

County of Dukes County Substance Abuse & Alcohol Testing Policy

Overview of County Philosophy

The County of Dukes County has a vital interest in trying to maintain safe, healthful and efficient working conditions for its employees. Being under the influence of a drug, including alcohol, on the job poses serious safety and health risks and dangers not only to the user, but also to other employees. The possession, use or sale of drugs, including alcohol, in the workplace also affects the company's operations.

The County of Dukes County recognizes that its own health and future are dependent upon its employees. Accordingly, it is the right, obligation and intent of **The County of Dukes County** to attempt to maintain a safe, healthful and efficient working environment for all of its employees and protect **The County of Dukes County**'s property, equipment and operations.

This alcohol and drug policy has two principal components. First, the policy creates prohibitions and procedures regarding controlled substance use in situations directly affecting the workplace. Second, **The County of Dukes County** recognizes drug dependency as an illness and a major health problem that can be successfully treated. Therefore, **The County of Dukes County** provides options for employees who wish to seek help to for alcohol or drug abuse.

RESPONSIBILITIES

Management at all levels will become familiar with the company's Alcohol and Drug Policy and Procedure and take steps necessary to assure that compliance with this policy is maintained.

APPLICABILITY

Effective 10/04/1995, those employees who hold a commercial driver's license and other safety sensitive employees (SSE), as defined by 49 CFR, are subject to FHWA DOT testing regulations 49 CFR Parts 40 & 382 for substance use and alcohol abuse. Drugs to be tested for substance abuse are amphetamines, PCP, marijuana, cocaine & opiates. **The County of Dukes County** will assume responsibility for payment of testing unless otherwise stated.

PROHIBITIONS AND PENALTIES

Reporting to work for company business or otherwise being on the company premises under the influence of drugs and/or alcohol is strictly prohibited. The use, sale, distribution or purchase of drugs or alcohol while at work or on company business is strictly prohibited. This prohibition does not apply to the temporary possession of unopened alcoholic beverages in a vehicle on company premises. No employee shall engage in company operations while under the influence of drugs. No driver or SSE shall engage in operations of a commercial motor vehicle or perform in a safety sensitive position while having a positive urine drug screen for substance abuse.

Alcohol-No driver or SSE shall engage in operations of a commercial motor vehicle or perform in a safety sensitive position having an alcohol concentration of 0.04 or greater.

No driver or SSE shall be under the influence of alcohol within four (4) hours of going on duty, use alcohol while on duty or possess alcoholic beverages while on duty unless manifested. A breath alcohol concentration (BAC) of 0.04 or greater requires a driver or SSE to be removed from service and referred to a Substance Abuse Professional (SAP) to determine what treatment may be necessary. A BAC of 0.02-0.039 requires a driver or SSE to be removed from service for 24 hours. A BAC of 0.02 or less shall be considered a negative test and shall be required for all to return to duty.

Any use of illegal drugs off premises and off duty is inconsistent with an employee's responsibilities because it can adversely affect employee health, safety and on-the-job performance, as well as the confidence in the company's ability to meet its responsibilities, and is therefore, also prohibited.

Employees who are found to be in violation of these prohibitions will be subject to disciplinary action, up to, and including termination.

TESTING PROCEDURES

Substance abuse testing will be performed utilizing urine samples and tested in a DHHS certified laboratory. Collection of split sample urine specimens will be performed according to DHHS chain-of-custody standards by trained collection agents in accordance with 49 CFR parts 40. Martha's Vineyard Visiting Nurse Service 111 Edgartown- Vineyard Haven Rd., Oak Bluffs, MA will act as **The County of Dukes County's** primary collection site. Alternate sites may be used as needed.

All urine substance test results will be obtained by the Medical Review Officer (MRO) of Drug Testing Consultants' Inc. The MRO notifies the driver or SSE of a positive test and informs them of their right to request split specimen testing. Further, the MRO notifies the employer of the positive test result. Actions required due to the initial test result remain in effect pending the split specimen test result. Results of the split test are final. Payment for split-specimen testing is the responsibility of the driver or SSE.

Alcohol testing will be performed only, by a certified Breath Alcohol Technician utilizing a NHTSA approved evidential breath testing device (EBT). Should the initial test show a result of 0.02 or greater, a second test shall be performed no sooner than 15 minutes and within 30 minutes. The second test results will be the conformation test. All alcohol testing will occur just prior to, during or immediately after performing a safety-sensitive function.

POSITIVE TEST

Any positive test of the stated prohibitions will result in the employee being removed from any safety sensitive position immediately. Employee must be evaluated by a substance abuse professional. Employees can either contact BC/BS at 800-782-3675 for available options or call 800-ALCOHOL or 800-COCAINE. The results of this evaluation and the employees' commitment to treatment will determine whether the employee is terminated or granted a leave of absence to seek treatment. If the employee seeks treatment and is allowed to return to work, employee is then subject to 'Return to Duty' and 'Follow up Testing' screens.

TIMES OF TEST

Pre-employment – A prospective employee's consent to substance testing and a subsequent negative test result is required as a condition of employment. Additionally, all prospective drivers of SSE's are required to sign a release-of-information from their previous employer in an effort to obtain their substance and alcohol testing history for the previous two years. Current employees transferring from a non-covered position to a covered position will be considered pre-employment. Applicants testing positive for the presence of drugs, will be informed of their test results, and that such result is the reason for denial of employment at that time. Test results and reason for no hire will be noted on the applicant's file and remain confidential. No request to reapply or retest will be considered for six months. A refusal to test or to provide a valid sample or any other conduct that obstructs the testing process will be considered a withdrawal of the applicant's employment application. Covered employees returning from a leave of absence greater than 90 days will be considered pre-employment.

Random- Random testing shall be performed in compliance with 49 CFR and provided by Drug Testing Consultants who maintain a random consortium testing program for DOT.

Substance- Covered employees will be randomly tested in accordance with 49 CFR part 40. Selection will occur to insure an annual 50% selection rate and be spread reasonably over a 12 month period. Upon notification of selection, the driver or SSE is to proceed to a test site immediately.

Alcohol- Covered employees will be randomly tested in accordance with 49 CFR part 382. Selection will occur to insure an annual 10% selection rate spread reasonably over a 12 month period. Alcohol testing shall occur prior to, during or immediately following any performance of a safety-sensitive function. Upon notification of selection, the driver or SSE is to proceed to a test site immediately.

Post accident/incident – DOT requires post accident testing.

Substance- It is each employee's responsibility to obtain testing as soon as possible and no later than 32 hours. Should testing not occur within 32 hours, **The County of Dukes County** shall prepare and maintain a record stating the reason that testing was not administered.

Alcohol- It is each employee's responsibility to obtain testing as soon as possible. Testing should occur within two (2) hours but may occur up to eight (8) hours. Documentation of inability to test must be made after two (2) hours and again after 8 (eight) hours.

Drivers or SSE's subject to post accident testing must remain readily available for such testing. No driver or SSE subject to test shall use alcohol for eight (8) hours following the accident or until undergoing post accident testing, whichever occurs first. Failure to comply with this requirement may constitute a "refusal to test" result.

Reasonable suspicion- **The County of Dukes County** shall require substance and/or alcohol testing when there is reason to believe an employee has violated the prohibition of this policy. This belief will be based on specific observations concerning appearance, behavior, speech or body odors. The required observations shall be made by a **The County of Dukes County** supervisor or official who is trained as required by 49 CFR part 382.603. A written record of the observation will be made by the supervisor who

made the observation within 24 hours of the observed behavior or before the results of the test are released, whichever is sooner. Alcohol testing for reasonable suspicion should occur no greater than 32 hours following observation. All employees requested to undergo reasonable suspicion testing will be provided transportation to the testing facility.

Return to Duty- A driver or SSE who has engaged in stated prohibitions in conduct may be returned to a safety sensitive position upon evaluation by a substance abuse professional and after undergoing a return to duty urine drug screen with negative results and /or an alcohol test with a BAC of 0.02 or less.

Follow-up- Testing-will occur on a random basis with at least six (6) tests given within the first 12 months. Continued follow-up testing shall be determined by the substance abuse professional and shall not exceed 60 months from the return to duty date. Payment for follow-up testing is the responsibility of the employee and will be arranged through the **The County of Dukes County**.

EDUCATION

The County of Dukes County will periodically provide information on alcohol and substance abuse to employees. **The County of Dukes County** will provide 60 minutes of substance abuse training and 60 minutes of alcohol misuse training to designated supervisor and company officials. Training shall include the physical behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

The County of Dukes County will provide each employee with a copy of **The County of Dukes County** substance abuse and alcohol testing policy. **The County of Dukes County** will display a copy of these policies in work areas.

EMPLOYEE ASSISTANCE and REFERRAL

The County of Dukes County provides employees assistance with available substance and alcohol treatment programs. Please refer to **The County of Dukes County**'s Personnel Policy Manual, 'Group Health Insurance' for more information. Self-referral to the assistance programs is confidential and will not result in disciplinary action.

BC/BS 800-782-3675 Customer Service

BC/BS 800-524-4010 Inpatient Authorization

800-ALCOHOL

800-COCAINE

RECORD RETENTION

The County of Dukes County will maintain all applicable records for periods specified below. The records will be retained in the administrative facilities of Drug Testing Consultants. All records are kept in accordance with 49 CFR part 382:

Five year retention- Alcohol tests of 0.02 or greater, verified positive substance test results, all refusals to test. Driver or SSE evaluation & referrals, calibration documentation and yearly testing summaries.

Two-year retention- Records related to the collection process and training shall be maintained.

One-year retention- All negative or canceled controlled substance tests and all alcohol tests with a concentration of 0.02 or less.

REFUSAL TO TEST

No driver or SSE shall refuse to submit to a controlled substance or alcohol test when required for post accident, random, reasonable suspicion or follow-up. No driver or SSE shall be permitted to perform or continue to perform their duties if they refuse to test.

All refusals to test are considered positive tests. All attempts to adulterate a test or disrupt the testing process are considered refusals to test. Both actions are subject to disciplinary action up to and including