

1. Completely revised the entire D&A policy to break out the two groups of current employees, FMCSA governed and Non-DOT Non-Safety Sensitive. Before information for the two groups was intermingled, hard to find and read.
2. Section 23.0 Definitions
 - a. I changed the responsibilities of the FMCSA regulations from Human Resources to Risk Management.
 - b. Added a definition of “Actual Knowledge” so that employees understand what admission of use means.
 - c. Added a definition of what “Off Duty” actually means as far as testing is concerned.
3. Section 23.1 Drug and Alcohol Abuse Policies
 - a. Added the reference to the section pertaining to disciplinary actions.
4. Section 23.3.4 After Hours Drug and Alcohol Testing
 - a. Added this section to the policy because we couldn’t find after hours drug and alcohol testing for incidents that happen outside of normal business hours. Now, we have two individuals certified in UA collection and BAT testing to fulfill this obligation.
5. Section 23.3.5 Supervisor Training on Drug and Alcohol Abuse
 - a. Clarified the expectation of training that supervisors must receive annually as part of their employment with the City.

6. Section 23.4 Forms of Discipline

- a. Administration wants to adopt a mirrored format that the City of Minot is currently using.
 - i. Involves a two-strike rule within five years. First offense the employee must go to a SAP and follow their guidance as far as rehabilitation goes.
 - ii. The employee incurs all costs related to the SAP and will also have to pay for their Return-to-Duty testing in order to resume employment with the City.
 - iii. A second offense in five years will result in immediate termination of employment

7. Section 23.6.1.1 Alcohol Prohibition Employees Must:

- a. Added information on the disciplinary action for refusal to test

8. Section 23.6.1.2 Controlled-Substance Prohibition Employees Must:

- a. Combined information in regards to employees drug use while on duty to clean up multiple references to the same topic.

9. Section 23.6.2 Pre-Employment Tests

- a. Cleaned up verbiage that relates to what is expected at a pre-employment drug and alcohol screen
- b. Lays out the City's stance on not operating a CMV until a negative drug screen has been confirmed by an MRO.

10. Section 23.6.2.4 Post Accident Testing
 - a. Cleaned up the explanation of when post-accident testing needs to be done.
 - b. Delegated testing responsibility to Risk Management for documentation of the post-accident testing
 - c. Calls out the procedures for after hours testing in a post-accident situation.
 - d. Added a section about incapacitated employees after an accident how drug and alcohol screening will be completed.
11. Section 23.6.2.5 Return to Duty Testing
 - a. Added that the employee may select an SAP from the list given to the employee at the time of a positive test.
 - b. Added that Return to Duty testing is done under “direct observation” of the sample being given.
12. Section 23.6.7 City Requirements to Inquire with Previous Employers
 - a. Reorganized this section so that it flows with how a pre-employment inquiry works.
13. Section 23.7.1 Testing for Drugs and Alcohol
 - a. First paragraph was added to describe the difference between the two groups and what is considered allowable testing.
 - b. Second paragraph added who is allowed to receive information in regards to drug and alcohol violations.

14. Section 23.7.1.1 Employees Must:
 - a. Gives expectations of standards that Non-DOT Non-Safety Sensitive employees are expected to uphold.
 - b. Added a paragraph in regards to medications affecting an employee's ability to do their job safely and upon request must provide documentation from a physician.
 - c. Added section talking about refusal to test, "actual knowledge" and attempting to alter test results. Mirrors the FMCSA requirements.
15. Section 23.7.1.2 Alcohol and Controlled Substance Testing
 - a. Added this section to mirror the FMCSA regulated employee policy
16. Section 23.7.1.3 Definition of Positive Alcohol or Controlled Substance Test
 - a. Added this section to mirror the FMCSA regulated employee policy
17. Section 23.7.1.4 Testing Responsibilities in Alcohol and Controlled Substance Testing
 - a. Added this section to mirror the FMCSA regulated employee policy
18. Section 23.7.2.1 Pre-Employment Drug Testing
 - a. Added alcohol testing as part of the requirement

19. Section 23.7.2.2 Reasonable Suspicion Testing
 - a. Explains employees could be asked to take a drug/alcohol test and that it will be at the City's expense.
 - b. Third to last paragraph was added to explain what the supervisor's responsibility is in regards to reasonable suspicion documentation.
 - c. Second to last paragraph was added to explain the afterhours testing process
 - d. Last paragraph explains the disciplinary action if an employee actions are cause for being considered a refusal to test.
20. Section 23.7.2.3 Post Accident Testing
 - a. Calls out when testing needs to be done in incidents involving City vehicles (non-CMV) and or equipment being operated by City employees. Mirrors the FMCSA policy.
 - b. Third to last paragraph explains the procedures for testing employees who are traveling outside the City's geographical limits.
 - c. Second to last paragraph outlines afterhours testing procedures.
 - d. Last paragraph talks about positive test results and refers back to the disciplinary actions section of the policy.

21. Section 23.7.2.4 Return to Duty Testing and Follow Up Tests
 - a. Explains that these forms of testing will always be under direct observation of the sample being given.
22. Section 23.7.5 Required Records and Records Retention
 - a. Explains the timeline for retention of records for test results.

In conclusion:

The revision of the drug and alcohol policy will make it easier to add new sections for different testing groups as determined by City Administration for the safety and welfare of all employees and making it easier to enforce the policy without confusion. This will in turn reduce the chance of liability to the City, by removing the chance of favoritism and the setting of precedence by how each case is handled.