



City of Carthage, Missouri
**COMMITTEE ON
INSURANCE/AUDIT AND CLAIMS**

August 12, 2025 - 5:30 PM
CITY HALL COUNCIL CHAMBERS

****AMENDED AGENDA****

- 1. Call to Order**
- 2. Old Business**
 1. Approval of July 22, 2025 Minutes
 2. Review & Approval of the Claims Report
 3. Consider and discuss Employee Records Policy
 4. Consider and discuss Whistleblower Policy changes
- 3. Citizens Participation**

(Citizens wishing to speak should notify Department Head or Committee Chair in advance)
- 4. New Business**
 1. Consider and discuss Conflict of Interest Council Bill
 2. Consider and discuss drug and alcohol policy
 3. Staff Reports
- 5. Adjournment**

PERSONS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE CALL 417-237-7000 (VOICE) OR 1-800-735-2466 (TDD VIA RELAY MISSOURI) AT LEAST 24 HOURS PRIOR TO MEETING



City of Carthage, Missouri

COMMITTEE ON INSURANCE/AUDIT AND CLAIMS

July 22, 2025 - 5:30 PM
CITY HALL COUNCIL CHAMBERS

MINUTES

1. Call to Order

MEMBERS PRESENT: Derek Peterson, Kate Gilpin, Ron Wells

OTHER COUNCIL MEMBERS: Mayor Flanigan, Jana Schramm

STAFF PRESENT: City Clerk Miranda Deal, and IT Administrator Michael Keith

Chair Derek Peterson called the meeting to order at 05:30 PM.

2. Old Business

1. Approval of June 24, 2025 Minutes

ACTION: Motion to accept/approve item 2.1. by Kate Gilpin;
Motion passed with a 3:0

AYES: Derek Peterson, Kate Gilpin, Ron Wells

2. Review & Approval of the Claims Report

ACTION: Motion to accept/approve claims from July 8 by Ron Wells;
Motion passed with a 3:0

AYES: Derek Peterson, Kate Gilpin, Ron Wells

ACTION: Motion to accept/approve claims from July 22 by Ron Wells;
Motion passed with a 3:0

AYES: Derek Peterson, Kate Gilpin, Ron Wells

3. Consider and discuss changes to the Employee Records Policy

Mr. Peterson explained his concerns on the employee records policy. He believes there should be another avenue to go about viewing a personnel file rather than just through the Mayor Pro Tem viewing and reporting back to Council. He would like to see something added that an individual council member can request the file by filling out a request form with an explanation as to why it is being requested and the Mayor being the one to approve or deny the request. If the request is approved, he would like that council member to be able to request a special closed meeting or request a closed session at the next regularly scheduled Council meeting where the entire council could view the

personnel file together in closed session. Mayor Flanigan mentioned that it currently takes 3 council members to call a special session, so maybe keeping the language consistent and 3 would have to request the closed session. Mr. Wells agrees with following a chain of command and wants to be able to view the file himself in closed session in the event that there is a Mayor Pro Tem that is not trusted by the full council.

These changes will be sent to the City Attorney for review and will come back to CIAC to review before sending to Council.

4. Consider and discuss changes to Section 608 - Whistleblower Protection Policy of the Personnel Policy Manual

Mr. Peterson explained that he would like to see the 03 section of this policy changed to include a council member being an avenue that an employee could take to report a complaint to. He also isn't sure on what the steps after a council member receives the complaint would be, whether they go to the Mayor or HR about it. That part still needs some work done to it.

These changes will also go to the City Attorney to get their input on the changes and will come back to the committee before being sent to Council.

3. **Citizens Participation**

(Citizens wishing to speak should notify Department Head or Committee Chair in advance)

4. **New Business**

1. Consider and discuss employee health fair

Ms. Deal explained that in years past the committee and council have approved the use of \$135 per employee to have lab work of their choosing done at the employee health fair. She explained that the amount is enough for men and women to do the recommended testing for each plus the health assessment fee. If employees choose to not do the standard testings, they can choose from a list of other tests to have done. This helps encourage employees to check their health if they don't regularly see a doctor during the year to have lab work done.

ACTION: Motion to accept/approve \$135 per employee to use at the employee health fair by Kate Gilpin;

Motion passed with a 3:0

AYES: Derek Peterson, Kate Gilpin, Ron Wells

2. Consider and discuss agreement with Tyler Technologies for upgraded financial software

Ms. Deal explained that this upgrade was included in the administration capital budget for this fiscal year. The company is needing the Mayor to sign the agreement to upgrade in order for the City to be put onto the waiting list for upgrading. She explained that this is the current company that is used, the upgrade would change the system to be more modern and have my functionality.

ACTION: Motion to accept/approve item 4.2 and forward to council by Ron Wells;
Motion passed with a 3:0
AYES: Derek Peterson, Kate Gilpin, Ron Wells

3. Consider and discuss changes to the Master Patrol Officer (MPO) job description
Ms. Deal explained that this job description was approved at Public Safety the night before and from her understanding it just removed supervisory duties from the job description as those duties were moved to the corporal job description.

Captain Dininger was in the audience and also addressed the changes, he explained that the MPO position will be slowly phased out over time.

ACTION: Motion to accept/approve the changes to the mpo job description by Ron Wells;
Motion passed with a 3:0
AYES: Derek Peterson, Kate Gilpin, Ron Wells

4. Staff Reports

5. Adjournment

ACTION: Motion to adjourn at 6:17 PM by Ron Wells;
Motion passed with a 3:0
AYES: Derek Peterson, Kate Gilpin, Ron Wells

An Ordinance to amend Section 200 – General Employment Policies of the Personnel Policy Manual of the City of Carthage by adding Section 208 – Employment Records Policy.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI as follows:

SECTION I: Section **200 – General Employment Policies** of the Personnel Policy Manual is hereby amended by adding Section 208 – Employment Records Policy.

208. Employment Records Policy: The City of Carthage is required by law to maintain certain employment records for all employees. These records are the property of the City and shall be maintained in a secure and confidential manner.

All employees must notify their supervisors or Department Directors within ten (10) days of any changes to their:

- Current address
- Legal name
- Telephone number
- Marital status
- Number of income tax deductions
- Insurance beneficiaries
- Emergency contact information

01. Personnel Files

All official personnel files shall be kept confidential and securely maintained at City Hall. Access to personnel files is restricted to:

- Human Resources
- Department Heads
- City Administrator
- Mayor for purposes of the care, management and control of the City of Carthage and the superintending control of its' officers.
- City Council, as a body and not individually, for purposes of the care, management and control of the City of Carthage. All requests for an employee file shall be made to the Mayor Pro Tem who shall examine the file and report to the Council.

- A Council Member may fill out a request form to view a personnel file if it relates to hiring, firing, disciplining or promoting. The Mayor will review the request for legitimacy, and if approved, a closed session will be added to the next regularly scheduled Council Meeting according to RSMo 610.021 (3).

Employees may review their personnel file by making a written request to Human Resources either in writing or email. Within ten (10) days of the request, the City will make the records available for inspection. All personnel file reviews must be conducted in the Human Resources Director's office in the presence of the Human Resources Director. Employees are not permitted to take or modify any document or other item contained in their employment file. Employee records shall not be disseminated outside of the organization unless required by a court order requesting the documents.

02. Medical Records

Employee medical records shall be maintained separately from general employment records to ensure confidentiality. These records will be securely housed in the Human Resources Director's office.

Access to medical records is restricted to:

- The Human Resources Director
- Department Heads and the City Administrator, only on a **need-to-know** basis

The City of Carthage is committed to protecting the privacy and confidentiality of all employee records in accordance with applicable laws and regulations.

SECTION II: This Ordinance shall take effect and be in force effective from and after its passage and approval.

PASSED AND APPROVED THIS 24TH DAY OF JUNE 2025.

David B. Flanigan, Mayor

ATTEST:

Miranda Deal, City Clerk

Sponsored by: Insurance, Audit and Claims

COUNCIL BILL NO. _____

ORDINANCE NO. _____

An Ordinance to amend the Personnel Policy Manual of the City of Carthage, Missouri.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI as follows:

Section 608 of the Personnel Policy Manual shall be amended to read as follows:

608. Whistleblower Protection Policy: The City of Carthage requires Department Heads, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the City of Carthage, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

01. Reporting Responsibility: This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns internally so that the City of Carthage can address and correct inappropriate conduct and actions. It is the responsibility of all Department Heads, officers, and employees to report concerns about violations of the City of Carthage's code of ethics or suspected violations of law or regulations that govern the City of Carthage's operations.

02. No Retaliation: It is contrary to the values of the City of Carthage for anyone to retaliate against any Department Head, officer, or employee who in good faith reports an ethics violation or a suspected violation of law, such as a complaint of discrimination or suspected fraud or suspected violation of any regulation governing the operations of the City of Carthage. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment.

03. Reporting Procedure: The City of Carthage encourages employees to share their questions, concerns, suggestions, or complaints with their supervisor. If you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with your Department Head. Supervisors and Department Heads are required to report complaints or concerns about suspected ethical and legal violation in writing to the City of Carthage's human resources department, who has the responsibility to investigate all reported complaints. However, you should never feel that you are required to file a complaint with the person who has caused the issue, or someone under this person's supervision. You may address your issue to the supervising authority over the person who you believe is the source of a problem. Employees with concerns or complaints may also submit their concerns in writing directly to their supervisor, Department Head, or the City Administrator. If the complaint is against any Department Head, the City Administrator, the City Attorney, or a Council Person, a complaint may be filed with the Mayor. If the complaint is against the Mayor, the complaint may be filed with the Mayor Pro Tem. Any employee may also submit their concerns in writing directly to any sitting Council Member. If a Council Member receives a complaint, they are to take the complaint to the Mayor or City Administrator, as long as the complaint is not against them.

04. Compliance

(a) Compliance Officer: The City of Carthage's human resources department is responsible for ensuring that complaints which are made to a city employee with supervising authority, regarding unethical or illegal conduct, are investigated and resolved. The City Administrator will advise the City Council and/or Department Head of all complaints and their resolution and will report annually to the Auditor on compliance activity relating to accounting or alleged financial improprieties.

(b) Any complaints made against the Mayor may be directed to the Mayor Pro Tem and may be investigated either by action of the council members or through the council's employment of an independent third party.

05. Accounting and Auditing Matter: The City of Carthage's City Administrator or human resources department shall immediately notify the chair of the Insurance, Audit, and Claims Committee and/or Auditor of any concerns or complaint regarding city accounting practices, internal controls, or auditing and work with the Insurance, Audit, and Claims Committee and/or Auditor until the matter is resolved.

06. Acting in Good Faith: Anyone filing a written complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

07. Confidentiality: Violations or suspected violations may be submitted on a confidential basis by the complainant. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

08. Handling of Reported Violations: The City of Carthage's City Administrator, or human resources department, or representative of the city council will notify the person who submitted a complaint and acknowledge receipt of the reported violation or suspected violation. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

PASSED AND APPROVED THIS ____ DAY OF _____, 2025

David B. Flanigan, Mayor
City of Carthage

Attest:

Miranda Deal, City Clerk

AN ORDINANCE TO ESTABLISH A PROCEDURE TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST AND SUBSTANTIAL INTERESTS FOR CERTAIN MUNICIPAL OFFICIALS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CARTHAGE, JASPER COUNTY, MISSOURI, AS FOLLOWS:

Section I - Declaration of Policy. The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the city.

Section II - Conflicts of Interest. The Mayor or any member of the City Council who has a “substantial or private interest”, as defined by state law in any bill shall disclose on the records of the City Council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

Section III - Disclosure Reports. Each elected official, the chief administrative officer, the chief purchasing officer, and the general counsel (if employed full-time) shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:

a. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars, if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision.

b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars, if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.

c. The chief administrative officer and the chief purchasing officer also shall disclose by May 1 for the previous calendar year, the following information:

1. The name and address of each of the employers of such person from whom income of one thousand dollars or more was received during the year covered by the statement;

2. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the secretary of state; the name, address and general nature of the business conducted of any closely held corporation, **limited liability company** or limited partnership in which the person owned ten percent or more of any class of the outstanding stock, **membership** or limited partnership units; and the name of any publicly traded corporation, **limited liability company** or limited partnership

that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class or outstanding stock, limited partnership units or other equity interests;

3. The name and address of each corporation **or limited liability company** for which such person served in the capacity of a director, officer, or receiver.

Section IV – Filing of Reports. The reports, in the attached format, shall be filed with the City Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.

Section V – When Filed. The financial interest statements shall be filed at the following times, but no person is required to file more than one financial interest statement in any calendar year;

a. Each person appointed to office shall file the statement within 30 days of such appointment or employment;

b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the City Council may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.

Section VI – Filing of Ordinance. The City Clerk shall send a certified copy of this ordinance to the Missouri Ethics Commission within ten days of its adoption.

Section VII – Effective Date. This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect for two years from the date of passage.

PASSED AND APPROVED THIS ____ DAY OF _____ 2025.

David B. Flanigan, Mayor

ATTEST:

Miranda Deal, City Clerk

Sponsored by: Insurance, Audit & Claims Committee

I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended, 49 CFR Part 382, as amended, and 49 CFR Part 40, as amended. Copies of Parts 655, 382, and 40 are available in the drug and alcohol program manager's office and can be found on the Internet at the Department of Transportation (DOT) Office of Drug and Alcohol Policy and Compliance website <http://www.transportation.gov/odapc>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with these regulations.

Portions of this policy are not DOT-mandated, but reflect the City's policy. These additional provisions are identified by **bold text**.

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All City of Carthage employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify Human Resources no later than five days after such conviction.

2. Covered Employees

This policy applies to all City employees and officers; every employee performing a "safety-sensitive function" as defined below, and any person applying for such positions.

Under City policy, safety-sensitive positions are positions that perform or support fire suppression, law enforcement, or FTA/FMCSA positions.

Under FMCSA (Part 382), you are a covered employee if you perform any of the following safety-sensitive functions:

- Driving a commercial motor vehicle which requires the driver to have a CDL
- Waiting to be dispatched to operate a commercial motor vehicle
- Inspecting, servicing, or conditioning any commercial motor vehicle
- Performing all other functions in or upon a commercial motor vehicle (except resting in a sleeper berth)

Drug and Alcohol Policy

- Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloading, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle

Under FTA (Part 655), you are a covered employee if you perform any of the following safety-sensitive functions:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

3. Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- marijuana
- cocaine
- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees required to take a post-accident test are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first.

4. Medical Marijuana

Employees utilizing medical marijuana must adhere to all applicable state and federal laws, as well as City policies. The use, possession, sale, transfer, manufacture, or distribution of marijuana or marijuana paraphernalia on City premises or while conducting City business is strictly prohibited. Employees believed to be under the influence of marijuana while on duty shall be subject to drug testing. Employees who are not in covered safety-sensitive positions will not be tested for marijuana, nor will it be used for employment decisions.

5. Consequences for Violations

FTA Consequences

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and provided with contact information for Substance Abuse Professionals (SAPs).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of the employee's next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

FMCSA Consequences

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and provided with contact information for Substance Abuse Professionals (SAPs).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of the employee's next regularly scheduled duty period, but for not less than 24 hours following administration of the test.

Treatment/Discipline

Per City policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be terminated.

6. Circumstances for Testing

Pre-Employment Testing

A negative pre-employment drug test result is required before an employee can first perform job duty functions. If a pre-employment test is cancelled due to an error at the collection site or laboratory, the individual will be required to undergo another test and successfully pass with a verified negative result

before performing safety-sensitive functions. **An applicant who receives a positive drug test or fails to arrive for a drug test as directed by the employer will have their offer of employment withdrawn.**

If an FTA or FMCSA covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A DOT covered employee or applicant who has previously failed or refused a DOT drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when the City of Carthage has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Post-Accident Testing

City Procedures

All City employees and officers shall be subject to post-accident drug and alcohol testing under the following circumstances:

- **Accidents involving a motor vehicle or heavy equipment, unless the vehicle or equipment was legally stopped and struck by another party.**
- **Accidents resulting in damage to City equipment, property, or private property caused by the operation of City vehicles or heavy equipment.**
- **Accidents resulting in an employee being cited for a traffic violation.**
- **Accidents resulting from a violation of a safety policy or procedure.**
- **Accidents resulting in an injury to any party involved.**

FTA Procedures

Covered employees shall be subject to FTA post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

Drug and Alcohol Policy

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the City of Carthage using the best information available at the time of the decision, will be tested.

Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the City of Carthage using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured 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.

FMCSA Procedures

Covered employees shall be subject to FMCSA post-accident drug and alcohol testing under the following circumstances:

Fatal Accidents

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee who was performing safety-sensitive functions with respect to the vehicle.

Non-fatal Accidents

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and not involving the loss of a human life, an alcohol test will be conducted on each driver who receives a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if:

Drug and Alcohol Policy

- (1) The accident results in injuries requiring immediate medical treatment away from the scene; or
- (2) One or more motor vehicles incur disabling damage and must be transported away from the scene by a tow truck or other motor vehicle.

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and not involving the loss of a human life, a drug test will be conducted on each driver who receives a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene; or
- (2) One or more motor vehicles incur disabling damage and must be transported away from the scene by a tow truck or other motor vehicle.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured 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.

All City employees and officers are subject to the City post-accident testing procedures. Employees in FTA and FMCSA positions who are subject to post-accident testing that do not meet the FTA or FMCSA post-accident testing guidelines will still be tested using non-DOT post-accident testing procedures.

Random Testing

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year within each DOT agency. The current year testing rates can be viewed online at <http://www.transportation.gov/odapc/random-testing-rates>. If a given driver is subject to random testing under the rules of more than one DOT agency, the driver will be subject to random drug and alcohol testing at the annual percentage rate established by the DOT agency regulating more than 50% of the driver's function.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

Drug and Alcohol Policy

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

Follow-up Testing

Follow-up testing may be required if an employee is returning from a leave of absence due to seeking assistance from a drug or alcohol program, or to confirm a positive test.

7. Testing Procedures

All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

Dilute Urine Specimen

If there is a negative dilute test result, the City of Carthage will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. The City of Carthage guarantees that the split specimen test will be conducted in a timely fashion. **This split specimen test will be conducted at the expense of the employee.**

8. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test within a reasonable time, as determined by the employer.
- (2) Fail to remain at the testing site until the testing process is complete.
- (3) Fail to provide a specimen for a drug or alcohol test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.

Drug and Alcohol Policy

- (5) Fail to provide a sufficient specimen for a drug or alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second drug test as directed by the collector or employer.
- (7) Fail to undergo a medical evaluation as required by the MRO or employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine drug test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and provided with contact information for SAPs.

9. FMCSA Clearinghouse

The Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) is a database containing information regarding drivers who are subject to FMCSA drug and alcohol testing regulations. The following personal information will be reported to the Clearinghouse for covered drivers:

- (1) A verified positive, adulterated, or substituted drug test result;
- (2) An alcohol confirmation test with a concentration of 0.04 or higher;
- (3) A refusal to submit to DOT test;
- (4) An employer's report of actual knowledge that a driver has:
 - a. used alcohol while performing safety-sensitive functions;
 - b. used alcohol within four hours of performing a safety-sensitive function;
 - c. used alcohol for eight hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test; or
 - d. used a controlled substance;
- (5) A substance abuse professional (SAP) report of the successful completion of the return-to-duty process;
- (6) A negative return-to-duty test; and
- (7) An employer's report of completion of follow-up testing.

10. Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been notified of the requirement to submit to reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Human Resources Department, who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

FMCSA Procedures

Prior to participating in a safety-sensitive function, the employee must also undergo a DOT return-to-duty drug test with a verified negative result and/or a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

11. Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the employee's supervisor. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

12. Inspections

City property, including vehicles, desks, lockers, and storage areas, is subject to inspection at any time without notice. Employees should have no expectation of privacy regarding City property.

13. Contact Person

For questions about the City's anti-drug and alcohol misuse program, contact the Human Resources Department.