



CITY OF ST. LOUIS

Including:
T.A. Cutler Memorial Library

EMPLOYEE HANDBOOK

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**City
General Policy**

| | |
|-------------------------|-------------------|
| Personnel Policy Number | 1.1 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Applicability |

This Personnel Handbook applies to every employee of the City, including employees of all special boards and commissions such as the Library Board. These bodies may elect to vary this policy in whole or in part upon approval of the city council.

“Chief Administrative Officer” as used in these policies means the following:

City Manager
Library Director

“City” as used in these policies means the following:

City of St. Louis
T.A. Cutler Memorial Library

Employees, who are members of a union that has an employment contract with the City, will only be entitled to those benefits in the union contract. All other aspects of this handbook shall apply to union employees unless abridged or modified by the contract and the union contract shall be the governing document for such abridgements or modifications.

City General Policy

| | |
|-------------------------|-------------------|
| Personnel Policy Number | 1.2 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Public Relations |

An important requirement of every job is public relations. As an employee of the public, these relations are especially important, and you should treat each citizen with the same respect and courtesy you do your department head. The following is a list of public relations guidelines that usually result in citizen satisfaction.

- Identify your department and your name when answering the telephone. A pleasant “Good Morning” or “Good Afternoon” is much appreciated by the caller.
- If approached by a citizen asking for information or making a complaint, give assistance if you can; if you are not able to help or if the citizen seems dissatisfied; suggest that the person call the proper department head or the City Manager. Always thank citizens for their interest and concern.
- Let citizens who have a complaint get the matter “off their chest”...do not interrupt them. Even if you feel the complaint is completely unjustified, be very hesitant in disputing the irate citizen. It is better to promise to check the matter than to argue with such a person.
- Keep a written record of any complaint or request you receive, as it may be needed for future reference.
- Maintain the best possible personal appearance in keeping with the work you are doing, as this is a reflection of the City.

**City
General Policy**

Personnel Policy Number

1.3 (page 1 of 1)

Effective Date:

September 2, 2014

Policy Regarding:

City Services

As a City employee, you may be asked about services of the City. The principal services are:

- a) Produces and sells electricity and water.
- b) Operates and maintains a Wastewater Treatment Facility
- c) Builds and maintains sewers, water lines, streets and parks
- d) Provides police and fire protection
- e) Maintains a library, swimming pool, and cemetery.
- f) Provides street lighting
- g) Collects property taxes to finance City, School and County services
- h) Provides yard waste, brush and leaf pickup
- i) Administers all Elections.

**City
General Policy**

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|-------------------------|--------------------|
| Personnel Policy Number | 1.4 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Employment-at-will |

This personnel policy handbook is not intended to create a contract between the City and any employee, or to grant a right to any employee to be continued in his or her employment, or to limit the right of the City to terminate its employees with or without cause. Likewise, employees are not limited in terminating their employment as they see fit, except in the payment of unused vacation time, as discussed in the vacation section of this policy.

The City retains the right to deviate from, change, delete, add to, interpret or cancel, in whole or in part, any of the provisions set forth herein, at the City's sole discretion, at any time, with or without prior notice. This personnel policy, approved by the City Council, supersedes and replaces all previous policies and documents.

This document and its supplements contain information about a person's employment relationship with the City. The only way any condition, contained herein, can be changed is by written documentation approved by the City Council or City Manager. Department Heads, City boards, and other City employees, cannot offer or give greater or different conditions or benefits than are contained herein.

**City
General Policy**

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|-------------------------|--------------------|
| Personnel Policy Number | 1.5 (page 1 of 1) |
| Effective Date: | December 6, 2016 |
| Policy Regarding: | Non-Discrimination |

As provided by Title VII of the Civil Rights Act of 1964 and the Elliott-Larsen Civil Rights Act of 1976, and all other applicable State and Federal Statutes, it is the policy of the City to grant equal employment opportunities to all qualified persons without regard to race, color, sex, religion, national origin, genetic information, sexual orientation, age, weight, height, marital status, disability, and any other classification protected by law.

The City will provide equal opportunity in employment, hiring, discharge, recruitment, pay rates, promotion, fringe benefits, job assignments, training and any and all aspects of the employment relationship with the employee. In addition, the City will not tolerate any retaliation against an employee asserting discrimination for any of the above reasons.

Additionally, in accordance with Executive Order 13166, the City has adopted a Limited English Proficiency Plan which is included as part of the Non-Discrimination Policies of the City (see Supplement B).

City General Policy

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|-------------------------|--------------------|
| Personnel Policy Number | 1.6 (page 1 of 3) |
| Effective Date: | December 6, 2016 |
| Policy Regarding: | Illegal Harassment |

Title VII of the Civil Rights Act of 1964 and the Elliot-Larsen Civil Rights Act of 1976, as well as related statutes, prohibit discrimination because of race, color, sex, religion, national origin, genetic information, sexual orientation, age, weight, height, marital status, disability, and any other classification protected by law, in all employment practices, including terms, conditions and privileges of employment. The policy of the City is to avoid all illegal discrimination and all illegal harassment, based upon these same characteristics, in the work place.

While this policy focuses on sexual harassment in the workplace, the principals set forth apply equally to other forms of illegal harassment, based upon the characteristics set forth, above.

Sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such conduct has the purpose or effect of unreasonable interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment”. Acts that constitute sexual harassment include, but are not limited to, unwelcome sexual advances, comments, conduct and suggestions where:

1. Submission to such conduct or communication is either an expressed or implied term or condition of obtaining or retaining employment.
2. Submission to or rejection of such conduct or communication is used as a basis for an employment decision affecting the harassed person.
3. The conduct has the purpose or effect of substantially interfering with an affected person’s work performance or creating an intimidating, hostile, or offensive work environment.

Illegal harassment by an employee, department head, supervisor, or others will not be tolerated. The City will actively investigate any allegation of illegal harassment.

**City
General Policy**

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|-------------------------|--------------------|
| Personnel Policy Number | 1.6 (page 2 of 3) |
| Effective Date: | December 6, 2016 |
| Policy Regarding: | Illegal Harassment |

All department heads and supervisors, as part of their job requirements, will be responsible for preventing and eliminating illegal harassment in their respective departments or work areas. Such behavior by employees, contractors, and other non-employees who have reason to be dealing with the City will not be tolerated.

1. Employee Responsibility: Any employee who believes that he or she is the victim of illegal harassment by anyone in the course of City employment should promptly report to either the department head or the City Manager, the details regarding the incident(s) which are believed to constitute illegal harassment. While not required, it is requested that all such reports be in writing, and that the report state specific details of the alleged illegal harassment behavior, including naming the alleged harasser(s) and naming witnesses.
2. Management Responsibility: All members of the City's management are responsible for ensuring that illegal harassment does not occur within their area of authority.
 - A. Any complaint of illegal harassment must receive the immediate attention of the supervisor or department head to whom it is made and must be reported immediately to the City Manager or Assistant City Manager.
 - B. Investigation of a complaint of illegal harassment normally will be conducted by the City Manager or designee.
 - C. Because of their sensitive nature, complaints of illegal harassment will be investigated with particular care and will remain, to any extent possible, confidential. However, strict confidentiality cannot be ensured.

**City
General Policy**

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|-------------------------|--------------------|
| Personnel Policy Number | 1.6 (page 3 of 3) |
| Effective Date: | December 6, 2016 |
| Policy Regarding: | Illegal Harassment |

- D. Information concerning a complaint of illegal harassment will be released by the City only on a need to know basis. More specifically, unless required by an applicable court order or unless otherwise required by law, information will not be released to an affected employee's family, the news media, or a prospective employer seeking a reference.

The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidents of illegal harassment, and to protect the reputation of any employee wrongfully charged with illegal harassment.

- E. If the investigation reveals that the complaint is valid, prompt disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.
- F. Retaliation of any kind shall not be permitted against any person who has set forth a complaint of discrimination or harassment, or likewise, against any person who participates in any investigation of discrimination or harassment.

**City
General Policy**

Personnel Policy Number 1.7 (page 1 of 1)
Effective Date: December 6, 2016
Policy Regarding: Disability Accommodation

Any employee with a disability, which qualifies for the protections provided in the Persons with Disabilities Civil Rights Act or the Americans with Disabilities Act should notify the appropriate supervisor of any need for an accommodation. The Supervisor will notify the City Manager of the need, and the City will consult with the employee and the employee's physician, to attempt to identify a reasonable accommodation for the employee. The employee should notify the supervisor as soon as the need for an accommodation is known, so that prompt and appropriate action can be taken to accommodate an eligible employee.

Any employee who believes that he or she may need an accommodation must advise his or her supervisor within 182 days of the need for an accommodation, or within 182 days of the time in which they became aware of the need for an accommodation.

Additionally, in accordance with Executive Order 13166, the City has adopted a Limited English Proficiency Plan which is included as part of the Non-Discrimination Policies of the City (see Supplement B).

City Employment Status Policy

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|-------------------------|-------------------|
| Personnel Policy Number | 2.1 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Classification |

The City hires employees to fill full-time, temporary, seasonal or part-time positions.

- A **Full-time** position is one in which the employee works a full 35 or more hour work week on a regular basis. Full-time employees are eligible to receive the benefits described in this Handbook, unless otherwise excluded or limited.
- A **Temporary or Seasonal** position is one in which the employee works a full or part-time schedule but for a limited duration.
- A **Part-time** position is one in which the employee works less than 35 hours during the workweek on a continuous basis.

In case of necessary budget cuts the Chief Administrative Officer may reduce a full-time employee's hours down to 32 hours a week on a temporary basis. Full-time employees so reduced will be able to keep their benefits.

Employees appointed to temporary, seasonal or part-time positions are not, unless otherwise specifically indicated or unless otherwise required by law, eligible to receive the fringe benefits afforded full-time positions.

**City
Employment Status Policy**

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| Personnel Policy Number | 2.2 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Orientation Period |

New employees and employees transferring into a new position will go through an orientation period to provide them an opportunity to show that required work can be performed satisfactorily in a timely and orderly fashion. All employees should demonstrate that they can give priority to completing their own specific job assignments, so that any surplus time may be used for helping other employees or performing other duties as time allows.

The orientation period lasts for six months of continuous employment beginning with the most recent date of hire. The orientation period may be extended if the City feels the extension is necessary to fully evaluate an employee. The orientation period does not alter the at-will status of all covered employees.

**City
Residency Requirement Policy**

Personnel Policy Number 3.1 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Residency Requirements

In the interest of the City, all employees of the City are encouraged to be, or to become, a resident of the City. Notwithstanding the foregoing, the City understands that residency is not always possible due to housing availability, among other reasons. Nevertheless, the policy of the City regarding the residency of its employees shall be as follows:

Department Heads: Residence within the City is preferred. Residence within a thirty (30) mile radius of the City limits is mandatory.

Other Employees: Residence within a thirty (30) mile radius of the City limits is mandatory.

Employees must satisfy the requirements set forth above within six months of their date of hire; provided, however, that the City Manager may, as a matter of sole discretion, extend such deadline for an additional ninety (90) day period.

This policy shall not apply to current employees, unless such employees change their residence after the effective date of this policy.

**City
Pay and Compensation Policy**

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|-------------------------|-------------------|
| Personnel Policy Number | 4.1 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Compensation Plan |

The Wages Compensation Plan is based upon rate and benefit study performed by MML. The wage scale is based on 9 Grades with 9 Steps.

Each step increase within pay grades is dependent upon the recommendation of the department head concerned and approval of the City Manager. Testing may be required to prove competency to progress to a higher pay grade. Recommendations shall also be based upon work performance.

Wage recommendations are made by the City Manager and Library Board and submitted to the City Council who approves the wage scale for all employees.

Reference: Appendix A-5

**City
Pay and Compensation Policy**

Personnel Policy Number: 4.2 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Non-exempt employees - overtime

The City reserves the right to schedule the work hours of the employees and to modify work schedules according to the needs of the operations. The normal work week for full time positions consists of forty (40) hours; the normal work day consists of eight (8) hours. The City reserves the right to require and schedule employees to work overtime, or on various schedules, according to the needs of the operations. This may involve working a shortened work week, or a flexible work schedule, at the discretion of the Supervisor.

Eligible employees working in excess of forty hours per week shall be paid at the rate of time and one half of their regular rate of pay. Overtime shall not be paid twice for the same hours worked. Supervisors will endeavor to equalize overtime. If overtime is equalized, seniority will be given consideration in overtime assignments.

Overtime must be authorized prior thereto by the employee's department head, by the department head's designated assistant or by the establishment of additional administrative procedures. Any employee working unauthorized overtime will be subject to discipline.

When an employee is called in to work outside of the employee's regular hours of work, the employee shall be paid a minimum of two hours of overtime pay. If an employee is asked to work extra immediately before or after the employee's working time, this is not considered a call-in. If more than two hours are necessary, the department head must be contacted.

Recognized paid holidays, paid personal business leave, paid vacations, paid sick time, and work lost due to work related disability (up to the end of the day on which the disability arose) shall be considered as time worked for purposes of determining overtime pay. Unpaid leaves of absences shall not count as time worked for purposes of computing overtime.

**City
Pay and Compensation Policy**

Personnel Policy Number: 4.3 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Exempt employees

For hiring purposes, as well as designating the method of compensation, the following positions are considered “exempt” and, as such, are not eligible for overtime pay and are paid at the biweekly rate of their annual salary:

- City Manager
- City Clerk
- Finance Director/Treasurer
- Superintendent Department of Public Works
- Superintendent Water Department/Wastewater Treatment Facility
- Library Director
- Police Chief
-
- Downtown Development Director
- Director of Public Services

For the purpose of this manual, these positions may also be referred to as supervisory, administrative or Department Head.

**City
Work Schedule Policy**

Personnel Policy Number: 5.1 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Work Hours

The standard schedule of hours and work week is eight (8) hours per day, five (5) days a week, Monday through Friday. The standard workday is from 8:00 a.m. to 5:00 p.m. This may be varied by the Chief Administrative Officer with written notification to the department affected. The Chief Administrative Officer or Department Head may require you to work different hours than those set forth above or may arrange a flexible work schedule with an employee.

Reference: Appendix A - 1

**City
Work Schedule Policy**

Personnel Policy Number: 5.2 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Absences and Tardiness

It is important to the City that employees report to work on time and work the scheduled hours. If, however, an employee must be absent, the supervisor must be notified by the employee as much before the start of the shift as is reasonably possible (generally at least one hour before the start of the shift), so any scheduling problems may be taken care of.

Absenteeism or tardiness will not be tolerated. In the event an employee is absent for three consecutive days without notifying the supervisor, the employee will be considered a voluntary quit.

**City
Work Schedule Policy**

Personnel Policy Number: 5.3 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Work Breaks

Each employee shall be entitled to a fifteen (15) minute paid break period during each four hours worked. The starting time of all breaks will be determined by the Department Head.

**City
Payroll Policy**

Personnel Policy Number: 6.1 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Pay Dates

All employees are paid every other Thursday via direct deposit to their personal bank account. When a Holiday falls on Thursday, employees shall be paid the regular working day preceding the Holiday.

All employees shall provide personal banking information to the Payroll Clerk to allow direct deposit of employee pay.

**City
Payroll Policy**

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|--------------------------|-------------------|
| Personnel Policy Number: | 6.2 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Social Security |

All employees are covered by the Social Security program of the Federal Government.
Information is available at City Hall.

**City
Payroll Policy**

Personnel Policy Number: 6.3 (page 1 of 1)

Effective Date: September 2, 2014

Policy Regarding: Unemployment Insurance

Eligible employees of the City shall be covered under the Michigan Employment Security Act. A handbook is available at the City Hall for your review.

**City
Payroll Policy**

Personnel Policy Number: 6.4 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Deferred Compensation

Beyond the MERS retirement programs, eligible employees may elect to participate in the City's deferred compensation plan. The City will deduct amounts authorized by the employee, via payroll deduction, and submit the payments on behalf of the employee to the City's deferred compensation plan. The City will not be responsible for any amount of the payment and cannot be responsible for any aspects of the performance of the plan's funds.

Further information on this program is available from the Payroll Clerk.

**City
Payroll Policy**

Personnel Policy Number: 6.5 (page 1 of 1)

Effective Date: December 6, 2016

Policy Regarding: Employee Dependant Status

The City provides some benefits, as required by law, to the dependents of the employee. It is the employee's duty to inform the Payroll Clerk or Personnel Director of **all** changes in the number and status of the employee's dependents. When a divorce, birth, death, marriage, graduation, adoption or some other similar qualifying event occurs, the City must be informed by the employee so that required benefits can be offered to the dependent person.

**City of St. Louis
Leave Time Policy**

Personnel Policy Number: 7.1 (page 1 of 6)

Effective Date: September 2, 2014

Policy Regarding: Family Medical Leave Act

- I. General Purpose: This policy establishes the rights and obligations of the City of St. Louis and its employees with respect to leave necessary for the medical care of employees and their families.
- II. Qualification For Leave: Employees must have been employed for at least twelve (12) months and have worked at least 1,250 hours in the year preceding the date the employees seek to start the leave.
- III. Available Leave: Eligible employees are entitled to take up to twelve (12) weeks of leave during any twelve (12) months period, measured backward from the date on which the leave is to begin, for the following purpose.
 - A. Child Care – Leave may be taken because of the birth, adoption, or foster-care placement of a child in order to care for the child.
 - 1) Child care leave must be concluded within twelve (12) months from the date of the birth, adoption or foster-care placement.
 - 2) Child care leave may be taken intermittently.
 - 3) Parents who are both employees of the City and who are eligible to take leave are entitled to take a combined twelve (12) weeks of leave for child care purposes under this paragraph.
 - 4) Employees who anticipate taking leave under this paragraph are required to provide notice of their intent at least thirty (30) days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30 day notice may be given.

**City of St. Louis
Leave Time Policy**

Personnel Policy Number: 7.1 (page 2 of 6)
Effective Date: September 2, 2014
Policy Regarding: Family Medical Leave Act

- B. Family Care – Leave may be taken to care for a spouse, son, daughter, or parent who has a serious health condition.
- 1) A serious health condition is generally one: (a) which requires inpatient treatment, or (b) which causes an absence from work, school, or normal activities for more than three (3) days and requires treatment by or under the direction or supervision of a health care provider on two or more occasions, or as defined by applicable law.
 - 2) Employees requesting leave under this paragraph must present a certification from a health care provider containing the date of which the serious health condition commenced, the probable duration of the condition, the appropriate medical facts regarding the condition, a statement that the employee is needed to care for the family member, and an estimate of the amount of time such care will be required.
 - 3) Employees taking leave under this paragraph may take the leave intermittently upon production of a health care provider's certification that the intermittent leave is necessary for, or will, assist the care of the family member and that provides the dates and duration any treatment and leave is expected. Employees using leave on an intermittent basis must try to schedule the leave to minimize disruption to normal operations. An employee may be reassigned to an alternative position, with equivalent pay and benefits, that better accommodates the recurring periods of leave.
 - 4) Employees who anticipate taking leave under this paragraph are required to provide notice of their intent at least thirty (30) days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30 day notice may be given.

City of St. Louis
Leave Time Policy

Personnel Policy Number: 7.1 (page 3 of 6)
Effective Date: September 2, 2014
Policy Regarding: Family Medical Leave Act

- C. Self-Care – Leave may be taken when the employee is unable to perform the essential functions of the position that the employee holds.
- 1) Employees seeking leave for self-care must have a serious health condition, as defined by paragraph IIIB(1) above.
 - 2) Employees requesting leave under this paragraph, must provide a certification from a health care provider containing the date the serious health condition commenced, the probable duration of the condition, the appropriate medical facts regarding the condition, and a statement that the employee is unable to perform the essential functions of the position. Employees seeking the certification must provide the health care provider with a written job description and/or list of essential functions of the position.
 - 3) Employees taking leave under this paragraph may take the leave intermittently upon production of a health care provider's certification that the intermittent leave is medically necessary and the expected duration of the leave. Employees who elect to use the available leave on an intermittent basis must try to schedule the leave to minimize disruption to normal operations. An employee may be reassigned to an alternative position with equivalent pay and benefits that better accommodates the recurring periods of leave.
 - 4) Employees who anticipate taking leave under this paragraph are required to provide notice of their intent at least 30 days prior to the date leave is anticipated to begin, or such notice as is practicable if leave becomes necessary before such 30 day notice may be given.

**City of St. Louis
Leave Time Policy**

Personnel Policy Number: 7.1 (page 4 of 6)

Effective Date: September 2, 2014

Policy Regarding: Family Medical Leave Act

D. Qualified Exigency Leave – An employee may take up to twelve (12) weeks of FMLA leave for a “qualifying exigency” that arises when a spouse, parent, or child is on or has been called to active duty. The availability of this twelve (12) weeks of qualifying exigency leave will be based upon the “rolling” twelve (12) month period described above. A qualified exigency leave can be taken for: (1) Short-Notice Deployment; (2) Military Events, (3) Childcare and School Activities; (4) Financial and Legal Arrangements; (5) Counseling; (6) Rest and Recuperation; (7) Post-Deployment Activities; and (8) Other events that arise out of the active duty or military call-up, where the employer and employee agree that such leave shall qualify as an exigency and agree to the timing and duration of the leave. The employee will be required to provide certification of a qualifying exigency leave, on the first occasion that an employee requests such leave.

E. Failure to Provide Required Certifications – Failure to provide the certifications required under this paragraph may result in denial of the leave or the request for leave on an intermittent basis.

IV. Eligible employees will be required to use available paid leave time as part of their FMLA leave. In most cases the maximum leave available under this policy is twelve (12) weeks of a combination of paid and unpaid leave.

A. Child or Family Care – Employees taking leave upon the birth or adoption of a child, or placement of a foster child under paragraph IIIA above, or for the care of a son, daughter, spouse, or parent under paragraph IIIB above, must use accrued vacation or personal leave as part of their FMLA leave.

B. Self Care – Employees unable to perform the essential functions of their job and who take leave under paragraph IIIC above, must use accrued vacation, personal, and sick leave as part of their FMLA leave.

**City of St. Louis
Leave Time Policy**

Personnel Policy Number: 7.1(page 5 of 6)
Effective Date: September 2, 2014
Policy Regarding: Family Medical Leave Act

- V. Benefits While on Leave: During any period of leave under this policy, an employee's group health insurance coverage will be maintained at the same level and under the same conditions as before the leave began.
- A. Employees who normally make a contribution toward their health insurance coverage must continue to do so. If on paid leave, the employee's contribution will be collected in the same manner as if the employee were reporting to work. During periods of unpaid leave, the employee must arrange with the payroll office, prior to commencement of the leave, for payment of the employee's share of the premium.
 - B. An employee who does not return to duty from unpaid leave under this policy for at least thirty (30) calendar days will be liable for the department's group health insurance premium contribution and any part of the employee's share paid by the department; unless the failure to return to duty is caused by continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave under this policy or for circumstances beyond the employee's control. Where recovery of premiums is permitted, the employee remains responsible to reimburse the city. Failure to return following the conclusion of the leave period will, unless otherwise excused as an accommodation for a disability, be considered a voluntary resignation.
 - C. Employees will not accrue other benefits while in an unpaid leave status, including seniority rights.
- VI. Return to Duty – Upon return to duty, an employee is entitled to restoration to the former position or an equivalent position with equivalent pay and benefits, except as limited by existing law.
- A. An employee who has taken leave for self-care under paragraph IIIC above, will be required to present a certification of fitness for duty from a health care provider prior to commencement of work. Failure to provide the certifications may cause denial of reinstatement.

**City of St. Louis
Leave Time Policy**

Personnel Policy Number: 7.1 (page 6 of 6)
Effective Date: September 2, 2014
Policy Regarding: Family Medical Leave Act

- VII. Military Care Giver Leave -- If an employee is the spouse, son, daughter, parent, or next of kin of a “covered service member” in the military, who is suffering from a “serious injury or illness,” he or she is entitled to take up to twenty-six (26) weeks of leave during a single twelve (12) month period to care for the “covered service member.” This twelve (12) month period begins on the first day the eligible employee takes this military caregiver leave to care for a covered service member, and not on the “rolling” basis described in the first portion of this exhibit. Any other leaves taken under FMLA during the twelve (12) month period, other than military caregiver leave, are considered in calculating how much leave the employee has available, up to twenty-six (26) weeks. The employee will be required to provide certification that the “covered service member’s” serious injury or illness was incurred in the line of duty on active duty.

City Leave Time Policy

Personnel Policy Number: 7.3 (page 1 of 1)
Effective Date: December 6, 2016
Policy Regarding: Donation of Paid Sick Time

Occasionally there are extenuating circumstances where an employee needs extra paid sick leave. Other employees may donate their accumulated paid sick time to the employee in need, if the Chief Administrative Officer approves the donation.

In the event of such a circumstance, the following guidelines and conditions must be met to exercise this provision*:

- This provision can be used only for the employee's illness, not that of a family member.
- Employees in need must first use all of their paid time (sick, vacation, etc) before any time can be received.
- Employees in need will be allowed to receive up to six (6) weeks of paid sick time in total.
- The employee donating paid sick time recognizes that this is considered a donation of time and will not be repaid or replaced.
- The employee donating paid sick time must have more than 240 hours of sick leave accumulated to be eligible at the time of donation.
- Employees donating paid sick time can give up to a maximum of twenty percent (20%) of their paid sick time over the 240 hours, but, no recipient of donated hours may exceed 500 hours sick leave used per fiscal year.

*This provision must be executed as part of a Family Medical Leave (Section 7.1). The ability to receive donated sick time does not extend the employee's 12 week entitlement to FMLA leave. Donated sick time may not be used during absence related to a Worker's Compensation insurance claim (Section 8.3).

**City
Leave Time Policy**

Personnel Policy Number: 7.4 (page 1 of 1)
Effective Date: December 6, 2016
Policy Regarding: Unpaid Leave of Absence

At one time or another, an employee may find a need for a leave without pay. Full time or part time employees may be granted a leave of absence upon approval of the City Manager.

Requests for leaves of absence shall be made in writing, shall be signed by the employee, shall state the reasons the leave is requested and the length of time the employee desires, and shall be given to the department head for review and comment. The department head shall transmit the request to the Chief Administrative Officer.

Leaves of absence shall be without pay and benefits, except that employees may continue their group hospitalization by paying to the City the entire monthly premium. The City will attempt to return the employee to the same job, if it is still open and if the employee is still fully qualified for it. Whether or not the employee will be able to return to the same job depends on the length of the leave and other circumstances in each case. The City cannot, however, guarantee that the employee will be re-employed upon expiration of the leave. An employee who fails to return to work upon expiration of the leave of absence shall be presumed to be a voluntary quit.

If additional time is required, the employee must reapply no later than fifteen days prior to the expiration of the approved leave of absence. The extended leave of absence will be reviewed based on the circumstances of the request and the needs of the City at the time.

The granting or denial of any leave of absence, including any renewed or extension, shall be at the City's sole discretion, based on the availability of qualified substitute help, the needs of the City, the frequency of such requests, and or other factors deemed pertinent by the City. The granting or denial of any leave or a renewal or extension in a given case shall not be deemed a practice or precedent insofar as any other case is concerned.

**City
Leave Time Policy**

Personnel Policy Number: 7.5 (page 1 of 1)
Effective Date: December 6, 2016
Policy Regarding: Jury Duty

If an employee is called for jury duty, the supervisor should be promptly notified. If the employee cannot reach the supervisor, the employee may notify the City Clerk or the Chief Administrative Officer. An employee called for jury duty shall keep the City informed of the scheduled days to serve.

The City will pay any full-time employee who is called for jury duty eight (8) hours at the employee's regular hourly rate of pay, if the employee would have worked but for the jury duty, up to a maximum of thirty (30) working days. Any juror's fees, not including mileage, shall be given or assigned to the City within 45 days of jury duty served. At any time the City does not receive jury duty fees from the employee within 45 days of jury duty served, absence from work to serve jury duty shall be deducted from any paid time off benefit.

Employees, who are on jury duty and are dismissed by the Court before their work day is half over, must report promptly back to complete the work day.

**City
Leave Time Policy**

Personnel Policy Number: 7.6 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Military Leave and Veteran's Rights

The Veteran's Preference Act and Uniformed Services Employment and Reemployment Rights Act of 1994 provide for special rights for city employees and applicants who are serving, have served or are about to serve in this country's military services.

Employees who are inducted into the armed forces, or called to active duty, will be granted an extended unpaid leave of absence. Employees returning from such a leave of absence will be accorded such rights and benefits as set forth in the applicable statutes. When military reserve active duty assignments are required, leaves of absence may also be obtained. Employees should discuss such plans with the Chief Administrative Officer, as soon as they are aware of the need for military leave, so that they can be informed of the requirements for military leave and the City can make the necessary adjustments to cover the employee's absence.

**City
Leave Time Policy**

Personnel Policy Number: 7.7(page 1 of 1)
Effective Date: December 6, 2016
Policy Regarding: Bereavement Leave

Upon request, a full time seniority employee will be granted up to three (3) consecutive days as funeral leave days with pay when a death occurs in the employee's immediate family.

Immediate family is defined as: Mother, Father, Sister, Brother, Spouse, Child, Grandchild, Grandparent, Sister-in-law, Brother-in-law, Mother-in-law, Father-in-law, or a Step relation in any of these named categories.

An employee shall be granted funeral leave of up to one day with pay to attend the funeral of a relative not listed above, or where the employee has responsibility of serving as a pallbearer.

In unusual circumstances, subject to approval of the Chief Administrative Officer, an employee may use up to twenty-four hours of accumulated sick leave for an extended bereavement leave with pay.

**City
Leave Time Policy**

Personnel Policy Number: 7.8 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Holidays

Section 7.7 HOLIDAYS

The City observes the following as legal paid holidays each year.

MAJOR HOLIDAYS

New Year's Day
Memorial Day
Fourth of July
Labor Day
Thanksgiving
Christmas

MINOR HOLIDAYS

President's Day
Good Friday
Day after Thanksgiving
Day before Christmas
Day Before New Year's

Both Major and Minor holidays falling on Sunday shall be observed by the City the following Monday. Holidays falling on Saturday shall be observed by the City the preceding Friday.

When Christmas falls on a Saturday, the Thursday before shall be observed as the "Day before Christmas" and Friday shall be observed as Christmas. When Christmas falls on Monday, the Friday before shall be observed as the "Day before Christmas". The same also applies to the Day before New Year's and New Years Day.

An employee must work the scheduled day before and the scheduled day after a regular holiday or be excused from work, to be eligible for holiday pay.

**City
Leave Time Policy**

Personnel Policy Number: 7.9 (page 1 of 1)
Effective Date: December 6, 2016
Policy Regarding: Personal Business Leave

On July 1 each year, all full time employees shall be eligible for five (40 hours) personal business days per year.

Personal business days may be used in any combination of time blocks with a minimum of a half hour. . Time must be rounded to the next quarter of the hour. Personal business days may be used as vacation.

New hire employees, personal business days will be prorated from the date of hire to the next July 1 rounded to the nearest whole day. For example: 40 hours personal business days divided by 12 months times the number of whole months remaining to be worked until July 1, rounded to the next quarter hour . An employee hired February 15 would have 4 months remaining until July 1 $((4/12) \times 40) = 13.33 = 13.5$ hours personal time. New hire employees are eligible to use personal business days while serving a probationary period. Any new hire employee terminated during a probationary period shall forfeit any personal business days that may have been accrued but not used.

Prior to use of any personal business days, the employee is required to make written request, which must receive the approval of the supervisor or department head prior to the personal business day being taken. Such approval is at the discretion of the department head.

Personal business leave will be lost if not taken in the year allotted.

**City
Leave Time Policy**

Personnel Policy Number: 7.10 (page 1 of 3)
Effective Date: December 6, 2016
Policy Regarding: Vacation

Full-time employees shall earn vacation leave with pay in accordance with the following schedule based upon their completed vacation benefit years of service as of July 1 each year:

| | |
|---|------------|
| After one full vacation benefit year of service | 80 hours; |
| After five full vacation benefit years of service | 120 hours; |
| After ten full vacation benefit years of service | 160 hours; |
| After eighteen full vacation benefit years of service | 200 hours. |

Each employee will be credited with vacation leave on July 1 of each year, to be used during the next 12 months.

An eligible employee is qualified to receive vacation leave in accordance with the schedule above provided the employee has worked at least 1600 hours during the previous vacation benefit year (July 1-June 30.)

Employees with less than one vacation benefit year of service or who worked less than 1600 hours during the previous vacation benefit year are eligible for pro-rated vacation based upon the number of hours actually worked. An employee with less than one vacation benefit year of service, vacation would be based on the actual number of hours worked from the employee's date of hire to July 1 divided by 1600 and multiplied by 80.

For the purpose of vacation leave eligibility, all paid leave shall count as hours worked. Unpaid leave shall not count as hours worked for the purposes of calculating vacation benefit eligibility. Further, one hour of work shall be counted as one hour of work even though the hour worked may have been paid at rate greater than the employee's hourly rate. Workers' Compensation is not paid leave

**City
Leave Time Policy**

Personnel Policy Number: 7.10 (page 2 of 3)
Effective Date: December 6, 2016
Policy Regarding: Vacation

Vacation leave will not be paid for hours actually worked.

Vacation leave may not be taken unless approved by the Department Head. In deciding whether or not to grant an employee's vacation request, the Department Head shall consider the time of the vacation request, the City's work schedule, availability of other employees, and the seniority of the requesting employee.

Employees who give at least two weeks advance written notice of the termination of their employment with the City will be paid for vacation benefits as provided in this policy. Terminal vacations (taken after the employee's last active day at work) will not be counted as advance notice of an employee's termination.

The City believes vacations are valuable for the employee's personal health and effectiveness. Employees are, therefore, encouraged to take their full vacation allowed each year; however, a maximum of 40 hours may be carried over from one vacation benefit year to the next. Any vacation in excess of 40 hours shall be permanently forfeited if not used by June 30. Under special circumstances, vacation leave can be accumulated of more than forty (40) hours with written approval from the City Manager. All hours over the forty (40) carried over must be used within the next year or be forfeited.

**City
Leave Time Policy**

Personnel Policy Number: 7.10 (page 3 of 3)
Effective Date: December 6, 2016
Policy Regarding: Vacation

Earned vacation shall be that vacation leave time due the employee for work performed during the previous vacation benefit year. Vacation shall be earned on July 1. Accrued vacation shall be that vacation time accumulated during the vacation benefit year that would be credited to an employee's vacation leave balance the following July 1.

An employee who has worked less than 1600 hours at the time of termination will have accrued a pro-rata vacation based upon the number of hours actually worked; provided however, that hours lost (based on 40 hours per week) as a result of a worker's compensable injury suffered in the course of employment with the City, which renders the employee unable to return to work following said injury, shall be counted toward the 1600 hour minimum.

Upon termination of employment, an employee shall be paid for vacation leave earned and accrued, except in the case of voluntary quit with less than two (2) weeks notice. In the case of voluntary quit with less than two (2) weeks notice, all vacation leave earned shall be paid, however, any accrued vacation shall be forfeited. If an employee is terminated during the orientation period, all vacation leave earned or accrued as defined in this policy, shall be forfeited.

**City
Leave Time Policy**

| | |
|--------------------------|--------------------|
| Personnel Policy Number: | 7.11 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Requests for Leave |

Unless stated differently for a particular type of leave, any request for leave must be requested in writing before the start of the day that the employee will be absent, except in the case of an emergency. Vacation leave in excess of ten (10) calendar days should be requested three months in advance. All leave granted is upon written approval of the proper department head.

Reference: Appendix A - 2

City Benefits Policy

| | |
|--------------------------|-------------------|
| Personnel Policy Number: | 8.1 (page 1 of 2) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Retirement System |

The City and each eligible employee is a member of the Michigan Municipal Employees Retirement System, which is known as MERS. Employees are members of one of two plans; the MERS Defined Benefit plan or the MERS Defined Contribution plan.

MERS Defined Benefit Plan:

This is a Defined Benefit retirement plan. Full Time employees hired before June 1, 1999 are eligible members for this plan.

Membership and benefits are designated as “Plan B-4” and are well described in a booklet entitled *MERS Member Handbook* available from the Payroll Clerk.

MERS Defined Contribution Plan

Full Time employees hired on or after June 1, 1999, are eligible members for the MERS Defined Contribution Benefit Plan. Membership packets and investment information are available from the Payroll Clerk.

Employees of this plan are required to contribute, on a pre-tax basis, three percent (3%) of their gross wages as a condition of participation in the plan. The City shall contribute on behalf of each participant, eight percent (8%) of the gross wages (subject to the limitations of sections 415(c) and (e) of the Internal Revenue Code).

Membership and benefits are designated as “MERS Defined Contribution Plan” and are well described in a booklet entitled *MERS Member Handbook* available from the Payroll Clerk.

**City
Benefits Policy**

Personnel Policy Number: 8.1 (page 2 of 2)
Effective Date: September 2, 2014
Policy Regarding: Retirement System

Members are vested after completing the five-year vesting terms. The vesting schedule for this plan is as follows:

| <u>Years of Completed Service</u> | <u>Percent Vesting Requirements</u> |
|-----------------------------------|-------------------------------------|
| Zero | 0% |
| One | 20% |
| Two | 40% |
| Three | 60% |
| Four | 80% |
| Five | 100% |

City Benefits Policy

Personnel Policy Number: 8.2 (page 1 of 3)

Effective Date: July 1, 2024

Policy Regarding: Insurance

A. Worker's Compensation:

All employees are included in the Worker's Compensation Insurance program carried by the City. (See Section 8.3 Worker's Compensation)

B. Dental Insurance:

The City agrees to provide dental insurance to eligible employees, which pays reasonable charges for the following services:

- (Type I: with copayment of 0%) Preventive and Diagnostic services for oral examinations, emergency treatment of pain relief, cleaning and topical applications of fluoridation.
- (Type II: with copayment of 20%) Minor restorative services, x-rays as required, oral surgery, procedures for diseased/damaged nerves (root canals), gums and supporting structures of the teeth.
- (Type III: with copayment of 50%) Major restorative services for cast restorations and crowns. Also covers services and appliances such as bridges and dentures.

The above are limited to a maximum of \$1,000 per person total per calendar year on all services.

This benefit commences on the first day of the month following the employee's first full month of employment.

C. Vision Coverage

The City agrees to provide vision insurance to eligible employees, which pays reasonable charges for exams, lenses, and frames. See the Payroll Clerk for summary of current coverage levels and providers.

D. Term Life:

Each eligible employee shall be covered by term life insurance payable on death. All policies shall pay double indemnity for accidental death. The City shall pay the entire premium.

This benefit commences on the first day of the month following the employee's first full month of employment.

City Benefits Policy

Personnel Policy Number: 8.2 (page 2 of 3)

Effective Date: July 1, 2024

Policy Regarding: Insurance

E. Group Hospitalization:

All eligible employees receive Group Hospitalization. The City has elected to implement the 80%/20% option for funding health insurance premiums as allowed compliance with Michigan Public Act 152 of 2011. This option requires that employees shall pay 20% of the cost of health insurance and is deducted from their paychecks.

The current BCBS offering is a PPO HSA plan with the minimum deductible allowed to qualify with the IRS for a high deductible plan. The cost of health insurance for compliance with Act 152 is the BCBS premium plus the applicable annual deductible to be contributed to an employee's HSA account.

Generally, this benefit commences on the first day of the month following the employee's first full month of employment. The benefit is complete at the end of the month following an employee's termination or retirement of employment.

Employees may contribute additional amounts to their HSA through payroll deductions up to the amount allowed by the IRS. To encourage savings, the City will match employee added contributions to their HSA at a rate of 2 to 1 up to the IRS annual determined single subscriber contribution maximum. The calculation of that will start with the IRS allowed maximum contribution for a self-only plan, less the amount of the single subscriber HSA deductible, then divided by three (3) to determine the amounts employees can elect to receive for savings benefit. (Example: IRS limit of 4,150, less HSA deductible of 1,600, equals 2,550, divided by 3 equals 850. Thus employee can elect to contribute up to \$850 and the City would match that with 2 to 1 match up to \$1,700)

Employees who opt out of the City's employer-sponsored health insurance and provide the City with proof of other active health insurance, the City shall pay an amount equal to forty percent (40%) of the annual premium for single participant coverage into the employee's MERS Health Care Savings Plan, which shall be immediately vested to the employee. The City's contributions to the employee's MERS Health Care Savings Plan shall be made in monthly installments.

For further information on the benefits contact the Payroll Clerk at City Hall.

**City
Benefits Policy**

Personnel Policy Number: 8.2 (page 3 of 3)
Effective Date: July 1, 2024
Policy Regarding: Insurance

RETIREES:

An eligible employee may continue to be a member of the City's hospitalization, vision insurance, and dental insurance after retirement, subject to the conditions herein:

1. Employees should request, in writing, their desire to continue hospitalization insurance, vision insurance, and/or dental insurance.
2. The retired employee will pay to the City, in advance by the first day each month, the cost to have such insurance
3. If an employee fails to deposit the cost of the premium with the City on time, the employee's insurance may be cancelled and not renewed.

City Benefits Policy

Personnel Policy Number: 8.3 (page 1 of 2)
Effective Date: December 6, 2016
Policy Regarding: Worker's Compensation

In order to protect an employee and an employee's family against medical care expenses and lost wages caused by accidents arising out of or in the course of employment, an employee is covered by worker's compensation insurance carried and completely paid for by the City. This insurance provides for payments of all allowable claims and amounts specified under state law. This policy is in accordance with the State of Michigan's Worker's Compensation Act of 1969.

When a work related injury or illness occurs, it must be reported to your Supervisor or Department Head immediately and not to exceed twenty-four hours. All verbal reports must be followed by a written incident report (appendix A4) obtained from the Department Head, which he/she will then file with the City Clerk. A physician visit is required with all written incident reports.

Medical treatment will be sought with the City's designated physicians at:

Occupational Health
321 E. Warwick Dr.
Alma, Michigan
(989) 466-3340

or, in the case of an emergency or in the event the former is closed:

Gratiot Community Hospital
300 Warwick Drive
Alma, Michigan 48801
(989) 463-1101

The employee shall keep the Department Head informed on his/her condition. All appointments, treatments, surgery, referrals, etc. relating to a Workman's Compensation claim must be reported to the Payroll Clerk and approved by the insurance company before the actual event happens. Before returning to work, the employee is required to report to the employee's Department Head, the City Manager, or the next in the chain of command, and provide a return to work slip from the attending physician.

In case of a work incapacitating injury or illness for which an employee is, or may be, eligible to receive disability benefits under the Worker's Compensation Acts

**City
Benefits Policy**

Personnel Policy Number: 8.3 (page 2 of 2)
Effective Date: December 6, 2016
Policy Regarding: Worker's Compensation

an employee may utilize available paid time off benefits to eliminate or reduce the difference between the employee's regular salary or wage and the employee's worker's compensation benefits. Employees may not use donated paid time for leave under this policy.

Upon the exhaustion of the paid time off benefits , the employee shall draw only those benefits allowable under the Worker's Compensation Act of the State of Michigan.

**City
Benefits Policy**

Personnel Policy Number: 8.4 (page 1 of 1)

Effective Date: December 6, 2016

Policy Regarding: Flexible Spending Accounts

Section 125 of the Federal Income Tax Laws allows employees to have their wages, before taxes, reduced for child care purposes and the City to hold those wages for disbursement to covered expenses. .

For further information about this benefit, contact the Payroll Clerk.

**City
Benefits Policy**

Personnel Policy Number: 8.5 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Optional Programs

The City offers its employees, at their option, additional insurance. The employee, via payroll deduction, pays all premiums and costs. The following are the additional offerings:

1. AFLAC Insurance: Offers a variety of insurance including but not limited to, short and long term disability policies, cancer policies, intensive care policies and accident policies. Further information on the aforementioned is available from the Payroll Clerk.

2. Equitable Insurance: Offers additional life insurance. Further information is available from the Payroll Clerk.

Employees should check with the Payroll Clerk regarding eligibility periods for these benefits.

City Benefits Policy

Personnel Policy Number: 8.6 (page 1 of 1)

Effective Date: December 6, 2016

Policy Regarding: Miscellaneous Benefits

Coffee

The City Council expects employees to be cordial to all who may visit City facilities and be able to provide refreshments to visitors. The City provides coffee and condiments to all employees stationed at various locations throughout the City buildings as an employee benefit and to encourage good will toward visitors.

Employee/Board/Commission/Committee member's Recognition Program

The City Council has instituted a recognition program to be designed and implemented by the City Manager from time to time to recognize extraordinary service and performance by City employees and Board/Commission/Committee members.

Clothing Allowance Middle Management Positions

Middle management employees appointed to the positions of Utilities Director, DPW Superintendent, Electric Foreman and Water/Wastewater Superintendent will receive an allowance of a like amount being paid to other members of their respective department per year to be used to purchase uniforms, work boots, Carhartts or other clothing necessary for purposes related to performance of work related to the position. Uniform allowance will be paid each employee monthly throughout the year. Uniform and Carhartt style and color to be worn by each division are subject to the approval of the City Manager. Uniform shirts and Carhartt jackets shall bear the City logo. Uniforms and Carhartts shall be maintained clean and in good repair. Should an employee need to replace any uniform, work boots, Carhartt or other apparel, the cost to replace said apparel shall be born by the employee. All employees are expected to wear uniforms and work boots appropriate for the division.

Discounted Community Center Rental Rates

A once a year discount is provided as a fringe benefit for full time employment and/or membership of the council. Once a calendar year those individuals will be allowed to utilize the community room or training room for two-thirds the residential rate. All other deposits and rules will apply to the use. (Resolution 2015-13).

**City
Training and Education Policy**

Personnel Policy Number: 9.1 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Mileage and Expenses

Upon the approval of the Department Head and the City Manager, employees who incur expenses for operating their personal automobile for public purposes will be reimbursed. Automobile expenses will be reimbursed at the maximum allowed by IRS regulations.

Payments are received by filing an Expense Reimbursement form with the Department Head. Reimbursement payments are made in accordance with City Council meetings and accounts payable cut-off dates.

Reference: Appendix A - 3

**City
Training and Education Policy**

Personnel Policy Number: 9.2 (page 1 of 1)

Effective Date: December 6, 2016

Policy Regarding: Educational Expenses

The City's policy is to encourage full-time employees to take advantage of educational opportunities in order to improve job performance and to qualify for positions of increased difficulty and responsibility. If approved by the City Administrator, the City will reimburse an eligible employee for educational expenses subject to the following provisions.

1. A written request to the Chief Administrative Officer must be submitted for approval prior to enrollment. The request must include an outline of the course being considered, the expenses involved, and the recommendation of the Department Head.
2. The curriculum must be of direct, appropriate and obvious benefit to the employee for the performance of City employment duties.
3. Proof of the employee's successful completion of the course must be submitted to the Chief Administrative Officer before reimbursement is made by the City to the employee. Successful completion is defined as a final grade of "C" or better.
4. Reimbursement shall be for tuition and books only.
5. Employees who are requested by the City to attend a training school, conference or seminar should consult the policy regarding workshops and seminars.
6. Advance payment will be made only by special request to the Chief Administrative Officer. Expenditures in this instance must be reimbursed by the employee to the City in the event that the course is not completed.
7. A statement must be signed by the employee receiving the educational reimbursement agreeing to refund the expenses paid by the City if the employee voluntarily terminates City employment within 365 calendar days of course completion.

City
Training and Education Policy

Personnel Policy Number: 9.3 (page 1 of 1)

Effective Date: September 2, 2014

Policy Regarding: Workshops and Seminars

Attendance of personnel at special workshops and seminars, which may require out-of-town travel, is based upon the needs of the City for information or training in special areas. Such attendance is voluntary and shall be at the discretion of the Chief Administrative Officer and as provided for in the annual budget.

Additional pay compensation will not be allowed because participation may extend beyond normal working hours.

**City
Training and Education Policy**

Personnel Policy Number: 9.3.1 (page 1 of 1)

Effective Date: September 2, 2014

Policy Regarding: Required Education and Training

If the City requires an employee to attend a special class or seminar, 100% of the tuition, fees, books, travel, meals and lodging will be paid by the City.

**City
Hiring Process Policy**

| | |
|--------------------------|----------------------|
| Personnel Policy Number: | 10.1 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Filling of Vacancies |

Any job vacancy, which occurs within the City, shall be posted in each department. The posting should include the job description, qualifications and pay rate.

In order to fill vacant positions with the most qualified applicants, the Chief Administrative Officer will have the ability to negotiate a benefit package with potential outside new hires provided that the potential employee has Municipal experience, or experience in the related field, of the vacant position. The amount of leave time granted will be based on the number of years of experience.

**City
Hiring Process Policy**

| | |
|--------------------------|--------------------|
| Personnel Policy Number: | 10.2 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Driver's License |

Any employee required to drive vehicles, in the course of City employment, must hold a valid Michigan State Driver's License with the proper certification and endorsements for the vehicles applicable to the employee's job. To enable the City to verify the employee holds a valid license an employee shall provide the City with copy of driver's license.

Required CDL endorsement fees will be reimbursed to the employee. File an expense reimbursement form for payment.

Reference: Appendix A-3

City Safety Policy

| | |
|--------------------------|--------------------|
| Personnel Policy Number: | 11.1 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Safety Standards |

As a requirement for each position with the City, it will be necessary for each employee to wear and/or use proper safety equipment with regard to MIOSHA standards, and standards set by the Safety Committee.

The Safety Committee is comprised of the City Manager and Department Heads. Any questions or concerns an employee may have regarding safety issues or standards should be directed to a committee member.

The requirements for safety standards will be submitted to each employee in a separate document. Safety standards will be maintained and failure to comply will result in disciplinary action.

An employee may refuse to do any work if the employee feels it is unsafe. The employee should notify the supervisor as to why it is felt that the assignment is unsafe to perform and ask the supervisor to demonstrate how to do the job safely.

City Safety Policy

Personnel Policy Number: 11.2 (page 1 of 2)
Effective Date: September 2, 2014
Policy Regarding: Accidents and Other Liability

Personal injury, vehicle accidents, and other accidents causing property damage to City or private property are to be reported immediately to your supervisor. If you see an accident or are involved in one:

1. Call for medical aid if needed, and to the extent you are properly trained and are comfortable with doing so, you may provide assistance to the injured person.
2. Take names and addresses of all persons involved in the accident and/or who are witnesses.
3. Notify your supervisor or the police.

Any employee may observe other incidents that could cause a private citizen to make an insurance claim against the City. If such an incident happens:

1. Call for medical aid if needed, and to the extent you are properly trained and are comfortable with doing so, you may provide assistance to the injured person.
2. Gather basic information; names, addresses, telephone numbers of the injured party and any witnesses which observed the scene, along with a basic description of what occurred.
3. If requested, advise the party that the information you are gathering will be reported to the employee of the City who handles the City's insurance. (The City Treasurer)
4. Notify your Department Head or the City Clerk as soon as possible.

**City
Safety Policy**

Personnel Policy Number: 11.2 (page 2 of 2)
Effective Date: September 2, 2014
Policy Regarding: Accidents and Other Liability

There are some things you should not do. They are:

1. Do not make any statement to the party regarding fault, liability or responsibility.
2. Do not guarantee or promise anything to anyone.
3. Do not add to or interpret any third party's description of the incident.
4. Do not tell "why" the incident occurred. Please report facts as to "who, what and where".

Reference: Appendix A-4

**City
General Conduct Policy**

| | |
|--------------------------|-----------------------|
| Personnel Policy Number: | 12.1 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Financial Obligations |

Employees are expected to pay their debts promptly and to maintain a reputation in the community for honoring their financial obligations. If employees' creditors contact the City in an effort to collect debts from employees, the City will comply with applicable laws concerning disclosure of information.

**City
General Conduct Policy**

| | |
|--------------------------|--------------------|
| Personnel Policy Number: | 12.2 (page 1 of 1) |
| Effective Date: | September 2, 2014 |
| Policy Regarding: | Outside Employment |

City employees are permitted to hold part-time jobs provided the second job does not conflict with the employee's public responsibilities. If an employee is in doubt as to the suitability of any type of other employment or work, the employee should secure the advice of the employee's supervisor. Fatigue due to working another job is a conflict that cannot be allowed.

City General Conduct Policy

Personnel Policy Number: 12.3 (page 1 of 3)

Effective Date: September 2, 2014

Policy Regarding: Drug/Alcohol Free Workplace

The City is dedicated to maintaining a safe and drug/alcohol free workplace. The City recognizes that alcoholism and drug dependence are an illness for which there is effective treatment and rehabilitation. The City encourages any employee with a chemical dependence or alcohol problem to seek professional treatment before the problem becomes a deterrent to job performance. To comply with the Drug-Free Workplace Act of 1988, the City has adopted, and all employees are required to adhere to, the following policies:

1. The unlawful manufacturing, sale, distribution, dispensation, possession or use of a controlled substance is prohibited while on City property, in a City vehicle, or on City time.
2. The consumption or possession of open alcoholic beverages or controlled substances (those not provided by prescription) during working hours (including lunch and rest break periods), in a City vehicle, or on City premises is prohibited.
3. Employees are prohibited from transporting or storing alcoholic beverages or controlled substances in City vehicles or on City premises. The only exception is the Police Department as a normal part of department duties.
4. Employees are prohibited from appearing for work or remaining on duty while under the influence of, or while impaired by, alcohol or the illegal use of controlled substances.
5. The City reserves the right to require an employee to submit to a drug and/or alcohol test when there is a reasonable basis to believe that an employee is impaired or incapable of performing his/her assigned duties. Refusal to submit to a drug and/or alcohol test will result in discipline up to, and including, discharge, despite the City's at-will policy.
6. Any employee involved in an on-the-job accident while operating City vehicles or equipment that results in serious injury to the employee or others and/or significant damage to property will be required to submit to a drug and/or alcohol test. Refusal to submit to a drug and/or alcohol test will result in disciplinary action up to, and including, discharge.
7. Violation of this policy is grounds for disciplinary action up to and including immediate termination, despite the City's at-will policy.

**City
General Conduct Policy**

Personnel Policy Number: 12.3 (page 2 of 3)
Effective Date: September 2, 2014
Policy Regarding: Drug/Alcohol Free Workplace

Pre-Employment Screening – The City will maintain pre-employment screening practices designed to prevent hiring individuals who use illegal drugs, in accordance with applicable law.

Notice of Convictions – An employee must notify the City Manager of any criminal drug statute conviction, no later than five (5) days after such conviction, for any violation occurring in the workplace or in a City vehicle or while performing City business.

Definitions:

“Under the Influence” means, for the purpose of this policy, that the employee is affected by a drug or alcohol or combination of a drug and alcohol in any detectable manner.

NOTE: The symptoms of influence are not confined to those consistent with misbehavior, or to obvious impairment of physical or mental ability such as slurred speech or difficulty in maintaining balance.

“Legal Drug” includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they have been prescribed or manufactured.

“Illegal Drug” means any drug (1) which is not legally obtainable; or (2) which is being used in a manner different from that prescribed; or (3) which is legally obtainable but has not been legally obtained.

“Conviction” means a finding of guilt (including a plea of nolo contendere) or imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of federal and/or state criminal drug statutes.

“Criminal Drug Statute” means a criminal statute involving the manufacture, distribution, dispensation, use, or possession of any controlled substance.

In addition to this policy, all employees whose job requires them to maintain a CDL are subject to the U.S. Department of Transportation Federal Motor Carrier Safety Administration’s Drug Free Workplace Policy, set forth as Supplement A to these Policies.

**City
General Conduct Policy**

Personnel Policy Number: 12.3 (page 3 of 3)
Effective Date: September 2, 2014
Policy Regarding: Drug/Alcohol Free Workplace

Employees should be aware that counseling and rehabilitation relative to drug abuse is available to the public from many sources, including at least, but not necessarily only the following:

- a) Gratiot County Mental Health Center
320 Warwick Drive
Alma, Michigan 48801
(989) 463-4971
- b) Central Michigan Community Hospital
1221 South Drive
Mt. Pleasant, Michigan 48858
(989) 772-6765
- c) 1016 Recovery Network
2885 Health Parkway
Mt. Pleasant, Michigan 48858
(989) 773-9655
- d) Catholic Family Services
210 Court Street
Mt. Pleasant, Michigan 48858
(989) 773-9328

Reference Supplement A

City General Conduct Policy

Personnel Policy Number: 12.4 (page 1 of 5)

Effective Date: December 6, 2016

Policy Regarding: Disciplinary Action and Rules of Conduct

In any organization, it is necessary to have policies and rules so that the employer and its employees know what is expected of them. The City and its employees are not an exception. The general purpose of this handbook is to advise City employees of the policies and rules established by the City for its employees. The specific purpose of this section is to advise the City's employees of various types of conduct which the City considers to be inappropriate.

Subject to the employment relationship established by this handbook and subject to the City's ability to handle each disciplinary situation on a case-by-case basis according to its discretion, the City shall generally attempt to use progressive discipline as a means to train employees to avoid relatively minor types of misconduct. The City may, in its discretion, decide to not use progressive discipline or to stop using progressive discipline on a particular employee, if the City decides that progressive discipline is not the most effective way to deal with the employee.

Supervisors and department heads may initiate disciplinary action after investigating an offense and consulting with the employee accused of improper conduct. Supervisors and department heads shall not terminate or suspend an employee without the knowledge and consent of the City Manager. Supervisors and department heads are expected to keep the City Manager informed of all disciplinary actions.

All employees are expected to exhibit conduct which is considered to be generally accepted business behavior. Examples of improper conduct include the following items. This list is not intended to be exhaustive or all-inclusive; rather, the list is merely intended to illustrate examples of conduct in which City employees should not engage.

1. Sabotage.
2. Actual or attempted theft of City property or the property of others.

**City
General Conduct Policy**

Personnel Policy Number: 12.4 (page 2 of 5)

Effective Date: December 6, 2016

Policy Regarding: Disciplinary Action and Rules of Conduct

3. Falsification, misstatement, exaggeration, or concealment of facts in connection with employment, promotion, investigation or other proceeding concerning an employee or an applicant.
4. Disorderly conduct, fighting or engaging in dangerous horseplay.
5. Possession, use, or under the influence of alcohol or illegal drugs on City property or reporting for work under the influence of alcohol or illegal drugs. The City retains the right upon reasonable suspicion, to test for drugs or alcohol and failure to submit to such testing may result in disciplinary action up to and including termination.
6. Unlawful gambling or betting on City premises or on City time.
7. Immoral, indecent, or notoriously disgraceful conduct.
8. Disobedience to legitimate authorities, deliberate refusal to carry out a proper order from any supervisor having responsibility for the work of the employee; insubordination.
9. Failure to report a change in personal information, which could in any way affect the offering or receiving of any benefit rendered due to the employment relationship between the employee and the City. This includes a change in the number of the employee's dependents and must be done within one week of the change in dependent status.
10. Absence without reasonable cause.
11. Excessive absenteeism.

**City
General Conduct Policy**

Personnel Policy Number: 12.4 (page 3 of 5)
Effective Date: December 6, 2016
Policy Regarding: Disciplinary Action and Rules of Conduct

12. Reporting late for work or not returning to work after any work break.
13. Failure to report to the supervisor, before the shift starts, when an employee will be absent from work.
14. Threatening, intimidating, coercing or interfering with employees or supervision at any time.
15. Unauthorized possession of, loss of, or damage to City property or the property of others, or endangering the same through carelessness. Assisting any person to gain unauthorized access to the City's records, property, or premises.
16. Carelessness or negligence in the use or handling of City money or property. Revealing confidential information to unauthorized personnel.
17. Making or publishing slanderous statement concerning the City, its operations or its employees, or member of the public.
18. Disrespectful conduct; use of insulting, abusive, rude, threatening or obscene language toward any City employee, any City official, or any member of the general public.
19. Leaving your own department or assigned job during working hours without permission.
20. Unauthorized operation of machines, tools, vehicles or equipment.
21. Inattentiveness to work or disregarding job duties. (e.g. loafing, wasting time, failing to start work at the designated time, quitting work before the proper time, leaving the job during working hours, neglecting work, carrying on personal business during working hours, reading for pleasure during working hours, distracting the attention of other employees).

**City
General Conduct Policy**

Personnel Policy Number: 12.4 (page 4 of 5)
Effective Date: December 6, 2016
Policy Regarding: Disciplinary Action and Rules of Conduct

22. Sleeping on the job.
23. Stopping work or making preparations to leave before the specified lunch, or break period, or quitting time without authorization.
24. Failure to disclose or report an injury, hazardous condition, or an accident to your immediate supervisor. Failure to observe or follow any health, security, or safety rule. Intentional carelessness or unsafe acts.
25. Failure to observe precautions for personal safety, posted rules, signs and safety instructions; failure to use required protective clothing or equipment. Neglect or carelessness that leads to unsafe conditions. Creating or contribution to unsafe conditions or injury.
26. Failure to comply with the City's Ethics Policy. (Resolution 2016-09).
27. Accepting bribes in the course of work for the City.
28. Careless grooming, including failure to wash and clean the employee's body and clothes before reporting to work.
29. Intentional misrepresentation of facts or lying while acting as a City employee.
30. Performing private work on City time and/or violating City policy on outside employment.
31. Unauthorized use of any City telephone, or City credit card.
32. Falsifying attendance records for oneself or another employee.
33. Conviction of any felony, conviction of drunk driving, impaired driving or unlawful blood alcohol level.

**City
General Conduct Policy**

Personnel Policy Number: 12.4 (page 5 of 5)

Effective Date: December 6, 2016

Policy Regarding: Disciplinary Action and Rules of Conduct

34. Violating traffic regulations, reckless driving or improper operation of a City motor vehicle.
35. Possession of firearms, explosives, or other weapons on the premises or on the City's time (authorized police officers are not subject to this prohibition), regardless of whether you hold a valid permit which would otherwise allow you to possess and or carry such weapon.
36. Violation of Policy on Illegal Harassment.
37. Using, threatening, or attempting to use any personal or political influence in an attempt to improve any employee's position or rate of pay.
38. Abuse of sick time.
39. Smoking of tobacco or use of tobacco products in any City building or vehicle.

City Computer Use Policy

Personnel Policy Number: 12.5 (page 1 of 3)

Effective Date: December 6, 2016

Policy Regarding: Computer/Network/Internet Appropriate Use Policy

Every employee is responsible for using the City's computer system, including, without limitation, its electronic mail (E-mail) system and the Internet, properly and in accordance with this policy. Any questions about this policy should be addressed to the City Manager.

The computers that you use at work and the E-mail system are the property of the City and have been provided for use in conducting City business. All communications and information transmitted by, received from, created or stored in its computer system (whether through word processing programs, E-mail, the Internet or otherwise) are City records and property of the City. The computer system is to be used for City purposes only. Employees may, however, use City technology resources for the following incidental personal uses so long as such use does not interfere with the employee's duties, is not done for pecuniary gain, does not conflict with the City's business, and does not violate any City policy: (1) To send and receive necessary and occasional personal communications; (2) To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental personal data) in a reasonable manner; (3) To use the telephone system for brief and necessary personal calls; and (4) To access the Internet for brief personal searches and inquiries during meal times or other breaks, or outside of work hours, provided that employees adhere to all other usage policies.

Although the City does not wish to examine personal information, from time to time the City may need to access its technology resources. The City has the right, but not the duty, to monitor any and all of the aspects of its computer system, including, without limitation, reviewing documents created and stored on its computer system, deleting any matter stored in its system (including, without limitation, its E-mail and word processing systems), monitoring sites visited by employees on the Internet, monitoring chat and news groups, reviewing material downloaded or uploaded by users to the Internet, and reviewing E-mail sent and received by users. Further, the City may exercise its right to monitor its computer system for any reason and without the permission of any employee. Employee use of the City's computer system constitutes consent to all the terms and conditions of this policy.

Even if employees use a password to access the computer system (or any aspect thereof), the confidentiality of any message stored in, created, received, or sent from the City's computers is not assured. Use of passwords or other security measures does not in any way diminish the City's right to monitor and access materials on its system, or create any privacy rights of employees in the messages and files on the system. Any password used by employees must be revealed to the City as files may need to be accessed by the City in an employee's absence or for any other reason that the City in its discretion deems appropriate.

City
Computer Use Policy

Personnel Policy Number: 12.5 (page 2 of 3)
Effective Date: December 6, 2016
Policy Regarding: Computer/Network/Internet Appropriate Use Policy

Further, employees should be aware that deletion of any E-mail messages or files will not truly eliminate the messages from the system. All E-mail messages and other files may be stored on a central back-up system in the normal course of data management.

Therefore, employees should not have an expectation of privacy in anything they create, store, send or receive on the computer system.

Notwithstanding the foregoing, even though the City has the right to retrieve, read and delete any information created, sent, received or stored on its computer system, E-mail messages should still be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any E-mail messages that are not sent to them or by them. Any exception to this policy must receive the prior approval of a supervisor.

Professional Use of Computer System Required

Employees are reminded to be courteous to other users of the system and always to conduct themselves in a professional manner. E-mails, in particular, are sometimes misdirected or forwarded and may be viewed by persons other than the intended recipient. Users should write E-mail communications with no less care, judgment and responsibility than they would use for letters or internal memoranda written on the City's letterhead.

Offensive and Inappropriate Material

The City's policy against discrimination and harassment, sexual or otherwise, applies fully to the City's computer system, and any violation of that policy is grounds for discipline up to and including discharge. Therefore, no E-mail messages should be created, sent, or received if they contain intimidating, hostile, or offensive material concerning race, color, religion, sex, age, national origin, disability or any other classification protected by law. Further, material that is fraudulent, harassing, embarrassing, sexually explicit, profane, obscene, intimidating, defamatory, or unlawful, inappropriate, offensive (including offensive material concerning sex, race, color, national origin, religion, age, disability, or other characteristic protected by law) may not be downloaded from the Internet or displayed or stored in the City's computers. Employees encountering or receiving this kind of material should immediately report the incident to his or her supervisor.

City Computer Use Policy

Personnel Policy Number: 12.5 (page 3 of 3)
Effective Date: December 6, 2016
Policy Regarding: Computer/Network/Internet Appropriate Use Policy

Confidential Information

Employees may not transmit information over the Internet or through e-mail that is confidential or proprietary. When in doubt, employees must consult their immediate supervisor and obtain approval before transmitting any information which may be considered confidential or proprietary.

Maintenance and Security of System

Employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, printing excessive copies of documents, or otherwise creating unnecessary network traffic. Because audio, video and picture files require significant storage space, files of this or any other sort may not be downloaded unless they are business-related. In addition, employees should routinely delete outdated or otherwise unnecessary E-mails and computer files. These deletions will help keep the system running smoothly and effectively, as well as minimize maintenance costs.

Violations of Policy

Violations of this policy will be taken seriously and may result in disciplinary action, including possible termination, and civil and criminal liability.

City Social Media Use Policy

| | |
|--------------------------|--------------------|
| Personnel Policy Number: | 12.6 (page 1 of 2) |
| Effective Date: | December 6, 2016 |
| Policy Regarding: | Social Media Use |

The City recognizes that many employees use electronic social media such as Facebook, MySpace, Twitter, etc. In accordance with Michigan's Internet Privacy Protection Act, MPVA will not (1) request access to pages of an employee's private internet account that are not visible to the public, (2) request passwords to enable it to access private pages, or (3) discipline any employee who refuses/fails to provide such access or passwords.

However, postings made by employees are permanent and may have legal consequences. While the City does not want to intrude unnecessarily into employees' personal lives, given the potential ramifications to the City it is establishing guidelines for employee use of social media. Employees are required to abide by these guidelines, even outside of work, as a condition of employment.

- Employees are prohibited from posting or discussing business secrets or other confidential information of the City. It also prohibits the use of its logo or other branding information.
- Employees are prohibited from making untruthful, defamatory comments about current and former employees, contractors or suppliers or untruthful, defamatory comments about the City.
- Employees are required to be honest in their postings and to not post obscenities.

Social media sites are not the best forum for venting complaints about the City in order to accomplish positive change.

**City
Social Media Use Policy**

| | |
|--------------------------|--------------------|
| Personnel Policy Number: | 12.6 (page 2 of 2) |
| Effective Date: | December 6, 2016 |
| Policy Regarding: | Social Media Use |

- All employees having complaints or suggestions related to their employment, or the terms and conditions of employment, *are encouraged* to communicate directly with their Supervisor or the City Manager.
- While such settings are not foolproof, employees should use privacy settings when appropriate to prevent personal information from becoming public. Also, be aware that anonymous postings do not necessarily remain anonymous.
- Employees posting commentary that may be viewed as an official statement by the City must include the following disclaimer: “The views and opinions expressed are my own and do not necessarily reflect the views of the City of St. Louis.”

Employees will be held personally accountable for their postings. Violations of this policy may result in disciplinary action up to and including discharge and may result in legal action if appropriate.

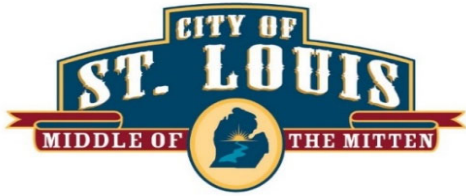
**City
Amendment of Policies**

Personnel Policy Number: 13.1 (page 1 of 1)
Effective Date: September 2, 2014
Policy Regarding: Amendment of Policies

This handbook is intended primarily as an outline of the important features of working relationships and is not to be construed as a contract for continued employment with the City. If any inconsistency should arise between the handbook and practice, the handbook will govern.

The City may revise or amend this handbook from time to time. The only way any condition contained herein can be changed is by written documentation approved by the City Council or City Manager. Employees will be advised promptly of any amendments.

APPENDIX A



| | | |
|-----------|-------|----|
| | | |
| Last Name | First | MI |

Clerical
 Week End Date:
 ___ / ___ / ___

| DEPT/ ACTIVITY | DESCRIPTION OF WORK | MON / / | TUE / / | WED / / | THU / / | FRI / / | SAT / / | SUN / / | TOTAL HOURS | REG | OT |
|--|------------------------|------------------|------------|-----------------|------------|--------------------|------------|-----------------|----------------|--------------------|----|
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| | | | | | | | | | | | |
| | Vacation Leave | | | | | | | | | | |
| | Sick Leave | | | | | | | | | | |
| | Personal Leave | | | | | | | | | | |
| | Holiday Leave | | | | | | | | | | |
| | Other Leave/Absence | | | | | | | | | | |
| <i>Record Time In Hours and Quarters</i> TOTALS | | | | | | | | | | | |
| | | APPROVED | | | | TOTAL HOURS | | | | TOTAL HOURS | |
| | | DEPT HEAD | | CITY MGR | | REGULAR | | OVERTIME | | | |
| EMPLOYEE SIGNATURE | | | | | | | | | | | |
| (Shaded Areas for Accounting Use Only) | | | | | | | | | | | |



| | | |
|-----------|-------|----|
| | | |
| Last Name | First | MI |

Police - Front Desk

Week End Date:

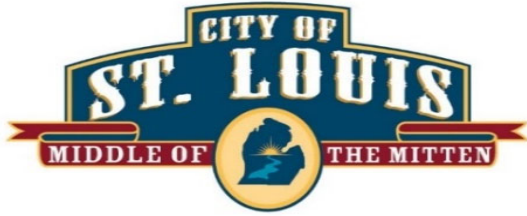
_ / _ / _

| DEPT | TASK | DESCRIPTION / ACTIVITY | MON / / | TUE / / | WED / / | THU / / | FRI / / | SAT / / | SUN / / | TOTAL HOURS | REG | OT |
|--|------|------------------------|------------------|------------|-----------------|------------|--------------------|------------|-----------------|----------------|--------------------|----|
| 301.000 | 003 | Regular | | | | | | | | | | |
| 301.000 | 003 | Overtime | | | | | | | | | | |
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| | | | | | | | | | | | | |
| 301.000 | 003 | Vacation Leave | | | | | | | | | | |
| 301.000 | 003 | Sick Leave | | | | | | | | | | |
| 301.000 | 003 | Personal Leave | | | | | | | | | | |
| 301.000 | 003 | Holiday Leave | | | | | | | | | | |
| | | Other Leave/Absence | | | | | | | | | | |
| <i>Record Time In Hours and Quarters</i> TOTALS | | | | | | | | | | | | |
| | | | APPROVED | | | | TOTAL HOURS | | | | TOTAL HOURS | |
| | | | DEPT HEAD | | CITY MGR | | REGULAR | | OVERTIME | | | |
| EMPLOYEE SIGNATURE | | | | | | | | | | | | |

(Shaded Areas for Accounting Use Only)

Please select the following task to describe the nature of your work.

- 003 Dispatching
- 004 Crossing Guard



| | | | |
|---|-----------|-------|----|
| | | | |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; border-right: 1px solid black;">Last Name</td> <td style="width: 33%; border-right: 1px solid black;">First</td> <td style="width: 33%;">MI</td> </tr> </table> | Last Name | First | MI |
| Last Name | First | MI | |

Utility Director

Week End: 3/3/2024

| Dept | Task | Activity | MON 2/26/2024 | TUE 2/27/2024 | WED 2/28/2024 | THU 2/29/2024 | FRI 3/1/2024 | SAT 3/2/2024 | SUN 3/3/2024 | TOTAL HOURS |
|--|------|---------------------|------------------|------------------|------------------|------------------|--------------------|-----------------|-----------------|----------------|
| UTL DIR | | Salary | | | | | | | | |
| | | Vacation Leave | | | | | | | | |
| | | Sick Leave | | | | | | | | |
| | | Personal Leave | | | | | | | | |
| | | Holiday Leave | | | | | | | | |
| | | Other Leave/Absence | | | | | | | | |
| Record Time In Hours and Quarters TOTALS | | | | | | | | | | |
| | | | APPROVED | | | | TOTAL HOURS | | | |
| | | | DEPT HEAD | | CITY MGR | | REGULAR | | | |
| EMPLOYEE SIGNATURE | | | | | | | | | | |

(Shaded Areas for Accounting Use Only)

| Unit No. | Code | Description | MON 2/26/2024 | TUE 2/27/2024 | WED 2/28/2024 | THU 2/29/2024 | FRI 3/1/2024 | SAT 3/2/2024 | SUN 3/3/2024 | TOTAL HOURS |
|----------|------|-------------|------------------|------------------|------------------|------------------|-----------------|-----------------|-----------------|----------------|
| 0071 | 202 | PICKUP | | | | | | | | - |
| 0071 | 203 | PICKUP | | | | | | | | - |
| 0071 | 582 | PICKUP | | | | | | | | - |
| 0071 | 590 | PICKUP | | | | | | | | - |
| 0071 | 591 | PICKUP | | | | | | | | - |
| | | | | | | | | | | - |

Code

202 Major Street

203 Local Street

582 Electric

590 Sewer

591 Water/GAWA



CITY OF ST. LOUIS

REQUEST FOR LEAVE

NAME _____

TO BE FILLED OUT AS FAR IN ADVANCE AS POSSIBLE FOR ALL EXCEPT SICK LEAVE.
ANY LEAVE AMOUNTING TO LESS THAN ONE-HALF DAY WILL BE ENTERED AS ONE-HALF DAY.

DEPARTMENT

DATE

I REQUEST _____
(KIND)

LEAVE FROM _____
(DATE)

AT _____ TO _____
(HOUR)

AT _____ AMOUNTING TO _____ DAYS
(HOUR) (NUMBER)

APPROVED: _____
(DEPARTMENT HEAD)

SIGNED: _____
(EMPLOYEE)

APPROVED: _____
(CITY MANAGER)

AMOUNT OF LEAVE REMAINING
(NOT INCLUDING ABOVE)

VACATION _____ DAYS

SICK _____ HOURS



michigan municipal league

Michigan Municipal League Liability and Property Pool

Email Form

Print Form

Trouble? Fax or mail to:
MML Pool Claims
3196 Kraft Avenue S.E. Suite 206
Grand Rapids MI 49512-2065
Fax: 616-942-0390

Occurrence / Incident Reporting Form

- Property Loss Automobile Loss
- General Liability Loss Sewer Backup

| | | | |
|---|-----------------|-------------------------------|-------------|
| Contact Information | | | |
| Municipality Name: City of St. Louis | | | |
| Street: 300 N Mill Street | City: St. Louis | State: MI | Zip: 48880 |
| Contact Name: Jackie Randall | | Title: Accounting Supervisor | |
| Phone Number: 989/681-2137 Ext. 1160 | | Email: jrandall@stlouismi.com | |
| Incident Information | | | |
| Date of Incident: | | | |
| Injured Party or Owner of Damaged Property Name: | | | |
| Street: | City: | State: | Zip: |
| Phone Number: | | Email: | |
| Description of Incident | | | |
| | | | |
| Municipal Property Description (if applicable) | | | |
| | | | |
| Municipal Automobile Description (if applicable) | | | |
| Make: | Model: | Year: | VIN Number: |
| Additional Comments | | | |
| | | | |

Preparer's Name

Date

Preparer's Title

Preparer's Email



michigan municipal league

Email Form

Print Form

Trouble? Fax or mail to:
MML Claims, Fax: 616-942-0390
3501 Lake Eastbrook, SE, Suite 150
Grand Rapids, MI 49546-5939

Michigan Municipal League Worker's Compensation Fund INCIDENT REPORT

Employer Name: City of Saint Louis

To Be Completed By Employee:

Employee (Full Name): _____ Dept.: _____

Classification: _____ Years of Service: _____ Years in Present Job: _____

Location of Accident: _____

Date of Occurrence: _____ Time: _____ a.m.
p.m.

Accident Category (check one): Motor Vehicle Property Damage Personal Injury Other

To Be Completed By Supervisor : Describe what took place or what caused you to make this investigation. Get all the facts by studying the job and situation involved. Ask Why? What? Where? Who? How?

What happened and why?

Was weather a factor? Yes No

Personal protective equipment required (protective glasses, safety shoes, safety hat, safety belt)?

Was injured using required equipment? _____

Witnesses to Accident: _____

Name of Doctor and/or Hospital consulted: _____

Lost Time Injury Yes No

EMPLOYEE REMARKS:

It is understood that my signature on this form means only that I have had the opportunity to review this Incident Report. It does not mean that I agree with the findings.

EMPLOYEE'S SIGNATURE: _____ Date: _____

SUPERVISOR'S ACCIDENT INVESTIGATION REPORT

TO BE FILLED OUT BY SUPERVISOR: Determine which of the 12 items under EMP require attention -- **Equipment:** Select, Arrange, Use, Maintain. **Material:** Select, Place, Handle, Process. **People:** Select, Place, Train, Lead.

What should be done?

Take or recommend action, depending upon your authority. Follow up. Was action effective? _____

What have you done thus far?

Objective: Eliminate job hindrances.

How will this improve operations?

INVESTIGATED BY: _____ Date: _____

DEPARTMENT HEAD APPRAISAL AND RECOMMENDATIONS

A. In your opinion, what factors contributed to this accident?

B. Recommendation:

SIGNATURE OF DEPT. HEAD: _____ Review Date: _____

DEPARTMENTAL SAFETY COMMITTEE

Agree with Supervisor Agree with Department Head

Other - Explain: _____ Review Date: _____

SAFETY BOARD/ADMINISTRATOR

Agree with Supervisor Agree with Department Head

Other - Explain: _____ Review Date: _____

CITY OF ST LOUIS
CLASSIFICATION AND COMPENSATION SCALE
FISCAL YEAR 2023-2024
July 1, 2023 to June 30, 2024
TOOK 2022-2023 SCALE +5.0%

| 1.05 | | | | | | | | | |
|-------|---------|--------|--------|--------|----------|--------|--------|---------|--------|
| Grade | Minimum | | | | Midpoint | | | Maximum | |
| | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Step 8 | Step 9 |
| 1 | 35,911 | 37,210 | 38,507 | 39,804 | 41,105 | 42,404 | 43,705 | 45,000 | 46,300 |
| 2 | 41,105 | 42,599 | 44,093 | 45,585 | 47,079 | 48,573 | 50,069 | 51,559 | 53,054 |
| 3 | 45,087 | 46,729 | 48,379 | 50,016 | 51,663 | 53,302 | 54,945 | 56,588 | 58,233 |
| 4 | 47,279 | 49,002 | 50,730 | 52,458 | 54,180 | 55,904 | 57,631 | 59,354 | 61,079 |
| 5 | 50,730 | 52,582 | 54,440 | 56,294 | 58,147 | 59,998 | 61,859 | 63,714 | 65,562 |
| 6 | 53,202 | 55,151 | 57,108 | 59,043 | 60,989 | 62,938 | 64,886 | 66,833 | 68,781 |
| 7 | 58,395 | 60,540 | 62,679 | 64,820 | 66,962 | 69,103 | 71,246 | 73,387 | 75,528 |
| 8 | 65,538 | 67,942 | 70,353 | 72,764 | 75,173 | 77,579 | 79,992 | 82,398 | 84,810 |
| 9 | 70,352 | 72,944 | 75,533 | 78,124 | 80,716 | 83,307 | 85,897 | 88,487 | 91,078 |

HOURLY CONVERSION

| Grade | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Step 8 | Step 9 |
|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 1 | 17.26 | 17.89 | 18.51 | 19.14 | 19.76 | 20.39 | 21.01 | 21.63 | 22.26 |
| 2 | 19.76 | 20.48 | 21.20 | 21.92 | 22.63 | 23.35 | 24.07 | 24.79 | 25.51 |
| 3 | 21.68 | 22.47 | 23.26 | 24.05 | 24.84 | 25.63 | 26.42 | 27.21 | 28.00 |
| 4 | 22.73 | 23.56 | 24.39 | 25.22 | 26.05 | 26.88 | 27.71 | 28.54 | 29.36 |
| 5 | 24.39 | 25.28 | 26.17 | 27.06 | 27.96 | 28.85 | 29.74 | 30.63 | 31.52 |
| 6 | 25.58 | 26.51 | 27.46 | 28.39 | 29.32 | 30.26 | 31.20 | 32.13 | 33.07 |
| 7 | 28.07 | 29.11 | 30.13 | 31.16 | 32.19 | 33.22 | 34.25 | 35.28 | 36.31 |
| 8 | 31.51 | 32.66 | 33.82 | 34.98 | 36.14 | 37.30 | 38.46 | 39.61 | 40.77 |
| 9 | 33.82 | 35.07 | 36.31 | 37.56 | 38.81 | 40.05 | 41.30 | 42.54 | 43.79 |

SUPPLEMENT A

FMCSA

Combine Drug/Alcohol Substance Abuse Policy

Effective Date: February 3, 2020

Section 1

Company Policy

Section 2

Supervisor Information

Section 3

Forms

Section 4

Records & Reports

Section 5

Resources & Regulations

Section 1

Company Policy

NOTE: In terms of DOT regulations, Section 1 constitutes a "condensed" version of the company's Substance Abuse Program. The entire plan, consisting of Sections 1 thru 5 and referenced DOT regulations, can be obtained by contacting the company's Designated Employer Representative (DER) listed in Section 1, Contacts.

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| 8 | B-1 DESIGNATED EMPLOYER REPRESENTATIVE |
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| 8 | B-3 REQUIRED COMPLIANCE PERIODS |
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| Back Cover | DS+Model Program Agreement |

To all Employees:

The Federal Department of Transportation (DOT) has issued regulations (49 CFR 40) regarding Controlled Substances and Alcohol Use and Testing. Because the Company is required to comply with these regulations and with DOT agency regulations (including FMCSA's 49 CFR 382), we must issue a policy prohibiting substance abuse by our safety-sensitive employees.

Alcohol consumption by our safety-sensitive employees is prohibited while performing, and for four (4) hours prior to performing safety-sensitive functions; and for eight (8) hours after an accident unless it has been determined by a Company official that a post-accident alcohol test is not required.

Likewise, manufacturing, selling, buying, soliciting to buy or sell, transporting, using or possessing illegal drugs (including a drug prescribed for another person) is prohibited. For additional information about conduct prohibited by FMCSA, see Subpart B of 49 CFR 382 at FMCSA's website: www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguidedetails.asp?regulation=382

The regulations are very specific regarding what The Company must do to comply. We have developed a policy and procedures that will apply to you based upon the job functions you perform. The entire plan (consisting of Sections 1 thru 5 of this model program and referenced DOT regulations) can be obtained by contacting the company's Designated Employer Representative (DER) listed in Section 1, Contacts.

We must conduct tests under certain specific situations to determine whether employees have used alcohol or drugs. The procedures and technology we will employ in this testing are specified in a Department of Transportation Regulation, Procedures for Transportation Workplace Drug and Alcohol Testing Program (49 CFR, Part 40). Internet users can access information about and/or changes to these regulations from the Drug Screens Plus website at: www.dsplus.com or the ODAPC (Office of Drug and Alcohol Policy and Compliance) website at: www.dot.gov/ost/dapc/documents.html?documents

A positive drug or alcohol test or a refusal to test or to submit a specimen for a drug or alcohol test (see 49 CFR 40.191 and 40.261) or other violation of 49 CFR 40 or DOT agency drug and alcohol regulations is grounds for discharge, solely at the option of the Company.

Each employee must read this policy and sign a statement certifying that he or she has received a copy. Refusal to sign for receipt of a copy of this policy is grounds for discharge, solely at the option of the Company.

Thank you for your cooperation in implementing these important safety regulations. If you have any questions regarding the DOT regulations or the Company's policies and procedures; please contact the Company's Designated Employer Representative (DER) listed on the following page.

| |
|-------------------------------------|
| Effective February 3, 2020 CONTACT: |
|-------------------------------------|

Designated Employer Representative (DER) for drug and alcohol policy, procedure information, or for referral to a Substance Abuse Professional (SAP).
 Mari Anne Ryder
 City of St Louis
 300 N Mills St
 St Louis MI 48880
 Ph: 989-681-2137
 Fax:
 Email: mryder@stlouismi.com

Medical Review Officer (MRO)
 Medical Review of Test Results
 John Budnick, D.O., MRO-C
 DRUG SCREENS PLUS (~~DS-A~~)
 3625 Clyde Park SW, Suite B
 Grand Rapids MI 49509
 (800) 459-9012 ext 785

Specimen Collection Site
 for Drug/Alcohol Testing.
 Other site listings available.
 See next page or below:

Locating a SAP or Collection Site
This office can assist you with arranging SAP evaluations and/or specimen collection sites throughout the U.S.
 Jill Umfleet
 DRUG SCREENS PLUS (~~DS-A~~)
 3625 Clyde Park SW, Suite B
 Grand Rapids MI 49509
 (800) 459-9012 ext 784

Counseling/Treatment
Must be an entity other than the SAP who performed the evaluation.
 Referral will be made to appropriate facility/service subsequent to SAP evaluation.

DHHS Certified Labs
Note: Primary lab may be used in any combination with Secondary Lab (e.g., Secondary lab used as Primary lab) and the combination may change from time to time or according to circumstances (e.g., a post-accident "cab pack" specifies one lab/air-carrier services, and pre-employment test specifies clinic with 2nd lab/courier service). Special Note: "HHS certifies each lab separately and on its own merits"...a split specimen can be sent to a 2nd lab "under the same corporate title" as the primary lab.

Primary: (i.e., split-testing)
 MedTox Laboratories Inc
 354 West County Road D
 Saint Paul MN 55112

Secondary: (i.e., primary testing)
 Quest Toxicology Network (QTN)
 Quest Diagnostics
 10101 Renner Blvd
 Lenexa KS 66219

Substance Abuse Crisis Hotlines:

| | |
|------------------------------|-------------------------|
| Alcoholics Anonymous | 800-356-9996 |
| Cocaine | 800-COCAINE (262-2463) |
| Natl Institute on Drug Abuse | 800-662-HELP (622-2255) |

REGARDING: CONTACT:

City of St Louis (The Company)
FMCSA SUBSTANCE ABUSE POLICY

A INTRODUCTION AND GENERAL REQUIREMENTS

The US Department of Transportation (DOT) has issued regulations that govern the use of *drugs* and *alcohol* by employees within the transportation industry. 49 CFR 40 (see: www.dot.gov/ost/dapc/documents.html?documents) and FMCSA drug and alcohol regulations (see: www.fmcsa.dot.gov/rules-regulations/administration/fmcsr/fmcsrguidedetails.asp?regulation=382) require that the Company establish a program to conduct *drug and alcohol testing* at certain times and under the conditions described below. This policy is intended to implement these DOT regulations and to set forth the Company's own policies and requirements with respect to drug and alcohol use and testing.

The terms "individual", "covered employee", and "employee" are used interchangeably and have the meaning of "employee" as defined in Part 40; and the term "employer" has the meaning of "employer" as defined in Part 40. The terms employer and employee as used in this policy shall not be used to construe an employer/employee relationship that does not otherwise exist independently of this policy (e.g., to construe an independent contractor as an employee of the company for tax purposes, benefits, unemployment, etc.). The term "s/he" means "she or he".

REFERENCES to regulations are intended to facilitate identification of specific regulations and are not meant to exclude (e.g., by the absence of a reference) from coverage any individual or class of individuals with regard to any provision of this policy. Wherever the term "DOT regulations" appears, it means "49 CFR Part 40 and DOT agency drug and alcohol regulations". Wherever DOT regulations are cited without identifying the "CFR", the reference is to "49 CFR".

In addition to policy provisions intended for compliance with DOT regulations, it is the Company's policy to provide a work environment that is free (to the maximum extent possible) of *substance abuse*. Therefore, some provisions of this policy will be enforced under the Company's own authority, whether or not expressly required or expressly permitted by DOT regulations. Wherever such provisions appear throughout this policy, they will be indicated by bold print. Paragraph headings/sub-headings in bold print are simply to assist in identifying and locating specific portions of the policy and not "policy provisions".

Until amended in writing to reflect any change(s), each provision of this policy shall be enforced under Company authority to the fullest extent not prohibited by a DOT regulation. To the extent that any provision (or portion thereof) of this policy is deemed by a DOT authority (e.g., a DOT auditor or agency representative) or is otherwise known by the DER to be in non-compliance with a DOT regulation, that portion shall be enforced by the DER in a manner consistent with and in compliance with the regulation.

The EFFECTIVE DATE of this edition of the policy is February 3, 2020.

A-1 INDIVIDUAL COPY OF COMPANY POLICY

All individuals hired into safety-sensitive positions with the Company (including existing personnel transferring to such positions) will be provided with a copy of this policy prior to being required to submit to its provisions.

B MATERIALS REQUIRED BY DOT REGULATIONS

This policy (with its definitions, references to, and explanations of DOT regulations) is part of the educational material provided to employees and to representatives of employee organizations pursuant to DOT regulations.

B-1 Identity of Company's Designated Employer Representative (DER)
(See: p-3 regarding DER and/or questions about this program.)

B-2 INDIVIDUALS SUBJECT TO THIS POLICY [Ref 40.3, 382.107]

General. The term "employee" means any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under this policy, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by DHHS.

FMCSA. This policy applies to any individual who is required by the Company to have a Commercial Driver's License (CDL), and whom the Company requires to operate (or to be qualified to operate) a Commercial Motor Vehicle (CMV). For the purposes of this policy, a CDL is required to operate a CMV which has a gross vehicle or gross combination weight rating in excess of 26,000 pounds, or regardless of the vehicles' size will be used to transport hazardous materials in a quantity which requires the vehicle to be placarded, or designed to transport 16 or more passengers (including the driver).

This includes, but is not limited to, individuals who are: full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the Company or who operate a CMV at the direction of or with the consent of the Company; vehicle mechanics who will be required to operate a CMV in the course of maintaining and/or repairing the vehicle; or anyone who may be required to operate a CMV for any purpose on behalf of the Company. For the purposes of this policy, all such individuals shall be defined as "drivers".

B-3 REQUIRED COMPLIANCE PERIODS [Ref 382 Subparts B, C, E]

Employees are required to be in compliance with this policy and associated DOT regulations during any period in which they are actually performing, ready to perform, or immediately available **(or required to be immediately available)** to perform safety-sensitive duties on behalf of the Company.

For purposes of the Company's policy and drug and alcohol testing program, with respect to drivers, *safety-sensitive function* [Ref 49 CFR 382.107] includes but is not limited to the following:

- (a) driving;
- (b) waiting to be dispatched (whether at a carrier's or shipper's terminal, plant, facility or other property) unless the driver has been relieved from duty;
- (c) inspecting, servicing or conditioning equipment;
- (d) being in or on a commercial motor vehicle (except resting in the sleeper berth);
- (e) loading or unloading, including supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded; or
- (f) repairing, obtaining assistance, or attending a disabled vehicle.

No driver required to take a post-accident test under this policy [See B-5(b)] shall use alcohol for 8-hours following an accident, unless a post-accident alcohol test has been completed. No driver shall report for duty within four hours after using alcohol.

Other time periods or circumstances in which employees may be tested are explained below in section B-5 TESTS REQUIRED.

B-4 PROHIBITED CONDUCT [Ref 382 Subpart B]

The following conduct is strictly prohibited:

- (a) using, being under the influence of, or possessing illegal drugs (any drug listed in 21 CFR 1308 when the drug has been dispensed or used or is in the individual's possession in a manner not approved by the FDA), including a drug prescribed for another person;
- (b) using or being under the influence of legal drugs whose use can adversely affect the ability of the covered employee to perform his or her job safely [covered employees are required to obtain advice and instructions from the prescribing physician before performing safety-sensitive duties];
- (c) manufacturing, selling, buying, soliciting to buy or sell, transporting, or possessing illegal drugs;
- (d) using [i.e., *drinking or swallowing any beverage, liquid mixture or preparation (including any medication), containing alcohol*] or being under the influence (i.e., *breath alcohol concentration of 0.02 or greater*) of alcohol at any time while performing any safety-sensitive function;
- (e) using alcohol within four (4) hours before performing or being required to perform any safety-sensitive function (e.g., a supervisor whose primary function is not safety-sensitive, but who is required to be available to perform such duties with little or no advance notice).
- (f) testing positive for drugs (i.e., *MRO verified positive*) or alcohol (i.e., *breath alcohol concentration of 0.04 or greater*);
- (g) refusing to be tested for drugs and/or alcohol or failing to submit to a drug and/or alcohol test as and when directed (as defined in Section B-8, and Appendix B of this policy, and/or in 49 CFR 40.191 & 40.261);
- (h) violating any DOT regulations or other applicable federal and/or state requirement governing the use of drugs or alcohol;
- (i) doing anything to obstruct the Company's goals with respect to drugs and alcohol.

Special Notices & Conduct Prohibited under Company Authority:

- (j) **Equipment may be randomly inspected for drugs or alcohol and related paraphernalia and all other controlled or illegal items, and covered employees shall have no expectation of privacy concerning their use of such equipment. Discovery of such items will result in termination and prosecution per company policies. In addition:**
- (k) **Covered employees may be terminated for parking at a tavern or bar with company equipment when not in the course of business (e.g., delivering, servicing), or for using alcohol or a controlled substance while on company property or in possession of company equipment whether on or off duty at any location.**
- (l) **Hemp products may contain substances that can result in a positive test for THC (whether or not THC is listed on a product label, if any). The use of any such product is prohibited. The use of products containing THC for any reason (including "medical" or "nutritional") or even unknowingly (e.g., "passive ingestion") will not be considered a legitimate medical explanation for a positive drug test. {See: 49 CFR 40.151(f)}**
- (m) **Prescription or other use of Marijuana or THC will not be accepted as an explanation for a positive test {see 49 CFR 40.151(e)}. The only**

current legitimate medical explanation for the presence of THC is a valid prescription for Dronabinol (e.g., Marinol®) for an FDA-approved use (e.g., for the treatment of nausea and vomiting associated with chemotherapy). "Off-label" use (e.g., for glaucoma, migraine headaches, insomnia, weight management, p.m.s., etc.) is specifically prohibited by applicable law. Any use of THC in any form (even if accepted as a legitimate medical explanation for a positive drug test), may be reported by the MRO without your consent (see 49 CFR 40.327) to a third party (e.g., a medical examiner) who may determine that you are medically unqualified to perform safety-sensitive duties.

- (n) Use of Adulterants, Dilutants, or Masking Agents. The use or attempted use of any substance for the purpose of masking the presence of any drug or drug metabolite in a specimen intended for drug testing is strictly prohibited. The use of (or attempt to use) specimen dilution, adulteration, or masking agents (as determined by a specimen collector, laboratory, Medical Review Officer or DER) will be considered a "Refusal to test" and will result in disciplinary action up to and including discharge.
- (o) Compliance with this policy is a condition of employment. Refusal or failure to take a required drug or alcohol test, testing positive on any such test, or any other violations of 49 CFR 40 or DOT agency drug and alcohol regulations shall result in removal from performing safety-sensitive duties and shall, as with any other prohibited conduct, subject the individual to disciplinary action up to and including discharge, solely at the option of the Company.

B-5 TESTS REQUIRED [Ref 382 Subpart C(301-311)]

GENERAL. Covered employees will be subject to testing for alcohol and controlled substances in accordance with DOT Procedures. Currently, such employees will be tested for alcohol and the following drugs and/or their metabolites: Marijuana, Cocaine, Opioids (e.g. Codeine, Morphine, 6-AM), Phencyclidine, and Amphetamines (Amp, Meth, MDMA, and MDA). See 49 CFR 40.

Before performing a drug or alcohol test under FMCSA drug and alcohol regulations, the Company is required to notify the employee that the test is required by those regulations. This policy, together with notification by a company representative that you are required to submit to testing and the information provided to you on the CCF or ATF, constitutes such notice. The Company is prohibited from falsely representing that a test is required by those regulations.

All alcohol tests conducted under this policy require the employee to provide a breath specimen for any confirmatory test conducted by, or on behalf of, the Company. In the case of an initial alcohol test, The Company may test the employee using either a DOT-approved breath or saliva testing device. In the case of an alcohol test conducted by a federal, state or local law enforcement officer following an accident, the employee will be required to provide either a breath or blood or other specimen, as directed by the law enforcement officer.

Except as may be otherwise provided by this policy, employees required to submit to an alcohol test will submit to such testing either just before, during, or just after performing or being required to perform *safety-sensitive functions*.

Drug testing will utilize urine specimens.

At a minimum, the Company is required by DOT to conduct *drug and/or alcohol tests* under the following conditions or times: *pre-employment/pre-duty: (for Drugs only); random/post-accident: (for*

Drugs and Alcohol); reasonable suspicion, return-to-duty, or follow-up (for *Drugs and/or Alcohol*). Other tests may also be required under DOT's regulations or Company authority. The Company's policy will direct whenever such other tests are required or permitted. The Company will notify an applicant or employee of his/her test results only if the test is positive, or upon the written request of the applicant or employee.

An applicant or employee who (1) tests positive (i.e., a verified positive drug test or a positive alcohol test) on any drug or alcohol test required by this policy; (2) refuses to submit to testing (see B-8), including failure to report for testing (except pre-employment, see 40.191(a)) within a reasonable time, as determined by the Company, consistent with FMCSA regulations; or (3) fails to cooperate with testing procedures (e.g., to be escorted to or from a testing site for a reasonable suspicion test) is prohibited from performing or continuing to perform any safety-sensitive function for the Company (see B-9, for other consequences of violating this policy), and is **subject to disciplinary action up to and including discharge, solely at the option of the Company.**

The Company's policies, procedures, and requirements for each of these tests include (together with the rest of this policy) the following:

a. pre-employment/pre-duty: [Ref 382.301]

- i. Drug testing is required before an applicant can be hired or transferred into a position for which the Company requires the person to hold a CDL and to operate (or be available to operate) a CMV for any purpose, or to otherwise perform (or be available to perform) any safety-sensitive function on behalf of the Company. Pre-employment alcohol testing is not required by DOT regulations and not required by the Company.
- ii. *Employees* will be provided educational materials, notification of the required drug test and an explanation of the collection procedures through the receipt of a copy of this policy. *Applicants* will likewise receive such information, notification and instructions prior to pre-employment testing.
- iii. The employee's signature on any custody and control form used with any test requested under this policy will constitute his or her consent to be tested and authorization to release any information permitted or required by applicable Federal or State Regulations or Company policy.
- iv. Applicants will be required to take and pass a drug test; authorize the Company to obtain applicant's DOT-required drug and alcohol test results (including refusals to be tested) from each company for whom s/he worked (or applied for work) within the previous 3 years [Ref 391.23 (e)] ; **and comply with any other conditions or requirements of which s/he is advised in connection with the position.**
- v. Driver/applicants will be required to register at the FMCSA clearinghouse at <https://clearinghouse.fmcsa.dot.gov/> and they must authorize perspective employers to run a full query pursuant to Part 382, Subpart G [Ref 382.703].

b. post-accident: [Ref 382.303] [See the *Post-accident flow chart, p31.*]

General. A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a Company representative (e.g., the DER) of his/her location if s/he leaves the scene of the accident prior to submission to such test, may be deemed by the Company to have refused to submit to testing. This provision shall not 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. (See Section 3, Delayed test, Failure-to-test)

- i. As soon as practicable following an occurrence involving a CMV operating on a public road in commerce, each surviving driver must be tested for alcohol and controlled substances as follows:
 - (1) If the accident involved the loss of human life; each surviving driver who was performing *safety-sensitive functions* (see def: 49 CFR 382.107) must be tested regardless of whether or not the driver received a citation. Otherwise,
 - (2) If the driver received a citation under State or local law for a moving traffic violation arising from the accident AND
 - (a) the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; OR
 - (b) one or more motor vehicles incurred *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.

ii Exception. DOT post-accident testing requirements do not apply to an occurrence:

- (1) involving only boarding or alighting from a stationary motor vehicle; or
- (2) only the loading or unloading of cargo; or
- (3) in the course of the operation of a passenger car or multipurpose passenger vehicle (as defined in 49 CFR 571.3) by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR 177.823.

iii. Employees who submit to drug or alcohol testing conducted by a law enforcement officer must contact their supervisor (or another Company official) immediately and provide the name, badge number and telephone number of the officer who conducted the testing.

iv At the Company's discretion, employees who are required to submit to post-accident drug or alcohol testing may be assigned to non-safety-sensitive duties, or placed on non-disciplinary suspension, while awaiting the post-accident test results.

c. random: [Ref 382.305]

- i. The Company is required by DOT regulations to test employees for drugs and alcohol at random and without prior notice.
- ii. Random tests will be conducted at a minimum rate set forth by FMCSA (see Section 4, Random Testing Program Verification). Selections will be made at least quarterly, but the Company may conduct random testing more frequently and employees may be subject to additional random selections and testing at any time throughout the year. Selections are made by a computer generated random (stochastic) process to ensure that employees cannot be singled out by name or by any other means.
- iii. Each employee in a random pool will have an equal chance of being selected from their pool during each selection and as a result may be required to submit to a random drug and/or alcohol test several times in the same year.

iv. Employees selected for random testing must report to the specimen collection site within a reasonable time (as determined by the DER), following notification (e.g., allowing only for reasonable travel time).

d. reasonable suspicion/for-cause: [Ref 382.307, 603]

- i. For the purpose of requiring drug or alcohol testing, reasonable suspicion will exist when an employee's appearance, behavior, speech, breath or body odors indicate drug or alcohol use, or chronic or withdrawal effects of drugs. [See: Section 3/Forms/Observed Behavior Recording]
- ii. With regard to a reasonable suspicion drug test, such observations must be personally observed and documented by at least one Company official who has received a minimum of 60 minutes training covering the physical, behavioral, speech, and performance indicators of probable drug use.
- iii. With regard to a reasonable suspicion alcohol test, such observations must be personally observed and documented by at least one Company official who has received a minimum of 60 minutes training covering the physical, behavioral, speech, and performance indicators of probable alcohol misuse.
- iv. With regard to alcohol, such observations must be made by the Company official (and any required testing performed) just prior to, during, or just after the period of the work day that the employee is required to be in compliance (see B-3) with this policy. Third-party observations indicative of substance abuse must be personally confirmed by a Company official who has received the above training. The official who makes the reasonable suspicion determination for alcohol testing may not perform the alcohol specimen collection or testing.
- v. The employee will be transported to the specimen collection site and tested as directed by the Company (alcohol and/or drugs) as soon as possible. The Company will also attempt to contact a family member (or other person designated by the employee), or make arrangements for other suitable transportation in order to transport the employee home following reasonable-suspicion testing.**
- vi. An employee required to take a reasonable suspicion test(s) is considered unqualified to work and placed on immediate suspension, **without pay**, pending results of their test(s). **If the test results are negative and the employee has fully cooperated with the testing, reimbursement will be made for the time of the suspension.**

e. return-to-duty [Ref 382.309, 40.67(b)] Employer must require following the "directly observed specimen collection" procedures in 40.67.

- i. The Company is not obligated to (and by the inclusion of this provision in this Policy does not undertake or commit to any obligation under this policy to) reinstate, retain and/or rehire any employee who violates any DOT regulation or any Company policy concerning drugs and alcohol.
- ii. Should the Company elect to consider reinstating or rehiring an employee who violates any DOT regulation or any Company policy concerning drugs and alcohol, those regulations and policies require that employee (before s/he will be permitted to return to duty) to:
 - **execute the Company's "last-chance" agreement;**
 - be evaluated by the Company's SAP who will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse or controlled substances use;

- be further evaluated by the Company's SAP to determine the employee's compliance with any education/treatment program prescribed by the SAP; and
- pass a DOT return-to-duty drug and/or alcohol test.

f. follow-up [Ref 382.311, 382.605(c)(2)(ii), 40.67(b)]. Employer must require following the "directly observed specimen collection" procedures in 40.67.

- i. The Company is not required to reinstate or rehire an employee who violates any DOT regulation or any Company policy concerning drugs and alcohol, and by the inclusion of this provision does not obligate itself to do so.
- ii. Should the Company elect to reinstate or rehire such employee, s/he
 - must remain in full compliance with the provisions of e above;
 - must meet all other requirements of the position; and
 - will be subject to a minimum of 6 (or more, as determined by the SAP) unannounced follow-up tests over the 12 months after returning to duty.
- iii. At the direction of the SAP, the employee may be required to submit to further unannounced testing for up to four additional years.

B-6 TESTING PROCEDURES

GENERAL. To protect employees, the integrity of testing processes, and to ensure the validity of the test results, DOT has established stringent regulations to which the Company and its service agents will adhere. DOT's requirements include procedures covering: specimen collection processes; chain-of-custody for specimens; initial and confirmation tests; review of positive test results by a Medical Review Officer (MRO); reporting and recordkeeping.

All agreements and arrangements, written or unwritten, between and among employers and service agents concerning the implementation of DOT agency drug and alcohol testing requirements are deemed, as a matter of law, to require compliance with all applicable provisions of 49 CFR Part 40 and FMCSA drug and alcohol testing regulations (see Section 5 for DOT agency regulations). Compliance with the regulations is a material term of all such agreements.

A service agent who violates these regulations is subject to a Public Interest Exclusion (PIE) by FMCSA. The company is prohibited from using the services of a service agent who is subject to a PIE in accordance with 49 CFR part 40, subpart R. The PIE list is updated at: <http://dot.gov/ost/dapc>.

a. specimen collection and chain-of-custody [Ref 40.31-73, 40.171-277]

General: For both alcohol and drug testing, *specimen donors* must report for testing immediately following notification. A DOT required *Custody and Control Form* (CCF) and/or *Alcohol Testing Form* (ATF) will be utilized. *Specimen donors* will receive a copy of the applicable CCF/ATF at the time specimens are to be provided. See Appendix C for additional information about specimen collection.

The *Collection Site Person* (CSP), *Breath Alcohol Technician* (BAT) or *Screening Test Technician* (STT) respectively, is responsible for maintaining the integrity of the specimen collection and transfer process, ensuring the modesty and privacy of the specimen donor, and avoiding any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.

The collection site must provide for visual and aural privacy during the collection.

The employee's direct supervisor is not permitted to serve as the urine specimen collector for a drug test unless it is impracticable for another individual to perform this function.

In addition, specimen collection sites are required to implement a policy and procedures to prevent unauthorized personnel from entering any part of the site in which urine specimens are collected or stored. Only employees being tested, collectors/STTs/BATs and other collection or testing site workers, DERs, employee and employer representatives authorized by the DER or other company official, and DOT agency representatives are authorized access to respective drug or

alcohol specimen collection sites. Representatives of the company's TPA shall be considered employer representatives for this purpose.

All such persons who have been authorized access must remain under the supervision of a collector/STT/BAT at all times when permitted into the collection site; and, except for the observer/monitor in the case of an observed/monitored collection, no one is permitted to enter the restroom (including a multi-stall restroom) while the employee provides the specimen.

Drug testing: Failure of the *specimen donor* to remain at the collection site or to provide an adequate specimen within 3 hours of the first unsuccessful attempt will be considered a "refusal to submit to testing" (See B-8, and 40.191(a)).

The collection site person shall have successfully completed training to carry out this function in accordance with 49 CFR 40.33 and shall complete the specimen collection services in accordance with the DOT Urine Specimen Collection Procedures Guidelines available from DOT ODAPC W62-300, 1200 New Jersey Avenue SE, Washington DC 20590; FAX: 202-366-3897
e-mail ODAPCWebMail@dot.gov website: <http://www.dot.gov/ost/dapc/>

Dilute specimens When a pre-employment test is verified by the MRO as negative and dilute, the specimen donor will be required to submit to a second specimen collection. A second specimen collection will not be required if the specimen verified as dilute was for any other purpose, unless the specimen donor failed to report for testing in a timely manner, or the specimen collection was otherwise compromised (e.g., a "directly observed" specimen collection was required, but not conducted) as determined by the DER. Any such (second) specimen (1) becomes the test of record and (2) will not be collected under direct observation (unless there is another basis for use of direct observation [see 40.67(a)(b) & (c)]). A third specimen collection is only permitted when required by the MRO. (See 40.197)

Direct observation. 40.67 specifies when and how a directly observed collection is to be conducted. In general, employees will be permitted to give a urine specimen in privacy and without being observed by collection site personnel. An employee forfeits this right if there is reason to believe that s/he may alter or substitute a specimen. In the event that an observed collection is required, the observer will be an individual of the same gender as the employee. The employer must {40.67(b)} require a direct observation specimen collection if the drug test is return-to-duty or a follow-up test.

Note: In a directly observed specimen collection the employee is required {40.67(i)} 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} to show...by turning around" that they do not have prosthetic devices for beating the tests {see 40.191 re refusal to test}.

Alcohol testing: The specimen shall be collected only by a *Breath Alcohol Technician (BAT)*, or *Screening Test Technician (STT)* trained to proficiency in the operation of the DOT-approved evidential breath testing (EBT) or alcohol screening device (ASD) used for the test. A positive initial test must be confirmed by EBT. Testing must conform to 49 CFR 40, subparts J, K, L, M, & N.

Additional information about specimen collection procedures can be found in Appendix C of this policy, in 49 CFR 40, or on the ODAPC website above.

b. initial, confirmation, and split testing

Alcohol: For an initial alcohol test, the Company may test the employee using either a DOT-approved saliva testing device or non-evidentiary breath testing device (i.e., alcohol screening device or ASD), or evidential breath testing (EBT) device. An initial alcohol test with result of 0.02 or greater will be followed by a confirmation test using an EBT. A post-accident alcohol test conducted by a federal, state or local law enforcement officer will utilize whatever specimens and testing devices that have been approved for such use by the relevant authority.

Drugs: Initial laboratory tests utilize an immunoassay screen to eliminate "negative" urine specimens from further consideration. Specimens also undergo validity testing for adulterants,

dilutants and masking agents. To ensure reliability and accuracy of the lab result prior to review by the MRO, an initial lab positive, adulterated, substituted or invalid test result will be followed by confirmation tests performed in accordance with 49 CFR 40 and DHHS regulations.

The split sample method of collection is mandatory for DOT-regulated drug testing. Under this methodology, the employee must provide at least 45 milliliters (ml) of urine, which is then divided into primary (30 ml) and secondary (15 ml) specimen bottles by the collector. In the event that the primary specimen is verified by the MRO as positive, adulterated or substituted, the second bottle will be sent by the primary testing lab to a second (DOT-approved) lab at the employee's request, which may be verbal or in writing.

c. medical review of lab results

General: The Company's Medical Review Officer (MRO) will review all drug test results confirmed by the lab as positive, adulterated, substituted, or invalid. Prior to reporting such results to the Company, the employee will be given a reasonable opportunity (72 hours from the time of contact by the DER, if not contacted directly by the MRO) to discuss the lab results with the MRO and to present a legitimate medical explanation (if any) for the lab result.

The MRO has the discretion to extend the verification process for up to five days, if the MRO determines that there is a reasonable basis to believe that the employee will be able to produce relevant evidence concerning a legitimate medical explanation within that time.

In the case of a confirmed positive for Opioids, the MRO may also require the employee to present him/herself to be examined for clinical evidence of substance abuse. Refusal to comply is equivalent to expressly declining to discuss the test result.

If neither the MRO nor the DER are able to contact an employee within 10 days of the MRO's receipt of a certified test result from the lab, the MRO will verify the test result as a positive or refusal to test, as applicable, without the employee's input.

For a period of 60 days from the MRO's verified report to the DER, the MRO must allow the employee to present information documenting that serious illness, injury, or other circumstances unavoidably precluded contact with the MRO and/or DER; and may, on the basis of such information, reopen the verification, allowing the employee to present information concerning whether there is a legitimate medical explanation for the confirmed test result.

Even if an employee presents a legitimate medical explanation and the employee's drug test is verified as negative, the MRO may be required to bring fitness-for-duty considerations to the attention of third parties. [See 40.327]

- i. Once notified of a required drug test, the employee must remain available for contact by the Company and the MRO and must make contact with the Company at least daily. Failure to maintain contact with the Company shall be cause for disciplinary action up to and including discharge, solely at the option of the Company.**
- ii. Except for the use of methadone, THC (or Marijuana), and medications containing alcohol, nothing in this policy prohibits an employee's use of a medication legally prescribed (for an FDA-approved use) by a licensed physician who:
 - (a) is familiar with the employee's medical history and specific safety-sensitive duties, and
 - (b) has advised the employee that the prescribed medication will not adversely affect the employee's ability to perform his or her safety-sensitive duties (e.g., to drive a commercial motor vehicle).
- iii. Medications prescribed for someone other than the employee will not be considered lawfully used by the employee under any circumstances.
- iv. Medications containing alcohol will not be considered lawfully used by the employee while on duty or within 4 hours prior to going on duty.

- v. Medications containing alcohol will not be considered a legitimate medical explanation if cited as an explanation for a positive alcohol test.
- vi. As part of the verification process, the MRO is prohibited from considering as a "legitimate medical explanation" (see 49 CFR 40.151 for full text):
 - (a) evidence from other tests not collected or tested in accordance with Part 40 (e.g., by the employee's physician);
 - (b) assertions by the donor (when disputed by the collector) not reflected on the CCF concerning matters occurring at the collection site;
 - (c) whether the employer was correct in directing that a test occur (e.g., whether proper grounds existed under DOT regulations);
 - (d) explanations that would not, even if true, constitute a legitimate medical explanation (e.g., marijuana brownies, passive inhalation, coca tea, etc.);
 - (e) prescriptions or physician recommendations for the use of "Schedule I" controlled substances (e.g., under "medical marijuana" laws adopted by some states);
 - (f) an assertion of consumption or other use of hemp or coca products (e.g., hemp oil, hemp seed, coca teas, etc.);
 - (g) an assertion that there is a legitimate medical explanation for PCP, 6-AM (a metabolite of heroin), MDMA, or MDA in a specimen;
 - (h) an assertion that soap, bleach, or glutaraldehyde entered a specimen through physiological means;
 - (i) an assertion that the employee can produce urine with no detectable creatinine through physiological means.

vii. **An employee whose test has been verified by the MRO as adulterated, substituted (or otherwise determined to be a "refusal to test") or positive is unqualified to perform safety-sensitive duties and is subject to disciplinary action up to and including discharge, solely at the option of the Company.**

viii. As an employee, when the MRO has notified you that you have a verified positive drug test and/or refusal to test because of adulteration or substitution, you have 72 hours from the time of notification to request a test of the split specimen. The request may be verbal (e.g., by calling the MRO's office at 1-800-459-9012 ext 788 and leaving a message at any time, day or night) or in writing. If you make this request to the MRO within 72 hours, you trigger the (49 CFR 40) requirements for a test of the split specimen. There is no split specimen testing for an invalid result. **Except as otherwise prohibited by law, an employee who requests a split specimen test will be required to pay for the testing.** Split specimen testing is conducted without regard to the cutoff concentrations of 40.87.

d. reporting, recordkeeping, and confidentiality [Ref 49 CFR 40.321-333]

General. The results of all alcohol and controlled substances tests will be considered confidential and will be maintained in a secure location with controlled access. Except as provided by DOT regulations or as otherwise provided by law, employers and their service agents are prohibited from releasing individual test results or medical information about an employee to third parties without the employee's specific written consent.

- i. Employees are entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances and/or to have such records released to a specific identified person. (See 49 CFR 40.331)
- ii. Employees are required to provide the Company with written authorization

to obtain drug and alcohol testing records (including positives and refusals to test) from each previous employer (including, whether or not hired, every employer to whom the employee applied to perform any duty designated as a safety-sensitive function by a DOT agency regulation) during the previous 3 years [(See 49 CFR 391.23 (e));

- iii. Likewise, the Company is required to provide such information about test results to potential employers when authorized by the employee in writing, or to others (e.g., in connection with legal proceedings) when required or permitted by Federal or State law. (See 40.25, 40.323-331)
- iv. The MRO must report drug test results and medical information obtained during the verification process to third parties (e.g., the employer, medical examiner, SAP, DOT agency, or NTSB) under various circumstances without the employee's consent if the MRO determines (in his/her reasonable medical judgment), that:
 - (a) The information is likely to result in a determination that the employee is medically unqualified under an applicable DOT agency regulation; or
 - (b) The information indicates that continued performance by the employee of his or her safety-sensitive function is likely to pose a significant safety risk. (See 49 CFR 40.327 for additional information.)
- v. In accordance with DOT regulations, the Company and its service agents will provide access to facilities, property, and records to DOT agency representatives; and, in accordance with 49 CFR 40.323, may release an employee's confidential information to officials involved in any action that arises by or on behalf of the employee (e.g., unemployment, worker's compensation hearings, etc.) without the employee's consent. However, the Company or service agent (e.g., MRO) must immediately notify the employee in writing of any such release of information.
- vi. MROs will be required to report verified positive, adulterated, and substituted controlled substances test results along with any refusal to test determinations to the National Clearinghouse [Ref 382.705 (a) (i, ii)]

B-7 REQUIREMENT TO SUBMIT TO TESTING

Employees are required to submit to all drug and/or alcohol testing required by DOT regulations or by this Company policy and must appear for such testing within a reasonable time (as determined by the Company), after being directed to do so by the Company. [See 40.61(a), 40.191(a) and Appx B def: "Immediately"]

B-8 REFUSAL TO SUBMIT TO TESTING

[See 40.25, .191, .261, 285, 382.213 and 382.107 definition of *refuse to submit*]

General. In addition to consequences imposed by DOT agency regulations, an employee's *Refusal to submit* to testing at the direction of the Company or law enforcement personnel will subject the employee to disciplinary action **up to and including discharge, solely at the option of the Company.**

- (a) As an employee, you have refused to take a drug or alcohol test if you:
 - (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, consistent with FMCSA regulations as determined by the Company, (or, if an owner-operator, by a C/TPA per 40.61(a));
 - (2) Fail to remain at the testing site until the testing process is complete, *Provided*, That an employee who leaves the testing site before the testing process commences (see 40.63(c)) for a pre-employment test is not deemed to have refused to test;
 - (3) Fail to provide a urine specimen for a drug test or fail to attempt to provide a saliva or breath specimen, as applicable, for a drug or

alcohol test required by DOT drug and alcohol regulations, *Provided*, That an employee who does not provide a urine specimen because s/he has left the testing site before the testing process commences (see 40.63(c)) for a pre-employment test is not deemed to have refused to test;

- (4) In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen (see 40.67(l) and 40.69(g));
 - (5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see 40.193(d)(2));
 - (6) Fail or decline to take a second test the Company or collector has directed you to take;
 - (7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or by the DER following "shy bladder" procedures [see 40.193(d)], or as directed by the employer as part of the insufficient breath procedures [see 40.265(c)]. However, in the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment; or
 - (8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
 - (9) 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.
 - (10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
 - (11) Admit to the collector or MRO that you adulterated or substituted the specimen.
- (b) As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- (c) As an employee, if you refuse to take a drug test, you incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations. There are no consequences under DOT agency regulations for refusing to take a non-DOT test.

B-9 CONSEQUENCES OF VIOLATING THIS POLICY [Ref 382 Subpart E]

General. Except as provided in Section B-10 of this policy, an employee who has violated a DOT drug and alcohol regulation; e.g., a verified positive drug test, positive alcohol test, refusal to test, or any other violation of the prohibition on the use of alcohol or drugs under a DOT agency regulation cannot again perform any DOT safety-sensitive duties for any employer until and unless s/he has completed the SAP evaluation, referral, and education/treatment process set forth in 49 CFR 40, Subpart O. See Section 5 of this policy for DOT regulations.

Any employer or safety-sensitive employee who violates 49 CFR 40 or DOT agency drug and alcohol regulations is subject to the penalty provisions of 49 U.S.C. 521(b); and **such employees are subject to disciplinary action up to and including discharge, solely at the option of the Company.**

- i. At a minimum, such employees will be prohibited from performing any

safety-sensitive function for the Company and may be automatically suspended without pay. The Company has no obligation to reinstate, retain or rehire any employee who violates any DOT regulation or Company policy concerning drugs and alcohol. [Ref B-5(e) and (f)]

- ii. An employee whose test result is positive for drugs or alcohol or who refuses a drug or alcohol test may also be subject to civil and criminal penalties imposed by DOT.

B-10 AN ALCOHOL CONCENTRATION OF 0.02 - 0.039 [Ref 382.505]

If the violation is limited to an alcohol concentration of 0.02 or greater but less than 0.04, the employee will not be permitted to perform any safety sensitive function for the Company until the start of the employee's next regular shift, but not less than 24 hours following such result.

Except as may otherwise be prohibited by law, the Company reserves at its sole option, the right to impose additional disciplinary action up to and including discharge. [Ref 49 CFR 382.505(b)]

B-11 THE EFFECTS OF ALCOHOL AND CONTROLLED SUBSTANCE USE

The Company will provide information and training to employees as to the effects of alcohol and controlled substances use on health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected (including confrontation) and referral to any assistance resources available to the employee or his/her dependents. Such information and training is considered a part of this policy and will be provided prior to the first request for a test administered under this policy. (See Appendix A)

FMCSA regulations and Company policy require that all persons designated to supervise employees who perform safety-sensitive functions receive training regarding substance abuse. Assistance with intervention, confrontation or referral (whether to an SAP or to management) regarding substance abuse can be obtained from any such supervisor, or from the DER listed on page 3.

C OPTIONAL PROVISIONS

C-1. Stand-Down. The Company has not received a waiver (nor, at this time, applied for a waiver) to "Stand Down" employees from their safety-sensitive duties pending completion of the MRO verification process (see 40.21).

C-2. Self-Referral and Unpaid Leave of Absence

General. An employee who requests a leave of absence under this provision may provide the Company with *actual knowledge* of drug or alcohol use prohibited by DOT regulations and therefore be subject to consequences specified by DOT regulations and this policy. Following the request for leave of absence (whether or not the leave is granted) the employee will not be permitted to perform safety sensitive duties for the Company until the Company is satisfied that s/he has been evaluated and has successfully completed the requirements of 49 CFR 40, Subpart O.

By the inclusion of this provision, the Company does not commit to retain, reinstate, or rehire the employee following either the request for leave of absence or (if granted) the completion of his or her leave of absence; any such decision will be based solely on the business needs of the Company as determined by the Company.

- (a) Subject to and consistent with the requirements of this provision, an employee may request an unpaid leave of absence (vs immediate discharge) not to exceed 90 days from the date of request for the purpose of referral, evaluation and treatment for substance abuse and/or alcoholism provided by a licensed SAP approved by the

Company.

- (b) To be entitled to such leave, the employee:
 - (i) must have first been clinically diagnosed as drug and/or alcohol dependent by a licensed substance abuse professional, and
 - (ii) must be eligible for leave under the federal Family and Medical Leave Act (FMLA) or similar applicable state law. Contact the DER (page 3) to inquire about FMLA benefits, if any.
- (c) Such leave of absence shall not be permitted and the employee will be subject to disciplinary action up to and including immediate discharge solely at the option of the company, if the request occurs:
 - (i) After the employee has performed any safety sensitive function for the Company on the day of the request; or
 - (ii) Following a request or attempted request by the DER for the employee to submit to a drug or alcohol test, or
 - (iii) Following a request or attempted request by the DER (or other representative of the company) for the employee to submit to an interview regarding the employee's performance of his or her safety sensitive duties (e.g., a reasonable suspicion interview).

D CERTIFICATE OF RECEIPT. Each employee is required to sign a *certificate of receipt* certifying that he or she has received a copy of the policy, training and educational materials required by FMCSA regulations. Do not sign for materials, information, or training that you have not received. You are entitled to receive a copy of the certificate of receipt.

Alcohol is the most widely abused of all drugs and belongs to the class of drugs known as depressants. Depressants affect the central nervous system; slowing down mental functions, depressing the pulse rate, blood pressure, respiration and other bodily functions. 60% of all automobile accident fatalities involve alcohol.

Alcoholism is a progressive disease which typically passes through 5 stages: social drinking, increased tolerance, behavioral changes, concealment of drinking, complete dependency.

In addition to the direct effects, even small amounts of alcohol can have a serious effect on an unborn child. Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes. The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.

From 1982 through 1993, deaths from drunken driving accidents have dropped by nearly one third. This drop is attributed (by the CDC) to improved law enforcement, state's raising their drinking ages to 21 and lowering their legal limits for intoxication. Fewer people are drinking. There has been an increase in social pressure against driving drunk and heightened public awareness as a result of groups such as MADD.

Signs and Symptoms:

Typical Sources: Beer, wine, hard liquors.

Physical Symptoms: Odor on breath; slurred speech; very bloodshot/ watery eyes; poor balance/ coordination; sleepy or stuporous condition; gaze nystagmus (spasmodic movement of eyes); possibly constricted pupils; greatly impaired driving ability; impaired judgment; inability to divide attention; lowered inhibitions; changes in sleep patterns.

Behavioral Symptoms: excessive use of mouthwash or mints to cover odor of alcohol; focus on alcohol-related activities; hidden drinking, morning drinking, drinking before attending an activity that includes drinking; drinking instead of eating; chronic, unjustifiable problems with family, employer, other employees; excessive irritability and impatience; extreme changes in personality.

Personal Health, Safety, and the Work Environment:

The annual alcohol-related death toll includes: 35,000 auto accident deaths; 15,000 in non-highway accidents; 40,000 deaths due to liver and brain disease or suicide; 125,000 in other alcohol-related conditions/accidents. Two-thirds of all homicides are committed by people who drink prior to the crime. Two to three percent of the drivers on the highway are legally drunk on a typical week-day, and four to six percent on nights and weekends.

General Health Effects: ▪ Reduced coordination and reflex action ▪ Impaired vision and judgment ▪ depressed genital reflexes and increased sexual dysfunction/impotency (in spite of reduced inhibitions) ▪ vitamin/mineral deficiencies resulting from improper diet ▪ increased risk of miscarriage/premature birth/birth defects ▪ ruptured veins ▪ high blood pressure ▪ damage to stomach, pancreas, brain cells, esophagus, liver ▪ increased danger of auto/boating accidents, slips/trips/falls, fire, drowning, or becoming a victim of violence, crime, murder.

Safety and the Work Environment: Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body (increasing with each additional drink) and resulting in an accident rate of up to 6 times the rate for an unimpaired individual. It takes an average person (150 pounds) about an hour to process one serving of an alcoholic beverage from the body. Over 40 percent of falls are alcohol-related.

Overdose Effects: ▪ Unconsciousness ▪ Amnesia/Blackouts ▪ Impotency ▪ Coma ▪ Death

Withdrawal Syndrome: Alcohol withdrawal can be fatal. Symptoms can include ▪ Sleep disturbance ▪ Anxiety attacks ▪ Decreased appetite/nausea/vomiting/cramps ▪ Hallucinations ▪ Sweating and tremors ▪ Convulsions ▪ Coma ▪ Heart failure. The alcoholic requires professional medical attention during withdrawal.

Marijuana use is very common; about one-third of all adult Americans have tried the drug. In the 1985 National Household Survey on Drug Abuse (NIDA, 1986b), about 10 percent of Americans over the age of 12 reported that they had used the drug within the month prior to their interviews. Among those young adults who have tried marijuana, 39 percent of males and 24 percent of females report using it more than 100 times.

Regardless of any state or local statutes permitting the use of Marijuana or THC, such use (including a prescription by a licensed physician) violates Federal statutes.

Passive inhalation of marijuana smoke does occur and can result in detectable levels of THC in blood and urine. However, it is highly unlikely that passive inhalation would result in a positive test result at the cutoff level currently used in DOT testing.

Under DOT regulations, a Medical Review Officer (MRO) is not allowed to accept any claim of "passive ingestion" (e.g., the unwitting consumption of marijuana brownies or hemp oil, passive inhalation, etc.) as a legitimate medical explanation for a positive drug test for THC.

Signs and Symptoms:

Evidence of Presence: plastic bags (commonly used to sell marijuana); smoking papers; roach clip holder; small pipes of bone, brass, or glass; smoking bongos; distinctive odor (like burning rope).

Physical Symptoms: reddened eyes (often masked by eye drops); stained fingertips from holding "joints"; chronic fatigue; irritating cough, chronic sore throat; accelerated heart beat; slowed speech; impaired motor coordination; altered perception; increased appetite.

Behavioral Symptoms: impaired memory; time-space distortions; feeling of euphoria; panic reactions; paranoia; "I don't care" attitude; false sense of power.

Personal Health, Safety, and the Work Environment:

Marijuana produces a pleasant euphoria or "high," commonly followed by drowsiness. Intoxication temporarily impairs concentration, learning, and perceptual-motor skills. Thus, for at least 4-6 hours after a dose of marijuana, drivers probably function with reduced abilities. Studies suggest that performance is impaired long after the acute subjective effects have ended. Experienced pilots in a flight simulator were impaired for at least 24 hours after a dose, long after the subjective "high" had disappeared. Functional impairments are less well understood in cases of prolonged, heavy marijuana use, because such users can develop behavioral and physiological tolerance.

General Health Effects: ▪ Chronic marijuana smoking causes emphysema-like conditions. ▪ One "joint" is the cancer-causing equivalent of 1/2 to a full pack of tobacco cigarettes. ▪ Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections. ▪ Chronic marijuana smoking causes changes in brain cells and brain waves. Long-term brain damage is likely to occur. ▪ The active chemical, THC, and 60 other chemicals in marijuana tend to concentrate in the ovaries and testes. ▪ Chronic smoking of marijuana in males causes a decrease in the male sex hormone and an increase in the female sex hormone, which can lead to female sex characteristics including breast development. ▪ Chronic smoking of marijuana in females causes a decrease in fertility and an increase in male sex hormones. ▪ THC has been linked with: malformations of the brain, spinal cord, forelimbs, liver, and spine, and visual/ophthalmic problems.

Safety and the Work Environment: Regular use can cause: ▪ delayed decision making ▪ diminished concentration ▪ impaired short-term memory ▪ impaired signal detection (ability to detect a brief flash of light) ▪ impaired tracking (the ability to follow moving objects with the eyes) and visual distance measurements ▪ The mental impairments resulting from the use of marijuana produce reactions that can lead to unsafe and erratic driving behavior. ▪ Distortions in visual perceptions, impaired signal detection, and altered reality can make driving a vehicle (or other safety-sensitive work) very dangerous.

Overdose Effects: ▪ Aggressive urges ▪ Anxiety ▪ Confusion ▪ Fearfulness ▪ Hallucinations ▪ Heavy sedation ▪ Immobility ▪ Mental dependency ▪ Panic ▪ Paranoia ▪ Distorted body image.

Withdrawal Syndrome: ▪ Sleep disturbance ▪ Hyperactivity ▪ Decreased appetite ▪ Irritability ▪ Gastrointestinal distress ▪ Salivation, sweating and tremors.

Cocaine is an alkaloid (organic base) derived from the coca plant. In its more common form, cocaine hydrochloride ("snorting coke") is a white to creamy granular or lumpy powder (chopped fine before use). Cocaine base, rock, or crack is a crystalline rock about the size of a small pebble.

Cocaine hydrochloride is snorted into the nose, rubbed on the gums, or injected into the veins.

Cocaine base is heated in a glass pipe and the vapor is inhaled.

It is estimated that 5.8 million Americans use cocaine in any given month, and 5 percent of employed persons 20 to 40 years old reported using cocaine in the month prior to the NIDA survey.

Cocaine first produces psychomotor and autonomic stimulation, with a euphoric subjective "high." Larger doses may induce mental confusion or paranoid delusions, and serious overdoses cause seizures, respiratory depression, cardiac arrhythmias, and death.

Cocaine abusers, even if they do not use at work, often report vocational impairment due to exhaustion; they use the drug until late at night. Among chronic users, exhaustion, lethargy, and mental depression appear, and the stimulant effect may seem progressively weaker. Cocaine is highly reinforcing; repeated experiences with it tend to drive further episodes of self-administration. Many users say that although the drug no longer produces much "high," they are unable to abstain.

Under DOT regulations, a Medical Review Officer (MRO) is not allowed to accept any claim of "passive ingestion" (e.g., the consumption of coca teas) as a legitimate medical explanation for a positive drug test for cocaine.

Signs and Symptoms:

Evidence of Presence: small folded envelopes, plastic bags, or vials used to store cocaine; razor blades; cut-off drinking straws or rolled bills for snorting; small spoons; heating apparatus.

Physical Symptoms: dilated pupils; runny or irritated nose; profuse sweating; dry mouth; tremors; needle tracks; loss of appetite; hyperexcitability; restlessness; high blood pressure; heart palpitations; insomnia; talkativeness; formication (sensation of bugs crawling on skin).

Behavioral Symptoms: increased physical activity; depression; isolation and secretive behavior; unusual defensiveness; frequent absences; wide mood swings; difficulty in concentration; paranoia; hallucinations; confusion; false sense of power and control.

Personal Health, Safety, and the Work Environment:

General Health Effects: ▪ may upset chemical balance of the brain...speed up the aging process...cause irreparable damage to critical nerve cells ▪ causes heart to beat faster and harder and rapidly increases blood pressure ▪ causes spasms of blood vessels in the brain and heart...leading to strokes and heart attacks ▪ Cocaine causes the strongest mental dependency of any known drug. ▪ Treatment success rates are lower than those of other chemical dependencies. ▪ Cocaine is extremely dangerous when taken with depressant drugs. Medical intervention for overdoses in such cases usually proves ineffective.

Safety and the Work Environment: Regular use can cause the following effects: ▪ Paranoia and hallucinations ▪ Hyperexcitability and overreaction to stimulus ▪ Difficulty in concentration ▪ Wide mood swings ▪ Withdrawal leads to depression and disorientation ▪ Cocaine use results in an artificial sense of power and control which leads to a sense of invincibility.

- Lapses in attention and the ignoring of warning signals greatly increase potential for accidents.
- Paranoia, hallucinations, and extreme mood swings make for erratic and unpredictable reaction.
- The cost of maintaining cocaine dependency frequently leads to workplace theft and/or dealing.
- Forgetfulness, absenteeism, tardiness, and missed assignments can translate into lost business.

Overdose Effects: ▪ Agitation ▪ Increase in body temperature ▪ Hallucinations
▪ Convulsions ▪ Death

Withdrawal Syndrome: ▪ Apathy ▪ Long periods of sleep ▪ Irritability ▪ Depression ▪ Disorientation

In their pure form, amphetamines are yellowish crystals. They are manufactured in a variety of forms including pill, capsule, tablet (ingested), powder (snorted), and liquid (injected). Amphetamine ("speed") is sold in counterfeit capsules or as white, flat, double scored "mini bennies." Methamphetamine is often sold as a creamy white, granular powder or in lumps wrapped in aluminum foil or tiny Zip-Lock bags. It looks like rock salt or crushed rock candy. Ecstasy (which can include MDMA, and/or MDA) in tablets and capsules may also contain amphetamine, methamphetamine, PCP, ketamine, with or without MDMA.

These synthetic drugs are much less widely abused than cocaine or marijuana. However, its popularity is rapidly growing. About 4% of the population or an estimated 8.8 million have tried methamphetamine at some time in their life. Hawaii leads the nation in methamphetamine abuse. It is estimated that approximately 15% of young adults age 18-25 have used methamphetamine within the past 30 days, and the drug is widely abused in all age groups from 12 to 50.

The stimulant effects of amphetamine and methamphetamine are similar to those of cocaine, but last longer. A single therapeutic dose enhances attention and performance, but performance deteriorates as the effects wear off, or with repeated dosing. These stimulant drugs are useful in treating narcolepsy and attention-deficit disorder, and are sometimes prescribed for depression which has not responded to other treatments. The drugs cause anorexia, but tolerance quickly develops, limiting their merit for treating obesity. Because of the abuse risk, medical boards in several jurisdictions have formally determined that it is inappropriate to treat obesity with these drugs for more than a few weeks. However, a tested individual producing a confirmed positive should be carefully queried about prescribed medications. By interfering with serotonin synthesis, MDMA-caused depletion of this (mood-regulating) neurotransmitter may be long-term.

Signs and Symptoms:

Evidence of Presence:

Most frequently – glass pipes, tiny Zip-Lock bags, envelopes, vials for storing;
Less frequently – pills, capsules, tablets, syringes, needles, tourniquets.

Physical Symptoms: dilated pupils; sweating; increased blood pressure; palpitations;
rapid heartbeat; dizziness; decreased appetite; dry mouth, headaches; blurred vision; insomnia;
high fever (depending on the level of the dose).

Behavioral Symptoms: confusion; panic; talkativeness; hallucinations; restlessness; anxiety; moodiness; false sense of confidence and power; "amphetamine psychosis" which might result from extended use.

Personal Health, Safety, and the Work Environment:

General Health Effects: ▪ "Amphetamine psychosis" - Resembling schizophrenia, users may see, hear, and feel things that do not exist (hallucinations), have irrational thoughts or beliefs (delusions), and feel as though people are out to get them (paranoia). ▪ Regular use produces strong psychological dependence and increasing tolerance to the drug. ▪ The euphoria increases impulsive and risk taking behavior, such as bizarre and violent acts. ▪ Intoxication may induce a heart attack or stroke due to spiking of blood pressure. ▪ Chronic use may cause heart and brain damage due to severe constriction of capillary blood vessels. ▪ Lack of sleep, weight loss, and depression also result from regular use. ▪ Users who inject drugs can get serious and life-threatening infections, lung or heart disease, and/or kidney damage).

Safety and the Work Environment:

Regular use can cause: ▪ Restlessness ▪ Anxiety ▪ Moodiness ▪ False sense of power.

Extended use can result in: ▪ Hallucinations ▪ Delusions ▪ Paranoia ▪ Brain damage.

- A false sense of alertness can result in risky driving behavior and increased accidents.
- Employees who fail to get sufficient rest may use the drug to increase alertness and become dependent.
- While limited doses cause short-term mental/physical improvement, greater use impairs functioning.
- Amphetamine hangover effects (fatigue/depression) are a danger in safety-sensitive positions.

Overdose Effects: ▪ Agitation ▪ Increase in body temperature ▪ Hallucinations
▪ Convulsions ▪ Death

Withdrawal Syndrome: ▪ Apathy ▪ Long periods of sleep ▪ Irritability ▪ Depression
▪ Disorientation

Appendix A5 - Training Materials/Employees Opioids: Morphine/Codeine/Heroin/Others

Natural and natural derivatives include: opium; morphine; codeine; and heroin (semi-synthetic). Synthetics include: meperidine (Demorol); oxymorphone (Numorphan); oxycontin, and oxycodone (Percodan). Taken in pill form, smoked, or injected, depending on the type of narcotic used.

Because of the variety of compounds and forms, Opioids are more difficult to clearly describe in terms of form, color, odor, and other physical characteristics. Opium and its derivatives can range from dark brown chunks to white crystals or powders.

Since the body metabolizes codeine to morphine, both substances may occur in urine following the use of codeine. Poppy seeds contain trace amounts of morphine and codeine, so an employee who consumes poppy seed rolls may produce urine positives for morphine (with or without codeine).

Laboratory tests use "cutoff concentrations" which provide the MRO with valuable information regarding the verified test result (e.g., sorting out the need for either clinical evidence of abuse, or a legitimate medical explanation).

Clinical evidence of substance abuse includes but is not limited to: needle tracks or signs of intoxication or withdrawal...moderate, nonlethal, "flu"-like abstinence syndrome with nausea, diarrhea, coryza, occasional vomiting, weakness, malaise, "gooseflesh," and mydriasis.

6-Acetylmorphine (6-AM) is a metabolite of heroin, but not of codeine or morphine. Therefore, the MRO is prohibited from accepting an assertion that there is a legitimate medical explanation for the presence of 6-AM in a drug test specimen.

Signs and Symptoms:

Evidence of Presence: Needles; syringe caps; eyedroppers; bent spoons; bottle caps; and rubber tubing (used in preparation and injection of the drug). Foil, glassine envelopes, or paper "bindles" (packets for holding drugs); balloons or prophylactics used to hold heroin; bloody tissues used to wipe the injection site; and burned matches used to heat the drug prior to injection.

Physical Symptoms: constricted pupils; sweating; nausea and vomiting; diarrhea; needle marks or "tracks"; wearing long sleeves to cover "tracks"; loss of appetite; slurred speech; slowed reflexes; depressed breathing and heartbeat; and drowsiness and fatigue.

Behavioral Symptoms: mood swings; impaired coordination; depression; apathy; stupor; and euphoria.

Personal Health, Safety, and the Work Environment:

General Health Effects: ▪ Intravenous (IV) needle users have a high risk for contracting hepatitis and AIDS due to sharing of needles. ▪ Because Opioids increase tolerance to pain, individuals may under-estimate the extent of injuries, leading to failure to seek medical attention after an accident. ▪ Because the effects of Opioids are multiplied when used in combination with other depressant drugs and alcohol, overdoses are more likely.

Safety and the Work Environment: Regular use can cause the following effects: ▪ Depression
▪ Apathy ▪ Wide mood swings ▪ Slowed movement ▪ Slower reflexes ▪ Physical or psychological dependence ▪ The apathy caused by Opioids results in an "I don't really care" attitude towards performance. ▪ Physical effects, depression, fatigue, slowed reflexes raise potential for accidents.

Overdose Effects: ▪ Slow/shallow breathing ▪ Clammy skin ▪ Convulsions ▪ Coma ▪ Death

Withdrawal Syndrome: ▪ Watery eyes ▪ Runny nose ▪ Yawning ▪ Loss of appetite ▪ Irritability
▪ Tremors ▪ Panic ▪ Cramps ▪ Nausea ▪ Chills ▪ Sweating

PCP is not used in medicine and does not occur in nature. PCP's use as a human anesthetic was discontinued because it produced psychotic reactions, and its more prolonged use as a veterinary tranquilizing agent also has stopped. Thus, the drug now has no therapeutic role; its use is strictly illegal.

It is commonly sold as a creamy, granular powder (brown or white) and is often packaged in one-inch-square aluminum foil or folded paper packets. Occasionally, PCP is sold in capsule, tablet or liquid form. It is sometime smoked in marijuana, tobacco, or other leafy materials.

Since monkeys repeatedly self-administer PCP intravenously, resulting in gross intoxication, the drug is said to reinforce self-administration behavior in animals. Some human beings also repeatedly and chronically self-administer PCP.

This behavioral reinforcement is striking, considering the drug's pronounced adverse effects. The psychosis which sometimes develops with intoxication may be long-lasting, and there are suggestions of personality and cognitive changes persisting for months after chronic use.

Its toxicity has given it a bad reputation even among drug users, who often are not very discriminating in these matters. It remains a popular drug of abuse in certain cities, notably Washington, DC, Los Angeles, CA, and Baltimore, MD.; but occurs sporadically elsewhere.

Signs and Symptoms:

Evidence of Presence: foil or paper packets; stamps (off which PCP is licked); injection paraphernalia (needles, syringes, and tourniquets); leafy herbs (for smoking).

Physical Symptoms: dilated or floating pupils; blurred vision; nystagmus (jerky eye movement); drooling; muscle rigidity; profuse sweating; decreased sensitivity to pain; dizziness; drowsiness; impaired coordination (e.g., drunken-like walk, staggering); severe disorientation; rapid heartbeat.

Behavioral Symptoms: anxiety; panic/fear/terror; aggressive/violent behavior; distorted perception; severe confusion and agitation; disorganization; mood swings; poor perception of time and distance; poor judgment; auditory hallucinations.

Personal Health, Safety, and the Work Environment:

General Health Effects: There are 4 phases to PCP abuse.

- **Phase 1/Acute toxicity:** can last up to three days and can include combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distance perceptions are common.
- **Phase 2/Toxic psychosis:** while this phase does not always follow the first, users may experience visual and auditory delusions, paranoia, and agitation.
- **Phase 3/Drug-induced schizophrenia:** may last a month or longer.
- **Phase 4/Drug-induced depression:** suicidal tendencies and mental dysfunction can last for months.

Safety and the Work Environment: Regular use can cause the following effects:

- Irreversible memory loss
- Personality changes
- Thought disorders
- Hallucinations
- Extreme mental/anesthetic effects create high potential for accidents and for overdose emergencies.
- Because the effects are aggravated by other depressant drugs such as alcohol, overdose potential is high.
- PCP-induced hallucinations may be misdiagnosed as LSD-induced. The standard treatment for LSD-induced hallucinations is Thorazine, which when administered with PCP can be fatal.
- Distortions in perception, and potential visual and auditory delusions make performance unpredictable and dangerous in safety-sensitive positions.
- PCP use can cause drowsiness, convulsions, paranoia, agitation, or coma, all obviously dangerous in any safety-sensitive position.

Overdose Effects: ▪ Longer, more intense "trip" episodes ▪ Psychosis ▪ Coma ▪ Death

Withdrawal Syndrome: ▪ None reported

Appendix B: Definitions, including FMCSA-specific

If a term is defined in 49 CFR 40.3 (included in Section 5 of this policy), that definition shall be used with respect to this policy, except to the extent (if any) that the definition is superseded by an applicable DOT agency definition or regulation. Otherwise, the following definitions shall be used with respect to this policy and the definition for any other term(s) shall be as determined solely by the Company, to the extent not prohibited by an applicable law.

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| <i>Accident</i> | With respect to DOT agency drug and alcohol post-accident testing: |
| <i>FMCSA</i> | (a) As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol and controlled substances each surviving driver: (1) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or (2) Who receives a citation under State or local law for a moving traffic violation arising from the accident, if the accident involved: (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (ii) 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. (b) Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. (1) Inclusions. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven. (2) Exclusions. (i) Damage which can be remedied temporarily at the scene of the accident without special tools or parts. (ii) Tire disablement without other damage even if no spare tire is available. (iii) Headlight or taillight damage. |
| <i>Actual knowledge</i> | An employer can obtain actual knowledge that a safety-sensitive employee has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the employee's previous employer(s), a traffic citation for driving a CMV (FMCSA) or revenue-generating vehicle (FTA) while under the influence of alcohol or controlled substance(s) or an employee's admission of alcohol or controlled substances use (unless any such admission meets the exemption requirements of a self-referral program in accordance with a DOT-agency drug and alcohol regulation; e.g., 49 CFR 382.217 for FMCSA-regulated employers). |
| <i>Adulterated specimen</i> | A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance. |
| <i>Air blank</i> | In evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol. |
| <i>Alcohol</i> | The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol. |
| <i>Alcohol concentration</i> | The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part. |
| <i>Alcohol concentration test</i> | A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration. |
| <i>Alcohol screening device (ASD)</i> | A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices. |
| <i>Alcohol screening test</i> | An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen. |
| <i>Alcohol testing site</i> | A place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test. |
| <i>Alcohol use</i> | The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol. |
| <i>Aliquot</i> | A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen. |
| <i>Applicants</i> | Individuals hired or transferred into positions that include safety-sensitive functions. |

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| <i>Breath Alcohol Technician (BAT)</i> | means a person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device. |
| <i>Cancelled test</i> | A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this part otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test. <i>{Note: A cancelled DOT test does not provide a valid basis for an employer to conduct a non-DOT test [40.207(c)]}</i> |
| <i>Chain of custody</i> | The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF). |
| <i>Clearinghouse</i> | The FMCSA Clearinghouse is established to contain records of violations listed in 49 CFR Part 382, Subpart B. Violations include positive drug and/or alcohol test results and test refusals. |
| <i>Collection container</i> | A container into which the employee urinates to provide the specimen for a drug test. |
| <i>Collection site</i> | A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test. |
| <i>Collector (aka a Collection Site Person or CSP)</i> | A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the CCF. |
| <i>Confirmatory drug test</i> | A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite. |
| <i>Confirmatory validity test</i> | A second test performed on a different aliquot of the original urine specimen to further support a validity test result. |
| <i>Confirmed drug test</i> | confirmation test result received by an MRO from a laboratory. |
| <i>Conforming products list (CPL)</i> | NHTSA's Conforming Products List of Evidential Breath Measurement Devices (CPL) |
| <i>Consent and release form(s)</i> | A service agent must <u>not</u> require an employee to sign a consent, release, waiver of liability, or indemnification agreement with respect to any part of the drug or alcohol testing process including but not limited to, collections, laboratory testing, MRO, and SAP services [40.355(a)]. |
| <i>Consortium/Third-party administrator (C/TPA)</i> | A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not "employers" for purposes of this part. |
| <i>Continuing education</i> | Training for medical review officers (MROs) and substance abuse professionals (SAPs) who have completed qualification training and are performing MRO or SAP functions, designed to keep MROs and SAPs current on changes and developments in the DOT drug and alcohol testing program. |
| <i>Controlled substance</i> | Includes all substances listed on Schedules I through V of 21 CFR 1308. At a minimum, covered employees will be tested for the following drugs and/or their metabolites: Marijuana, Cocaine, Opioids, Phencyclidine, and Amphetamines. |
| <i>Covered employee</i> | An individual designated in a DOT agency regulation as subject to drug testing and/or alcohol testing (including an applicant). "Individual", "employee" or <u>any</u> other alternative term used with regard to such person has the same meaning. See "Employee". |
| <i>Custody and control form (CCF)</i> | The Federal Drug Testing Custody and Control Form (CCF) utilized for documenting the collection of a specimen for a DOT required or permitted urine drug test. |
| <i>Designated employer representative (DER)</i> | An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of this part. Service agents cannot act as DERs. |
| <i>Detectable level</i> | of a controlled substance: the lowest level deemed by the testing laboratory to be scientifically sufficient to determine that the controlled substance is present. |
| <i>Dilute specimen</i> | A urine specimen with creatinine and specific gravity values that are lower than expected for human urine. |
| <i>Disabling damage (FMCSA)</i> | means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. <u>Inclusions:</u> Damage to motor vehicles that could have been driven, but would have been further damaged if so |

driven. **Exclusions:** Damage which can be remedied temporarily at the scene of the accident without special tools or parts: e.g., tire disablement without other damage even if no spare tire is available; headlight or taillight damage; damage to turn signals, horn, or windshield wipers which make them inoperative.

*DOT, The Department,
DOT Agency*

These terms encompass all DOT agencies, including, but not limited to, the United States Coast Guard (USCG), the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). These terms include any designee of a DOT agency.

Driver Means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

Drugs The drugs for which tests are required under this part and DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and Opioids.

Drug test An analytic procedure to determine whether an individual has (confirmation test) or may have (screening test) a prohibited controlled substance in a body specimen.

Employee Any person who is designated in a DOT agency regulation as subject to drug testing and/ or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under this part, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services.

Employer A person or entity employing one or more employees (including an individual who is self-employed) subject to DOT agency regulations requiring compliance with this part. The term includes an employer's officers, representatives, and management personnel. Service agents are not employers for the purposes of this part.

Error Correction Training Training provided to BATs, collectors, and screening test technicians (STTs) following an error that resulted in the cancellation of a drug or alcohol test. Error correction training must be provided in person or by a means that provides real-time observation and interaction between the instructor and trainee.

Evidential Breath Testing Device (EBT) A device approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

Follow-up testing Drug/alcohol testing of an employee determined to be in need of assistance in resolving problems with drugs/alcohol. [See also: 40.281-313]

HHS The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Immediately or within a reasonable time With respect to random testing: as soon as possible consistent with safety considerations. Failure of the employee to report for random testing within a reasonable time as determined by the DER is considered a refusal to test. See 40.191 regarding *refusal to test* and consequences.

Initial drug test (also known as a "Screening Drug Test") The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial specimen validity test The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

Invalid drug test The result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory Any U. S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD) The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation (LOQ) For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

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| <i>Medical Review Officer (MRO)</i> | means a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results. |
| <i>Negative result</i> | The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. |
| <i>NHTSA</i> | National Highway Traffic Safety Administration |
| <i>Non-negative specimen</i> | A urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), and/or invalid. |
| <i>ODAPC Office of Drug and Alcohol Policy and Compliance.</i> | The office in the Office of the Secretary, DOT, that is responsible for coordinating drug and alcohol testing program matters within the Department and providing information concerning the implementation of 49 CFR Part 40. For additional information visit the ODAPC website at: www.dot.gov/ost/dapc/documents.html?documents |
| <i>Oxidizing adulterant</i> | A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test. |
| <i>Positive result (alcohol)</i> | <i>Refusal to submit</i> a specimen OR an alcohol concentration of 0.02 or greater on a test performed by a Breath Alcohol Technician on Evidential Breath Testing equipment or by other means (if required by circumstances and not prohibited by a Federal reg). |
| <i>(drugs)</i> | The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentration. |
| <i>Primary specimen</i> | In drug testing, the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section. |
| <i>Prohibited drug</i> | With regard to an employer having "actual knowledge" of an employee's misuse of drugs or alcohol, "prohibited drug" means any controlled substance where the controlled substance has been dispensed or used or is in the individual's possession in a manner not approved by the FDA, including a controlled substance prescribed for another person. |
| <i>Qualification Training</i> | The training required in order for a collector, BAT, MRO, SAP, or STT to be qualified to perform their functions in the DOT drug and alcohol testing program. Qualification training may be provided by any appropriate means (e.g., classroom instruction, internet application, CD-ROM, video). |
| <i>Reconfirmed</i> | The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen. |
| <i>Redact</i> | To put into suitable literary form; revise; edit (See 40.329(c)). |
| <i>Refresher Training</i> | The training required periodically for qualified collectors, BATs, and STTs to review basic requirements and provide instruction concerning changes in technology (e.g., new testing methods that may be authorized) and amendments, interpretations, guidance, and issues concerning this part and DOT agency drug and alcohol testing regulations. Refresher training can be provided by any appropriate means (e.g., classroom instruction, internet application, CD-ROM, video). |
| <i>Refusal to test or to submit a specimen</i> | Means any circumstance outlined in 49 CFR 40.191 and 40.261. <i>See 49 CFR 40.355 (i) and (j) regarding limitations on Service Agents with regard to making a determination that an employee has "refused a drug or alcohol test". This determination is almost exclusively a "non-delegable" responsibility of the DER.</i> |
| <i>Rejected for testing</i> | The result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected. |
| <i>Return-to-duty testing</i> | Required following a violation of DOT drug and alcohol agency regs. [See 40.281-313] |
| <i>Safety-sensitive function FMCSA:</i> | Any on-duty functions under 395.2(1)-(7). A driver is "performing" safety-sensitive functions during any period in which the driver is actually performing, ready to perform, or immediately available to perform such functions. See individual DOT agency regulations for their respective definitions. |
| <i>Screening drug test</i> | See <i>Initial drug test</i> definition above. |
| <i>Screening Test technician (STT)</i> | means a person who instructs and assists employees in the alcohol testing process and operates an alcohol screening device. |
| <i>Service agent</i> | Any person or entity, other than an employee of the employer, who provides services specified under this part to employers and/ or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs |

and STTs, laboratories, MROs, substance abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet the qualifications set forth in applicable sections of this part. Service agents are not employers for purposes of this part.

- Shipping container* A container that is used for transporting and protecting urine specimen bottles and associated documents from the collection site to the laboratory.
- Specimen bottle* The bottle that, after being sealed and labeled according to the procedures in this part, is used to hold the urine specimen during transportation to the laboratory.
- Specimen:*
- (Breath alcohol test)* A breath specimen that is sufficient to result in a valid test (on an EBT or ASD) as determined by the BAT.
- (Saliva alcohol test)* Saliva from the employee's mouth collected in the manner described by the manufacturer of the Alcohol Screening Device (ASD).
- (Urine drug test)* A minimum of 45 ml of the tested employee's freshly voided urine as determined by the collection site person.
- Split-specimen* In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.
- Split-specimen collection* A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).
- Stand-down* The practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.
- Substance abuse* Illicit use of a controlled substance or misuse of alcohol.
- Substance abuse professional (SAP)* means a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.
- Substituted specimen* A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.
- Verified test* A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

Employee Notice of procedures used to insure the integrity of the collection process

- You are required to report to the collection site immediately following notification of a required drug and/or alcohol test (i.e., within a reasonable time as determined by the employer). Failure to do so is considered a refusal to test [see 40.191, 40.261].
- You will be required to provide a fresh specimen when you arrive at the collection site. An adulterated or substituted specimen is considered a refusal to test and (like a positive drug or alcohol test) constitutes a violation of DOT drug and alcohol regulations [see 40.25, 40.133, 40.145, 40.191, 40.285].
- You will be required to remove outer clothing (i.e., coveralls, jacket, coat, hat) that could be used to conceal items/substances used to tamper with a specimen, but not required to remove other clothing unless the collection is being made simultaneously with a DOT agency-authorized medical exam [40.61(f)(3)]. However, your possession of items or substances that may be used to tamper with a specimen require the collector to conduct an immediate directly observed specimen collection [40.61(f)(5), 40.63(e), 40.67]. Failure to cooperate is a refusal to test.

▪ **Direct observation.** 40.67 specifies when and how a directly observed collection is to be conducted. In general, employees will be permitted to give a urine specimen in privacy and without being observed by collection site personnel. An employee forfeits this right if there is reason to believe that s/he may alter or substitute a specimen. In the event that an observed collection is required, the observer will be an individual of the same gender as the employee.

The employer must {40.67(b)} require a direct observation specimen collection if the drug test is return-to-duty or a follow-up test.

Note: In a directly observed specimen collection the employee is required {40.67(i)} 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} to show...by turning around"* that they do not have prosthetic devices for beating the tests {see 40.191 re refusal to test}.

▪ In addition to consequences imposed by DOT for a refusal to test [40.285], any attempt to dilute, adulterate, or substitute a specimen may be cause for discipline up to and including discharge under Company authority and solely at the option of the Company.

▪ You will be required to show a valid PHOTO I.D. issued by the employer (other than an owner-operator or other self-employed individual) or a Federal, state, or local government (e.g., a driver's license). Faxes or photocopies are not acceptable [40.61(c), 40.241(c)].

▪ You can NOT be required to sign a consent, release, waiver of liability, or indemnification agreement with respect to any part of the drug or alcohol testing process covered by 49 CFR Part 40 (including, but not limited to, collections, laboratory testing, MRO, and SAP services) [See 49 CFR 40.355]. Also, you must NOT list medications on the Custody and Control Form (CCF); you may make notes on the back of your (employee) copy of the CCF for your convenience, but these notes must not be transmitted to anyone else [40.61(g)] unless and until such information is requested by the MRO as part of the MRO verification process (40.141).

▪ Failure to cooperate with any part of the testing process is a refusal to test [40.61(f), 40.191(a)(8), 40.261(a)(7)].

▪ Alcohol testing can be conducted only by a Breath Alcohol Technician (BAT) or Screening Test Technician (STT) meeting their respective requirements of 49 CFR 40, Subpart J (40.211-215). An STT can conduct only alcohol screening tests, but a BAT can conduct alcohol screening and confirmation tests [40.211].

▪ An Alcohol Screening Test will follow the procedures detailed in 49 CFR 40, Subpart L (40.241-247). If a drug test is also required, the alcohol test should be conducted before the drug test [40.241(b)(1)].

▪ If the screening test is positive (i.e., an alcohol concentration of 0.02 or greater) a confirmation test will be required following the procedures detailed in 49 CFR 40, Subpart M (40.251-255).

▪ An employee's refusal to sign the Alcohol Testing Form (ATF) certification is a Refusal to test [40.241(g)].

See this policy (Section 1, B-6; and Section 5), and 49 CFR Part 40 (included by reference in this policy) for additional information.

FMCSA DRUG AND ALCOHOL CLEARINGHOUSE
DRIVER EDUCATION MATERIALS/RECEIPT

The FMCSA Clearinghouse is an online database containing records of drug and alcohol violations.

Employers are required to check the Clearinghouse for all new hires and also annually for all employed drivers.

Drivers must give consent to their employer to run the annual Clearinghouse check.

Drivers are only required to register in the Clearinghouse if they are seeking new employment or if there is driver information in the Clearinghouse on them.

Drivers will be notified by the Clearinghouse whenever any information is added, revised, or removed. The notification will be sent by mail using the address associated with the driver's CDL if the driver is not registered with the Clearinghouse

Driver information that will be reported to the Clearinghouse will include:

1. Any verified positive, adulterated, or substituted drug test
2. Any confirmed alcohol test result that is 0.04 or higher
3. Any refusal to submit to a DOT required test
4. Any verified and documented actual knowledge of drug/alcohol violations
 - a. Any on-duty alcohol use
 - b. Any alcohol use within 4 hours of going on duty
 - c. Any alcohol use within 8 hours of an accident or before a post-accident test is completed
 - d. Any prohibited drug use while on duty
5. Completion of the SAP evaluation and treatment
6. Any negative return to duty test results
7. Completion of the follow up testing determined by the SAP

I acknowledge receiving educational material about the FMCSA Drug and Alcohol Clearinghouse as required under §382.601.

Driver's name: _____ Date: _____

Driver's signature: _____

The employer shall ensure that each covered employee/applicant is required to sign a statement certifying that he or she has received educational materials that explain DOT drug and alcohol testing requirements (and the employer's policies and procedures with respect to meeting these requirements) before performing safety-sensitive duties for the employer. The employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the employee/applicant.

EMPLOYEE/APPLICANT NOTICE: READ BEFORE YOU SIGN

The DOT requires the Company to provide covered employees/applicants (and representatives of employee organizations) with educational materials that explain DOT regulations regarding drug and alcohol use and abuse, Company policies and procedures for meeting those regulations, and other information and training concerning the effects of alcohol and controlled substances use.

The DOT also requires you to sign a receipt certifying that you have received these materials. **Refusal to sign this form upon receipt of the materials will be grounds for discharge.** By signing this receipt you agree that you have received and read and are responsible to understand the Company policy, DOT regulations regarding alcohol and drug use testing, and all Company training materials included with or referenced in this material.

Any questions you have regarding the above materials or this certification form may be addressed to the Designated Employer Representative (DER). See page 3 of your copy of the Company's Combined Drug/Alcohol Substance Abuse Policy for the Name, Address, and Phone Number of the DER.

By signing this receipt, you are agreeing that your questions have been answered to your satisfaction. The original of this form will be retained by the Company in a separate file along with other Company records maintained for the Company's DOT drug and alcohol testing programs. Your copy of this receipt will be found in the back of your copy of the Company's Combined Drug/Alcohol Substance Abuse Policy.

CERTIFICATION by Employee/Applicant:

I certify that I have received a copy of the Company Substance Abuse Policy and other educational and training materials which the Company is required to provide as explained in the above notice, and that I have a record of the Name, Address, and Phone Number of the Company's current DER on page 3 of my copy of the Policy.

Furthermore, I agree that I am responsible for reading, understanding and obeying all current Company policies and DOT regulations regarding alcohol and drug use testing and all future changes in or additions to those policies and regulations as they are adopted by the Company.

I further understand and agree that I may be subject to disciplinary action and other liability for violating DOT regulations and/or Company policies.

Prior to signing this Receipt, I read it carefully and any questions I had regarding the above materials and/or this form have been answered to my satisfaction.

NOTE: 49 CFR 386 Appx B(a)(1-3) provides for penalties of (variously) \$1,000/day (failure to prepare), \$10,000 (knowing falsification of records), and \$11,000 per (non-recordkeeping) violation of 49 CFR parts 382, 385, and 390-99 (\$1,000/day provisions also apply to part 40).

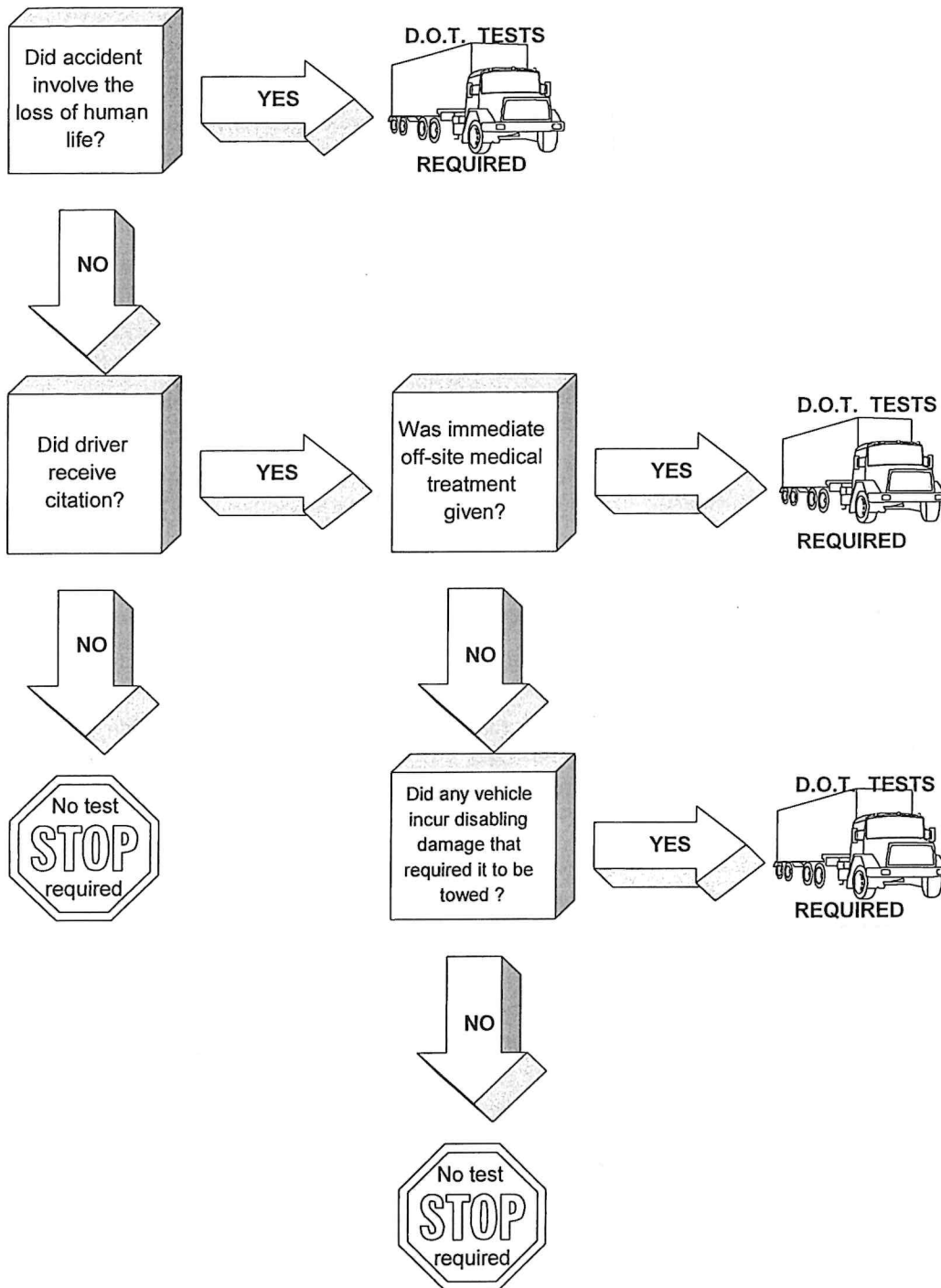
Employee
Signature _____ Date: ___/___/___

Print Name _____

Witness
Signature _____ Date: ___/___/___

Print Name _____

FMCSA POST ACCIDENT TEST CRITERIA



Disabling Damage Inclusions: Damage to motor vehicles that could have been driven, but would have been further damaged if so driven. **Exclusions:** Damage which can be remedied temporarily at the scene of the accident without special tools or parts: e.g., tire disablement without other damage even if no spare tire is available; headlight or taillight damage; damage to turn signals, horn, or windshield wipers which make them inoperative. This page intentionally blank.



Big Responsibility...Smart Choice!

3625 Clyde Park SW Suite B Grand Rapids MI 49509 (616) 532-9299 FAX 532-4644

Model Program Agreement

Effective Date: February 3, 2020

This is a legal agreement between you, City of St Louis (The Company), and Drug Screens Plus (**DS+**). By keeping the accompanying Model Program, you are agreeing to be bound by the terms of this agreement. If you do not agree to the terms of this agreement, promptly return the Model Program for a full refund.

Limited Warranty

DS+ has made a good faith effort to prepare the accompanying Model Program Materials to facilitate your compliance with DOT drug and alcohol regulations. However, City of St Louis is responsible for complying with those regulations and accepts full responsibility for reviewing and/or modifying the Model Program to ensure that any use of these Materials in whole or in part is within the legal bounds of any Federal, State, and Local laws, statutes, or other regulations. Nothing in these materials is intended or should be considered legal advice. In making any legal decision(s), you should seek legal advice from an attorney.

For ninety (90) days from February 3, 2020, in the event of any defect brought to our attention **DS+** will (at our discretion) either replace, refund, or edit the defective Materials including print and/or computer media (if any).

No Other Warranties

DS+ disclaims all other warranties, either express or implied, including but not limited to implied warranties of fitness for a particular purpose.

Hold Harmless

City of St Louis agrees to indemnify and hold **DS+** harmless from any claims, suits, damages, actions, or other costs by any party for any reason arising from the Company's use of and/or reliance upon these Materials. Any dispute concerning these materials shall be adjudicated by courts residing in Kent County, Michigan without regard to conflicts of law principles.

Copyright

Drug Screens Plus (**DS+**) is the sole and exclusive owner of the copyright (and owns all right, title and interest) in the accompanying Materials, whether printed or on computer disk or other media.

Grant of Limited Non-exclusive License

Upon receipt of payment by City of St Louis for an Enrollment Fee, Model Program Update Service Fee, or Annual (e.g., Copyright License or TPA) Fee, **DS+** grants to the Company a nonexclusive and nontransferable License to use, edit, revise, and/or copy these Model Program materials for the purpose of preparing and administering substance abuse policies solely for the use of the named Company.

The License to use the Materials is limited to the Calendar Year indicated by the Effective Date of the Materials as issued to the company by **DS+**. A continuation of this License in each subsequent year requires payment by the Company of an Annual (e.g., Copyright License or TPA) fee in the amount of \$159 each Calendar Year (due on or before January 15th), or other written Grant of License signed by an officer of **DS+**.

The Company shall not remove its name from these Materials, shall not allow these Materials to be copied or published under any name other than City of St Louis, and shall not remove or modify the Drug Screens Plus (**DS+**) copyright information wherever it occurs (including page "Footer" section).

SUPPLEMENT B

**TITLE VI
NON-DISCRIMINATION PLAN**

Effective Date: 4/20/2016

CITY OF SAINT LOUIS

TITLE VI

NON-DISCRIMINATION PLAN

300 N. Mill Street
Saint Louis, MI 48880-1529
Phone: (989) 681-2137
Fax: (989) 681-3842
Website: www.stlouismi.com

Title VI Coordinator:
Kurt Giles, City Manager
Phone: (989) 681-2613
Email: kgiles@stlouismi.com

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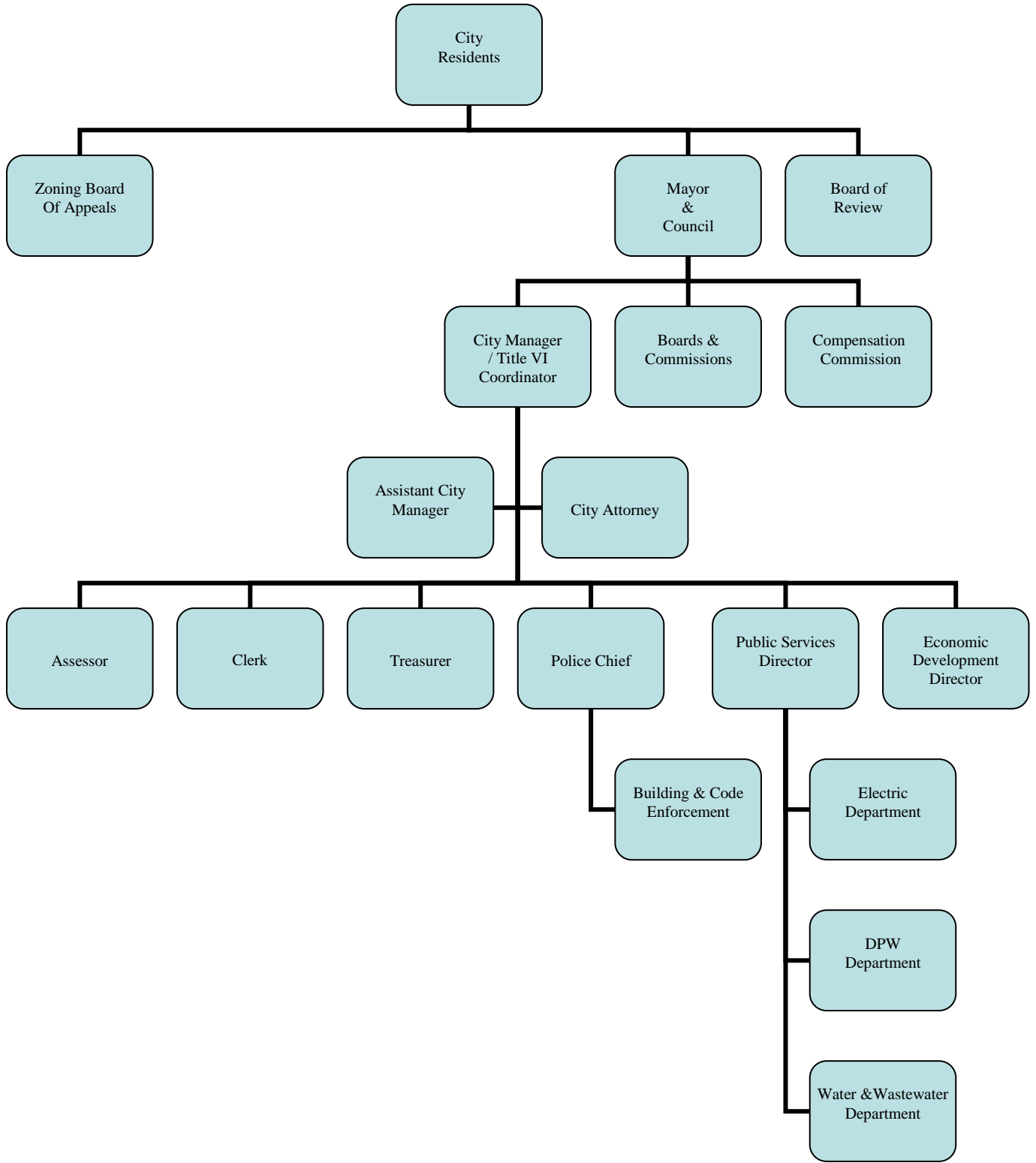
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City of Saint Louis Organizational Chart



INTRODUCTION

The City of Saint Louis is a Home Rule City organized as authorized under Act 279, Michigan Public Acts of 1909 as amended being Sections 117.1 – 117.38 of the *Michigan Compiled Laws*, and established to provide the people of the City of Saint Louis with the benefits of efficient self-government and promote our common welfare. The City government serves all people of the City of Saint Louis, including minority populations, low-income populations, the elderly, persons with disabilities and those who travel through the City as they traverse the state of Michigan. The City recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law which prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Title VI has been broadened by related statutes, regulations and executive orders. Discrimination based on sex is prohibited by Section 324 of the Federal-Aid Highway Act, which is the enabling legislation of the Federal Highway Administration (FHWA). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibit unfair and inequitable treatment of persons as a result of projects which are undertaken with Federal financial assistance. The Civil Rights Restoration Act of 1987 clarified the intent of Title VI to include all programs and activities of federal-aid recipients and contractors whether those programs and activities are federally funded or not.

In addition to statutory authorities, Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” signed in February of 1994, requires federal agencies to achieve Environmental Justice as part of its mission by identifying disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. Environmental Justice Initiatives are accomplished by involving the potentially affected public in the development of transportation projects that fit within their communities without sacrificing safety or mobility. In 1997, the U.S. Department of Transportation (USDOT) issued its DOT Order to Address Environmental Justice in Minority Populations and Low-Income Populations to summarize and expand upon the requirements of Executive Order 12898 on Environmental Justice. Also, Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency (LEP),” provides that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance.

As a recipient of Federal financial assistance, City of Saint Louis must provide access to individuals with limited ability to speak, write, or understand the English language. The City will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause

adverse impact because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color or national origin. Therefore, the primary goals and objectives of the City's Title VI Program are:

1. To assign roles, responsibilities, and procedures for ensuring compliance with Title VI of the Civil Rights Act of 1964 and related regulations and directives;
2. To ensure that people affected by City programs and projects receive the services, benefits, and opportunities to which they are entitled without regard to race, color, national origin, age, sex or disability;
3. To prevent discrimination in City programs and activities, whether those programs and activities are Federally funded or not;
4. To establish procedures for identifying impacts in any program, service, or activity that may create illegal adverse discrimination on any person because of race, color, national origin, age, sex or disability; or on minority populations, low-income populations, the elderly and all interested persons and affected Title VI populations;
5. To establish procedures to annually review Title VI compliance within specific program areas within the City;
6. To set forth procedures for filing and processing complaints by persons who believe they have been subjected to illegal discrimination under Title VI in City services, programs or activities.

As the sub-recipient of Federal transportation funds, the City of Saint Louis must comply with Federal and state laws, and related statutes, to ensure equal access and opportunity to all persons, with respect to transportation services, facilities, activities, and programs, without regard to race, color, religion, national origin, sex, socio-economic status or geographical location. Every effort will be made to prevent discrimination in any program or activity, whether those programs and activities are federally funded or not, as guaranteed by the Civil Rights Restoration Act of 1987.

The City of Saint Louis shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts, assurances that the sub-recipient must comply with Title VI and other related statutes. The City of Saint Louis, as a sub-recipient who distributes Federal transportation funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the City will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities, all interested persons and affected Title VI populations.

Discrimination under Title VI

There are two types of illegal discrimination prohibited under Title VI and its related statutes. One type of discrimination which may or may not be intentional is “disparate treatment.” Disparate treatment is defined as treating similarly situated persons differently because of their race, color, national origin, sex, disability or age.

The second type of illegal discrimination is “disparate impact.” Disparate impact discrimination occurs when a “neutral procedure or practice” results in fewer services or benefits, or inferior services or benefits, to members of a protected group. With disparate impact, the focus is on the consequences of a decision, policy, or practice rather than the intent.

The City’s efforts to prevent such discrimination must address, but not be limited to, a program’s impacts, access, benefits, participation, treatment, services, contracting opportunities, training, investigation of complaints, allocation of funds, prioritization of projects and the overarching functions of planning, project development and delivery, right-of-way, construction, and research.

The City of Saint Louis has developed this Title VI Plan to assure that services, programs and activities of the City are offered, conducted, and administered fairly, without regard to race, color, national origin, sex, age or disability of the participants or beneficiaries of federally funded programs, services or activities (see Title VI Assurances).

**CITY OF SAINT LOUIS
NON-DISCRIMINATION POLICY STATEMENT**

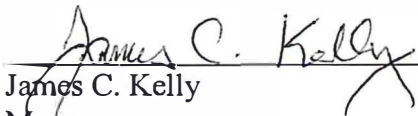
The City of Saint Louis reaffirms its policy to allow all individuals the opportunity to participate in federal financially assisted services and adopts the following provision:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” In applying this policy, the City and its sub-recipients of federal funds shall not:

1. Deny any individual with any services, opportunity, or other benefit for which such individual is otherwise qualified;
2. Provide any individual with any service, or other benefit, which is inferior (in quantity or quality) to, or which is provided in a different manner from that which is provided to others;
3. Subject any individual to segregated or disparate treatment in any manner related to such individual’s receipt of services or benefits;
4. Restrict an individual in any way from the enjoyment of services, facilities or any other advantage, privilege or other benefit provided to others;
5. Adopt or use methods of administration, which would limit participation by any group of recipients or subject any individual to discrimination;
6. Address any individual in a manner that denotes inferiority because of race, color or national origin;
7. Permit discriminatory activity in a facility built in whole or in part with Federal funds;
8. Deny any segment of the population the opportunity to participate in the operations of a planning or advisory body that is an integral part of a Federally funded program;
9. Fail to provide information in a language other than English to potential or actual beneficiaries who are of limited English speaking ability, when requested and as appropriate;
10. Subject an individual to discriminatory employment practices under any Federally funded program whose objective is to provide employment;
11. Locate a facility in any way, which would limit or impede access to a Federally-funded service or benefit.

The City of St. Louis will actively pursue the prevention of any Title VI deficiencies or violations and will take the necessary steps to ensure compliance. If irregularities occur in the administration of the program's operation, procedures will be promptly implemented to resolve Title VI issues all within a period not to exceed 90 days.

The City of St. Louis designates Kurt Giles, City Manager as the Title VI Coordinator. The City Manager will be responsible for initiating and monitoring Title VI activities and other required matters, ensuring that the City of St. Louis complies with the Title VI regulations and pursues prevention of Title VI deficiencies or violations. Inquiries concerning the City of St. Louis and Title VI may be directed to the City Manager, 300 N Mill Street, St. Louis, MI 48880; Phone: 989-681-4377; Fax: 989-681-3842; Email: kgiles@stlouismi.com.


James C. Kelly
Mayor


Kurt Giles
City Manager/Title VI Coordinator

**CITY OF SAINT LOUIS
TITLE VI ASSURANCE**

The City of Saint Louis (hereinafter referred to as the “Recipient”) hereby agrees that as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 USC 2000d-42 USC 2000d-4 (hereinafter referred to as the “Act”), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-Assisted Programs for the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the “Regulations”) and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of gender, race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient received Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and hereby gives assurances that it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7 (a) (1) and (b) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurance with respect to the Federal Aid Highway Program:

1. That the Recipient agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

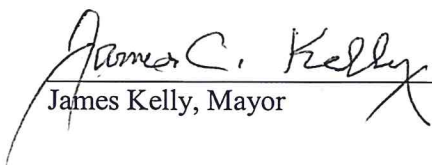
“The (Recipient), in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, SubTitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

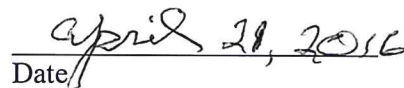
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
7. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Aid Highway Program.
8. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
9. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom it delegates specific authority to give reasonable guarantee that it, other recipients, sub-grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient under the Federal Aid Highway Program and is binding on it, other recipients, sub-grantees, contractors, sub-contractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

City of St. Louis



James Kelly, Mayor



Date

AUTHORITIES

Title VI of the Civil Rights Act of 1964, 42 USC 2000d to 2000d-4; 42 USC 4601 to 4655; 23 USC 109(h);

Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin (including Limited English Proficiency), be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9 and 49 CFR 21). Related statutes have broadened the grounds to include age, sex, low income, and disability.

The Civil Rights Restoration Act of 1987 also broadened the scope of Title VI coverage by expanding the definition of terms “programs or activities” to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors, whether such programs and activities are federally assisted or not (Public Law 100-259 [S. 557] March 22, 1988).

Federal Aid Highway Act of 1973, 23 USC 324: No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance under this title or carried on under this title.

Age Discrimination Act of 1975, 42 USC 6101: No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.

Americans With Disabilities Act of 1990 PL 101-336: No qualified individual with a disability shall, by reason of his/her disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination by a department, agency, special purpose district or other instrumentality of a state or local government.

Section 504 of the Rehabilitation Act of 1973: No qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity that receives or benefits from federal financial assistance.

USDOT Order 1050.2: Standard Title VI Assurances

EO12250: Department of Justice Leadership and coordination of Non-discrimination Laws.

EO12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

28 CFR 50.3: Guidelines for the enforcement of Title VI of the Civil Rights Act of 1964.

EO13166: Improving Access to Services for Persons with Limited English Proficiency.

DEFINITIONS

Adverse Effects – The totality of significant individual or cumulative human health or environmental effects including interrelated social and economic effects, which may include, but are not limited to: (See Appendix E for additional discussion of “significant”)

- Bodily impairment, infirmity, illness or death
- Air, noise and water pollution and soil contamination
- Destruction or disruption of man-made or natural resources
- Destruction or diminution of aesthetic values
- Destruction or disruption of community cohesion or community’s economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Adverse employment effects
- Displacement of person’s businesses, farms or non-profit organizations
- Increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
- Denial of, reduction in, or significant delay in the receipt of benefits of the City of Saint Louis programs, policies and activities

Federal Assistance – Includes grants and loans of Federal funds; the grant or donation of Federal property and interests in property; the detail of Federal personnel, Federal property or any interest in such property without consideration or at a nominal consideration or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and any Federal agreement, arrangement or other contract which has, as one of its purposes, the provision of assistance.

Limited English Proficiency - Individuals with a primary or home language other than English who must, due to limited fluency in English, communicate in that primary or home language if the individuals are to have an equal opportunity to participate effectively in or benefit from any aid, service or benefit provided by the City

Low-Income – A person whose median household income is at or below the Department of Health and Human Service Poverty guidelines (see <http://aspe.hhs.gov/poverty/>).

Low-Income Population – Any readily identifiable group of low-income persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Minority – A person who is:

- a. Black – A person having origins in any of the black racial groups of Africa;
- b. Hispanic – A person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
- c. Asian American – A person having origins in any of the original people of the Far East, Southeast Asia, the Indian sub-continent, or the Pacific Islands; or

- d. American Indian and Alaskan Native – A person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.

Minority Population – Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed City program, policy or activity.

Non-Compliance – A recipient has failed to meet prescribed requirements and has shown an apparent lack of good faith effort in implementing all the requirements of Title VI and related statutes.

Persons – Where designation of persons by race, color or national origin is required, the following designation ordinarily may be used; “White not of Hispanic origin”, “Black not of Hispanic origin”, “Hispanic”, “Asian or Pacific Islander”, “American Indian or Alaskan Native”. Additional sub-categories based on national origin of primary language spoken may be used, where appropriate, on either a national or a regional basis.

Program – Includes any road or park project including planning or any activity for the provision of services financial aid or other benefits to individuals. This includes education or training, work opportunities, health welfare, rehabilitation, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

Recipient - Any state, territory, possession, the District of Columbia, Puerto Rico, or any political subdivision, or instrumentality thereof, or any public or private agency, institution, or organization, or other entity, or any individual, in any state, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof, but does not include any ultimate beneficiary under any such program.

Significant Adverse effects on Minority and Low-Income Populations – An adverse effect that:

- a. is predominantly borne by a minority population and/or a low-income population, or
- b. will be suffered by the minority population and/or low-income population and is shown to be appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

Sub-Recipient – Any agency such as a council of governments, regional planning agency, or educational institution, for example, that received Federal Highway Administration (FHWA) funds through the State DOT and not directly from the FHWA. Other agencies, local governments, contractors, consultants that receive these funds are all considered sub-recipients.

ADMINISTRATION – GENERAL

The City of Saint Louis designates Kurt Giles, City Manager as the Title VI Coordinator (hereinafter referred to the “Title VI Coordinator”). Mr. McConkie shall have lead responsibility for coordinating the administration of the Title VI and related statutes, programs, plans, and assurances.

Complaints: If any individual believes that he/she or any other program beneficiaries have been the object of unequal treatment or discrimination as to the receipt of benefits and/or service, or on the grounds of race, color, national origin (including Limited English Proficiency), sex, age or disability, he/she may exercise his/her right to file a complaint with the City. Complaints may be filed with the Title VI Coordinator. Every effort will be made to resolve complaints informally at the lowest level.

Data Collection: Statistical data on race, color, national origin, English language ability and sex of participants in and beneficiaries of the City’s programs; e.g., impacted citizens and affected communities will be gathered and maintained by the City. The gathering procedures will be reviewed annually to ensure sufficiency of the data in meeting the requirements of the Title VI program.

Program Reviews: Special emphasis program reviews will be conducted based on the annual summary of Title VI activities, accomplishments, and problems. The reviews will be conducted by the Title VI Coordinator to assure effectiveness in their compliance of Title VI provisions. The Title VI Coordinator will coordinate efforts to ensure the equal participation in all their programs and activities at all levels. The City does not have any special emphasis programs at this time.

Title VI Reviews on Sub-Recipients: Title VI compliance reviews will be conducted annually by the Title VI Coordinator. Priority for conducting reviews will be given to those recipients of federal (U.S. Department of Transportation) funds with the greatest potential of impact to those groups covered by the Act. The reviews will entail examination of the recipients’ adherence to all Title VI requirements. The status of each review will be reported in the annual update and reported to relevant U.S. Department of Transportation (USDOT) modes upon request.

Annual Reporting Form: The Title VI Coordinator will be responsible for coordination, compilation, and submission of the annual reporting form data to the Michigan Department of Transportation (MDOT), Civil Rights Program Unit via the Sub-Recipient Annual Certification Form (MDOT form #0179) by October 5th.

Title VI Plan Updates: If updated, a copy of Title VI Plan will be submitted to the MDOT, Civil Rights Program Unit, as soon as the update has been completed, or as soon as practicable and no later than 30 days if significant changes are made.

Public Dissemination: The City will disseminate Title VI Program information to City employees and to the general public. Title VI Program information will be submitted to sub-recipients, contractors and beneficiaries. Public dissemination will include inclusions of Title VI

language in contracts and publishing the Title VI Plan on the City's internet website, at www.stlouismi.com.

Remedial Action: The City, through the Title VI Coordinator, will actively pursue the prevention of Title VI deficiencies and violations and will take the necessary steps to ensure compliance with all program administrative requirements. When deficiencies are found, procedures will be promptly implemented to correct the deficiencies and to put in writing the corrective action(s). The period to determine corrective action(s) and put it/them in writing to effect compliance may not exceed 90 days from the date the deficiencies are found.

LIMITED ENGLISH PROFICIENCY (LEP)

On August 11, 2000, President William J. Clinton signed an executive order, Executive Order 13166: Improving Access to Service for Persons with Limited English Proficiencyⁱ, to clarify Title VI of the Civil Rights Act of 1964. It had as its purpose, to ensure accessibility to programs and services to otherwise eligible persons who are not proficient in the English language.

This executive order stated that individuals who do not speak English well and who have a limited ability to read, write and speak, or understand English are entitled to language assistance under Title VI of the Civil Rights Act of 1964 with respect to a particular type of service, benefit, or encounterⁱⁱ. These individuals are referred to as being limited in their ability to speak, read, write, or understand English, hence the designation, "LEP," or Limited English Proficient. The Executive Order states that:

"Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities."

Not only do all Federal agencies have to develop LEP plans as a condition of receiving Federal financial assistance, recipients have to comply with Title VI and LEP guidelines of the federal agency from which funds are provided as well.

Federal financial assistance includes grants, training, use of equipment, donations of surplus property and other assistance. Recipients of Federal funds range from state and local agencies, to nonprofits and organizations. Title VI covers a recipient's entire program or activity. This means all parts of a recipient's operations are covered, even if only one part of a recipient's organization receives the Federal assistance. Simply put, any organization that receives Federal financial assistance is required to follow this Executive Order.

The City of Saint Louis receives funds from the US Department of Transportation via the Federal Highway Administration.

The US Department of Transportation published *Policy Guidance Concerning Recipients' responsibilities to Limited English Proficient Person* in the December 14th, 2005 Federal Register.ⁱⁱⁱ

The Guidance implies that the City of Saint Louis is an organization that must follow this guidance:

This guidance applies to all DOT funding recipients, which include state departments of transportation, state motor vehicle administrations, airport operators, metropolitan planning organizations, and regional, state, and local transit operators, among many others. Coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance. For example, if DOT provides assistance to a state department of transportation to rehabilitate a particular highway on the National Highway System, all of the operations of the entire state department of transportation—not just the particular highway program or project—are covered by the DOT guidance.

Elements of an Effective LEP Policy

The US Department of Justice, Civil Rights Division has developed a set of elements that may be helpful in designing and LEP policy or plan. These elements include:

1. Identifying LEP persons who need language assistance
2. Identifying ways in which language assistance will be provided
3. Training Staff
4. Providing notice to LEP persons
5. The recommended method of evaluating accessibility to available transportation services is the Four-Factor Analysis identified by the USDOT.

These recommended plan elements have been incorporated into this plan.

Methodology for Assessing Needs and Reasonable Steps for an Effective LEP Policy

The DOT guidance outlines four factors recipients should apply to the various kinds of contacts they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided by the recipient to the LEP Community.
4. The resources available to the City and overall cost.

The greater the number or proportion of eligible LEP persons, the greater the frequency with which they have contact with a program, activity, or service and the greater the importance of that program, activity, or service, the more likely enhanced language services will be needed. The intent of DOT's guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small organizations and local governments.

Smaller recipients with more limited budgets are typically not expected to provide the same level of language service as larger recipients with larger budgets.

The DOT guidance is modeled after the Department of Justice's guidance and requires recipients and sub-recipients to take steps to ensure meaningful access to their programs and activities to LEP persons. More information for recipients and sub-recipients can be found at <http://www.lep.gov>.

The Four-Factor Analysis

This plan uses the recommended four-factor analysis of an individualized assessment considering the four factors outlined above. Each of the following factors is examined to determine the level and extent of language assistance measures required to sufficiently ensure meaningful access to City of Saint Louis services and activities that may affect their quality of life. Recommendations are then based on the results of the analysis.

Factor 1: The Proportion, Numbers and Distribution of LEP Persons

The Census Bureau has a range for four classifications of how well people speak English. The classifications are: 'very well,' 'well,' 'not well,' and 'not at all.' For our planning purposes, we are considering people that speak English less than 'very well' as Limited English Proficient persons. As seen in Table 1, the Census 2011 Data for the City of Saint Louis shows a small amount* of the population that would speak English less than 'very well.'

Table 1

| LANGUAGE SPOKEN AT HOME | | |
|--|-------|-------|
| Population 5 years and over | 7,032 | 7,032 |
| English only | 6,635 | 94.4% |
| Language other than English | 397 | 5.6% |
| Speak English less than "very well" | 127 | 1.8% |
| Spanish | 317 | 4.5% |
| Speak English less than "very well" | 86 | 1.2% |
| Other Indo-European languages | 25 | 0.4% |
| Speak English less than "very well" | 14 | 0.2% |

| | | |
|--------------------------------------|----|------|
| Asian and Pacific Islander languages | 11 | 0.2% |
| Speak English less than "very well" | 0 | 0.0% |
| Other languages | 44 | 0.6% |
| Speak English less than "very well" | 27 | 0.4% |

* The Census Bureau has included State prison facility population of 2,465 in their estimates of limited English speaking ability depicted in Table 1. Discounting the prison population, perhaps 18 persons speak English less than 'very well'.

Factor 2: Frequency of Contact with LEP Individuals

The city has conducted an informal survey of our employees with regard to whether they have had encounters with LEP individuals in the performance of their job functions and found that have had few encounters with LEP individuals. We have offices accessible to the public and therefore accessible to LEP individuals and we have staff that work in the field that could encounter LEP individuals. Additionally, regular City Council meetings are currently held the first and third Tuesday every month, or as established by Council resolution annually, which would potentially bring LEP individuals to these meetings. Given the small concentration of LEP individuals as displayed in Table #1 (above) the probability of our employees to encounter an LEP individual is low.

Factor 3: The Nature and Importance of the Program, Activity, or Service to LEP

The City of Saint Louis serves individuals throughout the City in a variety of ways including managing roads, water, sewer, police, fire, elections and other services to citizens of the City and individuals from outside of the City, such as visitors and those traversing the state. The nature of the services that the City provides is very important to an individual's day-to-day life. Therefore the denial of services to an LEP individual could have a significant detrimental effect. Although the LEP population in the city is small, we will ensure accessibility to all of our programs, services, and activities.

Factor 4: The Resources Available to the City of Saint Louis and Overall Cost

US Department of Transportation Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons published in the Federal Register: December 14, 2005 (Volume 70, Number 239) states:

“Certain DOT recipients, such as those serving very few LEP persons or those with very limited resources, may choose not to develop a written LEP plan.”

The City of Saint Louis does serve very few LEP persons and has very limited resources; therefore it has decided to include a LEP section in its Title VI Plan in order to comply with the Executive Order.

Safe Harbor Stipulation

Federal law provides a “Safe Harbor” situation so that recipients can ensure with greater certainty that they comply with their obligation to provide written translations in languages other than English. A “Safe Harbor” means that if a recipient provides written translation in certain circumstances, such action will be considered strong evidence of compliance with the recipient’s written-translation obligations under Title VI.

The failure to provide written translations under the circumstances does not mean there is non-compliance, but rather provides a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four factor analysis. For example, even if a Safe Harbor is not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, it is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Strong evidence of compliance with the recipient’s written translation obligations under “Safe Harbor” includes providing written translations of vital documents for each eligible LEP language group that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally.

This “Safe Harbor” provision applies to the translation of written documents only. It does not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable.

Given the small number of LEP language group members, the City of Saint Louis budget and number of staff, it is deemed that written translations of vital documents would be so burdensome as to defeat the legitimate objectives of our programs. It is more appropriate for the City to proceed with oral interpretation options for compliance with LEP regulations.

Providing Notice to LEP Persons

USDOT LEP guidance says:

Once an agency has decided, based on the four factors, that it will provide language service, it is important that the recipient notify LEP persons of services available free of charge. Recipients should provide this notice in languages LEP persons would understand.

The guidance provides several examples of notification including:

1. Signage in languages that an LEP individual would understand when free language assistance is available with advance notice.
2. Stating in outreach documents that free language services are available from the agency.
3. Working with community-based organizations and other stakeholders to inform LEP individuals of the recipient's services, including the availability of language assistance services.

Statements in languages that an LEP individual would understand will be placed in public information and public notices informing LEP individuals that persons requiring language assistance and/or special accommodations will be provided the requested service free of charge, with reasonable advance notice to the City of Saint Louis.

Options and Proposed Actions

Options:

Federal fund recipients have two (2) main ways to provide language services: oral interpretation either in person or via telephone interpretation service and written translation. The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis.^{iv}

The City of Saint Louis is defining an interpreter as a person who translates spoken language orally, as opposed to a translator, who translates written language and transfers the meaning of written text from one language into another. The person who translates orally is not a translator, but an interpreter.^v

Considering the relatively small size of the City, the small number of LEP individuals in the service area, and limited financial resources, it is necessary to limit language aid to the most basic and cost-effective services.

What the City of Saint Louis will do. What actions will the City of Saint Louis take?

- Notify the public that interpreter services are available upon request, with seven day advance notice.

- With advance notice of seven calendar days, the City will provide interpreter services at public meetings, including language translation and signage for the hearing impaired.
- The City will utilize the *Translators Resource List* as provided by MDOT for translation services and verbal interpretation.
- The Census Bureau “I-speak” Language Identification Card will be distributed to all employees that may potentially encounter LEP individuals.
- Once the LEP individual’s language has been identified, an agency from the *Translators Resource List* will be contacted to provide interpretation services.
- Publications of the City’s complaint form will be made available online and upon request.
- In the event that a City employee encounters a LEP individual, they will follow the procedure listed below:

OFFICE ENCOUNTER

1. Provide an I-speak language identification card to determine the language spoken of the LEP individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List*.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

ROAD ENCOUNTER

1. Road crew employee will immediately contact the Title VI coordinator for assistance, and provide an I-speak language identification card to the LEP individual to determine the language spoken of the individual.
2. Once the foreign language is determined, provide information to Title VI coordinator who will contact an interpreter from MDOT’s *Translators Resource List* to provide telephonic interpretation.
3. If the need is for a document to be translated, the Title VI coordinator will have the document translated and provided to the requestor as soon as possible.

IN WRITING

1. Once a letter has been received it will be immediately forwarded to the Title VI Coordinator.

2. The Title VI Coordinator will contact an translator from the MDOT's *Translators Resource List* to determine the specifics of the letter request information.
3. The Title VI Coordinator will work with the selected agency to provide the requested service to the individual in a timely manner.

OVER THE PHONE

1. If someone calls into our office speaking another language every attempt will be made to keep that individual on the line until an interpreter can be conferenced into the line and if possible determine the language spoken of the caller.
2. Once the language spoken by the caller has been identified, we will proceed with providing the requested assistance to the LEP individual.

The City of Saint Louis' Staff Training

City of Saint Louis' staff will be provided training on the requirements for providing meaningful access to services for LEP persons.

ENVIRONMENTAL JUSTICE

Compliance with Title VI includes ensuring that no minority or low income population suffers "disproportionately high and adverse human health or environmental effect" due to any "programs, policies and activities" undertaken by any agency receiving Federal funds. This obligation will be met by the City of Saint Louis in the following ways:

- When planning specific programs or projects, identifying those populations that will be affected by a given program or project.
- If a disproportionate effect is anticipated, following mitigation procedures.
- If mitigation options do not sufficiently eliminate the disproportionate effect, discussing and, if necessary, implementing reasonable alternatives.

Disproportionate effects are those effects which are appreciably more severe for one group or predominantly borne by a single group. The City will use U.S. Census data to identify low income and minority populations.

Where a project impacts a small number or area of low income or minority populations, the City will document that:

- Other reasonable alternatives were evaluated and were eliminated for reasons such as the alternatives impacted a far greater number of people or did greater harm to the environment; etc.

- The project's impact is unavoidable;
- The benefits of the project far out-weigh the overall impacts; and
- Mitigation measures are being taken to reduce the harm to low income or minority populations.

If it is concluded that no minority and/or low income population groups are present in the project area, the City will document how the conclusion was reached. If it is determined that one or more of these population groups are present in the area, the City will administer potential disproportionate effects test.

The following steps will be taken to assess the impact of project on minority and/or low income population groups:

STEP ONE: Determine if a minority or low income population is present within the project area. If the conclusion is that no minority and/or low income population is present within the project area, document how the conclusion was reached. If the conclusion is that there are minority population and/or low income population groups present, proceed to Step Two.

STEP TWO: Determine whether project impacts associated with the identified low income and minority populations are disproportionately high and adverse. In doing so, refer to the list of potential impacts and questions contained in Appendix E. If it is determined that there are disproportionately high and adverse impacts to minority and low income populations, proceed to Step Three.

STEP THREE: Propose measures that will avoid, minimize and/or mitigate disproportionately high and disproportionate adverse impacts and provide offsetting benefits and opportunities to enhance communities, neighborhoods and individuals affected by proposed project.

STEP FOUR: If after mitigation, enhancements and off setting benefits to the affected populations, there remains a high and disproportionate adverse impact to minority or low income populations, then the following questions must be considered:

Question 1: Are there further mitigation measures that could be employed to avoid or reduce the adverse effect to the minority or low income population?

Question 2: Are there other additional alternatives to the proposed action that would avoid or reduce the impacts to the low income or minority populations?

Question 3: Considering the overall public interest, is there a substantial need for the project?

Question 4: Will the alternatives that would satisfy the need for the project and have less impact on protected populations (a) have other social economic or environmental impacts that are more severe than those of the proposed action (b) have increased costs of extraordinary magnitude?

STEP FIVE: Include all findings, determinations or demonstrations in the environmental document prepared for the project.

FILING A TITLE VI COMPLAINT

I. Introduction

The Title VI complaint procedures are intended to provide aggrieved persons an avenue to raise complaints of discrimination regarding the City programs, activities, and services as required by statute.

II. Purpose

The purpose of the discrimination complaint procedures is to describe the process used by the City for processing complaints of discrimination under Title VI of the Civil Rights Act of 1964 and related statutes.

III. Roles and Responsibilities

The Title VI Coordinator has overall responsibility for the discrimination complaint process and procedures. The Title VI Coordinator may, at his/her discretion assign a capable person to investigate the complaint.

The designated investigator will conduct an impartial and objective investigation, collect factual information and prepare a fact-finding report based upon information obtained from the investigation.

IV. Filing a Complaint

The complainant shall make himself/herself reasonably available to the designated investigator, to ensure completion of the investigation within the timeframes set forth.

Applicability: The complaint procedures apply to the beneficiaries of City programs, activities, and services; including but not limited to: the public, contractors, sub-contractors, consultants, and other sub-recipients of federal and state funds.

Eligibility: Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the City or its sub-recipients, consultants, and contractors on the basis of race, color, national origin (including Limited English Proficiency), sex, age or disability may bring forth a complaint of discrimination under Title VI.

Time Limitation on Filing Complaints: Title VI complaints may be filed with the Title VI Coordinator's office. In all situations, the employees of the City must contact the Title VI Coordinator immediately upon receipt of Title VI related complaints.

Complaints must be filed within 180 days of the alleged discrimination. If the complainant could not reasonably be expected to know that the act was discriminatory within the 180 day period, he/she will have 60 additional days after becoming aware of the illegal discrimination to file the complaint.

Complaints must be in writing, and must be signed by the complainant and/or the complainant's representative. The complaint must set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In cases where the complainant is unable or incapable of providing a written statement, the complainant will be assisted in converting the verbal complaint into a written complaint. All complaints, however, must be signed by the complainant and/or by the complainant's representative.

Items that should not be considered a formal complaint: (unless the items contain a signed cover letter specifically alleging a violation of Title VI) include but are not limited to:

1. An anonymous complaint that is too vague to obtain required information
2. Inquiries seeking advice or information
3. Courtesy copies of court pleadings
4. Newspaper articles
5. Courtesy copies of internal grievances

V. Investigation

Investigation Plan: The investigator shall prepare a written plan, which includes, but is not limited to the following:

- Names of the complainant(s) and respondent(s)
- Basis for complaint
- Issues, events or circumstances that caused the person to believe that he/she has been discriminated against
- Information needed to address the issue
- Criteria, sources necessary to obtain the information
- Identification of key people
- Estimated investigation time line
- Remedy sought by the complainant(s)

Conducting the Investigation:

- The investigation will address only those issues relevant to the allegations in the complaint.
- Confidentiality will be maintained as much as possible.
- Interviews will be conducted to obtain facts and evidence regarding the allegations in the complaint. The investigator will ask questions to elicit information about aspects of the case.
- A chronological contact sheet is maintained in the case file throughout the investigation.
- If a Title VI complaint is received on a MDOT related contract against the City of Saint Louis, MDOT will be responsible for conducting the investigation of the complaint. Upon receipt of a Title VI complaint filed against the City of Saint Louis, the complaint and any pertinent information should immediately be forwarded to the MDOT, Civil Rights Program Unit.

Investigation Reporting Process:

- Complaints made against the City of Saint Louis sub-recipient should be investigated by the City following the internal complaint process.
- Within 40 days of receiving the complaint, the investigator prepares an investigative report and submits the report and supporting documentation to the office of the City Manager for review.
- The City Manager reviews the file and investigative report. Subsequent to the review, the City Manager makes a determination of “probable cause” or “no probable cause” and prepares the decision letter.

Retaliation:

The laws enforced by this City prohibit retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by these laws. If you experience retaliation or intimidation separate from the discrimination alleged in this complaint please contact:

Kurt Giles
City Manager / Title VI Coordinator
300 N. Mill Street
Saint Louis, MI 48880
Phone: (989) 681-2613
Fax: (989) 681-3842
Email: kgiles@stlouismi.com

Reporting Requirements to an External Agency

A copy of the complaint, together with a copy of the investigation report and final decision letter will be forwarded to the MDOT, Civil Rights Program Unit within 60 days of the date the complaint was received.

Records

All records and investigative working files are maintained in a confidential area. Records are kept for three years.

APPENDIX A - [TO BE INSERTED IN ALL FEDERAL-AID CONTRACTS]

During the performance of this contract, the contractor, for itself, its assignees and successors, in interest (hereinafter referred to as the “contractor”) agrees, as follows:

1. **Compliance with Regulations:** The contractor shall comply with Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, or national origin in the selection, retention, and treatment of subcontractors, including procurements of materials in the discrimination prohibited by Section 21.5 of the Regulation, including employment practices when the contractor covers a program set for in Appendix B of the Regulations.
3. **Solicitation for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor’s obligations under the contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issues pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department of the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State Highway Department or the Federal Highway Administration, as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event the contractor’s noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies and/or
 - b. Cancellation, termination or suspension of the contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor shall include provisions of paragraphs (1) through (6) in every subcontract, including procurement of material and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B - TRANSFER OF PROPERTY

The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the State of Michigan, will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code, the Regulations for the Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4) does hereby remise, release, quitclaim and convey unto the State of Michigan all the right, title and interest of the Department of Transportation in and to said lands described Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)*

TO HAVE AND TO HOLD said lands and interests therein unto the State of Michigan, and its successors forever, subject, however, the covenant, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the State of Michigan, its successors and assigns.

The State of Michigan, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part, on, over, or under such lands hereby conveyed (,) (and)*(2) that the State of Michigan shall use the lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and

the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this deed.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

APPENDIX C - PERMITS, LEASES AND LICENSES

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Michigan Department of Transportation, pursuant to the provisions of Assurance 7(a).

The grantee, licensee, lessee, permittee, etc., (as appropriate) for himself, his heirs, personal representative, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases, add, “as a covenant running with the land”) that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall remain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to terminate the license, lease, permit, etc., and to re-enter and repossess said land and the facilities thereon, and hold the same as if said license, lease, permit, etc., had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, the Michigan Department of Transportation shall have the right to re-enter lands and facilities hereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the State of Michigan Department of Transportation and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of the Title VI of the Civil Rights Act of 1964 and the Civil Rights Act of 1987.

APPENDIX D - TITLE VI COMPLAINT FORM

**CITY OF SAINT LOUIS
TITLE VI COMPLAINT FORM**

Title VI of the Civil Rights Act of 1964 states that “No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or otherwise be subjected to discrimination in any program, service, or activity receiving federal assistance.”

This form may be used to file a complaint with the City of Saint Louis based on violations of Title VI of the Civil Rights Act of 1964. You are not required to use this form; a letter that provides the same information may be submitted to file your complaint. **Complaints should be filed within 180 days of the alleged discrimination. If you could not reasonably be expected to know the act was discriminatory within 180 day period, you have 60 days after you became aware to file your complaint.**

If you need assistance completing this form due to a physical impairment, please contact Kurt Giles, the Saint Louis City Manager by phone at (989)681-2137 or via e-mail at kgiles@stlouismi.com.

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____(home) _____(work)

Individual(s) discriminated against, if different than above (use additional pages, if needed).

Name: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____(home) _____(work)

Please explain your relationship with the individual(s) indicated above: _____

Name of agency and department or program that discriminated:

Agency or department name: _____

Name of individual (if known): _____

Address: _____

City: _____ State: _____ Zip: _____

Date(s) of alleged discrimination:

Date discrimination began _____ Last or most recent date _____

ALLEGED DISCRIMINATION:

If your complaint is in regard to discrimination in the delivery of services or discrimination that involved the treatment of you by others by the agency or department indicated above, please indicate below the basis on which you believe these discriminatory actions were taken.

____ Race _____ Religion

____ Color _____ National Origin

____ Age _____ Sex

____ Disability _____ Income

Explain: Please explain as clearly as possible what happened. Provide the name(s) of witness(es) and others involved in the alleged discrimination. (Attach additional sheets, if necessary, and provide a copy of written material pertaining to your case).

Signature: _____ Date: _____

Please return completed form to: Kurt Giles, City Manager / Title VI Coordinator, 300 N. Mill St., Saint Louis, MI 48880; Phone: (989) 681-2613; Fax: (989) 681-3842; Email: kgiles@stlouismi.com

Note: *The City of Saint Louis prohibits retaliation or intimidation against anyone because that individual has either taken action or participated in action to secure rights protected by policies of the City. Please inform the person listed above if you feel you were intimidated or experience perceived retaliation in relation to filing this complaint.*

APPENDIX E - DETERMINE/DISTINGUISH SIGNIFICANT/NON-SIGNIFICANT EFFECTS

“Significant” requires considerations of both context and intensity:

- (a) *Context.* This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, nation), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the local area rather than in the world as a whole. Both short-and long-term effects are relevant.
- (b) *Intensity.* This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:
 - (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if, on balance, the effect would be beneficial.

“Non-significant effect” means no substantial change to an environmental component and this no material bearing on the decision-making process.

Scientific, technical, institutional, the public’s value, and the local economic conditions influence the meaning of significant effect.

If an alternative would provide a beneficial effect, then the alternative would cause no significant adverse effect. If an alternative would provide an adverse effect, the effect might be significant or the effect might be non-significant.

Determinations of “significant” and “non-significant” effects will be made by the City Manager.

APPENDIX F - PROGRAM COMPLIANCE/PROGRAM REVIEW GOALS FOR CURRENT PLAN YEAR

1. The City of Saint Louis' Title VI Plan will be communicated to each City Department Head who will review the plan with departmental employees.
2. The City of Saint Louis' Title VI Plan will be published on the City's website.
3. Appendix A will be included in all City contracts as outlined in the Title VI Plan.
4. The language in Number 2 of the City of Saint Louis Title VI Assurance will be included in all solicitations for bids for work or material subject to the Regulations and in all proposals for negotiated agreements.
5. The procedure(s) for responding to individuals with Limited English Proficiency will be implemented.
6. All City of Saint Louis employees will be trained or made aware of the LEP procedure and the Title VI complaint procedure.
7. A review of City facilities will be conducted in reference to compliance with the American Disabilities Act.
8. The following data will be collected and reviewed by the Title VI Coordinator and included, where appropriate, in the annual report submitted to MDOT.
 - a. **Boards and Commissions:** The number of vacancies; how vacancies are advertised and filled; the number of applicants; the representation of minorities will be evaluated.
 - b. **Public Meetings:** The number of open meetings. How meeting dates and times are communicated to the general public and to individuals directly affected by the meeting.
 - c. **Construction Projects:** The number of construction projects, number of minority contractors bidding and the number selected; verification that Title VI language was included in bids and contracts for each project.
 - d. **LEP Needs:** The number of requests for language assistance that were requested or required and the outcome of these requests.
 - e. **Complaints:** The number of Title VI complaints received; nature of the complaints; resolution of the complaints.
 - f. **Timeliness of Services:** The number of requests for services; amount of time from request to when service was delivered; number of requests denied.
 - g. **Right of Way/Imminent Domain:** The number of such actions and diversity of individual affected.
 - h. **Program Participants:** Racial Data of program participants where possible.

ⁱ The executive order verbatim can be found online at <http://www.usdoj.gov/crt/cor/Pubs/colep.htm>.

ⁱⁱ Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient (LEP) Persons. Federal Register: December 14, 2005 (Volume 70, Number 239)

ⁱⁱⁱ The DOT has also posted an abbreviated version of this guidance on their website at <http://www.dotcr.ost.dot.gov/asp/lep.asp>.

^{iv} <http://www.dotcr.ost.dot.gov/asp/lep/asp>

^v Department of Justice Final LEP Guidelines, Federal Register June 18, 2002-Vol. 67-Number 117.