

105.4 Drug/Alcohol Policy

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SECTION I – PURPOSE

The Town of Berry, (hereinafter “the Employer”) is dedicated to providing safe and efficient service to our customers. Our employees are our most valuable resource in ensuring the quality of this service. The goal of this Township is, therefore, to provide our employees with a workplace environment which promotes health and safety. In order to meet this goal, we hereby endorse the Federal Highway Administration’s (FHWA) drug and alcohol policy and regulations. The employer will not tolerate unauthorized use, abuse, possession or sale of controlled substances or alcohol by its employees. Drug and alcohol testing will be an integral part of our program. In addition to this policy, the Employer will provide drivers with information concerning:

- A. The effects of drugs and alcohol on the individual’s health, work, and personal life;
- B. The signs and symptoms of a drug or alcohol problem; and
- C. The available methods of intervention when a problem does exist.

This policy is subject to change without further notice for compliance with Federal Regulations.

SECTION II – SCOPE

This policy applies to all vehicle operators when on duty; whenever performing, or just about to perform, a safety-sensitive function. This policy also applies to NON-DOT employees who may perform, or are just about to perform, a safety-sensitive activity, or at any time as may be specified by the Employer.

SECTION III – DEFINITIONS

- A. On Premises. Includes any work location, vehicle, property or office which is serviced or used by the Employer or any client of the Employer which could include Town owned, rented or leased vehicles on the property of the Employer or of any client of the Employer and or vehicles of visitors, leased, part-time or contract personnel on the Employer’s property premises.
- B. Illicit Drugs. Is meant to include any and all illegal drugs, including so-called look-alike and designer drugs; legally obtained drugs which are used in a manner other than that prescribed by a physician, and any substance which can affect a person’s perceptions or motor functions.

The person affected by this policy will be tested for at least the following substances: Amphetamines, Cannabinoids, Cocaine, Opiates, Phencyclidine (PCP), and Alcohol.

SECTION IV – PROCEDURES

A. Pre-employment. All offers by the Employer to hire an applicant for a driver position are conditioned upon:

1. Completing the Employer's general consent and release to be tested for drugs and alcohol forms.
2. Taking a drug and alcohol test as directed by the Employer and passing both tests.
3. Completing the Employer's authorization to obtain past drug and alcohol test results form from previous employer(s).
4. Passing the DOT-required physical exam.
5. Complying with any other Employer conditions or requirements or applicable law at time of offer.

Any applicant who refuses or fails to complete the Employer's consent and release to be drug and alcohol tested form's, who refuses or fails to complete the Employer's authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment/pre-duty drug and alcohol test, or whose result is positive for either test, will not be considered eligible to work for the Employer.

B. Reasonable Suspicion Testing. Each driver is required to submit to a drug and/or alcohol test whenever the Employer has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT regulations and/or this policy. In the event one or more supervisors find reasonable suspicion to test (based on personal observation and documented by one or more supervisors who has received training on performance indicators of probable drug and alcohol use) will require a drug and/or alcohol test of the employee. Whenever a driver is notified that there is reasonable suspicion to be tested, the driver must report to the collection facility immediately. Drivers who are required to submit to a reasonable suspicion test will be escorted by an Employer official to the collection site for a drug and/or alcohol test. If the driver refuses the Employer's efforts and insists on driving their own vehicle, or an Employer's vehicle, the Employer reserves the right to take whatever appropriate action to prevent this, including contacting law enforcement officials. Failure to abide by the Employer policy may result in disciplinary action including suspension or dismissal.

C. Random Testing. The Employer is required to perform unannounced, random drug and alcohol testing of all covered employees. Every driver will have an equal chance to be selected each and every time a selection is conducted. Whenever a driver is randomly selected to be tested, they will be notified of this in writing and instructed to report to the collection site immediately. Any driver who tests positive for controlled substances or alcohol will be considered to be medically unqualified to drive and/or perform any other safety-sensitive function and will be subject to disciplinary action, up to and including discharge.

D. Post-Accident Testing. A driver who has an accident while performing a safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible. A driver must always submit to a post-accident test as soon as possible after an accident which involves the death of a human being. A post-accident drug and alcohol test is required whenever a driver receives a citation for a moving violation involving the accident and either:

1. A person is injured because of the accident and the injuries require immediate medical attention to the person away from the accident scene; or

2. One or more motor vehicles involved in the accident receive disabling damage and must be removed from the accident scene by a tow vehicle or another vehicle.
- E. Compliance with Testing. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately. Refusal can include an inability to provide a urine or blood specimen or breath sample without valid medical reason or delaying arrival at the collection site. Such refusals will be treated as insubordination and recorded as a positive test, with the employee subject to disciplinary action up to and including discharge.

SECTION V – TEST PROCEDURES AND CONFIDENTIALITY

To ensure the integrity and accuracy of each test, all specimen collection, analysis, and laboratory procedures will be performed in accordance with DOT protocols and safeguards as set forth in Part 40 of Title 49 of the Federal Code of Regulations. This will include:

- A. Procedures to ensure identity of driver at the time of specimen collection.
- B. Strict chain-of-custody procedure to ensure that the drivers specimen is not tampered with.
- C. The use of a trained breath alcohol technician (BAT) and National Highway Transportation Safety Administration (NHTSA) approved testing equipment for conducting alcohol tests.
- D. The use of a laboratory which has been certified by Substance Abuse and Mental Health Services Administration (SAMHSA).
- E. The confirmation of an initial positive drug screen by second analysis using gas chromatography/mass spectrometry (GCMS).
- F. The confirmation of an initial positive alcohol screen by a second analysis.
- G. Employer appointment of a qualified Medical Review Officer (MRO) to review drug test results before they are reported to the Employer's designated contact person.

SECTION VI – COLLECTION PROCEDURES

Drug and alcohol testing shall be in accordance with procedures contracted for by the Town.

SECTION VII – ALCOHOL

- A. No employee shall consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within 8 hours before going on duty or operating, or having physical control of, or performing any safety-sensitive function; or
- B. Consume an intoxicating beverage regardless of its alcoholic content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol, while on duty, or operating, or in physical control of an Employer vehicle, or while performing any safety-sensitive function; or
- C. Be on duty, or operate, or in physical control of an Employer vehicle, or perform any safety-sensitive function while in possession of an intoxication beverage (including medications which contain alcohol) regardless of it alcoholic content.

Drivers shall comply with DOT and State regulations with respect to blood/breath/urine alcohol content at all times. An employee who violates this provision maybe subject to disciplinary action up to and including discharge.

SECTION VIII – EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Employer believes that the EAP and training along with comprehensive drug testing are the most effective approach to promote safety and reduce alcohol and drug abuse in the transportation industry. The Employer has established a training program to ensure that all employees are aware of the effects and consequences of alcohol, or controlled substance use on personal health, safety, and the work environment.

SECTION IX – DRUG AND ALCOHOL INFORMATION

Any driver who engages in any conduct prohibited under this Policy will be provided with information regarding resources available to evaluate and resolve a drug or alcohol problem. This information will provide names, address and telephone numbers of substance abuse professionals, counseling and treatment programs available in the area. All questions concerning the educational materials provided by the Employer, or about this policy, should be directed to the Town Chairperson.

Dated this 22nd day of January, 2018

Posted: January 23, 2018

Brenda Kahl, Clerk/Treasurer
Jeff Davis, Supervisor
Joe Kruchten, Supervisor

Anthony Varda, Chairperson
Michael Statz, Supervisor
Duane Haag, Supervisor