outside the toilet stall/enclosure; the driver will provide the specimen while in the toilet stall with the stall door closed.

4. In certain circumstances the driver will be required to provide their urine specimen while being directly observed. Observation of urination will only be done by an individual who is the same sex as the driver. The following circumstances will require a direct observation collection:

- a) The driver presents a specimen which is outside the expected temperature range (90 - 100 °F), of human urine.
- b) The driver presents a specimen which the collector believes is adulterated or substituted, or has specimen adulterant or substitution materials in their pockets.
- c) A previous specimen provided by the driver was invalid for testing and there was no medical explanation for the specimen's invalidity.
- d) A previous specimen provided by the driver was verified as positive, adulterated, or substituted and the split specimen was unavailable for reconfirmation.
- e) The collection is for a return to duty or follow up test.

5. Upon completion of urination, the driver will present the specimen to the collector. The collector will check the temperature and physical appearance of the specimen. In the driver's presence the collector will unwrap and remove the seal from the two specimen bottles, and divide the urine specimen into the two bottles, ensuring that there is at least 30 mL in the A Bottle, and at least 15 mL in the B Bottle. The collector will apply the seal/label to each bottle, date the label and ask the driver to initial each bottle label. The driver will be permitted to wash their hands. The specimen shall remain in the sight of both the collector and the driver from time of presentation of the specimen to the sealing/labeling of the bottles.

6. The collector and driver will complete the CCF. The specimen bottles and a copy of the CCF will be placed in a plastic bag and sealed. The driver will be provided a copy of the CCF. Collection site personnel shall arrange shipment of the specimens to the drug testing laboratory. Prior to shipment, the specimens shall be maintained in a secure receptacle or area of the collection facility.

7. If the driver refuses to cooperate during the collection process the collection site person will inform the City of Rolling Meadows Designated Employer Representative (DER) and document the employee's conduct on the Drug Testing Custody and Control Form. Employees are expected to exercise good faith and cooperate during the collection process and failure to do so will subject the employee to discipline, up to and including discharge, independent and

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regardless of the results of any subsequent drug test.

8. If the employee is unable to urinate, or provides an insufficient quantity of urine (<45mL), the employee will be provided fluids to drink (up to 40 oz.) and up to three hours to provide an adequate specimen. If the employee is unable to provide an adequate specimen after three hours, the collection process will cease.

9. The collector will inform the City of Rolling Meadows, and the City of Rolling Meadows will direct the employee to be evaluated by a City of Rolling Meadows designated physician as soon as practical. If the MRO determines, after review of the physician's findings of the examination of the employee, that there is no medical explanation for the employee's failure to provide an adequate specimen, the employee will be considered to have refused to test. The employee will also be subject to any discipline outlined in Section XI of this policy.

B. Laboratory Analysis

1. All urine specimens tested for drugs as listed in this policy will be analyzed at a laboratory certified by the Department of Health and Human Services (DHHS), Substance Abuse and Mental Health Services Administration (SAMHSA).

2. All specimens will be tested for the drug or drug classes listed in Section III, Item #7 using an immunoassay screen approved by the Food and Drug Administration (FDA). The immunoassay screen will use cut off levels established by the DHHS and U.S.D.O.T. to eliminate negative specimens from further consideration. Any presumptive positive test will be subject to confirmation analysis.

3. Any urine specimen identified as positive on the initial screen will be confirmed by gas chromatography/mass spectrometry (GC/MS) methodology. GC/MS analysis will use cut off levels established by the DHHS and U.S.D.O.T. for confirmation. Any specimen that does not contain drug or drug metabolites above the GC/MS confirmation cut off levels will be reported by the laboratory as negative.

4. When appropriate, the laboratory may conduct analyses to determine if the specimen has been adulterated. Adulteration tests include but are not limited to specific gravity, creatinine, and pH. In addition, the laboratory may conduct additional analyses to identify or detect a specific adulterant added to the urine specimen. If the laboratory identifies an adulterant added to the specimen, the laboratory will report the specimen as adulterated. If the laboratory determines that the specimen is inconsistent with human urine, the laboratory will report the specimen as substituted. If the laboratory is unable to obtain a valid screening or confirmation analysis, the laboratory will report the specimen as Invalid. If the laboratory determines that the specimen's specific gravity and creatinine are lower than the normal range, the laboratory will report the specimen as dilute.

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5. The laboratory will report all test results to the Medical Review Officer (MRO) by confidential, secure electronic (not telephone) or hard copy transmission.
6. Negative specimens will be destroyed and discarded by the laboratory after results are reported to the MRO. Non-negative specimens (Positive, Adulterated, Substituted, Invalid) specimens will be retained in long term frozen storage at minus twenty (-20) degrees C or less for a minimum of one (1) year.

C. Medical Review Officer

1. All test results will be reported by the laboratory to a medical review officer (MRO). The MRO will be a licensed physician with knowledge of substance abuse disorders who is trained and certified in accordance with 49 CFR Part 40, subpart G. The MRO will review and consider possible alternative medical explanations for non-negative test results and will review the custody and control form to ensure that it is complete and accurate. The City of Rolling Meadows will designate an MRO for its controlled substance testing program.

a) The City's designated MRO shall be the assigned Doctor from Northwest Community Hospital's Occupational Health Office.

b) The Occupational Health Office is located at 800 West Central Road, Arlington Heights, IL 60005. The office can be reached at 847-618-3140.

2. Prior to making a final test result for a positive, adulterated, or substituted specimen, the MRO will give the individual an opportunity to discuss the test result.

a) The MRO will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If, after making and documenting three attempts to contact the individual directly, and if the MRO is unable to reach the individual, the MRO will contact the designated City of Rolling Meadows DER.

(1) The DER will attempt to contact the employee.

(2) Upon making contact the DER will direct the individual to contact the MRO as soon as possible.

b) If, after making all reasonable efforts, the City of Rolling Meadows is unable to contact the employee, the City of Rolling Meadows will place the employee on temporary medically unqualified status or on a medical leave of absence.

3. The MRO may verify a test, and advise the City of the results, with the City without having communicated directly with the individual employee about the results if one or more of these three circumstances occurs:

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- a) The employee expressly declines the opportunity to discuss the test.
 - b) The DER has made contact with the employee and has instructed them to contact the MRO; and the employee does not contact the MRO for a period of more than 72 hours the MRO may verify the test results with the City; or
 - c) If neither the MRO nor employer has successfully contacted the employee after 10 days of reasonable effort.
 - d) All actions and or decisions of the employee, the MRO and the DER must be documented.
4. During the test result verification process for an opiate positive, adulterated or substituted result, the MRO may require that the employee submit to a medical examination by a City of Rolling Meadows designated physician. If the employee refuses to undergo the medical examination, the MRO will verify the test as positive or a refusal to test.
5. If the MRO determines that there is a legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO will report the test as negative. If the MRO determines that there is a legitimate physiologic explanation for the adulterated or substituted specimen finding, the MRO will report the result as a cancelled test.
6. If the MRO determines, that there is no medical explanation for a positive test result, the MRO will report the test as positive, and provide the name of drug(s) detected. If the MRO determines that there is no medical or physiologic explanation for the adulterated or substituted specimen, the MRO will report the result as refusal to test, and provide the adulteration or substitution criteria identified.
7. If the MRO determines that a specimen reported as invalid is due to medication interference or other legitimate medical circumstances, the MRO will cancel the test. If the MRO determines that there is no medical explanation for the specimen's invalidity, the MRO will cancel the test and inform the City of Rolling Meadows that another specimen must immediately be collected under direct observation.
8. If the MRO reports a negative dilute specimen the City of Rolling Meadows may require the individual to undergo another drug test. If the second test is also reported as negative dilute, that result will be the test of record.
9. The MRO will not disclose to any third party medical information provided by the individual to the MRO as part of the testing verification process, except as provided below:
- a) The MRO will disclose such information to the City of Rolling

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Meadows, Federal agency or a physician responsible for determining the medical qualification of the employee under an applicable U.S.D.O.T. regulation, if in the MRO's reasonable judgment, the information could result in the employee being determined to be medically unqualified under a U.S.D.O.T. rule; or

b) The MRO will disclose such information to the City of Rolling Meadows, if in the MRO's reasonable medical judgment; the information indicates that continued performance by the employee of his or her safety sensitive function could pose a significant safety risk.

10. Before obtaining medical information from the employee as part of the verification process, the MRO will advise the employee that the information will be disclosed to third parties and of the identity of any parties to whom the information may be disclosed.

11. The MRO will notify each individual who has a verified positive, adulterated, or substituted result that they have 72 hours in which to request a test of the split specimen. If the employee requests an analysis of the split specimen within 72 hours of such notice, the MRO will direct, in writing, the laboratory to provide the split specimen to another DHHS certified laboratory for analysis. The split specimen testing will be at the employee's expense.

12. If an employee has not contacted the MRO within 72 hours, the employee may present the MRO with information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation of the employee's failure to contact them within 72 hours, the MRO will direct that analysis of the split specimen be performed.

13. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or fails to reconfirm the adulteration or substitution finding, the MRO will cancel the test and report the cancellation and the reasons for it to the U.S.D.O.T., the City and the employee. If the split specimen is unavailable or unsuitable for reconfirmation, the MRO will cancel the test and inform the City of Rolling Meadows that another specimen must be immediately recollected under direct observation.

D. SUBSTANCE ABUSE PROFESSIONAL

1. Substance Abuse Professional Referral, Evaluation and Treatment

Any employee who engages in conduct prohibited by this policy will be provided with information about the resources available for evaluating and resolving problems associated with the misuse of alcohol or prohibited drug use, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

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2. Substance Abuse Evaluation

Employees will be advised to undergo an evaluation by an appropriate substance abuse professional, who will determine what assistance the employee needs in resolving problems associated with alcohol misuse and/or drug use.

3. Substance Abuse Professional

a) For purposes of this policy, a substance abuse professional is defined as a licensed physician (M.D. or D.O.), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by NAADAC or ICRC) who has knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

b) The Substance Abuse Professional's role is to evaluate the employee's need for assistance in resolving problems related to alcohol or drug abuse, determine if the employee has complied with the recommended treatment or rehabilitation, and to determine a program of follow up testing as appropriate.

VIII. CONFIDENTIALITY AND RECORDKEEPING

A. Confidentiality

1. The City of Rolling Meadows will maintain all records generated under this policy in a secure manner so that disclosure to unauthorized persons does not occur. Thus, the results of any tests administered under this policy and/or any other information generated pursuant to this policy will not be disclosed or released to anyone without the express written consent of the employee, except where otherwise required or authorized by federal regulation or law. In addition, the City of Rolling Meadows's contract with its designated service agents requires them to maintain all employee test records in confidence.

2. The City of Rolling Meadows is prohibited from releasing individual test results or medical information about an employee to third parties without the employee's specific written consent, except in certain legal proceedings as defined below.

a) A "third party" is any person or organization to whom other subparts of this regulation do not explicitly authorize or require the transmission of information in the course of the drug or alcohol testing process.

b) "Specific written consent" means a written statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time.

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c) "Blanket releases," in which an employee agrees to a release of a category of information (e.g., all test results) or to release information to a category of parties are prohibited under this part.

3. As an employer, the City may release information pertaining to an employee's drug or alcohol test without the employee's consent in certain legal proceedings.

a) These proceedings include a lawsuit (e.g., a wrongful discharge action), grievance (e.g., an arbitration concerning disciplinary action taken by the employer), or administrative proceeding (e.g., an unemployment compensation hearing) brought by, or on behalf of, an employee and resulting from a positive U.S.D.O.T. drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).

b) These proceedings also include a criminal or civil action resulting from an employee's performance of safety sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the employer to produce the information. For example, in personal injury litigation following a truck or bus collision, the court could determine that a post accident drug test result of an employee is relevant to determining whether the driver or the driver's employer was negligent. The employer is authorized to respond to the court's order to produce the records.

c) In such a proceeding, you may release the information to the decision maker in the proceeding (e.g., the court in a lawsuit). You may release the information only with a binding stipulation that the decision maker to whom it is released will make it available only to parties to the proceeding.

d) If a company who is providing drug and or alcohol testing services for the City, and the City requests its employee's drug or alcohol testing information for a legal proceeding as authorized in paragraph (a) of this section (e.g., the laboratory's data package), the company must provide the requested information to the City.

e) The City shall immediately notify the employee in writing of any information released under this section.

B. Access to Facilities and Records

1. Upon written request by any covered employee, the City of Rolling Meadows will promptly provide copies of any records pertaining to the employee's use of alcohol or drugs, including any records pertaining to his or her alcohol or drug tests. Access to a covered employee's records will not be contingent upon payment for records other than those specifically requested.

2. The City of Rolling Meadows will also permit access to all facilities utilized and

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alcohol or drug testing documents generated in complying with the requirements of 49 CFR Part 382 to the Secretary of Transportation, any U.S.D.O.T. agency with regulatory authority over the employer or any of its covered employees, or to a State oversight agency. When requested by the National Transportation Safety Board (NTSB) as part of an accident investigation, the City of Rolling Meadows will disclose information related to the employer's administration of a post accident alcohol and/or drug test administered following the accident under investigation.

3. Records will also be made available to an identified person or a subsequent employer upon receipt of a written request from an employee, but only as expressly authorized and directed by the terms of the employee's written consent. The subsequent release of such information by the person receiving it will be permitted only in accordance with the terms of the employee's consent.

IX. EMPLOYEE ASSISTANCE PROGRAM

A. Bensinger, DuPont & Associates (BDA) has been contracted to be the City of Rolling Meadows manager of the City's Employee Assistance Program (EAP).

B. BDA can be contacted at 800-227-8620.

X. EMPLOYEE EDUCATION & SUPERVISORY TRAINING

A. Employee Education

1. The City of Rolling Meadows will provide employees subject to this policy with education materials explaining the requirements of the Federal Motor Carrier Safety Administration drug and alcohol regulations and the City of Rolling Meadows policies and procedures for meeting them.

a) In addition, employees will be provided with information concerning the effects of drug use and alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol or drug problem and available methods of intervening when an alcohol or drug problem is suspected, including confrontation, referral to an employee assistance program and/or referral to management.

b) Copies of this policy will be distributed to each employee hired or transferred into a position requiring the performance of a safety sensitive function covered by this policy. Each employee who receives a copy of these materials will be required to sign a statement certifying that he or she has received a copy of the same. The City of Rolling Meadows will retain the original of the signed certificate and will provide a copy to the employee, if requested.

c) The City of Rolling Meadows will also provide written notice to representatives of employee organizations as to the availability of this

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information, if applicable.

B. Supervisory Training

1. Any individual designated to determine whether reasonable suspicion exists to require a covered employee to undergo a drug or alcohol test under this policy will be required to receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug use.
2. This training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and prohibited drug use.

XI. DISCIPLINARY ACTIONS

A. In addition to the removal from safety sensitive functions required by Federal Motor Carrier Safety Administration Regulations, the City of Rolling Meadows will take the following disciplinary action against any individual who violates this policy.

1. Applicants

- a) An individual who tests positive on a pre-employment drug test will not be hired for a covered function position.
- b) Any individual who is found to have adulterate or substitute a specimen provided for a pre-employment drug test will not be hired by the City.

2. Employees

- a) Any employee who tests positive for a prohibited drug or for alcohol with a concentration level of 0.04 or greater will be immediately placed on non-paid leave and be subject to additional disciplinary actions up to and including dismissal.
- b) Any employee who engages in any conduct that constitutes a refusal to submit to a drug or alcohol test required under this policy will be immediately placed on non-paid leave and be subject to additional disciplinary actions up to and including dismissal.
- c) Any employee whose alcohol test result is 0.02 - 0.039 alcohol concentration will be removed from duty for at least 24 hours or until their next regularly scheduled shift, whichever is longer. All time suspended will be without pay. Any employee who tests 0.02 - 0.039 alcohol concentration on more than one occasion will immediately placed on non - paid leave and be subject to additional disciplinary actions up to and including dismissal.

XII. Last Chance Agreement

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A. An employee who violates alcohol or controlled substance use rules shall immediately be removed from the performance of safety sensitive duties and may be subject to discipline up to and including discharge. At the employer's discretion, employees may be offered a Last Chance Agreement. The signing of a last chance agreement will require at a minimum that the employee stay free from drugs and/or alcohol during the remainder of the employee's tenure with the City.

B. Last Chance agreements will include but not be limited to the following:

1. Evaluation of the employee by a substance abuse professional for assessment;
2. Referral to the Employee Assistance Program or other appropriate treatment or rehabilitation program;
3. A written and signed plan, which is agreed to by the employee and the City, for verification of continued or successful completion of the treatment or rehabilitation program;
4. The assigning of the employee to an alternative work/job assignment if appropriate; and
5. Appropriate disciplinary action up to and including dismissal, for noncompliance with the requirements of the last chance agreement

C. An employee rehabilitation or treatment program shall be at the employee's expense except as it may be covered by insurance. Appropriate accrued leave with or without pay may be granted at the employee's request and with the employer's approval during the period of treatment or rehabilitation.

D. At the employers discretion, the employer may return an employee who violates alcohol misuse or controlled substance rules to their former duties requiring a CDL if the employee:

1. Has been evaluated by a substance abuse professional;
2. Has complied with the recommended treatment rehabilitation;
3. Has taken a return to duty alcohol or controlled substance test and has a negative result; and
4. Is subject to unannounced follow-up alcohol or controlled substance tests.
 - a) All return to duty testing and follow testing for both alcohol and or controlled substances shall be at the employee's expense.

E. The signing of a Last Chance Agreement shall not modify the "at will" nature of

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employment with the City of Rolling Meadows or to otherwise create any contract, express or implied, with any employee.

XIII. RECORDKEEPING AND REPORTING

A. Retention of Records

1. The City of Rolling Meadows will maintain records relating to this policy as outlined in 49 CFR Parts 40.
2. These records will be maintained in a secure location with controlled access for the specified periods of time, measured from the date of the document's or data's creation.
3. When required by the FMCSA, the City of Rolling Meadows will prepare and submit an annual statistical report, in the format prescribed by the FMCSA, detailing the City of Rolling Meadows controlled substances and alcohol testing program activity.

END OF POLICY

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**CITY OF ROLING MEADOWS
CERTIFICATION OF RECEIPT OF POLICY and DRUG
AND ALCOHOL AWARENESS INFORMATION**

I, _____, hereby certify that I have been provided with copies of the City of Rolling Meadows's Drug and Alcohol Testing Policy & Procedures, as updated and revised January of 2011; including the requirements for compliance with 49 CFR Parts 40 and 382 .

I have also received drug and alcohol abuse awareness information, including resources available for evaluation and treatment of substance abuse problems.

Employee Signature: _____

Date: _____

APPENDIX A

CITY OF ROLLING MEADOWS POST ACCIDENT TESTING INSTRUCTIONS

In order to ensure that the requirements listed in Section V. Testing Circumstances Items B. Post Accident sections 1 – 3 are met, Employees and Supervisors are required to take the following actions in the event of any commercial motor vehicle accident:

1. The employee should notify their supervisor immediately.
2. The supervisor should investigate all vehicle accidents at the site of the incident. The supervisor shall contact the Public Works Assistant Director as soon as practical to report the accident.
3. Employees involved in a vehicle accident should remain at the site of the accident until their supervisor or police officer informs them they can leave the site.
4. The employee or supervisor should contact 911 for any emergency services that may be required and to obtain a Police Report for all incidents involving a City vehicle.
5. If the conditions outlined in Section B. Item 1. are true (and the employee can physically leave the scene of the accident) the Supervisor shall transport the employee to Northwest Community Hospital's Occupational Health Offices or the Hospital's Emergency Room for both an alcohol and D.O.T. controlled substance testing.
6. If the conditions outlined in Section B, are true the testing outlined above must be completed regardless of any additional testing or non-testing that may be performed by a law enforcement official.
7. If possible the employee involved in the accident shall complete "Employee's Statement of Injury/Accident" form.
8. If employee is unable to complete the form, supervisor will provide a summary report.
9. The supervisor shall complete Supervisor's Investigation Report form and the IRMA's Non-worker's Compensation Accident Report Form (2 page form).
10. All documentation shall be completed prior to the end of the employee's shift.
11. Return all completed forms to the Public Works Assistant Director.

These procedures do not require a driver to delay any necessary medical attention for injured people, including themselves, following an accident or to remain at the scene of an accident when their absence is necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Drivers are strictly prohibited from using alcohol for eight hours following an accident, or until the post accident testing is completed or whichever occurs first.

Failure or refusal to follow these instructions, including the use of alcohol prior to the required post accident alcohol test, will be considered a refusal to submit to a test and result in disciplinary actions up to and including discharge.

APPENDIX B

CITY OF ROLLING MEADOWS
SUPERVISOR'S REPORT OF REASONABLE SUSPICION

Employee: _____ Date: _____

Location: _____ Time: _____ a.m. / p.m.

Apparent effects of alcohol/drug use: () None () Slight () Obvious () Extreme

OBSERVATIONS

Breath (Odor of Alcoholic Beverage): () Strong () Faint () Moderate () None

Eyes () Normal () Clear () Bloodshot () Glassy () Watery () Heavy Eyelids
 () Fixed Pupils () Dilated Pupils

Speech () Normal () Understandable () Confused () Thick - Tongued
 () Accent () Stuttered () Mumbled () Slurred () Cotton Mouthed

Attitude () Normal () Excited () Combative () Indifferent () Talkative
 () Profane () Insulting () Cooperative () Polite () Other

Unusual () Vomiting () Fighting () Crying () Laughing () Other
Actions

Balance () Normal () Needs Support () Falling () Wobbling () Swaying () Other

Walking () Normal () Falling () Staggering () Stumbling () Swaying () Other

Turning () Normal () Falling () Staggering () Stumbling () Swaying () Other

Indicate any other unusual actions, statements or observations: _____

Signs of complaints of illness or injury: _____

Ability to perform Safety Sensitive Function: () Yes () No

Describe: _____

Additional Comments: _____

Supervisor: _____ Witnesses: _____

Signature: _____

Date: _____

Time: _____

APPENDIX C

CITY OF ROLLING MEADOWS
REQUEST FOR THE RELEASE OF
DOT DRUG AND ALCOHOL TESTING RECORDS

Part I: To be completed by the City of Rolling Meadows, and signed by the applicant/employee.

Previous Employer Name: _____

Located at: _____

I, _____ have applied for employment with the City of Rolling Meadows Public Works Department and hereby authorize the release of records from U.S.D.O.T. drug and alcohol testing of me by my previous employer, to the City of Rolling Meadows. I understand that this release of two (2) years of records by my previous employer is limited to the following U.S.D.O.T. regulated testing records:

1. Confirmed alcohol test results indicating an alcohol concentration of 0.04 or greater;
2. Verified positive drug test results;
3. Documentation of refusals to take required alcohol and/or drug tests;
4. Documentation of other violations of DOT agency drug and alcohol testing regulations;
5. Substance Abuse Professional reports;
6. All follow-up test results, including documentation of each return-to-duty test;
7. Information obtained from previous employers concerning drug and/or alcohol violations;

Applicant/Employee Signature: _____ Date: _____

Part II: To be completed by the previous employer and transmitted by mail or fax to the City of Rolling Meadows at 3600 Kirchoff Road, Rolling Meadows Illinois, 60008. In the two year period, prior to the date of this request:

- | | |
|---|----------|
| 1. Was the employee listed above a participant in your companies U.S.D.O.T. drug and alcohol testing Program? | Yes / No |
| 2. Did the employee have any confirmed alcohol tests with a concentration of 0.04 or higher? | Yes / No |
| 3. Did the employee have any verified positive drug tests? | Yes / No |
| 4. Did the employee refuse to be tested? | Yes / No |
| 5. Did the employee have any other violations of U.S.D.O.T. drug and/or alcohol testing regulations? | Yes / No |
| 6. If you answered 'yes' to any question, did the employee complete the return-to-duty and follow-up testing process? | Yes / No |
| 7. Did a previous employer report a drug and/or alcohol rule violations to you? | Yes / No |

If you answered 'yes' to item 6, please provide the appropriate return-to-duty and follow-up testing documentation.