



CITY OF MESA SUMMARY OF ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM

This handout will provide a general overview of the Department of Transportation (DOT) controlled substance use and alcohol misuse prevention rules for the commercial transportation and gas pipeline industries. This handout does not contain many of the requirements or special circumstances detailed in 49 CFR Part 40 and the individual DOT agency rules.

CITY OF MESA'S ANTI-DRUG AND ALCOHOL MISUSE PREVENTION PLANS

The City of Mesa's Drug Free Workplace Program (Management Policy 316) and Anti-Drug and Alcohol Misuse Prevention Plans can be viewed and printed from the City's internal InsideMesa webpage and/or the www.mesaaz.gov webpage:

- **Intranet - InsideMesa**

You may access this information from InsideMesa's Departments & Divisions tab. Click on the Human Resources **Safety Services** link, then click on the **DOT Drug and Alcohol Testing Program** link located in the menu listing on the side of the landing page. In the **Related Links** section on the right-hand side of the page, you can access either the **Anti-Drug Plan** or **Alcohol Misuse Prevention Plan and Management Policy 316 – Drug and Alcohol-Free Workplace**.

To view City management policies from the home page, click on the "Employee Center" link and then on the "[Management Policies](#)" link.

- **Internet – City of Mesa's External Webpage**

From the www.mesaaz.gov webpage, click on the **Jobs (Current job openings)** link located at the bottom of the page, which will take you to the **Job Opportunities** landing page. In the top left corner of the Job Opportunities landing page click on the **Menu** icon, then click on **Important Applicant Information**. Scroll down to the bottom of the page to locate the **Commercial Driving** section where you will find the links to the **Anti-Drug Plan** and the **Alcohol Misuse Prevention Plan**.

DESIGNATED EMPLOYER REPRESENTATIVE (DER)

Questions regarding the City's: training documentation; alcohol and drug testing program and policies; or the City's Anti-Drug and/or Alcohol Misuse Prevention Plans should be directed to the City's DER:

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PURPOSE

This program is designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by employees who perform safety-sensitive functions for the City of Mesa. **These rules apply to any employee who is required to have a commercial driver's license (CDL) and to those who perform safety-sensitive operating, maintenance, or emergency response functions to the gas pipelines.**

PROHIBITIONS

The Department of Transportation (DOT) defines the restrictions on the use of both alcohol and controlled substances by transportation employees.

Alcohol

Because alcohol is a legal substance, the rules define specifically prohibited alcohol-related conduct for those who perform safety-sensitive functions. For those who hold a CDL, safety-sensitive functions refers to any time the driver is actually driving, inspecting, servicing, unloading, or loading a commercial motor vehicle. Performance of safety-sensitive functions is prohibited:

- While having an alcohol concentration of 0.04 or greater as indicated by an alcohol breath test.
- While using, under the influence of or have any measured alcohol measured alcohol concentration of detected presence of alcohol.
- Within four hours after using alcohol.

In addition, refusing to submit to an alcohol test, failure to remain readily available for testing, failing to notify your employer of your location if you leave the scene of an accident or using alcohol within eight hours after an accident or until tested is prohibited.

Controlled Substances

These rules prohibit any unauthorized use of the following controlled substances on or off-duty:

Marijuana metabolites/THC Cocaine metabolites

Opioids and metabolites (Codeine, Morphine, Hydrocodone, Oxycodone) 6-Acetylmorphine (6-AM)

Phencyclidine (PCP) Amphetamines/Methamphetamine Methylenedioxyamphetamine (MDA)

The exception to this ruling is if a physician has prescribed the substance and has advised the employee that it does not interfere with the ability to safely perform safety-sensitive functions.

Employees may not report for duty or perform safety-sensitive functions if they have tested positive for a controlled substance or have refused to take a test required by this policy.

After a positive test result, removal from duty cannot take place until the Medical Review Officer (MRO) has interviewed the employee and determined that the positive drug test resulted from the unauthorized use of a controlled substance.

An employee cannot be returned to duty until they have been evaluated by a substance abuse professional, complied with recommended rehabilitation, and have a negative result on a return-to-duty test. Follow-up testing to monitor the employee's continued abstinence from controlled substance use will be required.

REQUIRED ALCOHOL & CONTROLLED SUBSTANCE TESTING

Pre-Employment - Conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. The City is required to perform a Substance Abuse & Mental Health Services Administration (SAMHSA) drug screen test prior to confirmation of any job offer for all individuals being placed into a DOT safety sensitive position. This requirement is coordinated through the Human Resources department during the pre-employment process.

Pre-Placement – Conducted before an employee is transferred into a safety-sensitive position or prior to an employee performing safety-sensitive functions for the first time. The City is required to perform a Substance Abuse & Mental Health Services Administration (SAMHSA) drug screen test on any City employee who moves from a non-DOT covered position into a DOT covered position through a promotion, transfer, demotion or otherwise. The employee may not move into the DOT covered position or perform safety sensitive functions until the results of the pre-placement drug screen have been received and the employee has completed the required DOT training through the Human Resources department.

The City of Mesa exercises its right to request a recollection when a Medical Review Officer (MRO) reports an initial pre-employment or pre-placement drug screen result as Negative Dilute.

As of May 1, 1995, the Federal Motor Carrier Safety Administration (FMCSA) or Pipeline and Hazardous Material Safety Administration (PHMSA) no longer requires pre-employment alcohol testing, only testing for controlled substances.

Random - Conducted on a random unannounced basis just before, during, or just after performance of safety-sensitive functions. All "CDL operator employees" are subject to both alcohol and controlled substance testing. All employees who perform safety-sensitive operating, maintenance, or emergency response functions to the gas pipelines are subject to only controlled substance testing. Each year DOT Program Administrators announce the minimum random testing rate requirements which are listed below:

- **FMCSA** currently requires a minimum of 50% of employees that have a commercial driver's license must be tested annually for controlled substances and a minimum of 10% must be tested annually for alcohol.
- **PHMSA** currently requires a minimum of 25% of employees who perform safety-sensitive operating, maintenance, or emergency response functions to the gas pipelines be tested annually.

The **City of Mesa** exercises its right to test employees in the DOT random program at a higher annual rate, which is currently at 60% for both the FMCSA and PHMSA random pools.

The FMCSA and PHMSA random pools are managed by the City's Designated Employer Representative (DER) in the Human Resources (HR) department and includes all employees identified as being in DOT safety sensitive positions. Contractors and temporary agency workers are not included in the City's random pool; however, are included in their company's DOT drug and alcohol program.

The City's DER will determine the day and time of the random. The DER will contact the employee's immediate supervisor to advise him/her of the employee pulled for the random. The DER will provide the supervisor specific instructions on the testing process such as the location of the collection site, the type of test being conducted (drug testing only versus drug and alcohol testing), the allowable reporting time frame, etc.:

- If the supervisor is contacted and the employee is working the day of the random, the collection must occur on that day regardless of their work schedule (meetings, training, etc.)

- If the employee selected for the random is off duty due to an illness, scheduled day off, regular day off, etc., the employee shall be called for testing anytime during the random draw period, but before the next random draw date. If an employee is anticipated to be off for an extended period of time not to return before the next random draw, then the DER shall select the identified alternate employee for testing.
- It is the supervisor's responsibility to notify the employee and ensure the employee makes it to the collection site as required.
 - When necessary, the department may delay notifying the employee to allow for the completion of training sessions, meetings, etc.
 - Once the employee is notified of the requirement to complete random testing, the employee must proceed immediately to the collection site.
 - A "reasonable amount of time" to report for testing at the collection site is defined by the City is 30 minutes plus travel time.
 - Once the employee is in route to the collection site, the employee shall not take any detours or make any stops for soda, coffee, water, etc.
- It is not necessary for supervisors to accompany or escort employees.
- The employee is required to provide their driver's license or City identification badge for photo I.D.
- The employee's City I.D. number should be used on the Control and Custody Form (CCF).

On-Site collections are performed by the City's designated vendor, Banner Occupational Health Mobile Unit. The primary location of the on-site collection site is the City's **Utilities building at 640 N. Mesa Drive** in the **Community conference rooms facility**, which has secured restrooms for the urine drug screen collection and an enclosed conference room for the breath alcohol test. Both areas provide a private, confidential setting for employees and the collector. Also, collections may be conducted at the eScreen vendor locations.

Alcohol test results are released by the Breath Alcohol Technician (BAT) to the employee immediately following the completion of the test. If the results are positive for alcohol, the BAT will notify the City's DER in HR. The City will not allow an employee to travel after a positive alcohol test. Accordingly, the employee shall be directed to stay at the testing facility until a supervisor is notified and can make appropriate arrangements to get the employee home safely.

If negative, notification of **drug screen test results** by the Medical Review Officer (MRO) will take a minimum of 24 hours. If positive, notification of test results by the MRO may take a few days.

The City of Mesa exercises its right to request a recollection when a Medical Review Officer (MRO) reports an initial random drug screen result as Negative Dilute.

Upon notification from the MRO of a Negative Dilute test result, the DER will follow the recommendation of the MRO for recollection. If the MRO recommends recollection, the DER will contact the employee's supervisor to instruct the employee to report immediately to the designated collection site for a recollection. The following are specifics regarding the guidelines applicable to the recollection process:

- Recollections will not be collected under direct observation, unless instructed by the MRO;
- Recollections will be unannounced providing no advance notice to the employee;
- The results of the recollection will become the result of record;
- If the recollection results are Negative Dilute, no additional test will be performed unless directed by the MRO; and,
- Failure to complete or cooperate with the recollection process will be considered a refusal to test, which will result in dismissal/separation from City employment.

Post-Accident Testing – Alcohol and Controlled Substance

FMCSA – Alcohol and substance abuse testing shall be conducted as soon as practicable following an occurrence involving a commercial motor vehicle (CMV) operating on a public road in commerce. Testing is required for each employee who:

- a. Was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life;

- OR -

- b. Receives a citation within eight hours (for an alcohol test) or thirty-two hours (for a controlled substance test) of the occurrence under State or local law for a moving traffic violation arising from the accident, **if the accident involved:**
 - (1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; **- OR -**
 - (2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

In addition, once a determination has been made to test an employee for alcohol, the test must be completed within 2 hours of the accident. If the test does not occur within the 2-hour time frame, the employer will be required to prepare and maintain on file a record stating the reasons why the test was not administered.

PHMSA – Conducted as soon as possible, but no later than 32 hours after an accident. Each employee will be required to test for controlled substances if the employee's performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. For PHMSA purposes, an accident is defined as an incident reportable under Part 191. In 49 CFR Part 191.3 an incident means an:

1. An event that involves a release of gas from a pipeline, gas from an underground natural gas storage facility(UNGSF), liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, **and** that results in one or more of the following consequences:
 - (i) A death, or personal injury necessitating in-patient hospitalization;
 - (ii) Estimated property damage of \$122,000 or more, including loss to the operator and others, or both, but excluding the cost of gas lost;
 - (iii) Unintentional estimated gas loss of three million cubic feet or more.
2. An event that results in an emergency shutdown of an LNG facility or a UNGSF. Activation of an emergency shutdown system for reasons other than an actual emergency within the facility does not constitute an incident.
3. An event that is significant in the judgment of the operator, even though it did not meet the criteria of paragraph (1) or (2) of this definition.

Substance abuse testing shall be conducted on each covered employee as soon as possible, but no later than thirty-two hours after an accident. Each employee will be required to test for controlled substances if the employee's performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The City may decide not to test under this paragraph but such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident or that, because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.

Alcohol testing shall be conducted on each covered employee as soon as practicable following an accident, if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section shall be based on the City's determination, using the best available information at the time of the determination that the covered employee's performance could not have contributed to the accident.

NOTE: If a required alcohol test is not administered within 2 hours following the accident, the City shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a required alcohol test is not administered within 8 hours following the accident, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the operator or operator representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, may be deemed by the City to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Post Accident Testing Procedures

Employees covered by the DOT regulations above shall complete an alcohol and/or substance abuse test. The supervisor will be responsible for complying with the following procedures:

- Unless medical attention is necessary, the supervisor shall notify the City's DER, HR Analyst or Safety Coordinator that an accident has occurred. The DER will be responsible for providing an authorization form for the alcohol and/or substance abuse testing.
- The supervisor will escort the employee immediately to the collection facility.
- Collection services for accidents that occur outside of the normal business hours for the City's designated collection facility, and will be coordinated by the DER.
 - If collection process is being coordinated by the supervisor, the test type must be a DOT regulated 5 Panel and a breath alcohol test.

NOTE: If circumstances surrounding an accident do not meet DOT's FMCSA/PHMSA criteria, the supervisor may choose to do a DOT reasonable suspicion test based on the (trained) supervisor's direct observation (a specific, contemporaneous observation) and the belief that the employee's actions were the result of misusing alcohol and/or using/abusing controlled substances. The supervisor's observation must be substantiated by a second supervisor prior to the reasonable suspicion test being conducted.

Reasonable Suspicion - Conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or drug/controlled substance use/abuse. Testing is designed to provide management with a tool to identify alcohol and/or drug-affected employees who may pose a danger to themselves and others in their job performance.

Each employee shall be required to submit to an alcohol and/or drug/substance abuse test when there is reasonable suspicion to believe that the employee has violated the use of alcohol and drug prohibitions of the City's Anti-Drug and/or Alcohols Misuse Prevention Plans:

- There must be a specific, contemporaneous observation relating to appearance, behavior, speech, body odors, etc. of the employee by the employee's supervisor.
- At least two supervisors, one of which must have been trained in the detection of alcohol and/or drug/controlled substance use/abuse, shall substantiate and concur in the decision to test an employee.

- The supervisor(s) must contact the City's DER and/or their department HR Analyst prior to taking the employee for testing.
- The supervisor must document the observations.
- Both supervisors must sign the [DOT reasonable suspicion checklist](#).

Return-to-Duty - Conducted just prior to returning to performing safety-sensitive duties when an employee has violated prohibited conduct.

A City employee who violates DOT and/or City prohibitions shall be dismissed from employment with the City unless the department is agreeable to offering the employee a Last Chance Agreement. The decision to offer a Last Chance Agreement is based on employee probationary status, work performance and the circumstances of the violation. If a Last Chance Agreement is offered, the City will initiate the return-to-duty process.

When an employee has violated an alcohol and/or drug/substance DOT prohibition, the employee is prohibited from performing DOT safety sensitive duties with the City **or any future employer** until he/she completes the DOT return-to-duty process:

1. Referral to a Substance Abuse Professional (SAP) through the City's Employee Assistance Program (EAP).
2. Complete the SAP evaluation and assessment process.
3. Complete the SAP recommended treatment program, which may include unannounced alcohol/drug screens; multiple weekly meetings in an inpatient or outpatient scenario, education, and training on the effects of alcohol and/or drug addiction, etc.
4. Complete the SAP final evaluation and assessment process, which includes being released from the program.
5. Complete the required DOT return-to-duty alcohol and/or drug/controlled substance test under the direct observation process.
6. Receive a negative result from the Medical Review Officer (MRO).
7. Will be required to participate in a follow-up program as directed by the SAP for a period of 1 to 5 years.

Follow-Up – Unannounced testing conducted because of a violation of DOT prohibition relating to alcohol and/or drug/controlled substance use. The follow-up schedule is determined by a Substance Abuse Professional (SAP). All follow-up tests are directly observed as required by DOT regulation. For employees subject to DOT regulations, reference City of Mesa Anti-Drug & Alcohol Prevention Plan.

COLLECTION PROCEDURES

Alcohol

The rules require breath testing using evidential breath testing devices (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). Two breath tests are required to determine if a person has a prohibited alcohol concentration:

1. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test per DOT regulation.
2. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted.
 - a. The employee and the individual (called a breath alcohol technician [BAT]) conducting the breath test complete the alcohol testing form to ensure that the results are properly recorded.

- b. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results.
- c. The confirmation test result determines any actions taken.
- d. If the employee has a test result with the presence of any alcohol, there will be discipline based on Management Policy 316, not through the DOT process.

Controlled Substances

Controlled substance testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The rules require employees are provided with a private and secure location to conduct the split urine specimen collection procedure:

1. The employee must provide at least 45ml of urine in the DOT collection container provided by the "collector".
2. The "collector" will pour at least 30ml of urine from the collection container into one specimen bottle, to be used for the primary specimen.
3. The "collector" will pour at least 15ml of urine from the collection container into the second specimen bottle to be used for the split specimen.
4. The collector" seals and labels the specimen, has the employee initial the tamper-evident bottle seals, completes the Custody and Control Form (CCF), and prepares the specimen bottles and accompanying paperwork for shipment to a drug-testing laboratory.

At the laboratory, only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored in the laboratory's secured and refrigerated location. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request the split specimen be sent to another DHHS certified laboratory for analysis. This split specimen procedure provides the employee with an opportunity for a "second opinion".

RECORD RETENTION - The following records shall be maintained:

1. Collection Process Records – 3 years

- Breath alcohol technician training records.
- Calibration documents for EBT devices.
- Consolidated annual calendar year summaries.
- Documents showing why reasonable suspicion testing and post-accident testing were done.
- Documents relating to a driver's inability to provide adequate breath or urine for testing.
- Random selection process.

2. Education & Training Records – 3 years

- All materials used for alcohol and drug awareness.
- Certification that the training provided complied with the requirements.
- Copy of company alcohol and drug policy.
- Documentation of supervisor training.
- Employees' signed receipts of educational materials.

3. Employees' Test Results Records – 1 year if negative; 5 years if positive

- Documents presented by an employee to dispute test results.
- Documents the medical review officer (MRO) sent to the employer.
- Employer's copy of the alcohol test forms and results.
- Employer's copy of the controlled substances test chain of custody and control forms.
- Refusal to submit to testing records.
- Evaluation Records – 5 years
- Employee's compliance with recommendations.
- Recommendations of the substance abuse professional.

4. Records regarding other violations of alcohol/drug rules – 5 years

5. Records related to drug and alcohol testing.

- Alcohol tests with alcohol concentration of 0.02 or above. (5 years)
- Alcohol test results with alcohol concentrations of less than 0.02. (1 year)
- Annual calendar year summary of alcohol and drug test results. (5 years)
- Calibration documents. (5 years)
- Controlled substance tests with a positive result. (5 years)
- Employee evaluations and referrals. (5 years)
- Negative and cancelled controlled substance test results. (1 year)
- Records of inspection, maintenance, and calibration of EBTs. (2 years)
- Records relating to the collection process. (3 years)
- Refusal to submit to testing records. (5 years)
- Training records. (3 years)

REPORTING TEST RESULTS

Each year employers subject to these regulations are required to compile an annual calendar year summary of the results of their alcohol and controlled substance testing program. The report for the previous calendar year should be completed by March 15 of the following year.

ACCESS AND CONFIDENTIALITY

The following requirements are intended to protect the rights of the employee and provide access to the Department of Transportation's operating agencies and others as needed:

- Except as required by law, no employer shall release employee information that is contained in records required to be maintained under this program.
- Upon written request, the employee can obtain copies of his or her records.
- Employers must provide employee test results and access to any facility used in complying with alcohol and drug rules, to any DOT agency, and state, or local officials with regulatory authority over the employer or any of its employees.

- If requested by the National Transportation Safety Board as part of an accident investigation, the employer must release information on the post-accident testing of the accident in question.
- Records are provided to a future employer upon the written request of the employee.
- Regardless of employee consent, the employer can disclose records to a decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee that arises from test results or the violation of either alcohol or drug prohibitions.
- The employer can disclose records to others only with the written consent of the employee.

RESPONSIBILITIES OF THE MEDICAL REVIEW OFFICER (MRO)

The medical review officer (MRO) is a licensed physician who is responsible for receiving test results generated by an employer's drug testing program. The MRO must be knowledgeable about substance abuse disorders and have the appropriate medical training to interpret and evaluate an individual's confirmed positive test, along with medical history and other relevant biomedical information.

The MRO will provide the employer with a signed, written notification within three days of the medical review. Other means of communication can be used, but they must be backed-up with the signed, written notice.

The notice must state:

- That the test was done according to the requirements of this rule.
- The name of the person tested.
- The type of test (random, post-accident, etc.).
- The date and location of the test.
- The names of those:
 - Collecting the specimen
 - Analyzing the specimen
 - Serving as the MRO
- The verified results of a drug test, either positive or negative, and the name of any substance verified as positive.

The MRO is also responsible for alerting the employer if they have been unsuccessful in contacting the employee to discuss test results. It is then up to the employer to request the employee contacts the MRO. This must be done within 24 hours or before the employee can be dispatched for duty, whichever is first.

The MRO must retain dated records and notification of verified positive drug tests for five years and records of negative or cancelled tests for one year.

The MRO cannot release any of this information unless the employee provides a specific, written authorization to do so. However, they may provide information to any state or local officials with regulatory control over the testing program.

NOTIFYING EMPLOYEES OF TEST RESULTS

It is the responsibility of the employer to provide test results if the employee requests them within 60 days of being notified of the status of the employment application. The employer will also provide random, reasonable suspicion and post-accident results (including the name of the substance) to the employee if the results are verified positive.

RELEASE OF ALCOHOL AND DRUG TEST INFORMATION BY PREVIOUS EMPLOYERS

An employer may obtain from any previous employer of an employee, provided they have given their written consent, any information concerning their participation in an alcohol and controlled substance testing program.

An employer must obtain, and review information received from any previous employer concerning a positive controlled substance test result and an employee's alcohol tests with a concentration result of 0.04 or greater, and refusals to be tested, within the preceding two years, which are maintained by the employee's previous employers. The information must be obtained and reviewed no later than 30 days after the first time an employee performs safety-sensitive functions for an employer. If it is not feasible to obtain the information prior to the employee performing safety-sensitive functions, an employer may not permit an employee to perform safety-sensitive functions after 30 days without obtaining the information, unless a good-faith effort has been made to obtain the information.

The release of this information may take the form of personal interviews, telephone interviews, letters, or any other method of obtaining information that ensures confidentiality. Each employer must maintain a written, confidential record with respect to each past employer contacted.

An employer may not use an employee to perform safety-sensitive functions if the employer obtains information on their alcohol test with a concentration of 0.04 or greater, a positive controlled substance test, or refusal to be tested, without obtaining evidence that the driver has been evaluated by a substance abuse professional, completed any required counseling, passed a return-to-duty test, and has been subject to follow-up testing as required by this rule.

CONSEQUENCES

Alcohol

An employee will be removed from safety-sensitive functions if the prohibitions stated earlier in this document are violated. These are:

- Reporting or staying on duty with an alcohol concentration of 0.04 or greater, while using alcohol or presence of alcohol.
- Possession of alcohol (which includes any product - medication, food, or other product) containing alcohol, regardless of the alcohol content.
- Use of alcohol at time of performing safety-sensitive duties.
- Use of alcohol within four hours of performing safety-sensitive duties.
- Use of alcohol after an accident before post-accident testing could be done or before eight hours, whichever comes first.
- **Refusal to submit to alcohol testing** includes failing to appear under any circumstance for any test within a reasonable amount of time, as determined by the employer, fails to remain at the testing site until the testing process is complete, or fails to cooperate with any part of the testing process. See DOT 49 CFR Part 40.191 and City of Mesa's Anti-Drug and Alcohol Misuse Prevention Plan.

An employee who has violated any of these prohibitions cannot return to a safety-sensitive function until an evaluation by a substance abuse professional has been done, and any recommended treatment has been completed, and submitted to a return-to-duty test and tested negative. An employee who refuses to submit to alcohol testing as required shall be terminated from City of Mesa employment per Personnel Rule, Section 550.C.5.

Anyone found to have an alcohol concentration of 0.02 or over per DOT regulations or presence of any per MP316, cannot return to safety-sensitive duties for 24 hours, or until another breath test is negative.

Controlled Substance Use

An employee will be removed from safety-sensitive functions if the prohibitions stated earlier in this document are violated. These are:

- Using any controlled substance except for a legitimate prescription by a physician indicating that it will not interfere with the ability to safely perform safety-sensitive functions.
- A verified positive test for a controlled substance.
- **Refusal to submit to controlled substance testing** includes failing to appear under any circumstance for any test within a reasonable amount of time, as determined by the employer, fails to remain at the testing site until the testing process is complete, or fails to cooperate with any part of the testing process. See DOT 49 CFR Part 40.191 and City of Mesa's Anti-Drug and Alcohol Misuse Prevention Plan.

The employee cannot return to safety-sensitive functions until they have been evaluated by a substance abuse professional, completed the recommended therapy, and submitted to a return-to-duty test and tested negative for controlled substances.

EMPLOYEE INFORMATION, TRAINING AND REFERRAL

Because the primary objective of this alcohol and controlled substances misuse program is deterrence rather than detection, it is especially important that, before any testing is begun, employers make their employees fully aware of the dangers of alcohol misuse and controlled substances use in their jobs, advise them where help can be obtained if they have a problem with alcohol or controlled substances use, and the potential consequences for people who violate this rule.

Each employee shall receive educational materials that explain alcohol misuse, controlled substances use, and the policies and procedures with respect to meeting these requirements. These materials shall be distributed prior to the start of alcohol and controlled substance testing under this program and to each person subsequently hired for or transferred to a covered position. The materials to be made available to covered employees shall include detailed discussion of at least the following:

- The identity of the person designated by the City of Mesa to answer covered employee questions about the materials.
- The categories of employees who are subject to the provisions of this program.
- The safety-sensitive functions required of the employee as well as a clear definition of what part of the workday is involved.
- The prohibitions on alcohol and drug use for employees.
- The requirement that a covered employee submit to alcohol and controlled substance tests administered in accordance with this program.
- An explanation of what happens if an employee refuses to be tested.
- The effects of substance abuse.
- The consequences of a positive test.
- Information on how and where an employee can get help for a substance abuse problem.

Each employee must sign a statement saying that they have received this information.

Training for Supervisors

The alcohol and controlled substance ruling also contains a training requirement for those who are responsible for determining whether employees should undergo testing for reasonable suspicion. These supervisors must attend a minimum of two hours of training in the following areas:

- At least one hour on alcohol misuse.
- At least one hour on controlled substances use.

This training must include the physical, behavioral, speech, and performance indicators of probable alcohol misuse or controlled substance use. The training may consist of formal classroom training, videos, written materials, online training, or other appropriate methods.

Referral, Evaluation, and Treatment

The rules require that employees be provided with information on the employer's EAP program. It does not, however, require that the employer pay for rehabilitation or hold a job open for an employee or continue employment. Specifically, the alcohol and controlled substance ruling requires:

- Employees who violate alcohol or controlled substance prohibitions shall be advised of the resources available to evaluate and resolve the problem.
- Following a violation, employees who are provided the opportunity to return to a DOT safety-sensitive position and perform safety-sensitive duties (with either their current employer or any future employer), must complete the Return to Duty process:
 - (1) Receive an evaluation by a substance abuse professional (SAP); and,
 - (2) Successfully complete the SAP recommended treatment and/or education program; and,
 - (3) Produce a return-to-duty alcohol test of less than 0.02 per DOT and 0.0 per MP 316; and,
 - (4) Produce a verified negative return-to-duty controlled substance test.
- Employees will be subject to a minimum of six directly observed, unannounced follow-up tests within the first 12 months of their follow-up program.

Follow-up testing can be done for up to five years after return to safety sensitive duties. The substance abuse professional, however, can terminate follow-up tests any time after the first six tests have been administered.

Certified Medical Examiner/CDL Medical Exam and Process

Effective Monday, January 1, 2018, the City has designated the City of Mesa (COM) Wellness Center as the medical facility for ALL CDL medical exams. There will be no out-of-pocket cost for your CDL Medical exam.

Certified Medical examiners can certify a CDL holder for any amount of time up to 2 years; however, the length of certification is based on the driver's health. In order for the certified medical examiner to determine an appropriate certification period, he/she may request additional and/or follow-up testing to ensure the driver meets FMCSA regulation. The certified medical examiner may also revoke or temporarily disqualify an existing certification if there is reason to believe that a driver's health would place the driver or the public in danger.

Once a CDL holder begins with the City designated medical facility he/she shall finish with that medical facility.

For example, Employee A has CDL medical exam with the COM Wellness Center and due to a medical condition, more information and/or procedures are required. The COM Wellness Center will provide a 1, 3 or 6-month extension CDL medical certification. Prior to that card expiring, Employee A the CDL holder shall return to the COM Wellness Center with the additional medical information to receive the new CDL medical certification. Employee A shall not pursue other medical facilities, Employee A shall finish with the original medical facility.

As part of the physical, all CDL holders are required to fill out the medical history portion of the DOT long form. As stated on the form when the CDL holder signs the form it is certifying that the information is accurate and complete. Submission of fraudulent or intentionally false information is a violation of federal regulations and may be subject to civil and criminal penalties.

Failure of an employee to follow the requirements of this process and federal regulations may result in disciplinary action in accordance with the City of Mesa Personnel Rules.

DOT's Direct Observation Procedures

Office of Drug and Alcohol Policy and Compliance
U.S. Department of Transportation



1. DOT's 49 CFR Part 40 directly observed collections are authorized and required only when:
 - The employee attempts to tamper with his or her specimen at the collection site.
 - The specimen temperature is outside the acceptable range;
 - The specimen shows signs of tampering ~ unusual color / odor / characteristic; or
 - The collector finds an item in the employee's pockets or wallet which appears to be brought into the site to contaminate a specimen; or the collector notes conduct suggesting tampering.
 - The Medical Review Officer (MRO) orders the direct observation because:
 - The employee has no legitimate medical reason for certain atypical laboratory results; or
 - The employee's positive or refusal [adulterated / substituted] test result had to be cancelled because the split specimen test could not be performed (for example, the split was not collected).
 - The test is a Follow-Up test or a Return-to-Duty test.
2. The observer must be the same gender as the employee.
3. If the collector is not the observer, the collector must instruct the observer about the procedures for checking the employee for prosthetic or other devices designed to carry "clean" urine and urine substitutes AND for watching the employee urinate into the collection container.
 - The observer requests the employee to raise his or her shirt, blouse or dress / skirt, as appropriate, above the waist, just above the navel; and lower clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have such a device.
 - *If The Employee Has A Device*: The observer immediately notifies the collector; the collector stops the collection; and the collector thoroughly documents the circumstances surrounding the event in the remarks section of CCF. The collector notifies the DER. This is a refusal to test.
 - *If The Employee Does Not Have A Device*: The employee is permitted to return clothing to its proper position for the observed collection. The observer must watch the urine go from the employee's body into the collection container. The observer must watch as the employee takes the specimen to the collector. The collector then completes the collection process.
4. Failure of the employee to permit any part of the direct observation procedure is a refusal to test.

DOT OFFICE OF DRUG AND ALCOHOL POLICY AND COMPLIANCE NOTICE



The Agricultural Improvement Act of 2018, Pub. L. 115-334, (Farm Bill) removed hemp from the definition of marijuana under the Controlled Substances Act. Under the Farm Bill, hemp-derived products containing a concentration of up to 0.3% tetrahydrocannabinol (THC) are not controlled substances. THC is the primary psychoactive component of marijuana. Any product, including “Cannabidiol” (CBD) products, with a concentration of more than 0.3% THC remains classified as marijuana, a Schedule I drug under the Controlled Substances Act.

We have had inquiries about whether the Department of Transportation-regulated safety-sensitive employees can use CBD products. Safety-sensitive employees who are subject to drug testing specified under 49 CFR part 40 (Part 40) include: pilots, school bus drivers, truck drivers, train engineers, transit vehicle operators, aircraft maintenance personnel, fire-armed transit security personnel, ship captains, and pipeline emergency response personnel, among others.

It is important for all employers and safety-sensitive employees to know:

1. The Department of Transportation requires testing for marijuana and not CBD.
2. The labeling of many CBD products may be misleading because the products could contain higher levels of THC than what the product label states. The Food and Drug Administration (FDA) does not currently certify the levels of THC in CBD products, so there is no Federal oversight to ensure that the labels are accurate. The FDA has cautioned the public that: “Consumers should beware purchasing and using any [CBD] products.” The FDA has stated: “It is currently illegal to market CBD by adding it to a food or labeling it as a dietary supplement.”* Also, the FDA has issued several warning letters to companies because their products contained more CBD than indicated on the product label. **i
3. The Department of Transportation’s Drug and Alcohol Testing Regulation, Part 40, does not authorize the use of Schedule I drugs, including marijuana, for any reason. Furthermore, CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Therefore, Medical Review Officers will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used a CBD product.

It remains unacceptable for any safety-sensitive employee subject to the Department of Transportation’s drug testing regulations to use marijuana. Since the use of CBD products could lead to a positive drug test result, Department of Transportation-regulated safety-sensitive employees should exercise caution when considering whether to use CBD products.

The contents of this document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. This policy and compliance

notice is not legally binding in its own right and will not be relied upon by the Department as a separate basis for affirmative enforcement action or other administrative penalty. Conformity with this policy and compliance notice is voluntary only and nonconformity will not affect rights and obligations under existing statutes and regulations. Safety-sensitive employees must continue to comply with the underlying regulatory requirements for drug testing, specified at 49 CFR part 40.

February 18, 2020

ⁱ* What You Need to Know (And What We're Working to Find Out) About Products Containing Cannabis or Cannabis-derived Compounds, Including CBD: *The FDA is working to answer questions about the science, safety, and quality of products containing cannabis and cannabis-derived compounds, particularly CBD.*" <https://www.fda.gov/consumers/consumer-updates/what-you-need-know-and-what-were-working-find-out-about-products-containing-cannabis-or-cannabis>


** <https://www.fda.gov/news-events/public-health-focus/warning-letters-and-test-results-cannabidiol-related-products>

DEFINITION OF “ON DUTY TIME”

Federal Motor Carrier Safety Administration 49 CFR 395.2 reads as follows:

On-duty time means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. *On-duty time* shall include:

- (1) All time at a plant, terminal, facility, or other property of a motor carrier or shipper, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;
- (2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All driving time as defined in the term *driving time*;
- (4) All time in or on a commercial motor vehicle, other than:
 - (i) Time spent resting in or on a parked vehicle, except as otherwise provided in §397.5 of this subchapter;
 - (ii) Time spent resting in a *sleeper berth*; or
 - (iii) Up to 2 hours riding in the passenger seat of a property-carrying vehicle moving on the highway immediately before or after a period of at least 8 consecutive hours in the sleeper berth;
- (5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle;
- (7) All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with the random, reasonable suspicion, post-crash, or follow-up testing required by part 382 of this subchapter when directed by a motor carrier;
- (8) Performing any other work in the capacity, employ, or service of, a motor carrier; and
- (9) Performing any compensated work for a person who is not a motor carrier.

	MANAGEMENT POLICY	POLICY NUMBER: 316
	SUBJECT: ALCOHOL AND DRUG FREE WORKPLACE	EFFECTIVE DATE: 9/29/89 Revised: 7/26/18

I. PURPOSE

This policy affirms the City of Mesa’s commitment to ensure a safe alcohol and drug free work environment for its employees and other individuals performing services on City premises. It also serves to increase employee awareness of regulations regarding [alcohol](#), [drug](#) and/or [controlled substance](#) abuse in the workplace.

II. POLICY STATEMENT

The City of Mesa (City) is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. We recognize that alcohol, drug and/or controlled substance misuse poses a significant threat to our goals.

This policy applies to all City employees, all individuals performing services or conducting business for the City (e.g., contractors, temporary agency workers, volunteers, etc.) and any individual who has been given a conditional offer of employment with the City.

City Police Department personnel in safety sensitive classifications are subject to Police Department Administrative Orders regarding controlled substances, which may result in additional or more severe disciplinary action, including termination or reassignment. (See Administrative Orders 550, Controlled Substance Screening – Department Members And Administrative Orders 555 – Medical Marijuana).

Employees found to be in violation of this policy will be subject to corrective and/or disciplinary action up to and including termination. Other individuals found to be in violation of this policy may be immediately removed from the City workplace and may be terminated from service. This policy also allows City departments that may have classifications of a security or safety sensitive nature to create more restrictive guidelines (where required or needed).

Employees are only eligible for one Last Chance Agreement during their City employment.

For the purpose of this policy, any reference to drugs and/or controlled substances includes marijuana used for medical purposes. Employees who possess a valid state issued registry identification card authorizing the use of marijuana for medical purposes are prohibited from using, possessing, or being impaired by marijuana in the workplace or during the hours of employment. (See MP316 Procedures Appendix D Medical Marijuana Reasonable Suspicion Flow Chart and A.R.S [§36-2813](#) and [§36-2814](#)).

The City prohibits unlawful discrimination against employees or applicants based on their status as a medical marijuana cardholder.

III. PROHIBITED BEHAVIOR

- A. This policy prohibits the unlawful use, possession, distribution, dispensing or manufacture of alcohol, drugs, and/or controlled substances in the workplace or in a job-related activity consistent with the federal Drug-Free Workplace Act of 1988. Accordingly, the following are strictly prohibited in the workplace, during work hours or while performing a job-related activity: (1) consumption and/or use of any alcohol, drugs or illegal controlled substance; (2) the presence of any alcohol or illegal controlled substance or its metabolite/components in an employee's body; and (3) any impairment by alcohol, drugs or any controlled substance, including prescription medications, over-the-counter medications, and drugs/controlled substances authorized for use by the state.

The DOT's drug and alcohol testing regulations do not authorize the use of medical marijuana for covered employees, regardless of a physician's recommended use or authorization under state law. (See [49 CFR Part 40, t 40.151\[E\]](#)). Accordingly, in addition to the prohibitions stated in section III.A, DOT-covered employees are strictly prohibited from using medical marijuana.

- B. This policy applies during all working hours, including the time an employee/individual is on-call, on stand-by or is called out. Employees who are designated as on-call or stand-by are expected to be ready to work at any time during their assignment. Accordingly, employees who are on-call or on stand-by must refrain from consuming alcohol, drugs and/or controlled substances, which includes state-authorized, physician-prescribed or over-the-counter medications, that may interfere with their ability to respond safely as required.
- C. Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription provided

the employee can effectively and safely perform his/her duties and there is no evidence of impairment. If the use of the medication could compromise the safety of the employee/individual, coworkers or the public, it is the employee's/individual's responsibility to notify his/her immediate supervisor. The supervisor, in consultation with Human Resources, shall determine appropriate action to avoid unsafe workplace conditions, which may include a temporary change in duties, use of approved leave or other resolution.

IV. ALCOHOL, DRUG AND/OR CONTROLLED SUBSTANCE TESTING

As a condition of employment or performance of service to the City, employees/individuals may be subject to alcohol, drug and/or controlled substance testing. These tests may include:

- [Pre-employment/pre-placement](#)
 - Tests for the [paramedic training program](#);
 - [Reasonable suspicion](#);
 - [Random](#);
 - [Post-accident](#);
 - [Return-to-duty](#); and/or
 - [Follow-up testing](#).
- A. In accordance with federal case law, pre-employment testing shall only be conducted on employees/individuals being placed into safety and/or security sensitive classifications.
- B. Non-DOT covered employees: a supervisor of a non- DOT covered employee who, through their own observation or from other sources or criteria as defined in [A.R.S. § 23-493](#), has a good faith belief that an employee:
- Has consumed, used, possessed, or distributed alcohol, illegal or state authorized drugs and/or controlled substances; and/or,
 - Is impaired by illegal, prescription, over-the-counter or drugs/controlled substances authorized for use by the state while on duty or during a break from duty (including meal breaks); and/or,
 - Reported for duty under the influence of such substances,

may, with Human Resources' approval, require the employee submit to a [Reasonable Suspicion](#) test.

- C. DOT covered employees: a supervisor of a DOT-covered employee may, with Human Resources' approval and based on evidence obtained through the direct observation process outlined in the DOT's Pipeline And Hazardous Materials Safety Administration (PHMSA) [Regulation 49 CFR Part 199.105\(D\)](#) and 199.225(b) or DOT's Federal Motor Carrier Safety Administration (FMCSA) [49 CFR PART 382.603](#) (See Appendix D Medical Marijuana Reasonable Suspicion Flowchart), require an employee submit to a [Reasonable Suspicion](#) test if it is believed the employee:
- Has used, consumed, possessed or distributed alcohol, federally prohibited drugs and/or controlled substances; and/or,
 - Is impaired by illegal, prescription, over-the-counter or drugs/controlled substances while on duty or during a break from duty (including meal breaks); and/or,
 - That an employee has reported for duty under the influence of such substances.
- C. All tests will be conducted under the direction of the Human Resources Department. Refer to the [Alcohol And Drug Free Workplace Procedures](#).
- D. All information received by the City regarding this testing is considered confidential, and access to this information is limited to those who have a legitimate need to know in compliance with federal and state laws and City management policies and procedures.
- E. Any employee/individual who [refuses to submit](#) to a test as required under this policy or City procedure shall be separated from employment/service for the City or, in the instance of [pre-employment testing](#), the job offer shall be rescinded.

V. **EDUCATION, TRAINING AND PROCEDURES**

A safe and productive alcohol and drug free work environment is achieved through cooperation and shared responsibility between employees/individuals and management. In support of this policy and the federal [Drug-Free Workplace Act of 1988](#) the City shall:

- Distribute to all new employees a copy of this policy prohibiting alcohol, drugs and/or controlled substances in the workplace during new employee orientation;
- Publish this policy on the City's intranet web page for employees to review;
- Provide continued alcohol, drug and controlled substance abuse awareness training for all City employees;
- Provide information on the dangers of alcohol, drug and/or controlled substance misuse and the availability of the [Employee Assistance Program \(EAP\)](#);
- Report convictions of criminal drug violations by employees within the City of Mesa workplace(s) to the appropriate federal agency within ten (10) days;
- Require appropriate clauses in contracts relating to this policy specifying alcohol and drug free workplace efforts expected of contractors, especially those receiving federal funds, and the City's expectations for compliance with this policy;
- Make a good faith effort to maintain an alcohol and drug free workplace;
- Establish procedures for alcohol, drug and/or controlled substance testing under appropriate circumstances;
- Train supervisors to recognize the signs of impairment and the appropriate course of action to follow when an employee/individual may be impaired.

VI. EMPLOYEE SUPPORT AND REFERRALS

The City recognizes that early intervention and support improve the success of rehabilitation and encourages its employees who may have an alcohol, drug and/or controlled substance problem to voluntarily seek help, including utilizing the [Employee Assistance Program \(EAP\)](#) to assess the nature of the problem and to identify other sources of assistance.

- A. It is not deemed a violation of this policy for an employee to self-refer to a treatment program or to disclose to the Human Resources Department, or a supervisor in his/her chain of command, that he/she has a substance abuse problem. Disclosure must, however, be made before any of the procedures associated with alcohol, drug and/or controlled substance testing or corrective and/or disciplinary action have occurred in order to be provided protection under this paragraph. Sworn police officers are still subject to discipline, up to and including termination, for alcohol, drug and/or controlled substance use notwithstanding self-referral under this paragraph.

- B. Employees seeking rehabilitation treatment may be eligible for family and medical leave - refer to [Management Policy 345](#) – Family Medical Leave Act (FMLA) for further information.

VII. ENFORCEMENT OF POLICY VIOLATIONS

- A. Employees found to be in violation of this policy will be subject to corrective and/or disciplinary action up to and including termination.
- B. Employees are required to notify their respective Department Director, or designee, of violations of this policy and any alcohol or drug-related criminal charges and/or convictions upon reporting to work or within five (5) calendar days of the violation, whichever is sooner. Failure to do so will result in disciplinary action up to and including termination.
- C. Supervisors and managers are required to take appropriate corrective and/or disciplinary action when a violation of this policy has occurred.
- D. Notwithstanding any other personnel rule or management policy, all initial regular probationary employees, part-time employees, City Of Mesa temporary employees, and seasonal employees, who have a test result showing the presence of alcohol or any drug or controlled substance, or the metabolite or components of any drug or controlled substance who do not have or cannot produce a valid physician's prescription, valid state of Arizona registry identification card, and/or who exhibit evidence of impairment shall be dismissed after their first offense unless there are compelling circumstances to the contrary.
- E. All City employees, other than those identified in Section VII(D), who have a test result showing the presence of alcohol or any drug or controlled substance, or the metabolite or components of any drug or controlled substance who do not have or cannot produce a valid physician's prescription, valid state of Arizona registry identification card, and/or who exhibit evidence of impairment shall be separated from employment after their first offense unless it is determined by the City Manager or designee that the employee should be offered a [Last Chance Agreement](#).
- F. Other individuals found to be in violation of this policy may be immediately removed from the City workplace and may be terminated from service.

- G. Employees/individuals who refuse to test or who fail to participate in or successfully complete any recommendations of EAP required by the City shall be separated from City employment or City service.
- H. The City shall rescind any conditional offer of employment if an individual has a test result showing the presence of alcohol or any drug or controlled substance, or the metabolite or components of any drug or controlled substance and the individual does not have or cannot produce a valid physician's prescription, valid state of Arizona registry identification card, and/or exhibits evidence of impairment in the pre-employment testing process.

ISSUED BY:



CHRISTOPHER J. BRADY
City Manager



National Institute
on Drug Abuse

DrugFacts

www.drugabuse.gov

Drugged Driving

Use of illicit* drugs or misuse of prescription drugs can make driving a car unsafe—just like driving after drinking alcohol. Drugged driving puts the driver, passengers, and others who share the road at risk.

Why is drugged driving dangerous?

The effects of specific drugs differ depending on how they act in the brain. For example, marijuana can slow reaction time, impair judgment of time and distance, and decrease coordination. Drivers who have used cocaine or methamphetamine can be aggressive and reckless when driving. Certain kinds of sedatives, called benzodiazepines, can cause dizziness and drowsiness. All of these impairments can lead to vehicle crashes.



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<http://istockphoto.com/1qK10KM>

Research studies have shown negative effects of marijuana on drivers, including an increase in lane weaving, poor reaction time, and altered attention to the road. Use of alcohol with marijuana made drivers more impaired, causing even more lane weaving.¹⁻³

It is difficult to determine how specific drugs affect driving because people tend to mix various substances, including alcohol. But we do know that even small amounts of some drugs can have a measurable effect. As a result, some states have zero-tolerance laws for drugged driving. This means a person can face charges for driving under the influence (DUI) if there is *any* amount of drug in the blood or urine. It's important to note that many states are waiting for research to better define blood levels that indicate impairment, such as those they use with alcohol.

Read more about other commonly abused drugs and their health effects, which could impair driving, at www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts.

*"Illicit" refers to use of illegal drugs, including marijuana according to federal law, and misuse of prescription drugs.

How many people take drugs and drive?

According to the 2014 National Survey on Drug Use and Health (NSDUH), 10 million people aged 12 or older reported driving under the influence of illicit drugs during the year prior to being surveyed.⁴

NSDUH findings also show that men are more likely than women to drive under the influence of drugs or alcohol. And a higher percentage of young adults aged 18 to 25 drive after taking drugs or drinking than do adults 26 or older.⁴

Which drugs are linked to drugged driving?

After alcohol, marijuana is the drug most often found in the blood of drivers involved in crashes. Tests for detecting marijuana in drivers measure the level of *delta-9-tetrahydrocannabinol* (THC), marijuana's mind-altering ingredient, in the blood. But the role that marijuana plays in crashes is often unclear. THC can be detected in body fluids for days or even weeks after use, and it is often combined with alcohol. The risk associated with marijuana in combination with alcohol, cocaine, or benzodiazepines appears to be greater than that for either drug by itself.^{3,5}



Photo by Rian Castillo/
CC BY/<http://bit.ly/25UYh0R>

Several studies have shown that drivers with THC in their blood were roughly twice as likely to be responsible for a deadly crash or be killed than drivers who hadn't used drugs or alcohol.⁵⁻⁷ However, a large NHTSA study found no significant increased crash risk traceable to marijuana after controlling for drivers' age, gender, race, and presence of alcohol.⁸ More research is needed.

Along with marijuana, prescription drugs are also commonly linked to drugged driving crashes. A 2010 nationwide study of deadly crashes found that about 47 percent of drivers who tested positive for drugs had used a prescription drug, compared to 37 percent of those had used marijuana and about 10 percent of those who had used cocaine. The most common prescription drugs found were pain relievers.⁵ However, the study didn't distinguish between medically-supervised and illicit use of the prescription drugs.

How often does drugged driving cause crashes?

It's hard to measure how many crashes are caused by drugged driving. This is because:

- a good roadside test for drug levels in the body doesn't yet exist
- police don't usually test for drugs if drivers have reached an illegal blood alcohol level because there's already enough evidence for a DUI charge
- many drivers who cause crashes are found to have both drugs and alcohol or more than one drug in their system, making it hard to know which substance had the greater effect

One NHTSA study found that in 2009, 18 percent of drivers killed in a crash tested positive for at least one drug.⁹ A 2010 study showed that 11 percent of deadly crashes involved a drugged driver.⁵

Drugged Driving in Older Adults

- In 2010, more than one-quarter of drugged drivers in deadly crashes were aged 50 years or older.¹⁰
- Illicit drug use in adults aged 50 to 59 has increased, more than doubling from 3 percent in 2002 to 7 percent in 2010.⁴
- Mental decline in older adults can lead to taking a prescription drug more or less often than they should or in the wrong amount. Older adults also may not break down the drug in their system as quickly as younger people. These factors can lead to unintended intoxication while behind the wheel of a car.

Why is drugged driving a problem in teens and young adults?

Teen drivers are less experienced and are more likely than older drivers to underestimate or not recognize dangerous situations. They are also more likely to speed and allow less distance between vehicles. When lack of driving experience is combined with drug use, the results can be tragic. Car crashes are the leading cause of death among young people aged 16 to 19 years.¹¹

A 2011 survey of middle and high school students showed that, in the 2 weeks before the survey, 12 percent of high school seniors had driven after using marijuana, compared to around 9 percent who had driven after drinking alcohol.¹²

A study of college students with access to a car found that 1 in 6 had driven under the influence of a drug other than alcohol at least once in the past year. Marijuana was the most common drug used, followed by cocaine and prescription pain relievers.¹³

What steps can people take to prevent drugged driving?

Because drugged driving puts people at a higher risk for crashes, public health experts urge people who use drugs and alcohol to develop social strategies to prevent them from getting behind the wheel of a car while impaired. Steps people can take include:

- offering to be a designated driver
- appointing a designated driver to take all car keys
- getting a ride to and from parties where there are drugs and alcohol
- discussing the risks of drugged driving with friends in advance

[†] Drugs include illicit substances and prescription and over-the-counter medicines. The study excluded nicotine, aspirin, alcohol, and drugs given after the crash.

Points to Remember

- Use of illicit drugs or misuse of prescription drugs can make driving a car unsafe—just like driving after drinking alcohol.
- In 2014, 10 million people aged 12 or older reported driving under the influence of illicit drugs in the past year.
- It's hard to measure how many crashes drugged driving causes.
- After alcohol, marijuana is the drug most often linked to drugged driving.
- In 2010, more than one-quarter of drugged drivers in fatal crashes were aged 50 years or older.
- When lack of driving experience is combined with drug use, the results can be tragic.
- People who use drugs and alcohol should develop social strategies to prevent them from getting behind the wheel of a car while impaired.

Learn More

For more information about drugged driving, visit:

www.drugabuse.gov/related-topics/drugged-driving

www.whitehouse.gov/ondcp/drugged-driving

For more information about marijuana and prescription drug misuse, visit:

www.drugabuse.gov/drugs-abuse/marijuana

www.drugabuse.gov/drugs-abuse/prescription-drugs-cold-medicines

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Source: National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services.

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Understanding Drug Use and Addiction

Many people don't understand why or how other people become addicted to drugs. They may mistakenly think that those who use drugs lack moral principles or willpower and that they could stop their drug use simply by choosing to. In reality, drug addiction is a complex disease, and quitting usually takes more than good intentions or a strong will. Drugs change the brain in ways that make quitting hard, even for those who want to. Fortunately, researchers know more than ever about how drugs affect the brain and have found treatments that can help people recover from drug addiction and lead productive lives.

What is drug addiction?

Addiction is a chronic disease characterized by drug seeking and use that is compulsive, or difficult to control, despite harmful consequences. The initial decision to take drugs is voluntary for most people, but repeated drug use can lead to brain changes that challenge an addicted person's self-control and interfere with their ability to resist intense urges to take drugs. These brain changes can be persistent, which is why drug addiction is considered a "relapsing" disease—people in recovery from drug use disorders are at increased risk for returning to drug use even after years of not taking the drug.

It's common for a person to relapse, but relapse doesn't mean that treatment doesn't work. As with other chronic health conditions, treatment should be ongoing and should be adjusted based on how the patient responds. Treatment plans need to be reviewed often and modified to fit the patient's changing needs.

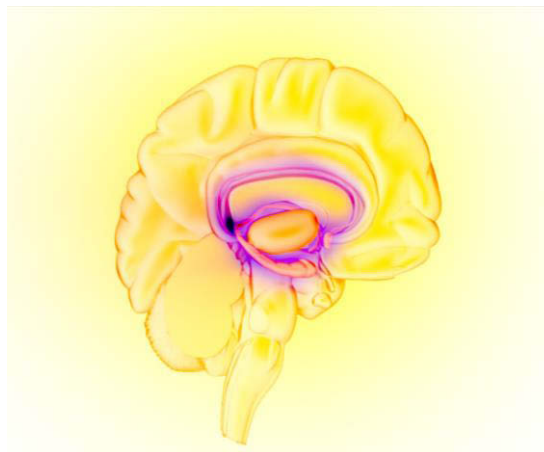
What happens to the brain when a person takes drugs?

Most drugs affect the brain's "reward circuit" by flooding it with the chemical messenger dopamine. This reward system controls the body's ability to feel pleasure and motivates a person to repeat behaviors needed to thrive, such as eating and spending time with loved ones. This overstimulation of the reward circuit causes the intensely pleasurable "high" that can lead people to take a drug again and again.

As a person continues to use drugs, the brain adjusts to the excess dopamine by making less of it and/or reducing the ability of cells in the reward circuit to respond to it. This reduces the high that the person feels compared to the high they felt when first taking the drug—an effect known as tolerance. They might take more of the drug, trying to achieve the same dopamine high. It can also cause them to get less pleasure from other things they once enjoyed, like food or social activities.

Long-term use also causes changes in other brain chemical systems and circuits as well, affecting functions that include:

- learning
- judgment
- decision-making
- stress
- memory
- behavior



The brain's reward circuit
Image by NIDA/<http://bit.ly/2aXB6gn>

Despite being aware of these harmful outcomes, many people who use drugs continue to take them, which is the nature of addiction.

Why do some people become addicted to drugs while others don't?

No one factor can predict if a person will become addicted to drugs. A combination of factors influences risk for addiction. The more risk factors a person has, the greater the chance that taking drugs can lead to addiction. For example:

- **Biology.** The genes that people are born with account for about half of a person's risk for addiction. Gender, ethnicity, and the presence of other mental disorders may also influence risk for drug use and addiction.
- **Environment.** A person's environment includes many different influences, from family and friends to economic status and general quality of life. Factors such as peer pressure, physical and sexual abuse, early exposure to drugs, stress, and parental guidance can greatly affect a person's likelihood of drug use and addiction.

- **Development.** Genetic and environmental factors interact with critical developmental stages in a person's life to affect addiction risk. Although taking drugs at any age can lead to addiction, the earlier that drug use begins, the more likely it will progress to addiction. This is particularly problematic for teens. Because areas in their brains that control decision-making, judgment, and self-control are still developing, teens may be especially prone to risky behaviors, including trying drugs.



Photo by ©Aleshyn_Andrei/Shutterstock/
<http://shutr.bz/1RJeHS>

Can drug addiction be cured or prevented?

As with most other chronic diseases, such as diabetes, asthma, or heart disease, treatment for drug addiction generally isn't a cure. However, addiction is treatable and can be successfully managed. People who are recovering from an addiction will be at risk for relapse for years and possibly for their whole lives. Research shows that combining addiction treatment medicines with behavioral therapy ensures the best chance of success for most patients. Treatment approaches tailored to each patient's drug use patterns and any co-occurring medical, mental, and social problems can lead to continued recovery.



Photo by ©iStock.com/Winfried Eckl/
<http://istockphoto.to/2aD1fiN>

More good news is that drug use and addiction are preventable. Results from NIDA-funded research have shown that prevention programs involving families, schools, communities, and the media are effective for preventing or reducing drug use and addiction. Although personal events and cultural factors affect drug use trends, when young people view drug use as harmful, they tend to decrease their drug taking. Therefore, education and outreach are key in helping people understand the possible risks of drug use. Teachers, parents, and health care providers have crucial roles in educating young people and preventing drug use and addiction.

Points to Remember

- Drug addiction is a chronic disease characterized by drug seeking and use that is compulsive, or difficult to control, despite harmful consequences.
- Brain changes that occur over time with drug use challenge an addicted person's self-control and interfere with their ability to resist intense urges to take drugs. This is why drug addiction is also a relapsing disease.
- Relapse is the return to drug use after an attempt to stop. Relapse indicates the need for more or different treatment.
- Most drugs affect the brain's reward circuit by flooding it with the chemical messenger dopamine. This overstimulation of the reward circuit causes the intensely pleasurable "high" that leads people to take a drug again and again.
- Over time, the brain adjusts to the excess dopamine, which reduces the high that the person feels compared to the high they felt when first taking the drug—an effect known as tolerance. They might take more of the drug, trying to achieve the same dopamine high.
- No single factor can predict whether a person will become addicted to drugs. A combination of genetic, environmental, and developmental factors influences risk for addiction. The more risk factors a person has, the greater the chance that taking drugs can lead to addiction.
- Drug addiction is treatable and can be successfully managed.
- More good news is that drug use and addiction are preventable. Teachers, parents, and health care providers have crucial roles in educating young people and preventing drug use and addiction.

Learn More

For information about understanding drug use and addiction, visit:

www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/drug-abuse-addiction

<https://teens.drugabuse.gov/drug-facts/brain-and-addiction>

<https://easyread.drugabuse.gov>

For more information about the costs of drug abuse to the United States, visit:

www.drugabuse.gov/related-topics/trends-statistics#costs

For more information about prevention, visit:

www.drugabuse.gov/related-topics/prevention

For more information about treatment, visit:

www.drugabuse.gov/related-topics/treatment

To find a publicly funded treatment center in your state, call 1-800-662-HELP or visit:

<https://findtreatment.samhsa.gov/>

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Source: National Institute on Drug Abuse; National Institutes of Health; U.S. Department of Health and Human Services.

Updated August 2016

What is substance use disorder?

The main words used medically to describe substance abuse or addiction include the following:

Substance (drug) abuse (alcohol or other drugs)

Substance abuse is the medical term used to describe a pattern of using a substance (drug) that causes significant problems or distress. This may be missing work or school, using the substance in dangerous situations, such as driving a car. It may lead to substance-related legal problems, or continued substance use that interferes with friendships, family relationships, or both. Substance abuse, as a recognized medical brain disorder, refers to the abuse of illegal substances, such as marijuana, heroin, cocaine, or methamphetamine. Or it may be the abuse of legal substances, such as alcohol, nicotine, or prescription medicines. Alcohol is the most common legal drug of abuse.

Substance (drug) dependence

Substance dependence is the medical term used to describe abuse of drugs or alcohol that continues even when significant problems related to their use have developed. Signs of dependence include:

- Tolerance to or need for increased amounts of the drug to get an effect
- Withdrawal symptoms that happen if you decrease or stop using the drug that you find difficult to cut down or quit
- Spending a lot of time to get, use, and recover from the effects of using drugs
- Withdrawal from social and recreational activities
- Continued use of the drug even though you are aware of the physical, psychological, and family or social problems that are caused by your ongoing drug abuse

What substances are most often abused?

Substances frequently abused include:

- Alcohol
- Marijuana
- Prescription medicines, such as pain pills, stimulants, or anxiety pills
- Methamphetamine
- Cocaine
- Opiates
- Hallucinogens
- Inhalants

What causes drug abuse or dependence?

Cultural and societal factors determine what are acceptable or allowable forms of drug or alcohol use. Public laws determine what kind of drug use is legal or illegal. The question of what type of substance use can be considered normal or acceptable remains controversial. Substance abuse and dependence are caused by multiple factors, including genetic vulnerability, environmental stressors, social pressures, individual personality characteristics, and psychiatric problems. But which of these factors has the biggest influence in any one person cannot be determined in all cases.

What are the symptoms of drug abuse or dependence?

The following are the most common behaviors that mean a person is having a problem with drug or alcohol abuse. But each person may have slightly different symptoms. Symptoms may include:

- Using or drinking larger amounts or over longer periods of time than planned.
- Continually wanting or unsuccessfully trying to cut down or control use of drugs or alcohol.
- Spending a lot of time getting, using, or recovering from use of drugs or alcohol.
- Craving, or a strong desire to use drugs or alcohol.
- Ongoing drug or alcohol use that interferes with work, school, or home duties.
- Using drugs or alcohol even with continued relationship problems caused by use.
- Giving up or reducing activities because of drug or alcohol use
- Taking risks, such as sexual risks or driving under the influence.
- Continually using drugs or alcohol even though it is causing or adding to physical or psychological problems.
- Developing tolerance or the need to use more drugs or alcohol to get the same effect. Or using the same amount of drugs or alcohol, but without the same effect.
- Having withdrawal symptoms if not using drugs or alcohol. Or using alcohol or another drug to avoid such symptoms.

The symptoms of drug or alcohol abuse may resemble other medical problems or psychiatric conditions. Always consult your doctor for a diagnosis.

How is drug abuse or dependence diagnosed?

A family doctor, psychiatrist, or qualified mental health professional usually diagnoses substance abuse. Clinical findings often depend on the substance abused, the frequency of use, and the length of time since last used, and may include:

- Weight loss
- Constant fatigue
- Red eyes
- Little concern for hygiene
- Lab abnormalities
- Unexpected abnormalities in heart rate or blood pressure
- Depression, anxiety, or sleep problems

Treatment for drug abuse or dependence

Specific treatment for drug abuse or dependence will be determined by your doctor based on:

- Your age, overall health, and health history
- Extent of the symptoms
- Extent of the dependence
- Type of substance abused
- Your tolerance for specific medicines, procedures, or therapies
- Expectations for the course of the condition
- Your opinion or preference

A variety of treatment (or recovery) programs for substance abuse are available on an inpatient or outpatient basis. Programs considered are usually based on the type of substance abused. Detoxification (if needed, based on the substance abused) and long-term follow-up management or recovery-oriented systems of care are important features of successful treatment. Long-term follow-up management usually includes formalized group meetings and psychosocial support systems, as well as continued medical supervision. Individual and family psychotherapy are often recommended to address the issues that may have contributed to and resulted from the development of a substance abuse disorder.

What are some effects of specific abused substances?

- **Alcohol** consumption can damage the brain and most body organs. Areas of the brain that are especially vulnerable to alcohol-related damage are the cerebral cortex (largely responsible for our higher brain functions, including problem solving and decision making), the hippocampus (important for memory and learning), and the cerebellum (important for movement coordination).

Signs and symptoms of recent use can include:

- Inappropriate behavior
- Unstable moods
- Impaired judgment
- Slurred speech
- Impaired attention or memory
- Poor coordination
- Periods called “blackouts”

- **Marijuana** is the most commonly abused illegal substance. This drug impairs short-term memory and learning, the ability to focus attention, and coordination. It also increases heart rate, can harm the lungs, and can increase the risk of psychosis in those with an underlying vulnerability.

Signs and symptoms of recent use can include:

- A sense of euphoria or feeling "high"
- A heightened sense of visual, auditory and taste perception
- Increased blood pressure and heart rate
- Red eyes
- Dry mouth
- Decreased coordination
- Difficulty concentrating or remembering
- Increased appetite
- Slowed reaction time
- Paranoid thinking

Long-term (chronic) use is often associated with:

- Decreased mental sharpness
- Poor performance at school or at work
- Reduced number of friends and interests

- **Prescription medications**, including opioid pain relievers (such as OxyContin® and Vicodin®), anti-anxiety sedatives (such as Valium® and Xanax®), and ADHD stimulants (such as Adderall® and Ritalin®), are commonly misused to self-treat for medical problems or abused for purposes of getting high or (especially with stimulants) improving performance. However, misuse or abuse of these drugs (that is, taking them other than exactly as instructed by a doctor and for the purposes prescribed) can lead to addiction and even, in some cases, death. Opioid pain relievers, for instance, are frequently abused by being crushed and injected or snorted, greatly raising the risk of addiction and overdose. Unfortunately, there is a common misperception that because medications are prescribed by physicians, they are safe even when used illegally or by another person than they were prescribed for.

Heroin is a powerful opioid drug that produces euphoria and feelings of relaxation. It slows respiration, and its use is linked to an increased risk of serious infectious diseases, especially when taken intravenously. People who become addicted to opioid pain relievers sometimes switch to heroin instead, because it produces similar effects and may be cheaper or easier to obtain.

Signs and symptoms of narcotic use and dependence can include:

- Euphoria or feeling "high"
- Reduced sense of pain
- Drowsiness or sedation
- Slurred speech
- Problems with attention and memory
- Constricted pupils
- Lack of awareness or inattention to surrounding people and things
- Problems with coordination
- Depression
- Confusion
- Sweaty, clammy skin
- Constipation

http://www.hopkinsmedicine.org/healthlibrary/conditions/mental_health_disorders/substance_abusechemical_dependency_85,P00761/

<https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/addiction-health>

<http://www.mayoclinic.org/diseases-conditions/drug-addiction/basics/symptoms/con-20020970>

- Runny nose or nose sores (if snorting drugs)
- Needle marks (if injecting drugs)

Signs and symptoms of recent barbiturate or benzodiazepines (valium and Xanax) use can include:

- Drowsiness
 - Slurred speech
 - Lack of coordination
 - Euphoria or an exaggerated feeling of well-being
 - Problems concentrating or thinking
 - Memory problems
 - Involuntary eye movements (nystagmus)
 - Lack of inhibition
 - Slowed breathing and reduced blood pressure
 - Dizziness
 - Depression
- **Inhalants** are volatile substances found in many household products, such as oven cleaners, gasoline, spray paints, and other aerosols, that induce mind-altering effects; they are frequently the first drugs tried by children or young teens. Inhalants are extremely toxic and can damage the heart, kidneys, lungs, and brain. Even a healthy person can suffer heart failure and death within minutes of a single session of prolonged sniffing of an inhalant.

Signs and symptoms of use can include:

- Possessing an inhalant substance without a reasonable explanation
 - Brief euphoria or intoxication
 - Decreased inhibition
 - Dizziness
 - Nausea or vomiting
 - Involuntary eye movements
 - Appearing intoxicated with slurred speech, slow movements and poor coordination
 - Irregular heartbeats
 - Tremors
 - Lingering odor of inhalant material
 - Rash around the nose and mouth
- **Cocaine** is a short-acting stimulant, which can lead users to take the drug many times in a single session (known as a “binge”). Cocaine use can lead to severe medical consequences related to the heart and the respiratory, nervous, and digestive systems. **Amphetamines**, including methamphetamine, are powerful stimulants that can produce feelings of euphoria and alertness. Methamphetamine’s effects are particularly long-lasting and harmful to the brain. Amphetamines can cause high body temperature and can lead to serious heart problems and seizures.

Signs and symptoms of recent use can include:

- Feeling of exhilaration and excess confidence
- Increased alertness
- Increased energy and restlessness
- Behavior changes or aggression
- Rapid or rambling speech
- Dilated pupils
- Delusions and hallucinations
- Irritability or changes in mood
- Changes in heart rate and blood pressure
- Nausea or vomiting with weight loss
- Impaired judgment
- Nasal congestion and damage to the mucous membrane of the nose (if snorting drugs)
- Insomnia
- Paranoia
- Depression as the drug wears off

- **MDMA (Ecstasy or "Molly")** produces both stimulant and mind-altering effects. It can increase body temperature, heart rate, blood pressure, and heart-wall stress. MDMA may also be toxic to nerve cells.

Signs and symptoms can include:


- Hallucinations
 - Paranoia
 - Dilated pupils
 - Chills and sweating
 - Involuntary shaking (tremors)
 - Behavior changes
 - Muscle cramping and teeth clenching
 - Reduced inhibitions
 - Heightened or altered sense of sight, sound and taste
 - Decreased coordination
 - Poor judgment
 - Memory problems or loss of memory
 - Reduced consciousness
 - Increased or decreased heart rate and blood pressure
- **LSD and PCP** are the most common and can be the most potent hallucinogenic, or perception-altering, drugs. The effects are unpredictable, and abusers may see vivid colors and images, hear sounds, and feel sensations that seem real but do not exist. Users also may have traumatic experiences and emotions that can last for many hours.

Signs and symptoms of LSD can include:

- Hallucinations
- Greatly reduced perception of reality, for example, interpreting input from one of your senses as another, such as hearing colors
- Impulsive behavior
- Rapid shifts in emotions
- Permanent mental changes in perception
- Rapid heart rate and high blood pressure
- Tremors
- Flashbacks, a re-experience of the hallucinations — even years later

Signs and symptoms of PCP can include:

- A feeling of being separated from your body and surroundings
 - Hallucinations
 - Problems with coordination and movement
 - Aggressive, possibly violent behavior
 - Involuntary eye movements
 - Lack of pain sensation
 - Increase in blood pressure and heart rate
 - Problems with thinking and memory
 - Problems speaking
 - Impaired judgment
 - Intolerance to loud noise
 - Sometimes seizures or coma
- **Drug combinations.** A particularly dangerous and common practice is the combining of two or more drugs. The practice ranges from the co-administration of legal drugs, like alcohol and nicotine, to the dangerous mixing of prescription drugs, to the deadly combination of heroin or cocaine with fentanyl (an opioid pain medication). Whatever the context, it is critical to realize that because of drug–drug interactions, such practices often pose significantly higher risks than the already harmful individual drugs.

	MANAGEMENT POLICY	POLICY NUMBER: 347
	SUBJECT: DUI DISCIPLINE POLICY	EFFECTIVE DATE: 08/15/03 Revised: 07/26/18

I. PURPOSE

The purpose of this policy is to establish clear and consistent procedures to be followed when an employee is charged and/or convicted with a Driving Under the Influence (DUI) offense.

II. POLICY STATEMENT

To ensure a safe work environment for all employees and the general public and to provide consistency Citywide in the manner in which employees with DUI offenses are disciplined. This policy will also ensure that:

- a. Employees who have lost their driving privileges (e.g., suspension, revocation, cancellation) as a result of a DUI offense shall not drive a City vehicle and shall not drive their personal vehicle for work purposes.
- b. Employees who have restricted and/or limited driving privileges (e.g., Ignition Interlock Device [IID]) as a result of a DUI offense and/or conviction provide notification to the City.
- c. Employees who have an IID requirement shall not drive a City vehicle or their personal vehicle for work purposes.

The City of Mesa will take appropriate corrective or disciplinary action when an employee has been cited for and/or convicted of a DUI.

Potential hires with an IID requirement will not be considered for employment where driving is required.

Employees are only eligible for one Last Chance Agreement during their City employment.

Employees who have been terminated or resign in lieu of termination as a result of this policy shall not be eligible for reinstatement or rehire for a minimum of one year.

III. EMPLOYEE RESPONSIBILITIES

- A. An employee who receives a DUI citation, whether the citation occurred on the job or off the job, shall notify his/her immediate supervisor upon reporting to work.

- B. Employees shall provide a copy of the citation citing a DUI offense to their supervisor.
- C. Employees shall keep their supervisor informed and provide documentation pertaining to the status of their DUI proceedings as they occur including but not limited to:
 - 1. Executive hearing through the Motor Vehicle Department (MVD), which includes date, time, location, and outcome.
 - 2. Status of license upon notification from the MVD and/or the court (suspended, restricted, revoked, limited, etc.).
 - 3. Criminal proceeding through the court, which includes the date, time location, and outcome of every conference and/or hearing.
 - 4. Status of license after conclusion of criminal proceedings and until any imposed restriction is lifted.
- D. Employees shall attend the Employee Assistance Program (EAP) evaluation and shall complete the Substance Abuse Professional's (SAP's) recommendations.

Depending on the outcome of the evaluation, the SAP may, at a minimum, recommend one or more of the following:

 - 1. A 16-hour education and training class in which the employee will be responsible for costs associated with attendance and completion of the class.
 - 2. Extended counseling services through EAP or a behavioral health professional through the employee's medical plan. The employee will be responsible for normal out-of-pocket expenses as indicated under benefit coverage.
 - 3. Referral to an inpatient/outpatient treatment program with a behavioral health professional through the employee's medical plan. The employee will be responsible for normal out-of-pocket expenses as indicated under benefit coverage.

Failure to comply shall result in disciplinary action as determined by the Department Director in consultation with the Human Resources department.
- E. Employees shall not drive a City vehicle or their personal vehicle for work purposes until completing the SAP's recommended program and reinstatement of driving privileges from the Motor Vehicle Department (MVD).

IV. SUPERVISOR'S RESPONSIBILITIES

It is the responsibility of every supervisor to ensure his/her employees have a full understanding of this policy. It is also the responsibility of the supervisor to enforce this policy. Supervisors who fail to comply with the guidelines within this policy shall be subject to disciplinary action as determined by the Department

Director and Deputy City Manager (or City Manager designee) in consultation with Human Resources.

Below are the procedures supervisors shall follow in the event an employee has notified them of being cited for a DUI offense:

1. Upon being notified of a DUI offense, immediately notify the Human Resources department of the situation and provide the following:
 - a. Employee's name and position; **AND**
 - b. Class of license the employee holds (i.e., Class D or CDL A, B, C); **AND**
 - c. Copy of the citation; **AND**
 - d. Whether the citation was issued on or off duty; **AND**
 - e. Whether driving is a requirement of the job as indicated in the job description; **AND**
 - f. Whether the employee notified the supervisor as required under Section III. EMPLOYEE RESPONSIBILITIES of this policy.
2. Immediately remove employee from driving privileges at work (both City and personal vehicles for work purposes).
3. Notify Department Director and Deputy City Manager or City Manager designee (as appropriate).
4. Review EAP referral paperwork with employee and ensure employee has scheduled the initial evaluation/assessment session with SAP (see Human Resources' Responsibilities Section of this policy).
5. Once HR notifies the supervisor of EAP's recommendation, the supervisor must offer appropriate assistance to help the employee attend and complete the SAP's recommendations.
6. The supervisor shall notify Human Resources of:
 - a. Any changes pertaining to employee's license status; **AND**
 - b. Any civil or criminal court proceedings; **AND**
 - c. Final disposition of DUI offense; **AND**
 - d. Any violations of this policy (e.g., employee's failure to comply with directives of this policy); **AND**
 - e. Any discipline enacted by the department.

V. HUMAN RESOURCES' RESPONSIBILITIES

Provide consultation for disciplinary action and provide assistance in obtaining information from the Motor Vehicle Department and/or the court.

1. Upon initial notification of a DUI citation, Human Resources will:
 - a. Prepare EAP referral paperwork for supervisor to review with employee:
 - Substance Abuse Supervisory/Management Referral Consultation Form
 - Substance Abuse Supervisory/Management Referral – Release of Information
 - b. Arrange a meeting with the supervisor to review EAP paperwork and instructions for the employee.
2. After initial evaluation of the employee by EAP, Human Resources will:
 - a. Notify the supervisor of EAP recommendation; **AND**
 - b. Notify the supervisor once the employee has completed the recommendations of the SAP and has been released by the SAP from EAP services.

VI. POLICY GUIDELINES

An employee's status as probationary, At-Will or classified, the employee's driving requirements, whether the DUI was alcohol or drug related and whether the DUI was received on or off duty, will determine the procedures to be followed:

EMPLOYEES ON INITIAL REGULAR PROBATION

DUI On Duty (Regardless of Driving Requirement)

OR

DUI Off Duty if Driving IS a Job Requirement indicated in the Job Description

1. **At the Department Director's discretion, in consultation with the Human Resources department,** upon receiving a citation for any Arizona Revised Statute (A.R.S.) concerning DUI or any equivalent statute in another state or country:
 - Separation from City; **OR**
 - If employment is continued and pending adjudication:
 - The employee shall be referred to a Substance Abuse Professional (SAP) through the City's Employee Assistance Program (EAP) provider for evaluation; **AND**
 - The employee shall be removed from driving privileges at work until completion of EAP recommendation as directed by the SAP.
2. Separation from City:
 - Upon suspension of driver's license; **OR**
 - Upon conviction of DUI.

Reporting Requirements

1. Any employee, who receives a DUI citation whether the citation occurred on the job or off the job, shall notify his/her immediate supervisor upon reporting to work.
2. Employees, who do not work a regular workweek, have an extended break in scheduled hours (e.g., seasonal employees) or who are out on a leave (e.g., military, FMLA, unpaid) shall notify his/her immediate supervisor upon initial return to work.
3. Failure to report any DUI offense as required above shall result in separation from the City of Mesa.

EMPLOYEES ON INITIAL REGULAR PROBATION

DUI Off Duty

Driving is NOT a Job Requirement

Upon Notification and Pending Adjudication:

1. Mandatory extension of probation for six (6) months; **AND**
2. Referral to a Substance Abuse Professional (SAP) through the City's Employee Assistance Program (EAP) provider for evaluation; **AND**
3. Removal of driving privileges at work until completion of EAP recommendation as directed by the SAP.

Upon Suspension of Driver's License:

Removal from driving privileges at work (this applies to both City vehicles and personal vehicles used for City business) until restricted driver's license is issued (and subsequently driver's license is reinstated).

Upon Conviction:

1. Department Director will review status of employment in consultation with Human Resources department; **AND**
2. Employees who are required to serve 30 or more consecutive days in jail will be dismissed from the City of Mesa.

Reporting Requirements

1. Any employee who receives a DUI citation whether, the citation occurred on the job or off the job, shall notify his/her immediate supervisor upon reporting to work.
2. Employees, who do not work a regular workweek, have an extended break in scheduled hours (e.g., seasonal employees) or who are out on a leave (e.g., military, FMLA, unpaid) shall notify his/her immediate supervisor upon initial return to work.
3. Failure to report any DUI offense as required above shall result in separation from the City of Mesa.

**EMPLOYEES WHO ARE NOT ON INITIAL REGULAR PROBATION
AND ARE NOT REQUIRED TO MAINTAIN A CDL**

DUI On Duty OR Off Duty

Driving IS a Job Requirement as indicated in the Job Description

Upon Notification and Pending Adjudication:

1. Referral to a Substance Abuse Professional (SAP) through the City's Employee Assistance Program (EAP) provider for evaluation; **AND**
2. Removal of driving privileges at work until completion of EAP recommendation as directed by the SAP.

Upon Suspension of Driver's License:

If license is suspended for 30 days or less, at the discretion of the Department Director, in accordance with operational needs, one of the following will occur:

1. Time off work until restricted driver's license is issued or driver's license is reinstated (this applies to both personal and City vehicles for City business):
 - a. **Time off work without pay** is considered a suspension. A pre-deprivation hearing for classified employees will be required if the suspension is for more than 16 work hours. The suspension is designed to be concurrent with the suspension of the employee's license; however, should the suspension of the license occur before the City is notified, the work suspension will begin upon conclusion of the pre-deprivation process and will last for a period of 30 calendar days.
 - b. **Time off work with pay** allows the employee to take previously accrued vacation time and/or compensatory time when it is determined by the Department Director to be in the best interest of City operations.
2. Continue work but reassign to non-driving duties until restricted driver's license is issued or driver's license is reinstated (this applies to both City vehicles and personal vehicles used for City business).

Driving privileges may be reinstated for work purposes once a restricted driver's license is issued (and subsequently driver's license is reinstated).

If license is suspended for more than 30 days:

Separation from the City of Mesa.

CONTINUED ON NEXT PAGE

**EMPLOYEES WHO ARE NOT ON INITIAL REGULAR PROBATION
AND ARE NOT REQUIRED TO MAINTAIN A CDL**

DUI On Duty OR Off Duty

Driving IS a Job Requirement as indicated in the Job Description

CONTINUED FROM PREVIOUS PAGE

Upon conviction:

1. Separation from City of Mesa if:
 - a. DUI was received on duty; **OR**
 - b. Court ordered jail time is for 30 or more consecutive days; **OR**
 - c. DUI was drug related; **OR**
 - d. Employee is required to have an IID on their personal vehicle and it is determined by the City Manager or designee not to offer a Last Chance Agreement.

2. If employee is offered a Last Chance Agreement, at the discretion of the Department Director and in consultation with the Human Resources Director, the employee may be reassigned to non-driving duties for the duration of the IID. The employee shall be placed on disciplinary probation for 12 months with a minimum five (5) percent reduction in pay (pre-deprivation hearing is required for classified employees). If the employee is not reassigned to non-driving duties the employee shall be separated from the City of Mesa.

Reporting Requirements

1. Any employee, who receives a DUI citation whether the citation occurred on the job or off the job, shall notify his/her immediate supervisor upon reporting to work.
2. Employees, who do not work a regular workweek, have an extended break in scheduled hours (e.g., seasonal employees) or who are out on a leave (e.g., military, FMLA, unpaid) shall notify his/her immediate supervisor upon initial return to work.
3. Failure to report any DUI offense in accordance with this policy shall result in disciplinary probation for 12 months (probation shall not be reduced) and a minimum five (5) percent reduction in pay for a minimum of three (3) months (pre-deprivation hearing is required for classified employees). Further disciplinary actions may be taken, up to and including termination, as determined by the Department Director in consultation with the Human Resources department.

**EMPLOYEES WHO ARE NOT ON INITIAL REGULAR PROBATION
AND ARE NOT REQUIRED TO MAINTAIN A CDL**

**DUI On Duty OR Off Duty
Driving is NOT a Job Requirement**

Upon Notification and Pending Adjudication:

1. Referral to a Substance Abuse Professional (SAP) through the City's Employee Assistance Program (EAP) provider for evaluation; **AND**
2. Removal of driving privileges at work until completion of EAP recommendation as directed by the SAP.

Upon Suspension of Driver's License:

Removal from driving privileges at work (this applies to City vehicles and personal vehicles used for City business) until restricted driver's license is issued (and subsequently driver's license is reinstated).

Upon Conviction:

Separation from the City of Mesa if:

- a. DUI was received on duty; **OR**
- b. Court ordered jail time is for 30 or more consecutive days.

Reporting Requirements

1. Any employee, who receives a DUI citation whether the citation occurred on the job or off the job, shall notify his/her immediate supervisor upon reporting to work.
2. Employees, who do not work a regular workweek, have an extended break in scheduled hours (e.g., seasonal employees) or who are out on a leave (e.g., military, FMLA, unpaid) shall notify his/her immediate supervisor upon initial return to work.
3. Failure to report any DUI offense in accordance with this policy shall result in disciplinary probation for 12 months (probation shall not be reduced) and a minimum five (5) percent reduction in pay for a minimum of three (3) months (pre-deprivation hearing is required for classified employees). Further disciplinary action may be taken, up to and including termination, as determined by the Department Director in consultation with the Human Resources department.

**EMPLOYEES REQUIRED TO MAINTAIN A
COMMERCIAL DRIVER'S LICENSE (CDL)
AS INDICATED IN THE JOB DESCRIPTION**

DUI On OR Off Duty

Upon Notification and Pending Adjudication:

1. Referral to a Substance Abuse Professional (SAP) through the City's Employee Assistance Program (EAP) provider for evaluation; **AND**
2. Removal from driving privileges at work and assignment to non-driving duties until completion of EAP recommendation as directed by the SAP.

Assignment to non-driving duties will be at the discretion of the Department Director, in consultation with the Human Resources department.

Upon Suspension of License, Disqualification of CDL Driving Privileges, Conviction or installation of Ignition Interlock Device:

Separation from the City of Mesa, after the employee's first offense unless it is determined by the City Manager or Designee and in consultation with the Human Resources Director, that the employee be offered a Last Chance Agreement and reassigned to non-driving duties for the duration of the IID. The employee shall be placed on disciplinary probation for 12 months with a minimum five (5) percent reduction in pay (pre-deprivation hearing is required). If the employee is not reassigned to non-driving duties, the employee shall be separated from the City of Mesa.

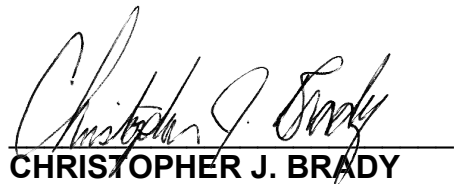
Reporting Requirements

1. Any employee, who receives a DUI citation whether the citation occurred on the job or off the job, shall notify his/her immediate supervisor upon reporting to work.
2. Employees, who do not work a regular workweek, have an extended break in scheduled hours (e.g., seasonal employees) or who are out on a leave (e.g., military, FMLA, unpaid) shall notify his/her immediate supervisor upon initial return to work.
3. Failure to report any DUI offense in accordance with this policy, shall result in disciplinary probation for 12 months (probation shall not be reduced) and a minimum five (5) percent reduction in pay for a minimum of three (3) months (pre-deprivation hearing is required for classified employees.) Further disciplinary action may be taken, up to and including termination, as determined by the Department Director in consultation with the Human Resources department.


VII. REFERENCES

- A. [Personnel Rules Section 510](#) – Standards of Conduct
- B. [Personnel Rules Section 820](#) – Suspension
- C. [Personnel Rules Section 930](#) – Dismissal
- D. Frequently Asked Questions Regarding Management Policy 347: DUI Notification and DUI Policy Procedures viewable on the City's Intranet (<http://inside.mesaaz.gov/hr/DUIQA.aspx>)
- E. DUI Defined per the State of Arizona viewable on the City's Intranet (<http://inside.mesaaz.gov/hr/DUI.aspx>)
- F. Conviction Penalty Information, Arizona Revised Statutes (ARS), Title 28 Transportation, Chapter 4 DUI Article 3 28-1381 through 28-1389 (<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=28>)
- G. Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA), Commercial Driver's License (CDL) Program, 49 CFR, Subpart D, §383.51 Disqualification of Drivers (https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&=PART&n=pt49.5.383#se49.5.383_151)

ISSUED BY:



CHRISTOPHER J. BRADY
City Manager

	MANAGEMENT POLICY	POLICY NUMBER: 309
	SUBJECT: OPERATION OF VEHICLES	EFFECTIVE DATE: 4/15/82 Revised: 03/13/17

I. PURPOSE

This management policy establishes uniform standards for operating City of Mesa vehicles, individuals who are authorized to use their personal vehicles while on City business and standardizes application and management procedures for individuals required to hold a Commercial Driver’s License (CDL) as a condition of hire or employment with the City of Mesa.

II. POLICY STATEMENT

Employees and other individuals (e.g. Temporary Agency Workers, Volunteers, etc.) authorized by a Department Director or designee, to operate City vehicles are responsible for the safe, courteous and lawful operation of the vehicle at all times.

All individuals shall comply with this policy and all local, state and federal laws when operating a vehicle owned by the City of Mesa or individuals who are authorized to use their personal vehicles while on City business.

III. GENERAL STANDARDS

- A. All individuals who operate a City vehicle and/or individuals who are authorized to use their personal vehicles while on City business are required to become familiar with the requirements of this management policy.
- B. All individuals who operate a City vehicle and/or individuals who are authorized to use their personal vehicles while on City business are required to complete defensive driver training program presented or endorsed by Safety Services Administration and/or Police Department.
- C. All individuals who operate a City vehicle and/or individuals who are authorized to use their personal vehicles while on City business, and those who receive a vehicle allowance shall have a valid Arizona driver’s license of the appropriate class for the vehicle being operated.

All individuals shall report any revocation, cancellation or suspension of their driver’s license to their immediate supervisor at the beginning of their

shift the first working day after receiving notification and shall not operate a City vehicle or use their personal vehicles while on City business, while their license is revoked, cancelled or suspended. Failure to maintain minimum standards, licenses, or qualifications required for any position is a cause for discipline and/or dismissal from City of Mesa employment. See [Personnel Rules, Section 510.B.4.](#)

At a minimum an individual whose license is suspended, revoked or canceled for a non-DUI driving offense will be:

- immediately removed from driving privileges at work;
- assigned to non-driving duties if available; and
- employees may be subject to a minimum of five percent (5%) reduction in pay up to sixty (60) calendar days.

Further disciplinary action may be taken, up to and including termination, as determined by the Department Director or designee in consultation with the Human Resources Department.

1. An individual who holds a CDL who is convicted of a motor vehicle traffic violation shall notify his/her immediate supervisor in writing within ten (10) calendar days of the first conviction.
 2. An individual who holds a CDL who fails to report a conviction, suspension, revocation or cancellation as required in Paragraph C is in violation of A.R.S. 28-3227.F (Class 3 misdemeanor). In addition, employees who fail to report any conviction shall receive Disciplinary Probation for 12 months, with a minimum of a five percent (5%) reduction in pay for three (3) months (Pre-deprivation hearing is required for classified employees).
- D. All employees who drive their personal vehicles while on City business or receive a vehicle allowance from the City are required to carry the Arizona mandatory minimum vehicle liability insurance. All such employees shall report any cancellation or suspension of their vehicle insurance to their immediate supervisor at the beginning of their shift the first working day after receiving notification and shall not drive any vehicle other than a City vehicle while on City business, while their insurance is cancelled or suspended.
- E. All individuals who operate or ride as a passenger in a City-owned vehicle and individuals who are authorized to use their personal vehicles while on City business are required to wear seat belts. Sworn Police employees refer to DPM 1.8.25. Exceptions shall be made in the following instances:
1. The passenger requirement for prisoners being transported by the Police Department shall be at the discretion of the police officer.

2. Police Department Tactical Team members while engaged in their official duties.

City vehicles that are missing seat belts or lack adequate seat belts shall be immediately reported to Fleet Support Services and shall be repaired before the vehicle is released back into service to ensure continued protection of users. If a passenger's seat belt is damaged and no passengers will be in the vehicle, the vehicle may be released with the seat belt tagged out of service, but it is the operator's responsibility to make sure no passengers are allowed until the repairs have been made. Preventive maintenance inspections will be made of all seat belts in each City vehicle during its regularly scheduled inspection.

It is the Department Director or designee's duty to ensure that seat belts are functional and in good order in all City vehicles assigned to their area. When a personal vehicle is used for City business, it is the employee's responsibility to ensure that seat belts are functional and in good order.

Seat belt use while operating or riding in a City vehicle or an authorized personal vehicle on City business is a condition of employment and will be enforced by each Department Director or designee. Periodic inspections may be conducted by members of the Safety Services office or departmental members of a safety committee. Instances of noncompliance will be brought to the attention of the respective Department Director or designee for disciplinary action.

- F. Individuals responsible for operating a City vehicle or driving their personal vehicle for City business, shall promptly report impairments that may affect their driving ability to their immediate supervisor. No individual shall operate a City vehicle while under the influence of any intoxicating liquor, drug or vapor-releasing substance containing a toxic substance, or the combination thereof, which causes an individual to be impaired to the slightest degree. This restriction shall be deemed to include any use of any controlled substance, including prescription medications, over-the-counter medications and drugs/controlled substances authorized for use by the state including medical marijuana. No individual shall operate a City vehicle or be authorized to use their personal vehicles while on City business while under a driving restriction issued by a medical doctor.
- G. All individuals operating City vehicles or individuals who are authorized to use their personal vehicles while on City business shall be at least eighteen (18) years of age and must have at minimum a valid Class D license.
- H. The Human Resources Temporary Agency Coordinator will facilitate the approval for temporary workers to drive City vehicles between the City of Mesa and the temporary agency. Approval to operate a City-owned

vehicle should be granted only after the temporary agency has certified that the temporary worker has a valid Arizona Driver's License and will comply with this management policy.

- I. Volunteers who possess a valid out-of-state driver's license may drive a City vehicle provided they do not meet Arizona's definition of a resident.
- J. City vehicles are to be used only for City business and only by authorized individuals. Engaging in outside business activities on City time or using City property for personal use unless authorized by written City or departmental administrative policy is cause for discipline or dismissal from City of Mesa employment.
- K. Only passengers who are a part of official City business are allowed to ride in City vehicles unless otherwise approved by the Department Director.
- L. All individuals are personally responsible for any fines resulting from moving and non-moving traffic violations for which they are cited during their operation of a City vehicle. The individual shall notify his/her immediate supervisor of any such citations immediately upon reporting to work.
- M. To increase vehicle visibility, it is highly recommended that headlights be turned on whenever driving a City vehicle.
- N. In accordance with [Management Policy 314](#), no smoking is allowed in City vehicles at any time.
- O. All individuals are encouraged to car pool when traveling on City business using a City vehicle.
- P. All individuals should recognize that using cellular telephones and other electronic devices (e.g., mobile data terminals [MDT], laptop computers, personal digital assistants [PDA], handheld radios, vehicle radios, etc.) are considered a distraction while operating City vehicles and/or personal vehicles.

Individuals operating a City vehicle and/or individuals who are authorized to use their personal vehicles while on City business should exercise extreme caution and good judgment when using electronic devices; however, these individuals shall abide by the following:

1. An individual who holds a CDL is prohibited from using a hand-held mobile phone or texting while driving (49 Section 392.80).

2. All other individuals may answer a cellular call only when it is safe to do so and if the cellular telephone is readily accessible. After answering the call, the Individual shall advise the caller that he/she is operating a vehicle and ask the caller to hold until the vehicle can be safely parked.
3. All individuals, except Sworn employees or designated Public Safety personnel conducting emergency operations, are prohibited from texting, dialing, and reading text/email messages or other types of similar conduct while operating a vehicle. The use of MDT (Mobile Data Terminal) for public safety purposes is allowed.

IV. COMMERCIAL DRIVER LICENSE (CDL)

- A. The City of Mesa, as a Contract Agent of the Third-Party Tester Program of the Arizona Department of Transportation (ADOT), Motor Vehicle Division (MVD), CDL Program incorporates as applicable the following manuals to administer the requirements of the CDL program:
 1. Federal Motor Carrier Safety Regulations (FMCSR) as prescribed by the U.S. Department of Transportation Federal Highway Administration Parts 382, 383, 387, 390-397, 399, and 40.
 2. Pipeline and Hazardous Materials Safety Administration Hazardous Materials Regulations (HMR)
 3. Arizona Revised Statutes, Title 28. Transportation, Chapter 8, Motor Vehicle Driver Licenses
 4. Arizona Administrative Code, Title 17. Transportation, Chapter 5. Department of Transportation Commercial Programs
 5. The State of Arizona Commercial Driver License Manual
 6. National Fire Protection Association (NFPA) 1915 Edition 2000, Standard for Fire Preventative Maintenance
- B. As a minimum, individuals who are offered a position that requires a CDL as a condition of the position, will have taken and successfully passed the State of Arizona required physical condition exam and the written general knowledge and endorsement(s) portion of the exam prior to hire date for the City of Mesa. Specific Departments may require the applicant to have the entire CDL process completed prior to hire date. This would include the applicant having completed the Skills and Road Test portion of the CDL exam. The requesting Department will note this more restrictive requirement during the recruitment portion of the position posting process. All other personnel will be administered the Skills and Road Test portion of

the CDL exam as outlined in the job description, by a City of Mesa Third-Party Tester.

- C. All applicable charges associated with the written general knowledge and endorsement(s) exams are the responsibility of the applicant. Prior to taking the written portion(s) of the CDL exam the individual must present to the appropriate authority with the MVD of Arizona:
 - 1. A completed physical examination form that complies with the Federal Motor Carrier Safety Regulations (49 CFR 391.41-391.44)
 - 2. Proof of the applicant's presence in the United States as authorized under federal law. CDL Documentation Requirements are found at [ADOT website](#).
- D. Per Arizona MVD an individual must be at least 21-years-old to obtain a CDL. (A restricted CDL for In-State driving is available for applicants who are at least 18- years of age). Per Arizona MVD an individual cannot be issued a Hazardous Materials endorsement until that applicant is at least 21-years-old.
- E. Prior to date of hire, the applicant shall have completed the DOT/FMCSA pre-employment/pre-placement process including the successful completion of a DOT drug test with a Medical Review Officer's negative certification and a DOT pre-employment/pre-placement previous employer regulation violation check.
- F. Upon hire, all employees required to maintain a CDL for their position shall complete the City's two (2) hour DOT/CDL training prior to performing any CDL safety sensitive functions.
- G. After hire, CDL medical exam cards shall only be accepted when exam is completed by the certified CDL medical examiners chosen by the City of Mesa.

V. PRE-TRIP INSPECTION

- A. Before any individual operates a City vehicle, he/she is required to walk around the vehicle to assess general appearance and condition. A City vehicle shall not be driven if there is any malfunction that may affect the safety of the vehicle and its occupants. All unsafe conditions (involving lights, brakes, tires, etc.) should be reported to Fleet Services and repaired before the vehicle is driven. It is the individual's responsibility to check the vehicle fluid levels at a minimum of once a week or every 500 miles.
- B. CDL licensed drivers shall perform the required pre- and post-trip inspections as outlined in the Arizona Commercial Driver License Manual.

Exception: All Fire Department equipment is repaired, maintained and safety inspected in regard to all applicable NFPA Regulations.

1. All CDL pre- and post-trip inspection forms will be filled out in their entirety. Any deviation from standard operating procedures will be noted by the operator onto the form entitled "Commercial Drivers Daily Checklist Usage Report". The three-part form will be administered as follows:

White Copy - Department/Driver Record

Yellow Copy - Fleet Services Record

Pink Copy - File Copy - Vehicle Log Record

2. Each operator will be required to maintain the Vehicle Log Record in the appropriate vehicle, until the log is completely filled out. The expended logbook will be maintained on file with the appropriate Third-Party Tester for that Division. The Third-Party Tester shall retain the records for one year for each expended Vehicle Log Record. The Fleet Services Department shall retain any repair record for a period of six months, after the motor vehicle leaves the motor carrier's control. [49 CFR 393.3(c)]
3. Fleet Services Department will file the yellow copy of the "Commercial Drivers Daily Checklist Usage Report", with the repair order form and other pertinent documentation. Fleet Services personnel must sign the Drivers Log, denoted by the pink copy of the "Commercial Drivers Daily Checklist Usage Report", before an operator of a vehicle is allowed to remove the vehicle from the Fleet Services Ready Line.
4. The CDL Contract Agent for the City of Mesa will be responsible for maintaining appropriate records to facilitate any required audits by the State of Arizona Commercial Driver License Program.

The Contract Agent will be responsible for maintaining communication with the CDL Third-Party Testers about any and all changes to process and procedures in regards to the State of Arizona's Third-Party Testing Program of the State of Arizona Commercial Driver License Program.

5. CDL Third-Party Tester(s) will be responsible for communicating changes in the CDL Program to their represented Department(s). The CDL Third-Party Tester(s) will maintain appropriate records on file for the CDL program. The CDL Third-Party Tester(s) will be responsible for testing all CDL applicants for the City of Mesa staff positions within timeframe indicated on the job description, unless specified by a Department hiring requirement.

6. The City of Mesa Human Resources Department will be responsible for maintaining and administering the required random drug and alcohol testing program for all City of Mesa personnel whose position necessitates a CDL.

VI. VEHICLE CARE AND MAINTENANCE

- A. If a vehicle breaks down during operation, Fleet Services, Fire Resources, or Police (as applicable) shall be called to coordinate repairs and/or towing.
- B. An individual operating a City vehicle shall not make any repairs or modifications to the vehicle, unless authorized to do so by Fleet Services.
- C. The interior and exterior of the vehicle is to be kept clean and well organized, with special attention given to objects or conditions that can create a distraction or other hazard.
- D. If a vehicle needs washing and there is no other provision for washing, then it must be taken to one of the commercial car washes with which the City has contracted. The names of car wash facilities approved for City use are available from Fleet Services and/or Business Services department's (Purchasing) website in the [Citywide Contracts](#) section located on Inside Mesa.
- E. Fuel is to be obtained from City fuel facilities whenever possible using a fuel card or other approved authorization method.
- F. Bumper stickers and window decals are allowed only when they relate to City business.

VII. COLLISION INVOLVING A CITY VEHICLE

- A. Any individual in a collision involving any injury, fatality or serious property damage shall immediately call emergency services (911), if possible. The individual shall then, if possible, immediately notify his/her supervisor. After notifying the supervisor, Safety Services should be notified.
- B. Any individual in a collision involving no injuries and/or minimal property damage, whether occurring in a City vehicle or a personal vehicle used on City business, and whether occurring on private property, public roads or in a public right-of-way shall report the collision to the local police jurisdiction and immediately notify his/her supervisor. A collision occurring on City property between a City vehicle and other City property need not be reported to the police.
- C. All individuals involved in any collision must complete a City of Mesa Incident Report within twenty-four (24) hours of the collision. The report

shall be distributed to Safety Services, City Attorney, Fleet Services and Temporary Agency Coordinator as needed.

- D. Any individuals performing safety sensitive functions while operating a CDL shall complete a drug screen if the requirements of 49 CFR 382.303 are met. Any individuals performing safety sensitive functions while working on the gas pipeline shall complete a drug screen if the requirements of 49 CFR 199 are met.
- E. Any vehicle involved in an accident where catastrophic injuries have occurred, an air bag has been deployed, or significant damage to the vehicle has been sustained, will result in the vehicle being towed to Fleet Services. This vehicle will be held until Safety Services and the City Attorney's office has released it to Fleet Services for repairs to be completed.
 - 1. Police employees refer to DPM 2.7.35 for towing.

VIII. CITY OF MESA VEHICLE PARKING

- A. Individuals driving City of Mesa vehicles shall park in a designated parking place. City-owned vehicles shall not be parked in designated customer only parking spots at City-owned facilities. Individuals will be personally responsible for citations resulting from parking in areas not designated for City vehicles at City-owned facilities. City of Mesa employees and other individuals will park their personal vehicle in their designated spot or parking area. Vehicles parked in customer spaces or in incorrect lots are subject to fines.

IX. REASONABLE SUSPICION

- A. A supervisor shall not permit any individual to drive a City vehicle if he/she does not appear fit for duty.
- B. In accordance with [Management Policy 316](#), a supervisor may request substance testing for any individual who appears impaired. The individual shall not be authorized to perform services for the City until the City's Designated Employer Representative (DER) receives the testing results.

X. ENFORCEMENT OF POLICY

- A. The safe operation of a City vehicle is a condition of employment. Disciplinary action for moving violations received will be based upon the severity of the moving violation and the number of violations in a one (1) year period.
- B. Periodic inspections may be conducted by members of the Safety Services Administration or departmental members of a safety committee.

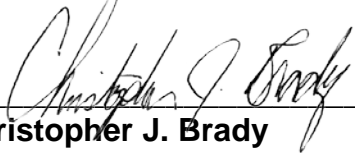
Instances of noncompliance will be brought to the attention of the respective Department Director or designee.

C. Human Resources will conduct driver license checks on all employees.

XI. DISCIPLINARY ACTIONS

A. Failure of an employee to follow the requirements of this policy may result in disciplinary action in accordance with the City of Mesa Personnel Rules, and failure of any other individual to follow requirements of this policy may result in dismissal from the performance of City duties or services.

ISSUED BY:



Christopher J. Brady
City Manager



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