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CLERK'S OFFICE
APPROVED
Date: 11-23-99

Submitted by: Chairman of the Assembly at the
Request of the Mayor

Prepared by: Department of Law

For reading: NOVEMBER 9, 1999

ANCHORAGE, ALASKA
AO NO. 99- 143

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE BY AMENDING VARIOUS SECTIONS OF CHAPTER 3.30 AND ENACTING A NEW SECTION 3.30.1913 TO APPROVE, ADOPT BY REFERENCE AND IMPLEMENT THE SUBSTANCE ABUSE TESTING POLICY FOR THE PUBLIC TRANSPORTATION DEPARTMENT OF THE MUNICIPALITY OF ANCHORAGE.

THE ANCHORAGE ASSEMBLY ORDAINS

Section 1. Anchorage Municipal Code chapter is hereby amended by amending subsections 3.30.190A. and 3.30.190B, the listed definitions in section 3.30.191. subsections 3.30.193D., 3.30.194A., 3.30.195B, section 3.30.197, and subsection 3.30.1912A. to read as follows:

3.30.190 **Substance abuse testing policy.**

A. *Testing.* The municipality shall use drug and alcohol tests to determine whether employees or applicants for employment are in compliance with the Municipal Substance Abuse Policy Procedure 40-22. Every substance abuse test shall include two components, alcohol and drugs, unless stated otherwise.

B. *Effect of testing results.* A refusal to take or submit to a substance abuse test, as defined in 3.30.1912, shall result in termination and/or disqualification from employment. Positive results for a urinalysis drug test shall result in termination and/or disqualification from employment consideration. Failure to pass a breath alcohol test shall result in discipline up to and including termination, and/or disqualification from employment consideration as follows:

1 In the case of alcohol testing results.

a. Employees testing .02 or greater but less than .04 shall be subject to discipline but not be terminated based solely on the test results alone.

b. If the results of the test are .02 or greater but less than .04 alcohol concentration, the employee shall be removed from the work site. The employee may not return to duty within eight hours of the first test unless the employee repeats the breath test and has an alcohol concentration that measures less than .02. The employee shall be placed on leave and such paid leave shall be deducted from their annual leave account. Employees who do not have sufficient leave shall be charged leave without pay.

- c. If the results of the test show an alcohol concentration of .04 or greater, the employee has failed the test and the employee shall be removed from his/her position and placed on leave without pay. Within 48 hours of the test the employee shall be informed by their supervisor of educational and substance abuse treatment programs, and be evaluated by a SAP. The determination of the SAP shall be considered in further decisions regarding continued employment of the employee.

(The remainder of this section is not affected by this ordinance and is therefore not set out.)

3.30.191 Definitions.

As used in this Rule 19, the following words and phases shall have the meanings indicated unless the context clearly indicates otherwise:

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Pre-employment test means a urinalysis drug test given to a successful applicant for a public safety or safety-sensitive position.

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Substance abuse test means a breath alcohol test and/or an urinalysis drug test.

Successful applicant means a person who has been selected to fill a position, subject to successful completion of a urinalysis drug screening test.

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(The remainder of this section is not affected by this ordinance and is therefore not set out.)

3.30.193 Testing program guidelines.

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- D. Methods of testing. Testing shall be done through analysis of urine specimens and breath samples provided by applicants/employees. Each substance abuse test shall have two components, unless stated otherwise, a test for the presence of alcohol and a test for the presence of drugs. Urine specimens shall be analyzed with an immunoassay screening test. Positive test results from the immunoassay shall be confirmed by a Gas Chromatography-Mass Spectrometry (GC-MS) test. The presence of alcohol shall be determined by an EBT.

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(The remainder of this section is not affected by this ordinance and is therefore not set out.)

3.30.194 Alcohol testing.

- A. Breath alcohol testing shall be administered for [PRE-EMPLOYMENT] random, reasonable suspicion, post-accident, and return-to-duty/follow-up testing. [PRE-EMPLOYMENT ALCOHOL TESTING IS NOT REQUIRED BY FEDERAL REGULATIONS BUT SHALL BE CONDUCTED ON THE BASIS OF THE MUNICIPALITY'S INDEPENDENT AUTHORITY.]

3.30.195 Split sample testing of urine specimens.

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- B. An applicant/employee may obtain a split sample test on a urine specimen if the analysis of the initial specimen confirms a positive drug test result for the presence of prohibited drugs A split sample test shall not be conducted if the analysis of the initial urine specimen confirms an adulterated test result. The applicant employee has 72 hours from notification of the positive test results to request, through the MRO, that the split sample specimen be sent to another SAMHSA certified laboratory for analysis.

(The remainder of this section is not affected by this ordinance and is therefore not set out.

3.30.197 Pre-employment applicant testing and procedure.

- A. *Pre-employment testing* shall be the final step in the selection process for safety-sensitive and public safety positions. Pre-employment testing may result from the employment actions of new hire, rehire, promotion, demotion, transfer, reinstatement, and reemployment.
- 1 Employees in safety-sensitive or public safety positions shall be required to take a urinalysis drug test for transfer, promotion, or demotion unless this requirement is waived by the director because an employee has passed a substance abuse test within the last 30 days.
 2. Failure to take and successfully pass the urinalysis drug test shall disqualify the applicant.
- B. *Procedures.* The following procedures shall be utilized in pre-employment urinalysis drug testing:
- 1 The employment office shall notify applicants/employees in writing of requirements for testing and the consequences of positive drug [AND/OR FAILED ALCOHOL] test results.
 2. The employment office shall provide to the collection site personnel the names of those applicants/employees who are to be tested.
 - 3 The employment office shall contact the applicant/employee and schedule appointments for collection of urine specimens [/BREATH SAMPLES] from the designated individuals.
 4. The employment office shall notify each applicant/employee to be tested of the date, time, and place of the appointment. The applicant/employee shall be required to appear for the test at the designated time.
 5. Collection site personnel shall follow the guidelines for collection of urine specimens[/BREATH SAMPLES].

- AO No. 98-5(S), § 2, 2-10-98)

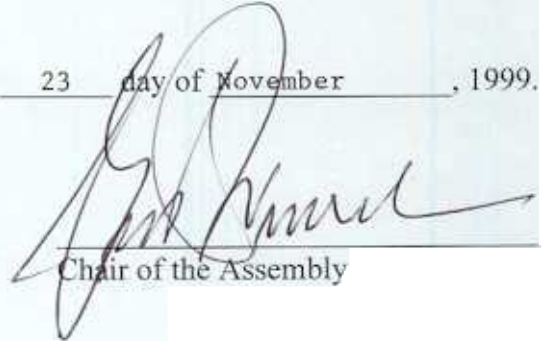
A Refusing to take or submit to a substance abuse test for any reason shall be construed as a positive drug test result or a failed alcohol test and all provisions relating to a positive drug test result or a failed alcohol test, except provision 3.30.195 B, shall be applicable.

The Municipality of Anchorage, Public Transportation Department Policy and Procedures for Substance Abuse Testing of Safety Sensitive Employees Effective January 1, 1995, (Revised September, 1999) is hereby adopted by reference and shall apply to safety sensitive employees of the Department of Public Transportation of the Municipality as listed in Attachment 1 to said Policy.

2 **Section 3.** Anchorage Municipal Code chapter 3.30 is hereby amended by adding thereto as Attachment
3 A. to said chapter the attached "Supervisors Reasonable Suspicion Observation Checklist" consisting of two
4 pages.

5 **Section 4.** This ordinance shall become effective immediately upon its passage and approval by the
6 Assembly.

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8 PASSED AND APPROVED by the Anchorage Assembly this 23 day of November, 1999.
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Chair of the Assembly

16 ATTEST:

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Municipal Clerk

Supervisor's Reasonable Suspicion Observation Checklist

Employee Name	Date
Department	Time
Job Title	

Check all boxes that apply. Fill out as completely as possible. Use additional paper as necessary.

Employee's Breath Smells Like Alcohol <input type="checkbox"/>	Employee's Breath Smells Like Marijuana <input type="checkbox"/>	
Body Odors Masked by Cologne/Mint <input type="checkbox"/>	Eyes Bloodshot <input type="checkbox"/>	
Eyes Glassy <input type="checkbox"/>	Eyes Watery <input type="checkbox"/>	Eyelids Swollen <input type="checkbox"/>
Pupils Dilated <input type="checkbox"/>	Pinpoint Pupils <input type="checkbox"/>	Face Flushed <input type="checkbox"/>
Face Pale <input type="checkbox"/>	Unusual Sweating <input type="checkbox"/>	Speech Slurred <input type="checkbox"/>
Incoherent <input type="checkbox"/>	Rambling <input type="checkbox"/>	Voice Unusually Soft/Loud <input type="checkbox"/>
Stumbles/Staggers/Falls When Walking <input type="checkbox"/>	Sudden, Marked Mood Swings <input type="checkbox"/>	
Sudden, Marked Changes in Activity Level <input type="checkbox"/>	Unusually Quarrelsome/Irritable <input type="checkbox"/>	
Doesn't Seem to Care About Anything <input type="checkbox"/>	Movements Jerky/Uncoordinated <input type="checkbox"/>	
Acts Hyperactive/Moves Very Slowly <input type="checkbox"/>	Other (Explain) <input type="checkbox"/>	
Describe any recent changes in attendance: _____		

Describe any recent changes in quantity or quality of work: _____		



Supervisor's Reasonable Suspicion Observation Checklist, Continued

Describe any suspicious accidents/errors:

Describe any other reasons why the employee has been selected for testing:

What is the employee's explanation of behavior/appearance:

For covered safety sensitive employees under U.S. Department of Transportation regulations, only one signature is allowed.

First Supervisor's Signature

Date

Second Supervisor's Signature

Date

(Supervisors must be trained in substance abuse detection)