

November 18, 2020

The Public Service Commission convened on November 18, 2020, 10:04 a.m. via teleconference under North Dakota Executive Order 2020-16 in response to the COVID-19 crisis in the United States.

Commissioners Kroshus, Fedorchak and Christmann attended in the Commission Hearing Room, State Capitol, Bismarck, North Dakota.

Minutes

Mr. Kroshus: I move the minutes of November 9, 2020, be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-19-312
Public Service Commission
Northwest Grading, Inc.
Damage Prevention Enforcement

Mr. Kroshus: I move the Commission adopt the Order on Consent Agreement in Public Service Commission, Northwest Grading, Inc., Damage Prevention Enforcement, Case No. PU-19-312.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-383
Otter Tail Power Company
Transmission Facility Cost Recovery
(2021)
Rates

Mr. Kroshus: I move the Commission adopt the Order in Otter Tail Power Company, Transmission Facility Cost Recovery (2021), Rates, Case No. PU-20-383.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-436
Montana-Dakota Utilities Co.
Generation Resource Cost Recovery
Rates

Mr. Kroshus: I move the Commission reduce the application fee to \$10,000, suspend the rates, and issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Generation Resource Cost Recovery, Rates, Case No. PU 20-436.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-20-440
Montana-Dakota Utilities Co.
Renewable Resource Cost Recovery
Rates

Mr. Kroshus: I move the Commission suspend the rates, reduce the application fee to \$10,000 and issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., Renewable Resource Cost Recovery, Rates, Case No. PU-20-440.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-10-100
Minnkota Power Cooperative, Inc.
Infinity Wind Generation Project
Decommissioning Plan & Cost

Hold Over

Case No. PU-20-270
Northern Divide Wind, LLC
200 MW Northern Divide Wind Energy
Center - Burke
Decommissioning Plan & Cost

Mr. Christmann: I move the Commission approve the parent guarantee filed on November 9, 2020, in Northern Divide Wind, LLC, 200 MW Northern Divide Wind Energy Center – Burke County, Decommissioning Plan & Cost, Case No. PU-20-270.

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-19-318
Aurora Wind Project, LLC
Aurora Wind Project - Williams County
Decommissioning Plan & Cost

Mr. Christmann: I move the Commission approve the letter of credit form for execution filed on November 12, 2020, in Aurora Wind Project, LLC, Aurora Wind Project - Williams County, Decommissioning Plan & Cost, Case No. PU-19-318.

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Case No. PU-20-443
Commio, LLC
Bismarck Rate Center
Numbering Resources

Mr. Christmann: I move the Commission adopt the Order in Commio, LLC, Bismarck Rate Center, Numbering Resources, Case No. PU-20-443.

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

Administrative Policy Updates
Policy 5-03-95(1) Drug and Alcohol
Misuse Prevention
Policy 3-06-79(3) Salary Administration

Mr. Kroshus: I move the Commission, adopt Revised Policy 5-03-95(1), Drug and Alcohol Misuse Prevention and Policy 3-06-79(3), Salary Administration.

PUBLIC SERVICE COMMISSION

**DRUG AND ALCOHOL MISUSE PREVENTION
POLICY**

REVISED POLICY 5-03-95 (1) November 18, 2020

A. PURPOSE: In order to maintain the highest standards for employee safety and health, prevent accidents/injuries resulting from the misuse of controlled substances and alcohol by employees who perform safety-sensitive functions, and to maintain compliance with the Title 49 Code of Federal Regulations (CFR) Parts 40 and 382, this policy outlines the drug and alcohol testing program which applies to all Public Service Commission (Commission) employees who hold a North Dakota Commercial Driver’s License (CDL) (Commission driver), are considered to be in a “safety-sensitive” position,

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and may operate state-owned commercial motor vehicles.

B. BACKGROUND: The authority for the promulgation of rules by the United States Department of Transportation (DOT) was provided for under 49 U.S.C. App. 2717, Section 12020(e)(1) of the Omnibus Transportation Employee Testing Act of 1991, and the catalyst for the Drug and Alcohol Misuse Prevention Plan are the rules established under 49 CFR Part 382.

C. POLICY

1. **The use or possession of a controlled substance at any time or any place while in the employment of the Public Service Commission is strictly prohibited, unless that substance has been currently prescribed by a licensed physician and meets the requirements set forth in this plan.**
2. **The use or possession of alcoholic beverages while in a State Vehicle or while on duty, including breaks, lunch (paid or unpaid), or as otherwise outlined in this plan is strictly prohibited.**
3. Commission employees considered to be in "safety-sensitive positions" who hold a CDL and actively operate state-owned commercial motor vehicles on behalf of the Commission agree to test for misuse of controlled substances and alcohol under the following work-related conditions: preemployment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up.
4. The Drug and Alcohol Misuse Prevention Policy (Policy) contained herein guides the Commission implementation and

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administration of Title 49 CFR Parts 40 and 382. *Those areas of the Policy that appear in italics reflect the Commission's independent authority to require additional provisions regarding the drug and alcohol testing procedures.*

5. The privacy/confidentiality of any covered employee subject to this Policy shall be maintained at all times.

ADMINISTRATION

1. The Risk Management Coordinator shall be designated as the primary Testing Program Manager (TPM). The Executive Secretary shall be designated as the alternate TPM and should be contacted in the event the primary TPM is not available.
2. The TPM shall be responsible for the preparation and maintenance of a written manual implementing the Policy (Plan) which must comply with the requirements of the Drug and Alcohol Misuse Prevention Policy and 49 CFR Parts 40 and 382. The Plan must identify employees considered to be in safety-sensitive positions and provide the implementation of 49 CFR Part 40 and 382.
3. The TPM shall also be responsible for:
 - a. Providing oversight and evaluation of the Policy;
 - b. Providing guidance with regard to the administration of the Policy;
 - c. Reviewing all discipline applied under this Policy with the Executive Secretary for consistency and conformance with Commission human resource policy and procedure, and in the referral of employees for evaluation and treatment;

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- d. Working with the North Dakota Department of Transportation (NDDOT) Program Manager (PM) in the payment of Consortium Vendor (CV) fees, positive drug test disciplinary actions, and in the maintenance of test records and annual reports according to the provisions under 49 CFR Parts 40 and 382.
4. The TPM shall be responsible for contacting Commission drivers approximately two hours prior to their scheduled drug and/or alcohol test and ensuring that they report to the designated NDDOT collection site for testing.
5. *Unless otherwise approved by the Commission, the CV shall be sourced and selected by NDDOT and be responsible for the overall administration of the drug and alcohol testing program.*
6. The CV shall ensure that all areas of responsibility agreed upon by them with respect to this Drug and Alcohol Misuse Prevention Program shall be operated and maintained in compliance with 49 CFR Parts 40 and 382. *The CV is responsible for the overall administration of the Commission's drug and alcohol program including:*
 - a. *Drug and alcohol test scheduling (for all types of required tests);*
 - b. *Collection sites and personnel;*
 - c. *Certified laboratory services;*
 - d. *Medical Review Officer (MRO) services;*
 - e. *Employee Assistance Program (EAP) referral services;*
 - f. *Secure record keeping services;*

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- g. *Annual report submittal services;*
 - h. *New hire United States Department of Transportation (USDOT) Previous Employer (Safety History / Drug & Alcohol) check;*
 - i. *New hire USDOT Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse Full Query check;*
 - j. *FMCSA Clearinghouse Limited Query annual check; and*
 - k. *Any other services required to properly administer the State Consortium's drug and alcohol testing program as per 49 CFR Parts 40 and 382.*
7. The CV shall be responsible for maintaining all records required by 49 CFR Parts 382, Subpart D and Part 40.83 at their place of business (or their contractor's place of business as in the case of a testing laboratory); and shall ensure that information from those records be available to the Commission within 24 hours, if requested by officials of the USDOT responsible for the drug and alcohol testing program.
 8. By March 15th of each year, the CV shall prepare an annual summary, as per 49 CFR Part 382.403, and submit a copy of that report to the Federal Highway Administration upon request.
 9. *All employee inquiries or complaints shall be made to the Commission via the TPM.*
 10. Any Commission driver who has a legitimate complaint about an operation, procedure, or test result conducted under this Policy shall contact the TPM, in writing, within 24 hours of the occurrence of the issue to be resolved. All complaints will be kept in the Commission driver's secure personnel file.

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11. The individuals responsible for observing the performance and behavior of Commission drivers; for observation and documentation of events suggestive of reasonable suspicion; and for assisting in the determination of post-accident testing, shall be the primary and alternate TPM.
12. An employee may not be allowed to violate this policy. The TPM must require reasonable suspicion testing of any employee who would appear to be in violation of this Policy.
13. The TPM and alternative TPM will receive training necessary to perform their supervisory duties. This training will cover 60 minutes of training on the symptoms of alcohol abuse and 60 minutes of training on the symptoms of controlled substance abuse.

EMPLOYEE NOTIFICATION

1. Each applicant for a Commission driver position should be notified of the Commission's Policy. Newly hired employees subject to the Policy will be notified before they report to work with the Commission. Each employee to be drug and alcohol tested under this Policy shall be notified and made aware of the requirements of the drug and alcohol testing program.
2. Each employee will be asked to acknowledge the above notification requirement by signing a document stating that they have received and read a copy of the Policy.

PROHIBITED ACTIONS

1. **Alcohol concentration:** No driver shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater. No supervisor having actual knowledge of the above shall permit the

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- driver to perform or continue to perform any safety-sensitive function.
2. **Alcohol possession and use:** No driver shall operate a commercial motor vehicle or be on duty while possessing or using alcohol. No supervisor having actual knowledge of the above shall permit the driver to perform or continue to perform any safety-sensitive function.
 3. **Pre-duty use:** No driver shall perform any safety-sensitive function within 4 hours after using alcohol. No supervisor having actual knowledge of the above shall permit the driver to perform or continue to perform any safety-sensitive function.
 4. **Post-accident use:** No driver who, under the provisions of the Policy, is required to take a post-accident test shall use alcohol for eight hours following the accident, or until that driver undergoes a post-accident test, whichever occurs first.
 5. **Drug Use**
 - a. No driver shall report for duty or remain on duty if that driver tests positive for drugs. No supervisor having actual knowledge of the above shall permit the driver to perform or continue to perform any safety-sensitive function.
 - b. Notwithstanding subparagraph a. above, a driver may use a controlled substance while on duty when its current use is pursuant to the instructions of a licensed physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
 6. **Drug test results:** No driver shall report for duty or remain on duty if the test results in a MRO-verified positive drug test. No

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supervisor having actual knowledge of the above shall permit the driver to perform or continue to perform any safety-sensitive function.

7. **Refusal to submit to a drug or alcohol test:** No driver shall refuse to submit to any of the required drug or alcohol tests listed in this Policy. No supervisor shall permit a driver who refuses to submit to such tests to perform or continue to perform any safety-sensitive function.

TYPES OF TESTING REQUIRED

1. **Pre-Employment Testing:** Prior to final Commission approval of employment, the driver-applicant shall undergo both a drug and alcohol pre-employment test. If either test results in a positive (0.02 or greater, for alcohol and/or an MRO-verified positive for drugs), the driver-applicant will not be approved for Commission employment.
2. **Post-accident testing:** Any Commission driver involved in an accident, shall undergo a drug and alcohol test as soon as practicable.
 - a. If an alcohol test is not administered within 2 hours of the accident, a record shall be made and maintained stating the reasons why.
 - b. If a drug test is not administered within 32 hours of the accident, a record shall be made and maintained for possible submittal to the Federal Highway Administration stating the reasons why.
 - c. A driver who is subject to this test shall remain readily available for such testing, or may be deemed by the Commission to have refused to submit to the test. Nothing in this section shall be construed to

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require the delay of necessary medical attention for any injured persons following an accident, up to, and including leaving the scene to acquire emergency medical care; or to obtain medical or law enforcement response assistance to the accident.

- d. The results of any drug or alcohol tests administered to drivers by federal, state, or local officials having independent authority over the accident, shall meet the requirements of this section.
- e. The Policy and this section of the Plan shall be considered special post-accident information and procedure and shall be copied and kept in the various Commission commercial motor vehicles at all times.

3. **Random Testing:**

- a. Unless otherwise published in the Federal Register as per 49 CFR Part 382.305 (b) and (c), the minimum annual percentage rate for random alcohol testing shall be 25% of the average number of drivers participating in the State Consortium.
- b. The minimum annual percentage rate for random drug testing shall be 50% of the average number of drivers participating in the State Consortium.
- c. The CV shall ensure that the selection of drivers for random testing shall be made by a scientifically valid method giving each driver an equal chance of being tested each time selections are made.

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- d. The CV shall ensure that random tests are unannounced and that the test selection dates are spread reasonably throughout the calendar.
- e. The Commission shall require each of its drivers who are notified of selection for random testing to proceed to the nearest test collection site immediately, regardless of whether or not the driver is currently on duty and performing a safety-sensitive function.
- f. Notwithstanding subparagraph e, a driver shall only be tested for alcohol while that driver is performing, just before the driver is to perform, or just after the driver has performed a safety-sensitive function. No Commission driver shall be required to test for drugs or alcohol during sick leave, annual leave, or on their days off.

4. Reasonable Suspicion Testing:

- a. A supervisor who has received the required minimum training outlined in this Plan, shall require a driver to submit to drug or alcohol testing when that supervisor has reasonable suspicion that the driver has used alcohol or controlled substances in violation of the CFR or the Plan.
- b. Reasonable suspicion shall be based upon specific and articulable observations concerning the appearance, behavior, or body odor of the driver, and may also include indications of the chronic effects or withdrawal effects of controlled substances. TPM will be given adequate training to make judgments about a reasonable

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suspicion of controlled substance or alcohol use and shall document the observations fully upon notifying the driver that testing is required.

- c. Drivers who are in possession of alcohol but have not exhibited any symptoms of misuse may be required to submit to reasonable suspicion testing *and may be subject to other disciplinary action.*
- d. Alcohol testing is authorized under this section only if observations are made during, just preceding, or just after the period of the workday that the driver is required to be complying.
- e. If an alcohol test is not administered within 2 hours of the requirement in subparagraph d, a record shall be made and maintained stating the reasons why.
- f. If an alcohol test is not administered within 8 hours of the requirement in subparagraph d, the record under subparagraph e shall be updated and maintained on file.
- g. Notwithstanding the absence of a reasonable suspicion test, no driver shall report for duty, or remain on duty under the influence of or impaired by alcohol, nor shall a supervisor permit a driver to perform or continue to perform a safety-sensitive function until either an alcohol test is administered and the results measure less than 0.02; or, until 24 hours have elapsed following the determination that there is reasonable suspicion.
- h. All employees may call the TPM to state their suspicions about

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another employee, including a supervisor. Except as provided for in subparagraph g. above, no supervisor shall act under this section based solely on a driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test.

- i. A written record of any observations made under this section shall be made and signed by the supervisor within 24 hours of those observations, or before the test results are released, whichever comes first.

5. Return-to-Duty Testing:

- a. The Commission shall ensure that before a driver returns to duty requiring the performance of a safety-related function after engaging in conduct prohibited under this Policy, whether it be related to drugs or alcohol, the driver undergo a return-to-duty test in accordance with 49 CFR part 40, subpart O.
- b. Return-to-duty alcohol test results must be below 0.02.
- c. Return-to-duty drug test results must indicate a verified negative.

6. Follow-Up Testing:

- a. After a determination by a substance abuse professional that a driver is in need of assistance to resolve problems associated with either drug or alcohol misuse, the Commission shall ensure that the driver is subject to unannounced follow-up testing in accordance with 49 CFR part 40, subpart O .
- b. Follow-up testing shall be conducted only during, just before,

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or just after the subject driver
performs a safety-related function.

TEST RESULTS - NOTIFICATION

1. If a drug test result indicates a positive, then prior to confirming that test as positive, the MRO shall contact the Commission driver directly and interview that driver as to reasons why the test may be positive. Once the MRO confirms the test as positive, the driver shall, at that time, be given the opportunity to have their split-sample sent to an independent Department of Health-certified laboratory (at the driver's expense) for a second test.
2. If the MRO is unable to contact the driver within 3 working days, the MRO must contact the TPM (either directly or through the CV). However, the MRO must also submit a written verification of the positive drug test result to the CV containing the following information: name of the individual tested, that the test was conducted in accordance with 49 CFR part 40, the type of test conducted, the date and location of the specimen collection, the names of the personnel who collected and tested the specimen, the results of the test (positive or negative), if positive - the name of the drug(s) found, a brief statement concerning the details of the MRO's efforts to contact the driver, and the MRO's name.
3. The TPM or the CV shall in all cases where the MRO fails to make contact with a driver, contact the driver and request that the driver contact the MRO prior to dispatching, or within 24 hours, whichever is earlier.
4. All alcohol test notifications will be given to the driver at the testing site, with the same results forwarded to the TPM by the CV.
5. Federal law requires that the Commission release the results of any driver tests, any

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driver referral for evaluation or rehabilitation, and the results of those referrals, to any prospective employer upon written request by that employer. Prior to the release of any testing information, the Commission will obtain the necessary written consent from the driver. In addition, the Commission may choose to obtain the same testing information from any applicant's previous employer and consider that information in the hiring process.

DISCIPLINARY ACTIONS

1. *A driver who receives a MRO-verified positive drug test or uses a prescription drug contrary to a physician's directions while on duty shall be referred to the Commission's EAP program and terminated immediately.*
2. *A driver who receives an alcohol test result that has a concentration at or greater than 0.02 but less than 0.04 shall not be permitted to perform a safety-sensitive function or continue to perform a safety-sensitive function for 24 hours. A driver who is removed from duty or required to refrain from duty under this paragraph may take the required 24 hours off by using annual leave (if available) or leave without pay and may be subject to additional disciplinary action.*
3. *Any refusal to take a drug and/or alcohol test will be viewed as a positive result and the driver shall be referred to the Commission's EAP program and terminated immediately.*
4. *A driver who receives an alcohol test result that has a concentration of 0.08 or greater shall be referred to the Commission's EAP program and terminated immediately.*
5. *A driver who has violated the rules on alcohol misuse or who refuses to submit to testing shall not be permitted to perform a*

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safety-sensitive function or continue to perform a safety-sensitive function until that driver has:

- a. Been evaluated by a SAP via the Commission's EAP to determine whether that driver is in need of assistance in resolving problems related to alcohol use.
- b. Completed any treatment recommended by the SAP.
- c. Been evaluated by a SAP to ensure that the driver has properly followed the treatment program.
- d. Undergone a return-to-duty alcohol test with resulting concentration results of less than 0.02.

6. *The following actions apply to all applicants:*

- a. *An applicant receiving a MRO-verified positive drug test will not be hired.*
- b. *An applicant receiving an alcohol concentration test result at 0.02 or more will not be hired.*
- c. *An applicant who refuses to be drug or alcohol tested will not be hired.*
- d. *An applicant will be notified by certified mail of the results of the applicant's drug and alcohol tests within 60 days of those tests.*

7. *The following actions apply to all probationary drivers:*

- a. *A driver must comply with paragraphs 1. through 4. above.*
- b. *In addition to paragraphs 1 through 4 above, a driver receiving an*

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alcohol concentration test result at 0.04 or more will be referred to the Commission's EAP and terminated immediately

8. *A driver possessing alcoholic beverages while on duty shall be subject to disciplinary actions as outlined in the Commission's personnel policy guidelines (i.e.: letter of disciplinary action into their personnel file, leave without pay, possible referral to the EAP, etc.).*
9. *A driver possessing controlled substances without a current prescription from a licensed physician shall be referred to the Commission's EAP for evaluation.*
10. *A driver who, after returning to duty following a negative return-to-duty alcohol test, has been placed on follow-up testing by a SAP and then receives an alcohol concentration follow-up test result at or above 0.04, shall be terminated immediately.*
11. *Notwithstanding the above italicized paragraphs, and in order to determine the appropriate disciplinary action against a driver referred to EAP for evaluation. Disciplinary action will be determined by the Executive Secretary of the Commission after considering the following: the severity of the violation, the degree of danger to other Commission employees and the general public, and the history of previous violations.*
12. *A driver referred to the EAP program and subsequently terminated will be allowed to participate to the limits provided for in the benefits.*

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OUT-OF-SERVICE and EAP SELF-REFERRALS

1. *A driver who is called from an off-duty status for special on-duty status may request removal from service for 24 hours. No disciplinary action will be taken as a result of this request. Such request may be via telephone or electronically to the TPM.*
2. *A driver may voluntarily elect referral to the Commission's EAP. No disciplinary action will be taken as a result of this request. However, **repeated** work absences due to **repeated** self-referrals may result in unsatisfactory attendance and/or work performance.*

CONFIDENTIALITY

1. The TPM, Commission supervisory staff, and the CV are bound by rules of confidentiality. No information may be released except as provided in this policy, expressly authorized by 49 CFR 832.405, or as required by the North Dakota Open Records Law, North Dakota Century Code chapter 44-04.
2. The CV shall ensure that all Commission driver records, and information associated with the Commission's Drug and Alcohol Misuse Prevention Program shall be kept confidential, except where release of that information is required by federal law under 49 CFR Part 382.405.
3. The TPM shall ensure that all test scheduling information be kept confidential, and given only to the driver chosen at the prescribed time of notification.
4. The TPM shall also ensure that any test information communicated from the CV or Program Manager shall be kept confidential, along with records on reasonable suspicion testing referrals,

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EAP referrals, rehabilitation results, and disciplinary actions taken.

DRIVER TRAINING

1. Prior to the start of alcohol and controlled substance testing the Commission, through the CV, shall supply to each of its drivers educational materials explaining the effects of drugs and alcohol use on a driver's health, work performance, and personal life; signs and symptoms of an alcohol or controlled substances problem (driver or a coworker); available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to the EAP and/or referral to management; and information on the signs and symptoms of drug or alcohol misuse problems.
2. The Commission shall provide a copy of this Policy and the Plan to each of its drivers (each driver will be required to sign a statement confirming that they have read the Policy and Plan and have been given an opportunity to ask questions concerning the Policy and Plan).

D. PREEMPTIVE PROVISIONS

1. Except as provided below, 49 CFR Part 382 preempts any state or local law, rule, regulation, or order to the extent that compliance with both the state or local requirement and 49 CFR Part 382 is not possible, because it is an obstacle to the accomplishments and execution of this federal requirement.
2. This Policy and the Plan shall not be construed to preempt provisions of state criminal law that imposes sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, as it

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applies to Commission employees covered under this Policy and the Plan.

- 3. Nothing in this Policy and the Plan shall be construed to affect the authority of the Commission or the rights of its employees with respect to the possession or use of controlled substances and alcohol, including authority or rights with respect to testing and rehabilitation.

REFERENCES

- (0) PSC Minutes, January 4, 1995
- (1) PSC Minutes, December 30, 2005
- (2) PSC Minutes, November 18, 2020

PUBLIC SERVICE COMMISSION

SALARY ADMINISTRATION

POLICY NO. 3-06-79 (3)

November 18, 2020

A. PURPOSE

The purpose of this policy is to identify the criteria that will be considered by the Commission when it makes salary-related decisions.

B. POLICY

- 1. General: All Commission salary decisions are contingent on Legislative budget appropriations and mandates. As a constitutional agency, the Commission reserves the right to deviate from salary administration rules promulgated by the Office of Management and Budget's division of Human Resource Management Services (HRMS) when doing so is in the best interest of the agency.

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All Commission salary decisions are based upon the assumption that the position is properly classified by HRMS and that the corresponding grade and salary range are appropriate.

Salary determination is a multifactor consideration including but not limited to: specialization shortages in the job market; job duty complexity and responsibilities; worth, value, and importance of the position to the Commission; unique employee qualifications and experience; and performance. Years of service are not a prerequisite for higher levels of compensation.

The Commission's overall salary plan and compensation package will be reviewed in May or June of each year. Each employee's salary will be considered for adjustment based upon legislative actions concerning compensation, the results of the employee's annual performance review, supervisors' recommendations, and the factors set forth in this policy. Salary plan is subject to review and adjustment by the Executive Secretary at any time.

Supervisor recommendations must include the rationale for any proposed changes and discussion concerning salary relationships within the division. The Executive Secretary will evaluate equity among divisions.

Temporary salary increases may be awarded for substantial temporary changes in duties.

Individual occurrences such as reclassifications or reassignment of

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duties will not automatically warrant an immediate compensation review by the Commission. These situations will normally be considered by the Commission as a part of its annual review.

2. Starting Salary:

Offers of employment will be extended in writing by the Executive Secretary and will include a salary offer, proposed starting date, and length of probation.

Beginning salary will be in full consideration of that individual's prior education, work experience, and position's job market value.

Unless otherwise provided for by the Legislature, salary adjustments will only be considered upon the satisfactory completion of the probationary period. Probationary adjustments are given at the discretion of the Executive Secretary and are contingent upon the availability of appropriated funds.

3. Salary Adjustments: Salary adjustments for non-probationary employees may be considered for one or more of the following:

- a. A substantial change in responsibility/workload within current or similar classification.
- b. Change in classification.

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- c. Experience and knowledge base within the employee's current position.
- d. Experience, ability, willingness, and need to perform duties outside the employee's current position or job description.
- e. Performance.
- f. Value of the position to the agency.
- g. Relevant education obtained since assuming position.
- h. Responsibility compared to other people in the same or similar classification.
- i. Competitive factors in the job market.

Unless mandated by the Legislature, an employee will not be eligible for a salary increase if their most recent performance evaluation reflects unsatisfactory performance.

REFERENCES

- (0) PSC Minutes, November 26, 1979
- (1) PSC Minutes, March 8, 1995
- (2) PSC Minutes, June 23, 1999
- (3) PSC Minutes, February 12, 2004
- (4) PSC Minutes, November 18, 2020

Ms. Fedorchak: I second the motion.
Roll Call: All voting "Aye."

ATTEST


Executive Secretary

THE COMMISSION ADJOURNED AT 11:32 A.M.


BRIAN KROSHUS, CHAIRMAN