

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by Employee Relations
For reading: July 11, 2006

CLERK'S OFFICE

APPROVED
Date: 7-25-06 ANCHORAGE, ALASKA
AO NO. 2006-100

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE SECTIONS 3.30.191, 3.30.194 AND 3.30.1913,
3 AND ADDING A NEW SECTION 3.30.1914, TO COMPLY WITH FEDERAL
4 REGULATORY CHANGES TO DEPARTMENT OF TRANSPORTATION
5 REGULATIONS ON SUBSTANCE ABUSE TESTING.

6
7 THE ANCHORAGE ASSEMBLY ORDAINS:

8
9 **Section 1.** Anchorage Municipal Code section 3.30.191 is amended to read as follows
10 *(the remainder of the section is not affected and therefore not set out):*

11
12 **3.87.191** **Definitions.**

13
14 As used in this Rule 19, the following words and phrases shall have the meanings
15 indicated unless the context clearly indicates otherwise:

16
17 *** *** ***

18 *Negative test result* means 1) absence of drugs in the urine of an employee/
19 applicant based on levels defined by SAMHSA and confirmed by a SAMHAS
20 certified laboratory and/or a medical review officer; 2) absence of alcohol in breath
21 based on levels defined in 49 CFR, Part 655 [653 AND 654], and confirmed by a
22 SAMHSA certified laboratory or evidential breath testing device (EBT).

23
24 *** *** ***

25
26 *Safety-sensitive position* means a position requiring a commercial drivers license
27 (CDL) and having a substantially significant degree of responsibility for the safe
28 operation of mass transportation and motor carrier service where the unsafe
29 performance of an incumbent could result in death or injury to self or others. Safety-
30 sensitive positions include but are not limited to:

- 31
32 (1) Bus operator, route inspector, shift supervisor, operations supervisor,
33 mechanics, other shop personnel, and anyone supervising employees in
34 the aforementioned positions, in the public transportation department;
35
36 (2) Positions requiring a CDL; and
37
38 (3) Any other positions determined to be safety-sensitive under CFR Part 655
39 [653 AND 654].

40
41 *** *** ***

42 (AO No. 98-5(S), § 2, 2-10-98)
43

Section 2. Anchorage Municipal Code section 3.30.194 is amended to read as follows
(the remainder of the section is not affected and therefore not set out):

3.30.194 **Alcohol testing.**

*** *** ***

C. *Safety-sensitive employees* shall be tested on an evidential breath testing device, according to 49 CFR, Part 655 [653 AND 654]. Employees with a CDL shall be allowed to take the alcohol breath test only in accordance with rules specified in this subsection C.2.

1. *Screen test.* The initial test shall be done using an EBT in accordance with 49 CFR Part 655 [654 AND 654]. If the initial test results are less than .02 alcohol concentration, then the test results are negative and shall be reported by the BAT as such. If the initial test results are .02 or greater, a confirmatory test shall be conducted.

2. *Confirmatory test.* The confirmatory test may be conducted on the same EBT as the initial test in accordance with 49 CFR Part 655 [653 AND 654]. Before the confirmatory test may be given, a minimum of 15 minutes must pass for either the same EBT machine to clear or before the use of another EBT machine. The confirmation test shall be given before 20 minutes has passed since the initial test was performed. Only the results of the confirmatory test shall be reported, irrespective of the results on the initial test. During such 15-minute period, the employee shall avoid any actions that could increase mouth alcohol.

(AO No. 98-5(S), § 2, 2-10-98; AO No. 99-143, § 1, 11-23-99)

Section 3. Anchorage Municipal Code section 3.30.1913 is amended to read as follows:

3.30.1913 **Substance abuse testing policy and procedure for the public transportation department.**

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 and May,2006)* is hereby adopted by reference and shall apply to safety sensitive employees of the Public Transportation Department of the Municipality as listed in Attachment 1 to said Policy.

(AO No. 99-143, § 2, 11-23-99)

Section 4. Anchorage Municipal Code chapter 3.30 is amended to add a new section to read as follows:

3.30.1914 **Substance abuse testing policy and procedure for commercial drivers license holders (except public transportation department employees).**

The Municipality of Anchorage Federal Motor Carrier Safety Administration Policy and Procedures for Substance Abuse Testing of Safety Sensitive Employees (effective May, 2006) is adopted by reference and shall apply to all covered employees of the Municipality, except Public Transportation Department employees, as listed in Attachment 2 to the Policy.

Section 5. This ordinance is effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 25th day of July, 2006.

Daniel A. Sullivan
Chair of the Assembly

ATTEST:

Barbara S. Gruenke
Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2006- 100

Title: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 3.30.191,
3.30.194 AND 3.30.1913, AND ADDING A NEW SECTION 3.30.1914, TO
COMPLY WITH FEDERAL REGULATORY CHANGES TO DEPARTMENT
OF TRANSPORTATION REGULATIONS ON SUBSTANCE ABUSE
TESTING.

Sponsor: David Otto, Director, Employee Relations
Preparing Agency: Employee Relations
Others Impacted: Public Safety

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY06	FY07	FY08	FY09	FY10	
Operating Expenditures						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						
PUBLIC SECTOR ECONOMIC EFFECTS:						
Language correction with no fiscal impact.						

PRIVATE SECTOR ECONOMIC EFFECTS:

Prepared by:

Karen Moore, Deputy Dir Employee Relations

Telephone: (907) 343-4514

MUNICIPALITY OF ANCHORAGE



ASSEMBLY MEMORANDUM

No. AM 486 -2006

Meeting Date: July 11, 2006

1 **From:** MAYOR

2
3 **SUBJECT:** AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
4 AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 3.30.191,
5 3.30.194 AND 3.30.1913, AND ADDING A NEW SECTION 3.30.1914, TO
6 COMPLY WITH FEDERAL REGULATORY CHANGES TO
7 DEPARTMENT OF TRANSPORTATION REGULATIONS ON
8 SUBSTANCE ABUSE TESTING.
9

10
11 The Department of Transportation recently combined CFR 40 parts 653 and 654 into part 655.
12 In addition, the Administration updated Anchorage Municipal Code chapter 3.30 to reflect the
13 drug and alcohol testing for the Department of Transportation, Federal Motor Carrier Safety
14 Act (FMSCA), part 382.
15

16
17 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE OF**
18 **THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE**
19 **MUNICIPAL CODE SECTIONS 3.30.191, 3.30.194 AND 3.30.1913, AND ADDING A**
20 **NEW SECTION 3.30.1914, TO COMPLY WITH FEDERAL REGULATORY**
21 **CHANGES TO DEPARTMENT OF TRANSPORTATION REGULATIONS ON**
22 **SUBSTANCE ABUSE TESTING.**
23
24

25
26 Prepared by: David K.F. Otto, Director Employee Relations
27 Concur: Frederick H. Boness, Municipal Attorney
28 Concur: Denis C. LeBlanc, Municipal Manager
29 Respectfully submitted: Mark Begich, Mayor
30
31

Content Information**Content ID :** 004041**Type:** Ordinance-InvolvingFunds - AO**Title:** FEDERAL REGULATORY CHANGES TO DEPARTMENT OF
TRANSPORTATION REGULATIONS ON SUBSTANCE ABUSE
TESTING.**Author:** curtiscr**Initiating Dept:** ER**Date Prepared:** 5/31/06 1:56 PM**Assembly Meeting**
Date MM/DD/YY: 7/11/06**Public Hearing Date**
MM/DD/YY: 7/25/06M.O.A.
2006 JUL -3 PM 1:45
CLERKS OFFICE**History**

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllFundOrdinanceWorkflow	5/31/06 2:03 PM	Checkin	yeskemi	Public	004041
ER_SubWorkflow	5/31/06 3:17 PM	Approve	mooreka	Public	004041
AllFundOrdinanceWorkflow	6/2/06 8:13 AM	Reject	mitsonjl	Public	004041
AllFundOrdinanceWorkflow	6/2/06 8:27 AM	Checkin	yeskemi	Public	004041
AllFundOrdinanceWorkflow	6/2/06 8:33 AM	Reject	ottodk	Public	004041
AllFundOrdinanceWorkflow	6/2/06 8:38 AM	Checkin	yeskemi	Public	004041
ER_SubWorkflow	6/2/06 8:41 AM	Approve	ottodk	Public	004041
OMB_SubWorkflow	6/2/06 9:44 AM	Approve	mitsonjl	Public	004041
CFO_SubWorkflow	6/9/06 9:26 AM	Approve	sinzje	Public	004041
Legal_SubWorkflow	6/9/06 1:29 PM	Approve	fehlenrl	Public	004041
MuniManager_SubWorkflow	6/9/06 1:31 PM	Approve	leblancdc	Public	004041
MuniMgrCoord_SubWorkflow	6/9/06 1:36 PM	Checkin	curtiscr	Public	004041
MuniMgrCoord_SubWorkflow	6/29/06 4:52 PM	Approve	abbottmk	Public	004041