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Key West, Florida

MONROE COUNTY ADMINISTRATIVE INSTRUCTION 4709.1

Date: December 30, 2014

Subject: Department of Transportation (DOT)
Drug-Free Workplace Policy

Reference: Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. Section 31306, et seq. and related regulations, 49 C.F.R. parts 40 and 382, as amended from time to time.

Enclosure: (1) DOT Policy and Summary
(2) Employee Acknowledgement

Effective Date: Upon Receipt

(1) Background:

In 1994, as required by the Omnibus Transportation Employee Testing Act of 1991, the Federal Highway Administration (an operating agency of the United States Department of Transportation) enacted federal regulations, which are published at 49 C.F.R. part 382. These federal regulations mandate that all employers of certain drivers of commercial motor vehicles implement a program to monitor and test for alcohol misuse and controlled substances use by those drivers.

(2) Purpose:

The purpose of this instruction is to comply with regulations and to provide information about the regulations and the County's policies and procedures to all County employees whose job duties place them under the mandate.

(3) Cancellation:

This instruction is to remain in effect until specifically revised or canceled.

(4) Instruction/Action:

A. Enclosure (2) is signed by all new hires and made part of their personnel file.

Deborah L. Frederick,
Deputy County Administrator

Distribution: List III
Originator: DHR
Review: 12/30/17

DEPARTMENT OF TRANSPORTATION (DOT)
DRUG FREE WORKPLACE POLICY
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I. POLICY STATEMENT

Monroe County ("County") is committed to providing a safe work environment for all of its employees and the public. The abuse of alcohol and drugs is a national problem which impairs the safety and health of employees and the public, promotes crime and harms the entire community. In order to maintain the highest standards of morale, productivity and safety in our operations, the County has instituted a drug and alcohol free workplace program.

In 1994, as required by the Omnibus Transportation Employee Testing Act of 1991, the Federal Highway Administration (an operating agency of the United States Department of Transportation) enacted federal regulations, which are published at 49 C.F.R. part 382. These federal regulations mandate that all employers of certain drivers of commercial motor vehicles implement a program to monitor and test for alcohol misuse and controlled substances use by those drivers. Accordingly, the County has established the following policies which will be applicable to those County employees who fall within the requirements of this federal law and related regulations.

All County employees whose job duties place them under the mandate of the federal regulations will be provided information about the regulations, and the County's policies and procedures that have been established to comply with the regulations.

IN ADDITION TO THE REQUIREMENTS OF 49 C.F.R. PART 382, EMPLOYEES WHO ENGAGE IN CONDUCT PROHIBITED BY THIS POLICY ARE SUBJECT TO DISCIPLINARY ACTION BY THE COUNTY, UP TO AND INCLUDING TERMINATION.

II. ADDITIONAL INFORMATION AND INTERPRETATION

Employees who have any questions about this policy are encouraged to speak with their supervisor and/or to call the Human Resources Office. This Policy is intended to conform to the requirements of the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. Section 2717, et seq. And related regulations, 49 C.F.R. part 40 and 382, as amended from time-to-time. Accordingly, that federal law and related regulations should be referenced to assist in the interpretation of questions arising from the requirements of this Policy.

III. DEFINITIONS

3.1 AIR BLANK means a reading by an Evidential Breath Testing device (EBT) of ambient air containing no alcohol (in EBT's using gas chromatography technology, a reading of the device's internal standard).
3.2 ALCOHOL means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
3.3 ALCOHOL CONCENTRATION (CONTENT) means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath, as indicated by an Evidential Breath Testing device ("EBT").

3.4 ALCOHOL USE means the consumption of any beverage, mixture, or preparation including medication, containing alcohol.

3.5 CANCELLED OR INVALID TEST

3.5.A In drug testing, a cancelled test is a drug test that has been declared invalid by an MRO. A cancelled test is neither a positive nor a negative test. For purposes of this Policy, a specimen that has been rejected for testing by a laboratory is treated the same as a cancelled test.

3.5.B In alcohol testing, a cancelled test is a test deemed to be invalid under Section 6.12 of this Policy (i.e., 49 C.F.R. SS 40.79). A cancelled alcohol test is neither a positive nor a negative test.

3.6 BLIND SAMPLE OR BLIND PERFORMANCE TEST SPECIMEN. A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

3.7 BREATH ALCOHOL TECHNICIAN (BAT) is an individual who instructs and assists individuals in the alcohol testing process and who operates an Evidential Breath Testing device (EBT).

3.8 CHAIN OF CUSTODY refers to the procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

3.9 COLLECTION CONTAINER means a container into which the employee urinates to provide the urine sample for a drug test.

3.10 COLLECTION SITE means a place designated by the County where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

3.11 COLLECTION SITE PERSON means a person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

3.12 COMMERCIAL MOTOR VEHICLE means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

3.12.A. Has a gross weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or

3.12.B Has a gross vehicle weight rating of 26,001 or more pounds; or

3.12.C Is designed to transport sixteen (16) or more passengers, including the driver; or

3.12.D Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R. part 172, subpart F)

3.13 CONFIRMATION TEST FOR ALCOHOL TESTING means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

3.14 CONFIRMATION TEST FOR SUBSTANCE ABUSE TESTING means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screening test and which uses a different technique and chemical principal from that of the screening test in order to ensure reliability and accuracy (gas

chromatography/mass spectrometry [GC/MS] is the only authorized confirmation for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

3.15 DHHS means the United States Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

3.16 DOT means the United States Department of Transportation

3.17 DOT AGENCY means an agency (or "operating administrator") of the DOT administering regulations requiring alcohol and/or drug testing, in accordance with 49 C.F.R. part 40, including the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Research and Special Programs Administration (RSPA), and the Office of the Secretary.

3.18 DRIVER means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of with the consent of the County. For purposes of pre-employment/pre-duty testing only, the term driver includes a person applying for a position with the County to drive a commercial motor vehicle.

3.19 EMPLOYER as defined in the regulations means any person (including the United States, a State, District of Columbia or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle. The term employer as used in this Policy refers to the County, and includes the County's agents, officers and representatives.

3.20 EVIDENTIAL BREATH TESTING DEVICE (EBT) means an evidential breath testing device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and which is placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

3.21 FHWA means the Federal Highway Administration.

3.22 MEDICAL REVIEW OFFICER (MRO) means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the County's drug testing program, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with that individual's medical history and any other relevant biomedical information.

3.23 NHTSA means the National Highway Traffic Safety Administration.

3.24 PERFORMING A SAFETY-SENSITIVE FUNCTION. A driver is considered to be 'performing a safety-sensitive function' during any period in which he or she is actually performing, ready to perform or immediately available to perform any 'Safety-Sensitive' functions, which are defined in Section 3.26 of this Policy.

3.25 REFUSE TO SUBMIT TO AN ALCOHOL OR CONTROLLED SUBSTANCES TEST means that an employee/driver has:

3.25.A failed to provide adequate breath for testing without a valid medical explanation after the employee/driver has received notice of the requirement for breath testing in accordance with the provisions of this Policy (i.e., 49 C.F.R. part 382 and part 40); or,

3.25.B failed to provide adequate urine for controlled substances testing without a valid medical explanation after the employee/driver has received notice of the requirement for urine testing in accordance with the provisions of this Policy (i.e., 49 C.F.R. part 382 and part 40); or,

3.25.C engaged in conduct that clearly obstructs the testing process; and/or

3.25.D failed to sign the alcohol testing form (if the employee did not take the test).

3.26 SAFETY SENSITIVE FUNCTION means on-duty time during which the DRIVER is engaged in any of the following:

3.26.A All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the County;

3.26.B All time inspecting equipment (as required by 49 C.F.R. SS 392.7 and 392.8) or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

3.26.C All driving time;

3.26.D All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth;

3.26.E All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

3.26.F All time spent performing the driver requirements of 49 C.F.R. SS 392.40 and 392.41 relating to accidents;

3.26.G All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

3.27 SCREENING TEST (also known as INITIAL TEST):

3.27.A In alcohol testing, a 'screening test' means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system.

3.27.B In controlled substance testing, a 'screening test' means an immunoassay screen to eliminate 'negative' urine specimens from further consideration.

3.28 SHIPPING CONTAINER means a container, capable of being secured with a tamper-proof seal, that is used for transfer of one (1) or more specimen bottle(s) and associated documentation from the collection site to the laboratory.

3.29 SPECIMEN BOTTLE means the bottle which, after being labeled and sealed according to the procedures in Section VII of this Policy (i.e., 49 C.F.R. part 40), is used to transmit a urine sample to the laboratory.

3.30 SUBSTANCE ABUSE PROFESSIONAL means a licensed physician (Medical Doctor or Doctor or Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

IV PROHIBITED CONDUCT

4.1 ALCOHOL CONCENTRATION: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

4.2 ALCOHOL POSESSION: No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

4.3 ON DUTY USE OF ALCOHOL: No driver shall use alcohol while performing safety-sensitive functions.

4.4 PRE DUTY USE OF ALCOHOL: No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.

4.5 USE OF ALCOHOL FOLLOWING AN ACCIDENT: No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

4.6 REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCE TEST: No driver shall 'refuse to submit' to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substance test, a return-to-duty or a follow-up alcohol or controlled substances test.

4.7 CONTROLLED SUBSTANCES USE:

4.7.A No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is for therapeutic purposes pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

4.7.B Drivers must inform their supervisor (or the Human Resources Office) of any therapeutic drug use prior to the performance of any 'safety-sensitive' function.

4.8 CONTROLLED SUBSTANCE TESTING: No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

4.9 All drivers who engage in any conduct prohibited by this Policy (i.e., 49 C.F.R. part 382) must comply with all applicable requirements of Section XI of this Policy (i.e., 49 C.F.R. SS 382.605) before returning to work to perform safety-sensitive functions for the County or any other employer.

4.9.A No driver tested under the provisions of this Policy (i.e., 49 C.F.R. part 382) who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall perform or continue to perform safety-sensitive functions for the County, including driving a commercial motor vehicle, nor shall the County permit the driver to perform or continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test.

4.9.B Except as provided in paragraph 4.9.A of this Section, the County shall not take any action pursuant to this Section against a driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the County from taking any action otherwise consistent with law and the County's policies, rules and regulations.

4.10 **IN ADDITION TO THE REQUIREMENTS OF 49 C.F.R. PART 382, EMPLOYEES WHO ENGAGE IN CONDUCT PROHIBITED BY THIS POLICY ARE SUBJECT TO DISCIPLINARY ACTION BY THE COUNTY, UP TO AND INCLUDING TERMINATION.**

4.11 THE COUNTY: If the County has actual knowledge that a driver has violated any of the above-noted prohibitions, it will not permit the driver to drive or continue to drive a commercial motor vehicle, or to perform or continue to perform safety sensitive functions until the driver has met all applicable requirements of Section XI of this Policy (i.e., 49 C.F.R. SS 382.605)

V. TYPES OF TESTING

5.1 PRE-EMPLOYMENT TESTING

5.1.A Prior to the first time a driver performs safety-sensitive functions for the County, the driver shall undergo testing for alcohol and controlled substances. The County shall not allow a driver to perform safety-sensitive functions unless the driver has been administered an alcohol test with a result indicating an alcohol concentration less than 0.04, and has received a controlled substances test result from MRO indicating a verified negative test result. If a pre-employment alcohol test result under this Section indicates an alcohol content of 0.02 or greater, but less than 0.04, the provisions of Sections 4.9.A and 4.9.B of this Policy (i.e., 49 C.F.R. SS 382.505) shall apply.

5.1.B Exception for Pre-Employment Alcohol Testing: The County may choose not to administer a pre-employment alcohol test required by this Section if:

1. The driver has undergone an alcohol test required by this Policy or by 49 C.F.R. part 382, or by the alcohol misuse rule of another DOT agency under 49 C.F.R. part 40 within the previous six (6) months, with a result indicating an alcohol concentration of less than 0.04; and
2. The County is able to ensure that none of the driver's prior employer(s) (of whom the County has knowledge) has record(s) of a violation of 49 C.F.R., part 382 or the alcohol misuse rule of another DOT agency within the previous six (6) months.

5.1.C Exception for Pre-Employment Controlled Substances Testing: The County may choose not to administer a pre-employment controlled substances test required by this Section if:

1. The driver has participated in a drug testing program that meets the requirements of 49 C.F.R. part 382 within the previous thirty (30) days; and
2. While participating in that program, the driver either:
   a. was tested for controlled substances within the past six (6) months (from the date of application for the job or transfer with the County); or
   b. participated in a random controlled substances testing program for the previous twelve (12) months (from the date of application with the County for the job or transfer); and
3. The County is able to ensure that none of the driver's prior employers (of whom the County has knowledge) has record(s) of a violation of 49 C.F.R. part 382 or

the controlled substance use rule of another DOT agency within the pervious six (6) months.

5.1.D If the County exercises either of the above-noted exceptions to pre-employment testing, it shall contact the alcohol and/or controlled substances testing program(s) in which the driver participates or participated and shall obtain from the testing program(s) the following information:

1. Name(s) and address(es) of the program(s).
2. Verification that the driver participates or participated in the program(s).
3. Verification that the program(s) conformed to 49 C.F.R. part 40.
4. Verification that the driver is qualified under 49 C.F.R. part 382, including that the driver has not refused to be tested for alcohol or controlled substances.
5. The date the driver was last tested for alcohol and controlled substances.
6. The results of any tests taken within the previous six (6) months and any other violations of 49 C.F.R. part 382.

5.2 POST ACCIDENT TESTING:

5.2.A As soon as practicable following an accident involving a commercial motor vehicle, the County shall test for alcohol and controlled substances, each of its surviving driver(s):

1. Who were performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life; or
2. Who receives a citation under State or local law for a moving traffic violation arising from the accident.

5.2.B Timing of Post-Accident Tests

1. Alcohol Tests:
   a. If an alcohol test required by this Policy is not administered, within the (2) two hours following the accident, the County shall prepare and maintain on file a record stating the reasons that the test was not promptly administered.
   b. If an alcohol test required by the Policy is not administered within eight (8) hours following the accident, the County shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.
   c. Records shall be submitted to the FHWA upon request of the FHWA Administrator.

2. Controlled Substances Tests. If a controlled substances test required by this Policy is not administered within thirty-two (32) hours following the accident, the County shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons that the test was not promptly administered. Records shall be submitted to the FHWA upon request of the FHWA Administrator.

5.2.C A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the County to have refused to submit to testing. Nothing in this Policy shall be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

5.2.D The County shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this Section.

5.2.E The results of a breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this Policy, provided such tests conform to applicable Federal, State or local requirements, and that the results of the tests are obtained by the County.

5.3 RANDOM TESTING:

5.3.A The minimum annual percentage rate for random alcohol testing shall be ten (10%) percent of the average number of driver positions.

5.3.B The minimum annual percentage rate for random controlled substances testing shall be fifty (50%) percent of the average number of driver positions.

5.3.C The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table of a computer-based random number generator that is matched with driver's social security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made.

5.3.D The County shall randomly select a sufficient number of drivers for alcohol testing during each calendar year to equal the annual rate not less than the minimum annual percentage rate for random alcohol testing determined by the FHWA Administrator. For controlled substance testing, the County shall randomly select a sufficient number of drivers for controlled substance testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate of fifty (50%) percent of drivers.

5.3.E The County shall ensure that random alcohol and controlled substances tests conducted under this Policy are unannounced and that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.

5.3.F The County shall require that each driver who is notified of selection of random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function at the time of notification, the County shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

5.3.G A driver shall only be tested for alcohol while the driver is to perform safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

5.4 REASONABLE SUSPICION TESTING:

5.4.A The County shall require a driver to submit to an alcohol and/or controlled substances test when the County has reasonable suspicion to believe that the driver has violated the prohibitions of this Policy concerning alcohol and/or controlled substances. The County's determination that reasonable suspicion exists to require the driver to undergo a test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the

driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

5.4.B The required observations for alcohol and/or controlled substances reasonable suspicion testing shall me made by a supervisor or County official who is trained in accordance with the supervisory training requirements set forth in Section XII of this Policy (i.e., 49 C.F.R. part 382). The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

5.4.C Reasonable suspicion alcohol testing is authorized by this Policy only if the observations required by Section 5.4.A of this Policy are made during, just proceeding, or just after the period of the workday that the driver is required to be in compliance with this Policy (i.e., 49 C.F.R. part 382). A driver may be directed by the County to undergo reasonable suspicion testing only while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

5.4.D If an alcohol test required by this Section is not administered within two (2) hours following the determination under Section 5.4.A of this Policy, the County shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this Section is not administered within eight (8) hours following the determination under Section 5.4.A. of this Policy, the County shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the tests.

5.4.E Notwithstanding the absence of a reasonable suspicion alcohol test under this Section, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the County permit the driver to perform or continue to perform safety-sensitive functions, until:

1. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
2. Twenty-four (24) hours have elapsed following the determination under Section 5.4.A. of this Policy that there is reasonable suspicion to believe that the driver has violated the prohibitions and this Policy concerning the use of alcohol.

5.4.F Except as provided in Section 5.4.E of this Policy, the County shall not take any action under this Policy against a driver based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test. This Policy does not prohibit the County from exercising its independent authority to take any action otherwise consistent with law.

5.4.G A written record shall be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor or County official who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substances tests are released, whichever is earlier.

5.5 RETURN-TO-DUTY TESTING:

5.5.A The County shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct concerning alcohol that is

prohibited by this Policy, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

5.5.B The County shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct concerning controlled substances that is prohibited by this Policy, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

5.6 FOLLOW-UP TESTING

5.6.A Following a determination that a driver (who remains employed with the County to perform safety-sensitive functions) is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the County shall ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing as directed by a Substance Abuse Professional.

5.6.B Follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

VI. ALCOHOL TESTING PROGRAM AND PROCEDURES

6.1 Alcohol testing for purposes of this Policy shall be conducted pursuant to the requirements of 49 C.F.R. part 40 and part 382. Under normal circumstances, testing for alcohol will be done by a Breath Alcohol Technician ("BAT") via an Evidential Breath Testing device ("EBT").

6.2 THE BREATH ALCOHOL TECHNICIAN ("BAT"):

6.2.A The BAT shall be trained to proficiency in the operation of the EBT that he or she is using and in the alcohol testing procedures of this Section (i.e., 49 CFR part 40).

6.2.B Proficiency shall be demonstrated by successful completion of a course of instruction which, at a minimum, provides training in the principles of EBT methodology, operation, and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required in this Policy for obtaining a breath sample, and interpreting and recording EBT results.

6.2.C Only courses of instruction for operation of EBT's that are equivalent to the Department of Transportation Model Course, as determined by the NHTSA, may be used to train BAT's to proficiency. On request, NHTSA will review a BAT instruction course for equivalency.

6.2.D The course of instruction shall provide documentation that the BAT has demonstrated competence in the operation of the specifics EBT(s) he or she will use.

6.2.E Any BAT who will perform an external calibration check of an EBT shall be trained to proficiency in conducting the check on the particular model of EBT, to include practical experience and demonstrated competence in preparing the breath alcohol simulator or alcohol standard, and in maintenance and calibration of the EBT.

6.2.F The BAT shall receive additional training, as needed, to ensure proficiency, concerning new or additional devices or changes in technology that he or she will use.

6.2.G The County or its agent shall establish documentation of the training and proficiency test of each BAT it uses to test employees, and maintain the documentation for two (2) years as provided in Section 6.14 of this Policy (i.e., 49 C.F.R. SS 40.83)

6.2.H A BAT-qualified supervisor of an employee may conduct the alcohol test for that employee only if another BAT is unavailable to perform the test in a timely manner. However, the supervisor who made a reasonable cause determination for testing cannot act as the BAT for that employee.

6.2.I Law enforcement officers who have been certified by state or local governments to conduct breath alcohol testing are deemed to be qualified as BATs. In order for a test conducted by such an officer to be accepted under DOT alcohol testing requirements, the officer must have been certified by a state or local government to use the EBT that was used for the test.

6.3 DEVICES TO BE USED FOR BREATH ALCOHOL TESTING ("EBT"):

6.3.A For screening tests, the County shall use only EBT's. When the County uses, for a screening test, an EBT that does not meet the requirements of Section 6.3.B of this Policy (i.e., 49 CFR SS 40.53(b)(1)-(3)), the County shall use a log book in conjunction with the EBT as set forth in Section 6.6 of this Policy (i.e., 49 CFR SS 40.59).

6.3.B For confirmation tests, the County shall use EBTs that meet the following requirements:

1. EBTs shall have the capability of providing, independently or by direct link to a separate printer, a printed result in triplicate (or three (3) consecutive identical copies) of each breath test and of the operations specified in paragraphs (2) and (3) of this Section.
2. EBT's shall be capable of assigning a unique and sequential number to each completed test, with the number capable of being read by the BAT and the employee before each test and being printed out on each copy of the result.
3. EBTs shall be capable of printing out, on each copy of the result, the manufacturer's name for the device, the device's serial number, and the time of the test.
4. EBTs shall be able to distinguish alcohol from acetone at the 0.02 alcohol concentration level.
5. EBT's shall be capable of the following operations:
   a. Testing an air black prior to each collection of breaths; and
   b. Performing an external calibration check.

6.4 QUALITY ASSURANCE PLANS FOR EBT'S:

6.4.A In order to be used in either screening or confirmation alcohol testing under this Policy (i.e., 49 CFR part 40), an EBT shall have a Quality Assurance Plan (QAP) developed by the manufacturer.

6.4.B The plan shall designate the method or methods to be used to perform external calibration checks on the device, using only calibration devices on the NHTSA "confronting Products List of Calibrating Units for Breath Alcohol Test".

6.4.C The plan shall specify the minimum intervals for performing external calibration checks of the device. Intervals shall be specified for different frequencies of use, environmental conditions (e.g., temperature, altitude, humidity), and context of operation (e.g., stationary or mobile use).

6.4.D The plan shall specify the tolerances on an external calibration check within which the EBT is regarded to be in proper calibration.

6.4.E The plan shall specify inspection, maintenance, and calibration requirements and intervals for the device.

6.4.F For a plan to be regarded as valid, the manufacturer shall have submitted the plan to NHTSA for review and have received the NHTSA approval of the plan.

6.4.G The County shall comply with the NHTSA-approved QAP for each EBT it uses for alcohol screening or confirmation testing subject to this Policy.

6.4.H The County shall ensure that external calibration of checks of each EBT are performed as provided in the QAP.

6.4.I The County shall take an EBT out of service if any external calibration check results in a reading outside the tolerances for the EBT set forth in the QAP. The EBT shall not again be used for alcohol testing under this Policy until it has been serviced and has had an external calibration check resulting in a reading within the tolerances for the EBT.

6.4.J The County shall ensure that inspection, maintenance, and calibration of each EBT are performed by the manufacturer or a maintenance representative certified by the device's manufacturer or a state health agency of other appropriate state agency.

6.4.K The County shall also ensure that each BAT or other individual who performs an external calibration check of an EBT used for alcohol testing subject to this Policy has demonstrated proficiency in conducting such a check of the model of EBT in question.

6.4.L The County shall maintain records of the external calibration checks of EBT's for two (2) years, as provided in Section 6.14 of this Policy (i.e. 49 CFR SS 40.83(2)).

6.4.M When the EBT is not being used at an alcohol testing site, it shall be stored in a secured space.

6.5 LOCATIONS FOR BREATH ALCOHOL TESTING:

6.5.A The County shall conduct alcohol testing in a location that affords visual and aural privacy to the individual being tested, sufficient to prevent unauthorized persons from seeing or hearing test results. All necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is conducted.

6.5.B The County may use a mobile collection facility (e.g. a van equipped for alcohol testing) that meets the requirements of Section 6.3 of this Policy.

6.5.C No unauthorized persons shall be permitted access to the testing location when the EBT remains unsecured or, in order to prevent such persons from seeing or hearing a test result, any time when testing is being conducted.

6.5.D In unusual circumstances (e.g. when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the requirements of Section 6.5.A of this Policy. In such a case, the County or BAT shall provide visual and aural privacy to the employee to the greatest extent practicable.

6.5.E The BAT shall supervise only one (1) employee's use of the EBT at a time. The BAT shall not leave the alcohol testing location while the testing procedure for a given employee is in progress (see Sections 6.7, 6.8, and 6.9 of this Policy).

6.6 THE BREATH ALCOHOL TESTING FORM AND LOG BOOK:

6.6.A The County shall use the Breath Alcohol Testing Form prescribed under 49 C.F.R. part 40. The prescribed form may not be modified or revised, except that a form directly generated by an EBT shall omit the pace for affixing a separate printed result to the form.

6.6.B The Form shall provide triplicate (3) consecutive identical copies. Copy one (white) shall be retained by the BAT. Copy two (green) shall be provided to the employee. Copy three (blue) shall be transmitted to the County. Except for a form generated by an EBT, the Form shall be 8.5x11 inches in size.

6.6.C A log book shall be used in conjunction with any EBT used for screening tests that does not meet the requirements of Section 6.3.B of this Policy. (i.e., 49 CFR SS 40.53 (b)(1)-(3))).

1. There shall be a log book for each such EBT. The log book shall not be used in conjunction with any other EBT. Every test conducted on the EBT shall be recorded in the applicable log book.
2. The log book shall include columns for the test number, date of the test, name of the BAT, location of the test, quantified test result, and initials of the employee taking each test.

6.7 PREPARATION FOR THE BREATH ALCOHOL TESTING:

6.7.A When the employee enters the alcohol testing location, the BAT will require him or her to provide positive identification (e.g., through use of a photo identification card or identification by a County representative). On request by the employee, the BAT shall provide positive identification to the employee.

6.7.B The BAT shall explain the testing procedures to the employee.

6.8 PROCEDURES FOR BREATH ALCOHOL SCREENING TESTS:

6.8.A. The BAT shall complete Step 1 on the Breath Alcohol Testing Form. The employee shall then complete Step 2 on the Form, signing the certification.

6.8.B Refusal by the employee to sign this certification shall be regarded as a refusal to take the test.

6.8.C An individually-sealed mouthpiece shall be opened in view of the employee and BAT and attached to the EBT in accordance with the manufacturer's instructions.

6.8.D The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT indicates that an adequate amount of breath has been obtained.

6.8.E If the EBT does not meet the requirements of Section 6.3.2. of this Policy (i.e., 49 CFR, SS 40.53(b)(1)-(3)), the BAT and the employee shall take the following steps:

1. The BAT shall show the employee the test result displayed on the EBT. The BAT shall record the displayed result, test number, testing device, serial number of the testing device, time, and quantified result in Step 3 of the Form.
2. The BAT shall record the test number, date of the test, name of the BAT, location, and quantified test result in the log book. The employee shall initial the log book entry.

6.8.F If the EBT provides printed result, but does not print the results directly onto the Form, the BAT shall show the employee the result displayed on the EBT. The BAT shall affix the test result printout to the Breath Alcohol Test Form in the designated space, using a method that will provide clear evidence of removal (e.g., tamper evident tape).

6.8.G If the EBT prints the test results directly onto the Form, the BAT shall show the employee the result displayed on the BET.

6.8.H In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT shall date the Form and sign the certification in Step 3 of the Form. The employee shall sign the certification and fill in the date in Step 4 of the Form.

1. If the employee does not sign the certification in Step 4 of the Form or does not initial the log book entry for a test, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee's failure to sign or initial in the "Remarks" section of the Form.
2. If a test result printed by the EBT (see Sections 6.8.F and 6.8.G) does not match the displayed result, the BAT shall note the disparity in the 'remarks' section of the Form. Both the employee and the BAT shall initial or sign the notation. In accordance with Section 6.12 of this Policy (i.e., 49 CFR ss40.79), the test is invalid and the County and employee shall be so advised by the BAT.
3. No further testing is authorized. The BAT shall transmit the result of less than 0.02 to the County in a confidential manner, and the County shall receive and store the information so as to ensure that confidentiality is maintained and required by Section 6.13 of this Policy (i.e., 49 CFR SS 40.81).

6.8.I If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed as provided in Section 6.9 of this Policy (i.e., 49 CFR SS 40.65).

6.8.J If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test shall complete and sign the Form and log book entry. The BAT will provide the employee with Copy two of the Form.

6.9 PROCEDURES FOR BREATH ALCOHOL CONFIRMATION TESTS:

6.9.A If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT shall follow the procedures of Section 6.7 of this Policy (i.e., 49 CFR SS 40.61).

6.9.B The BAT shall instruct the employee not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test.

1. This time period begins with the completion of the screening test, and shall not be less than fifteen (15) minutes. The confirmation test shall be conducted within twenty (20) minutes of the completion of the screening test.
2. The BAT shall explain to the employee the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially higher reading) and the fact that it is for the employee's

benefit. The BAT shall also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction.

3. If the BAT becomes aware that the employee has not complied with this instruction, the BAT shall so note in the 'remarks' section of the Form.

6.9.C If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT shall complete Step 1 on the Form. The employee shall then complete Step 2 on the Form, signing the certification. Refusal by the employee to sign this certification shall be regarded as a refusal to take the test. The BAT shall note in the 'Remarks' section of the Form that a different BAT conducted the screening test.

6.9.D In all cases, the procedures of Sections 6.8.A through 6.8.P (i.e., 49 CFR, SS 40.63 (a)-(c)) shall be followed. A new mouthpiece shall be used for the confirmation test.

6.9.E Before the confirmation test is administered for each employee, the BAT shall ensure that the EBT registers 0.00 on an air blank. If the reading is greater than 0.00, the BAT shall conduct one (1) more air blank. If the reading is greater than 0.00, testing shall not proceed using that instrument. However, testing may proceed on another instrument.

6.9.F Any EBT taken out of service because of failure to perform an air blank accurately shall not be used for testing until a check of external calibration is conducted and the BET is found to be within tolerance limits.

6.9.G In the event that the screening and confirmation test results are not identical, the confirmation test results are not identical, the confirmation test result is deemed to be the final result upon which any action under operating administration rules shall be based.

6.9.H If the EBT provides a printed result, but does not print the results directly onto the Form, the BAT shall show the employee the result displayed on the EBT. The BAT shall then affix the test result printout to the Breath Alcohol Test Form in the designated space, using a method that will provide clear evidence of remove (e.g., tampered-evident tape)

6.9.I If the EBT prints the test results directly onto the Form, the BAT shall show the employee the result displayed on the EBT.

6.9.K Following the completion of the test, the BAT shall date the Form and sign the certification in Step 3 of the Form. The employee shall sign the certification and fill in the date in Step 4 of the Form.

6.9.L If the employee does not sign the certification in Step 4 of the Form or does not initial the log book entry for a test, it shall not be considered a refusal to be tested. In this event, the BAT shall note the employee's failure to sign or initial in the Remarks section of the Form.

6.9.M If a test result printed by the EBT (see Sections 6.9 H and 6.9.I) does not match the displayed result, the BAT shall note the disparity in the Remarks section. Both the employee and the BAT shall initial or sign the notation. In accordance with Section 6.12 of this Policy (i.e. 49 CFR SS 40.79), the test is invalid and the County and employee shall be so advised by the BAT.

6.9.N The BAT shall conduct an air blank. If the reading is greater than 0.00, the test is invalid.

6.9.O The BAT shall transmit all results to the County in a confidential manner.

6.9.P The County shall designate one (1) or more representatives for the purpose of receiving and handling alcohol testing results in a confidential manner. All communications by BATs to the County concerning the alcohol testing results of employees shall be to a designated County representative.

6.9.Q Such transmission may be in writing, in person, or by telephone or electronic means, but the BAT shall ensure immediate transmission to the County of results that require the County to prevent the employee from performing a safety-sensitive function.

6.9.R If the initial transmission is not in writing (e.g., by telephone), the County shall establish a mechanism to verify the identity of the BAT providing the information.

6.9.S If the initial transmission is not in writing, the BAT shall follow the initial transmission by providing to the County, the County's copy of the Breath Alcohol Testing Form. The County shall store the information so as to ensure the confidentiality is maintained as required by Section 6.13 of this Policy (i.e., 49 CFR SS 40.81)

6.10 REFUSALS TO TEST AND UNCOMPLETED TESTS:

6.10.A Refusal by an employee to complete and sign the Breath Alcohol Testing Form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in any way that prevents the completion of the test, shall be noted by the BAT in the 'remarks' section of the Form. The testing process shall be terminated and the BAT shall immediately notify the County.

6.10.B If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test, as applicable using a new Breath Alcohol Testing Form with a new sequential test number (in the case of a screening test conducted on an EBT that meets the requirements of Section 6.3 B of this Policy (i.e., 49 CFR ss40.53(b)), or in the case of a confirmation test.

6.11 INABILITY TO PROVIDE AN ADEQUATE AMOUNT OF BREATH:

6.11.A This Section sets forth procedures to be followed in any case in which an employee is unable, or alleges that he or she is unable, to provide an amount of breath sufficient to permit a valid breath test because of a medical condition.

6.11.B The BAT shall again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to make the attempt, the BAT shall immediately inform the County.

6.11.C If the employee attempts and fails to provide an adequate amount of breath, the BAT shall so note in the 'Remarks' section of the Breath Alcohol Testing Form and immediately inform the County.

6.11.D If the employee attempts and fails to provide an adequate amount of breath, the County shall proceed as follows:

1. The County shall direct the employee to obtain, as soon as practical after the attempted provision of breath, an evaluation form a licensed

physician who is acceptable to the County concerning the employee's medical ability to provide an adequate amount of breath.

2. If the physician determines, in his or her reasonable medical judgement, that a medical condition has, or with a high degree of probability, could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. The physician shall provide to the County a written statement of the basis for his or her conclusion.
3. If the licensed physician, in his or her reasonable medical judgement, is unable to make the determination set forth in Section 6.11.D.2 of this Policy, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal to take a test. The licensed physician shall provide a written statement of the basis for his or her conclusion to the County.

6.12 A Breath Alcohol Test shall be invalid under the following circumstances:

6.12.A The external calibration check of an EBT produces a result that differs by more than the tolerance stated in QAP from the known value of the test standard. In this event, every test result of 0.02 or above obtained on the device since the last valid external calibration check shall be invalid;

6.12.B The BAT does not observe the minimum fifteen (15) minute waiting period prior to the confirmation test, as provided in Section 6.9.B of this Policy (i.e., 49 CFR ss40.65 (b));

6.12.C The BAT does not perform an air blank of the EBT before a confirmation test, or an air blank does not result in a reading of 0.00 prior to or after the administration of the test, as provided in Section 6.9 of this Policy (i.e. 49 CFR SS 40.65)

6.12.D The BAT does not sign the Form as required by Sections 6.8 and 6.9 of this Policy (i.e. 49 C.F.R. ss40.63 and 40.65);

6.12.E The BAT has failed to note on the Remarks section of the Form that the employee has failed or refused to sign the Form following the recording or printing on or attachment to the Form of the test result;

6.12.F An EBT fails to print a confirmation test result; or

6.12.G On a confirmation test and, where applicable, on a screening test, the sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.

6.13 <u>AVAILABILITY AND DISCLOSURE OF ALCOHOL TESTING INFORMATION ABOUT INDIVIDUAL EMPLOYEES</u>:

6.13.A The County shall maintain records in a secure manner, so that disclosure of information to unauthorized persons does not occur.

6.13.B Except as required by law or expressly authorized or required in this Section, the County shall not release covered employee information that is contained in the records required to be maintained by this Policy or by DOT agency alcohol misuse rules.

6.13.C An employee subject to testing is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including

any records pertaining to his or her alcohol tests. The County shall promptly provide the records requested by the employee. Access to an employee's records shall not be contingent upon payment for records other than those specifically requested.

6.13.D The County shall permit access to all facilities utilized in complying with the requirements of 49 CFR part 40 and DOT agency alcohol misuse rules to the Secretary of Transportation, any DOT agency with regulatory authority over the County, or a state agency with regulatory authority over the County (as authorized by DOT agency regulations.)

6.13.E When requested by the Secretary of Transportation, any DOT agency with regulatory authority over the County, or a state agency with regulatory authority over the County (as authorized by DOT agency regulations), the County shall make available copies of all results for County alcohol testing conducted under the requirements of this Policy and any information pertaining to the County's alcohol misuse prevention program. The information shall include name-specific alcohol test results, records and reports.

6.13.F When requested by the National Transportation Safety Board as part of an accident investigation, the County shall disclose information related to the County's administration of any post-accident alcohol test administered following the accident under investigation.

6.13.G The County shall make records available to a subsequent employer upon receipt of a written request from a covered employee.

6.13.H The County may disclose information required to be maintained under this Policy pertaining to a covered employee to that employee or to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol test administered under the requirements of this Policy, or from the County's determination that the employee engaged in conduct prohibited by a DOT agency alcohol misuse regulation (including but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.)

6.13.I The County shall release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information is permitted only in accordance with the terms of the employee's consent.

6.14 MAINTENANCE AND DISCLOSURE OF RECORDS CONCERNING EVIDENTIAL BREATH TESTING DEVICES (EBT'S) AND BREATH ALCOHOL TECHNICIANS (BAT'S)

6.14.A The County or its agent shall maintain the following records for two (2) years:

1. Records of the inspection and maintenance of each EBT used in employee testing:
   a. Documentation of the County's compliance with the QAP for each EBT that is used for alcohol testing under this policy;

b. Records of the training and proficiency testing of each BAT used in employee testing;
c. The log books required by Section 6.6 of this Policy (i.e., 49 CFR SS 40.59 (c)).

6.14.B The County or its agent shall maintain for five (5) years records pertaining to the calibration of each EBT used in alcohol testing under this Policy, including records of the results of external calibration checks.

6.14.C Records required to be maintained by this Section shall be disclosed on the same basis as provided in Section 6.13 of this Policy (i.e. 49, CFR SS 40.81).

VII. CONTROLLED SUBSTANCES TESTING PROGRAM AND PROCEDURES

7.1 SCOPE OF CONTROLLED SUBSTANCES TESTING PROGRAM:

7.1.A ALL LABORATORIES, LABORATORY PERSONNEL, MEDICAL REVIEW OFFICERS AND ANALYSIS PROCEDURES FOR CONTROLLED SUBSTANCES TESTING MUST CONFORM TO THE REQUIREMENTS OF 49 CFR PART 40.

7.2 REPORTING AND REVIEW OF RESULTS:

7.2.A MRO Shall Review Confirmed Positive Results: An essential part of the drug testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of a DOT agency regulation. An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results. This review shall be performed by the MRO prior to the transmission of the results to the County's administrative officials. The MRO review shall include review of the chain of custody to ensure that it is complete and sufficient on its face.

7.2.B The duties of the MRO with respect to negative results are purely administrative.

7.2.C MRO-Qualifications and Responsibilities. The MRO shall be a licenses physician with knowledge of substance abuse disorders and may be an employee of the County or a private physician retained for this purpose.

1. The MRO shall not be an employee of the laboratory conducting the drug test unless the laboratory establishes a clear separation of functions to prevent any appearance of a conflict of interest, including assuring that the MRO has no responsibility for, and is not supervised by or the supervisor of, any person who has responsibility for the drug testing or quality control operations of the laboratory.
2. The role of the MRO is to review and interpret confirmed positive test results obtained through the County's testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive test result. This MRO review may include conducting a medical interview, review of the individual's medical history, and a review of any other relevant biomedical factors.

3. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results or urine samples that are not obtained or processed in accordance with this Policy.

7.2.D Positive Test Result:

1. Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the employee an opportunity to discuss the test result with him or her.

1. The MRO shall contact the employee directly, on a confidential basis, to determine whether the employee wishes to discuss the test result. A staff person under the MRO's supervision may make the initial contact, and a medically licensed or certified staff person may gather information from the individual. Except as provided in Section 7.5.D(5) of this Policy, the MRO shall speak directly with the employee before verifying a test as positive.
2. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the employee directly, the MRO shall contact a designated County official who shall direct the employee to contact the MRO as soon as possible. If it becomes necessary to reach the employee through the designated County official, the designated management official shall employee procedures that ensure, to the maximum extent practicable, the requirement that the employee contact with the MRO is held in confidence.
3. If, after making all reasonable efforts, the designated County official is unable to contact the employee, the County may place the individual on temporary medical unqualified status or medical leave.
4. The MRO may verify a test as positive without having communicated directly with the employee about the test in three (3) circumstances:
    a. The employee expressly declines the opportunity to discuss the test;
    b. Other circumstances provided in DOT agency drug testing regulations.
6. If a test is verified positive under the circumstances specified in Section 7.5.D(5)(b) of this Policy, the employee may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from timely contacting the MRO. The MRO, on the basis of such information, reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO declares the test to be negative.
3. Following verification of a positive test result, the MRO shall, as provided in this Policy, refer the case to the County's employee assistance program, if applicable, to the County official empowered to recommend or take administrative action (or the official's designated agent), or both.

7.2.E Verification for Opiates: Review for Prescription Medication. Before the MRO verifies a confirmed positive result for opiates, he or she shall determine that there is clinical evidence – in addition to the urine test – of unauthorized use of any opium, opiate, or opium derivative (e.g., morphine/codeine). This requirement does not apply if the County GC/MS confirmation testing for opiates confirms the presence of 6-monoacetylmorphine.

7.2.F Request for Test of Split Specimen. The MRO shall notify each individual who has a confirmed positive test that the employee has seventy-two (72) hours in which to request a

test of the 'split-specimen', if the test is verified as positive. If the employee requests an analysis of the 'split specimen' within seventy-two (72) hours of having been informed of a verified positive test, the MRO shall direct, in writing, the laboratory to provide the 'split specimen' to another DHHS-certified laboratory for analysis. If the analysis of the 'split specimen' fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the 'split specimen' is unavailable , inadequate for testing or untestable, the MRO shall cancel the test and report cancellation and the reasons for it to the FHWA , the County, and the employee.

7.2.G If an employee has not contacted the MRO within seventy-two (72) hours, as provided in Section 7.5.D of this Policy, the employee may present to the MRO information documenting that serious illness, injury, and ability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within seventy-two (72) hours, the MRO shall direct that the reanalysis of the primary specimen or analysis of the 'split specimen', as applicable, be performed.

7.2.H The employee is not authorized to request a re-analysis of the primary specimen.

7.2.I . Disclosure of Information by MRO. Except as provided in this Policy, the MRO shall not disclose to any third party medical information provided by the employee to the MRO as part of the testing verification process.

7.2.J The MRO may disclose such information to the County, a DOT agency or other Federal safety agency, or a physician responsible for determining the medical qualification of the employee under an applicable DOT agency regulation, only if:

1. An applicable DOT regulation permits or requires such disclosure;
2. In the MRO's reasonable medical judgment, the information could result in employee being determined to be medically unqualified under an applicable DOT agency rule; or
3. In the MRO's reasonable medical judgment, in a situation in which there is no DOT agency rule establishing physical qualification standards applicable to the employee, the information indicates that continued performance by the employee of his or her safety-sensitive function could pose a significant safety risk.

7.2.K Before obtaining medical information from the employee as part of the verification process, the MRO shall inform the employee that information may be disclosed to third parties to whom information may be disclosed.

7.3 PROTECTION ON EMPLOYEE RECORDS: The County's contracts with testing laboratories shall require that the laboratory maintain employee test records in confidence, as provided in DOT agency regulations. The contracts shall provide that the laboratory shall disclose information related to a positive drug test of an employee to the employee, the County, or the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee and arising from a certified positive drug test.

7.4 INDIVIDUAL ACCESS TO TEST AND LABORATORY CERTIFICATION RESULT
Any employee who is subject of a drug test conducted under this policy shall, upon written request, have access to any records relating to his or her drug test and any records relating to the results of any relevant certification, review, or revocation-of-certification-proceedings.

7.5 USE OF DHHS – CERTIFIED LABORATORIES

The County shall use only laboratories certified under the DHHS "mandatory guidelines for federal workplace drug testing programs," 50 FR 1170, April 11, 1988, and subsequent amendments thereto.

VIII. NOTICE REQUIREMENTS

8.1 NOTIFICATION BY THE COUNTY:

8.1.A. The County will notify a driver when the alcohol or controlled substances test to be administered is required by this Policy (i.e., 49 CFR, part 382), before performing an alcohol or controlled substances test under this Policy.

8.1.B The County shall notify a driver of the results of a pre-employment controlled substances test conducted under this Policy, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

8.1.C The County shall notify a driver of the results of random, reasonable suspicion and post-accident tests for controlled substances conducted under this Policy if the test results are verified positive. This notice will include identification of which controlled substance or substances were verified as positive.

8.1.D A County official shall make reasonable efforts to contact and request each driver who submitted a specimen for testing under this Policy, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with an MRO who has been unable to contact the driver.

8.1.E A County official shall immediately notify the MRO that the driver has been notified to contact the MRO within twenty-four (24) hours.

8.2 NOTIFICATION BY THE MRO:

8.2.A The MRO may report test results to the County using any communications device, but in all instances a signed, written notification must be forwarded within three (3) business days of completion of the MRO's review. The MRO's report to the County will clearly note:

1. That the controlled substances test being reported was in accordance with 49 CFR part 40.
2. The name of the individual for whom the test results are being reported;
3. The type of test indicated on the custody and control form (i.e., random, post-accident, etc.)
4. The date and location of the test collection;
5. The identities of the persons or entities performing the collection, analysis of the specimens, and the individual serving as the MRO for the specific test;
6. The verified results of a controlled substances test, either positive or negative, and if positive, the identity of the controlled substance(s) for which the test was verified positive.

8.2.B The MRO shall report to the County that the MRO has made all reasonable efforts to contact the driver as provided in Section 7.5.D. of this Policy (i.e., 49 CFR SS 40.33(c)). The County shall, as soon as practicable, request that the driver contact the MRO prior to dispatching the driver or within twenty-four (24) hours, whichever is earlier.

IX. RECORDKEEPING, PRE-EMPLOYMENT INQUIRY, AND REPORTING

9.1.A Records related to the collection process:

1. Collection log books, if used;
2. Documents relating to the random selection process;
3. Calibration documentation for EBT devices;
4. Documentation of BAT training;
5. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances testing.
6. Documents generated in connection with decisions on post accident tests
7. Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine sample for testing; and
8. Consolidated annual calendar year summaries as required by Section 9.6 of this Policy (i.e., 49 CFR SS 382.403).

9.1.B. Records related to an employee/driver's test result:

1. The County's copy of the alcohol test form, including the results of the test;
2. The County's copy of the controlled substances test chain of custody and control form;
3. Documents sent by the MRO to the County, including those required by Section 8.2.A. of this Policy (i.e., 49 CFR SS 382.407 (a)).
4. Documents related to the refusal of any employee/driver to submit to an alcohol or controlled substances test required by this Policy and 49 CFR part 382; and
5. Documents presented by an employee/driver to dispute the result of an alcohol or controlled substances test administered under this policy.

9.1.C. Records related to other violations of this Policy.

9.1.D. Records related to evaluations:

1. Records pertaining to a determination by a Substance Abuse Professional concerning an employee/driver's need for assistance; and
2. Records concerning an employee/driver's compliance with recommendations of the Substance Abuse Professional.

9.1.E. Records related to education and training:

1. Materials on alcohol misuse and controlled substance use awareness, including a copy of this Policy on alcohol misuse and controlled substance use;
2. Documentation of compliance with the educational information requirements of 49 CFR SS 382.601 (see section XII of this Policy), including the employee/driver's signed receipt of education materials.
3. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion, and
4. Certification that any training conducted under this Policy complies with the requirements for such training as set forth in 49 CFR, part 382.

9.1.F Records related to controlled substances testing:

1. Agreements with collection site facilities, laboratories and MRO's.
2. Names and positions of officials and their role in the County's alcohol and controlled substances testing program(s).
3. Monthly laboratory statistical summaries of urinalysis required by Section 7.3 V of this Policy (i.e., CFR SS 40.29 (g)(6)); and

4. The County's drug testing policy and procedures.

9.2 LOCATION OF RECORDS: All records required by this Policy shall be maintained as required by 49 CFR SS 390.31 and shall be made available for inspection at the County's principle place of business within two (2) business days after a request has been made by an authorized representative of the FHWA.

9.3 PERIOD OF RETENTION OF RECORDS BY THE COUNTY: The County shall maintain records of its alcohol misuse and controlled substances use prevention programs in a secure location with controlled access in accordance with the following schedule:

9.3.A Five (5) Years. The following records shall be maintained for a minimum of five (5) years:

1. Records of employee/driver alcohol tests with results indicating an alcohol concentration of .02 or greater.
2. Records of employee/driver verified positive controlled substances test results,
3. Documentation of refusals to take required alcohol and/or controlled substances test,
4. Calibration documentation
5. Employee/driver evaluation and referrals, and
6. A copy of each annual calendar year summary required by Section 9.6 of this Policy (i.e. 49 CFR SS 382.403)

9.3.B Two (2) Years. Records related to the alcohol and controlled substances collection process (except calibration of EBT devices) and training shall be maintained for a minimum of two (2) years.

9.3.C. One (1) Year: Records of negative and cancelled controlled substances test results (as defined herein and/or in 49 CFR part 40) and alcohol test results with a concentration of less than .02 shall be maintained for a minimum of one (1) year.

9.4. RETENTION OF CONTROLLED SUBSTANCES RECORDS BY THE MRO:

9.4.A. An MRO shall maintain all dated records and notifications, identified by individual, for a minimum of five (5) years of verified positive controlled substances test results.

9.4.B. An MRO shall maintain all dated records and notifications, identified by individual, for a minimum of one (1) year for negative an cancelled controlled substances test results.

9.5 PRE-EMPLOYMENT INQUIRY, AND RELEASE OF ALCOHOL AND CONTROLLED SUBSTANCES TEST INFORMATION BY PREVIOUS EMPLOYERS:

9.5.A The County (or a prospective employer of a former County driver) may obtain, pursuant to a driver's written consent, any of the information concerning the driver which is maintained under this policy and 49 CFR part 382 by the County and/or driver's previous employer(s).

9.5.B The County must obtain, pursuant to a driver's consent, information on the driver's alcohol tests with a concentration result of .04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two (2) years which are maintained by the driver's previous employers under 49 CFR SS 382.401 (b)(1)(i) through (iii) (see Section 9.3.A. (1)-(3) of this Policy).

9.5.C The information in Section 9.5.B. of this Policy must be obtained and reviewed by the County no later than fourteen (14) calendar days after the first time a driver performs safety-sensitive functions for the County, if it is not feasible to obtain the information prior to the driver performing safety-sensitive functions. The County

may not permit a driver to perform safety-sensitive functions after fourteen (14) days w/o obtaining the information.

9.5.D If the driver stops performing safety-sensitive functions for the County before expiration of the fourteen (14) day period or before the County has obtained the information required by Section 9.5.B. of this Policy, the County must still obtain the information.

9.5.E The County must provide each driver's employers within the two (2) preceding years, the driver's specific, written authorization for release of the information required by Section 9.5.B. of this Policy.

9.5.F The release of any information under this Section may take the form of personal interviews, telephone interviews, letters, or any other method of obtaining information that ensures confidentiality. The County must maintain a written, confidential record with respect to each past employer contacted.

9.5.G The County may not use a driver to perform safety-sensitive functions if the County obtains information on the driver's alcohol test with a concentration of .04 or greater, verified positive controlled substances test result, or refusal to be tested, by the driver, w/o obtaining information on a subsequent Substance Abuse Professional evaluation and/or determination under 49 C.F.R. SS 382.401 (c)(4) (e.g., records pertaining to the evaluation and recommendations regarding the driver from a Substance Abuse Professional and the driver's compliance with those recommendations) and compliance with 49 CFR SS 382.309 (i.e. Return-to-Duty testing as required by Section 5.5 of this Policy).

9.6 <u>REPORTING OF RESULTS IN A MANAGEMENT INFORMATION SYSTEM:</u>

9.6.A The County shall prepare and maintain an annual calendar summary of the results of its alcohol and controlled substances testing programs performed under this Policy (i.e. 49 CFR, part 382). By March 15 of each year, the County shall complete the annual summary covering the previous calendar year.

9.6.B If the County is notified, during the month of January, of a request by the FHWA to report the County's annual calendar year summary information, the County shall prepare and submit the report to the FHWA by March 15 of the year. The County shall ensure that the annual summary report is accurate and received by March 15 at the location that the FHWA specifies in its request. The report shall be in the form and manner prescribed by the FHWA by mail or electronic transmission, the information requested shall be typed, except for the signature of the certifying official. The County shall ensure the accuracy and timeliness of each report submitted.

9.6.C Each annual calendar year summary that contains information on a verified positive controlled substances test result, an alcohol screening test result of .02 or greater, or any other violation of the alcohol misuse provisions of this Policy (i.e. 49 CFR, part 382), shall include the following information;

1. Number of drivers subject to this Policy under 49 CFR part 382.
2. Number of drivers subject to testing under the alcohol misuse or controlled substances use rules of more than one (1) DOT agency, identified by each agency;
3. Number or urine specimens collected by type of test (e.g., pre-employment, random, reasonable suspicion, post-accident);

4. Number of positive tests verified by an MRO by type of test, and type of controlled substance;
5. Number of negative controlled substance tests verified by an MRO by type of test;
6. Number of person denied a position as a driver following a pre-employment verified positive controlled substances test and/or a pre-employment alcohol test that indicates an alcohol concentration of .04 or greater;
7. Number of drivers with tests verified positive by an MRO for multiple controlled substances;
8. Number of drivers who refused to submit to an alcohol or controlled substances test required under this Policy (i.e. 49 CFR part 382);
9. Number of supervisors who have received alcohol training during the reporting period;
10. Number of supervisors who have received required controlled substances training during the reporting period;
11. Number of screening alcohol tests, by type of test.
12. Number of confirmation alcohol tests, by type of test;
13. Number of confirmation alcohol tests indicating an alcohol concentration of .02 or greater, but less then .04, by type of test.
14. Number of confirmation alcohol tests indicating an alcohol concentration of .04 or greater, by type of test;
15. Number of drivers who were returned to duty, having complied with the recommendations of a Substance Abuse Professional as described in Section XI of this Policy (and 49 CFR SS 382.503 and 382.605) during this reporting period, who previously:
    a. had a verified positive controlled substance test result; or
    b. engaged in prohibited alcohol misuse under the provisions of 49 CFR part 382
16. Number of drivers who were administered alcohol and drug tests at the same time, with both a verified positive drug test result and an alcohol test result indicating an alcohol concentration of .04 or greater, and;
17. Number of drivers who were found to have violated any non-testing prohibitions of subpart B of 49 CFR part 382, and this Policy, and any action taken in response to the violation;

9.6.D In the event that the County's annual calendar year summary contains only negative controlled substance test results, alcohol screening test result of less than .02, and does not contain any other violations of this Policy and/or subpart B of 49 CFR, part 382, then the County may prepare and submit, as required by Section 9.6.B of this Policy, either a standard report form containing all the information elements specified in Section 9.6.C of this Policy, or an 'EZ' report form. The 'EZ' report shall include the following information elements.

1. Number of drivers subject to 49. CFR, part 382.
2. Number of drivers subject to testing under the alcohol misuse or controlled substance use rules of more than one (1) DOT agency, identified by each agency;
3. Number of urine specimens collected by type of test (e.g. pre-employment, random, reasonable suspicion, post accident)
4. Number of negative tests verified by an MRO, by type of test;

5. Number of drivers who refused to submit to an alcohol or controlled substances test required by 49 CFR part 382.
6. Number of supervisors who have received required alcohol training during the reporting period; and number of supervisors who have received required controlled substances training during the reporting period;
7. Number of alcohol screening tests, by type of test; and
8. Number of drivers who returned to duty (having complied with the recommendations of a Substance Abuse Professional as described in 49 CFR SS 382.503 and 382.605 and Section XI of this Policy) in this reporting period, who previously:
   a. had a verified positive controlled substance test result, or
   b. engaged in prohibited alcohol misuse under the provisions of 49 CFR part 382.

X. CONFIDENTIALITY, AND ACCESS TO FACILITIES AND RECORDS

10.1 CONFIDENTIALITY OF RECORDS KEPT BY THE COUNTY. Except as required by law of expressly authorized or required in this Policy or pursuant to 49 CFR part 382, the County shall not release employee/driver information that is contained in records required to be maintained under this Policy.

10.2 An employee/driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances test. The County shall promptly provide the records requested by the employee/driver. Access to a driver's records shall not be contingent upon payment for records other than those specifically requested.

10.3 ACCESS TO FACILITIES: The County shall permit access to all facilities utilized in complying with the recordkeeping requirement of 49 CFR SS 382.405 to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the County of any of its drivers.

10.4 The County shall make available copies of all results for the alcohol and/or controlled substances testing conducted under this Policy and 49 CFR part 382, and any other information pertaining to the County's alcohol misuse and/or controlled substances use prevention program, when requested by the Secretary of Transportation, any DOT agency, or any state or local officials with regulatory authority over the County or any of its drivers.

10.5 The County shall disclose, to the National Transportation Safety Board, as part of an accident investigation, information related to the County's administration of a post-accident alcohol and/or controlled substances test administered following the accident under investigation.

10.6 Records shall be made available to a subsequent employer of a driver (who was formerly employed by the County) upon receipt of a written request from that driver. Disclosure of information to the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

10.7 The County may disclose information required to be maintained under 49 CFR part 382 pertaining to an employee/driver, the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee/driver, and arising from the results

of an alcohol and/or controlled substances test administered under this Policy, or from the County's determination that the driver engaged in conduct prohibited by this Policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee/driver)

10.8 The County shall release information regarding an employee/driver's records as directed by the specific, written request of the employee/driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the driver's consent.

10.9 CONFIDENTIALITY OF RECORDS KEPT BY MRO: No person may obtain the individual controlled substances test results retained by an MRO, and no MRO shall release the individual controlled substances test results of any driver to any person, w/o first obtaining a specific, written authorization from the tested driver.

10.9.A. Nothing in this paragraph shall prohibit an MRO from releasing, to the County or to officials of the Secretary of Transportation, any DOT agency or any State or local officials with regulatory authority over the controlled substances testing program under 49 CFR part 382, the information delineated in Section 8.2 of this Policy (i.e. 49 CFR SS 382.407 (a)).

XI REFERAL, EVALUATION, AND TREATMENT.

11.1 No driver has engaged in conduct prohibited by Section IV of this Policy (i.e., subpart B of 49 CFR part 382) shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of Section 11.3.-11.9 of this Policy (i.e.49 CFR SS 382.605).

11.2 The County shall not permit a driver who has engaged in conduct prohibited by Section IV of this Policy (i.e. subpart B of 49 CFR part 382) to perform safety-sensitive functions, including driving a commercial motor vehicle, unless the driver has met the requirements of Sections 11.3.-11.9 of this Policy (i.e., 49 CFR SS 382.605).

11.3 Each driver who has engaged in conduct prohibited by this Policy shall be advised by the County of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs.

11.4 Each employee/driver who engages in conduct prohibited by this Policy shall be evaluated by a Substance Abuse Professional who shall determine what assistance, if any, the employee/driver's needs in resolving problems associated with alcohol misuse and controlled substances use.

11.5 Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this Policy, the driver shall undergo a Return-to-Duty alcohol test with a result indicating an alcohol concentration of less than .02 if the driver's conduct involved alcohol, or a controlled substances test with a verified negative result if the driver's conduct involved a controlled substance.

11.6 In addition, each driver identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use:

1. Shall be evaluated by a Substance Abuse Professional to determine that the driver has properly followed any rehabilitation program prescribed under this Section, and

2. Shall be subject to unannounced follow-up alcohol and controlled substances tests administered by the County following the driver's return to duty.
   a. The number and frequency of such follow-up testing shall be as directed by the Substance Abuse Professional, and shall consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty.
   b. The County may direct the driver to undergo Return-to-Duty and Follow-up testing for both alcohol and controlled substances, if the Substance Abuse Professional determines that Return-to-Duty and Follow-Up testing for both alcohol and controlled substances is necessary for that particular driver. Any such testing shall be performed in accordance with the requirements of 49 CFR part 40.
   c. Follow-up testing shall not exceed sixty (6) months from the date of the driver's return to duty. The Substance Abuse Professional may terminate the requirement for Follow-Up testing at any time after the first six (6) tests have been administrated, if the Substance Abuse Professional determines that such testing is no longer necessary.

11.7 Evaluation and rehabilitation may be provided by the County, by a Substance Abuse Professional under contract with the County, or by a Substance Abuse Professional not affiliated with the County. The choice of Substance Abuse Professional and assignment of costs shall be made in accordance with County/driver agreements and County policies.

11.8 The County shall ensure that a Substance Abuse Professional who determines that a driver requires assistance in resolving problems with alcohol misuse of controlled substances does not refer to the driver to the Substance Abuse Professional's private practice or to a person or organization from which the Substance Abuse Professional receives remuneration or in which the Substance Abuse Professional has a financial interest. This paragraph does not prohibit a Substance Abuse Professional from referring a driver for assistance provided through:

1. A public agency, such as a state, the County or municipality;
2. The County or a person under contract to provide treatment for alcohol or controlled substance problems on behalf of the County;
3. The sole source of therapeutically appropriate treatment under the driver's health insurance program;
4. The sole source of therapeutically appropriate treatment reasonably accessible to the driver.

11.9 The requirements of this Section with respect to referral, evaluation and rehabilitation do not apply to applicants who refuse to submit to a pre-employment alcohol or controlled substances test or who have a pre-employment alcohol test with result indicating an alcohol concentration of 0.04 or greater of a controlled substances test with a verified positive test results.

XII. EDUCATIONAL INFORMATION, AND TRAINING OF SUPERVISORS

12.1 EDUCATIONAL INFORMATION TO EMPLOYEES. The County shall provide educational information that explains the requirements of 49 CFR part 382 and the County's policies and procedures with respect to meeting these requirements.

1. The County shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this Policy and to each

driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

2. The County shall provide written notice to representatives of employee organizations of the availability of this information.

12.2 The materials to be made available to drivers shall include detailed discussion of at least the following:

1. The identity of the person designated by the County to answer driver's questions about the materials;
2. The categories of drivers who are subject to the provisions of this Policy (i.e.49 CFR, part 382)
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance with this Policy (i.e. 49 CFR, part 382)
4. Specific information concerning driver conduct that is prohibited by this Policy (i.e.49 CFR part 382)
5. The circumstance under which driver will be tested for alcohol and/or controlled substances under this policy (i.e. 49 CFR part 382)
6. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;
7. The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this Policy (i.e. 49 CFR, part 382)
8. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
9. The consequences for drivers found to have violated this Policy and subpart B of 49 CFR part 382, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures for referral and evaluation under 49 (CFR) SS 382-605 (as set forth in Section XI of this Policy)
10. The consequences for drivers found to have alcohol concentration of .02 or greater, but less than .04;
11. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life;
12. Signs and symptoms of an alcohol or controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.

12.3 ACKNOWLEDGMENT OF RECEIPT: The County shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of those materials described in Section 12.2. The County shall maintain the original of the signed acknowledgment and may provide a copy of the acknowledgment to the driver.

12.4 TRAINING FOR SUPERVISOR: The County shall ensure that persons designated to determine whether reasonable suspicion exists to require an employee/driver to undergo Reasonable Suspicion testing under Section 5.4 of this Policy (i.e. 49 CFR SS 382.307) receive at least sixty (60) minutes of training on alcohol misuse and receive at least an additional sixty (60) minutes of training on controlled substances use. The training shall

cover the physical, behavioral, speech and performance indicators or probable alcohol misuse and use of controlled substances.

XIII DISCIPLINE

13. 1 IN ADDITION TO THE REQUIREMENTS OF 49 CFR PART 382, EMPLOYEES WHO ENGAGE IN CONDUCT PROHIBITED BY THIS POLICY ARE SUBJECT TO DISCIPLINARY ACTION BY THE COUNTY, UP TO AND INCLUDING TERMINATION.

SUMMARY OF

MONROE COUNTY'S

DRUG AND ALCOHOL TESTING POLICY

FOR EMPLOYEES AND DRIVERS SUBJECT TO

UNITED STATES

DEPARTMENT OF TRANSPORTATION,

FEDERAL HIGHWAY ADMINISTRATION,

REGULATIONS, 49 C.F.R. PART 382

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SUMMARY OF THE COUNTY'S DRUG AND ALCOHOL TESTING POLICY FOR EMPLOYEES AND DRIVERS SUBJECT TO UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION REGULATIONS, 49 C.F.R. PART 382. THE COUNTY'S POLICY WILL BE REFERRED TO IN THIS SUMMARY AS THE "DOT DRUG AND ALCOHOL TESTING POLICY" OR THE "POLICY".

I. WHY DOES THE COUNTY HAVE A DOT DRUG AND ALCOHOL TESTING POLICY FOR DRIVERS OF COMMERCIAL MOTOR VEHICLES?

In 1994, as required by the Omnibus Transportation Employee Testing Act of 1991, the Federal Highway Administration (an operating agency of the United States Department of Transportation) enacted federal regulations, which are published at 49 C.F.R. part 382. These federal regulations mandate that all employers of certain drivers of commercial motor vehicles implement a program to monitor and test for alcohol misuse and controlled substances use by those drivers. Accordingly, the County has established a drug and alcohol testing policy which is applicable to those County employees/drivers who fall within the requirements of this federal law and related regulations.

All County employees/drivers whose job duties place them under the mandate of the federal regulations will be provided information about the regulations, and the County's policies and procedures that have been established to comply with the regulations. All such County employees/ drivers must abide by the requirements of the Policy as a condition of continued employment with the County.

II. WHO IS SUBJECT TO THE DOT DRUG AND ALCOHOL TESTING POLICY?

The Policy applies to all individuals who have a Commercial Drivers' License ("CDL") in order to operate a commercial motor vehicle (as defined in the federal regulations) on behalf of the County. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of or with the consent of the County. For purposes of pre-employment/pre-duty testing

only, the term driver includes a person applying for a position with the County to drive a commercial motor vehicle.

For purposes of this Policy, a commercial motor vehicle includes a motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle: Has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or, has a gross vehicle weight rating of 26,001 or more pounds; or, is designed to transport sixteen (16) or more passengers, including the driver; or, is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R. part 172, subpart F).

III. WHAT CONDUCT IS PROHIBITES BY THE DOT DRUG AND ALCOHOL TESTING POLICY?

No employee/driver may perform any "safety-sensitive" function (as defined in the federal regulations) on behalf of the County when he or she is in violation of an applicable requirement of the Policy.

"Safety-sensitive" function means on-duty time during which the employee/driver is engaged in any of the activities listed in 49 C.F.R. Section 382.107, which includes, but is not limited to, driving time.

Alcohol violations:

No driver shall report for duty or remain on duty requiring the performance of "safety-sensitive" functions while having an alcohol concentration of 0.04 or greater.

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

No driver shall use alcohol while performing "safety-sensitive" functions.

No driver shall perform "safety-sensitive" functions within four (4) hours after using alcohol.

No driver who is required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first.

Controlled substances violations:

No driver shall report for duty or remain on duty requiring the performance of "safety-sensitive" functions when the driver uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Drivers must inform their supervisor (or the Human Resource Office) of any therapeutic drug use prior to the performance of any "safety-sensitive" function.

No driver shall report for duty, remain on duty or perform a "safety-sensitive" function, if the driver tests positive for controlled substances.

Refusal to submit to an alcohol or controlled substances test:

No driver shall "refuse to submit" to an alcohol or controlled substances test required under the terms of the Policy.

IV. WHAT TYPES OF TESTING WILL BE DONE UNDER THE DOT DRUG AND ALCOHOL TESTING POLICY?

Pre-employment testing: Prior to the first time a driver performs "safety-sensitive" functions for the County, the driver shall undergo testing for controlled substances. The County shall not allow a driver to perform "safety-sensitive' functions unless the driver has been administered a controlled substances test and has received a controlled substances test result from the Medical Review Officer ("MRO") indicating a verified negative test result.

Post-accident testing: As soon as practicable following an accident involving a commercial motor vehicle, the County shall test for alcohol and controlled substances, each of its surviving driver(s): Who were performing "safety-sensitive" functions with respect to the vehicle if the accident involved the loss of human life; or Who receives a citation under State or local law for a moving traffic violation arising from the accident.

Alcohol tests shall be administered within two (2) (but at most eight (8)) hours after the accident. Controlled substances tests shall be administered within thirty-two (32) hours following the accident.

A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the County to have refused to submit to testing. But the Policy shall not be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident,

or to obtain necessary emergency medical care.

The County shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of the Policy.

Random testing: The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table of a computer-based random number generator that is matched with drivers' social security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each driver shall have an equal chance of being tested each time selections are made.

The minimum annual percentage rate for random alcohol testing shall be ten (10%) percent of the average number of driver positions. The minimum annual percentage rate for random controlled substances testing shall be fifty (50%) percent of the average number of driver positions.

The County shall ensure that random alcohol and controlled substances tests conducted under the Policy are unannounced and that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.

The County shall require that each driver who is notified of his or her selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a "safety-sensitive" function at the time of notification, the County shall instead ensure that the driver ceases to perform the "safety-sensitive" function and proceeds to the testing site as soon as possible.

A driver shall be tested for alcohol under the random testing program only while the driver is performing "safety-sensitive" functions, just before the driver is to perform "safety-sensitive" functions, or just after the driver has ceased performing such functions.

Reasonable suspicion testing: The County shall require a driver to submit to an alcohol and/or controlled substances test when the County has reasonable suspicion to believe that the driver has violated the prohibitions of the Policy concerning alcohol and/or controlled substances. The County's determination that reasonable suspicion exists to require the driver to undergo a test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

The required observations for alcohol and/or controlled substances reasonable suspicion

testing shall be made by a supervisor or County official who is trained in accordance with the supervisory training requirements set forth in the Policy. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

Reasonable suspicion alcohol testing is authorized by this Policy only if the required "observations" concerning the employee/driver are made during, just proceeding, or just after the period of the workday that the driver is performing "safety-sensitive" functions. A driver may be directed by the County to undergo reasonable suspicion testing only while the driver is performing "safety-sensitive" functions, just before the driver is to perform "safety sensitive" functions, or just after the driver has ceased performing such functions.

Reasonable suspicion alcohol tests must be administered within eight (8) hours following the determination that such suspicion exists.

Notwithstanding the absence of a reasonable suspicion alcohol test, no driver shall report for duty or remain on duty requiring the performance of "safety-sensitive" functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the County permit the driver to perform or continue to perform "safety-sensitive" functions, until: An alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the driver has violated the prohibitions of the Policy concerning the use of alcohol.

A written record shall be made of the observations leading to a controlled substance reasonable suspicion test, and signed by the supervisor or County official who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the controlled substances tests are released, whichever is earlier.

Return-to-duty testing: The County shall ensure that before a driver returns to duty requiring the performance of a "safety-sensitive" function after engaging in conduct concerning alcohol that is prohibited by the Policy, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

The County shall ensure that before a driver returns to duty requiring the performance of a "safety-sensitive" function after engaging in conduct concerning controlled substances that is prohibited by the Policy, the driver shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

Follow-up testing: Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the County shall ensure that the driver is subject to **unannounced** follow-up alcohol and/or controlled substances testing as directed by a Substance Abuse Professional.

Follow-up testing: Follow-up alcohol testing shall be conducted only when the driver is performing "safety-sensitive" functions, just before the driver is to perform "safety-sensitive" functions, or just after the driver has ceased performing "safety-sensitive" functions.

V. WHAT HAPPENS IF A DRIVER VIOLATES THE DOT DRUG AND ALCOHOL TESTING POLICY ?

All drivers who engage in any conduct prohibited by the Policy must be immediately removed from the performance of "safety-sensitive" functions. Such drivers must comply with all applicable treatment, rehabilitation and follow-up testing requirements before returning to work to perform " safety-sensitive" functions for the County or any other employer.

No driver tested under the provisions of this Policy who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall perform or continue to perform "safety-sensitive" functions for the County, including driving a commercial motor vehicle, nor shall the County permit the driver to perform or continue to perform "safety-sensitive" functions, until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. The County shall not take any other action pursuant to the Policy against a driver based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit the County from taking any action otherwise consistent with law and the County's policies, rules and regulations.

IN ADDITION TO THE REQUIREMENTS OF 49 C.F.R. PART 382 (i.e., removal from "safety-sensitive" functions), EMPLOYEES WHO ENGAGE IN CONDUCT PROHIBITED BY THE POLICY ARE SUBJECT TO DISCIPLINARY ACTION BY THE COUNTY, UP TO AND INCLUDING TERMINATION.

VI. HOW WILL DOT DRUG AND ALCOHOL TESTS BE PERFORMED?

The County shall conduct all alcohol and controlled substances testing in a location that affords visual and aural privacy to the individual being tested, sufficient to prevent unauthorized persons from seeing or hearing test results. Alcohol and controlled substances testing for purposes of the Policy shall be conducted pursuant to the requirements of 49 C.F.R. part 40 and part 382.

Alcohol testing: Under normal circumstances, testing for alcohol will be performed by a Breath Alcohol Technician ("BAT") who shall test employees/drivers via an Evidential Breath Testing device (EBT") (e.g., a breathalyzer).

Only EBT devices that have been approved by the National Highway Traffic Safety Administration may be used for breath alcohol testing under the Policy.

The BAT shall be trained to proficiency in the operation of the EBT that he or she is using and in the breath alcohol testing procedures of the Policy.

The County shall use the Breath Alcohol Testing Form prescribed under 49 C.F.R. Part 40. The prescribed form may not be modified or revised, except that a form directly generated by an EBT shall omit the space for affixing a separate printed result to the form.

A screening test will be performed by using the EBT to measure the alcohol content of the employee/driver's breath. The test is "negative" if the screening test results in a measurement of less than .02 alcohol concentration. If the screening test results in .02 or greater, a confirmation test must be performed on a second breath from the employee. The test is "positive," if the confirmation test result is .02 or greater. An employee who has a test result between .02 and.04 cannot perform "safety-sensitive" functions for at least twenty-four (24) hours. An employee with a confirmed positive test result that is .04 or greater cannot perform "safety-sensitive" functions until he or she has satisfied all applicable counseling, rehabilitation, treatment, and follow-up testing required by the Policy and/or 49 C.F.R. Part 382.

Controlled substances testing: Pursuant to the Policy, the County will test only for marijuana, cocaine, opiates, amphetamines and phencyclidine. Under normal circumstances employees/drivers will be tested for controlled substances via urine specimens.

Urine specimens shall be analyzed by drug testing laboratories that are certified by the U.S. Department of Health and Human Services.

The County, the Medical Review Officer (MRO), and the certified testing laboratory shall develop and maintain a clear well-documented procedure for collection, shipment, and accessioning of urine specimens.

The MRO shall be a licensed physician with knowledge of substance abuse disorders and may be an employee of the County or a private physician retained for this purpose.

The specimen collection and documentation procedure shall include the use of a DOT approved multi-copy drug testing custody and control form. The collection procedure

shall include the use of a tamper-proof sealing system, designed in a manner that ensures against undetected opening. The specimen bottle shall be identified with a unique identifying number identical to that appearing on the urine custody and control form, and space shall be provided to initial the bottle affirming its identity.

A chain of custody form (and a laboratory internal chain of custody document, where applicable) shall be used for maintaining control and accountability of each specimen from the point of collection to final disposition of the specimen. The date and purpose shall be documented on the form each time a specimen is handled or transferred and every person in the chain shall be identified. Every effort shall be made to minimize the number of persons handling specimens.

Urine specimens collected from employees/drivers shall be "split" into two (2) specimens (i.e., a "primary" specimen and a "split" specimen) to allow for a second independent test of the employee's urine specimen. An employee must request (via the MRO) a test of his or her "split" specimen within seventy-two (72) hours of the confirmed positive test of the employee's "primary" specimen.

Employees/drivers subject to testing shall be provided standard written instructions setting forth their responsibilities at the collection procedures, prior to each collection of a urine specimen.

A collection site person shall have successfully completed training to carry out the collection procedure or shall be a licensed medical professional or technician who is provided instructions for collection procedures under the Policy.

The County's collection procedures and training shall clearly emphasize that the collection site person is responsible for maintaining the integrity of the specimen collection and transfer process, carefully ensuring the modesty and privacy of the donor, and is to avoid any conduct or remarks that might be construed as accusatorial or otherwise offensive or inappropriate.

The County and the collection site person shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the urine bottle and on the urine custody and control form can identity the individual from whom the specimen was collected.

Each "primary" urine specimen shall be tested twice by the laboratory before a "positive" result is reported to the MRO. The second test (i.e., the "confirmation" test) must be performed only if the initial screening test is "positive." The laboratory shall report as "negative" all specimens that are negative on the initial test or negative on the confirmation test. Only specimens confirmed positive shall be reported by the laboratory to the MRO as "positive" for a specific drug.

An essential part of the drug testing program is the final review of confirmed positive results from the laboratory. A positive test result does not automatically identify an employee/applicant as having used drugs in violation of a DOT agency regulation. An individual (i.e., the County's MRO) with a detailed knowledge of possible alternate medical explanations is essential to the review of results. This review shall be performed by the MRO prior to the transmission of the results to the County's administrative officials. The MRO review shall include review of the chain of custody to ensure that it is complete and sufficient on its face.

Prior to making a final decision to verify a positive test result for an individual, the MRO shall give the individual an opportunity to discuss the test result with him or her.

The MRO may verify a test as positive without having communicated directly with the Individual about the test in three (3) circumstances:

(1) The individual expressly declines the opportunity to discuss the test;

(2) The designated County representative has successfully made and documented a contact with the individual and instructed the individual to contact the MRO and more than five (5) days have passed since the date the individual was successfully contacted by the designated County representative; or

(3) Other circumstances provided for in DOT agency drug testing regulations.

Following verification of a positive test result, the MRO shall, as provided in the Policy, refer the case to the County's employee assistance or rehabilitation program, if applicable, and to the County official empowered to recommend or take administrative action.

VII. WHAT DO THE TERMS "REFUSAL TO SUBMIT" OR "FAILURE TO COOPERATE" MEAN?

" Refusal to submit" to an alcohol or controlled substances test means that an employee/ driver has:

(a) failed to provide adequate breath for testing without a valid medical explanation after the employee/driver has received notice of the requirement for breath testing in accordance with the provisions of the Policy; or,

(b) failed to provide adequate urine for controlled substances testing without a valid medical explanation after the employee/driver has received notice of the requirement for urine testing in accordance with the provisions of the Policy; or,

(c) engaged in conduct that clearly obstructs the testing process; and/or

(d) failed to sign the alcohol testing form (if the employee did not take the test).

Refusal to submit to a test precludes the employee/driver from performing any further "safety-sensitive" functions for the County or any other employer until the employee successfully completes applicable counseling, treatment, rehabilitation, and subsequent follow-up testing.

Refusal to submit to a test also is grounds for disciplinary action by the County, up to and including termination.

VIII. ARE EMPLOYEE/DRIVER RECORDS CONCERNING ALCOHOL AND DRUG TESTING CONFIDENTIAL?

The MRO, the drug testing laboratory, the Breath Alcohol Technician and the County must maintain employee test records in confidence, as provided in DOT agency regulations. An employee's records may be disclosed only pursuant to a written authorization from the employee/driver. An employee's records, however, may be disclosed, without the employee's written authorization, to the County or to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a confirmed positive alcohol and/or controlled substances test.

Statistical information concerning the County's Drug and Alcohol Testing program must be reported to applicable federal and state government agencies.

IX. DO THE REGULATIONS REQUIRE THAT THE COUNTY PROVIDE AND/OR PAY FOR ANY NECESSARY REHABILITATION?

Employees who test positive for drugs or alcohol or who otherwise violate the prohibitions of the Policy of the Policy and related federal regulations must be immediately removed from the performance of "safety-sensitive" functions.

After a violation of the Policy, an employee/driver cannot perform "safety-sensitive" functions on behalf of the County until he or she meets all applicable counseling, treatment, rehabilitation, and follow-up testing requirements.

The regulations do **not** require that the County provide rehabilitation, or pay for counseling or treatment of the employee/driver. The regulations also do not require that the County reinstate the employee/driver to his or her position.

The County may refer employees who violate the Policy (and related federal regulations) to a substance abuse professional for evaluation, and the County will provide those employees with information about employee assistance programs and other treatment and/or rehabilitation services that are located in the area.

X. TO WHOM SHOULD EMPLOYEES/DRIVERS DIRECT THEIR QUESTIONS ABOUT THE DOT DRUG AND ALCOHOL TESTING POLICY ?

Questions about the County's DOT Drug and Alcohol Testing Policy should be directed to the Human Resource Administrator, of the County's Human Resource Office at 292-4557.

Job applicants and employees have the right to confidentially consult the Medical Review Officer (MRO) for technical information regarding prescription and non prescription medication and may contest or explain a positive test result to the MRO.

The Policy is intended to conform to the requirements of the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. Section 31306, et seq. and related regulations, 49 C.F.R. part 40 and part 382, as amended from time-to-time. Accordingly, that federal law and related regulations should be referenced to assist in the interpretation of questions arising from the requirements of the Policy.

XI. WHERE CAN A DRIVER GET MORE INFORMATION ABOUT DRUG AND ALCOHOL TREATMENT AND/OR REHABILITATION SERVICES ?

The following "crisis information centers" will provide information regarding Employee assistance programs and local alcohol and drug rehabilitation programs Available to employees:

Employee Assistance Program
877-747-1200

LFKHS (Chem. Op. Unit)
1200 Kennedy Drive
294-5531

Collier County, Project Help
Naples, Fla.
813-262-7227

Dade County
Switchboard of Miami
(305) 358-4357

Broward County
Crisis Information Line
(305) 467-6333

Monroe County
Help Crisis Line, Inc.
(305) 296-4356
(800) 228-5463

Other available resources include:

1-800-356-9996 Al-Anon
1-800-527-5344 American Council of Alcoholism Helpline
1-800-COCAINE Cocaine HOTLINE
1-800-NCA-CALL National Council on Alcoholism
1-800- 662-HELP National Institute on Drug Abuse Hotline
1-800-843-4971 National Institute on Drug Abuse Hotline

Employees may obtain further information regarding available drug and alcohol assistance and rehabilitation programs by contacting the County's Human Resource Office.

APPENDIX:

INFORMATION ABOUT THE EFFECTS OF ALCOHOL AND DRUG USE AND MISUSE

NOTICE TO EMPLOYEES:

" EDUCATIONAL INFORMATION" WHICH DISCUSSES THE FOLLOWING REQUIREMENTS WILL BE PROVIDED TO EMPLOYEES/DRIVERS DURING COUNTY SPONSORED TRAINING SESSIONS:

1. "Information concerning the effects of alcohol and controlled substance use on an Individual's health, work, and personal life."

2. "Signs and symptoms of an alcohol or controlled substance problem (the driver's or a co-worker's); and available methods or intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management."

COPIES OF THE ABOVE-NOTED INFORMATION ALSO MAY BE OBTAINED FROM THE COUNTY'S HUMAN RESOURCE ADMINISTRATOR.

ACKNOWLEDGEMENT OF RECEIPT
OF A SUMMARY OF THE COUNTY'S
DOT DRUG AND ALCOHOL TESTING POLICY

I, _____, hereby acknowledge that I received a copy of the Summary of the County's DOT Drug and Alcohol Testing Policy, and related materials. I understand that it is a condition of my continued employment to abide by the terms of the Policy and to refrain from reporting to work or working with the presence of drugs or alcohol in my body.

_____
(Employee's Signature)

DATE: _____

The County shall maintain the original of the signed acknowledgement and may provide a copy of the acknowledgment to the driver/applicant/employee.