

Somerset Resolution 23-09

SOMERSET ACKNOWLEDGEMENT AND ADOPTION OF THE PHMSA ANTI-DRUG AND ALCOHOL PROGRAM TO ITS PERSONNEL POLICIES (AMENDS BY ADDING TO RESOLUTION 20-25)

WHEREAS, the Pipeline and Hazardous Materials Safety Administration (PHMSA) is a U.S. Department of Transportation (DOT) agency. DOT Regulations require operators of pipeline facilities to conduct drug and alcohol testing of covered employees who perform operation, maintenance, or emergency-response functions. The anti-drug and alcohol programs required by PHMSA must be conducted according to DOT Regulations, specifically, 49 CFR Part 199 (PHMSA drug and alcohol testing regulation) and 49 CFR Part 40 (DOT drug and alcohol testing regulation).

WHEREAS, in accordance with 49 CFR 40 and 49 CFR 199, each operator shall maintain and follow a written anti-drug and alcohol plan that conforms to the requirements of the DOT Procedures. The plan must contain—

- (1) Methods and procedures for compliance with all the requirements of this part, including the employee assistance program;
- (2) The name and address of each laboratory that analyzes the specimens collected for drug testing;
- (3) The name and address of the operator's Medical Review Officer, and Substance Abuse Professional; and
- (4) Procedures for notifying employees of the coverage and provisions of the plan.

WHEREAS, the DOT Regulations require the City of Somerset to provide covered employees with an Employee Assistance Program (EAP) including Substance Abuse Professionals (SAP) as part of the Anti-Drug & Alcohol Misuse Prevention Policy; and

WHEREAS, in the interest of public safety, and in the interest of providing a safe workplace for its employees, City of Somerset is committed to assuring that its employees have a work environment free from the effects of prohibited drugs and alcohol and that its operations

will be conducted by its employees who perform their duties free from the effects of prohibited drugs; and

WHEREAS, the City of Somerset is an operator of pipeline facilities and is thus required to comply with and hereby makes known its desire and intention of complying with said DOT requirements,

WHEREAS, the City of Somerset now establishes its personnel polies by resolution pursuant to KRS 83A.060(13) (see Ordinance 20-22) and specifically under Resolution 20-25 establishing the City's current personnel handbook in October 2020

NOW, THEREFORE, upon motion duly made and seconded, the following Order was adopted; and

BE IT RESOLVED BY THE CITY OF SOMERSET AS FOLLOWS that the City of Somerset is an operator of pipeline facilities and hereby makes known its desire and intention of complying with said DOT and PHMSA Regulations; and

BE IT FURTHER RESOLVED BY THE CITY OF SOMERSET AS FOLLOWS that the City adopts and implements a written Drug and Alcohol Misuse Prevention Plan in accordance with DOT and PHMSA Regulations formally on June 24, 2023, or effectively earlier if required by law or regulation.

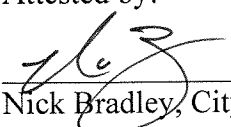
BE IT FURTHER RESOLVED BY THE CITY OF SOMERSET AS FOLLOWS that this resolution shall amend Resolution 20-25 so a to include the PHMSA Anti-Drug and Alcohol regulations to the applicable employees of the City.

Adopted and approved this 26th day of June 2023.



Alan L. Keek

Attested by:



Nick Bradley, City Clerk