CITY OF BOWLING GREEN, B.G.M.E.A.
NEGOTIATED SUBSTANCE ABUSE POLICY

1. PURPOSE

The purpose of this policy is to comply with the Federal Highway Administration (FHWA) of the U.S. Department of Transportation(s) regulations that appear at 49 CFR parts 382, 391, 392, and 395.

The Personnel Director is the person designated by the City to answer driver questions about these materials and the City's implementation of the FHWA regulations. (§382.601 (b) (1))

2. APPLICABILITY

This policy applies only to City employees whose jobs require them to hold a valid Commercial Driver's License (CDL). For the purpose of this policy affected employees shall be referred to as a "driver" or "drivers."

For purposes of this policy the term "safety sensitive function" shall mean any of the "on-duty" functions described in section 395.2 of the federal regulations and described below:

a. All time at City facility, waiting to be dispatched, unless the driver has been relieved from duty by the City.

b. All time inspecting equipment as required by the regulations.

c. All driving time as defined by the regulations.

d. All time, other than driving, in any commercial motor vehicle except time spent resting in a sleeper berth.

e. All time loading or unloading a vehicle, supervising, or assisting in this process.

f. All time spent performing the driver requirements set forth in 49 CFR, sections 392.40 and 392.41 of the regulations relating to accidents.

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

h. All time spent providing a breath or urine specimen, including travel time to and from the collection site, in order to comply with the random, reasonable suspicion, post-accident, or follow-up testing required by this policy when directed by the City.

i. Performing any other work in the capacity of, or in the employ or service of a private motor carrier.

j. Performing any compensated work for any non-motor carrier entity.

3. PROHIBITED CONDUCT

a. No driver shall report for duty or remain on duty requiring a performance of safety-sensitive functions while having an alcohol concentration of .04 or greater. (§382.201)

b. No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. (§382.204)

c. No driver shall use alcohol while performing safety-sensitive functions. (§382.205)

d. No driver shall perform safety-sensitive functions within four hours after using alcohol. (§382.207)

e. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first. (§382.209) Once an employee presents himself to a supervisor for testing he shall be maintained on the regular payroll. However if a positive test result occurs then those hours spent following the accident awaiting the test shall be counted against the driver's accrued leave time.

f. No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under §382.303, a random alcohol or controlled substances test required under §385.305, a reasonable suspicion alcohol or controlled substances test required under §382.307, or a follow-up alcohol or controlled substances test required under 382.311. The City will not permit a driver who refused to submit to such tests to perform or continue to perform safety-sensitive functions.

g. No driver shall report for duty or remain on duty requiring the performance of a safety-sensitive function when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. (§382.213) The City may require a driver to inform the City of any therapeutic drug use. (§382.213(C))

h. No driver shall report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances. (§382.215)

4. TESTING FACILITY AND PROCEDURE

The City will utilize the services of Wood County Hospital for drug and alcohol testing. The medical review officer (MRO) will be obtained in accordance with the City's agreement with Wood County Hospital. The MRO will have no official association with either the City or the unions affected by this policy.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability. All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40 as amended.

The drugs tested for will be marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

5. SUPERVISORY RESPONSIBILITY

The City is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action up to and including termination.

6. POST-ACCIDENT TESTING (§382.303)

As soon as practicable following an accident involving a commercial motor vehicle, the City shall test for alcohol and controlled substances, each surviving driver: (1) who was performing a safety-sensitive function with respect to the vehicle, if the accident involved the loss of human life; or (2) who receives a citation under State or local laws for a moving traffic violation arising from the accident. Once a driver presents himself to a supervisor for testing, he shall be maintained on the regular payroll. However, if a positive test result occurs then those hours spent following the accident awaiting the test result shall be charged against the driver's accrued leave time.

If a post-accident alcohol test is not administered within two hours following an accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a post-accident alcohol test is not administered within eight hours following the accident, the City shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FHWA upon request of the Associate Administrator.

If a post-accident controlled substances test is not administered within 32 hours following an accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA upon request of the Associate Administrator.

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the City to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The City shall provide drivers with necessary post-accident information. procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.

The results of a 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, shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State, or local requirements, and that the results of the tests are obtained by the City.

7. REASONABLE SUSPICION TESTING (§382.307)

The City will require a drive to submit to an alcohol test when reasonable suspicion exists that the driver has engaged in prohibited conduct concerning alcohol. The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. A determination that reasonable suspicion exists that a driver has engaged in prohibited conduct shall be made by a supervisor who has received training in accordance with the FHWA regulations regarding the detection of alcohol use.

The City will require a driver to submit to a controlled substances test when the City has reasonable suspicion to believe that the driver has engaged in prohibited conduct concerning controlled substances. The City's determination that reasonable suspicion exists to require the driver to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances. A determination that reasonable suspicion exists that a driver has engaged in prohibited conduct shall be made by a supervisor who has received training in accordance with the FHWA regulations regarding the detection of the use of controlled substances.

The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or City official who has received the training set forth in 49 CFR §382.603. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

Alcohol testing is authorized only if the observation from the supervisor is made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with this policy. A driver may be directed by a supervisor to only undergo reasonable suspicion testing for alcohol misuse while the driver is performing a safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

Once an employee has been notified that a reasonable suspicion test will be conducted, it must take place within two hours of the notification. If an alcohol test required by this section is not administered within two hours following notification, the City shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered within eight hours following the notification, the City shall stop its attempt to administer the test and shall state in the record the reasons for not administering the test.

Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse, nor shall the City permit the driver to perform or continue to perform safety-sensitive functions, until:

(1) An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or

(2) Twenty-four hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions in this part concerning the use of alcohol.

A written record shall be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor or City official who made the observations, within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

Once a driver has been directed by a supervisor to undertake a reasonable suspicion test for either alcohol or controlled substances, he will continue to be maintained on the regular payroll. However, if a positive test result occurs then those hours spent awaiting the test results shall be charged against the driver's accrued leave time.

8. TRAINING OF SUPERVISORS (§382.603)

The City shall ensure that persons designated to determine whether reasonable suspicion exists to require a driver to undergo testing under §382.307 receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Supervisors shall receive training at least every two years.

Supervisors will also receive at least 60 minutes of training on the policy and procedures regarding the City's policy and the FHWA regulations.

Furthermore, each affected driver will receive at least 60 minutes of training that will cover the policy, the procedures, the federal regulations, and information regarding the alcohol and controlled substances use and/or abuse. Employees will also receive a copy of the policy at that training session.

The City will provide to both Unions a list of all employer representatives (i.e. supervisors) designated to make reasonable suspicion observations and a listing of the supervisors who have received the training and when they received the training. All Union officers and Trustees may voluntarily participate in these training sessions; however, any costs associated with this participation shall be the sole responsibility of the Unions.

9. RANDOM TESTING (§382.305)

All drivers will be subject to random, unannounced testing. The selection of drivers for this random testing shall be made by a scientifically valid method. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made. The selection process used shall be that which is utilized by Wood County Hospital. Drivers will be tested on the day notified. Once a driver has been directed by a supervisor to undertake a random test for either alcohol or controlled substances, then he will continue to be maintained on the regular payroll until such time as the test has been completed.

Written notification will be provided to the driver establishing the date and time that the City was notified of the random test. The written notification will also document when the supervisor was notified and when the driver was notified of the test. A copy of this notification will be provided to the driver, and the City will also retain a copy.

The tests will not be announced in advance and will be spread reasonably throughout the year. The minimum annual percentage rate for random alcohol testing shall be 10 percent of the average number of driver positions. The minimum annual percentage rate for random controlled substances testing shall be 25 percent of the average number of driver positions.

The FHWA Administrator's decision to increase or decrease the minimum annual percentage rate for alcohol testing is based on the reported violation rate for the entire industry. Annually, the FHWA will publish in the Federal Register the minimum annual percentage rate for random alcohol testing for drivers. The new minimum annual percentage rate for random alcohol testing will be applicable beginning January 1 of the calendar year following the publication.

The City shall ensure that random alcohol and controlled substance tests are unannounced and that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.

The City shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function at the time of notification, the City shall ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

Employees will only be tested randomly for alcohol when they are performing safety-sensitive functions, immediately prior to, or just after the driver has ceased performing such functions.

If a given driver is subject to random alcohol or controlled substances testing under the alcohol or controlled substances testing rules of more than one Department of Transportation (DOT) agency for the City, the driver shall be subject to random alcohol and/or controlled substances testing at the minimum annual percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the driver's function.

If a driver, who has been randomly selected for a test, is on vacation or other form of leave, he will be tested upon his return-to-duty. Wood County Hospital will avail itself to administering random testing for second and third shift drivers.

10. RETURN-TO-DUTY TESTING (§382.309)

The City shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy concerning alcohol, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

The City shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy concerning controlled substances, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

11. FOLLOW-UP TESTING (§382.311)

Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the City shall ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional.

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

12. REFERRAL, EVALUATION, EDUCATION AND TREATMENT (§382.605)

Each driver who has engaged in conduct prohibited in this policy shall be evaluated by a substance abuse professional (SAP) who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use. Under the federal law the SAP must require education and/or treatment in all cases when an individual has tested positive or has refused to be tested. The return-to-duty process is mandatory following any violation of the rules, including a positive on a pre-employment test. The employee must also submit to a minimum of six (6) follow-up tests in the first twelve (12) months following his/her return to duty. The City will monitor aftercare for employees who have returned to work following a violation. The return-to-duty process and follow-up testing requirements continue to apply even if workers change jobs or have a break in service.

A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders. The substance abuse professional services must be provided by an agency with a federally certified Substance Abuse Professional. The SAP shall

determine what assistance, either education or treatment, the employee needs in resolving problems associated with alcohol misuse and/or controlled substances use.

Employees must complete either their SAP prescribed education or treatment program before they will be permitted to return-to-duty. All time off waiting for the report of the SAP shall be charged to the employee's accrued but unused sick, vacation, compensatory, or personal leave balances. Employees will be allowed to select and utilize any type of accrued leave that is available to them. Employees who have insufficient leave balances to cover the period of time that they are being educated or treated shall be granted a leave of absence without pay. Furthermore, they will not be subject to the notice requirements, as established by the collective bargaining agreements, for the use of the various types of accrued leave.

Before the employee returns to duty requiring the performance of a safety-sensitive function, the employee shall undergo a return-to-duty alcohol test and obtain a result indicating an alcohol concentration of less than 0.02, if the conduct involved alcohol, or a controlled substance test with a verified negative result, if the conduct involved a controlled substance.

During the period of time that the employee is either participating in either an education program or a treatment program prescribed by the SAP, the employee's benefits that would otherwise be available to the employee shall continue, for example, sick leave, vacation leave, personal business leave, compensatory leave, Family Medical Leave, and group health insurance benefits. Employees who have insufficient leave balances to cover their leave shall be granted a leave of absence without pay during their time in rehabilitation or treatment. Employees will be allowed to select and utilize any type of accrued leave that is available to them. Furthermore, they will not be subject to the notice requirements, as established by the collective bargaining agreements, for the use of the various types of accrued leave.

Any costs associated with evaluations, education, treatment, or rehabilitation services may be eligible for payment through the employee's health insurance plan, subject to deductibles, co-payments, and lifetime caps.

If a driver is allowed to return-to-duty, he must properly follow the rehabilitation program prescribed by the SAP. The employee will be subject to unannounced follow-up alcohol and controlled substances tests following the driver's return-to-duty. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional, and consist of at least six tests in the first 12 months following the driver's return to duty. The employer may direct the driver to undergo return-to-duty and follow-up testing for both alcohol and controlled substance, if the substance abuse professional determines that return-to-duty and follow-up tests for both alcohol and controlled substances are necessary for that particular driver. Any such testing shall be performed in accordance with the requirements of 49 CFR Part 40. Follow-up testing shall not exceed 60 months from the date of the driver's return-to-duty. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

Furthermore, assessment by a SAP does not shield an employee from disciplinary action or guarantee employment or reinstatement with the City. Any employee who refuses or fails to comply with City requirements for treatment, after care, or return-to-duty shall be subject to discipline.

The City shall ensure that the SAP who determines that a driver requires assistance in resolving problems with alcohol misuse or a controlled substances use does not refer the driver to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring a driver for assistance provided through:

(1) A public agency, such as a State, county, or municipality;

(2) The employer or a person under contract to provide treatment for alcohol or controlled substance problems on behalf of the City;

(3) The sole source of therapeutically appropriate treatment under the driver's health insurance program; or

(4) The sole source of therapeutically appropriate treatment reasonably accessible to the driver.

The requirements of this policy with respect to referral, evaluation, education, and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have a pre-employment controlled substances test with a verified positive test result.

13. REMOVAL FROM SAFETY-SENSITIVE FUNCTION (§382.501)

No driver shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by this policy or an alcohol or controlled substances rule of another DOT agency.

The City will not permit any driver to perform safety-sensitive functions, including driving a commercial motor vehicle, if the City has determined that the driver has violated this policy.

14. OTHER ALCOHOL-RELATED CONDUCT (§382.505)

No driver tested under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less that 0.04 shall perform or continue to perform safety-sensitive function for the City, including driving a commercial motor vehicle, nor shall the City permit a driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. During the 24 hour period of time that a driver has been removed from his/her

position, he will have the option of utilizing accrued leave time, i.e., sick leave, vacation leave, compensatory time, or personal business time, in order to remain in a paid status.

An employee who has insufficient leave balances to cover the period of time that he is removed from his position shall be granted a leave of absence without pay.

Additionally, before the driver returns to duty the driver shall undergo a return to duty alcohol test and obtain a result indicating an alcohol concentration of less than 0.02. If the driver fails to obtain a test result of less than 0.02 after 24 hours have elapsed from the time of the initial test, then the driver will be required to be evaluated by a SAP.

15. EMPLOYEE REQUESTED TESTING (§40.33 (F) (g))

Any employee, who questions the results of a required drug test, may request that an additional test be conducted. This test must be conducted at a different testing DHHS-certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are paid by the employee, unless the second test invalidates the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Request after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

16. REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLED SUBSTANCES TEST (§382.211)

No driver shall refuse to submit to a post accident, random, reasonable suspicion, or follow-up alcohol or controlled substances test. The City will not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

Refusal to submit means that a driver (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the policy; (2) fails to provide adequate urine for testing without a valid medical explanation after he has received notice of the requirement for urine testing in accordance with the policy; or (3) engages in conduct that clearly obstructs the testing process.

Refusal to submit to a test shall be recorded as a positive test result.

17. PAYMENT FOR TESTING

The City of Bowling Green shall be responsible for the payment of the following:

* Random selection program costs
* DOT urine drug screen collection and testing for pre-employment, post-accident, random, and reasonable suspicion test costs

* DOT alcohol breathalyzer test for post-accident, random, and reasonable suspicion test costs
* Mandatory supervisory and employee training

The employees will be responsible for the payment of all other tests and services not specified above.

18. DISCIPLINE

A. First Offense:

A driver who receives a verified alcohol concentration of 0.04 or greater or a verified positive controlled substance test will be required to undergo referral, evaluation, education, and treatment as explained in Section 12 of this policy. Furthermore, the driver will also be suspended without pay for a period of three days. The period of suspension shall be served upon the completion of the rehabilitation/treatment program. Completion of the rehabilitation/treatment program will be based on written notice from the Substance Abuse Professional's (SAP) which shall be provided to the City and employee.

B. Second Offense:

A driver who is returned to duty following assessment and/or treatment and who receives either a verified alcohol concentration of 0.04 or greater or a verified positive controlled substance test on any subsequent random, follow-up, return-to-duty, reasonable suspicion, or post accident alcohol or controlled substance test within 5 years of his return to duty, shall again be required to undergo referral, evaluation, education, and treatment as explained in Section 12 of this policy. Completion of the rehabilitation/treatment program will be based the Substance Abuse Professional's (SAP) written notice which shall be provided to the City and employee. Furthermore, the driver will be suspended without pay for a period of one week. The period of suspension shall be served upon the completion of the rehabilitation/treatment program.

C. Third Offense:

A driver who is returned to duty following his second referral for assessment and/or treatment and who receives either a verified alcohol concentration of 0.04 or greater, or a verified positive controlled substance test on any subsequent random, follow-up, return-to-duty, reasonable suspicion, or post accident alcohol or controlled substance test within 5 years of his first return to duty shall have his employment terminated.

D. A driver who fails to comply with City requirements for evaluation, education, treatment, follow-up testing, or return-to-duty testing shall be subject to termination.

The discipline prescribed above for first, second and third offenses may be subject to appeals in accordance with the discipline procedures contained in the appropriate collective bargaining agreements.

19. RECORD RETENTION (§382.401 and § 382.409)

The Medical Review Officer (MRO) will serve as the sole custodian of individual test results, and will retain the individual test results for a minimum of five years.

The City will retain in its files information that will indicate only the following:

1. That the employee submitted to a controlled substance test;
2. The date of the test;
3. The location of the test;
4. The identity of the person or entity conducting the test; and
5. Whether the test finding was positive or negative.

The annual calendar year summary of the results of the alcohol and drug testing programs must be completed by March 15 of the following year. This report will be completed by the agency that performs the tests.

20. RELEASE OF TESTING INFORMATION BY PREVIOUS EMPLOYERS (§382.413)

The City may obtain, pursuant to a driver's written consent, any of the information concerning the driver that is maintained pursuant to Subpart D – Handling of Test Results, Record Retention and Confidentiality – of the federal regulations, by the driver's previous employers. The requested information must be obtained from the official records of the previous employers.

The City shall obtain, pursuant to a driver's consent, information on the driver's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the previous two years.

The information must be obtained and reviewed by the City no later than 14 calendar days after the first time a driver performs safety-sensitive functions. The City will not permit a driver to perform safety-sensitive functions after 14 days without obtaining the information.

If the driver stops performing safety-sensitive functions for the City before expiration of the 14-day period or before the City has obtained the information required in the paragraph above, the City must still obtain the information.

The City may obtain from any previous employer of the individual information related to that person's participation in an alcohol and drug testing program. The City will obtain written permission from the individual driver to acquire this information. The City may obtain the information from the previous employer via personal interview, telephone interview, letter,

facsimile, or other method as long as measures are taken to ensure confidentiality. The City will maintain a written, confidential record with respect to each of the past employers contacted.

The City will obtain and review the information listed below from any previous employer for whom the individual performed safety-sensitive functions during the previous two years. The City must request and review this information within 14 days after the person first performs a safety-sensitive function. The information will include:

1. The individual's breath alcohol test that indicated concentrations of 0.04 or greater;

2. Positive controlled substance test; and,

3. Any refusals to submit to a required alcohol or controlled substance test.

The City will not use an individual to perform safety-sensitive functions if the City obtains information indicating that the person has tested positive for controlled substances, tested at or above 0.04 breath alcohol concentration, or refused to test unless the previous employer has evidence that the person was evaluated by a SAP, completed any required counseling, passed a return-to-duty test, and was subject to follow-up testing.

Any other release of information is only with the employee's consent. If an employee initiates a grievance, hearing, lawsuit, or other action as a result of a violation of these rules, the employer may release relevant information to the decision maker.

CERTIFICATE OF RECEIPT
(§382.601 (d))

I hereby certify that I have received a copy of the alcohol and controlled substance testing policy enacted by the City of Bowing Green.

I understand that a copy of this certificate of receipt shall be maintained in my personnel file and that a copy will also be provided to me.

Date:_____ Signature:_____

RECORD OF SUBSTANCE ABUSE EDUCATION AND TRAINING

This document certifies that on the date identified below, I

_____
(Employee's name – please print)

did receive alcohol misuse and controlled substance abuse education, training and other information detailing the City of Bowling Green's alcohol and drug testing program.

Date of Training	Signature of Employee
Signature of Trainer	Location of Training

RELEASE AND CONSENT STATEMENT

I allow, by way of my signature on this document, for the City of Bowling Green to investigate my background and history with respect to alcohol and controlled substance testing as directed by Part 382 of the Federal Motor Carrier Safety Regulations.

I further agree to comply with the procedures and requirements set forth in the regulations and acknowledge that should I fail or refuse to comply with said procedures, equipment, policies, and regulations, I shall be considered medically unqualified to drive, and my employment with the City of Bowling Green may be terminated.

Date:_____ Signature:_____

SIGNATURE PAGE

IN WITNESS WHEREOF the parties have agreed hereto and have set their hands this 3rd day of February, 2016.

On Behalf of the Bowling Green Municipal Employees Association

On Behalf of the City of Bowling Green