

Michael Lofton 

[REDACTED]
[REDACTED]
December 21, 2007

Dora Sanchez, D.O.T. Administrator, LADWP
111 N. Hope Street
Los Angeles, California 90012
Phone: (213) 367-3562

Attention: Dora Sanchez,

Enclosed are copies of correspondence as sent by U.S. certified mail #7006 3450 0000 9463 6159 on December 12, 2007, to Frank Mazzolla, MFT, CEAP, SAP Horizon Health EAP Services, and the correspondence received on December 21, 2007, from Frank Mazzolla. I need to know when I was released from D.O.T. As stated in my letter to Mr. Frank Mazzolla, it had to be on or after Thursday, October 25, because on Thursday October 25, I received a call at home from Frank Mazzolla, to which Frank Mazzolla asked me, whether I had selected, and followed through in being a participant, in one of the EAP Services illicit drug and alcohol education and treatment programs. I replied just as on October 18, 2007, to state that I had no intention of doing so, because to do so is very incriminating, and since I don't have an illicit drug and alcohol abuse problem, I see no need in participating in any illicit drug and alcohol education and treatment program.

Because of this unfair DOT practice, a practice that automatically deems an individual positive, in the event they do not produce sufficient urine, has resulted in me being placed at No Shift No Pay.

I need a dated and signed formal official document, from the LADWP, that documents Frank Mazzolla's, and the LADWP Designated Employer Representative evaluation of me, and the date that I was released from DOT jurisdiction. Keep in mind the phone conversation that took place, at my home between Frank Mazzolla and I, on Thursday, October 25. The fact that this phone contact took place and the subject matter of the phone conversation, that originated from Frank Mazzolla, MFT, CEAP, SAP Horizon Health EAP Services, indicates that I had to have been released from being under Horizon Health EAP Services DOT jurisdiction, and/or by you, Dora Sanchez, the D.O.T. Administrator of the LADWP, on or after Thursday, October 25, 2007.

I thank you in advance for your official written response.

Sincerely,


Michael Lofton

Sent by U.S. certified #7006 3450 0000 9463 6180, December 21, 2007

Frank Mazzola MFT, CEAP, SAP
Horizon Health EAP Services
111 N. Hope St.
Los Angeles, Ca. 90012

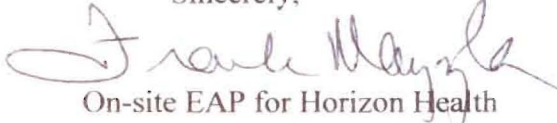
Michael Lofton
1327 S. Van Ness
Los Angeles, Ca. 90012

Received
12/21/07
mzz

Mr. Lofton,

The Substance Abuse Program under the Dept. of Transportation is a contract service for the Dept. of Water and power by Horizon Health. We communicate all DOT matters involving employees to the DOT Administrator at the Dept. of Water and Power. That person is Dora Sanchez at (213) 367-2046, and all your questions about DOT issues in the workplace must go through her.

Sincerely,


On-site EAP for Horizon Health

Michael Lofton
1327 S. Van Ness Avenue
Los Angeles, California 90019-4601

Frank Mazzola, M.F.T., CEAP
Horizon Health, On Site Account Manager, EAP Services
111 N. Hope Street
Los Angeles, California 90012
Phone: (213) 367-3562

Attention: Mr. Frank Mazzola

On Thursday, October 18, 2007, I was escorted by my Supervisor John Rumi for an EAP counseling session, at the Horizon Health JFB office. My supervisor started this session by praising my work record to counter-act the notion that I have any connection to being an illicit drug and alcohol user. After my supervisor left, in defense of my own good character, I vehemently refused to undergo drug and alcohol counseling under any circumstances. I had a candid conversation with you in regards to the damage that drug use has had on the Black community in a general sense. I refused to be categorized in this fashion because the need for illicit drug and alcohol treatment and any educational program has no relevance to my life. I have no past or present history of illicit drug and alcohol abuse. In both past and present DOT urine tests, all DOT urine testing of any urine sample, collected from my body, performed by the LADWP and any subcontractor to the LADWP, have been, and are negative. At the conclusion of the conference, you stated that by DOT regulations that you had to provide me with a list of local drug and alcohol treatment programs. You provided me with a listing of illicit drug and alcohol education and treatment programs, to which again, even in leaving your office, I had no interest in enrolling in any of these programs.

Approximately one week later, on Thursday, October 25, you called me at my home, to ask whether I had selected, and followed through in being a participant, in one of the illicit drug and alcohol education and treatment programs. Again, just as on October 18, 2007, I stated that I had no intention of doing so, because to do so is very incriminating, and since I don't have an illicit drug and alcohol abuse problem, I see no need in participating in any illicit drug and alcohol education and treatment program.

Because of this unfair DOT practice, a practice that automatically deems an individual positive, in the event they do not produce sufficient urine, has resulted in me being placed at No Shift No Pay.

I need a dated and signed formal official document, from your office, that documents your evaluation of me, and the date that I was released from DOT jurisdiction. Keep in mind the phone conversation that took place on Thursday, October 25, because the occurrence of the phone conversation indicates that I had to have been released from being under Horizon Health EAP Services DOT jurisdiction, on or after Thursday, October 25, 2007.

I thank you in advance for your official written response.

Sincerely,


Michael Lofton

Sent by U.S. certified #7006 3450 0000 9463 6159, December 12, 2007

LOS ANGELES DEPARTMENT OF WATER AND POWER

EMPLOYEE DOT DIRECTIVE

TO: MIKE LOFTON
FROM: CURTIS SMITH

DATE: 17 OCT 2007
TITLE: SR ELECTRICAL MECH SUPV

SUBJECT: DIRECTIVE TO COMPLY WITH DOT PROCEDURES

As a result of ~~testing positive~~ ^{not} or violating a DOT regulation, you are:

- a) Removed from duty immediately.
- b) Directed to **immediately** contact Horizon Health's DOT point of contact (Abrenia Bryant) at (858) 712-6273 to obtain an appointment with a Substance Abuse Professional (SAP).
- c) Directed to fully cooperate with the SAP and keep any appointments. **You are not to postpone or reschedule SAP appointments due to any personal scheduling conflicts as this is your work assignment to ensure paid status.**
- d) Directed to sign the SAP release form so that your attendance can be verified or get a receipt from the SAP to verify your attendance at stated appointment.
- e) Directed to fully comply with the SAP recommendations and to **immediately** contact any recommended treatment and/or education program as you are on No shift/No pay until you enter a recognized treatment and/or education program. **You are not to postpone entering a treatment and/or education program due to personal scheduling conflicts.**
- f) Directed to be immediately available for any additional SAP appointments (if needed), drug and/or alcohol testing, or medical appointments as directed by SAP, Medical Review Officer, or Designated Employer Representative (DER) to maintain your paid status while awaiting your return to work.
- g) Carried No shift/No pay while awaiting return-to-duty test results, which is from the time you are released from the treatment and/or education program until you produce a negative DOT return-to-duty test result and are cleared to return to work by Medical Services Office.
- h) Reminded that the Department will treat a positive return-to-duty test as an **additional** offense and subject to appropriate discipline.

Remember: The Department requires the employee to provide satisfactory medical proof in order to receive disability compensation. Therefore, some educational programs may not qualify for **paid** disability status after the initial 10 days of sick leave.

Any questions regarding your responsibilities to carry out these directives should be directed to Dora L. Sanchez, the Designated Employer Representative for DOT, at (213) 367-2046 (office) or (213) 792-5922 (cell).

I have read and understand the above directives.

Michael Lofton
Employee Signature

10/17/07
Date