



# **The City of Hialeah**

## **Administrative Policies and Procedures**

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# DRUG FREE POLICY

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## Drug and Alcohol Testing Policy

The City of Hialeah desires to promote and maintain the highest standards for employee safety and health by detecting and deterring the use or abuse of drugs or alcohol, thus providing a safe and productive work environment. To achieve these goals, the City intends to comply with Department of Transportation regulations pertaining to the requirement that employees, who possess a commercial driver license (CDL), operate heavy equipment vehicles and/or perform safety-sensitive functions and application, submit to drug testing, to detect the use of prohibited drugs and/or the presence of alcohol. The procedures that will be used to test for the presence of drugs and/or alcohol will protect the dignity of the employee, the integrity of the drug testing process, safeguard the validity of the test results and ensure that the test results are attributed to the correct employee or applicant. Direct supervisors will not be permitted to serve as the collection site representative for a drug test of their employee. Employees are encouraged to seek professional assistance if at any time personal problems, including drug and/or alcohol use, affect the employee's ability to perform their job duties. This policy also applies to contractors, and their employees, that perform safety-sensitive work for the City.

This policy complies with the Federal Transit Administration's (FTA) drug and alcohol testing regulations (Title 49, Code of Federal Regulations, Parts 40 and 665) and the Drug Free Workplace Act of 1988. The Director of Human Resources or his/her designee shall be available to answer any questions pertaining to this policy. Copies of this policy and all pertinent material may be obtained from the Human Resources Department, located at 501 Palm Avenue, Third Floor, Hialeah, FL 330 10.

### **I. Definitions**

**Accident-** An occurrence associated with the operation of a vehicle or equipment which results in death, bodily injury, property damage and/or a moving violation being issued to the employee.

**Covered Employee-** A person, including an applicant or transferee, who performs a safety-sensitive function. Employees performing any of the following functions are considered safety-sensitive employees:

1. Operating a revenue vehicle, in or out of revenue service;
2. Operating a non-revenue vehicle that requires the possession of a commercial driver license.
3. Controlling dispatch or movement of a revenue service vehicle;
4. Maintenance of a revenue service vehicle or equipment used revenue service; and/or

5. Carrying a firearm for security purposes.
6. A volunteer is a covered employee if: the volunteer is required to hold a commercial driver's license to operate the vehicle; or the volunteer performs a safety-sensitive function for an entity subject to this part and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.

Note: All Transit Division employees are considered safety-sensitive employees. To wit, the following positions are classified as safety-sensitive:  
Equipment Service worker; Tire Repairperson; Mechanic I & II; Automotive Supervisor I & II; and Transit Manager.

**Contractor** – An outside (non-employee) individual or entity authorized to perform business within the State of Florida that performs work for and/or on behalf of the City. Contractors performing safety-sensitive work for the City are covered by the provisions of this policy.

**Medical Review Officer (MRO)** – A licensed physician, knowledgeable in substance abuse disorder, which receives laboratory results of the drug/alcohol testing program and interprets and evaluates an individual's positive test and any other pertinent information.

**Prescribed Drugs-** A drug for which an individual has received a prescription or other written authorization from a physician for use during the course of medical treatment.

**Prohibited Drug Usage-** Marijuana, cocaine, opiates, phencyclidine (PCP), Amphetamines, Methamphetamine/ MDM, MDA, MDEA, Delta9-THCA, and BZE. Other controlled substances may be included for citywide purposes, in accordance with City policy and the applicable collective bargaining agreement in effect. The policy indicates that employees are prohibited from using the five listed drugs at all times, and that a covered employee may be tested for these drugs any time while on duty.

**Safety-Sensitive Functions-** Operating, inspecting, repairing or maintaining service vehicles that required drivers to possess a commercial driver's license (CDL). An employee is considered to be performing safety-sensitive functions when he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

**Substance Abuse Professional (SAP)-** A licensed physician, psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

## **II. Circumstances for Drug and Alcohol Testing**

All drug and alcohol testing shall be conducted in accordance with Title 49, Federal Code of Regulations, Part 40, a copy of which is available at the Human Resources Department and each collection site.

## A. Pre-Employment

1. An applicant for a safety-sensitive position may not be hired, before safety-sensitive Junction is performed unless the applicant takes a drug test with a verified negative result. Applicants will be evaluated within a reasonable timeframe after a job offer is made. Applicants who test positive for a controlled substance and/or alcohol will not be hired and may not be considered for employment for a period of 13 months. Testing conducted after the employer makes a contingent offer is made, or an employee is transferred to safety sensitive position must have verified negative results. The employee must not be allowed to begin performing safety sensitive duties unless the result is a BAE below 0.02.
2. An employee will not be assigned (transferred, promoted, demoted) from a non-safety sensitive position to a safety-sensitive position until the employee takes a drug Test with a verified negative result.

The City is required to obtain a release from all applicants for the purpose of obtaining drug and alcohol test results from previous employers. Applicants that refuse to sign a City provided release form will not be eligible for employment in a safety-sensitive position. An applicant who has previously failed or refused a required drug or alcohol test must provide proof of having successfully completed a Substance Abuse Professional (SAP) approved treatment plan, follow-up testing, and has taken and passed return-to-duty or fitness-for-duty test. Applicants who fail to provide his information will not be eligible for employment in a safety-sensitive position. Covered employees who have not performed a safety-sensitive function for 90 consecutive calendar days, regardless of the reason, must take a pre-employment drug and alcohol test with negative results before performing safety-sensitive duties.

Bus operators, whether employed by the City or through a contractor, who have been out from work for 30 consecutive calendar days or longer for any medical reason, including workers' compensation accidents, must take and pass a complete physical before being allowed to drive a bus. External applicants or internal applicants temporarily disqualified for a medical condition will not be hired until the Medical Review Officer has cleared them to perform safety-sensitive functions.

### **Post-Accident**

Testing for prohibited drugs and alcohol will be conducted in the case of certain mass transit accidents. An accident by the FTA is an occurrence associated with the operation of a vehicle in which:

- An individual dies, or
- An individual receives injuries requiring immediate transport to medical treatment facility, or
- With respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as the result of the occurrence and such vehicle are transported away from the scene by a tow truck or other vehicle or are removed from service; or
- With respect to an occurrence in which the mass transit vehicle involved is a rail car, trolley

car, trolley bus, or vessel, the mass transit is removed from operation.

- Disabling damage does not include damage to headlights, turn signals, horn, windshield wipers, and tires or other damage that could be remedied temporarily at the scene of the occurrence if special tools or parts were available.

### **Fatal Accidents**

Covered employees must be tested for prohibited drug and alcohol concentration as soon as practicable following an accident involving the loss of human life, regardless of circumstances. Each surviving covered employee operating the vehicle at the time of the accident shall be tested. The City shall also test any other covered employee whose performance could have contributed to the accident, as determined by the City, using the best information available at the time of the decision. The employee must be relieved from duty pending the results of the post-accident drug and alcohol tests for all fatal accidents.

### **Nonfatal Accidents**

As soon as practicable following an accident not involving the loss of human life in which a mass transit vehicle is involved, the employer shall drug and alcohol test each covered employee operating the mass transit vehicle at the time of the accident unless the employer determines, using the best information available at the time of the decision, that the covered employee's performance can be completely discounted as a contributing factor to the accident. The employer shall also drug and alcohol test any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

If an alcohol test is not administered within two (2) hours following the accident, the City shall prepare and maintain on file a record stating the reason why the test was not promptly administered. If an alcohol test is not administered within eight (8) hours following the accident, attempts to administer an alcohol test shall cease and a record shall be maintained.

A post-accident drug test is required as soon as practicable, but within thirty- two (32) hours of the accident. If a required drug test is not administered within thirty-two (32) hours following the accident, the City shall prepare and maintain on file a record stating the reason that the test was not promptly administered.

A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the employer or the employer representative of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed by the employer to have refused to submit to testing. The employee is not prohibited from leaving the scene of an accident for the period testing. The employee is not prohibited from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

### **Reasonable Suspicion or Belief**

1. A drug test will be conducted of an employee when the City has reasonable suspicion or belief that the employee has used a prohibited substance.

2. A reasonable suspicion determination shall be based on specific contemporaneous articulable observations of a supervisor concerning the appearance, behavior, speech and/or body odors of the employee.
3. The supervisor or observer of the suspicious behavior shall contact the Human Resources Department and/or the Risk Management Division as soon as possible.
4. The employee shall be immediately escorted for medical evaluation and/or drug and/or alcohol testing. An employee displaying the signs and/or symptoms of drug use or alcohol misuse and sent for reasonable suspicion testing must be relieved from duty after taking the reasonable suspicion test. The employee cannot return to safety-sensitive duty until a negative test result is obtained. The employee will be sent home by means of safe transportation.
5. If a reasonable suspicion alcohol test is not administered within two (2) hours following determination of reasonable suspicion, the City shall prepare and maintain on file a record stating the reason the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following determination of reasonable suspicion, the City shall cease attempts to administer an alcohol test and shall state in the record the reasons for not completing the test.
6. Alcohol testing is authorized under this section only if the observations required by this section are made during, just preceding or just after the period if the workday that covered employee is required to be in compliance. An employer may direct a covered employee to undergo reasonable suspicion testing for alcohol only while the employee is performing safety-sensitive functions; just before the employee is to preform safety-sensitive functions; or just after the employee has ceased performing such functions.
7. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

## **Random**

1. The selection of employees for random drug testing shall be made by a specifically valid method (i.e., computer-based random number generated that is matched with employee social security numbers, payroll identification numbers, etc.). Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.
2. A sufficient number of employees shall be randomly selected for testing based on an annual percentage rate established by the administrator of the Federal Transit Authority.
3. Random drug tests shall be unannounced and the dates for the test shall be spread out during the calendar year.
4. Immediately upon being notified, employees selected for drug and/or alcohol testing shall

report to the testing site. The employer shall ensure that random drug and alcohol tests are unannounced and unpredictable, and that the dates for administering random tests are spread reasonably throughout the calendar year. Random testing must be conducted at all times of day when safety sensitive functions are performed.

5. A covered employee shall only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions; just before the employee is to perform safety-sensitive functions; or just after the employee has ceased performing such functions.

### **Return-to-Duty and Follow-up Return-to-Duty and Follow-up**

1. Every employee, who has refused to submit to a drug test or who has a verified positive drug test result, shall take a return to duty drug test, with a verified negative result, before returning to duty. In addition, the employee shall be evaluated by a Substance Abuse Professional (SAP) to determine whether the employee has complied with the recommendations for action, including, but not limited to, participation in a rehabilitative program.
2. After returning to duty, the employee will be subject to a minimum of 6 unannounced follow-up drug tests with verified negative results during the first 12-month period after returning to duty, for up to 5 years.

Employees who refuse to submit to a drug and/or alcohol test will be immediately relieved of duty and may be subject to disciplinary action, up to and including termination. All return-to-duty and follow-up tests shall be conducted under direct observation.

### **III. Prohibited Conduct**

The following alcohol and controlled substance-related activities are prohibited:

- A. Reporting for duty or remaining on duty to perform safety-sensitive functions or other job duties while having an alcohol concentration of 0.02 or greater. Confirmed alcohol breath concentrations of 0.04 or greater are considered positive. Covered employees whose alcohol test results are 0.02 or greater, but less than 0.04, will be relieved from duty until the start of their next regular scheduled shift, but not less than eight hours. The employee will be placed on unpaid leave pending further investigation. A confirmed result of 0.02 or greater may result in disciplinary action, up to and including termination. The employee alcohol concentration measures less than 0.02 or the start of the employee's next regularly scheduled duty period, but not less than eight (8) hours following administration of test.
- B. Testing positive for or using any controlled substance (on or off duty), except when instructed by a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform their duties.
- C. Performing safety-sensitive functions within four (4) hours of consuming alcoholic beverages.

- D. Being on duty or operating a commercial motor vehicle or any City vehicle while the driver is in possession of a controlled substance or alcohol. This includes possession of medicines containing alcohol (prescription and over-the-counter), unless the packaging seal is unbroken.
- E. Using a controlled substance/alcohol while performing safety-sensitive functions or other job duties.
- F. When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident test, whichever comes first.
- G. Refusing to submit to an alcohol/controlled substance test required by post- accident, random, reasonable suspicion or follow-up testing requirements.

The following behaviors displayed by covered employees or applicants during drug or alcohol testing shall constitute a refusal to test:

- Failure to appear for any test within a reasonable time, as determined by the City, after being directed to do so;
- Failure to remain at the testing site until the testing process is complete;
- Failure to provide a urine specimen, breath or saliva sample for any drug and alcohol test required by DOT and/or FTA regulations;
- Failure to permit a direct observation or monitoring of your provision of a specimen;
- Failure to provide a sufficient amount of urine or breath without an adequate medical explanation;
- Failure or decline to take a second test, as requested by the City or collector;
- Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the City as part of the shy bladder or insufficient breath procedures;
- Failure to cooperate with any part of the testing process (e.g., refuses to empty pockets when directed by the collector, behave in a confrontational manner that disrupts the collection process, etc.);
- When evidence is found that the employee is wearing a prosthetic device that could be used to interfere with the collection process;
- When an employee admits to have adulterated his/her sample or substituting a specimen to the MRO or the collector;
- If the MRO reports that your urine sample IS determined to be a verified adulterated or



substituted specimen;

- Leaving the accident scene without proper authorization prior to submitting to a drug or alcohol test;
- Refusing to wash his or her hands; and/or
- Admitting to adulterating or substituting a specimen.
- As an employee, you are considered to have refused to take an alcohol test if you: fail to sign the certification.
- For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- The aforementioned behaviors are examples of refusal to submit, other circumstances not mentioned herein, as determined by the City, may be considered refusal to submit.

H. Manufacturing, distributing, trafficking, selling, dispensing and/or possessing controlled substances is prohibited on City property, while using City equipment or while on City business.

#### **IV. Consequences of Prohibited Use**

Compliance with this testing policy is a condition of employment. Employees who refuse to take required tests or who test positive shall be removed from performing safety-sensitive functions as well as any other job duties. In addition, the employees will be evaluated by a Substance Abuse Professional (SAP). Disciplinary action, up to and including termination, may occur. Refusal to take the required test or lack of cooperation with the testing procedures will be considered a "test positive" and will be handled accordingly.

#### **V. Collective Bargaining Agreement**

Any positive test for a controlled substance, which is confirmed by Gas Chromatography/Mass Spectrometry (GCMS), or better testing through random substance screening or through reasonable belief shall result in termination by the Mayor. However, if an employee has a positive test, but has no prior conduct indicating substance abuse, the employee may be placed under a six (6) months supervision agreement with additional testing commencing upon successful completion of a City-approved rehabilitation program. Testing during this supervision period will be at the discretion of the City. Failure to successfully complete the rehabilitation program or a subsequent positive drug/alcohol test may be sufficient grounds for termination.

#### **VI. Prescribed Drugs**

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which contains a warning label indicating that mental functions,

motor skills or judgment may be adversely affected must be reported to supervisory personnel and medical advice shall be sought, if appropriate, before performing work-related activities. The misuse or abuse of legal drugs is prohibited. Violations of this nature may lead to disciplinary action, up to and including termination.

## **VII. Interpreting and Evaluating Results**

The Medical Review Officer (MRO), who will be responsible for receiving laboratory results generated by the City's drug testing program, will be responsible for interpreting and evaluating an employee's confirmed positive test result. In the event that the MRO reports a diluted negative test result, an immediate retest is required.

## **VIII. Referral, Evaluation, and Treatment: Complaint**

A covered employee who has a verified positive drug test result or refuses to submit to a drug test shall be:

- A. Advised of the resources available for evaluation and resolving problems associated with prohibited drug use, including the names, addresses and telephone numbers of Substance Abuse Professionals (SAP) and counseling and treatment programs.
- B. Evaluated by a Substance Abuse Professional (SAP) provided by the City who shall determine whether the employee is in need of assistance in resolving problems associated with prohibited drug and/or alcohol usage. The initial assessment cost and expenses incurred are the responsibility of the employee. The employee may elect to use the services of their health insurance plan, if applicable. The participation in a program requires attendance during working hours, the employee will need to use time from their accumulated leave bank or request unpaid leave of absence.
- C. Required to comply with the referral and evaluation recommendations made by the SAP and take a return to duty drug test with verified negative results, before returning to duty.

## **IX. Education and Training**

The City believes that the education and training of all employees in the effects and treatment of substance abuse contributes to a safer and more efficient work place for everyone. Therefore, educating and informing employees about the dangers (drug use and/or alcohol misuse and the possible penalties.) The violation of the City's Drug and Alcohol Policy are essential components of our program. The City has established an employee education and training program for all covered employees, which is inclusive of the following:

### **A. Education**

The educational components include making available and distributing informational material and community service hotline telephone numbers for employee assistance, if available, to every covered employee.

### **B. Training**

Covered employees receive training on the effects and consequences of prohibited on personal drug use, on personal health, safety, and the work environment, as well as the signs and symptoms that may indicate prohibited drug use. Supervisors and/or other individuals authorized by the City to make reasonable suspicion determinations under this policy, receive training on the physical, behavioral, speech, and performance indicators (probably alcohol misuse.) The training curriculum shall include information pertaining to all prohibited substances (including ecstasy).

#### **X. Employee Assistance**

All employees covered by this policy shall be provided with informational material and a telephone number for the Employee Assistance Program (EAP), in order to obtain assistance or to obtain answer to questions regarding drug and/or alcohol concerns.

#### **XI. Contractor**

All contractors that perform Federal Transit Administration (FTA) related safety- sensitive work for the City are required to comply with Department of Transportation (DOT) Drug and Alcohol Testing Regulations, in particular Title 49, Code of Federal Regulations, Parts 40 and 655, as well as the Drug Free Workplace Act of 1988, and must provide a copy of each to their employees. In order to perform FTA safety- sensitive work for the City, contractors must have a safety-sensitive drug and alcohol program in place that is consistent with Title 49, Code of Federal Regulations, Part 655. Contractors must submit a summary of their drug and alcohol testing date for each quarter to the City (Hialeah, Human Resources Department for audit and for calendar year as required by FTA regulations. The Human Resources Department will be the record keeper for testing results and will be responsible of submitting all fully executed quarterly reports to the county.

#### **XII. Drug-Free Workplace Act of 1988**

The Drug-Free Workplace Act of 1988 requires that the City notifies all employees that the unlawful manufacture, distribution, trafficking, sale, dispensing, possession and/or use of a controlled substance is prohibited on City property, while using City equipment or while on City business.

#### **XIII. Access and Retention of Records**

Records pertaining to an employee's use of prohibited drugs and alcohol shall be maintained in a secure location with controlled access. Information contained in the records shall not be released, except as required/permitted by law. An employee is entitled to obtain copies of records pertaining to the employee's use of prohibited drugs and alcohol. Subsequent employers shall be provided with records only upon receipt of a signed release from the employee.

#### **XIV. Severability Clause**

If any phrase, sentence, paragraph, or section of this policy shall be declared invalid or unconstitutional by judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, sentences, paragraphs, or sections of this policy. In the event

that conflict exists between this policy and the applicable collective bargaining agreement in effect the FTA policy will serve as the principle policy in place.

## **CITY OF HIALEAH TRANSIT EMPLOYER REPRESENTATIVE**

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### **Summary of DOT Collection Procedure**

#### **Monitored Collections**

A monitored collection can be conducted if you will be using a multi-stall bathroom to conduct the collection and it is not feasible or possible to completely secure the area (i.e., tope all water faucets, blue all toilets, etc.).

- The monitor be the same gender as the employee, or a medical professional
- The monitor, if not the Collector, is given instructions by the Collector.
- The monitor is not to watch the employee urinate into the collection container. The monitor stands outside the stall while urination is taking place.
- The monitor, if not the Collector, is to watch the employee bring the specimen to the collector. The monitor does not handle the Specimen.
- The monitor's name, if he/she is someone other than the Collector, is entered on the remarks line.
- The collection is completed as usual.

#### **Directly Observed Collections**

A directly observed collection is conducted in the following circumstances:

- When requested by the DER.
- If the collector observes an attempt to tamper with the specimen, either by materials brought to the collection site or the Employee's conduct.
- The specimen temperature is outside the acceptable range.

- The original specimen shows signs of tampering (e.g., blue dye, the specimen or an unusual odor).
- The observer must be the same gender as the employee.
- Begin a new CCF and mark the same Reason for Test as the original collection.
- The observed box is checked and remark is entered on the Remarks line of each CCF (if two collections are required) indicating.
- The reason for the directly observed collection.
- If specimens are being sent to the laboratory, a remark is entered on the remarks line to this effect, including the specimen.
- Number of the other specimen.
- The observer, if not the Collector, is given instructions.
- The observer watches the employee urinate into the collection container.
- The observer, if not the Collector, watches the employee hand the specimen to the Collector.
- The observer does DOT handle the specimen.
- The observer's name, if not the Collector, is entered on the Remarks line.
- The collection is completed as usual.

### **Security of the Collection Room**

- All water sources have been secured.
- Toilet water has been blued, both in the bowl and the toilet tank.
- All possible adulterants have been removed or secured. No foreign or unauthorized substances are present.
- Undetected access by another individual is not possible.
- Any areas or items that could be used to conceal contaminants have been secured.

### **Collection Process**

The custody and control form (CCF), is a Federal form.

- The employee is identified by a valid form of ID (i.e., driver's license, employer representative).
- The collection procedure is explained to the employee.
- The employee removes outer clothing, and leaves other Personal items with the collector (with the exception of his/her wallet).
- The employee, upon request, displays all items in his/her pockets for inspection.
- The employee is instructed not to list medications on the CCF, except on the back of the donor copy.
- The Collector begins the CCF.
- The employee washes his/her hands.
- A collection container is unwrapped in the employee's presence.
- The employee is provided with the container and given instructions on providing the specimen.

## **Specimen**

- The level of the specimen is at least 45 ml.
- The temperature of the specimen is checked within four minutes, is within range, 32°-38° C/90-100°F, and the appropriate specimen temperature box is marked.
- The specimen does not show signs of tampering (i.e., blue dye or other foreign substance present, unusual smell, etc.)
- The employee remains in full view of his/her specimen throughout the rest of the process until he/she is instructed that he/she may leave.

## **Packaging the Specimen**

- The Collector pours a minimum of 30 ml into the primary bottle and at least 15 ml into the bottle for the split, and applies the tamper-evident seals from the CCF.
- The Collector dates the seals.
- The employee initials the seals.
- The employee-is instructed to read and sign the certification statement on Copy 2, Step 5 of the CCF.
- The Collector completes the CCF, including his/her name and signature in Step 4.
- The Collector places the specimen bottles and Copy I of the CCF in the plastic bag and seals it.
- The Collector provides the employee with his/her copy of the CCF (the employee may now leave).
- The Collector packages the specimen in the shipping container, or prepares it for shipment as instructed by the laboratory courier.
- The Collector distributes the remaining copies of the CCF.

## **Shy Bladder**

Use this procedure when an individual is not able to provide 45 ml of urine on the initial attempt (if there is no reason to believe that there was an attempt to tamper with the specimen).

- Discard the first specimen.
- Urge the employee to drink up to 40 ounces of fluid distributed over three hours.
- At the end of three hours or when the employee states that he/she can provide a sufficient specimen, whichever occurs first, at-tempt a second collection.
- Document each portion of water given and each attempt to provide a specimen.
- If the second attempt to provide a specimen is successful, complete the collection process using normal procedures.
- If the second attempt is unsuccessful, and the three (3) hour window has expired, notify the DER.

## **INSTRUCTIONS: FOR COMPLETING THE U.S. DEPARTMENT OF TRANSPORTATION ALCOHOL TESTING FORM**

NOTE: Use a ballpoint pen, press hard, and check all copies for legibility.

**STEP 1:** The Breath Alcohol Technician (BAT) or Screening Test Technician (STT) completes the

information required in this step. Be sure to print the employee's name and check the box identifying the reason for the test.

NOTE: If the employee refuses to provide SSN or J.D. number, be sure to indicate this in the remarks section in STEP 3. Proceed with STEP 2.

**STEP 2:** Instruct the employee to read, sign, and date the employee certification statement in STEP 2. NOTE: If the employee refuses to sign the certification statement, do not proceed with the alcohol test. Contact the designated employer representative.

**STEP 3:** The BAT or STT completes the information required in this step and checks the type of device (saliva or breath) being used. After conducting the alcohol screening test, do the following (as appropriate):

Enter the information for the screening test (test number, testing device name, testing device serial number or lot number and expiration date, time of test with any device- dependent activation times, and the results), on the front of the AFT. For a breath testing device capable of printing, the information may be part of the printed record.

NOTE: Be sure to enter the result of the test exactly as it is indicated on the breath testing device, e.g., 0.00, 0.02, 0.04, etc.

After the printed information to the front of the term in the space provided, or to the back of the form, in a tamper-evident manner (e.g., tape) such that it does not obscure the original printed information, or the device may print the results directly on the ATF. If the results of the screening test are less than 0.02, print, sign your name, and enter today's date in the space provided. The test process is complete.

If the results of the screening test are 0.02 or greater, a confirmation test must be administered in accordance with DOT regulations. An EVIDENTIAL BREATH TESTING device that is capable of printing confirmation test information must be used in conducting this test.

Ensure that a waiting period of at least 15 minutes occurs before the confirmation test begins. Check the box indicating that the waiting period lasted at least 15 minutes.

After conducting the alcohol confirmation test, affix the printed information to the front of the form in the space provided, or to the back of the form, in a tamper-evident manner (e.g., tape) such that it does not obscure the original information or the device may print the results directly on the ATF. Print, sign your name, and enter the date in the space provided. Go to STEP 4.

**STEP 4:** If the employee has a breath alcohol confirmation test result of 0.02 or higher, instruct the employee to read, sign, and date the employee certification statement in STEP 4.

NOTE: If the employee refuses to sign the certification statement in STEP 4, be sure to indicate this in the remarks line in STEP 3.

Immediately notify the DER if the employee has a breath alcohol confirmation test result of 0.02 or higher.



**City of Hialeah FTA Safe-Sensitive Drug and Alcohol Testing Policy Receipt Form**

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Print

Occupation Title: \_\_\_\_\_

Employee ID: \_\_\_\_\_ Badge#: \_\_\_\_\_

I have received my copy of the City of Hialeah Drug and Alcohol Testing Policy. As a safety-sensitive employee, I understand that I must comply with the City of Hialeah Safe-Sensitive Drug and Alcohol Testing Policy and the Federal Transit Administration rules for prohibited drug use and alcohol use.

The City of Hialeah Safe-Sensitive Drug and Alcohol Testing Policy and future updates to the policy will be disseminated to the employees and posted on the City of Hialeah website.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date