

**WUTC  
HEADQUARTERS INSPECTION FORM  
ANTI-DRUG PROGRAM**

<b>Name of Operator:</b> City of Ellensburg		<b>UTC Representative (s):</b> S. Zuehlke/P. Johnson	
<b>OP ID No. 4400</b>		<b>Inspection Date(s):</b> August 12-14, 2008	
<b>HQ Address:</b> 501 N. Anderson St., Ellensburg, WA 98926			
<b>Co. Official: Judy</b> Hawley <b>Phone No.:</b> 509.962.7222 <b>Fax No.:</b> 509.962.7143 <b>Emergency Phone No.:</b> Kit Comm. 509.925.8534			
<b>Persons Interviewed</b>	<b>Title</b>	<b>Phone No.</b>	
Judy Hawley	HR Director and Designated Employer Representative	509.962.7222	
Steve Prue	Gas Engineer	509.962.7229	

**Type of Facility:**

Gas Transmission Pipeline  
 Gas Distribution System

Hazardous Liquid Pipeline  
 Liquefied Natural Gas

**Anti-Drug Plan and Policy developed by:**

Operator  
 Contractor  
 Consortium

**Anti-Drug Testing Program administered by:**

Operator  
 Contractor  
 Consortium

**Contractor records maintained by:**

Operator  
 Contractor – Operator has copies of Record  
 Consortium

**Specimen collection conducted by:**

Operator Personnel On-Site  
 Operator Personnel Off-Site  
 Contractor Personnel On-Site  
 Contractor Personnel Off-Site  
 Alcohol & Drug Dependency Services (ADDS)  
 (A local service that is a collection site)  
 Assoc. of WA Cities Consortium is the primary contractor.  
 Identified on page 25A in Appendix A of the Ellensburg  
 Substance Abuse Testing Policy

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<b>§199.1 Scope and compliance</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.1 Yes, Applicability under Drug Testing Requirements – Page 7.	Does the operator test covered employees for the presence of drugs & alcohol?	
<b>§199.3 Definitions</b>		
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.3/§195.50 <i>The following definitions are missing: Administrator, DOT Procedures, Performs a Covered Function, Positive rate for random drug testing, Prohibited Drug, State Agency.</i> <i>Corrected and in compliance.</i>	1. Does plan contain applicable accident or incident definitions as defined in §§191.3 or 195.50?	Plan must contain one or both definitions.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.3/§40.3 <i>Language is not exact 199.3 Definition language. Definition also includes Ellensburg language that has not been differentiated from PHMSA language by e.g. bold, italics, or underline.</i> <i>Corrected and in compliance.</i>	2. Does plan contain complete definition of "covered employee"?	Plan should address "applicants." Covered Employee: Any person who performs an operation, maintenance, or emergency-response on the pipeline or LNG facility that is regulated by Parts 192, 193, or 195.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.3 <i>Operator to revise their definition of Prohibited drug to include the exact 199.3 language from definition of Prohibited Drug.</i>	3. Does operator plan address testing for only the following drugs?  Marijuana ____ Opiates ____ Cocaine ____ Amphetamines ____ Phencyclidine(PCP) ____	

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<b>§199.101 Anti-drug plan</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.101(a) <i>Included in "Introduction of Substance Abuse Testing Policy (SATP)" under A-E pages 1 &amp; 2. The collection Laboratory is ADDS, Health Force Partners, and MRO Dr. Calvin Jones under Appendix A, page 25A. Collection procedures: SATP page 13, Laboratory procedures: SATP page 14, MRO procedures: SATP page 16-19.</i>	1. Does the operator maintain and follow a written anti-drug plan that confirms to §§ Part 199 & 40 (Procedures for Transportation Workplace)?	Plan must address requirements of Part 40, specifically the collection, laboratory and MRO procedures.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.101(a)(1) <i>SATP Introduction A-E pages 1 &amp; 2. Plan includes Employee Assistance Program (EAP) page 22. Return to duty testing identified SATP page 10. Ellensburg language has not been differentiated from PHMSA language by e.g. bold, italics, or underline. Corrected and in compliance.</i>	2. The plan must contain: a. Methods and procedures for compliance with all requirements of CFR 49 Part 199, including an employee assistance program:	Note: Clarification of company policy vs. DOT requirements. Company policy should be identified by using bold and underlined type.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.101(a)(2) <i>Appendix A #5 National Institute on Drug Abuse (NIDA) Laboratory page 25A</i>	b. The name/address of each laboratory that analyzes the specimens collected for drug testing; and	
	c. The name/address of the operator's medical review officer (MRO) and Substance Abuse Professional (SAP).	

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<b>§199.101 Anti-drug plan</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.101(a)(4) <i>Identified under A. Applicability of Drug Testing Requirements. The plan is summarized in the City Personnel Policies Manual distributed to current &amp; new employees during orientation. Covered employees are also provided a complete copy of the anti-drug plan. Plan includes notification that a complete copy of Anti-drug plan is on file with the Natural Gas Division of the Energy Services Dept. Drug testing requirements are detailed pages 7-11.</i>	d. Specify procedures for notifying employees of the coverage and provision of the plan.	Plan must contain specific details on how this is accomplished and what information is provided to employees.
<b>§199.103 Use of persons who fail or refuse a drug test</b>		
	1. Does the anti-drug plan provide that an operator may not use as employee any person who:	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.103(a)(1) <i>Under "Use of Employee who fails or refuses a drug Test" SATP page 12 B. and G. Results Consistent with legal Drug Use page 18.</i>	a. Fails a drug test required by §199.105 and the MRO determines there is no legitimate medical explanation for the confirmed positive test other than unauthorized use of a prohibited drug?	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.103(a)(2) <i>SATP page 12 – B.2.</i>	b. Refuses to take a drug test required by Part 199?	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.103(b)	2. Does the plan specify that a person may be used in a covered function if that person has:	

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<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.103(b)(1) <i>SATP page 12 C.2. &amp; page 7 B.</i>	a. Passed a DOT drug test?	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.103(b)(2) <i>SATP page 12 C.1. – SAP return to duty and 12 C &amp; D.</i>	b. Been recommended by the SAP to return-to-duty?	Plan should specify action taken if individual fails drug test after returning to duty
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.103(b)(3) <i>SATP page 12 last paragraph.</i>	c. Not failed a drug test required by Part 199 returning to duty?	

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<b>§199.105 Drug tests required</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(a) <i>SATP, Pre-employment testing B. page 7.            RSPA requirements apply to highest requirements – page 1 of SATP. Seven field gas people with 7 tests completed on them alone – 4 people. RSPA pool of gas included testing for 6 out of admin. Pool. CDL is large w/48 employees. In 2006 there were 6 RSPA employees tested out of 8 plus additional 7 in gas.</i>	<b>Pre-Employment Testing</b>  Does the operator conduct the pre-employment testing which includes the following: a. All individuals pass a DOT drug test for the employer prior to employment or assignment in a covered function?	Persons already covered by an anti-drug program conforming to Part 199 need not test.

<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(b) <i>SATP page 7 of Policy under post-accident testing – B. Drug Tests Required.</i>	<b>Post-Accident Testing</b>  Does the operator conduct the post-accident testing which includes the following: a. Drug test each employee, as soon as possible but no later than 32 hours after an accident, whose	
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	performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident?	
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<b>§199.105 Drug tests required</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(b) <i>Plan describes reasons to test. And, included only by omission regarding decision not to test. Corrected and in compliance. Corrected and in compliance.</i>	b. Decision not to test has been based upon the best information available immediately after the accident that the employee's performance could not have contributed to the accident?	Documentation pertaining to decision to test or not to test should be maintained by operator or contractor. No reasonable suspicion or post accident has been necessary.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(b) <i>This consideration has not been identified. Corrected and in compliance.</i>	c. Decision not to test because of the time between the employee's performance and the accident; it is not likely that a drug test would reveal whether the performance was affected by drug use?	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(c) <i>SATP pages 8 &amp; 9.</i>	<b>Random Testing</b>  1. Does the operator's anti-drug plan have specific procedures that provide for: a. Random employee selection process?	Specify type of random selection process.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(c)(2) <i>SATP Page 8. RSPA</i>	b. Determination of 25% annualized rate? (DOT notice dated 12/28/2006)	Calculate 25% random rate for each year. Plan must specify random period (12

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<p><i>requirements apply to highest requirements – page 1 of SATP. Seven field gas people with 7 tests completed on them alone – of 7, 4 were tested. RSPA pool of gas included testing for 6 out of admin. Pool. CDL is large w/48 employees. In 2006 there were 6 RSPA employees tested out of 8 plus additional 7 in gas. Total of 15 gas employees; 3.75=25%</i></p>		<p>times a year, or 4 times a year, etc.)</p>
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**COMMENTS**

<b>§199.105 Drug tests required</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<p><input checked="" type="checkbox"/> <b>YES</b>   <input type="checkbox"/> <b>NO</b>   <input type="checkbox"/> <b>N/A</b> §199.105(c)(5) <i>SATP page 9. Computer generated.</i></p>	<p>c. The random selection procedure is based on a random table or on a computer-based number generation system, or another method meeting DOT requirements.</p>	<p>Note: An employee should immediately report to the collection site or within 30 minutes, plus travel time, once notified by a company official.</p>
<p><input checked="" type="checkbox"/> <b>YES</b>   <input type="checkbox"/> <b>NO</b>   <input type="checkbox"/> <b>N/A</b> §199.105(c)(6)</p>	<p>d. The annualized rate of un-announced testing on random selection is based on the total number of personnel in covered positions.</p>	<p>Determine random pool size at beginning of calendar year or average pool size over 12-month period, based on the number of employees at the time of each test cycle or any other similar scheme that will take into account the variable number of employees during the year</p>
<p><input checked="" type="checkbox"/> <b>YES</b>   <input type="checkbox"/> <b>NO</b>   <input type="checkbox"/> <b>N/A</b> §199.105(c)(7) <i>Exceeds requirements - . completed Monthly.</i></p>	<p>e. Is plan spread reasonably through-out the year?</p>	<p><b>(Semi-annual and annual are unacceptable.)</b></p>



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<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(d) <i>Identified under Reasonable cause testing pages 9-10.</i>	<b>Reasonable Cause</b> 1. Each employee who performs a covered function, and who is reasonably suspected of using prohibited drugs, is tested for the presence of drugs in accordance with the regulations.	
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**COMMENTS**

<b>§199.105 Drug tests required</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(d) <i>60 min. training for anti-drug. Reviewed last training held in March 2, 2007. Three gas division supervisors attended. SATP page 6 and page 9 under Reasonable Cause Testing 1.</i>	2. At least two supervisors, one of whom is trained in detection of the symptoms of drug use, substantiate and concur in the decision to test an employee who is reasonably suspected of drug use.	In the case of an operator with 50 or fewer covered employees subject to testing, only one supervisor of the employee, trained in detecting possible drug use symptoms shall substantiate the decision to test.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(d) SATP page 6 and page 9 under reasonable cause testing.	3. Decisions to test are reasonable and articulable, and based on specific contemporaneous physical, behavioral or performance indicators of probable drug use.	The concurrence between the two supervisors may be by telephone.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(e)/§40.281-313 SATP page 12 C and page 17 C.	<b>Return-to-Duty</b> 1. Covered employees who have refused a drug test or have returned to duty after having failed a DOT required drug test, must be evaluated face-to-face by a SAP, have properly followed any prescribed assistance, and be subject to a return-to-duty test.	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(f)	<b>Follow-up testing</b>	May include testing for alcohol in accordance with

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<i>SATP pages 10-11</i>	1. Follow-up testing is performed on an un-announced basis, at a frequency established by the SAP, for a period of not more than 60 months.	49 CFR Part 40 as directed by the SAL.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.105(f) <i>SATP pages 10-11</i>	2. At least six tests must be conducted within the first 12 months following the covered employee's return to duty.	May include testing for alcohol in accordance with 49 CFR Part 40 as directed by the SAL.

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<b>§199.107 Drug testing laboratory</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.107(a) <i>SATP page 14 A.</i>	1. Does the operator use only those drug testing laboratories certified by the Department of Health and Human Services (DHHS) under the DOT Procedures for all drug testing required by 49 CFR 199?	Check labs listed by operator against latest HHS/SAMHA certified lab list (dated 12/26/2006).
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.107(b)(1) <i>SATP page 14 A.</i>	2. Does the lab permit inspections by the operator prior to being awarded a testing contract?	Must allow un-announced inspections by the operator, plan administrator, or jurisdictional state agency representative.
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.107(b)(2) <i>Un-announced inspections not identified in SATP. Corrected and in compliance.</i>	3. Does the lab allow un-announced inspections, including examination of records, at any time?	Must allow un-announced inspections by the operator, plan administrator, or jurisdictional state agency representative.
<b>§199.109 Review of drug testing results</b>		
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.109(a)	<b>MRO Qualifications and Responsibilities</b>  1. Does the operator's plan designate a medical review officer?	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.109(b)/§40.121	2. Does the operator's plan state that the MRO is a licensed	What documentation is available to determine MRO's

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<i>Reviewed MRO vitae and license.</i>	physician and has the required qualifications required under §40.121?	qualifications?
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.109(c)/§40.123	3. Does the MRO perform functions for the operator as required under §40.123?	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.109(d)/§40.163 <i>SATP page 16-19.</i>	4. Does the MRO report all drug test results to the operator as required by §40.163?	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.109(f)	5. Does the operator ensure that the SAP does not refer covered employees requiring assistance, to the SAP's private practice?	

**COMMENTS**

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<b>§199.111 Retention of sample and retesting</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.111(a) <i>SATP – Retention page 20.</i>	1. Are samples that yield positive results on confirmation retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days as required by the DOT Procedures found?	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.111(b) <i>SATP page 18 under Reconfirmation Analysis. Split sample specimen testing page 30.</i>	2. If the MRO determines there is no legitimate medical reason for a confirmed positive test result, do the procedures permit the employee to submit a written request for a retest within 60 days of receipt of the final test results from the MRO?	Note: If a single specimen container is used, an employee has within 60 days to request a reanalysis after being notified of a positive test result. If a split specimen container is used, an employee has within 72 hours to request a reanalysis after receiving notification of a positive test result.

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<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.111(b) <i>DHHS is discussed under results scientifically insufficient page 18. Page 21 B. states the employee may request retest by the same or another certified lab.</i>	a. The employee may request retesting by a second DHHS certified lab.	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.111(b) Page 21 B.	b. The employee must be reimbursed if the retest is negative.	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.111(b) Page 21 B.	c. The operator may require the employee to pay the associated retest costs in advance.	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.111(c) Page 21 B.	3. If the employee requests retesting by a second laboratory does the original laboratory follow approved chain-of-custody transfer procedures?	

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<b>§199.111 Retention of sample and retesting</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.111(d) <i>Page 21 under Retesting of Samples. Unable to determine whether manual language meets requirements. Language requires clarification to read per 199.111(d). Corrected and in compliance.</i>	3. Because it is possible that some analyses may deteriorate during storage, the results of a retest are to be reported as confirmation of the original test results if the detected level of the drug are (a) below the DOT established limits and, (b) equal to or greater than the sensitivity of the test.	

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<b>§199.113 Employee Assistance Program (EAP)</b>		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.113(a) Page 22 under EAP	1. Does the operator provide an EAP for its employees and supervisory personnel?	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.113(a) Page 22 under EAP	a. Does the EAP include education and training about drug use?	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.113(b) Page 22 under EAP	2. Does the operator, as part of the EAP, display and distribute: a. Information material?	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.113(b) Page 22 under EAP – number placed on bulletin boards.	b. Community service hot-line telephone number for employee assistance?	
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.113(b) Page 22 under EAP A.3. Placed at various locations.	c. The employer's policy regarding the use of prohibited drugs?	

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<b>§199.113 Employee Assistance Program (EAP)</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.113(c) page 22 B. Reviewed training records for March 2007.	3. Does the operator provide at least a 60-minute period of training for supervisory personnel which teaches the specific contemporaneous physical, behavioral, and performance indicators of probable drug use?	
<b>§199.115 Contractor employees</b>		
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.115 Page 24.	Does the operator provide, by contract, that the drug testing, education and training of contractor employees required by 49 CFR Part 199 be carried out by contractor?	The contractor can provide the services through a consortia or third-party provider.
<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	1. Does the operator remain	

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§199.115(a) <i>Page 38.</i>	responsible for ensuring compliancy with the requirements of 49 CFR 199, and	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.115(b) <i>page 38.</i> <i>Snelson records are provided to Ellensburg HR Dept. Snelson also provides DOT Statistical Data Report to Ellensburg.</i>	2. Does the contractor allow access to property and records by the operator, DOT and any jurisdictional state agency for the purpose of monitoring the operator's compliance with the requirements of 49 CFR 199?	How does the employer "monitor" the contractor's compliance with Parts 199 and 40? Rely on Gas dept mgmt. otherwise not defined in manual. Contractor report provided to Ellensburg.

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<b>§199.117 Recordkeeping</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.117(a)	1. Does the anti-drug plan require the operator to keep the following record; and do records verify that the plan is being carried out?	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.117(a)(1) <i>Reviewed 2005 – 2008 3<sup>rd</sup> quarter records.</i>	(1) Records demonstrating that the collection process conforms to Part 199 must be kept <b>at least 3 years.</b>	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.117(a)(2) <i>Reviewed 2005 – 2008 records – no failed.</i>	(2) Records that show an employee failed a drug test, the type of test failed, (e.g., post-accident) and records that demonstrate compliance with the SAP's recommendations, if any; and MIS annual report data shall be maintained for a <b>minimum of five years.</b>	

<b>§199.117 Recordkeeping</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b>	Records showing an employee	

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§199.117(a)(3) <i>Reviewed records for one employee passing</i>	passed a drug test for <b>at least 1 year.</b>	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.117(a)(4) <i>Do every 2 years. March 2005 &amp; March 2007. Plus complete orientation training. Reviewed training records for 2005-2006 put on by AWC drug &amp; alcohol testing consortium. Training was last completed in March 15, 2006 in Wenatchee</i>	Records confirming that supervisors and employees have been trained as required by this part for <b>at least 3 years.</b>	
<input type="checkbox"/> <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.117(b)	2. Do the procedures prohibit the release of an individual's drug test results or rehabilitation except as follows:	

<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.117(b) <i>SATP page 23.</i>	a. Upon written consent of the individual; or	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.117(b) Page 23 <i>Change RSPA to DOT. Corrected and in compliance.</i>	b. Upon provided by DOT procedures (49 CFR Part 40);	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.117(b) <i>page 23 A.a.</i>	(1) As part of an accident investigation; or	
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.117(b) <i>page 23 B.</i> <i>Change RSPA to DOT. Corrected and in compliance.</i>	(2) For statistical evaluation (only without names); and training records.	

<b>§199.119 Reporting of anti-drug testing results</b>		
<b>COMPLIANCE</b>	<b>CRITERION</b>	<b>GUIDANCE</b>
<input type="checkbox"/> <b>YES</b> <input checked="" type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.119(a) <i>Complies – City has less than 50 covered employees.</i>	Does the plan make provisions for submitting an annual MIS report to PHMSA no later than March 15 of each year for the prior calendar year?	For “large” operators with more than 50 covered employees. N/A
<input checked="" type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>N/A</b> §199.119(c) <i>Added one new</i>	Does the operator correctly calculate the total number of	Operators conducting random testing more often than once per

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<p><i>employee in 2007 but employee quit after 6 weeks – not doing covered tasks. Ellensburg conducts monthly draw.</i></p>	<p>covered employees eligible for random testing throughout the year?</p>	<p>month (e.g., you select daily, weekly, bi-weekly), do not need to compute this total number of covered employees rate more than on a once per month basis.</p>
<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.119(d) AWC PHMSA through consortium = pool of 15. AWC/Ellensburg = pool of 8 for 2007.</p>	<p>If used, does the operator ensure that the service agent used is testing at the appropriate percentage established for the industry and that only covered employees are in a random testing pool?</p>	<p>Service agents (e.g., C/TPA) may be used to perform random selections; and covered employees may be part of a larger random testing pool of covered employees.</p>
<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A §199.117(e) Yes, reviewed 2007 MIS report. However, no category has been checked for gas distribution under 2007 RSPA MIS record for the consortium or the 2007 RSPA MIS record for AWC/Ellensburg 007148. These are employees w/gas but also CDL.</p>	<p>Are covered employees who perform multi-DOT agency functions (e.g., an employee performs pipeline maintenance duties and drives a commercial motor vehicle), counted only on the MIS report for the DOT agency under which he or she is randomly tested?</p>	<p>Normally, this will be the DOT agency under which the employee performs more than 50% of his or her duties.</p>

**COMMENTS**

*Reviewed Ellensburg's request for calibration documents (from the Alcohol Drug Dependency Service Contractor (ADDS)) of their breath alcohol machine. They identified the breath alcohol testing equipment and SN. They identified that they did not calibrate the machine unless accuracy checks show it to be out of the acceptable range – dates for the accuracy checks were identified as when new on 01.30.04 for training purposes with their last check done on 07.22.08 and found to be in the acceptable range for continued testing. The date of this letter from ADDS is 08.01.08. Ellensburg HR contacted another agency for testing check information and they were told that they also do accuracy checks based upon the same format as above.*



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*FOR ALCOHOL SECTION UNDER 199.227(c)(1)(i): Reviewed computer generated random selection program for a single employee – Healthforce suggested test date was 07.01.08 but delayed test due to HR identified employee on vacation, leave, etc.- Okay.*

*On 09.09.08 reviewed corrections made by operator to their Anti-Drug and Alcohol Mis-use Plans in Operator's Office. These corrections do not appear to have altered the fundamental effectiveness of their existing program. Based upon Ellensburg's past performance, staff is confident that the few remaining minor corrections noted during this second review will be reflected immediately. UTC staff informed the operator that the corrected manuals shall be distributed and implemented as soon as is possible.*