

# Inspection Output (IOR)

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## Inspection Information

Inspection Name	City of Ellensburg D&A (8067)	Operator(s)	ELLENSBURG GAS DEPT, CITY OF (4400)	Plan Submitted	--
Status	STARTED	Lead	Derek Norwood	Plan Approval	--
Start Year	2020	Team Members	Darren Tinnerstet	All Activity Start	08/18/2020
System Type	DA	Observer(s)	Scott Rukke, David Cullom, Dennis Ritter, Lex Vinsel, Anthony Dorrough, Deborah Becker, Scott Anderson, Rell Koizumi	All Activity End	08/20/2020
Protocol Set ID	DA.2020.01	Supervisor	Joe Subsits	Inspection Submitted	--
		Director	Sean Mayo	Inspection Approval	--

## Inspection Summary

### Inspection Scope and Summary

This inspection included a review of records and procedures related to the City of Ellensburg Drug and Alcohol Testing Program

### Facilities visited and Total AFOD

Inspection conducted remotely via GoToMeeting. Records were available via screen share and email.

### Summary of Significant Findings

*(DO NOT Discuss Enforcement options)*

There were no probable violations or areas of concern.

### Primary Operator contacts and/or participants

Darren Larsen

Assistant Utilities Director

509-962-7227

Darin Yusi

Gas Engineer

509-962-7229

### Operator executive contact and mailing address for any official correspondence

John Akers

City Manager

501 N Anderson St

## Scope (Assets)

#	Short Label	Long Label	Asset Type	Asset IDs	Excluded Topics	Planned	Required	Total Inspected	Required % Complete
1.	88964 (89)	City of Ellensburg	unit	88964	--	40	40	40	100.0%

1. Percent completion excludes unanswered questions planned as "always observe".

## Plans

#	Plan Assets	Focus Directives	Involved Groups/Subgroups	Qst Type(s)	Extent	Notes
1.	88964 (89)	n/a	DA	P, R, O, S	Detail	

## Plan Implementations

#	Activity Name	SMART Act#	Start Date	End Date	Focus Directives	Involved Groups/Subgroups	Assets	Qst Type(s)	Planned	Required	Total Inspected	Required % Complete
1.	Ellensburg DA --		08/18/2020	08/20/2020	n/a	all planned questions	all assets	all types	40	40	40	100.0%

1. Since questions may be implemented in multiple activities, but answered only once, questions may be represented more than once in this table.
2. Percent completion excludes unanswered questions planned as "always observe".

## Forms

This inspection has no Form data entry.

## Results (all values, 40 results)

### DA.GENERAL: General Program Requirements

1. Question Result, ID, References Sat, DA.GENERAL.DER.R, 40.3 (40.15(d), 40.355(k))

Question Text *Has the operator appointed a company employee as the Designated Employer Representative (DER)?*

Assets Covered 88964 (89)

Result Notes Drug Program Manager is Cindy Smith

Shown in Appendix A

2. Question Result, ID, References Sat, DA.GENERAL.SERVICEAGENTOVERSIGHT.P, 40.11(b) (40.11(c), 40.15(c), 40.341(a), 40.355(a), 40.355(m), 40.355(n))

Question Text *Does the process ensure the operator remains responsible for the actions of all its service agents, including a Consortium/Third Party Administrator (C/TPA)?*

Assets Covered 88964 (89)

Documents Reviewed 1. Aug 2020, City of Ellensburg D&A Program

Result Notes Association of Washington Cities (Consortium), D&A Plan Page 6 lists drug program manager responsibilities

3. Question Result, ID, References Sat, DA.GENERAL.COVEREDEMPLOYEES.P, 199.3 (199.1, 40.347(b)(2))

Question Text *Does the process result in the proper and complete identification of covered employees and the exclusion of non-covered employees?*

Assets Covered 88964 (89)

Result Notes Covered employee defined on Page 5, Appendix B list all covered positions

Look into whether emergency dispatch personnel should be included

4. Question Result, ID, References Sat, DA.GENERAL.PREVIOUSEMPLOYERRECORDS.P, 40.25(a) (40.25(b), 40.25(c), 40.25(d), 40.25(e), 40.25(f), 40.25(g), 40.27, 40.321(b), 40.351(d))

Question Text *Does the process include previous employer DOT D&A record checks for employees seeking to perform covered functions for the first time (i.e., a new hire or an employee transferring into a safety-sensitive position)?*

Assets Covered 88964 (89)

Result Notes Written procedure in D&A Consortium Program Manual

City of Ellensburg has not used this for the gas department since ~2002, all hires into gas program are hired within

5. Question Result, ID, References Sat, DA.GENERAL.NONDOTTESTS.P, 40.13(a) (40.13(b))

Question Text *Does the process separate and prioritize DOT drug and alcohol testing over all non-DOT drug and alcohol testing?*

Assets Covered 88964 (89)

Result Notes The manual is specific to employees performing covered functions

City of Ellensburg uses separate Custody Control Forms

6. Question Result, ID, References Sat, DA.GENERAL.CONTRACTOROVERSIGHT.P, 199.115 (199.115(a), 199.115(b), 199.245(a), 199.245(b), 199.245(c))

Question Text *If a contractor performs covered functions on the pipeline and is allowed to have its own D&A Programs, does the process ensure the contractor fully complies with Parts 199 and 40?*

Assets Covered 88964 (89)

Result Notes Appendix E Contractor Monitoring Procedures

City of Ellensburg has not used contractors for covered functions in recent years

7. Question Result, ID, References NA, DA.GENERAL.MISREPORTS.R, 199.119(a) (199.3, 199.119(f), 199.229(a), 199.229(d), 40.26)

Question Text *Does the process ensure D&A MIS reports are submitted annually to PHMSA as required?*

Assets Covered 88964 (89)

Result Notes City of Ellensburg has fewer than 50 employees so MIS reports are not required

## DA.DRUG: Anti-Drug Program

8. Question Result, ID, References Sat, DA.DRUG.PLAN.P, 199.101(a) (199.101(a)(1), 199.101(a)(2), 199.101(a)(3), 199.101(a)(4))

Question Text *Is a written Anti-Drug Plan in-place and maintained that conforms to the requirements of Part 199 and Part 40?*

Assets Covered 88964 (89)

9. Question Result, ID, References Sat, DA.DRUG.SERVICEAGENTQUAL.R, 199.5 (199.107(a), 199.109(b), 40.33, 40.81(a), 40.121, 40.281)

Question Text *Do records indicate that Anti-Drug program positions and/or service agents meet the applicable qualification requirements of Part 40 and Part 199?*

Assets Covered 88964 (89)

Result Notes MRO: DEE J. McGonigle M.D. (May18, 2018 to May 18, 2023)

Reviewed a sampling of BATs and Urine Specimen Collector qualifications

LabCorp is certified by HHS

10. Question Result, ID, References Sat, DA.DRUG.PROHIBITEDDRUGS.P, 199.3 (40.3)

Question Text *Does the process require that DOT drug tests are only conducted for the "prohibited drugs" specified in Part 40?*

Assets Covered 88964 (89)

Result Notes CCF list required tests and Appendix D

11. Question Result, ID, References Sat, DA.DRUG.PREEMPLOYMENT.P, 199.105(a) (199.105(c)(5))

Question Text *Does the process require that no individual is allowed to perform a covered function unless that individual passes a drug test or is covered by an anti-drug program that conforms to Part 199?*

Assets Covered 88964 (89)

Result Notes Drug Testing Requirements Section A

Pre-Employment Testing

12. Question Result, ID, References Sat, DA.DRUG.POSTACCIDENT.P, 199.105(b) (199.117(a)(5), 40.355(g), 40.355(h))

Question Text *Does the process ensure that post-accident drug testing is conducted as required?*

Assets Covered 88964 (89)

Result Notes Drug Testing Requirements Section A

Post-Accident Testing

Also reviewed the Post Accident D&A Testing Determination Form

13. Question Result, ID, References Sat, DA.DRUG.RANDOM.P, 199.105(c)(5) (199.105(c)(6), 199.105(c)(7), 199.105(c)(8), 199.105(c)(9))

Question Text *Does the process ensure that random drug testing is conducted as required?*

Assets Covered 88964 (89)

Result Notes Drug Testing Requirements Section A

Random Drug Testing

City of Ellensburg receives monthly test requirements from A WorkSAFE Service, Ellensburg then selects testing dates for that month

14. Question Result, ID, References Sat, DA.DRUG.REASONABLECAUSE.P, 199.105(d) (199.117(a)(3), 40.355(g), 40.355(h))

Question Text *Does the process ensure that reasonable cause drug testing is conducted as required?*

Assets Covered 88964 (89)

Result Notes Drug Testing Requirements Section A

Reasonable Cause Drug Testing

Each supervisor also has a packet with the procedures and training is conducted periodically

15. Question Result, ID, References Sat, DA.DRUG.RETURN TODUTY.P, 199.105(e) (Part 40 Subpart O, 40.67(b), 40.285(a), 40.289(b), 40.305(a))

Question Text *Does the process ensure that return-to-duty drug testing is conducted as required?*

Assets Covered 88964 (89)

Result Notes Drug Testing Requirements Section A

### Return to Duty Testing

16. Question Result, ID, References **Sat, DA.DRUG.FOLLOWUPTTEST.P, 199.105(f) (40.67(b), 40.307, 40.309)**  
Question Text *Does the process ensure that follow-up drug testing is conducted as required?*  
Assets Covered **88964 (89)**  
Result Notes **Drug Testing Requirements Section A**

### Follow-Up Testing

17. Question Result, ID, References **Sat, DA.DRUG.MRODUTIES.P, 199.109(c) (199.109(a), 40.123(a), 40.123(b), 40.123(c), 40.123(e), 40.123(f), 40.123(g), Part 40 Subpart G)**  
Question Text *Does the process ensure the MRO performs functions as required by DOT Procedures?*  
Assets Covered **88964 (89)**  
Result Notes **Section "Review of Drug Testing Results" captures all requirements in this code**
18. Question Result, ID, References **Sat, DA.DRUG.MROTESTREPORTS.P, 199.109(d) (Part 40 Subpart G, 40.345(a), 40.345(b), 40.345(c), 40.355(b), 40.355(c))**  
Question Text *Does the process ensure the MRO reports all drug test results to the DER as required?*  
Assets Covered **88964 (89)**  
Result Notes **Section "Review of Drug Testing Results" captures all requirements in this code**

### Positive results are reported by phone on the same day

19. Question Result, ID, References **Sat, DA.DRUG.STANDOWNREMOVAL.P, 199.103(a) (199.7(a), 40.21(a), 40.21(b), 40.23(a), 40.23(b), 40.23(d), 40.287)**  
Question Text *Does the process ensure an employee is immediately removed from performing covered functions after failing or refusing a drug test?*  
Assets Covered **88964 (89)**  
Result Notes **D&A Program Page 12**
20. Question Result, ID, References **Sat, DA.DRUG.EAP.P, 199.113(a) (199.113(b), 199.113(c))**  
Question Text *Does the process ensure that an EAP is established and available to employees and supervisory personnel?*  
Assets Covered **88964 (89)**  
Result Notes **Employee Assistance Program (Page 21)**

### Administered by First Choice EAP

Bulletins posted at office and employees receive brochure during hiring

## DA.ALCOHOL: Alcohol Misuse Prevention Program

21. Question Result, ID, References **Sat, DA.ALCOHOL.PLAN.P, 199.202**  
Question Text *Is a written Alcohol Misuse Plan in-place and maintained that conforms to the requirements of Part 199 and Part 40?*  
Assets Covered **88964 (89)**
22. Question Result, ID, References **Sat, DA.ALCOHOL.SERVICEAGENTQUAL.R, 199.5 (40.213)**  
Question Text *Do records indicate that Alcohol Misuse Prevention Program positions and/or service agents meet the applicable qualification requirements of Part 40 and Part 199?*  
Assets Covered **88964 (89)**  
Result Notes **Reviewed a sample of Breath Alcohol Tester records. All were good.**
23. Question Result, ID, References **Sat, DA.ALCOHOL.PROHIBITEDCONDUCT.P, 199.233 (199.215, 199.217, 199.219, 199.221, 199.223, 40.23(c), 40.285(a), 40.285(b))**

Question Text *Does the process ensure that a covered employee is not permitted to perform covered functions if the employee has engaged in prohibited conduct or an alcohol misuse rule of another DOT agency?*

Assets Covered 88964 (89)

Result Notes Alcohol Prohibited Conduct (Page 49)

24. Question Result, ID, References Sat, DA.ALCOHOL.SCREENINGTESTDEVICES.P, 40.229 (40.235(e))

Question Text *Does the process for alcohol screening tests restrict the use of alcohol screening devices (ASDs) to the devices and associated requirements referenced by Part 40?*

Assets Covered 88964 (89)

Result Notes Alcohol Testing Equipment (Page 54-55)

25. Question Result, ID, References Sat, DA.ALCOHOL.CONFIRMATIONTESTDEVICES.P, 40.231(a) (40.233(c))

Question Text *Does the process for alcohol confirmation tests restrict the use of Evidential Breath Testing Devices (EBTs) to the devices and associated requirements referenced by Part 40?*

Assets Covered 88964 (89)

Result Notes Alcohol Testing Equipment (Page 54-55)

26. Question Result, ID, References NA, DA.ALCOHOL.PREEMPLOY.P, 199.209(b) (199.209(b)(1), 199.209(b)(2), 199.209(b)(3))

Question Text *If pre-employment alcohol testing is conducted, does the process ensure that such testing is performed within the limits of Part 199?*

Assets Covered 88964 (89)

Result Notes City of Ellensburg does not conduct pre-employment alcohol testing

27. Question Result, ID, References Sat, DA.ALCOHOL.POSTACCIDENT.P, 199.225(a) (199.225(a)(1), 199.225(a)(2), 199.225(a)(3), 199.227(b)(4))

Question Text *Does the process ensure that post-accident alcohol testing is conducted as required?*

Assets Covered 88964 (89)

Result Notes Alcohol Tests Required

A. Post-Accident Testing (Page 44)

Ellensburg has not had any post-accident tests

28. Question Result, ID, References Sat, DA.ALCOHOL.REASONSUSPECT.P, 199.225(b) (199.225(b)(1), 199.225(b)(2), 199.225(b)(3), 199.225(b)(4), 40.355(g), 40.355(h))

Question Text *Does the process ensure that reasonable suspicion alcohol testing is conducted as required?*

Assets Covered 88964 (89)

29. Question Result, ID, References Sat, DA.ALCOHOL.RETURNDUTY.P, 199.225(c) (199.233, 199.243(c), 40.67(b), 40.285(a), 40.305(a))

Question Text *Does the process ensure that return-to-duty alcohol testing is conducted as required?*

Assets Covered 88964 (89)

Result Notes Alcohol Tests Required

C. Return-to-Duty Testing (Page 47)

30. Question Result, ID, References Sat, DA.ALCOHOL.FOLLOWUPTTEST.P, 199.225(d) (199.243(c)(2)(ii), 40.307(a), 40.307(b), 40.309(a))

Question Text *Does the process ensure that follow-up alcohol testing is conducted as required?*

Assets Covered 88964 (89)

Result Notes Alcohol Tests Required

D. Follow-up Testing (Page 47)

31. Question Result, ID, References Sat, DA.ALCOHOL.SCREENINGTEST.P, 40.247(a)

Question Text *Does the process ensure that alcohol screening test results are reported as required to the DER?*

Assets Covered 88964 (89)

Result Notes Section "Review of Drug Testing Results" captures all requirements in this code

Positive results are reported by phone on the same day

32. Question Result, ID, References Sat, DA.ALCOHOL.CONFIRMATIONTEST.P, 40.255(a) (40.355(d))

Question Text *Does the process ensure that alcohol confirmation test results are reported as required to the DER?*

Assets Covered 88964 (89)

Result Notes Section "Review of Drug Testing Results" captures all requirements in this code

Positive results are reported by phone on the same day

33. Question Result, ID, References Sat, DA.ALCOHOL.OTHERCONDUCT.P, 199.237(a) (199.237(b), 40.23(c))

Question Text *Does the process ensure that a covered employee is prohibited from performing or continuing to perform covered functions when found to have an alcohol concentration of 0.02 or greater but less than 0.04?*

Assets Covered 88964 (89)

Result Notes Disciplinary Actiions

B. Required Referrals and Eevaluations (Page 51)

34. Question Result, ID, References Sat, DA.ALCOHOL.EMPLOYEERESOURCES.P, 199.243(a) (40.285(b))

Question Text *Does the process ensure that each covered employee who has engaged in prohibited conduct is advised of the resources available to the covered employee in evaluating and resolving problems associated with the misuse of alcohol?*

Assets Covered 88964 (89)

Result Notes Disciplinary Actiions

B. Required Referrals and Eevaluations (Page 51)

35. Question Result, ID, References Sat, DA.ALCOHOL.EDUCATION.R, 199.239(a) (199.239(a)(1), 199.239(a)(2))

Question Text *Do records indicate educational materials were provided that explain alcohol misuse requirements and the policies and procedures with respect to meeting those requirements?*

Assets Covered 88964 (89)

36. Question Result, ID, References Sat, DA.ALCOHOL.EDUCATIONCONTENT.R, 199.239(b)

Question Text *Do records indicate the alcohol misuse educational materials provided by the operator included the required content?*

Assets Covered 88964 (89)

Result Notes Policy and EAP brochure provided to all new hires. Policy contains all required elements

37. Question Result, ID, References Sat, DA.ALCOHOL.SUPERVISORTRAINALCOHOL.P, 199.241

Question Text *Does the process include the required 60-minute supervisory personnel training related to recognizing reasonable suspicion for alcohol testing?*

Assets Covered 88964 (89)

Result Notes EAP Section B (Page 60)

Training conducted in 2009, 2011, 2012, 2015 and 2017

## DA.PROGRAMRECORDS: Drug and Alcohol Program Records

38. Question Result, ID, References Sat, DA.PROGRAMRECORDS.RECORDKEEPING.R, 199.117(b) (199.227(a), 199.231(b), 40.333(c), 40.333(d), 40.333(e))

Question Text *Are drug and alcohol program records maintained and kept in a secure and proper location?*

Assets Covered 88964 (89)

Result Notes Reviewed random and pre-employment drug test result. City of Ellensburg has had no positive test results and has not needed to conduct return to duty or follow-up testing. City of Ellensburg currently has 16 employees in the testing pool. In 2019 they conducted 12 random tests and for 2020 they have conducted 7 tests to date

39. Question Result, ID, Sat, DA.PROGRAMRECORDS.DRUG.R, 199.117(a) (199.117(a)(1), 199.117(a)(2), 199.117(a)(3),  
References 199.117(a)(4), 199.117(a)(5), 40.97(b), 40.111(a), 40.333(a)(1), 40.333(a)(2), 40.333(a)(4))

Question Text *Are drug test records retained for five years, three years, and one year as required and readily available?*

Assets Covered 88964 (89)

Result Notes All records readily available. City of Ellensburg has kept records beyond the required timeframes

40. Question Result, ID, Sat, DA.PROGRAMRECORDS.ALCOHOL.R, 199.227(b) (199.227(b)(1), 199.227(b)(2), 199.227(b)(3),  
References 199.227(b)(4), 40.333(a)(1), 40.333(a)(2), 40.333(a)(3), 40.333(a)(4))

Question Text *Are alcohol test records retained for five years, three years, two years, and one year as required and readily available?*

Assets Covered 88964 (89)

Result Notes City of Ellensburg has not had any alcohol tests so there are no records to review. I did review supervisor 60 minute training records from 2017

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Report Parameters: Results: all

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