



*Our Mission is to Provide Quality Public Services
in a Fiscally Responsible Manner While
Preserving the City's Open Space Character*

Human Resources Committee Meeting

Monday, January 22, 2018

4:00-6:00 P.M.

**City Council Chambers
3800 Laverne Avenue North**

AGENDA

- A. Call to Order**
- B. Approve September 11, 2017 Minutes**
- C. Elect New Chair and Vice Chair for 2018**
- D. Benefits Renewal Process**
- E. City Drug Testing/Drug-Free Workplace Policy**
- F. Creation of New Employment Category – Substitute Firefighter**
- G. Date, Time and Agenda for Next Meeting**
- H. Adjourn**

**CITY OF LAKE ELMO
HUMAN RESOURCES COMMITTEE MINUTES
SEPTEMBER 11, 2017 4:00 PM**

PRESENT: John Andrews, Mike Reeves, Administrator Handt and City Clerk Johnson

APPROVE JUNE 12, 2017 MINUTES

Member Reeves, seconded by Member Andrews, moved TO APPROVE THE MINUTES OF THE JUNE 12, 2017 MEETING AS PRESENTED. Motion passed 2 - 0.

PAY PLAN

City Administrator Handt provided background information and a review of the study performed by David Drown & Associates, noting that the results were presented to the City Council earlier in the year. Discussion was held regarding the compensation plan, pay philosophy and state mandated pay equity. Discussion was also held concerning the process for performance reviews and determining pay increases. Administrator Handt explained that the grade and range system is based on performance, with employees moving between steps based on yearly reviews after the first six month review. Andrews and Reeves discussed the importance of a performance based system.

Member Reeves, seconded by Member Andrews, moved TO RECOMMEND A STEP AND GRADE SYSTEM AS OUTLINED ON PAGE 4 OF THE DAVID DROWN & ASSOCIATES REPORT , IMPLEMENTED IN STAGES, WITH MARKET UPDATES EACH YEAR TO THE PAY RANGES AND EMPLOYEES ELIGIBLE TO MOVE TO THE NEXT PAY STEP WITH A SATISFACTORY PERFORMANCE REVIEW. EMPLOYEES AT THE MAX STEP WOULD HAVE THEIR PAY FROZEN AS A GENERAL RULE WITH THE CITY RESERVING THE RIGHT TO EXAMINE ON A CASE BY CASE BASIS. NEW POSITIONS WILL BE ADVERTISED AT A RANGE FROM THE MINIMUM TO STEP D. Motion passed 2 - 0.

REVISED PERSONNEL POLICY

City Administrator Handt provided an update on changes made to the list of recognized holidays as a result of negotiation of the union contract. Discussion held regarding providing benefits to part time employees.

Member Reeves, seconded by Member Andrews, moved TO RECOMMEND APPROVAL OF THE UPDATED PERSONNEL POLICY. Motion passed 2 - 0.

DATE, TIME AND AGENDA FOR NEXT MEETING

Next meeting will be January 8, 2018 with a drug testing policy on the agenda.

ADJOURN

Meeting adjourned at 6:14 pm.

Respectfully submitted,

Julie Johnson
City Clerk



STAFF REPORT

DATE: January 22, 2018
ITEM #: D.

TO: Human Resources Committee

FROM: Jake Foster, Assistant City Administrator

AGENDA ITEM: City Drug Testing/Drug-Free Workplace Policy

BACKGROUND:

Staff has determined that there is a need for a drug-free workplace policy for City employees. As part of this policy, staff would also like to implement a drug testing portion of the policy for both DOT and non-DOT employees.

Drug-free workplace and drug testing policies are common practices in cities throughout Minnesota. In order to properly enforce, maintain, and monitor these policies, an outside vendor will be needed. Included in your packet are drug testing policies for both DOT and non-DOT employees which were updated for Lake Elmo using language from the League of Minnesota Cities.

The vendor that has been identified is Industrial Health Services Network (IHSN) in Hudson, WI. IHSN would provide a comprehensive service to City staff to ensure compliance with any state or federal regulations, including those for DOT employees.

ISSUE FOR DISCUSSION:

Should the Committee recommend moving forward with creating a drug-free workplace and drug testing policy and using Industrial Health Services Network (IHSN) to administer the policy requirements?

PROPOSAL DETAILS/ANALYSIS:

IHSN provides a completely comprehensive drug testing offering for both DOT and non-DOT employees. Both of these groups would require individual service agreements as the needs for each pools differ greatly.

The services staff recommends for non-DOT employees as outlined by IHSN are pre-employment drug screening, alcohol and drug screening based on suspicion, and alcohol and drug screening if an accident occurs while an employee is on duty or City property is involved. IHSN also offers optional services and support materials that could be purchased if the need arises.

Staff further recommends using IHSN for DOT drug testing which includes, pre-employment drug screening, alcohol and drug screening based on suspicion, alcohol and drug screening if an accident occurs while an employee is on duty or City property is involved, as well as random selection for testing, and all other DOT requirements.

IHSN will provide result reporting and the arrangement of specimen collection at the Stillwater Medical Group collection facility for both programs. Additionally IHSN will help with the policy development for each of these programs to ensure compliance with state statute and federal regulations.

FISCAL IMPACT:

IHSN charges and annual service fee of \$229.00 for the DOT service program. The annual service fee for non-DOT employees will be waived if a service agreement is in place with IHSN for DOT testing. There is an additional one time account set-up fee of \$50. Each drug test has an administration/currier fee of \$44.90 plus a collection fee from the clinic of \$24 for a total of \$68.90 each test. Alcohol/breath tests are also done at the Stillwater Medical Group Clinic and carry a charge of \$44.

Random drug testing needs to occur at a 25% rate annually for the City to be DOT compliant. Tests will be performed quarterly. Currently there are eight employees who are subject to DOT regulations. This means two employees will have to be tested randomly at an annual total cost of \$137.80 for the drug tests. Additionally, DOT employees need to be randomly tested for alcohol consumption at a rate of 10% annually with a minimum of one employee needing to be tested each year. The analysis for random testing requirements is performed quarterly, but the system may not require employees to be tested each quarter if annual thresholds are being met.

The 2018 cost to implement the City proposed drug testing and drug-free workplace policies would be approximately \$470 plus any additional pre-employment, suspicion based, or accident based drug or alcohol screens at \$68.90 or \$44 respectively. The cost to continue the program in subsequent years would be approximately \$420 annually, which is the total cost from 2018 less the one time account set-up fee of \$50.

RECOMMENDATION:

“Motion to recommend to Council adoption of the drug testing policies for DOT and non-DOT employees”

“Motion to recommend to Council to enter service agreements with Industrial Health Services Network (IHSN) to provide the administration of employee drug screening and DOT compliance services.

ATTACHMENTS:

1. DOT Drug and Alcohol Testing Policy for Commercial Drivers
2. Non-DOT Drug and Alcohol Testing and Drug-Free Workplace Policy
3. Service agreement for the DOT (FMCSA) employee program
4. Service agreement for the non-DOT employee program

DOT Drug and Alcohol Testing Policy for Commercial Drivers

City of Lake Elmo, Minnesota Drug and Alcohol Testing for Commercial Drivers Policy

Purpose and Objectives

The City of Lake Elmo (“City”) has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City is concerned about providing a safe workplace for its employees, and while the City does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers’ compensation claims, higher insurance rates, and an increase in theft of city property. The use, possession, manufacture, sale, transportation, or other distribution of controlled substance or controlled substance paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation (“DOT”), the City has adopted this Policy on Alcohol and Controlled Substances for employees who hold a commercial driver’s license (CDL) to perform their duties. The City also has a separate Policy on Controlled Substance and Alcohol Testing for employees not covered by DOT regulations.

Given the significant dangers of alcohol and controlled substance use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment. Moreover, federal law requires the City to implement such a policy.

To ensure this policy is clearly communicated to all drivers and applicants, and in order to comply with applicable federal law, drivers and applicants are required to review this policy and sign the “Certificate of Receipt” portion.

Because changes in applicable law and the City’s practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the City will follow any particular course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act will take precedent over this policy to the extent the policy has not incorporated those revisions.

Persons Subject to Testing & Types of Tests

All employees are subject to testing who job duties include performing “safety-sensitive duties” on City vehicles that:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,0001 or more pounds whichever is greater; or
3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

The following functions are considered safety-sensitive:

- all time waiting to be dispatched to drive a commercial motor vehicle
- all time inspecting, servicing, or conditioning a commercial motor vehicle
- all time driving at the controls of the commercial motor vehicle
- all other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth)
- all time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- all time repairing, obtaining assistance, or attending to a disable commercial motor vehicle.

The City may test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance and alcohol under any of the following circumstances:

Pre-Employment Testing.

All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the City. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer (“MRO”) indicating a verified negative test result. In addition to pre-employment controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

The City will contact the candidate’s DOT regulated previous and current employers within the last three years for drug and alcohol test results as referenced above, and review the testing history if feasible before the employee first performs safety-sensitive functions for the city.

Post-Accident Testing.

As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the City will test each surviving driver for controlled substances and alcohol when the following occurs:

- The accident involves a fatality or

- The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene or
- The driver receives a citation for a moving traffics violation from the accident and a vehicle is required to be towed from the accident scene.

The following chart summarizes when DOT post-accident testing needs to be conducted:

Type of accident involved	Citation issued to the DOT covered CDL driver?	Test must be performed by the City
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude 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 medical care.

Post – Accident Controlled Substance Testing

Drivers are required to submit a urine sample for post-accident controlled substance testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.

Post- Accident Alcohol Testing

Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the City will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

The City may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of controlled substances if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the City.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the City and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

Random Testing.

Every driver will be subject to unannounced alcohol and controlled substance testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected be picked and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave or away from work, that driver may be required to undergo the test when he or she returns to work.

For 2014, federal law requires the City to test at a rate of at least twenty-five percent (25%) of its average number of drivers for controlled substance each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

Reasonable Suspicion Testing.

When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the City will require the driver to submit to an alcohol and/or controlled substance test.

The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the City who has received appropriate training in identification of actions, appearance and conduct of a driver which are indicative of the use of alcohol or controlled substance. These observations leading to an alcohol or controlled substance test, will be reflected in writing and signed by the supervisor who made the observations. The record will be retained by the City. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not promptly

administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not administered, and will cease attempts to conduct the alcohol test.

Notwithstanding the absence of a reasonable suspicion test, no driver may 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 use, nor will 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 is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

Return-to-Duty Testing.

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the City consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional ("SAP") evaluation and participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance test will be conducted under direct observation.

Follow-Up Testing.

The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers.

Should the City reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the City will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. Follow-up testing will not exceed sixty (60) months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

Cost of Required Testing.

The City will pay for the cost of pre-employment, post-accident, random, and reasonable suspicion controlled substance and alcohol testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

Required Prior Controlled Substance and Alcohol Checks for Applicants

The City will conduct prior drug and alcohol checks of applicants for employment to drive a commercial motor vehicle. Applicants must execute a consent form authorizing the City to obtain the required information. The City will obtain (pursuant to the applicant's written consent) information on the applicant's alcohol test with a concentration result of 0.04 or greater, positive controlled substance test results, and refusals to be tested within the preceding three (3) years which are maintained by the applicant's previous employers. The City will obtain all information concerning the applicant which is maintained by the applicant's previous employers within the preceding three (3) years pursuant to DOT and FMCSA controlled substance and alcohol testing regulations. The City will review such records, if feasible, prior to the first time a driver performs safety-sensitive functions.

Prohibited Conduct

The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of City policy.

Under the influence of alcohol when reporting for duty or while on duty.

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than 0.04, will be removed from duty for 24 hours, escorted home and placed on vacation leave for hours missed from work.

On-Duty Use of Alcohol.

No driver may use alcohol while performing safety-sensitive functions.

Pre-Duty Use of Alcohol.

No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours they are to notify their supervisors before performing any safety-sensitive functions.

Alcohol Use Following an Accident.

No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

Refusal to Submit to a Required Alcohol or Controlled Substance Test.

No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or controlled substance testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to and including termination. If an applicant refuses to submit to pre-employment controlled substance testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or controlled substance test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- Fails to provide adequate urine for controlled substance testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
- Fails to report for testing within a reasonable period of time, as determined by the City.
- Fails to remain at a testing site until testing is complete.
- In the case of directly observed or monitored collection, fails to permit observation or monitoring.
- Fails or declines to take a second test as required by the City and/or collector.
- Fails to undergo a medical examination as directed by the City pursuant to federal law.
- Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.
- Engages in conduct that clearly obstructs the test process.

Altering or attempting to alter a urine sample or breath test.

A driver altering or attempting to alter a urine sample or controlled substance test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of employment and any job offer made to an applicant will be immediately withdrawn.

Controlled Substance Use.

No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions 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 in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic controlled substance use to the City immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the city's workplace. The federal government still classifies cannabis as an illegal drug. *There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the City.* Employees are still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

Controlled Substance Testing.

No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for controlled substance.

Collection and Testing Procedures

Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a City vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form ("CCF") which drivers providing a sample will sign as well.

Alcohol Testing.

Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, generally speaking, the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device ("EBT") operated by a trained breath alcohol technician ("BAT") at a collection site. An alcohol test usually takes approximately 15 minutes if the result is negative. If a driver's first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a "negative" test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver's inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the City by the collection site staff.

Controlled Substance Testing.

The City will use a "split urine specimen" collection procedure for controlled substance testing. Collection of urine specimens for controlled substance testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver's privacy.

Controlled substance testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing. Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A, or “primary,” and B, or “split”) with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient portion of any positive sample for testing and store that portion in a scientifically-acceptable manner for a minimum 365-day period.

If an employee fails to provide a sufficient amount of urine to permit a controlled substance test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee’s failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of urine, the City will consider the test to have been canceled. If a licensed physician cannot make such a determination, the City will consider the driver to have engaged in a refusal to test, and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the CCF Form for compliance, to the City. If the initial result is positive or non-negative, a “confirmatory retest” will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must contact the City who will direct the driver to contact the MRO.

Review of Test Results

The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders, and is responsible for receiving and reviewing laboratory results of the controlled substances test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO’s supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

- The individual may be required to speak and/or meet with the MRO, who will review the individual’s medical history, including any medical records provided.
- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the

employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.

- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the City. There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second “B” container) tested at the driver’s expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee’s failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the City may pay for all costs associated with the rest and there will be no adverse action taken against the employee or job applicant.

Notification of Test Results

Employees.

The City will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substance if the test results are verified positive, and will inform the driver which controlled substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.

Right to Confirmatory Retest.

Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver’s split specimen. Action required by federal regulation as a result of a positive controlled substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.

Dilute Specimens

Dilute Negatives Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL. If the City receives information that a driver has provided a dilute negative specimen, the City will direct a recollection, pursuant to the MRO's direction, under direct observation.

Consequences for Drivers Engaging in Prohibited Conduct

Job Applicants.

Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for controlled substance pursuant to this policy.

Employees.

Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substance, as defined earlier in this policy, are subject to the following consequences:

- **Removal from Safety-Sensitive Functions**

No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.

No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the City, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.

If a driver tests positive under this policy, or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted home; the driver should not drive home, but be escorted to his or her home. The driver will then be placed on vacation, for hours missed from work.

- **Notification of Resources Available**

The City will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance test of the resources available to the driver, in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The City will provide this SAP listing in writing at no cost to the driver.

- **Discipline**

The City reserves the right to impose whatever discipline the City deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance or alcohol test result.

- **Evaluation, and Return to Duty Testing**

Should the City wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance testing.

- **Follow-Up Testing**

If the driver passes the return-to-duty test, he/she will be subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.

- **Refusal to test**

All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.

- **Responsibility for Cost of Evaluation and Rehabilitation**

Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the City or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the City pursuant to a collective bargaining agreement.

Loss of CDL License for Traffic Violations in Commercial and Personal Vehicles

Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

Maintenance and Disclosure of Records

Except as required or authorized by law, the City will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. In addition, a driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or a controlled substance, including any records pertaining to his or her alcohol or controlled substance tests.

Policy Contact for Additional Information

If you have any questions about this policy or the City's controlled substance and alcohol testing procedures, you may contact the Assistant City Administrator, obtain additional information.

Definitions

Accident:

Means an occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or 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. The term "accident" does not include an occurrence involving only boarding and alighting from a stationary motor vehicle; an occurrence involving only the loading or unloading of cargo; or an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823; 49 C.F.R. § 382.303(a); 49 C.F.R. § 382.303(f).

Alcohol Concentration (or Content):

Means the alcohol on a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. 49 C.F.R. § 382.107.

Alcohol Use:

Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. 49 C.F.R. § 382.107.

Applicant:

Means a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

Breath Alcohol Technician or BAT:

Means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

City:

Means City of Lake Elmo.

City Premises:

Means all job sites, facilities, offices, buildings, structures, equipment, vehicles and parking areas, whether owned, leased, used or under the control of the City.

Collection Site:

Means a place designated by the City where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or controlled substances. 49 C.F.R. § 40.3.

Commercial Motor Vehicle:

Means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or (2) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or (3) is designed to transport sixteen (16) or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulation. (49 C.F.R. part 172, subpart F) § 382.107.

Confirmation (or Confirmatory) Test:

For alcohol testing means a second test, following a positive non-evidential test, following a positive non-evidential (e.g., saliva) screening test or a breath alcohol screening test with the result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substance testing, "Confirmation (or Confirmatory) Test" means a second analytical procedure to identify the presence of a specific controlled substance or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. 49 C.F.R. § 382.107.

Controlled Substance:

Means those substances identified in 49 C.F.R. § 40.85(Marijuana, amphetamines, opiates, (including heroin), phencyclidine (PCP), cocaine, and any of their metabolites are included within this definition. 49 (C.F.R. § 382.107; 49 C.F.R. § 40.85.

Department of Transportation or DOT:

Means the United States Department of Transportation.

DHHS:

Means the Department of Health & Human Services or any designee of the Secretary, Department of Health & Human Services. 49 C.F.R. § 40.3.

Disabling Damage:

Means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight

or tail light damage or damage to turn signals, horn or windshield wipers which make them inoperative. 49 C.F.R. § 382.107.

Driver:

Means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the City or who operate a commercial motor vehicle at the direction of or with the consent of the City. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

Drug:

Has the same meaning as “controlled substance.”

Employee seeking a transfer:

Refers to an employee who is not subject to DOT regulations seeking a transfer to a position that will subject them to DOT regulations in the sought after position.

Evidential Breath Testing Device or EBT:

Means a device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.” 49 C.F.R. § 40.3.

Federal Motor Carrier Safety Administration or FMCSA:

Means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

Medical Review Officer or MRO:

Means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a controlled substance testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information. 49 C.F.R. § 40.3

Performing (a Safety-Sensitive Function):

Means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. 49 C.F.R. § 382.107.

Positive Test Result:

Means a finding of the presence of alcohol or controlled substance, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

Reasonable Suspicion:

Means a belief a driver has engaged in conduct prohibited by the FMCSA controlled substance and alcohol testing regulations, except when related solely to the possession of alcohol, based on specific contemporaneous, articulable observations made by a supervisor or City official who has received appropriate training concerning the appearance, behavior, speech or body odors of the driver. The determination of reasonable suspicion will be made in writing on a Reasonable Suspicion Record Form during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. In the case of a controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

Safety-Sensitive Function:

Means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- All time at a city plant, terminal, facility, or other property, or on any public property,
- waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by 49 C.F.R. § 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. § 393.76);
- 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; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

Screening Test (also known as Initial Test):

In alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her or her system. Screening tests may be conducted by utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”). In controlled substance testing, “Screening Test” means an immunoassay screen to eliminate “negative” urine specimens form further consideration. 49 C.F.R. § 382.107.

Substance Abuse Professional” or “SAP”:

Means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, licensed or certified social worker, licensed or certified employee assistance professional, or licensed or certified addiction counselor (certified by the National Association of Alcoholism and Controlled Substance Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders. 49 C.F.R. § 40.281.

Non-DOT Drug and Alcohol Testing and Drug-Free Workplace Policy

City of Lake Elmo, Minnesota

Drug and Alcohol Testing and Drug-Free Workplace Act Policy for Non-Commercial Drivers (Non-DOT)

Purpose and Objectives

The City of Lake Elmo (“City”) has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City of Lake Elmo does not intend to intrude into the private lives of its employees, but strongly believes that a drug- and alcohol-free workplace is in the best interest of employees and the public alike. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers’ compensation claims, higher insurance rates, and an increase in theft of city property. The City of Lake Elmo’s Drug and Alcohol Testing Non-DOT policy has been established for the purpose of providing a safe workplace for all.

City employees and applicants required to hold a commercial driver’s license by the United States Department of Transportation (“DOT”) for their job will be tested under the City’s Policy on Controlled Substance and Alcohol Testing for Commercial Drivers (the “DOT Policy”). All other employees and job applicants offered employment with the city must undergo testing as described by this policy.

To ensure the policy is clearly communicated to all employees and applicants to whom offers of employment have been made, and to comply with state law, employees and applicants are required to review this policy and sign the “policy acknowledgement.” A job applicant will also acknowledge in this form that he/she understands that passing the drug test is a requirement of the job.

Persons Subject to Testing and Circumstances Under Which Testing May Be Required

Under this policy, the City may test any applicant to whom an offer of employment has been made, and may test any employee for alcohol and/or controlled substance under any of the following circumstances with a properly accredited or licensed testing laboratory, in accordance with Minn. Stat. § 181.953, subd. 1.

(1) Pre-Employment Testing:

Every job applicant offered employment with the city receives the offer conditioned upon successful completion of a drug test, among other conditions. If the job offer is withdrawn based on drug test results, the city will inform the applicant of the reasons for the withdrawal. A failure of the drug test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment even if the applicant’s provisional employment has begun. A negative or positive dilute test result (following a second collection), which has

been confirmed, will also result in immediate withdrawal of an offer of employment to an applicant.

Temporary and seasonal employees are not subject to this policy with the exception of those designated by the hiring department as safety-sensitive positions. OR Temporary and seasonal employees are also subject to this policy. May want to address when testing will be conducted for temporary and seasonal rehires.

(2) Reasonable Suspicion Testing:

Consistent with Minn. Stat. § 181.951, subd. 3, employees will be subject to alcohol and controlled substance testing when reasonable suspicion exists to believe that the employee:

- Is under the influence of alcohol or a controlled substance; or
- Has violated written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while working, while on city property, or while operating city vehicles, machinery or any other type of equipment; or
- Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury or;

- Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol or a controlled substance or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the city's policies concerning alcohol or drugs may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record Form.

For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee. For an on-site collection service, the employee will remain on site and be observed by the supervisor or designee. The medical facility or on-site collection service will take the urine or blood sample, and will forward the sample to an approved laboratory for testing.

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all City employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify [Human Resources/the City Administrator] of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Right of Refusal:

Employees and job applicants have the right to refuse to submit to an alcohol or drug test under this policy. However, such a refusal will subject an employee to immediate termination. If an applicant refuses to submit to applicant testing, any conditional offer of employment will be withdrawn.

Any intentional act or omission by the employee or applicant that prevents the completion of the testing process constitutes a refusal to test.

An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug and/or alcohol test. In such a case, the employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.

Refusal on Religious Grounds:

An employee or job applicant who, on religious grounds, refuses to undergo drug or alcohol testing of a blood sample will not be considered to have refused testing, unless the employee or job applicant also refuses to undergo drug or alcohol testing of a urine sample.

Cost of Required Testing:

The City will pay for the cost of all drug and alcohol testing requested or required of all job applicants and employees, with the exception of confirmatory retests. Job applicants and employees are responsible for paying for all costs associated with any requested confirmatory retests.

Prohibition against Controlled Substance and Alcohol

Use and Possession of Alcohol or Drug(s):

Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, or drug paraphernalia while on duty; is on City premises; while operating any City vehicle, machinery, or equipment; or when performing any city business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter controlled substance used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils or pills) on the worksite by a person working as an employee at the City or while “on call” and subject to return to work. Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. The federal government still classifies cannabis as an illegal drug, even though some states have decriminalized its possession and use. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites. Applicants and employees are still subject to being tested under our drug and alcohol testing policy. And employees are subject to being disciplined, suspended, or terminated after testing positive for cannabis if the employee used, possessed, or was impaired by cannabis, including medical cannabis, while on the premises of the place of employment or during the hours of employment.

While Impaired of Alcohol or Drug(s):

Employees are prohibited from being under the influence of alcohol or drugs or having a detectable amount of an illegal drug in the blood or urine when reporting for work; while on duty; is on the City's premises; while operating any city vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over-the-counter controlled substance used as intended by the manufacturer.

Driving While Impaired:

A conviction of driving while impaired in a City-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting city business, may result in discipline, up to and including discharge.

Criminal Controlled Substance Convictions:

Any employee convicted of any criminal drug statute must notify his or her supervisor [and the City's Human Resources Division/City Administrator] in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a controlled substance-related conviction, the City will take appropriate personnel action against the employee up to and including discharge, or require the employee to satisfactorily participate in a controlled substance abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided to the supervisor and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment. In accordance with the Federal Drug-Free Workplace Act of 1988, if the City is receiving federal grants or contracts of over \$25,000, the City will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Failure to Disclose Lawful Controlled Substance:

Employees taking a lawful controlled substance, including prescription and over-the-counter controlled substances, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee's responsibility to seek out written information from his/her physician or pharmacist regarding medication and any job performance impairment and relay that information to his/her supervisor. In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.

Review and Notification of Test Results

Notification of Negative Test Results:

In the case of job applicants and in accordance with Minn. Stat. § 181.953, (Human Resources) will notify a job applicant of a negative drug result within three days of receipt of result by the City, and the hiring process will resume. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result. A "Negative Test Results Notification" form will be sent to the job applicant, and the job applicant may request a copy of the test result report from (Human Resources).

In the case of current employees and in accordance with Minn. Stat. § 181.953, (Human Resources) will notify the employee of a negative drug and/or alcohol result within three days of

receipt of result by the city. A “Negative Test Results Notification” form will be sent to the employee, and he or she may request a copy of the test result report from (Human Resources/the City Administrator).

Notification of Positive Test Results:

In the event of a confirmed positive blood or urine alcohol and/or drug test result, the city will notify the employee of a positive drug and/or alcohol result within three days of receipt of the result. (Human Resources/The City Administrator) will send to the employee or job applicant a “Positive Test Results Notification” letter containing further instructions. The employee or job applicant may contact Human Resources to request a copy of the test result report if desired. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the City within three working days of the confirmatory test result.

Right to Provide Information after Receiving Test Results:

Within three working days after notice of a positive controlled substance or alcohol test result on a confirmatory test, the employee or job applicant may submit information to the City to explain the positive result. In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three working days after a positive test result that explains the positive test result, (such as medications the employee is taking), the City will not take an adverse employment action based on that information unless the employee has already been under an affirmative duty to provide the information before, upon, or after hire.

Right to Confirmatory Retest:

A job applicant or employee may request a confirmatory retest of the original sample at the job applicant’s or employee’s own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the job applicant or employee must notify the City in writing of the job applicant’s or employee’s intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the City will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another qualified laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all samples testing positive for a period of six months. The confirmatory retest will use the same controlled substance and/or alcohol threshold detection levels as used in the original confirmatory test.

In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the City’s job offer will be reinstated and the City will reimburse the job applicant for the actual cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the City will reimburse the employee for the actual cost of the confirmatory retest.

Access to Reports:

In accordance with Minn. Stat. § 181.953, subd. 10, an employee will have access to information contained in his or her personnel file relating to positive test results and to the testing process, including all information gathered as part of that process.

Dilute Specimens:

A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.

Consequences for Employees Engaging in Prohibited Conduct

Job Applicants:

The City's conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for illegal drugs as verified by a confirmatory test.

Employees:

- No Adverse Action without Confirmatory Test. The City will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- Suspension Pending Test Result. The City may temporarily suspend a tested employee with or without pay, or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the City believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. The employee will be asked to return home, and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.

Discipline and Discharge:

Confirmatory Positive Test Result:

The City will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:

- The City has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as determined by the City after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and
- The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

Other Misconduct:

Nothing in this policy limits the right of the City to discipline or dismiss an employee on grounds other than a positive confirmatory test result, including conviction of any criminal drug statute for a violation occurring in the workplace or violation of other city personnel policies.

Emergency Call Back to Work Provisions:

If an employee is called out for a City emergency and he or she reports to work and is suspected of being under the influence of drugs or alcohol, he or she will not be subject to the testing procedures of this policy, but may be subject to discipline and will not be allowed to work. Appropriate arrangements for return transportation to the employee's residence will be made. It is the sole responsibility of the employee who is under the influence of alcohol and/or drugs and who is called out for a City emergency, to notify his or her supervisor of this information and advise if he or she is unable to respond to the emergency call back.

Non-Discrimination

The City of [City Name] policy on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat., ch. 363, disability does not include conditions resulting from alcohol or other drug abuse which prevents an employee from performing the essential functions of the job in question or constitutes a direct threat to property of the safety of individuals.

Furthermore, the City will not retaliate against any employee for asserting his or her rights under this policy.

Policy Contact for Additional Information

If you have any questions about this policy or the City's drug and alcohol testing procedures, you may contact your immediate supervisor, (Human Resources), or the (City Administrator/City Manager) to obtain additional information.

By this policy, the City of Lake Elmo has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and its policy of maintaining a drug-free workplace. Each City employee will receive a copy of this policy and will be required to read it.

Definitions

Alcohol: Means the intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl, or isopropyl alcohol. The term includes but is not limited to beer, wine, spirits, and medications such as cough syrup that contain alcohol.

Alcohol use or usage: Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant: Means a person applying for a job with the City.

City: Means the City of Lake Elmo.

City premises: Means, but is not limited to, all City job sites and work areas. For the purposes of this policy, city premises also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment of the City.

City vehicle: Means any vehicle which employees are authorized to use solely for City business when used at any time; or any vehicle owned or leased by the City when used for City business.

Collection site: Means a place designated by the City where job applicants and employees present themselves for the purpose of providing a specimen of their breath, urine, and/or blood to be analyzed for the presence of controlled substances and alcohol.

Confirmatory test: Means a controlled substance or alcohol test on a sample to substantiate the results of a prior controlled substance or alcohol test on the same sample, and that uses a method of analysis allowed under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Drug: Has the same meaning as “controlled substance” defined in Minn. Stat. § 152.01, subd. 4.

Drug and alcohol testing, drug or alcohol testing, and drug or alcohol test: Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of drugs, alcohol, or their metabolites in the sample tested.

Drug paraphernalia: Has the meaning set forth in Minn. Stat. § 152.01, subd. 18.

Employee: Means a person who performs services for compensation for the City and includes independent contractors except where specifically noted in this policy.

Initial screening test: Means a drug or alcohol test that uses a method of analysis under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Job applicant: Means a person who applies to become an employee of the City, and includes a person who has received a job offer made contingent on the person passing drug testing.

Positive test result: Means a finding of the presence of alcohol, illegal drugs, or their metabolites that exceeds the cutoff levels established by the City. Minimum threshold detection levels are subject to change as determined in the City’s sole discretion.

Reasonable suspicion: Means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

Safety-sensitive position: Means a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.

Under the influence: Means (1) the employee tests positive for alcohol or drugs, or (2) the employee's actions, appearance, speech, and/or bodily odors reasonably cause the City to conclude that the employee is impaired because of illegal drug use or alcohol use.

Premier Service Program - FMCSA

IHSN's Premier Service Program is a high service model designed for employers who want a comprehensive solution for their drug and alcohol testing program needs. This service package is ideal for employers who want the assistance and experience of knowledgeable staff to coordinate their testing services and assist with the administration of their program.

Clients who enroll in our **Premier Service** program receive the following Superior Quality and Value Added Service Package:

IHSN Services Guide

Upon enrollment each IHSN client receives our valuable IHSN Services Guide. Our IHSN Services Guide provides:

- An introduction to our service program,
- Answers to your common service questions,
- A listing of your designated service providers (Lab, MRO & collection sites),
- Program Management Resources,
- Sample Forms,
- Sample Company Policy Information, and
- Tabbed sections for you to store your service contracts and copies of our monthly newsletter, IHSNews.

This handy ring-bound guidebook is divided into convenient tabbed sections for easy reference and convenient storage of your important program documents.

Laboratory and MRO Services

IHSN makes using or changing to our services a snap by making all the arrangements for establishing your laboratory testing and Medical Review Officer (MRO) accounts. IHSN will set-up your account with one of our contracted top quality SAMHSA certified labs and establish your MRO services account with our MRO Services Department. IHSN also takes care of ordering and arranging for the laboratory to ship the initial supply of drug testing materials directly to you or to each of your designated collection sites, making a change to IHSN services a breeze.

Test Panel

DOT clients who enroll in our Premier service program receive the DOT mandated 5-panel drug screen. This panel tests for THC/Marijuana, Cocaine, Amphetamines/Methamphetamines, Opiates and PCP.

Rapid Result Reporting

IHSN understands that drug test results cannot come too soon. Your company's critical personnel and operations decisions depend on them. Our MRO Services Department is dedicated to providing the rapid, top quality service you need. Negative test results are generally reported the afternoon following specimen collection (provided the collection facility ships the sample the same day it is collected and faxes a copy of the MRO copy of the custody and control form to our offices the day of collection). Positive laboratory test results are handled immediately upon receipt from the laboratory ensuring minimal wait times for your MRO verified result.

Deluxe Result Reporting Options

IHSN recognizes that some companies may require test results to be reported to multiple locations or require varying levels of access to test results. Our sophisticated result reporting system has the ability to report test results to multiple locations and to accommodate varying access levels to result data.

Premier Service Program - FMCSA

Specimen Collection Supplies

IHSN provides all specimen collection supplies needed for drug testing including:

- ◆ Specimen collection and bottle containers
- ◆ Custody and Control Forms (CCF) pre-printed with your company's account information; and,
- ◆ Courier overnight shipping envelope and airbill for sending specimens to your designated SAMHSA-certified lab

IHSN will order and ship the initial supply of testing materials to you or directly to your collection site(s).

Collection Site Location and Account Set-Up

Our Premier service clients receive IHSN's Collection Site Locator & Account Set-up Service. Locating and establishing urine specimen collection and alcohol testing sites is critical to the success of your Drug and Alcohol Testing Program. Using our vast collection site database and collection site locator resources, we will locate collection sites in your designated testing areas and help you determine which sites best meet your unique service needs. We will then coordinate the set-up of your account at each chosen collection site by providing the site with detailed instructions concerning the establishment of your account, including:

- ◆ Your company name, address, phone numbers and authorized contacts
- ◆ The names, addressees and phone numbers of your testing lab and MRO
- ◆ Specimen shipping instructions
- ◆ Instructions concerning how to order additional testing supplies,
- ◆ Instructions concerning the disbursement of testing paperwork, and
- ◆ Billing instructions

For DOT regulated employers IHSN will also obtain a certification form from the facility verifying that the site agrees to provide services in compliance with all applicable DOT regulations and agrees to provide copies of all required documentation including training records when requested by the employer or DOT agency.*

Additionally, we will also order and ship the initial supply of specimen collection materials to each collection site or if you prefer we will ship the supplies directly to you for distribution to your sites or employees. IHSN will also act as a liaison between the employer and the collection site on an ongoing basis.

** IHSN does not obtain copies of the training documentation for each collector or alcohol test technician. IHSN obtains a certification form from the site stating that they agree to provide all services in compliance with DOT regulations including ensuring that all of their staff are trained according to DOT requirements. If a DOT auditor requests the training information for a specific collector or alcohol technician, the employer is responsible for obtaining this documentation from each site location.*

Premier Service Program - FMCSA

Premier Random Selection Services

IHSN's drug and alcohol random selection services are included at no extra charge for clients enrolled in our Premier service program. IHSN's sophisticated computerized random selection service is designed to simplify the management and employee list maintenance duties of your random selection program. IHSN creates an individual random selection pool for each client enrolled in our Premier service program. To help you keep your employee list up to date, each quarter IHSN sends you a reminder to submit changes to your employee list. Our easy to complete update forms or electronic submission procedures make updating your employee list quick and painless!

Our random computer system automatically calculates the number of random selections required for the quarter and then selects the appropriate number of employees for random drug and/or alcohol testing. We also automatically select a percentage of alternates in addition to the primary selections. These alternates are provided for your convenience to be used in cases when the original employees selected are not available for testing due to termination, medical leave, etc.

Premier service clients also receive the following additional random selection service and reporting benefits.

- For Premier service clients, our computer system tracks your drug tests as they enter our test results system and matches the selections made to the random tests you have completed. If a test enters our test results system labeled as a random test, but does not match a selection in our system, (i.e. the test was marked as a random, but is actually a different category of test; or the SS# on the paperwork does not match the SS# in our data base; etc.) we automatically contact you to determine the cause of the discrepancy and then submit any necessary data changes to the testing laboratory. This process ensures that all of your random testing is properly completed and labeled so that your IHSN random progress and laboratory statistical reports will reflect the correct data.
- Premier service clients are sent a progress report just prior to the end of each selection period detailing the status of the random drug testing for the current period. This report includes a summary of the number of selections made, the number of drug tests completed to date and the number of drug tests remaining to be completed for the selection period. This value added report is a timely management tool providing either a confirmation that you have completed all the required drug testing for the period or a friendly reminder that you still have testing to complete before the period ends.
- Premier Service Clients who fail to complete their random testing by the end of the selection period are issued a notice of non-compliance each month until the testing has been completed. These friendly reminders are designed to assist you in maintaining compliance with DOT regulations and/or company policy and serve as a gentle reminder that you still have outstanding tests that need to be completed.

Our Premier random selection system makes managing your random selection program as easy as 1-2-3!

Please Note: If a client does not complete all the required random selections for two successive selection periods, IHSN reserves the right to cancel random selection services on the account.

Premier Service Program - FMCSA

Split Sample Testing Services

DOT regulations require that all DOT drug screen collections be completed using the split sample collection method. In short this collection method requires that the urine specimen be divided into two separate specimen bottles at the time of collection. Both bottles are sealed and shipped to the laboratory. However, only the primary bottle is originally tested. If an employee's test result is verified as positive or as a refusal to test by the Medical Review Officer (MRO), the employee has the right to request that the second or "split" specimen bottle be shipped to a second certified testing laboratory for reanalysis. IHSN's MRO automatically informs the employee of this right during the donor interview process. If the employee requests this specimen be re-tested, DOT regulations require our MRO Services Department to process this request immediately. The fee for this test is billed to the employer. The employer may choose to collect re-imburement from the employee if this is required by the employer's company policy.

DOT Regulatory and Program Compliance Assistance

Premier service clients receive assistance with DOT regulatory and program compliance questions and concerns for no additional charge. IHSN's friendly, dedicated staff is extensively trained to provide answers to your regulatory and program compliance questions. Wading through and reading DOT regulations can be confusing and time consuming. Our highly knowledgeable staff can quickly guide you through the rules to help you locate and understand the appropriate regulations and procedures.

Access to IHSN's 24 hour Emergency Testing Assistance

Because accidents do not occur just on weekdays or during regular office hours, IHSN has staff on call 24 hours a day, 365 days a year to assist our Premier service Clients with post-accident or other emergency testing situations. To utilize this service simply call our toll free number day or night. Our on call representative will locate a test site and make all the arrangements with the collection site for the required testing. When you are dealing with an accident or other emergency testing situation the last thing you want to worry about is locating a competent site to perform drug and alcohol testing. We make arranging for emergency testing worry free!*

**Note: Due to the urgent nature of this testing and the immediate need for the completion of the site set-up, IHSN will not obtain a signed collection site certification statement prior to completing an emergency site set-up. If the employer wishes to obtain this information, it is the employer's responsibility to obtain this documentation from the test site after the completion of services.*

Access to IHSN's Non-Emergency Over-The-Road Collection Site Set-up Services

For situations where it is not convenient to use your permanent collection sites for pre-employment, random or other testing, IHSN offers our Premier service Clients our IHSN "Over-the-Road" Collection Site Set-Up Service. To use this service simply call our toll free number during regular office hours. We will locate a collection site in the requested area and make all the arrangements for the required testing. We then call you back with the facility information so you can direct your employee to the test site. This service is a great tool for completing random testing on-the-road or pre-employment testing on applicants who live far distances from your place of business, saving you travel and lodging expenses when qualifying applicants. *

**Note for DOT employers only: To ensure that all testing is completed in compliance with DOT regulations, IHSN's standard policy is to obtain a collection site certification form from each site prior to completing a site set-up for your company. However, this can delay the site set-up. If the employer does not want the set-up delayed for this process, the employer can request that IHSN not obtain the site certification. In these cases the employer will be required to sign a release form.*

Premier Specimen Status Tracking & Expedited Result Reporting

IHSN understands that drug test results cannot come too soon, your critical personnel decisions depend on them. If you are particularly anxious about the status of a pending test result simply call our offices. Our MRO staff will contact the lab to 1) verify that the lab has received the specimen, 2) determine the testing status of the specimen and, 3) obtain an estimate of when the lab is expected to release the result to the MRO for review.

Premier Service Program - FMCSA

In addition to contacting the lab to verify the status of your test results, for Premier service clients, our MRO staff will also contact your collection site to verify that the employee did complete the test, we will verify when the sample was shipped, and track the specimen with the courier service responsible for transporting the specimen to the testing laboratory. If you are particularly anxious about a specific result our MRO staff can also enter a “flag” in our computer system that will automatically notify the staff member the minute that specific result is received into our computer system. The result can then be flagged for “priority or emergency” processing to further expedite the MRO review and reporting process.

Expedited Correction of Custody and Control Form errors

Some MRO’s simply cancel specimens that are submitted to the lab with minor Custody and Control Form Errors (i.e. missing date, missing collector signature, collector failed to mark test type, etc.) rather than taking the time to correct them. Other MRO’s leave it up to the laboratory to obtain the necessary documentation required to correct paperwork errors. These practices cost the employer not only time and lost revenue, but also the cost and hassle of arranging for a second collection if the sample must be re-collected. IHSN, however, takes an active role in the correction process. When a correctable Custody and Control form error occurs, the laboratory notifies our MRO of any errors for your account. Our MRO administrative staff then expedites the correction process by coordinating with the collector to correct the error. Our MRO staff contacts the collector to inform the collector of the error, review the proper procedures to ensure that the error does not happen again, and obtain the necessary corrective paperwork. This involvement in the correction process to expedite the correction of custody and control form errors is not common practice for most MRO organizations. Our MRO Services Department is committed to going the extra mile, ensuring that you receive your test results as rapidly as possible. This commitment to excellence speeds up the processing time for Custody and Control form errors saving you time and money.

Regular Customer Service Account Reviews

All Premier service clients receive regular account reviews. Our friendly, dedicated staff will contact you to review your account history and point out any changes in testing activity that may indicate a service or compliance concern. This personalized service helps you identify and correct compliance issues before they become a problem.

Subscription to IHSNews

Our monthly newsletter, IHSNews keeps you up to date on changes in DOT regulations. IHSNews also provides regulation reviews, DOT interpretive guidance, procedure reviews, and articles on other drug and alcohol testing topics. One subscription to IHSNews is provided to each IHSN client as part of their service program.

Drug and/or Alcohol Free Workplace Policies

Each DOT regulated employer is required to have a written drug and alcohol testing policy. Industrial Health Services Network, Inc. provides each employer regulated by the Federal Motor Carrier Safety Administration (FMCSA) Regulations with a sample drug free workplace policy at no extra charge. This sample is designed to be used as a model for developing your drug and alcohol testing policy. IHSN recommends that you have a competent attorney review any new policy before adopting it as your company policy.

Premier Service Program - FMCSA

IHSN's on-line Regulation and Compliance Resource Center

Premier Service Clients have access to our on-line DOT Regulation and Compliance Resource Center. This Resource Center located on IHSN's web site (www.ihsn.com) provides access to:

- ◆ The 49 CFR Part 40 Drug and Alcohol Testing Regulations
- ◆ The Part 382 Federal Motor Carriers Safety Administration Drug & Alcohol Testing Regulations
- ◆ DOT Interpretive Guidance
- ◆ Common Regulation Questions and Answers
- ◆ Guidance for Making Post-Accident Testing Decisions
- ◆ Program Management Tools
- ◆ Past issues of IHSNews, and
- ◆ Links to Variety of useful DOT, Government and Industry Drug and Alcohol Testing Web Sites.

Optional Services

Employee Information and Supervisor Training Programs

Employee Information and Supervisor Training Programs are key to maintaining an effective drug and alcohol testing program. DOT regulations require that you distribute materials to your drivers explaining what is expected of them under the DOT drug and alcohol testing rules. Our driver guide is packed with easy to read information and includes a certificate of receipt for your driver testing files.

Supervisors play a crucial role in an effective drug and alcohol-testing program. More than anyone else, they are in a position to recognize changes in an employee's job performance. FMCSA regulations require that each person in a supervisory role over drivers complete 60 minutes of training on drug abuse and 60 minutes of training on alcohol misuse. Our supervisor training guide is designed to comply with this training requirement. This training manual is packed with valuable information and includes sample forms and a certificate of completion.

Program Management & Resource Materials

Quality Program Management and Resource materials are essential to the maintenance of your drug and alcohol-testing program. IHSN offers additional quality program materials to make it easier for you to manage your testing program and maintain compliance with DOT regulations. See the page in this proposal titled "IHSN Program Materials" for more information.

Substance Abuse Professional (SAP) Referral Services

When an employee violates an FMCSA drug or alcohol testing program prohibition, FMCSA regulations require the employer to provide the employee with a referral to a qualified Substance Abuse Professional (SAP). IHSN can assist you with this requirement by making a referral to a qualified Substance Abuse Professional. IHSN's SAP Referral service includes: 1) locating an appropriate facility and certified individual to perform the SAP evaluation and 2) providing you with documentation that the individual meets the criteria to act as an SAP per DOT regulations.

Drug Screen Collection & Alcohol Testing Services

IHSN will work with your existing provider location(s) or will establish drug screen collection and alcohol testing sites for you. Below you will find our suggestion(s) for service providers in the areas you requested. If you prefer to work with a different facility than the site(s) listed below, please provide your representative with the name, address and phone number of the site of your choice. Fees for drug screen collection and alcohol testing services will be the usual and customary fees charged by the site. Unless otherwise noted below, all fees for services provided by your collection site will be billed to you directly by the provider site. The collection site service fees listed below are based on the collection site's current fee schedule and are subject to change without notice. Please note that collection and alcohol testing fees are in addition to IHSN's testing fees.

Stillwater Medical Group - Workwell 1500 Curve Crest Blvd. Stillwater, MN 55082		Hours:	M - F: 8am-4:15pm Appt not required but a call ahead is preferred for any service.
		Urine Specimen Collection Fee:	\$24.00
Phone:	(651) 439-1234	DOT Physical Fee:	\$85.00
Fax:	(651) 275-3395	Breath Alcohol Test Fee:	\$44.00

IHSN Program Materials

Cab Packs

\$5.90

A Cab Pack is a sealed collection kit that contains the specimen bottle kit, a custody and control form, an airway bill, and courier shipping bag. The pack is designed to be kept aboard a vehicle for post accident or random on the road testing. We highly recommend having a cab pack for each of your vehicles to decrease the possibility of errors during post accident testing.

DOT Program Materials

FMCSA Drug & Alcohol Testing Forms Packet

Paper Version: \$34.95

CD Version: \$39.95

The IHSN Drug & Alcohol Testing Forms Packet is designed to aid employers in complying with the record keeping requirements of the Federal Motor Carriers Safety Administration's drug and alcohol testing program. Each of these time saving forms includes a guide at the bottom of each form listing to whom, and where copies of each form should be distributed. Additionally, each of the program checklists included features not only a list of required documents, but also the time period the form must be retained by the employer. Unlike the program forms sold by other companies, you do not need to buy our forms more than once! IHSN provides you with a packet of master forms that can be photocopied for your internal company use. This packet is also available on CD (Files are in pdf format).

DOT Drug and Alcohol Testing Regulations: Part 382

\$14.95

This guidebook provides you with a complete copy of the current Part 382 drug and alcohol testing rules. *(A pdf version of this booklet is available to download for free in the "clients only" area of our web site.)*

DOT Drug and Alcohol Testing Regulations: Part 40

\$14.95

This guidebook provides you with a complete copy of the current Part 40 drug and alcohol testing rules. *(A pdf version of this booklet is available to download for free in the "clients only" area of our web site.)*

FMCSA Supervisor's Reasonable Suspicion Training Guide

\$64.95

This guide is designed to meet the supervisor training requirements of 382.603. This manual provides your supervisors with guidance concerning the physical, behavioral, speech and performance indicators of drug and alcohol abuse. Additionally, this manual provides guidance concerning how to approach employees when reasonable suspicion testing is required and how to document the request for testing (includes sample forms)

Driver's Guide to the FMCSA Drug & Alcohol Testing Rules

\$4.50

This booklet is designed to educate your employees about the dangers and health effects of the use and abuse of drugs and alcohol. This booklet meets the requirements of part 382.601(b) and is designed to be distributed to each of your drivers along with a copy of your company's written drug and alcohol policy.

FMCSA Complete Materials Package

\$172.00

Save 5%! This cost saving package includes all the basic program materials you need to implement your FMCSA testing program. This package includes 1 - Drug & Alcohol Testing Forms Packet (paper version), 1 - Supervisor's Reasonable Suspicion Training Manual, 1 - DOT Drug and Alcohol Testing Regulations: Part 382 book, 1 - DOT Drug and Alcohol Testing Regulations: Part 40 book, 5 - FMCSA Driver's Guidebooks, and 5 - Cab Pack Test Kits. *(Don't forget to order additional Driver's Guides and cab packs for each additional driver!)*

Service Fees - FMCSA

IHSN Premier Service Program

IHSN Services Guide
 SAMHSA Laboratory Testing
 DOT SAMHSA 5-panel Test
 Certified Medical Review Officer Services
 Automated Results Reporting
 Deluxe Result Reporting Options
 Next Day Reporting on Negative Test Results
 Positive Test Results Confirmed by GC/MS
 Specimen Collection Supplies
 Collection Site Referral Services & Account Set-Up Services (First 2 sites free, fee for each additional site)
 Premier Random Selection Services
 DOT Regulatory and Program Compliance Assistance
 Access to IHSN's 24 hour Emergency Testing Services
 Access to IHSN's Non-Emergency Over-The-Road Collection Site Set-Up Services
 IHSN's Premier Customer Service Package
 Premier Specimen Status Tracking
 Expedited Correction of Correctable Custody and Control Form Errors
 Regular Customer Service Account Reviews
 Subscription to IHSNews
 Password Access to IHSN's On-Line Regulation and Compliance Resource Center
 One Monthly Billing Statement for all Lab, MRO and IHSN Services

Annual Service Fee:.....\$229.00
Fee Per Drug Test:..... \$44.90*

Optional Services

Collection Site Referral & Set-Up Services.....First 2 sites free, \$45 fee for each additional site
 Urine Specimen Collection Combined Billing Service\$5.00/test
 Non-Emergency Site Set-Up Services (regular office hours)\$45.00 per set-up plus testing and collection fees
 Emergency After Hours Site Set-Up Services\$75.00 per set-up plus testing and collection fees
 Split Specimen Re-test\$180.00 per test**
 SAP Referral Services\$150.00 per referral
 Employee And Supervisor Training Programs..... See Program Materials Sheet
 Program Management and Resource Materials..... See Program Materials Sheet

**Test Fees are based upon a maximum positive rate of 5 % per year. Positive test results above the 5 % maximum annual rate will be subject to an additional \$45.00 fee per test. If translation services are required for an MRO interview with a non-English speaking employee, the MRO will utilize the translation services of AT & T Language Line. The employer will be charged a per minute translation fee based upon the current rate charged by AT & T Language Line.*

*** Split Specimen re-test fees are billed to the employer and the employer is responsible for payment of all split specimen re-test fees. The employer may choose to seek reimbursement from the employee according to the employer's company policy.*

Service Agreement

DURATION OF OFFER: This offer is open for 30 days from the date of this proposal

DURATION OF PRICING: Annual fee and test fees are effective for term of this agreement. IHSN reserves the right to increase client's annual fee or test fees due to regulation changes or unforeseen increases in laboratory, shipping or other costs. IHSN will provide Client a written notice of any mid term increase in the annual fee or test fees 30 days in advance. Fees at renewal will be IHSN's present market price at the time of renewal. Fees for all other services are subject to change without notice.

PAYMENT TERMS: Invoices are issued monthly and payment is due within 15 days of the invoice date.

CUSTOMER SATISFACTION GUARANTEE: Subject to the conditions below, if customer is dissatisfied with IHSN's quality of service or support, IHSN will, at customer's written request: (i) cancel service and close the account, and (ii) cancel customer's contract without liability for the termination fee. **CONDITIONS TO SATISFACTION GUARANTEE:**

1. IHSN must receive written notice of the issue from the customer.
2. The issue must be attributable to facilities or causes within IHSN's reasonable control; for example problems caused by acts of God, natural disasters, inclement weather or third parties are not grounds to invoke the guarantee.
3. If the issue is due to the performance of a subcontracted or coordinated third party service provider (i.e. lab, MRO, collection site, etc.) IHSN must be reasonably given the opportunity to (i) resolve the problem with the existing service provider, or (ii) change service providers and pass through any corresponding differences in service provider fees. If there is no alternate service provider reasonably available or customer is unwilling to accept an alternate service provider, then the issue shall not be covered by this satisfaction guarantee.
4. IHSN is unable to resolve a covered problem to customer's reasonable satisfaction within 30 days after receipt of written notice.
5. Customer's account must be current (no balance older than 30 days).

TERM AND TERMINATION: Client agrees that IHSN will be its sole provider of the drug and alcohol testing services covered by this agreement, unless those services are not available because of location, emergency or necessitated by regulations or government authorities. This agreement shall be for an Initial Term of 1 year from the date signed by the Customer. Upon expiration of the Initial Term, this agreement shall automatically renew for successive 1-year periods at IHSN's present market price at the time of renewal. Customer or IHSN may terminate this Agreement at the end of any term by submitting a written notice to the other party at least thirty (30) days prior to the end of such term. If service is terminated prior to expiration of the current term, whether by IHSN for customer breach, or by Customer other than under the Customer Satisfaction Guarantee, Customer shall forfeit all annual fees paid and upon demand by IHSN pay a termination fee equal to either 1) the average monthly billing for all prior months of the current term multiplied by the number of months remaining on the current term or 2) the average monthly billing for the last 12 months multiplied by the number of months remaining on the current term, whichever is greater.

AMENDMENTS: Changes in federal or state regulations or standard testing practices may necessitate periodic amendments to the terms of this agreement. In the event an amendment is necessary, IHSN will issue a written notice to the client which shall include a deadline by which client must notify IHSN of its refusal to accept the amended terms. Failure to provide notice by and/or continued use of IHSN services after the expiration of this deadline will constitute acceptance of the amendment by client.

ACCEPTANCE: Acceptance may be made by email, mail or fax. Email and fax documents shall serve as originals.

ENTIRE AGREEMENT: This written Agreement and the accompanying Service Fees sheet constitute the entire agreement between the parties and supersedes any prior or contemporaneous proposals, discussion or agreements, whether verbal or written.

CHOICE OF LAW: This agreement shall be construed and controlled by the laws of the State of Wisconsin and both parties further consent to the jurisdiction of the state and federal courts sitting in that state.

Customer hereby accepts and agrees to the terms, conditions and pricing as stated in this proposal.

For: _____
(Company Name)

For Industrial Health Services Network, Inc.

By _____
(Name of Authorized Representative)


Emily S. Battis, President VD010118

(Signature of Authorized Representative)

Date: _____

Premier Service Enrollment Form - FMCSA

- Our Testing Program Is:** Mandated by U.S. DOT Regulations
 Non-DOT/Company Policy (If you selected this option, please stop here and contact your IHSN representative to request a Non-DOT enrollment form)

If your company is regulated by the US Department of Transportation, please indicate all DOT Modal Agency Drug and Alcohol Testing Regulations your company must comply with:

- Federal Motor Carrier Safety Administration (FMCSA)
 Other DOT Agency (please list agency name) _____

Result Reporting Preferences

Results should be directed to the following address:

Mailing Address: _____

City, State, Zip: _____

Phone: (_____) _____

Please list the names of the individuals authorized to receive test results (please list phone # if different than number listed above):

Primary person _____

2nd person _____

3rd Person _____

Desired reporting method:

Auto Fax reporting is a computerized faxing system that immediately faxes test results to your secure fax upon release by the MRO. If auto fax is selected, you must have a secure fax with access to this fax limited to only those individuals authorized to receive test results.

Notify Fax reporting is designed for clients who do not have a secure fax or who want to control their inbound faxes. A notice is faxed to you informing you when your tests are available for reporting. Then you simply call IHSN to have your test result reports released to your fax while you monitor your fax machine.

Phone reporting is designed for clients who do not have a secure fax. A representative will call you with your test results and a written copy will be mailed to you the same day.

Mail reporting is designed for clients who do not have a secure fax. When the result is released by the MRO for reporting, a written copy of the result is mailed to you. This is the least efficient way to receive results and is not recommended for clients who are anxiously awaiting test results.

Select one: Auto Fax* Notify-Fax* Phone* Mail only

If Auto fax or notify-fax reporting is selected, enter the fax number to report results:

(_____) _____ - _____

** If fax or phone reporting is selected, the client will receive a preliminary result report via fax or phone. A final result report signed by the MRO is then sent via U.S. Mail.*

Newsletter Subscription:

A copy of our newsletter publication, IHSNews, is provided to each client as part of their annual program fee. The newsletter is sent out by email. Please list the email address that you would like your newsletter sent to:

_____ @ _____

Premier Service Enrollment Form - FMCSA

Random Selections

I want IHSN to complete our company drug & alcohol random selections? Yes No

If yes, which quarter do you want IHSN to begin making these selections*?

- immediately for the current quarter (clients just starting a program or clients who have not completed random selections for the current quarter should check this option)
 1st quarter(Jan.-March 31) 2nd Quarter(April 1-June 30)
 3rd quarter(July 1-Sept. 30) 4th quarter(Oct. 1-Dec. 31)

**IHSN standardly performs random selections on a quarterly basis. If your company's operations are seasonal, please contact your representative to discuss the appropriate random selection schedule for your company.*

Selection Rate:

Random selections are drawn at a rate equal to the minimum annual selection rate set by the applicable DOT agency. If you would like your selection rate set **higher** than the minimum annual selection rate, please enter the desired selection rate below, otherwise leave this section blank.

Drug: _____%/ calendar year Alcohol: _____%/calendar year

All random correspondence should be directed to:

Random Selection Contact: _____
Phone: _____ Fax: _____
Email: _____
Address: _____
City, State, Zip: _____

All random correspondence should be sent by (please select one):

- mail fax email

Billing Information

Accounts Payable Contact: _____

Phone: () _____ Fax: () _____

Billing Address: _____

City, State, Zip: _____

Physical/Shipping Address

Street Address: _____

City, State, Zip: _____

Premier Service Enrollment Form - FMCSA

Program Supplies			
Item Description	Quantity	Unit Price	Total
Annual Service Fee	1	\$229.00	\$229.00
Collection Site Referral & Set-Up Services (first 2 sites free)		\$45.00	
Cab packs		\$5.90	
FMCSA Drug & Alcohol Testing Forms Packet (printed)		\$34.95	
FMCSA Drug & Alcohol Testing Forms Packet (CD)		\$39.95	
DOT Drug and Alcohol Testing Regulations: Part 382		\$14.95	
DOT Drug and Alcohol Testing Regulations: Part 40		\$14.95	
FMCSA Supervisor's Reasonable Suspicion Training Guide		\$64.95	
Driver's Guide to the FMCSA Drug & Alcohol Testing Rules		\$4.50	
Complete FMCSA Training Package		\$172.00	
Subtotal			
Sales Tax (WI residents add 5.5% sales tax. SD residents add 4% state sales tax plus the applicable city sales tax.)			
Shipping & Handling: Introductory Materials	1	\$14.95	\$ 14.95
Shipping & Handling: Additional Program Materials: (Based on weight. Please call for quote if paying by check. IHSN will automatically calculate for credit card orders.)			
Total			

Please mail your check to IHSN (or complete the credit card authorization below) for this amount at the time you mail your acceptance. If you are faxing your acceptance please complete the credit card authorization form below.

Credit Card Payment Authorization

Please charge my credit card for the annual program fee and any supplies ordered above

Card: VISA MASTERCARD

Card Number: _____

3-Digit Security Code (found on the backside of card): _____

Card Expiration Date: _____

Cardholder Name: _____

Card Billing Address: _____

City, State, Zip: _____

Cardholder Phone Number: _____

Cardholder Signature: _____

To establish Your Account, Please submit the following by fax or mail to:

Industrial Health Services Network, Inc.

Attn: Account Setup

P.O. Box 490, Hudson, WI 54016

Fax: (715) 386-9308

1. Your signed Service Agreement
2. Your completed Enrollment Form
3. A List of your current collection facilities (please include the site name, complete address, phone number, fax number and contact person) or a list of the locations where sites are needed,
4. If you have requested random selection services, a complete list of the names and social security numbers of your employees for random selections. You must submit a computer file or use the form provided.
5. A check or completed credit card billing authorization for the annual program fee and any program supplies ordered. (NOTE: Please do not send credit card information by email. Please mail, fax or call in your credit card information)

Premier Service Program – Non-DOT

IHSN's Premier Service Program is a high service model designed for employers who want a comprehensive solution for their drug and alcohol testing program needs. This service package is ideal for employers who want the assistance and experience of knowledgeable staff to coordinate their testing services and assist with the administration of their program. Clients who enroll in our **Premier Service** program receive the following Superior Quality and Value Added Service Package:

IHSN Services Guide

Upon enrollment each IHSN client receives our valuable IHSN Services Guide. Our IHSN Services Guide provides:

- An introduction to our service program,
- Answers to your common service questions,
- A listing of your designated service providers (Lab, MRO & collection sites),
- Program Management Resources,
- Sample Forms,
- Sample Company Policy Information, and
- Tabbed sections for you to store your service contracts and copies of our monthly newsletter, IHSNews.

This handy ring-bound guidebook is divided into convenient tabbed sections for easy reference and convenient storage of your important program documents.

Laboratory and MRO Services

IHSN makes using or changing to our services a snap by making all the arrangements for establishing your laboratory testing and Medical Review Officer (MRO) accounts. IHSN will set-up your account with one of our contracted top quality SAMHSA certified labs and establish your MRO services account with our MRO Services Department. IHSN also takes care of ordering and arranging for the laboratory to ship the initial supply of drug testing materials directly to you or to each of your designated collection sites, making a change to IHSN services a breeze!

Test Panel

Employers who enroll in our Premier service program receive their choice of testing panels. Employers can select our standard 5-panel, 7-panel, 10-panel or a custom panel drug screen. Our standard 5-panel drug screen tests for THC/Marijuana, Cocaine, Amphetamines/Methamphetamines, Opiates and PCP. Our standard 7-panel drug screen tests for all substances included on the 5-panel test plus benzodiazepines and barbiturates. Our standard 10-panel drug screen tests for all substances included on the 7-panel test plus methadone, methaqualone and propoxyphene.

Rapid Result Reporting

IHSN understands that drug test results cannot come too soon. Your company's critical personnel and operations decisions depend on them. Our MRO Services Department is dedicated to providing the rapid, top quality service you need. Negative test results are generally reported the afternoon following specimen collection (provided the collection facility ships the sample the same day it is collected and faxes a copy of the MRO copy of the custody and control form to our offices the day of collection). Positive laboratory test results are handled immediately upon receipt from the laboratory ensuring minimal wait times for your MRO verified result.

Deluxe Result Reporting Options

IHSN recognizes that some companies may require test results to be reported to multiple locations or require varying levels of access to test results. Our sophisticated result reporting system has the ability to report test results to multiple locations and to accommodate varying access levels to result data.

Premier Service Program – Non-DOT

Specimen Collection Supplies

IHSN provides all specimen collection supplies needed for drug testing including:

- ◆ Specimen collection and bottle containers
- ◆ Custody and Control Forms (CCF) pre-printed with your company's account information; and,
- ◆ Courier overnight shipping envelope and airbill for sending specimens to your designated SAMHSA-certified lab

IHSN will order and ship the initial supply of testing materials to you or directly to your collection site(s).

Collection Site Location and Account Set-Up

Our Premier service clients receive IHSN's Collection Site Locator & Account Set-up Service. Locating and establishing urine specimen collection and alcohol testing sites is critical to the success of your Drug and Alcohol Testing Program. Using our vast collection site database and collection site locator resources, we will locate collection sites in your designated testing areas and help you determine which sites best meet your unique service needs. We will then coordinate the set-up of your account at each chosen collection site by providing the site with detailed instructions concerning the establishment of your account, including:

- ◆ Your company name, address, phone numbers and authorized contacts
- ◆ The names, addressees and phone numbers of your testing lab and MRO
- ◆ Specimen shipping instructions
- ◆ Instructions concerning how to order additional testing supplies,
- ◆ Instructions concerning the disbursement of testing paperwork, and
- ◆ Billing instructions

Additionally we will also order and ship the initial supply of specimen collection materials to each collection site or if you prefer we will ship the supplies directly to you for distribution to your sites or employees. IHSN will also act as a liaison between the employer and the collection site on an ongoing basis.

Premier Random Selection Services

IHSN's drug and alcohol random selection services are included at no extra charge for clients enrolled in our Premier service program. IHSN's sophisticated computerized random selection service is designed to simplify the management and employee list maintenance duties of your random selection program. IHSN creates an individual random selection pool for each client enrolled in our Premier service program. To help you keep your employee list up to date, each quarter IHSN sends you a reminder to submit changes to your employee list. Our easy to complete update forms or electronic submission procedures make updating your employee list quick and painless!

Our random computer system automatically calculates the number of random selections required for the quarter and then selects the appropriate number of employees for random drug and/or alcohol testing. We also automatically select a percentage of alternates in addition to the primary selections. These alternates are provided for your convenience to be used in cases when the original employees selected are not available for testing due to termination, medical leave, etc.

Premier Service Program – Non-DOT

Premier service clients also receive the following additional random selection service and reporting benefits.

- For Premier service clients, our computer system tracks your drug tests as they enter our test results system and matches the selections made to the random tests you have completed. If a test enters our test results system labeled as a random test, but does not match a selection in our system, (i.e. the test was marked as a random, but is actually a different category of test; or the SS# on the paperwork does not match the SS# in our data base; etc.) we automatically contact you to determine the cause of the discrepancy and then submit any necessary data changes to the testing laboratory. This process ensures that all of your random testing is properly completed and labeled so that your IHSN random progress and laboratory statistical reports will reflect the correct data.
- Premier service clients are sent a progress report just prior to the end of each selection period detailing the status of the random drug testing for the current period. This report includes a summary of the number of selections made, the number of drug tests completed to date and the number of drug tests remaining to be completed for the selection period. This value added report is a timely management tool providing either a confirmation that you have completed all the required drug testing for the period or a friendly reminder that you still have testing to complete before the period ends.
- Premier Service Clients who fail to complete their random testing by the end of the selection period are issued a notice of non-completion each month until the testing has been completed. These friendly reminders are designed to assist you in maintaining compliance with your company policy or vendor contracts and serve as a gentle reminder that you still have outstanding tests that need to be completed.

Our Premier random selection system makes managing your random selection program as easy as 1-2-3!

Please Note: If a client does not complete all the required random selections for two successive selection periods, IHSN reserves the right to cancel random selection services on the account.

Access to IHSN's 24 hour Emergency Testing Assistance

Because accidents do not occur just on weekdays or during regular office hours, IHSN has staff on call 24 hours a day, 365 days a year to assist our Premier service Clients with post-accident or other emergency testing situations. To utilize this service simply call our toll free number day or night and we will locate a test site and make all the arrangements with the clinic for the required testing. When you are dealing with an accident or other emergency testing situation the last thing you want to worry about is locating a competent site to perform drug and alcohol testing. We make arranging for emergency testing worry free!

Access to IHSN's Non-Emergency Over-The-Road Collection Site Set-up Services

Because it is not always possible or convenient to use your permanent collection sites for pre-employment, random or other testing, IHSN offers our Premier service Clients our IHSN "Over-the-Road" Collection Site Set-Up Service. To use this service simply call our toll free number during regular office hours. We will locate a collection site in the requested area and make all the arrangements for the required testing. We then call you back with the facility information so you can direct your employee to the test site. This service is a great tool for completing random testing on-the-road or pre-employment testing on applicants who live far distances from your place of business, saving you travel and lodging expenses when qualifying applicants.

Premier Service Program – Non-DOT

Premier Specimen Status Tracking & Expedited Result Reporting

IHSN understands that drug test results cannot come too soon, your critical personnel decisions depend on them. If you are particularly anxious about the status of a pending test result simply call our offices. Our MRO staff will contact the lab to 1) verify that the lab has received the specimen, 2) determine the testing status of the specimen and, 3) obtain an estimate of when the lab is expected to release the result to the MRO for review.

In addition to contacting the lab to verify the status of your test results, for Premier service clients, our MRO staff will also contact your collection site to verify that the employee did complete the test, we will verify when the sample was shipped, and track the specimen with the courier service responsible for transporting the specimen to the testing laboratory. If you are particularly anxious about a specific result, for Premier service clients, our MRO staff can also enter a “flag” in our computer system that will automatically notify the staff member the minute that specific result is received into our computer system. The result can then be flagged for “priority or emergency” processing to further expedite the MRO review and reporting process.

Expedited Correction of Custody and Control Form errors

Some MRO's simply cancel specimens that are submitted to the lab with minor Custody and Control Form Errors (i.e. missing date, missing collector signature, collector failed to mark test type, etc.) rather than taking the time to correct them. Other MRO's leave it up to the laboratory to obtain the necessary documentation required to correct paperwork errors. These practices cost the employer not only time and lost revenue, but also the cost and hassle of arranging for a second collection if the sample must be re-collected. IHSN, however, takes an active role in the correction process. When a correctable Custody and Control form error occurs, the laboratory notifies our MRO of any errors for your account. Our MRO administrative staff then expedites the correction process by coordinating with the collector to correct the error. Our MRO staff contacts the collector to inform the collector of the error, review the proper procedures to ensure that the error does not happen again, and obtain the necessary corrective paperwork. This involvement in the correction process to expedite the correction of custody and control form errors is not common practice for most MRO organizations. Our MRO Services Department is committed to going the extra mile, ensuring that you receive your test results as rapidly as possible. This commitment to excellence speeds up the processing time for Custody and Control form errors saving you time and money.

Regular Customer Service Account Reviews

All Premier service clients receive regular account reviews. Our friendly, dedicated staff will contact you to review your account history and point out any changes in testing activity that may indicate a service or compliance concern. This personalized service helps you identify and correct compliance issues before they become a problem.

Subscription to IHSNews

Our monthly newsletter, IHSNews provides articles on a variety of drug and alcohol testing topics. One subscription to IHSNews is provided to each IHSN client as part of their service program.

IHSN's on-line Resource Center

Premier service Clients have access to our on-line Resource Center. This Resource Center located on IHSN's web site (www.ihsn.com) provides access to:

- ◆ Program Management Tools
- ◆ Past issues of IHSNews, and
- ◆ Links to Variety of useful DOT, Government and Industry Drug and Alcohol Testing Web Sites.

Premier Service Program – Non-DOT

Drug and/or Alcohol Free Workplace Policies

IHSN recommends that any employer requiring employee drug and alcohol testing have a written drug and/or alcohol testing policy for their company. Due to the fact that testing regulations vary from state to state, it is not possible for IHSN to provide a model policy that would comply with the laws of all 50 states. IHSN recommends that you engage the services of a competent attorney to develop a testing policy specific to your state law and individual company needs. Listed below are some sources for information concerning state drug testing laws that may assist you with the development of your company policy.

- **Your company legal counsel:** Your company legal counsel should be able to assist you in identifying any state drug testing laws that you must comply with as well as assist you in writing your company policy.
- **Your State Attorney General's Office:** Your State Attorney General's Office should be able to provide you with information regarding your state's drug testing laws.
- **U.S. Department of Labor:** This web site features a variety of information and resources concerning how to develop a drug free workplace policy, including a policy builder module. <http://www.dol.gov/elaws/drugfree.htm>
- **Substance Abuse and Mental Health Services Administration:** This site provides information and tools regarding drug-free workplace programs. You can access this web site at <http://www.samhsa.gov/workplace>
- **Drug Free Workplace – Office of National Drug Control Policy:** This web site offers a variety of information and resources regarding drug free workplace programs including links to state and local drug offices and publications. <http://www.whitehousedrugpolicy.gov/prevent/workplace/index.html>
- **The National Clearinghouse for Alcohol and Drug Information:** This web site features publications for workplace drug testing programs. <http://www.health.org/workplace>
- **DTState Laws:** This is a multimedia subscription information service that offers subscribers access to state statutes, court decisions, issues forums, state news, and employer notes concerning workplace drug and alcohol testing. For more information visit <http://www.dtstatelaws.com/>
- **Institute for a Drug Free Workplace:** This organization provides a variety of publications to assist employers in implementing and maintaining their drug free work place programs including a guide to state and federal drug testing laws. <http://store.drugfreeworkplace.org/publications.aspx>

Optional Services

Employee Information and Supervisor Training Programs

Employee Information and Supervisor Training Programs are key to maintaining an effective drug and alcohol testing program. It is essential that employees understand not only what is expected of them, but also what to expect when they submit to drug and alcohol testing. Our employee guide is packed with easy to read information and includes a certificate of receipt for your personnel files.

Supervisors play a crucial role in an effective drug and alcohol-testing program. More than anyone else, they are in a position to recognize changes in an employee's job performance. Our supervisor-training guide gives your supervisors the tools they need to make reasonable suspicion determinations. This training guide is packed with valuable information and includes sample forms and a certificate of completion.

Drug Screen Collection & Alcohol Testing Services

IHSN will work with your existing provider location(s) or will establish drug screen collection and alcohol testing sites for you. Below you will find our suggestion(s) for service providers in the areas you requested. If you prefer to work with a different facility than the site(s) listed below, please provide your representative with the name, address and phone number of the site of your choice. Fees for drug screen collection and alcohol testing services will be the usual and customary fees charged by the site. Unless otherwise noted below, all fees for services provided by your collection site will be billed to you directly by the provider site. The collection site service fees listed below are based on the collection site's current fee schedule and are subject to change without notice. Please note that collection and alcohol testing fees are in addition to IHSN's testing fees.

Stillwater Medical Group - Workwell 1500 Curve Crest Blvd. Stillwater, MN 55082		Hours:	M - F: 8am-4:15pm Appt not required but a call ahead is preferred for any service.
		Urine Specimen Collection Fee:	\$24.00
Phone:	(651) 439-1234	DOT Physical Fee:	\$85.00
Fax:	(651) 275-3395	Breath Alcohol Test Fee:	\$44.00

IHSN Program Materials

Cab Packs

\$5.90

A Cab Pack is a sealed collection kit that contains the specimen bottle kit, a chain of custody form, an airway bill, an MRO envelope and courier shipping bag. The pack is designed to be kept aboard a company vehicle for post accident or random on the road testing.

Supervisor's Reasonable Suspicion Training Guide

\$64.95

This manual is designed to provide your supervisors with information concerning the physical, behavioral, speech and performance indicators of drug and alcohol abuse. Additionally this manual offers guidance concerning how to approach employees when reasonable suspicion testing is required and how to document the request for testing (sample forms included).

Employee Drug & Alcohol Testing Information Guide

\$4.50

This booklet is designed to educate your employees about the dangers and health effects of the use and abuse of drugs and alcohol as well as information regarding what to expect when they submit to drug and alcohol testing.

Service Fees – Non-DOT

IHSN Premier Service Program

IHSN Services Guide
 SAMHSA Laboratory Testing
 Choice of Test Panel (5, 7, 10 Panel)
 Certified Medical Review Officer Services
 Automated Results Reporting
 Deluxe Result Reporting Options
 Next Day Reporting on Negative Test Results
 Positive Test Results Confirmed by GC/MS
 Specimen Collection Supplies
 Premier Random Selection Services
 Access to IHSN's 24 hour Emergency Testing Services
 Access to IHSN's Non-Emergency Over-The-Road Collection Site Set-Up Services
 IHSN's Premier Customer Service Package
 Premier Specimen Status Tracking
 Expedited Correction of Correctable Custody and Control Form Errors
 Regular Customer Service Account Reviews
 Subscription to IHSNews
 Password Access to IHSN's On-Line Resource Center
 One Monthly Billing Statement for all Lab, MRO and IHSN Services

Annual Service Fee:..... \$179.00***WAIVED**
 One Time Account Set-Up Fee\$50.00
Fee Per Drug Test:..... \$44.90**

**Annual fee is waived as long as the client has an active DOT account with IHSN. An annual fee will be implemented for this non-DOT testing account if the client should close its DOT account or request that either random selection services or separate billing statements be provided for the non-DOT account.*

Optional Services

Collection Site Referral & Set-Up Services..... \$45.00 per collection site
 Urine Specimen Collection Combined Billing Service \$5.00/test
 Non-Emergency Site Set-Up Services (regular office hours) \$45.00 per set-up plus
 testing and collection fees
 Emergency After Hours Site Set-Up Services \$75.00 per set-up plus
 testing and collection fees
 Split Specimen Re-test \$180.00 per test***
 SAP Referral Services \$150.00 per referral
 Employee And Supervisor Training Programs..... See Program Materials Sheet

***Test Fees are based upon a maximum positive rate of 5 % per year. Positive test results above the 5 % maximum annual rate will be subject to an additional \$35.00 fee per test. If translation services are required for an MRO interview with a non-English speaking employee, the MRO will utilize the translation services of AT & T Language Line. The employer will be charged a per minute translation fee based upon the current rate charged by AT & T Language Line.*

*** *Split Specimen re-test fees are billed to the employer and the employer is responsible for payment of all split specimen re-test fees. The employer may choose to seek reimbursement from the employee according to the employer's company policy.*

Service Agreement

DURATION OF OFFER: This offer is open for 30 days from the date of this proposal

DURATION OF PRICING: Annual fee and test fees are effective for term of this agreement. IHSN reserves the right to increase client's annual fee or test fees due to regulation changes or unforeseen increases in laboratory, shipping or other costs. IHSN will provide Client a written notice of any mid term increase in the annual fee or test fees 30 days in advance. Fees at renewal will be IHSN's present market price at the time of renewal. Fees for all other services are subject to change without notice.

PAYMENT TERMS: Invoices are issued monthly and payment is due within 15 days of the invoice date.

CUSTOMER SATISFACTION GUARANTEE Subject to the conditions below, if customer is dissatisfied with IHSN's quality of service or support, IHSN will, at customer's written request: (i) cancel service and close the account, and (ii) cancel customer's contract without liability for the termination fee. **CONDITIONS TO SATISFACTION GUARANTEE:**

1. IHSN must receive written notice of the issue from the customer.
2. The issue must be attributable to facilities or causes within IHSN's reasonable control; for example problems caused by acts of God, natural disasters, inclement weather or third parties are not grounds to invoke the guarantee.
3. If the issue is due to the performance of a subcontracted or coordinated third party service provider (i.e. lab, MRO, collection site, etc.) IHSN must be reasonably given the opportunity to (i) resolve the problem with the existing service provider, or (ii) change service providers and pass through any corresponding differences in service provider fees. If there is no alternate service provider reasonably available or customer is unwilling to accept an alternate service provider, then the issue shall not be covered by this satisfaction guarantee.
4. IHSN is unable to resolve a covered problem to customer's reasonable satisfaction within 30 days after receipt of written notice.
5. Customer's account must be current (no balance older than 30 days).

TERM AND TERMINATION Client agrees that IHSN will be its sole provider of the drug and alcohol testing services covered by this agreement, unless those services are not available because of location, emergency or necessitated by regulations or government authorities. This agreement shall be for an Initial Term of 1 year from the date signed by the Customer. Upon expiration of the Initial Term, this agreement shall automatically renew for successive 1 year periods at IHSN's present market price at the time of renewal. Customer or IHSN may terminate this Agreement at the end of any term by submitting a written notice to the other party at least thirty (30) days prior to the end of such term. If service is terminated prior to expiration of the current term, whether by IHSN for customer breach, or by Customer other than under the Customer Satisfaction Guarantee, Customer shall forfeit all annual fees paid and upon demand by IHSN pay a termination fee equal to either 1) the average monthly billing for all prior months of the current term multiplied by the number of months remaining on the current term or 2) the average monthly billing for the last 12 months multiplied by the number of months remaining on the current term, whichever is greater.

AMENDMENTS Changes in federal or state regulations or standard testing practices may necessitate periodic amendments to the terms of this agreement. In the event an amendment is necessary, IHSN will issue a written notice to the client which shall include a deadline by which client must notify IHSN of its refusal to accept the amended terms. Failure to provide notice by and/or continued use of IHSN services after the expiration of this deadline will constitute acceptance of the amendment by client.

ACCEPTANCE Acceptance may be made by email, mail or fax. Email and fax documents shall serve as originals.

ENTIRE AGREEMENT This written Agreement and the accompanying Service Fees sheet constitute the entire agreement between the parties and supersedes any prior or contemporaneous proposals, discussion or agreements, whether verbal or written.

CHOICE OF LAW This agreement shall be construed and controlled by the laws of the State of Wisconsin and both parties further consent to the jurisdiction of the state and federal courts sitting in that state.

Customer hereby accepts and agrees to the terms, conditions and pricing as stated in this proposal.

For: _____
(Company Name)

For Industrial Health Services Network, Inc.

By _____
(Name of Authorized Representative)



Emily S. Battis, President

VND040116

(Signature of Authorized Representative)

Date: _____

Premier Service Enrollment Form – Non-DOT

Our Testing Program Is: Non-DOT/Company Policy
 Mandated by Government Regulations *(If you selected this option, please stop here and contact your IHSN representative to request the correct enrollment form)*

Test panel choice: 5 panel(standard) 5 panel(DOT Look-A-Like) 7 panel 10 panel

Result Reporting Preferences

Results should be directed to the following address:

Mailing Address: _____

City, State, Zip: _____

Phone: (_____) _____

Please list the names of the individuals authorized to receive test results *(please list phone # if different than number listed above)*:

Primary person _____

2nd person _____

3rd Person _____

Desired reporting method:

Auto Fax reporting is a computerized faxing system that immediately faxes test results to your secure fax upon release by the MRO. If auto fax is selected, you must have a secure fax with access to this fax limited to only those individuals authorized to receive test results.

Notify Fax reporting is designed for clients who do not have a secure fax or who want to control their inbound faxes. A notice is faxed to you informing you when your tests are available for reporting. Then you simply call IHSN to have your test result reports released to your fax while you monitor your fax machine.

Phone reporting is designed for clients who do not have a secure fax. A representative will call you with your test results and a written copy will be mailed to you the same day.

Mail reporting is designed for clients who do not have a secure fax. When the result is released by the MRO for reporting, a written copy of the result is mailed to you. This is the least efficient way to receive results and is not recommended for clients who are anxiously awaiting test results.

Select one: Auto Fax Notify-Fax
 Mail Only Phone followed by mailed copy

If fax or notify-fax reporting is selected, enter the fax number to report results:
(_____) _____ - _____

Newsletter Subscription:

A copy of our newsletter publication, IHSNews, is provided to each client as part of their annual program fee. The newsletter is sent out by email. Please list the email address that you would like your newsletter sent to:

_____ @ _____

Premier Service Enrollment Form – Non-DOT

Random Selections

Does your company have a random testing program?

Yes No

Billing Information

Accounts Payable Contact: _____

Phone: () _____ Fax: () _____

Billing Address: _____

City, State, Zip: _____

Physical/Shipping Address

Street Address: _____

City, State, Zip: _____

Premier Service Enrollment Form – Non-DOT

Program Supplies			
Item Description	Quantity	Unit Price	Total
Annual Service Fee	1	\$179.00	waived
One Time Account Set-Up Fee	1	\$50.00	\$50.00
Collection Site Referral & Set-Up Services	1	\$45.00	\$45.00
Cab packs		\$5.90	
Supervisor's Reasonable Suspicion Training Guide (Non-DOT Version)		\$64.95	
Employee Drug & Alcohol Testing Information Guide (Non-DOT Version)		\$4.50	
Subtotal			
Sales Tax (WI residents add 5.5% sales tax. SD residents add 4% state sales tax plus the applicable city sales tax.)			
Shipping & Handling: Introductory Materials	1	\$14.95	\$ 14.95
Shipping & Handling: Additional Program Materials: (Based on weight. Please call for quote if paying by check. IHSN will automatically calculate for credit card orders.)			
Total			

Please mail your check to IHSN (or complete the credit card authorization below) for this amount at the time you mail in your acceptance. If you are faxing your acceptance please complete the credit card authorization form below.

Credit Card Payment Authorization

Please charge my credit card for the annual program fee and any supplies ordered above

Card: VISA MASTERCARD

Card Number: _____

3-Digit Security Code (found on the backside of card): _____

Card Expiration Date: _____

Cardholder Name: _____

Card Billing Address: _____

City, State, Zip: _____

Cardholder Phone Number: _____

Cardholder Signature: _____

To establish Your Account, Please submit the following by fax or mail to:

Industrial Health Services Network, Inc.

Attn: Account Setup

P.O. Box 490, Hudson, WI 54016

Fax: (715) 386-9308

1. Your signed Service Agreement
2. Your completed Enrollment Form
3. If you have requested random selection services, a complete list of the names and social security numbers of your employees for random selections. You must submit a computer file or use the form provided.
4. A check or completed credit card billing authorization for the annual program fee and any program supplies ordered.
(NOTE: Please do not send credit card information by email. Please mail, fax or call in your credit card information)



STAFF REPORT

DATE: January 22, 2018

ITEM: E.

TO: Human Resources Committee

FROM: Jake Foster, Assistant City Administrator

AGENDA ITEM: Creation of New Employment Category – Substitute Firefighter

BACKGROUND:

Since the start of the fire department's shift coverage by part-time personnel, the most consistent hurdle has been scheduling to fill all shifts. Initially they struggled with properly pairing staff to allow for our new hires to get trained to our operations and become familiar with equipment, while maintain a balance between staffs availability and the required 18 – 24 hours of work per week. From nearly the beginning of the transition they experienced "availability" issues, primarily due to conflicts with their other jobs. Moving forward as the new employees met minimum competency levels, they had more options for scheduling.

One of our newly hired part-time employees from our paid on call ranks experienced a significant job change, between the interview/hiring process and beginning of shifts. He began working out of state, thus preventing us from consistently scheduling him. He is now back and being scheduled.

Contributing factors to scheduling difficulties, varying work schedules with additional jobs, vacations, sick leave, appointments, etc. Attached are the schedules to date for your review to help illustrate the struggles of availability.

The proposal before was developed and discussed at great length by the Officers of the dept. The Officers support this plan and believe that in addition to providing shift, back up coverage, it will also help with retention of current paid on call firefighters by allowing them alternative ways to "earn" Relief Credit and schedule their time to meet the requirements of the dept.

The Council discussed these issue at their work session on January 12 and directed staff to continue working on a way to utilize POCs for shift work while not triggering PERA , holiday or PTO beenefits since they would be working limited hours. Staff worked with our employment attorney to come up with the specific changes recommended to the personnel policy as outlined below.

ISSUE BEFORE COMMITTEE:

Should the committee recommend creating a new employment category of "substitute firefighter" to allow paid on call firefighters to cover part-time shifts while still being allowed to earn relief credit and the part-time wage of \$17/hour?

PROPOSAL DETAILS/ANALYSIS:

The proposal for discussion is to allow our current paid on call personnel to be allowed to work shifts on an occasional, as needed basis. This would only be available for the paid on call personnel that currently are not hired as part-time employees working shifts. Paid on call firefighters working these shifts will be considered "substitute firefighters," earn a wage of \$17.00/hour, and earn fire relief credit.

To avoid confusion, provide clear separation and avoid "double dipping," the following guidelines would pertain to these paid on call employees. They would not be allowed to exceed the minimum requirement

of 18/hrs. of shift work per week on a regularly scheduled basis, (this may occur occasionally). By staying under the 18 hour required minimum, on a regular basis, they would not be entitled to the benefits received by the part-time employees such as PTO or PERA.

We believe this will help with the retention of our current paid on call employees. We are also hopeful that this will allow us to fill all shifts and prevent us from having to go outside to hire again.

The definition section of the Personnel Policy should be amended to include:

Substitute Firefighter: Any paid on-call firefighter for the City who, on an occasional and sporadic basis, voluntarily agrees to work an available part-time firefighter shift. Substitute firefighter are not eligible for benefits or seniority

FISCAL IMPACT:

This approach will have no additional financial impact. It has already budgeted for the shift coverage. They are already trained and have all necessary equipment and gear. In fact, by guaranteeing 100% shift coverage, we will be able to reduce the need for ALL CALL paging and potentially reduce staff costs.

RECOMMENDATION:

“Motion to recommend to Council to amend the Personnel Policy to create the substitute firefighter employment category under the definitions section”

ATTACHMENTS:

- Shift schedules to date.

10/16 - 10/22/17

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm
			Y		Y		Y		Y				
	Y				Y		Y		Y				
Y	Y	Y	Y										

10/23 - 10/29/17

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm
					Y		Y		Y				Y
Y	Y		Y				Y						
						Y		Y		Y	Y		
		8 - NOON		8 - NOON	Y				Y				Y

10/30 - 11/5/17

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm
							Y			Y			Y
			Y		Y		Y		Y				
					Y						Y		
			Y	Y				Y			Y		
		8 - NOON				8 - NOON			Y				Y
8 - NOON	Y							Y		Y			

11/6 - 11/12/17

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm
					Y		Y						Y
	Y		Y		Y		Y						
				Y						Y		Y	
			Y				Y			Y	Y		
	Y	8 - NOON											Y
8 - NOON											Y	Y	

PAY PERIOD	12/30-1/5/18	SATURDAY		SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY	
		6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm
		Y	Y												
											Y		Y		Y
								Y		Y					
								Y	Y			Y			
	Y	Y		Y	Y									Y	
1/6 - 1/12/18	SATURDAY		SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY (Timesheet)		
	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	
	Y		Y	Y		Y								Y	
								Y		Y		Y	Y		
					Y		Y		Y		Y				
	Y			Y			Y					Y			
			Y			Y				Y				Y	

PAY PERIOD	1/13 - 1/19/18	SATURDAY		SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY	
		6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm
		Y			Y										
									Y		Y		Y		
			Y					Y						Y	
		Y			Y						Y		Y		
	Y			Y	Y					Y		Y			
1/20 - 1/26/18	SATURDAY		SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY (Timesheet)		
	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	6am-Noon	Noon-6pm	
	Y	Y	Y	Y											
										Y		Y		Y	
						Y		Y	Y			Y		Y	
			Y		Y		Y		Y		Y				
		Y		Y			Y		Y			Y			
	Y					Y				Y				Y	

UNAVAILABLE SHORT WEEK
HOLIDAY - ALL CALLS 1 or the other/not both