



To the Mayor and Members of the City Council

May 16, 2023

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SUBJECT: RANDOM DRUG AND ALCOHOL TESTING PROGRAM

Following the presentation of IR 22-160 on November 1, 2022 outlining the City's Drug and Alcohol Testing Policy and CBD Oil Advisory, additional information was requested. This informal report will provide the requested information on the cost of the random testing program, rationale for random testing of safety sensitive positions, and a list of positions considered safety sensitive. The purpose of the random testing program is to comply with the Department of Transportation Rule 49 Code of Federal Regulations Part 40, and to deter the use of illegal drugs or alcohol where the use of such substances, while performing safety sensitive duties, could cause physical harm to employees or residents, property damage, and/or damage to the city's reputation or values.

Random Drug and Alcohol Testing Cost

The cost of the random testing program for the past three years is as follows:

| Procedure | 2020 | 2021 | 2022 | Total |
|--------------|------------------|------------------|------------------|------------------|
| Non-DOT | \$ 4,160 | \$ 9,920 | \$ 10,840 | \$ 24,920 |
| DOT | \$ 9,520 | \$ 11,531 | \$ 8,600 | \$ 29,651 |
| Total | \$ 13,680 | \$ 21,451 | \$ 19,440 | \$ 54,571 |

Safety Sensitive Positions

Positions considered safety sensitive are those in which the employee's duties involve a significant risk of injury to others, to the degree that a momentary lapse of attention could have disastrous consequences. Examples of positions considered safety sensitive are civil service or public safety duties, equipment operators, and those who lock out equipment for hazardous energy control.

Employees in safety-sensitive or DOT (commercial motor vehicle operator) positions are randomly selected for testing. Each employee has an equal chance of selection. Employees in safety-sensitive positions are tested for drugs randomly at an annual rate of 20 percent. Employees in DOT positions are tested for drugs randomly at an annual rate of 50 percent, and tested for alcohol randomly at an annual rate of 25 percent.

The Risk Management and Talent Acquisition Divisions of Human Resources reviewed the City's safety sensitive criteria and number of non-DOT positions subject to random testing. The following information displays the changes that will occur based on job title, individual count of employees, and criteria used to determine which job titles meet the criteria to be in the random testing program.

| | Previous Total | New Total | Total Removed | % Change |
|----------------------------------|----------------|-----------|---------------|----------|
| Safety Sensitive Criteria | 25 | 10 | 15 | -60% |
| Individual Job Titles | 194 | 111 | 83 | -43% |
| Individual Positions | 5,741 | 4,555 | 1,186 | -21% |

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In collaboration with the Law department, the following proposed job titles will be part of the program after the changes to the random testing program are implemented.

| | | | |
|--------------------------------|------------------------------|--------------------------------|-------------------------------|
| Animal Control Officer | Fire Deputy Chief | Operation and Maintenance Tech | Sr Equipment Operator |
| Animal Shelter Technician | Fire Engineer | Pesticide Applicator | Sr Fleet Mechanic |
| Arborist I | Fire Fighter | Police Assistant Chief | Sr Instrumentation/Elect Tech |
| Arborist II | Fire Lieutenant | Police Captain | Sr Maintenance Worker |
| Asst Field Operations Supv | Fire Trainee | Police Chief | Sr Skilled Trades Technician |
| Asst Forensic Division Manager | Firearms Technician | Police Commander | Sr Turbine Operator |
| Auto Body Repairer | Fleet Coordinator | Police Corporal | Sr Water Systems Mechanic |
| Chief Deputy City Marshal | Fleet Crewleader | Police Deputy Chief | Sr Water Systems Technician |
| Chief Helicopter Pilot | Fleet Mechanic I | Police Lieutenant | Stagehand |
| City Marshal | Fleet Mechanic II | Police Officer | Stagehand Crewleader |
| Civilian Response Specialist | Fleet Supervisor | Police Reserve (volunteer) | Traffic Control Supervisor |
| Crime Analyst | Forensic Division Manager | Police Sergeant | Traffic Control Technician |
| Crime Lab Qa Coordinator | Forensic Scientist I | Police Trainee | Traffic Services Worker |
| Criminal Intelligence Analyst | Forensic Scientist II | Polygraph Examiner | Traffic Systems Crewleader |
| Deputy City Marshal II | Forensic Scientist III | Protective Gear Specialist | Traffic Systems Supervisor |
| Environmental Supervisor | Forensic Scientist IV | Public Safety Communicator IV | Traffic Systems Technician I |
| Equine Care Specialist | Forensic Supervisor | Security Systems Technician | Traffic Systems Technician II |
| Equipment Operator | Greenhouse Attendant | Senior Arborist | Turbine Operator |
| Facilities Coordinator | Helicopter Mechanic | Senior Meter Svcs Technician | Utility Line Technician |
| Facilities Supervisor | Helicopter Pilot | Signal Systems Crewleader | Veterinarian |
| FD Protection Specialist | Instrumentation/Elect Supv | Signal Systems Supervisor | Veterinary Technician |
| Field Operations Crewleader | Instrumentation/Elect Tech | Signal Systems Technician I | Water Systems Mechanic I |
| Field Operations Supervisor | Intoxilyzer Operator | Signal Systems Technician II | Water Systems Mechanic II |
| Field Services Representative | Latent Print Examiner | Skilled Trades Technician I | Water Systems Specialist |
| Fire Assistant Chief | Latent Print Technician | Skilled Trades Technician II | Water Systems Supv |
| Fire Battalion Chief | Maintenance Worker | Sr Auto Body Repairer | Water Systems Technician I |
| Fire Captain | Meter Services Technician I | Sr Crime Analyst | Water Systems Technician II |
| Fire Chief | Meter Services Technician II | Sr Deputy City Marshal | |

Risk Management reviewed and researched Texas Health and Safety Code, Chapter 487, the Texas Compassionate-Use Act, which established requirements for the licensing and registration of dispensaries who provide low-Tetrahydrocannabinol (THC) cannabis to qualified patients, and Texas Occupations Code, Chapter 169, which allows qualified physicians to prescribe low-THC cannabis to certain qualifying patients. First Advantage, the City's Third Party Administrator (TPA), informed staff that the Medical Review Officer (MRO) complies with the Compassionate Use Act and will follow the City of Fort Worth's policy with respect to indicating the results of the presence of low-THC cannabis as a positive or negative result. The City complies with Federal law which stipulates that any THC test result is considered a positive test and is prohibited.

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The Risk Management team also contacted surrounding cities to compare the City's random testing program with others. The following cities responded and confirmed that their organization performs random testing on safety sensitive positions in addition to DOT positions:

- City of Dallas
- City of Arlington
- City of Denton
- City of Grand Prairie

While the City of Fort Worth's policies do not expressly prohibit the use of CBD products, there is an employee advisory on the City of Fort Worth website that explains the risk associated with taking CBD that is not regulated by the FDA.

Risk Management will continue monitoring the changing laws and will conduct an annual review of the City's Drug and Alcohol Policy for compliance evaluation.

Dianna Giordano, Human Resources Director, dianna.giordano@fortworthtexas.gov is available to answer any questions.

David Cooke
City Manager