

# **Madison County CDL Drug and Alcohol Testing Policy and Procedures**

## **Introduction**

Drivers are an extremely valuable resource for County's business. Their health and safety are a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prevent substance use or abuse from having an adverse effect on our drivers. The County maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on County property. Furthermore, drivers have a right to work in an alcohol and drug-free environment and to work with drivers free from the effects of alcohol and drugs. Drivers who abuse alcohol or use drugs are a danger to themselves, their co-workers and the County's assets.

The adverse impact of substance abuse by drivers has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these regulations and is committed to maintaining a drug-free work place. All drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Madison County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. "FMCSA" stated that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis) conduct breath testing, and/or search all driver applicants for alcohol and drug use, and those drivers suspected of violating this policy who are involved in a U.S. Department of Transportation (DOT) reportable accident or who are periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each driver. Every effort will be made to maintain the dignity of drivers or driver applicants involved.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. Madison County retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective November 30, 2020, and will supersede all prior policies and statements relating to alcohol or drugs for CDL drivers.

This policy outlines the responsibilities of employees, supervisors and managers with regard to drug and alcohol testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991.

## Policy Statement

It is the policy of the Madison County to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident and follow-up drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation. This policy applies to employees whose job requires them to obtain and retain a Commercial Drivers' License (CDL) and operate a Commercial Motor Vehicle (CMV). Positions and employees covered by this Policy shall be referred to herein as "CDL positions" and "CDL employees" respectively.

It is the policy of Madison County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse, a secure online database that provides employers with real-time information about CDL driver drug and alcohol program violations. Madison County will conduct electronic queries or traditional manual queries with previous employers from January 6, 2020 to January 5, 2023 as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of Madison County, as follows:

- The performance of safety-sensitive functions is prohibited by CDL employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, Madison County prohibits the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.

- Use of controlled substances by CDL employees covered by the Policy is prohibited and is in accordance with the regulations issued by the U.S. Department of Transportation.
- A CDL employee is performing a safety-sensitive function at the following times:
  - All time on county property, public property, or other property waiting to be dispatched to drive;
  - All time inspecting, servicing or conditioning any CMV at any time;
  - All CMV driving time;
  - All time other than driving time in or upon any CM;
  - 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 receipts for shipments loaded or unloaded;
  - All time spent performing driver requirements relating to accidents; and
  - All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## Definitions

**Accident:** An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene.

**Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

**Alcohol concentration (or 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 test under this part.

**Breath Alcohol Technician (BAT):** A person who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

**Clearinghouse:** A secure online database that gives the county real-time information about CDL driver drug and alcohol program violations.

**Collection site** means a place where individuals present themselves for the purpose of providing breath, body fluid to be analyzed for alcohol or specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation of shipment of the samples to a laboratory.

**Commercial Driver's License (CDL):** A special license required of drivers who drive Commercial Motor Vehicles which meets the following criteria:

- Meets or exceeds 26,001 lbs. gross vehicle weight; or
- Transports 16 or more passengers, including the driver; or
- Transports hazardous materials as determined by the Hazardous Materials Act, 49 USC 5101, and are required to placard the vehicle under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

**Commercial Motor Vehicle (CMV):** Any self-propelled or towed vehicle used on a highway, any roadway or passage which may be available to public transportation at any time, whether on private or public property, in interstate or intrastate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating of 26,001 lbs. or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials as determined by the Hazardous Materials Transportation Act, 49 USC 5101, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

**Confirmation Test:** For alcohol testing, a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data of alcohol concentration. For controlled substances testing, a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test in order to ensure reliability and accuracy.

**Controlled substance** has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308).

**Designated Employer Representative (DER):** An employee authorized by Madison County to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the County, consistent with the requirements of the Code of Federal Regulation, Department of Transportation Rule 40.3.

**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 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 Madison County. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying for a position with Madison County, which requires a CDL to drive a commercial motor vehicle.

**Drug** means any substance (other than alcohol) that is a controlled substance as defined in this section and 49 CFR Part 40.

**Evidential Breath Testing device (EBT):** A device approved by the National Highway Traffic Safety Administration ("NHTSA") for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" ("CPL"), and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.

**Medical Review Officer (MRO):** A licensed physician responsible for receiving and reviewing laboratory results generated by the county's drug testing and for evaluating medical explanations for certain drug test results.

**On duty time** means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. "On duty time" shall include:

1. All time on the County's premises, at a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been released from duty by the County.
2. All time inspection, servicing, or conditioning any commercial motor vehicle at any time;
3. All driving time;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements relating to accidents;
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Performing a Safety-Sensitive Function:** Any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

**Safety-Sensitive Function:** Any of the seven on-duty functions set forth in the Code of Federal Regulation 395.2, On-duty time, listed below:

- All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatch, unless the driver has been relieved from duty by the employer.

- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle.
- All time loading or unloading a commercial motor 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.
- All time spent performing the driver requirements associated with an accident.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

### **Screening test:**

- In alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system.
- In controlled substance testing it means an immunoassay screen to eliminate negative urine specimens from further consideration.

**Substance Abuse Professional (SAP):** A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning evaluation, treatment, follow-up testing, and after-care.

## **Responsibilities**

The Madison County Treasurer's Office is responsible for the following Drug and Alcohol Screening compliance activities:

- Ensure each employee required to have a CDL participates in an appropriate drug and alcohol testing program in accordance with DOT regulations. All results will be kept and maintained on file by The Madison County Treasurer's Office pursuant to county policy.
- Review all driver qualification forms and documents for completeness and compliance.
- Maintain Driver Qualification files includes mandatory drug testing information (for drivers operating a vehicle with a GVWR of 26,001 lbs. or more' a vehicle requiring a placarding for hazardous materials; or a vehicle designed to transport 16 or more passengers including the driver)
- Use the DOT Clearinghouse to make queries regarding CDL driver's violations, as well as, updating Clearinghouse after a CDL driver has completed drug and alcohol testing in accordance with DOT regulations.

**Supervisor/Department:** The duties of the driver's supervisor or his/her department include:

- Active participation in the hiring process for employees who drive CMVs, which includes:
  - Ensuring all offers of employment shall be contingent upon successful conformation of prior employment, driving record, completion of physical, drug and alcohol testing, and other DOT requirements for drivers.
  - Ensuring the post-offer applicant obtains his/her CDL drug testing.
- Informing and requiring CDL drivers to submit a urine sample for drug/alcohol testing at the designated medical and/or collection facility when the supervisor suspects that the driver is under the influence of drugs or alcohol, pursuant to DOT regulations and County policy, and
  - Contact the Madison County Treasurer's Office as soon as possible following the incident, and
  - Complete the Supervisor's Reasonable Suspicion Form.
- Compliance with DOT regulations

**Driver:** The responsibilities of a driver include:

- Avoid the use of non-prescribed drugs and alcohol while conducting safety-sensitive activities, and to comply at all times with county policy.
- Submit a sample for drug or alcohol testing when called upon to do so by his/her supervisor, including random testing for CDL drivers, pursuant to county policy (see "Refusal to Submit Form").

### **SUBSTANCE PROHIBITED/PRESCRIPTION MEDICATIONS**

- A. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medications containing alcohol which, when consumed causes an alcohol concentration of 0.02 or greater.
- B. **Controlled Substance:** In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:

Marijuana (THC Metabolite)

Cocaine

Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)

Amphetamines

Phencyclidine (PCP)

- C. Prescription Medications:** Drivers taking legally prescribed medication issued by a licensed health care professional familiar with the driver's work-related responsibilities must report such use to their immediate supervisor, and may be required to present written evidence from the health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

In the sole discretion of the Alcohol and Drug Program Administrator, a driver may be temporarily removed, with pay, from a safety-sensitive position if deemed appropriate.

## **PROHIBITIONS**

### **A. Alcohol Prohibitions:**

The new alcohol rule prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:

1. Use while performing safety-sensitive functions.
  2. Use during the 4 hours before performing safety-sensitive functions.
  3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater.
  4. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines which contain alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
  5. Use during 8 hours following an accident or until he/she undergoes a post-accident test.
  6. Refusal to take a required test.
- **NOTE:** A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, on or be permitted to perform, safety-sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written warning that County policy has been violated, and could result in disqualification of a driver and disciplinary action, up to and including termination under Madison County policy.

## B. Drug Prohibitions:

The regulations prohibit any drug use that could affect performance of safety-sensitive functions, including:

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the CMV;
2. Testing positive for drugs; and
3. Refusing to take a required test.

All drivers will inform the Alcohol and Drug Program Administrator of any therapeutic drug use prior to performing a safety-sensitive function.

## Procedures

**Types of Tests:** To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991 and drug testing guidelines and regulations issued by the Department of Transportation. The following tests are required:

- **Pre-employment.** All applicants for employment in CDL positions, or candidates for transfer or promotion to such positions are subject to screening for improper use of controlled substances. (Pre-employment alcohol testing is optional) **Note:** A pre-employment drug test may be required for an existing employee who was removed from the random testing program for more than 30 days.
- **Post-Accident.** Conducted after accidents on CDL employees in County vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation.
  - Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours, after the accident.
  - CDL employees must refrain from all alcohol use until the test is complete.
  - Post-accident drug tests must be conducted within 32 hours.
- **Reasonable Suspicion.** Conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse.
  - If a CDL employee's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted.
  - If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours.

- Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties.
- Testing for substance abuse may occur at any time upon suspicion.

**The following conditions are signs of possible alcohol or drug use (not all-inclusive):**

- Abnormally dilated or constricted pupils
  - Glazed stare - redness of eyes (sclera)
  - Flushed face
  - Change of speech (i.e. faster or slower)
  - Constant sniffing
  - Increased absences
  - Redness under nose
  - Sudden weight loss
  - Needle marks
  - Change in personality (i.e. paranoia)
  - Increased appetite for sweets
  - Forgetfulness-performance faltering-poor concentration
  - Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
  - Constant fatigue or hyperactivity
  - Smell of alcohol
  - Slurred speech
  - Difficulty walking
  - Excessive, unexplained absences
  - Dulled mental processes
  - Slowed reaction rate
- **Random:** Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs.
    - Each year, the number of random alcohol tests conducted by the County must equal at least \*10% of all the safety-sensitive CDL employees.
    - Random drug tests conducted by the County must equal at least \*50% of all CDL employees.

**\*Note:** These percentages are subject to change. The FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for random alcohol and controlled substances testing will be applicable starting January 1 of the calendar year following publication in the **Federal Register**.

- **Return to Duty and Follow-up.** Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. All positive tests require a negative test result in or for employee to return to duty.
  - Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty.
  - Follow-up testing may be extended for up to sixty (60) months following the return to duty.

## Conducting Tests

- **Alcohol:** DOT rules require breath testing using evidential breath testing (EBT) devices.
  - Two breath tests are required to determine if a person has a prohibited alcohol concentration.
  - A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted
- **Drugs:** Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility.
  - Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.
  - DOT rules require a split specimen procedure.
    - Each urine specimen is subdivided into two bottles labeled as primary and split.
    - Both bottles are sent to the laboratory.
    - Only the primary specimen is opened and used for the urinalysis.
    - The split specimen remains sealed at the laboratory.
    - If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
  - All urine specimens are currently analyzed for the following drugs:
    - Marijuana (THC metabolite)
    - Cocaine
    - Amphetamines
    - Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)
    - Phencyclidine (PCP)

- Testing is conducted using a two-stage process.
  - First, a screening test is performed.
  - If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug.
  - Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
- All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the County.
  - If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen.
  - For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. The MRO will take into consideration when the use is 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.
  - If the MRO determines that the drug use is legitimate, the test will be reported to the Designated Employer Representative as a negative result.

### **Refusal to Submit to an Alcohol or Drug Test and the Consequences**

- Refusal to submit to an alcohol or controlled substances test means that a CDL employee:
  - Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy,
  - Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy,
  - Refuses to wash his or her hands after being directed to do so during collection of a urine sample,
  - Admits to the collector of a urine sample that he or she has adulterated or substituted their specimen,
  - An observed collection of a urine sample, fails to follow the observer's instructions to raise his or her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if he or she has any type of prosthetic or other device that could be used to interfere with the collection process,
  - Possesses or wears a prosthetic or other device that could be used to interfere with the collection process, or

- Behaves in a confrontational way that disrupts the collection process or otherwise engages in conduct that clearly obstructs the testing process.
- CDL employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions. Pursuant to the County's authority, CDL employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

### **Consequences of Alcohol/Drug Misuse**

- CDL employees who have any alcohol concentration, defined as 0.02 or greater, who are tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for a minimum 24 hours.
  - Disciplinary action up to and including termination may be imposed upon an employee whose alcohol test reveals any alcohol concentration, between 0.02 and 0.04.
- CDL employees who engage in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use, must be immediately removed from safety-sensitive functions for a period of time determined by the County at its' sole discretion.
  - Disciplinary action, up to and including termination, may be imposed upon a CDL employee who engages in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use.

### **NOTE BELOW ARE ONLY SOME OPTIONS TO CONSIDER:**

- Unless the circumstances warrant more serious discipline, the first time a CDL employee tests positive for alcohol use greater than 0.04 or drug use, he/she shall receive a one (1) day unpaid suspension.
- If a CDL employee tests positive for alcohol use greater than 0.04 or drug use for a second time within the five year period immediately following his/her first positive test, he/she will be terminated.
- A CDL employee in his/her introductory or training period who tests positive for any alcohol concentration (defined as 0.02 or greater) or drug use, shall be terminated.
- A CDL employee who tests positive for alcohol use greater than 0.04 or drug use, but is not terminated must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with his/her alcohol or drug problem. Failure to comply will result in immediate termination.
  - The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable).

- Employees may be placed on sick leave or leave without pay status during the treatment period, whichever is appropriate.
- CDL employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
- Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

### **Information/Training**

- All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse.
- All employees must receive a copy of this policy and sign the Confirmation of Receipt – see attachments.
- All personnel responsible for supervising and managing CDL employees must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing.
  - Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.
- This policy will be posted on employee bulletin boards and will be available to all employees.
- Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.
- All recruitment advertising will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
- All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

### **Record Keeping**

- Madison County will keep detailed records of its drug and alcohol program per DOT Regulations.

- These records are confidential. Test results will only be released to the county, the substance abuse professional or the MRO. Any other release will only be made with written consent of the CDL driver or in response to court order.
- All Madison County drug and alcohol test results will be updated in the DOT Clearinghouse online database as required by DOT regulation.

## **APPEAL OF TEST RESULTS**

- A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of Madison County, but causes serious individual health consequences to those who use them. Appendix A outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-sensitive function or refusing to take a breath test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.
- B. Any driver testing positive for the presence of a controlled substance will be contacted by the MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The County will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the County as a negative.
- C. Within 72 hours after the driver has been notified of a positive test result for drugs, he/she may request a retest at their expense of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the Madison County Treasurer will be notified. A retest may be initiated as appropriate.

## **VIII. CONFIDENTIALITY**

Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee, except for the requirement to utilize the Clearinghouse, which is the DOT online database for drug and alcohol testing results.

Drivers are 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/her alcohol or controlled substance tests. Copies will be provided within 5 days.

Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the driver, to ensure that all tests can be correctly traced to the driver. Drug test analysis from the DHHS approved laboratory will be forwarded directly to the Medical Review Officer assigned by the Madison County Treasurer.

Alcohol test results will be forwarded by the MRO to the Madison County Treasurer for confidential record keeping.

## **APPENDIX A ALCOHOL AND DRUG EFFECTS**

Section 382.601(b)(11) FMCSR mandates that all employees be provided with training materials discussing the effects of alcohol and controlled substances use on an individual's health, work and personal life.

This attachment is intended to help individuals understand the personal consequences of substance abuse.

### **ALCOHOL**

Although used routinely as beverage for enjoyment, alcohol can also have negative physical and mood-altering effects when abused. These physical or mental alterations in a driver may have serious personal and public safety risks.

#### Health Effects

An average of three or more servings per day of beer (12 oz.), whiskey (1 oz.), or wine (6 oz.) over time, may result in the following health hazards:

- Dependency
- Fatal liver disease
- Kidney disease
- Pancreatitis
- Ulcers
- Decreased sexual functions
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Spontaneous abortion and neonatal mortality
- Birth defects

#### Social Issues

- 2/3 of all homicides are committed by people who drink prior to the crime
- 2-3% of the driving population are legally drunk at any one time. This rate doubles at night and on weekends.
- 2/3 of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- The separation and divorce rate in families with alcohol dependency problems is 7 times the average.
- 40% of family court cases are alcohol-related.
- Alcoholics are 15 times more likely to commit suicide.
- More than 60% of burns, 40% of falls, 69% of boating accidents, and 76% of private aircraft accidents are alcohol-related.
- Over 17,000 fatalities occurred in 1993 in highway accidents, which were alcohol-related. This was 43% of all highway fatalities.
- 30,000 people will die each year from alcohol caused liver disease.
- 10,000 people will die each year due to alcohol-related brain disease or suicide.
- Up to 125,000 people die each year due to alcohol-related conditions or accidents.

#### Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of alcohol from the body.
- Impairment can be measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

## ALCOHOL'S TRIP THROUGH THE BODY

**Mouth and Esophagus:** Alcohol is an irritant to the delicate linings of the throat and food pipe. It burns as it goes down.

**Stomach and Intestines:** Alcohol has an irritating effect on the stomach's protective lining, resulting in gastric or duodenal ulcers. This condition, if it becomes acute, can cause peritonitis, perforation of the stomach wall. In the small intestine, alcohol blocks absorption of such substances as thiamine, folic acid, fat, vitamin B<sub>1</sub>, vitamin B<sub>12</sub>, and amino acids.

**Bloodstream:** 95% of the alcohol taken into the body is absorbed into the bloodstream, through the lining of the stomach and duodenum. Once in the bloodstream, alcohol quickly goes to every cell and tissue in the body. Alcohol causes red blood cells to clump together in sticky wads, slowing circulation and depriving tissues of oxygen. It also causes anemia by reduction of red blood cell production. Alcohol slows the ability of white cells to engulf and destroy bacteria and degenerates the clotting ability of blood platelets.

**Pancreas:** Alcohol irritates the cells of the pancreas, causing them to swell, thus blocking the flow of digestive enzymes. The chemicals, unable to enter the small intestine, begin to digest the pancreas, leading to acute hemorrhagic pancreatitis. One out of five patients who develop this disease dies during the first attack. Pancreatitis can destroy the pancreas and cause a lack of insulin thus resulting in diabetes.

**Liver:** Alcohol inflames the cells of the liver, causing them to swell and block the tiny canal to the small intestines. This prevents bile from being filtered properly through the liver. Jaundice develops, turning the whites of the eyes and skin yellow. Each drink of alcohol increases the number of liver cells destroyed, eventually causing cirrhosis of the liver. The disease is eight times more frequent among alcoholics than among non-alcoholics.

**Heart:** Alcohol causes inflammation of the heart muscle. It has a toxic effect on the heart and causes increased amounts of fat to collect, thus disrupting its normal metabolism.

**Urinary Bladder and Kidneys:** Alcohol inflames the lining of the urinary bladder, making it unable to stretch properly. In the kidneys, alcohol causes increased loss of fluids through its irritating effect.

**Sex Glands:** Swelling of the prostate gland caused by alcohol interferes with the ability of the male to perform sexually. It also interferes with the ability to climax during intercourse.

**Brain:** The most dramatic and noticed effect of alcohol is on the brain. It depresses brain centers, producing progressive in coordination: confusion, disorientation, stupor, anesthesia, coma, death. Alcohol kills brain cells and brain damage is permanent. Drinking over a period of time causes loss of memory, judgment and learning ability.

## DRUGS

### Health Effects

- Emphysema-like conditions.
- One joint of marijuana contains cancer-causing substances equal to 1/2 pack of cigarettes.
- One joint causes the heart to race and be overworked. People with heart conditions are at risk.
- Marijuana is commonly contaminated with the fungus *Aspergillus*, which can cause serious respiratory tract and sinus infections.
- Marijuana lowers the body's immune system response, making users more susceptible to infection.
- Chronic smoking causes changes in brain cells and brain waves. The brain does not work as efficiently or effectively. Long-term brain damage may occur.
- Tetrahydrocannabinol (THC) and 60 other chemicals in marijuana concentrate in the ovaries and testes.
- Chronic smoking of marijuana in males causes a decrease in testosterone and an increase in estrogen, the female hormone. As a result, the sperm count is reduced, leading to temporary sterility.
- Chronic smoking of marijuana in females causes a decrease in fertility.

- A higher than normal incidence of stillborn births, early termination of pregnancy, and higher infant mortality rate during the first few days of life are common in pregnant marijuana smokers.
- THC causes birth defects including brain damage, spinal cord, forelimbs, liver, and water on the brain and spine in test animals.
- Prenatal exposure may cause underweight newborn babies.
- Fetal exposure may decrease visual functioning.
- User's mental function can display the following effects:
  - delayed decision making
  - diminished concentration
  - impaired short-term memory
  - impaired signal detection
  - impaired tracking
  - erratic cognitive function
  - distortion of time estimation

#### Workplace Issues

- THC is stored in body fat and slowly released.
- Marijuana smoking has long-term effects on performance.
- Increased THC potency in modern marijuana dramatically compounds the side effects.
- Combining alcohol or other depressant drugs with marijuana increases the impairing effects of both.

#### **Cocaine**

Used medically as a local anesthetic. When abused, it becomes a powerful physical and mental stimulant. The entire nervous system is energized. Muscles tense, heart beats faster and stronger, and the body burns more energy. The brain experiences an exhilaration caused by a large release of neurohormones associated with mood elevation.

#### Health Effects

- Regular use may upset the chemical balance of the brain. As a result, it may speed up the aging process by causing damage to critical nerve cells. Parkinson's Disease could also occur.
- Cocaine causes the heart to beat faster, harder, and rapidly increases blood pressure. It also causes spasms of blood vessels in the brain and heart. Both lead to ruptured vessels causing strokes and heart attacks.
- Strong dependency can occur with one "hit" of cocaine. Usually mental dependency occurs within days for "crack" or within several months for snorting coke. Cocaine causes the strongest mental dependency of all the drugs.
- Treatment success rates are lower than other chemical dependencies.
- Extremely dangerous when taken with other depressant drugs. Death due to overdose is rapid. Fatal effects are usually not reversible by medical intervention.

#### Workplace Issues

- Extreme mood and energy swings create instability. Sudden noise causes a violent reaction.
- Lapses in attention and ignoring warning signals increases probability of accidents.
- High cost frequently leads to theft and/or dealing.
- Paranoia and withdrawal may create unpredictable or violent behavior.
- Performance is characterized by forgetfulness, absenteeism, tardiness, and missing assignments.

#### **Opioids**

Narcotic drugs which alleviate pain and depress body functions and reactions.

#### Health Effects

- IV needle users have a high risk of contracting hepatitis or AIDS when sharing needles.
- Increase pain tolerance. As a result, a person may more severely injure themselves and fail to seek medical attention as needed.
- Narcotic effects are multiplied when combined with other depressants causing an increased risk for an overdose.
- Because of tolerance, there is an ever increasing need for more.

- Strong mental and physical dependency occurs.
- With increased tolerance and dependency combined, there is a serious financial burden for the users.

#### Workplace Issues

- Side effects such as nausea, vomiting, dizziness, mental clouding and drowsiness place the user at high risk for an accident.
- Causes impairment of physical and mental functions.

#### **Amphetamines**

Central nervous system stimulant that speeds up the body and mind.

#### Health Effects

- Regular use causes strong psychological dependency and increased tolerance.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce heart or brain damage due to severe constriction of capillary blood vessels.
- Euphoric stimulation increases impulsive and risk taking behavior, including bizarre and violent acts.
- Withdrawal may result in severe physical and mental depression.

#### Workplace Issues

- Since the drug alleviates the sensation of fatigue, it may be abused to increase alertness during periods of overtime or failure to get rest.
- With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes an impairment.

#### **Phencyclidine (PCP)**

Often used as a large animal tranquilizer. Abused primarily for its mood altering effects. Low doses produce sedation and euphoric mood changes. Mood can rapidly change from sedation to excitation and agitation. Larger doses may produce a coma-like condition with muscle rigidity and a blank stare. Sudden noises or physical shocks may cause a "freak out" in which the person has abnormal strength, violent behavior, and an inability to speak or comprehend.

#### Health Effects

- The potential for accidents and overdose emergencies is high due to the extreme mental effects combined with the anesthetic effect on the body.
- PCP, when combined with other depressants, including alcohol, increases the possibility of an overdose.
- If misdiagnosed as LSD induced, and treated with Thorazine, can be fatal.
- Irreversible memory loss, personality changes, and thought disorders may result.

#### Workplace Issues

- Not common in workplace primarily because of severe disorientation that occurs.
- There are four phases of PCP abuse:
  - Acute toxicity causing combativeness, catatonia, convulsions, and coma. Distortions of size, shape, and distorted perception are common.
  - Toxic psychosis with visual and auditory delusions, paranoia and agitation.
  - Drug induced schizophrenia.
  - Induced depression which may create suicidal tendencies and mental dysfunction.

**APPENDIX B  
EMPLOYEE NOTIFICATION LETTER  
FOR REQUIRED C.D.L. HOLDERS**

I certify that I have received a copy of and have read the Madison County Policy on Alcohol and Drug Testing Procedures. I understand that as a condition of employment as a driver, I must comply with these guidelines, and do agree that I will remain medically qualified by following these procedures. If I develop a problem with alcohol or drug abuse during my employment with Madison County, I will seek assistance through the current Alcohol and Drug Testing Program Administrator.

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Employee Signature

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Employee Print Name

---

Date



# APPENDIX D

## OBSERVED BEHAVIOR REASONABLE SUSPICION

Madison County Office Use Only

Employee Number: \_\_\_\_\_  
Location: \_\_\_\_\_  
Incident Number: \_\_\_\_\_

Driver's Name \_\_\_\_\_

Date Observed \_\_\_\_\_

Address of Incident:  
Street \_\_\_\_\_

City, State, Zip \_\_\_\_\_ Time Observed: From \_\_\_\_\_ a.m. p.m.  
To \_\_\_\_\_ a.m. p.m.

Record employee observed behavior for reasonable suspicion for the use of alcohol or controlled substances. According to 49 CFR §382.307 (Reasonable Suspicion Testing) the employer shall require their driver to submit to a controlled substance or alcohol test if a supervisor or county representative who is trained in accordance with §382.603 determines that reasonable suspicion exists.

Reasonable Suspicion determined for: \_\_\_\_\_ Alcohol \_\_\_\_\_ Controlled Substance

1. Appearance: \_\_\_\_\_ Normal \_\_\_\_\_ Sleepy \_\_\_\_\_ Tremors \_\_\_\_\_ Clothing \_\_\_\_\_ Cleanliness

Description: \_\_\_\_\_  
\_\_\_\_\_

2. Behavior: \_\_\_\_\_ Normal \_\_\_\_\_ Erratic \_\_\_\_\_ Inappropriate gaiety \_\_\_\_\_ Mood swings \_\_\_\_\_ Lethargic

Description: \_\_\_\_\_  
\_\_\_\_\_

3. Speech:

Description: \_\_\_\_\_  
\_\_\_\_\_

4. Body Odors:

5. Indications of the chronic and withdrawal effects of controlled substances: \_\_\_\_\_ Yes \_\_\_\_\_ No

Explain: \_\_\_\_\_  
\_\_\_\_\_

6. Other observations of reasonable suspicion:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature Title Preparation Date Time \_\_\_\_\_ A.M. P.M.

\_\_\_\_\_  
Signature Title Preparation Date Time \_\_\_\_\_ A.M. P.M.

The alcohol test must be administered within eight (8) hours following a reasonable suspicion determined. Employer retain in employee's confidential file.

## **APPENDIX D REASONABLE SUSPICION TEST**

When an employee begins to show a pattern of deterioration job performance, the supervisor will take a series of steps over a period of time, each of which requires full documentation. Substance abuse can affect an employee's job performance in many ways and supervisors must be aware of them. Supervisors need to alert for and document the following if they appear as part of a pattern and not as isolated incidents.

### **General Trends:**

- Excessive absenteeism; peculiar excuses for absences.
- Excessive use of sick leave, particularly for minor illness such as colds, flu or stomach problems.
- Frequent absences on Fridays, Mondays, pay days or after holidays.
- Excessive tardiness, especially at lunch time.
- Long breaks; frequent trips to the bathroom, break area or parking lot and frequent early departures from work.
- Higher than normal accident rates, both on- and off-the-job.
- Complaints from co-workers.
- Overreacts to real or imagined criticism.
- Changes in appearance, such as flushed face, red or bleary eyes, carelessness in dress or appearance; hand tremors.
- Makes untrue statements.
- Tracking or needle marks on the arms.

### **Performance-related Trends:**

- Inconsistent work patterns or disruption of work patterns.
- Misses deadlines.
- Decreasing reliability; procrastination; or memory gaps.
- Tendency to neglect details formerly not neglected.
- Friction with co-workers; placing blame on others.
- Errors due to inattention or poor judgment.
- Making consistently bad decisions; missing deadlines.
- Requesting different job assignments.
- Seeking loans from co-workers.
- Wasting office supplies or materials due to errors.
- Poor service to public; complaints from the public.
- Lack of cooperation; confusion.
- Decreased productivity or quality of work.
- Morale problems; unacceptable behavior.

### **Specific Examples of Behavior:**

- Accidents involving injury and/or property damage.
- Slurred speech.
- Alcohol odor on breath.
- Unsteady walking and movement.
- Physical disputes.
- Verbal altercations.
- Unusual behavior.
- Possession of alcohol and/or drugs.
- Information obtained from a reliable person with personal knowledge that the employee is under the influence of drugs and/or alcohol.

Obviously there are other explanations for such trends, and supervisors should be cognizant of this. Supervisors are not to jump to conclusions and should use good judgment.

**APPENDIX E  
ALCOHOL AND CONTROLLED SUBSTANCE  
EMPLOYEE'S CERTIFIED RECEIPT**

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Department

This is to certify that I have been provided educational materials that explain the requirements of §382.601 and my employer's policies and procedures with respect to meeting the requirements. The materials include detailed discussion of the following checked (v) items:

- \_\_\_\_\_ 1. The designated person to answer questions about the materials.
- \_\_\_\_\_ 2. The categories of drivers subject to Part 382.
- \_\_\_\_\_ 3. Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
- \_\_\_\_\_ 4. Specific information concerning prohibited driver conduct.
- \_\_\_\_\_ 5. Circumstances under which a driver will be tested.
- \_\_\_\_\_ 6. Test procedures, driver protection and integrity of the testing processes, and safeguarding the validity of the test.
- \_\_\_\_\_ 7. The requirement that tests are administered in accordance with Part 382.
- \_\_\_\_\_ 8. An explanation of what will be considered a refusal to submit to a test and the consequences.
- \_\_\_\_\_ 9. The consequences for Part 382 Subpart B violations including removal from safety-sensitive functions and §382.605 procedures.
- \_\_\_\_\_ 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- \_\_\_\_\_ 11. Information on the affect of alcohol and controlled substances use on:  
\*An individual health    \*Signs and symptoms of a problem    \*Work  
\*Available methods of intervening when a problem is suspected  
\*Personal life
- \_\_\_\_\_ 12. Optional information:

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Madison County Representative

\_\_\_\_\_  
Date

Retain in employee's confidential file

**APPENDIX F**  
**REQUEST/CONSENT FOR INFORMATION FROM PREVIOUS EMPLOYER ON**  
**ALCOHOL AND CONTROLLED SUBSTANCES TESTING**  
**SECTION 1: TO BE COMPLETED BY PROSPECTIVE EMPLOYEE**

(Print name) \_\_\_\_\_  
 First, M.I., Last \_\_\_\_\_ Social Security Number \_\_\_\_\_

Previous Employer: \_\_\_\_\_  
 Street: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_ Fax No.: \_\_\_\_\_

You may release and forward information requested by section 2 (below) of this document concerning my Alcohol and Controlled Substances Testing records to:

Prospective Employer: \_\_\_\_\_  
 Attention: \_\_\_\_\_  
 Street: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

This is in compliance with §382.405(f) and (h), which state:  
 (f) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by that subsequent employer is permitted only as expressly authorized by the terms of the driver's request.  
 (h) An employer shall release information regarding driver's records as directed by the specific, written consent of the 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 employee's consent.  
 §382.413(a)(b)(c)(e)(f) further state:  
 (a) An employer may obtain, pursuant to a driver's written consent, any of the information concerning the driver which is maintained under this part by the driver's previous employers.  
 (b) An employer shall obtain, pursuant to a driver's consent, information on the driver's alcohol tests with a concentration result of 0.104 or greater, positive controlled substances test results, and refusals to be tested, within the preceding three years, which are maintained by the driver's previous employers under §382.401(b)(1)(i) through (iii).  
 (c) The information in paragraph (b) of this section must be obtained and reviewed by the employer no later than 14 calendar days after the first time a driver performs safety-sensitive functions for an employer.  
 (e) The prospective employer must provide to each of the driver's employers with the three preceding years the driver's specific written authorization for release of the information in paragraph (b).  
 (f) The release of any information under this part may take the form of personal interviews, telephone interviews, letters, or any other method of obtaining information that ensures confidentiality. Each employer must maintain a written, confidential record with respect to each past employer contacted.

**SECTION 2: TO BE COMPLETED BY PREVIOUS EMPLOYER**

**COMPLETE THIS SECTION AS IT PERTAINS TO PART 382. SEE SEC. §382.413(b), ABOVE.**  
 1. Has this person ever tested positive for a controlled substance in the last three years?  Yes  No  
 2. Has this person ever had an alcohol test with a Breath Alcohol Concentration 0.04 or greater in the last three years?  Yes  No  
 3. Has this person ever refused a required test for drugs or alcohol in the last three years?  Yes  No  
 If YES to any of the above questions, please give the SAP's (Substance Abuse Professional) name, address and phone number for further reference.

Name: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_

Section 2 completed by (signature): \_\_\_\_\_ Date: \_\_\_\_\_

**SECTION 3: TO BE COMPLETED BY PROSPECTIVE EMPLOYER**

This form was (check one)  Faxed to previous employer.  Mailed. Date: \_\_\_\_\_  
 Complete below when information was obtained.

Information received from: \_\_\_\_\_  
 Recorded by: \_\_\_\_\_ Method:  Fax  Mail  Phone  
 Date: \_\_\_\_\_  Personal interview

**PREVIOUS EMPLOYER**  
**COMPLETE AND RETURN TO PROSPECTIVE EMPLOYER**