

**STOREY COUNTY ADMINISTRATIVE
POLICIES AND PROCEDURES**

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SUBJECT: VEHICLE OPERATORS DRUG AND ALCOHOL POLICY

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- Employee Acknowledgement Form (Form 206A-F1)
- Consent to Release of Drug / Alcohol Information Drug /Alcohol Testing (Form 206A-F2)
- Drug / Alcohol Test Informed Consent (Form 206A-F3)
- DOT Alcohol Testing Form (Form 206A-F4)
- Suggested Steps for Reasonable Suspicion Drug / Alcohol Testing (Form 206A-F5)
- Documentation for Reasonable Suspicion Drug / Alcohol Testing (Form 206A-F6)
- Federal Drug Testing Custody and Control Form (Current Form #OBM No. 0930-0158 is available on website www.health.org/workplace)

I. **Statement of Purpose**

The employer seeks to operate a drug- and alcohol-free workplace that is in compliance with the Federal Department of Transportation (DOT) (49 CFR Part 40) and the Federal Motor Carrier Safety Regulations (FMSCR), as prescribed by the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Parts 382, 383, 387, 390-397, and 399). Therefore, it is the policy of the employer that all employees who perform safety-sensitive functions as defined in this policy, including employees required to maintain commercial driver's licenses (CDL), be drug and alcohol free.

To further this goal, the employer has implemented this Vehicle Operators Drug and Alcohol Policy. The policy provides the employer with reasonable measures to ensure that an employee's drug or alcohol use does not jeopardize the employer's successful operations, the employer's workplace, its employees, or the general public.

II. **Coverage**

The Vehicle Operators Drug and Alcohol Policy covers all employees who are required to obtain and maintain a CDL as a qualification for their position. All employees covered by this policy are referred to as "drivers" for the purposes of this policy. A CDL is required for all drivers that operate a vehicle:

1. In excess of 26,000 pounds Gross Vehicle Weight Rating (GVWR); or
2. Designed to carry 16 or more passengers (including the driver); or
3. Of any size which is used in the transportation of a placardable amount of hazardous material.

This includes, but is not limited to: full-time, part-time, casual, intermittent, or occasional drivers. Mechanics who operate commercial vehicles to test their operations are specifically covered by this policy.

III. **Basic Information about Alcohol and Controlled Substances**

Section 382.601(b) of the FMSCR requires that all employees be provided with information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected.

1. Alcohol

a. Health Effects

- The liver is the primary site of alcohol metabolism and can be severely affected by heavy alcohol use. The three primary dangers are fatty liver, alcoholic hepatitis, and cirrhosis.
- Heavy alcohol use can also severely affect the gastrointestinal tract, contributing to inflammation of the esophagus, exacerbating peptic ulcers, and causing acute and chronic pancreatitis. It interferes with the absorption of nutrients from food and contributes to malnutrition.

- Heavy alcohol use affects the heart and vascular system, contributing to heart attacks, hypertension, and strokes.
 - Either because of direct action or indirectly through the malnutrition, liver disease, and other effects it causes, alcohol depresses immune system functioning and increases the likelihood of infection.
 - There is considerable evidence that alcohol abuse is associated with the incidence of cancer, particularly cancers of the liver, esophagus, nasopharynx, and larynx.
 - Heavy alcohol consumption causes brain damage, manifested through dementia, blackouts, seizures, hallucinations, and peripheral neuropathy.
 - Birth defects.
- b. Workplace Issues
- Alcohol affects vision, reflexes, coordination, emotions, aggressiveness, and judgement, which deprives a professional driver of most of the tools s/he relies upon to perform safely.
 - Hangovers also present a risk to driving behavior. The sick feeling associated with hangovers, including headaches, nausea, and other symptoms, can distract a driver's attention and lead to accidents even though alcohol may no longer be detectable in the body.
- c. Signs and Symptoms of Use
- Evidence of presence of alcohol: Bottles, cans, and other containers which alcohol-containing beverages may have been purchased and/or consumed in; bottle caps from alcohol containers; bottle or can openers; drivers drinking from paper bags; odor of alcohol on containers or on driver's breath.
 - Physical symptoms: Reduction of reflexes, slurred speech, loss of coordination, unsteady gait.
 - Behavioral symptoms: Increased talkativeness, reduced emotional control, distorted judgment, impaired driving ability, gross effects on thinking and memory.

2. Marijuana

a. Health Effects

- When marijuana is smoked, it is irritating to the lungs. Chronic smoking causes emphysema-like conditions.
- One joint causes the heart to race and be overworked. People with undiagnosed heart conditions are at risk.
- Marijuana is commonly contaminated with a fungus called *Aspergillus*, which can cause serious respiratory tract and sinus infections.

- Marijuana smoking lowers the body's immune system response, making users more susceptible to infection.
 - Chronic smoking causes changes in brain cells and brain waves.
 - Decrease in fertility.
 - Birth defects.
 - Delayed decision making, diminished concentration, impaired short-term memory, erratic cognitive function, distortion of time estimation.
- b. Workplace Issues
- The active chemical, THC, is stored in body fat and slowly released.
 - Marijuana smoking has long-term effects on performance.
 - Increased THC potency in modern marijuana increases the impairment.
 - Combining alcohol or other depressant drugs with marijuana increases impairment.
- c. Signs and Symptoms of Use
- Evidence of presence of marijuana: Plastic bags (commonly used to sell marijuana); smoking papers; roach clip holders; small pipes of bone, brass, or glass; smoking bongs; distinctive odor.
 - Physical symptoms: Reddened eyes; stained fingertips from holding joints; chronic fatigue; irritating cough; chronic sore throat; accelerated heartbeat; slowed speech; impaired motor coordination; altered perception; increased appetite.
 - Behavioral symptoms: Impaired memory; time-space distortions; feeling of euphoria; paranoia; false sense of power.

3. Cocaine

a. 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.
- The onset of nervous system illnesses such as Parkinson's disease could also occur.
- Cocaine use causes the heart to beat faster and harder and rapidly increases blood pressure. In addition, cocaine causes spasms of blood vessels in the brain and heart. Both effects lead to ruptured vessels causing strokes or heart attacks.
- Strong dependency can occur with one "hit" of cocaine. Usually mental dependency occurs within days of using. Cocaine causes the strongest mental dependency of any known drug.
- Treatment success rates are lower than those of other chemical dependencies.

- Cocaine is extremely dangerous when taken with depressant drugs. Death due to overdose is rapid. The fatal effects of an overdose are not usually reversible by medical intervention.
- b. 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.
- c. Signs and Symptoms of Use
- Evidence of presence of cocaine: Small folded envelopes, plastic bags, or vials used to store cocaine; razor blades; cut-off drinking straws or rolled bills for snorting; small spoons; heating apparatus.
 - Physical symptoms: Dilated pupils, runny or irritated nose, profuse sweating, dry mouth, tremors, needle tracks, loss of appetite, hyper-excitability, restlessness, high blood pressure, heart palpitations, insomnia, talkativeness, formication (sensing of bugs crawling on skin).
 - Behavioral symptoms: Increased physical activity, depression, isolation and secretive behavior, unusual defensiveness, frequent absences, wide mood swings, difficulty in concentration, paranoia, hallucinations, confusion, false sense of power and control.
4. Opioids
- a. Health Effects
- Intravenous users have a high risk of contracting hepatitis or AIDS when sharing needles.
 - Increased 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 user.
- b. 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.
- c. Signs and Symptoms of Use
- Evidence of presence of opioids: Foil, glassine envelopes, or paper “bindles” (packets for holding drugs); balloons or prophylactics used to hold heroin; bloody tissues used to wipe the injection site; a pile of burned matches used to heat the drug prior to injection.
 - Physical symptoms: Constricted pupils, sweating, nausea, and vomiting, diarrhea, needle marks or “tracks”, wearing long sleeves to cover “tracks”, loss of appetite, slurred speech, slowed reflexes, depressed breathing and heartbeat, and drowsiness and fatigue.
 - Behavioral symptoms: Mood swings, impaired coordination, depression and apathy, stupor, euphoria.

5. Amphetamines

a. Health Effects

- Regular use causes strong psychological dependency and increased tolerance.
- High doses may cause toxic psychosis resembling schizophrenia.
- Intoxication may induce a heart attack or stroke due to increased blood pressure.
- Chronic use may cause 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.
- Long-term heavy use can lead to malnutrition, skin disorders, ulcers, and various diseases that come from vitamin deficiencies.

b. 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, which can result in increased accidents.
- With heavy use or increasing fatigue, the short-term mental or physical enhancement reverses and becomes an impairment.
- The hangover effect of amphetamines is characterized by physical fatigue and depression, which make operation of equipment or vehicles dangerous.

c. Signs and Symptoms of Use

- Evidence of presence of amphetamines: Most frequently – pills, capsules, or tablets; envelopes, bags, vials for storing the drug; less frequently – syringes, needles, tourniquets.

- Physical symptoms: Dilated pupils, sweating, increased blood pressure, palpitations, rapid heartbeat, dizziness, decreased appetite, dry mouth, headaches, blurred vision, insomnia, high fever (depending on level of the dose).
 - Behavioral symptoms: Confusion, panic, talkativeness, hallucinations, restlessness, anxiety, moodiness, false sense of confidence and power.
6. Phencyclidine (PCP)
- a. 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 treating with Thorazine, can be fatal.
 - Irreversible memory loss, personality changes, and thought disorders may result.
- b. Workplace Issues
- Not common in workplace primarily because of the severe disorientation that occurs.
 - The distortions in perception and potential visual and auditory delusions make performance unpredictable and dangerous. PCP use can cause drowsiness, convulsions, paranoia, agitation, or coma.
- c. Signs and Symptoms of Use
- Evidence of presence of PCP: Packets, stamps, injection paraphernalia, herbs.
 - Physical symptoms: Dilated or floating pupils, blurred vision, nystagmus (jerky eye movement), drooling, muscle rigidity, profuse sweating, decreased sensitivity to pain, dizziness, drowsiness, impaired physical coordination (e.g., drunken-like walk, staggering), severe disorientation, rapid heartbeat.
 - Behavioral symptoms: Anxiety, panic/fear/terror, aggressive/violent behavior, distorted perception, severe confusion and agitation, disorganization, mood swings, poor perception of time and distance, poor judgment, auditory hallucinations.

7. Intervening When an Alcohol or a Controlled Substances Problem is Suspected

No matter what the employee's position is in the organization, it is requested that any signs or symptoms of drug use or alcohol abuse be reported to the employee's immediate supervisor. Alternatively, employees may report any signs or symptoms to the Designated Employer Representative (DER).

Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from the employer's Employee Assistance Program (EAP) provider, a substance abuse professional (SAP), or other treatment provider. The employer's medical insurance policy may provide for payment of some or all of the treatment costs.

IV. Education and Training

In an ongoing effort to prevent and eliminate substance abuse in the workplace, the employer provides drivers with information and referral resources regarding substance abuse. In addition, supervisors receive a minimum of sixty (60) minutes of training on controlled substance use and sixty (60) minutes of training on alcohol misuse to include the identification of actions, appearance, and conduct of a driver that may indicate drug use and/or alcohol misuse.

V. Safety-Sensitive Functions

Pursuant to the FMSCA, safety-sensitive functions mean any of the following on-duty functions.

On-duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time s/he is relieved from work and all responsibility for performing work. On-duty work includes:

1. All time at an employer 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 employer;
2. All time inspecting, servicing, or conditioning any commercial motor vehicle or equipment at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
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 being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

VI. Prohibited Conduct

The following conduct is prohibited for purposes of this program. No driver shall:

1. Consume alcohol while performing safety-sensitive functions;
2. Perform a safety-sensitive function within four (4) hours after using alcohol;
3. Have an alcohol concentration of .02 or greater just before, during, and just after performing his/her safety-sensitive functions.

- If a driver has a blood alcohol content (BAC) of .02 to .039, the driver will be immediately removed from all safety-sensitive functions for a period of twenty-four (24) hours.
 - If a driver has a BAC of .04 or greater just before, during, or just after performing a safety-sensitive function, the immediate consequences shall include the driver being removed from safety-sensitive functions and referred to an evaluation by a Substance Abuse Professional (SAP).
 - In addition, the employer may take additional disciplinary action against a driver who has a test result of .02 or greater;
4. Use alcohol for eight (8) hours following an accident or until the driver undergoes a post-accident test, whichever comes first;
 5. Possess alcohol while on duty, unless the alcohol is manifested and transported as a part of the shipment;
 6. Use or possess any drug, except when use is pursuant to the instructions of a physician or dentist who has advised the driver that the substance does not adversely affect the driver's ability to operate a commercial motor vehicle.

NOTE - Prescription Drugs: Drivers may take over-the-counter or prescription drugs under the guidance of a physician in the course of medical treatment.

A driver should ask his/her physician or pharmacist whether the use of the prescription drug or over-the-counter drug could adversely affect his/her ability to perform safety-sensitive functions. Drivers must follow all manufacturers' directions or package inserts when taking any over-the-counter or prescription drugs.

In addition, the employer requires a driver to report that s/he is using any over-the-counter or prescription drug if the use of the drug could affect the safe performance of his/her safety-sensitive functions;

1. Test positive for drugs;
2. Refuse to submit to a post-accident, random, reasonable suspicion, or follow-up drug or alcohol test;
3. Switch, adulterate, or commit any other misconduct pertaining to any breath, urine, or saliva sample;
4. Fail to provide an adequate sample for testing without a valid medical explanation;
5. Disclose to individuals, other than on a need-to-know basis, information pertaining to alcohol and/or drug testing referrals, results of such testing or treatment referrals;
6. Fail to sign the DOT Alcohol Testing Form (ATF) (see Form 206A-F4) or Federal Drug Testing Custody and Control Form (CCF) (see current form on website www.health.org/workplace);
7. Fail to consent and sign the Drug/Alcohol Test Informed Consent Form (see Form 206A-F3);

8. Fail to consent and sign the Consent to Release of Drug / Alcohol Information-Drug / Alcohol Testing Form (see Form 206A-2 and Form 206A-F3);
9. Fail to report to the collection site in the time allocated;
10. Leave the scene of an accident without a valid reason before submitting to a post-accident test;
11. Engage in any other conduct that clearly obstructs the testing process; and
12. Use illicit drugs on or off duty.

VII. **Consequences for Violation of the DOT/FMCSA Drug and Alcohol Policies**

The Federal DOT/FMCSA mandates certain immediate consequences whenever a driver engages in prohibited conduct. These consequences include removal from duty and referral to a SAP. In addition, it is important to note that the Employer may apply additional consequences, up to and including termination, for violation of this policy and DOT/FMCSA. **A driver who is removed from performing safety-sensitive functions may be suspended, without pay.**

A. **Consequences for Drivers for a Confirmed Violation of this Policy**

Specific immediate consequences shall occur whenever a driver:

1. Has a verified, positive drug test or an alcohol test result of .04 or greater.²
2. Consumes alcohol while performing or four (4) hours before performing a safety-sensitive function.
3. Consumes alcohol within eight (8) hours following an accident or before s/he is tested, whichever occurs first.
4. Refuses to submit³ to any required random, post-accident, reasonable suspicion, or follow-up test.

²Drivers who have a BAC of .02 to .039 will be removed immediately from performing any safety-sensitive functions for twenty-four (24) hours. The Employer may take additional disciplinary action.

³Refusal to submit to (an alcohol or controlled substance) test means: (a) Failure to appear for any test (except a pre-employment test) within a reasonable period of time, as determined by the employer, consistent with applicable FMCSA regulation, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a [Consortium/Third-party Administrator (C/TPA) (see 49 CFR 40.61 (a)); (b) Failure to remain at the testing site until the testing process is completed, provided that an employee who leaves the testing site before the testing process commences [see 49 CFR 40.63(c)], a pre-employment test is not deemed to have refused to test; (c) Failure to provide a urine specimen for any drug test required by 49 CFR Part 40, or Part 382, or DOT agency regulations, provided that an employee who does not provide a urine specimen, because s/he has left the testing site before the testing process commences [see 49 CFR 40.63(c)] for a pre-employment test is not deemed to have refused to test; (d) In the case of a directly observed or monitored collection in a drug test fails to permit the observation or monitoring of the drug's provision of a specimen [see 49 CFR 40.67(l) and 40.69 (g)]; (e) Failure or declines to take a second test the employer or collector has directed the driver to take; (f) Failure to undergo a medical examination or evaluation as directed by the Medical Review Officer (MRO) as part of the verification process, or as directed by the Designated Employer Representative (DER) under 49 CFR 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment; (g) Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed to do so by the collector, behave in a confrontational way that disrupts the collection process; or (h) Is reported by the MRO as having a verified, adulterated, or substituted test result.

5. Possesses drugs or alcohol in violation of this policy.

The immediate consequences are:

1. The driver will be immediately removed from performing all safety-sensitive functions.
2. The driver may be disciplined, up to and including termination.
3. The driver will be referred for evaluation by a SAP. When an employee has a verified, positive, adulterated or substituted test result, or has otherwise violated this policy, the employer shall not return the employee to the performance of safety-sensitive functions until or unless the employee completes the return-to-duty process provided in this policy.

If the employer decides to continue employing a driver who has violated this policy or DOT/FMCSA, the following shall occur:

1. The driver will receive, from the employer, information on resources available to the driver to resolve and evaluate any problems associated with substance abuse.
2. Before being returned to his/her safety-sensitive functions, the driver must undergo a return-to-duty drug and/or alcohol test.
3. If the driver required treatment as recommended by a SAP, the driver must complete the treatment and be re-evaluated by a SAP before submitting to a return-to-duty test.
4. If the driver required treatment as recommended by a SAP, the driver will be subject to unannounced follow-up drug and/or alcohol tests.

B. Consequences for Job Applicants

1. Applicants who fail a pre-employment test will be denied employment.
2. A current employee (who is transferring to a covered position) who fails a pre-employment test will not receive the position. In addition, the employer may refer the employee to a SAP for evaluation and treatment and may take additional disciplinary actions.

C. Failure of a Post-Accident Test

A driver who has a positive drug or alcohol test result following an accident, as provided in Section D. of this policy, will be terminated from employment.

D. DOT Penalties

NOTE: Employer discipline is likely in addition to the DOT penalties.

Any driver who violates the DOT/FMCSA drug and alcohol rules will be subject to civil or criminal penalties. (see Appendix D of this policy).

In addition, 49 CFR §383.51 also provides penalties for drug- and alcohol-related conduct of commercial motor vehicle drivers (see Appendix D of this policy).

The following are “disqualifying” offenses:

1. Driving a commercial motor vehicle while under the influence of drugs or alcohol.
2. Refusing to submit to a test as required by any state or jurisdiction in the enforcement of federal or state law.
3. Leaving the scene of an accident involving a commercial motor vehicle.

First Offenders: A driver who is convicted of driving a commercial motor vehicle while under the influence of drugs or alcohol for the first time will be disqualified for a period of one (1) year provided the vehicle was not transporting hazardous materials. If the vehicle was transporting hazardous materials, the driver will be disqualified for a period of three (3) years.

In addition, a driver who is convicted of the use of a commercial motor vehicle in the commission of a felony involving manufacturing, distributing, or dispensing drugs (controlled substances) is disqualified for life.

Second Offenders: A driver who is convicted of driving a commercial motor vehicle while under the influence of drugs or alcohol for a second time will be disqualified for life. Ten (10) years after the violation, if the driver has voluntarily enrolled in and successfully completed an appropriate treatment program, the driver may apply for reinstatement of his/her CDL.

Third Offenders: If a reinstated driver is convicted of another drug- or alcohol-related offense, s/he will be permanently disqualified for life, and will not be eligible to re-apply for a reduction of the lifetime disqualification.

E. **Employer-Imposed Penalties and Actions**

All violations of this policy (even a first offense) will serve as the basis for discipline, up to and including termination. The severity of the penalty imposed by the employer will depend on the circumstances of each case. However, drivers need to be aware that any offense, including but not limited to possession, sale or use of controlled substances or illegally used drugs on employer premises or while on duty is likely to result in immediate termination.

In addition to any disciplinary action imposed for a violation of this policy, or while such actions are held in abeyance, the employer may, at its sole discretion, refer the driver for appropriate assessment, counseling, and/or a treatment program as applicable. However, the employer reserves the right to make the final decision.

VIII. Alcohol and Drug Testing

The methods used to determine the presence of alcohol and/or drugs in the driver's system under the DOT/FMCSA regulations include a urine⁴, breath, and/or saliva test. All alcohol and drug testing will be conducted in accordance with DOT procedures for transportation workplace drug and alcohol testing programs, 49 CFR Part 40. Any employee who refuses to submit to discovery testing for alcohol or drugs pursuant to this policy will be deemed to have failed the test and will be subject to disciplinary action, up to and including termination. Drivers will be subject to the following types of alcohol and drug testing:

- Pre-employment testing
- Reasonable suspicion testing
- Post-accident testing
- Random testing
- Return-to-duty testing
- Follow-up testing

A. Testing Forms

1. The Federal Drug Testing Custody and Collection Form (CCF) (see current form on website <https://www.transportation.gov/sites/dot.dev/files/docs/Alcohol-Drug-Testing-Form-Suppliers.pdf>) must be used for each drug test under this policy, and the DOT Alcohol Testing Form (ATF) (see Form 206A-F4) must be used for each alcohol test under this policy.
2. Tests under the Vehicle Operators Drug and Alcohol policy must be conducted prior to and separate from any other drug or alcohol tests. The employer shall not use the CCF or the ATF in non-DOT Drug and Alcohol Testing Programs.

B. Pre-Employment Testing

1. All driver applicants⁵ whom the employer intends to hire or use to perform safety-sensitive functions must give their consent and submit to a urine drug test (see Form 206A-F4).
2. The employer may choose not to require pre-employment drug testing for a driver applicant if the employer can verify the individual:
 - a. Has participated in a valid controlled substance testing program that meets the requirements of 49 CFR Part 382, within the previous thirty (30) days; and
 - b. Was tested for controlled substances within the past six (6) months from date of application with the employer while participating in the program, or participated in a random testing program within

⁴ All urinalysis tests for drugs will use the "split sample" method of collection. The driver's urine sample will be split into two specimen bottles. One will contain the primary specimen, and the other, the split specimen. The split specimen will be preserved under stringent laboratory conditions. Whenever a driver employee receives notification of a positive drug test, the driver may request that the split sample be tested in a different laboratory that is certified by the Department of Health and Human Services (DHHS). This request must be made within seventy-two (72) hours after the Medical Review Officer (MRO) gives the driver notification of the positive drug test.

⁵ Includes current employees

the previous twelve (12) months from the date of application with the employer.

- c. After obtaining the driver applicant's written consent via completion of the Consent to Release of Drug/Alcohol Information Drug/Alcohol Testing Form (see Form 206A-F2), the employer will verify that no former employer of the driver applicant in the preceding two (2) years has knowledge or records that the individual:
 1. Had an alcohol test with a result of .04 alcohol concentration or greater; or
 2. Had a verified positive-controlled substance test result; or
 3. Refused to be tested; or
 4. Violated other DOT drug and alcohol testing regulations.
3. With respect to a driver applicant's violation of a DOT drug and alcohol regulation, the employer shall obtain documentation of the driver applicant's successful completion of return-to-duty requirements (including follow-up tests). If the previous employer does not have information about the return-to-duty process, the employer shall obtain this information from the employee. Refer to 49 CFR 40.25 for guidance, if unable to obtain this information.
4. As the employer, the employer shall also ask the employee whether s/he has tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain safety-sensitive transportation work covered by Federal Highway Safety Administrator's Drug and Alcohol Testing Rules during the past two (2) years. If the employee admits that s/he had a positive test or a refusal to test, the employer shall not use the employee to perform safety-sensitive functions until and unless the employee documents successful completion of the return-to-duty process.
5. If information is requested from another employer, the employer shall, after reviewing the employee's specific written consent, immediately release the requested information to the employer making the inquiry. As an employer requesting the information required, the employer shall maintain a written confidential record of the information the employer obtained of the good faith efforts the employer made to obtain the information. The employer shall retain this information for three (3) years from the date of the employee's first performance of safety-sensitive functions for the employer.
6. (Optional) The employer may, but is not required to, conduct pre-employment alcohol testing. If such tests are conducted, the employer shall comply with the requirements of 49 CFR 382.301.

C. Reasonable Suspicion Alcohol and/or Drug Testing

A driver shall be required to submit to an alcohol and/or drug test when the employer has reasonable suspicion the driver has violated the prohibitions of the alcohol and/or drug policy.

- **Determining Reasonable Suspicion**

A supervisor shall determine that reasonable suspicion exists that requires the driver to undergo testing based on directly making specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. In addition, the observations for drug use may include indications of the chronic use and/or the withdrawal effects of controlled substances.

- **Timing of a Reasonable Suspicion Test**

- 1) Alcohol testing is authorized only if the observations are made during, just preceding, or just after the driver performs safety-sensitive functions. A driver shall be directed to undergo reasonable suspicion testing only while the driver is performing safety-sensitive functions, just before the driver is performing safety-sensitive functions, or just after the driver has ceased performing such functions.
- 2) Alcohol testing shall occur as soon as possible after the observed conditions or event. If the test is not administered within two (2) hours, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If the alcohol test is not administered within eight (8) hours, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.
- 3) Drug testing shall occur as soon as possible after the observed conditions or event. If the test is not administered within thirty-two (32) hours, the employer shall cease attempts to administer the drug test and shall state in the record the reasons for not administering the test.

- **Documentation of a Reasonable Suspicion Test**

A written record of the driver's conduct that creates reasonable suspicion shall be prepared and signed by the supervisor(s) who made the observations within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier (see Documentation Reasonable Suspicion Drug / Alcohol Testing Form [See Form 206A-F6]).

- **Transportation of Driver for Reasonable Suspicion Testing**

A driver who is required to submit to reasonable suspicion testing shall be transported by the employer to the location of the test. After the driver submits to the test, the employer shall provide transportation for

the driver to his/her home. The driver shall be placed on leave with pay, pending test results.

D. Post-Accident Testing

No requirements in this section 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.

Drivers who are involved in an accident shall be sent for an alcohol and drug test following the accident whenever:

1. The accident involved a fatality; or
2. The driver received a citation for a moving traffic violation arising from the accident, and the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - b. One or more of the vehicles involved in the accident was towed away from the scene.

Type of Accident Involved	Has Citation Been Issued to the CMV Driver?	Must be Tested by employer?
Human fatality	Yes	Yes
	No	Yes
Bodily injury with immediate medical treatment away from the scene	Yes	Yes
	No	No
Disabling damage to any motor vehicle requiring tow away	Yes	Yes
	No	No

- The Employer’s Responsibility
 - 1) The employer shall provide drivers with necessary post-accident report information, procedures, and instructions before the driver operates a commercial motor vehicle to allow drivers to comply with the testing requirements.
 - 2) The employer is responsible for adhering to the following post-accident timeline, including any recording requirements.

Time Lapsed	Action Required
2 hours	ALCOHOL – If the driver has not submitted to an alcohol test at this time, the employer will prepare and maintain on file, a statement of the

	reasons the test was not promptly administered.
8 hours	ALCOHOL – The employer shall cease attempts to administer an alcohol test and prepare and maintain on file, a statement of the reasons why the test was not promptly administered.
32 hours	DRUGS – If the driver has not submitted to a drug test at this time, the employer shall cease attempts to administer the test and prepare and maintain on file, a statement of the reasons why the test was not promptly administered.

3) In the event that federal, state, or local officials conduct a breath or blood test for the use of alcohol and/or urine tests for the use of drugs following an accident, these tests shall be considered to meet the DOT requirements, providing the tests conform to applicable federal, state, or local testing requirements and that the results of the tests are obtained by the employer. The employer shall provide transportation for the driver to the location of the test. After the driver submits to the test, the employer shall provide transportation for the driver to his/her home.

- **Driver’s Responsibility**

A driver is obligated to complete a post-accident report form, to follow the post-accident instructions supplied by the employer, and to see that the alcohol and/or drug test(s) are conducted.

- 1) A driver must submit to an alcohol test as soon as practicable, but not later than eight (8) hours after the accident.
- 2) A driver must submit to a drug test as soon as practicable, but not later than thirty-two (32) hours following the accident.
- 3) In the event a driver is so seriously injured that the driver cannot provide a blood, breath, or urine specimen at the time of the accident, the driver must provide necessary authorizations, as soon as the driver’s physical condition allows, to enable the employer to obtain hospital records or other documents that indicate whether there were drugs or alcohol in the driver’s system when the accident occurred.
- 4) In the event federal, state, or local officials conducted alcohol and/or drug testing following an accident as provided in Section D.3. “Employer’s Responsibility,” the driver will be required to sign a release allowing the employer to obtain the test results from such officials.
- 5) A driver who is subject to a post-accident test must remain readily available for testing. A driver who leaves the scene before the test is administered or who does not make himself/herself readily available may be deemed to have refused to be tested and such refusal shall be treated as a positive test. Further, the driver, subject to a post-accident test, must refrain from consuming

alcohol for eight (8) hours following the accident, or until the driver submits to an alcohol test, whichever comes first.

- 6) For safety reasons, a driver required to submit to post-accident testing will be placed on administrative leave, with pay, pending receipt of the post-accident testing result.

E. Random Testing

All drivers are subject to random alcohol and drug testing.

1. Random Selection Process

- a. The selection of drivers for random alcohol and drug testing shall be made from a random number table or a computer-based random number generator that is matched with the driver's social security number. Random testing will be unannounced and the dates for administering the tests will be spread reasonably throughout the year; and
- b. The employer will drug test, at a minimum, twenty-five percent (25%) of the average number of driver positions each calendar year. The employer will alcohol test, at a minimum, ten percent (10%) of the average number of driver positions each calendar year.

The employer utilizes a Consortium/Third-party Administrator (C/TPA) to conduct random testing for alcohol and controlled substances. The total number of drivers to be calculated shall be based on the total number of drivers covered by the C/TPA at the same minimum annual percentage rate.

2. Timing for Random Testing

- a. Random drug testing will be performed at any time while the driver is at work;
- b. Random alcohol testing will be performed just before, during, or just after the driver is performing safety-sensitive functions; and
- c. A driver selected for random testing shall proceed immediately to the test site. A driver who engages in conduct, which does not lead to testing as soon as possible after notification, may be considered to have refused to test and such refusal shall be treated as a positive test.

F. Return-to-Duty Process and Testing

1. Referral

A driver, who has violated a DOT Drug and Alcohol Regulation, shall be provided by the employer or through a C/TPA or other Service Agent a listing of SAPs including their names, addresses, and telephone numbers of SAPs who are readily available to the employees and acceptable to the employer.

2. SAP and Treatment Services for Employees

- a. The employer may, but is not required to, offer an employee an opportunity to return to a position performing DOT safety-sensitive functions following a violation of a DOT drug or alcohol regulation.
 - b. Before the employee again performs a safety-sensitive function following a violation, the employer must ensure that the employee receives an evaluation by a SAP, and that the employee successfully complies with the SAP's evaluation recommendations.
 - c. Payment for SAP evaluations and services shall be the responsibility of the employee, or as otherwise covered in the employer's health care benefits, and/or governed by existing management/labor agreements.
3. SAP Evaluation/Recommendations
- a. Once an employee with a DOT Drug and Alcohol Regulation violation has been evaluated by a SAP, neither the employee nor the employer can seek a second SAP evaluation in order to obtain another recommendation.
 - b. If the employee, contrary to (a) above, does obtain a second SAP evaluation, the employer may not rely on it.
4. Changing a SAP Initial Evaluation
- a. Except as provided in (b) below, no one may change in any way the SAP's evaluation or recommendations for assistance.
 - b. The SAP who made the initial evaluation may modify his/her initial evaluation and recommendations based on new or additional information (e.g., from an education or treatment program).
5. Additional Treatment, Aftercare Services
- The employer, upon receiving recommendations from a SAP for an employee who has resumed the performance of safety-sensitive functions,) may, in addition to follow-up tests:
- a. Require the employee to participate in the recommended services as a part of the return-to-duty agreement with the employee;
 - b. Monitor and document the employee's participation in the recommended services; and
 - c. Make use of SAP and employee assistance program (EAP) services in assisting and monitoring the employee's compliance with the SAP recommendations.

G. Follow-Up Testing

If the employer decides to permit the employee to return to the performance of safety-sensitive functions, the employee must take a return-to-duty test after the SAP has determined that the employee has successfully complied with the prescribed treatment and/or education.

The employer must direct a collection under direct observation if the drug test is a return-to-duty test or follow up test.

The employee must have a negative drug test and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive functions.

All drivers who have committed a violation of DOT Drug or Alcohol regulations will be subject to a written follow-up drug and/or alcohol testing plan prepared by the SAP. A copy of this plan shall be presented directly to the Designated Employer Representative (DER).

Follow-up testing applies during the period following completion of a treatment program. The driver will be subject to a minimum of six (6) unannounced, follow-up drug and/or alcohol tests over the following twelve (12) months following the employee's return to safety-sensitive functions.

The SAP can require additional testing up to a maximum of sixty (60) months from the date the driver returns to duty. Likewise, the SAP can terminate the additional follow-up testing that was ordered in excess of the minimum twelve (12) month period.

A driver whose follow-up alcohol test result is .02 to .039 must be removed from any safety-sensitive functions for twenty-four (24) hours. This test result is not a violation of the DOT/FMCSA regulations. The employer may also impose additional disciplinary action.

The employer shall carry out the SAP's follow-up testing requirements. The employee shall not be permitted to perform safety-sensitive functions, unless follow-up testing is completed as directed by the SAP.

The employer shall schedule follow-up tests at its discretion and shall ensure the tests are unannounced without any discernable pattern as to their timing and that the employee is not given advance notice.

There shall be no substitution of any other tests (e.g., those carried out under the random testing program) conducted on the employee for this follow-up testing requirement.

A cancelled follow-up test does not constitute a completed test. Any follow-up test that was cancelled must be re-collected.

- **Timing of a Follow-Up Alcohol Test**
Follow-up alcohol testing shall be conducted just before, during, or just after the driver performs safety-sensitive functions.
- **Timing of a Follow-Up Drug Test**
Follow-up drug testing may be performed at any time while the driver is at work. The driver does not have to be performing a safety-sensitive function.

H. Test Results (Invalid)

If the employer receives a drug test result indicating that the employee's specimen was invalid and that a second collection must take place under direct observation:

1. Immediately direct the employee to provide a new specimen under direct observation;
2. Do not attach consequences to the finding that the test was invalid, other than collecting a new specimen under direct observation;
3. Do not give any advance notice of this test requirement to the employee;
4. Instruct the collector to note on the Federal Drug Testing Custody and Control Form (CCF) the same reason (e.g. random test, post-accident test) as for the original collection.

I. Report of a Dilute Specimen

1. If the MRO informs the DER that a positive drug test was dilute, the DER shall treat the test as a verified positive test and must not direct the employee to take another test based on the fact that the specimen was dilute.
2. If the MRO informs the DER that a negative test was dilute, the employer will take the following action:
 - a. If the MRO directs the employer to conduct a recollection under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than 2mg/dL, but less than or equal to 5mg/dL, the employer must do so immediately.
 - b. Otherwise (i.e., if the creatinine concentration of the dilute specimen is greater than 5mg/dL), the employer may, but is not required to, direct the employee to take another test immediately.
 - i. Such recollections must not be collected under direct observation, unless there is another basis for use of direct observation (see § 40.67 (b) and (c))
 - ii. The employer must treat all employees the same for this purpose. The employer may, however, establish different policies for different types of tests (e.g., conduct retests in pre-employment situations, but not in random test situations). The employer must inform their employees in advance of the employer's decisions on these matters.
 - c. The employer must ensure that the employee is given the minimum possible advance notice that he or she must go to the collection site; the employer must treat the result of the test as the test result of record. If the result of the test the employer directed the employee to take is also negative and dilute, the employer is not permitted to make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs the

employer to conduct a recollection under direct observation the employer must immediately do so.

J. Cancelled Drug or Alcohol Test

A cancelled drug or alcohol test is neither positive nor negative.

1. The employer must not attach to a cancelled test the consequences of a positive test or a violation of a DOT Drug or Alcohol Testing Regulation (e.g., removal from a safety-sensitive position).
2. The employer must not use a cancelled test as evidence of a negative test to authorize the employee to perform safety-sensitive functions (i.e., in the case of a pre-employment, return-to-duty, or a follow-up test).
3. The employer must not direct a re-collection from an employee, except when conducting a pre-employment return-to-duty or a follow-up test, or in other provisions of the regulations that require another test to be conducted as provided in 49 CFR 40.159(a) (5) when a drug test result is invalid, and 40.187(b) when a split specimen laboratory result failed to reconfirm Drug(s)/Drug Metabolite(s) not detected.
4. A cancelled test does not count toward compliance with DOT requirements for the number of tests needed to meet the employer's minimum random testing rate.
5. A cancelled DOT test does not provide a valid basis for a non-DOT test.
6. A cancelled alcohol test must be reported to the DER and treated as if the test never occurred.

K. Insufficient Amount of Urine for Drug Test

1. When a collector informs the DER that an employee has not provided a sufficient amount of urine for a drug test, the DER must, after consulting with the MRO, direct the employee to obtain within five (5) working days an evaluation from a licensed physician, who is acceptable to the MRO, and who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen.
2. When the MRO indicates to the DER that a test is cancelled due to a medical condition that has, or with a high degree of probability could have precluded the employee from providing a sufficient amount of urine, the employer shall take no further action with the employee. The employee shall remain in the random testing pool.

L. Insufficient Amount of Saliva or Breath for an Alcohol Test

1. When a STT informs the DER that the employee has not provided a sufficient amount of saliva for an alcohol-screening test, the DER must immediately arrange to administer an alcohol test to the employee using an EBT or other breath-testing device.
2. When a BAT or SAT informs the DER that the employee has not provided a sufficient amount of breath, the employer must direct the

employee to obtain, within five (5) working days, an evaluation from a licensed physician who is acceptable to the employer, and who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. The DER must provide the physician with the following information and instructions:

- a. That the employee was required to take a DOT breath alcohol test, but was unable to provide a sufficient amount of breath to complete the test;
 - b. The consequences for refusing to take a required alcohol test include removal from performing all safety-sensitive functions, referral for evaluation by a SAP, and disciplined up to and including termination;
 - c. The physician must provide the DER with a signed statement of his/her conclusion regarding the employees failure to provide a sufficient amount of saliva or breath for an alcohol test; and
 - d. That the physician, in his/her reasonable medical judgment, must base those conclusions on requirements listed in 49 CFR 40.265.
3. Upon receipt of the report from the examining physician, the DER must immediately inform the employee and take appropriate action based upon Federal Highway Administration Regulations.

M. Addressing "Correctable Flaws" in Alcohol Testing

1. If a BAT or STT reports to the DER that a correctable flaw has occurred, and another testing device is not available for the new test at a testing site, the DER shall make reasonable efforts to ensure that the test is conducted at another test site as soon as possible.
2. All other problems must be addressed by a BAT, STT, employer, or other Service Agent administering the process, or the test must be cancelled.

N. Fatal Flaws

The employer must cancel an alcohol test if any of the following "fatal flaws" occur. The test is cancelled and must be treated as if the test never occurred. These problems are:

1. In the case of a screening test conducted on saliva ASD or a breath tube ASD:
 - a. The STT or BAT reads the result either sooner than or later than the time allotted by the manufacturer.
 - b. The saliva ASD does not activate, or
 - c. The device is used for a test after the expiration date printed on the device or on its package.

O. Alcohol Confirmation Test Result

The employer shall take the following steps with respect to the receipt and storage of alcohol test results information:

1. If the test results are not in writing (e.g., by telephone or electronic means), the DER shall identify and record the BAT sending the results.
2. Store all test results information in a way that protects confidentiality.

P. Direct Observation

The employer must direct an immediate collection under direct observation with no advance notice to the employee, if:

1. The laboratory reported to the MRO that the specimen is invalid, and the MRO reported to the employer that there was not an adequate medical explanation for the result; or
2. The MRO reported to the employer that the original positive, adulterated, or substituted test result had to be cancelled, because the test of the split specimen could not be performed.
3. The laboratory reported to the MRO that the specimen was substituted with a creatinine concentration greater than or equal to 2mg/dL and less than 5mg/dL and the MRO reported the specimen to the employer as negative and dilute.

Q. Stand-Down Employee

The employer is prohibited from standing down an employee following the MROs receipt of a laboratory report of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test pertaining to the employee prior to the MRO completing the verification process.

Note: To obtain a waiver to this prohibition, the employer shall send a written request which includes all of the information required to the Federal Motor Carrier Safety Administrator, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590.

R. Service Agents

1. If the employer uses a Service Agent to perform the tasks necessary to comply with the DOT drug and alcohol testing requirements, it shall ensure the Service Agent complies with 49 CFR Part 40 (Q), Roles and Responsibilities of Service Agents.
2. The employer shall ensure that Service Agents used meet qualifications required for their specialty area, and may require Service Agents to present documentation that they meet these requirements.
3. The employer shall obtain information required from their Service Agents. For example, the employer must not assume that “no news is good news” and permit an applicant to perform safety-sensitive functions before receiving the test results.
4. The employer must not permit the Service Agent to also serve as the DER.

S. Designated Employer Representative (DER)

The employer shall provide to collectors, BATs and STTs, the name and telephone number of the appropriate DER and C/TPA to contact about any problems or issues that may arise during the testing process. Drivers may direct any questions they may have about this policy to the DER. The name and work telephone number of the DER will be posted on bulletin boards at all work sites.

T. Payment for the Test of a Split Specimen

1. The employer is responsible for making sure that the MRO, first laboratory, and second laboratory perform testing of split specimens in a timely manner once the employee has made a timely request for a test or split specimen.
2. The employer must not condition compliance with this requirement on the employee's direct payment to the MRO, or laboratory, or the employee's agreement to reimburse the employer for the costs of testing. The employer may seek payment or reimbursement of all the costs for the split specimen from the employee.

U. SAP Information Provided by Agent Employer

The employer, through a C/TPA or other Service Agent, shall provide to each employee, (including an applicant or new employee) who violates a DOT Drug or Alcohol Regulation, a listing of SAPs with their addresses and phone numbers who are readily available to the employee and acceptable to the employer. The employee shall not be charged any fee for compiling or providing this list.

V. Confidentiality and Release of Information

1. The employer shall not release individual test results or medical information about an employee to third parties without the employee's specific written consent.
 - a. A third party is any person or employer to whom other subparts of 49 CFR 40 do not explicitly authorize or require the transmission of information in the course of the drug and alcohol testing process.
 - b. Specific written consent means a statement signed by the employee that s/he agrees to the release of specific information to an explicitly identified, person or employer at a particular time. Blanket releases of information (e.g., all test results) or release of information to a category of parties (e.g., other employers who are members of a C/TPA, companies to which the employee may apply for employment) are prohibited.
2. The employer may release information pertaining to an employee's drug or alcohol test without the employee's consent in certain legal proceedings as provided for in 49 CFR 40.323.

3. The employer shall, upon request of DOT agency representatives, provide the following:
 - a. Access to the employer's facilities for DOT agency drug and alcohol program functions.
 - b. All written, printed, and computer-based drug and alcohol program records and reports (including copies of name-specific records or reports), files, materials, data, documents/documentations, agreements, contracts, policies, and statements.
4. If requested by the National Transportation Safety Board as part of an accident investigation, the employer shall provide information concerning post-accident tests administered after the accident.
5. If requested by a federal, state, or local safety agency with regulatory authority over the employer or the employee, the employer shall provide drug and alcohol test records concerning the employee.

A. Record Retention Requirements

1. The employer shall keep the following records for a period of five (5) years:
 - a. Records of employee alcohol test results indicating an alcohol concentration of 0.02 or greater;
 - b. Records of employee's verified positive drug test results;
 - c. Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);
 - d. SAP reports; and
 - e. All follow-up tests and schedules for follow-up tests.
2. The employer shall keep records of information concerning drug and alcohol test results obtained from previous employers on employees that perform safety-sensitive functions for three (3) years.
3. The employer shall keep the following records for a period of two (2) years:
 - a. Records of the inspection, maintenance, and calibration of EBT for ; and
 - b. Records related to the alcohol and drug collection process. These include documents related to random selections, reasonable suspicion determinations, and post-accident determinations; medical evaluations for insufficient amounts of urine and breath; and supervisor and employee education and training records.
4. The employer shall keep records of negative and cancelled drug test results and alcohol results with a concentration of less than 0.02 for one (1) year.
5. The employer shall maintain these records described in 1 through 4 above in a location with controlled access.

6. If the employer decides to have their Service Agent retain these records, the employer shall ensure the records can be produced at the employer's place of business in the time required by the FMCSA (e.g., within two (2) days of a request by the FMCSA inspector).

IX. Reservation of Rights

The employer reserves the right to interpret, change, or rescind this policy in whole or in part, with or without notice, subject to any state and federal laws and relevant collective bargaining agreements.

Provisions within the Federal Department of Transportation (DOT), Federal Motor Carrier Safety Regulations (FMCSR), and state law will supercede any conflicting language in this policy manual.

Nothing in this policy creates a binding employment contract nor modifies an existing contract.

X. **DEFINITIONS**

For the purposes of the Vehicle Operators Drug and Alcohol Policy, the following definitions shall apply:

Adulterated Specimen. A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Air Blank. In evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol.

Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol Concentration. The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.

Alcohol Confirmation Test. A subsequent test using an EBT following a screening test with a result of 0.02 or greater that provides quantitative data about the alcohol concentration.

Alcohol Test. A test using an evidential breath test device (EBT) or a non-evidential breath test device (such as a saliva test); the method of testing used to detect the level of alcohol. Both a screening test and a confirmation test must be used to establish a positive test result.

Alcohol Screening Test. An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol Testing Site. A place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.

Alcohol Use. The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.

Aliquot. A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Blind Specimen or Blind Performance Test Specimen. A specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from an employee specimen.

Blood Alcohol Concentration (BAC). 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.

Breath Alcohol Technician (BAT). A person who instructs and assists employees in the alcohol testing process and operates an evidential breath-testing device.

Cancelled Test. A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which 49 CFR Part 40 otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

Chain of Custody. The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF) (see current form on website: <https://www.transportation.gov/sites/dot.dev/files/docs/Alcohol-Drug-Testing-Form-Suppliers.pdf>).

Collection Container. A container into which the employee urinates to provide the specimen for a drug test.

Collection Site. A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

Collector. A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the Federal Drug Testing Custody and Control Form (CCF) (see current form on website <https://www.transportation.gov/sites/dot.dev/files/docs/Alcohol-Drug-Testing-Form-Suppliers.pdf>).

Commercial Motor Vehicle. A motor vehicle used in commerce to transport passengers or property, if the motor vehicle: (1) has a gross vehicle weight rating (GVWR) in excess of 26,000 pounds, or (2) is designed to carry 16 or more passengers (including the driver), or (3) of any size, which is used in the transportation of a placardable amount of hazardous material.

Confirmation Test. For alcohol testing, means a second test using an evidential breath test device, following a screening test with a result of .02 or greater, that provides quantitative data of alcohol concentration.

For drug testing, means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test, and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy, generally a Gas Chromatography/Mass Spectrometry (GC/MS).

Confirmatory Drug Test. A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmatory Validity Test. A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Confirmed Drug Test. A confirmation test result received by an MRO from a laboratory.

Consortium/Third-party Administrator (C/TPA). A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning

the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members.

Designated Employer Representative (DER). An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive functions and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer. Service agents cannot act as DERs.

Dilute Specimen. A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

DOT, the Department, DOT Agency. These terms encompass all DOT agencies, including, but not limited to, the United States Coast Guard (USCG), the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Research and Special Programs Administration (RSPA), and the Office of the Secretary (OST). These terms include any designee of a DOT agency.

Driver. 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, an employer or who operate a commercial motor vehicle at the direction of, or with the consent of the employer.

Drugs. The drugs for which tests are required are: marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids.

Drug Test. A urinalysis (urine) test that includes specimen collection and testing by a Department of Health and Human Services (DHHS) certified laboratory. Both a screening test and a confirmation test must be used to establish a positive test result.

Employee. Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing, the term "employee" has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services.

Employer. A person or entity employing one or more employees (including an individual who is self-employed) subject to DOT agency regulations requiring compliance with this policy. The term includes an employer's officers, representatives, and management personnel. Service agents are not employers for the purposes of this policy.

Evidential Breath Testing Device (EBT). A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices," and identified on the CPL as conforming with the model specifications.

HHS. The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Illegally Used Drug. Any prescribed drug that is legally obtainable, but has not been legally obtained or is not being used for prescribed purposes, all designer drugs, and any other over-the-counter or non-drug substances (e.g., airplane glue) being used for other than their intended purpose. (Note: A designer drug is a man-made drug, or combination of drugs, which is similar in basic scientific properties to a drug or controlled substance and is produced in a clandestine laboratory.)

Initial Drug Test (Screening Drug Test) The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test. The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

Invalid Drug Test. The result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory. Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD). The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation. For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO). A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

Negative Result. The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.

Non-negative Specimen. A urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolites(s)), and /or invalid.

Office of Drug and Alcohol Policy and Compliance (ODAPC). The office in the Office of the Secretary, DOT, that is responsible for coordinating drug and alcohol testing program matters within the Department, and providing information concerning the implementation of 49 CFR Part 40.

Oxidizing Adulterant. A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

Positive Result. The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.

Reasonable Suspicion of Drug and/or Alcohol Use. Reasonable suspicion means such suspicion that will justify a supervisor in referring a driver for an alcohol and/or drug test. It is the amount of suspicion sufficient to convince a trained supervisor under the circumstances to believe that:

- a. The driver has violated the Vehicle Operators Drug and Alcohol policy; or
- b. The actions, appearance, or conduct of an on-duty driver are indicative of the use of drugs or alcohol.

The suspicion must be based in fact on specific, contemporaneous, articulable observations by a trained supervisor(s) concerning the appearance, behavior, speech, or body odors of the driver.

For reasonable suspicion of alcohol misuse, such observations must be made during, just preceding, or just after the period of the work day that the driver is performing a safety-sensitive function. Reasonable suspicion is more than mere speculation but less than absolute certainty.

Reconfirmed. The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for Testing. The result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.

Screening Test. In alcohol testing, it means an analytical procedure to determine whether a driver may have a prohibited concentration in his/her system (breath or saliva test). In drug testing, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Screening Test Technician (STT). A person who instructs and assists employees in the alcohol testing process and operates an Alcohol Screening Device (ASD).

Service Agent. Any person or entity, other than an employee of the employer, who provides services specified under this part (49 CFR Part 40) to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs, STTs, laboratories, MROs, SAPs, and C/TPAs. To act as service agents, persons and employers must meet the qualifications set forth in applicable sections of 49 CFR Part 40. Service agents are not employers for purposes of 49 CFR Part 40.

Split Specimen Collection. A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Stand-down. The practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

Substance Abuse Professional (SAP). A licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders. (Note: To act as SAP under the DOT drug testing program, the individual must meet the requirements for credentials, basic knowledge, qualification training, continuing education, and documentation listed in 49 CFR 40.281.)

Substituted Specimen. A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Verified Test. A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

RESPONSIBILITY FOR REVIEW: The County Personnel Director and/or Administrative Officer will review this policy every 5 years or sooner as necessary.

APPENDIX A

DRUG SPECIMEN COLLECTION AND TESTING PROCEDURES

The Laboratory

The employer has retained a laboratory that is certified by the Department of Health and Human Services (DHHS) and qualified to service federally mandated drug testing programs. The use of a certified laboratory ensures the highest standards of forensic toxicology and includes a quality assurance program that covers the entire drug testing process. The laboratory maintains stringent security at its facilities and strictly adheres to federally mandated chain-of-custody procedures.

Key People Involved in the Collection and Testing Process

The Collection Site Personnel. The individual(s) who walks a driver through the specimen collection process.

The Laboratory Personnel. Individuals who test the specimen for the presence of drugs and are qualified to perform screening and confirmation tests.

The Medical Review Officer (MRO). A licensed physician who specializes in substance abuse. The Medical Review Officer reviews all test results, contacts the driver for additional information about a positive test, and reports the final test result to the employer. This individual will be referred to as the MRO.

The Collection and Testing Process

Chain of Custody: A standardized, chain-of-custody form will be used to maintain control and security of the specimen and to track the specimen as it proceeds through each collection and testing phase. Each time a specimen is handled or transferred, the date, purpose, and individual handler's identification will be noted.

Once a driver has been referred to testing, the following steps will be followed. These steps are described in the following pages.

- STEP 1: The specimen is collected.**
- STEP 2: The specimen is split and shipped to the lab.**
- STEP 3: The laboratory tests the specimen.**
- STEP 4: The test results are reviewed and reported.**
- STEP 5: The employee may request a test of the split specimen.**
- STEP 6: The lab stores the specimen and keeps records.**

Step 1: The specimen is collected.

The driver arrives at the site.

The driver must arrive at the collection site on time and present a valid photo identification (either a driver's license or an employee badge) to the collection site personnel. The driver may also ask the collector to provide identification to the driver.

If the driver does not have a valid form of photo identification, an employer representative must arrive at the collection site and identify the driver.

The driver must remove any unnecessary outer clothing such as a jacket or coat. Any briefcase or personal belongings will be kept with the coat. The driver may keep his/her wallet and may ask the collection site personnel for a receipt for his/her belongings.

Medical Attention: If the employee needs immediate medical care (e.g., after an accident), medical attention will not be delayed in order to collect the specimen.

The driver privately provides the specimen.

The driver will wash his/her hands. Then the driver will stay with the collection site personnel until the driver is given a specimen collection container.

The driver will provide the specimen, in private, in a secure area. There will be safeguards in place, such as blue water in the toilet, to ensure a driver does not dilute or otherwise tamper with the urine specimen.

Direct Observation Exception: The specimen must be provided under direct visual observation by an authorized individual of the same gender if there is a reason to believe the driver may alter or substitute the specimen. However, there are only six circumstances where direct observation will be allowed:

- The specimen is above or below the normal body temperature range (90.5 to 99.8° F).
- The driver refuses to allow his/her temperature to be taken orally.
- The driver's temperature varies more than 1.8° F from the collected specimen.
- Collection site personnel observe conduct that clearly indicates an attempt to substitute or adulterate the specimen.
- The driver had a prior urine specimen specific gravity of less than 1.003 and a creatinine concentration below .25g/L.
- The driver has previously tested positive for drugs and is now taking a return-to-duty or follow-up test.

Whenever a decision is considered to directly observe a collection, a higher-level supervisor of the collection site person or an authorized representative of the employer must review and agree to the decision before the collection takes place.

The driver must provide a specimen that is at least 45 milliliters (ml) of urine (45 ml is approximately 1.5 ounces or ¼ of a cup).

Shy Bladder: If the employee can't produce 45 ml, the specimen will be thrown out and the employee will be given one 8-ounce glass of water every 30 minutes, but no more than a total of 24 ounces, until the employee can produce a specimen of 45 ml. If two hours lapse and the employee still cannot provide a sample, the collection will end.

The Medical Review Officer (MRO) will refer the employee for a medical evaluation to determine whether there is a medical explanation for the employee's inability to produce a specimen. The medical evaluator will report the results back to the MRO, who will report the written conclusions to the employer.

After the specimen is collected, the collection site personnel will immediately check the temperature and other factors for signs of contamination, tampering, or adulteration. If there are any signs of such activity, the collection site person will send the specimen to the lab for testing and ask the driver to provide a second specimen under direct observation.

Step 2: The specimen is split and shipped to the lab.

Throughout the splitting and shipping process, two safeguards are in place:

- First, the driver will observe the splitting and packaging of the specimen.
- Second, the driver will be asked to initial certain identification labels and other documents throughout the process.

The specimen is split.

The collection site personnel will “split” the specimen, in front of the driver, by pouring 30 ml into one container (the primary specimen) and at least 15 ml into another container (the split specimen).

The specimen is packaged and shipped to the laboratory.

The specimens will be sealed with a tamper-proof seal and an identification label, and the collection site personnel will sign and fill out a custody and control form. Both bottles will be shipped in one specially designed shipping container. The container will be sealed to prevent tampering.

At this time, the driver will also be asked to sign the laboratory consent and release form that allows the laboratory to test the specimen and the MRO to review the test results and report those results to the employer.

Important: If the driver does not sign the laboratory consent form, the process will end and this action will be viewed as a refusal to be tested.

Step 3: The laboratory tests the specimen.

The lab receives the shipment.

The laboratory personnel will inspect the package for any evidence of tampering. The lab personnel will also review the information on the specimen bottles and the chain-of-custody form. Any differences in the information or evidence of tampering will immediately be reported to the employer.

The lab tests for seven drugs.

The laboratory will routinely test for the seven drugs listed in the table below. Each drug listed will be tested at the specified cut-off level.

Drug Metabolites	Screen Test Cut-Off Level*	Confirmation Test Cut-Off Level*
Marijuana (pot, weed, grass)	50	15
Cocaine (coke, crack)	150	100
Opiates (heroin, morphine, codeine)	2000	Morphine 2000 Codeine 2000
6-Acetylmorphine	10	10
Phencyclidine (PCP)	25	25
Amphetamine (speed, uppers, meth, ice)	500	Amphetamine 250 Methamphetamine 250
MDMA (ecstasy)	500	250
* All levels are measured at ng/ml (nanograms per milliliter). These cut-off levels are subject to change by the DHHS as advances in technology or other considerations warrant identification of these substances at other concentrations.		

The first test (the screen) will use the immunoassay method of testing. If the screen is positive, the specimen will undergo a confirmation using the more accurate Gas Chromatography/Mass Spectrometry (GC/MS) test. A different cut-off level is used for the GC/MS.

Step 4: The test results are reviewed and reported.

The MRO reviews and investigates.

The Medical Review Officer (MRO) provides a final review of all test results and reports the conclusion to the employer. The MRO will:

- Receive the test results.
- Verify the test results.
- Report the final results to the employer.

A negative test result is reported.

If the test is negative, the MRO reports the negative result to the employer. A positive test with a valid, confirmed medical explanation would also be reported as negative (explanation follows).

A positive test result is reported.

If the test is positive, the MRO will consider and investigate alternative medical explanations for the positive test. The investigation will include a discussion with the driver and require the driver's cooperation.

The MRO will conduct a medical interview of the driver and review the driver's medical history or other relevant biomedical information.

The MRO will contact the driver directly and give the driver an opportunity to discuss the test result before making a final decision.

If the MRO cannot reach the individual (after making a reasonable effort), the MRO will contact the **employer**. Then the **employer** will try to contact the driver and direct the driver to contact the MRO as soon as possible. The MRO and the employer must try to the greatest extent possible to contact the individual in confidence.

There are two situations where the MRO may verify a positive test without speaking directly with the driver:

1. When the driver declines to discuss the test.
2. If the employer has successfully contacted the driver and instructed the driver to contact the MRO and five days have passed and the driver has not contacted the MRO.

The MRO may reopen the investigation if the driver later presents the MRO with information regarding a serious illness, injury, or other circumstances that unavoidably prevented the driver from contacting the MRO.

The MRO will report a “positive” test result to the employer as negative if the MRO determines there is a legitimate medical explanation for the positive test result.

The MRO may also declare the test specimen negative if the MRO determines that the result is scientifically insufficient. Such an action by the MRO will be based on review of inspection reports, quality control data, multiple samples, and other pertinent results. The MRO may request re-analysis of the original sample before making this decision.

The MRO is the only individual authorized to order a re-analysis of the original sample if any question arises as to the accuracy or validity of a positive test result. Retests may be conducted at DHHS-certified laboratories only.

Throughout the reporting process, the laboratory, the employer, and the Medical Review Officer (MRO) will treat all information as strictly confidential and must limit access to testing information.

Step 5: The employee may request a test of the split specimen.

The MRO will notify the driver of the right to test.

The MRO will notify the driver with a positive test that the driver has 72 hours to request a test of the split specimen. The driver must pay for the test.

The MRO will notify the lab of the driver’s request.

If the driver requests a split specimen test within the 72-hour period, the MRO will ask the laboratory, in writing, to provide the split specimen to another DHHS-certified laboratory for analysis.

The lab will send the specimen to another lab.

When the MRO informs the laboratory that the driver has requested a test of the split specimen, the laboratory will forward the sealed split specimen bottle, a copy of the MRO request, and the split specimen copy of the chain-of-custody form to a different DHHS-approved laboratory.

The split specimen will undergo both a screen and a confirmation test at the same cut-off levels noted in Step 3.

The MRO reviews the split test result and reports to the employer.

The result of the test of the split specimen is transmitted by the second laboratory to the MRO.

NOTE: Action required by DOT agency regulations as the result of a positive drug test (e.g., removal from performing a safety-sensitive function) is not delayed pending the result of the test of the split specimen.

If the split test is negative, the MRO will declare the final result to be negative.

If the split test is positive, the MRO will declare the final result to be positive.

If the MRO determines there is a legitimate medical explanation for the positive test result, the MRO shall report the test result to the employer as negative. Likewise, if the split specimen is unavailable, inadequate, or untestable, the MRO will cancel the test and report the cancellation and the reasons for it to the DOT, the employer, and the driver.

Step 6: The lab stores the specimen and keeps records.

The employer receives quarterly reports from the lab.

The laboratory shall provide the employer a quarterly statistical summary of tests conducted. To further confidentiality, the summary will be forwarded by registered or certified mail to the individual designated by the employer to coordinate the testing program.

The quarterly summary will not include any personal identifying information. If necessary, the laboratory may choose not to send a report until enough data has been collected to prevent the disclosure of any identifying information. For example, if only one test is conducted in a month, the laboratory may not send a report until other tests are conducted. The laboratory will notify the employer if a report is withheld for this reason.

The specimens are frozen in long-term storage.

The laboratory will keep a positive specimen frozen in long-term storage for a minimum of one year. Long-term frozen storage ensures that positive urine specimens will be available for any necessary retest during administrative or disciplinary proceedings. The employer may request the laboratory retain the specimen for an additional period of time.

The laboratory will retain all records regarding a urine specimen for a minimum of two years unless otherwise requested by the employer.

APPENDIX B

ALCOHOL SAMPLE COLLECTION AND TESTING PROCEDURES

Alcohol Testing

The initial sample must be collected through the use of a saliva device, a nonevidential breath test device [alcohol screening device (ASD)], or an evidential breath testing device (EBT) that is approved by the National Highway Traffic Safety Administration (NHTSA). All screening tests must be performed by a trained breath alcohol technician (BAT). Saliva and nonevidential breath testing must only be performed by a trained screening test technician (STT).

The confirmation sample must be conducted within 30 minutes of the completion of the screening test. The confirmation test must use an EBT that is approved by NHTSA. The test must be performed by a trained BAT.

Evidential Breath Testing Device

An EBT is a breath testing device that is capable of measuring a driver's blood alcohol concentration. It must be able to distinguish alcohol from acetone at the 0.02 alcohol concentration level. An EBT must be capable of conducting an air blank and performing an external calibration check. For confirmation tests (defined later), the employer must use EBTs that can:

- Produce a printed result in triplicate or three consecutive identical copies of each breath test
- Print a unique and sequential number of each completed test, with the BAT and the driver being able to read the number before each test, and print the number on each copy of the result
- Print, on each copy of the result, the manufacturer's name for the device, the device's serial number, and the time of the test

The EBT must have a manufacturer-developed quality assurance plan approved by NHTSA. The plan must include

- A designated method or methods to be used to perform external calibration checks of the device
- Specified minimum intervals for performing external calibration checks of the device that account for different frequencies of use, environmental conditions (e.g., temperature, altitude, humidity), and contexts of operation (e.g., stationary or mobile use)
- Specified tolerances on an external calibration check within which the EBT is regarded to be in proper calibration
- Specified inspection, maintenance, and calibration requirements and intervals for the device.

The employer must ensure that the external calibration checks of each EBT are performed as described in the manufacturer's plan and that the EBT will be taken out of service if any external

calibration check results in a reading outside the tolerances for the EBT. The EBT cannot be returned to service until it has been recalibrated and has had an acceptable external calibration check. The employer must also ensure that the inspection, maintenance, and calibration of each EBT are performed by the manufacturer or a maintenance representative certified by the manufacturer or an appropriate State agency. The employer must also maintain records of the external calibration checks of the EBT and store the EBT in a secure place when not being used.

Breath Alcohol Technician

The alcohol tests must be performed by a BAT who is “trained to proficiency” in the operation of the EBT that he/she is using and in the alcohol testing procedures specified in the regulations. The BAT must successfully complete a DOT-approved course of instruction that provides training in the principles of EBT methodology, operation, and calibration checks. In addition, the BAT must complete training on the fundamentals of breath analysis for alcohol content, the procedures required for obtaining a breath sample, and interpreting and recording EBT results.

The BAT must demonstrate competence in the operation of the specific EBT he/she will use. The BAT will be required to receive additional training as new or additional devices or technology are introduced. The employer must identify the individual(s) who will serve as the employers BAT(s).

Alcohol Testing Site

Alcohol tests should be conducted at a site that provides privacy to the driver being tested. The testing site must be secured, with no unauthorized access at any time the ASD and/or EBT is unsecured or when testing is occurring. The BAT must conduct only one test at a time and must not leave the testing site while the preparations for testing or the test itself are in progress.

In unusual circumstances (e.g., an accident), an alcohol test can be conducted at a place other than an alcohol testing site. In such cases, the STT or BAT shall conduct the test in a manner that provides the driver with privacy to the greatest extent practicable.

Alcohol Testing Process

The following procedures must be used to conduct the test.

Preparation

Upon arrival at the alcohol testing site, the driver must provide positive identification to the STT or BAT. The identification can be in the form of a company photo identification card, a commercial driver’s license (CDL), or identification by an employer representative.

After the testing procedures are explained to the driver, the driver and the STT or BAT must complete, date, and sign the alcohol testing form. The driver and the STT or BAT sign the form indicating that the driver is present and providing a saliva or breath sample.

EBT Screening Test

The BAT will inform the driver of the need to conduct a screening test. The BAT must open an individually sealed, disposable mouthpiece in view of the driver and attach it to the EBT. For screening tests, air blanks are not required.

The BAT will instruct the driver to blow forcefully into the mouthpiece for at least 6 seconds or until an adequate amount of breath has been obtained. Following the screening test, the BAT must show the driver the result displayed on the EBT or the printed result.

If the result of the screening test is an alcohol concentration of less than 0.02, no further testing is required and the test will be reported as a negative test. The driver may then return to his/ her safety-sensitive function.

ASD Screening Test

The steps for preparation for testing are the same as provided for EBT alcohol testing. If a saliva test is being conducted, the STT will explain the testing procedure to the driver. The STT will check the expiration date of the saliva testing device, showing the date to the driver, and must not use a device at any time after the expiration date. The STT will open an individually sealed package containing the device in the presence of the driver and then will offer the driver the opportunity to use the swab. If the driver chooses to use the swab, the

STT will instruct the employee to insert the absorbent end of the swab into his/her mouth, moving it actively throughout the mouth for a sufficient time to ensure that it is completely saturated, as indicated in the manufacturer's instructions for the device.

If the employee chooses not to use the swab, or in all cases in which a new test is necessary because the device did not activate, the STT will insert the absorbent end of the swab into the driver's mouth, moving it actively throughout the mouth for a sufficient time to ensure that it is completely saturated, as indicated in the manufacturer's instructions for the device.

The STT will wear a surgical glove while doing so. The STT will place the device on a flat surface or otherwise in a position in which the swab can be firmly placed into the opening provided in the device for this purpose. The STT will insert the swab into this opening and maintain firm pressure on the device until the device indicates that it is activated.

If the swab breaks, or the STT drops the swab on the floor or another surface, or the swab is removed or falls from the device before the device is activated, the STT will discard the device and swab and conduct a new test using a new device. The new device will be one that has been under the control of the employer or STT prior to the test. The STT will note in the remarks section of the form the reason for the new test. In this case, the STT shall offer the employee the choice of using the swab himself or herself or having the STT use the swab. If the test continues to be unsuccessful, the collection shall be terminated and an explanation provided in the remarks section of the form. A new test shall then be conducted, using an EBT for both the screening and confirmation tests.

If the procedures are followed successfully but the device is not activated, the STT will discard the device and swab, and conduct a new test. In this case, the STT will place the swab into the driver's mouth to collect saliva for the new test.

The STT will read the result displayed on the device 2 minutes after inserting the swab into the device and will show the device and its reading to the driver and enter the result on the form.

Confirmation Test

If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test must be performed.

The confirmation test must be conducted at least 15 minutes, but not more than 30 minutes, after the completion of the initial test. This delay prevents any accumulation of alcohol in the mouth from leading to an artificially high reading.

Employers that use nonevidential ASDs are responsible for ensuring that an EBT is available for use within 30 minutes of obtaining a test result on the ASD. If employer cannot ensure that an EBT will be available within the 30-minute time limit, the employer must not use ASDs in an alcohol testing program. The FMCSA will not allow, as a standard practice, employers to violate the 30-minute time limit for getting a confirmation test started. Rare instances may be allowed, at the FMCSA's discretion, on a case-by-case basis.

Once a screening test indicates an alcohol concentration of 0.02 or greater, however, a confirmation test must be conducted, no matter how long it takes to complete it. As stated above, these instances will be rare.

The BAT will inform the driver of the need to conduct a confirmation test. The driver will be instructed not to eat, drink, or put any object or substance in his/her mouth. The BAT will also instruct the driver not to belch (to the extent possible) while awaiting the confirmation test. The BAT must inform the driver that the test will be conducted at the end of the waiting period, even if the driver has disregarded the instructions.

Before the confirmation test is administered, the BAT shall conduct an air blank on the EBT. An air blank is a test of ambient air containing no alcohol to ensure that the EBT is properly calibrated. If the reading is greater than 0.00, the BAT shall conduct one more airblank. If the second air-blank reading is greater than 0.00, the EBT must not be used to conduct the test.

The confirmation test is conducted using the same procedures as the EBT screening test. A new mouthpiece must be used if the screening test was conducted on the EBT. If the initial and confirmation test results are not identical, the confirmation test result is deemed to be the final result.

If the result displayed on the EBT is not the same as that on the printed form, the test will be cancelled and the EBT removed from service.

The BAT will sign and date the form. The driver will sign and date the certification statement, which includes a notice that the driver cannot perform safety-sensitive functions or operate a motor vehicle if the results are 0.02 or greater. If the results are 0.04 or greater, the driver must be removed from his/her driving duties and attendant safety-sensitive functions and be evaluated by an SAP. The BAT will attach the alcohol test result printout directly onto the alcohol collection form with tamper-evident tape (unless the results are printed directly on the form).

Reporting

The BAT will transmit all results to a designated representative in a confidential manner (in writing, in person, by telephone, or other electronic means). In the event a driver must be removed from safety-sensitive functions, the BAT will notify employer immediately.

Incomplete Tests

If a screening or confirmation test cannot be completed, the BAT must, if practical, begin a new test using a new alcohol testing form with a new sequential test number.

Refusal by a driver to complete and sign the alcohol testing form, to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the collection process must be noted on the form and the test will be terminated.

If a driver attempts and fails to provide an adequate amount of breath, the BAT must note this on the form and immediately inform employer. Employer shall direct driver to obtain, from an acceptable licensed physician, an evaluation concerning the driver's medical ability to provide an adequate amount of breath. The evaluation should be made as soon as practical after the attempted breath test. If the physician indicates that there was a valid medical reason, the driver's failure to provide an adequate amount of breath will not be considered a refusal. If no valid medical reason is determined, the inadequate amount of breath must be considered a refusal to take the test.

Test Accuracy

To protect the integrity of the test and to ensure accurate results, the procedures for conducting an alcohol test are rigorous. Alcohol tests are considered invalid when the following occur:

- The external calibration check of the EBT produces a result outside the allowed tolerance levels.
- The BAT does not wait 15 minutes between the screening and confirmation tests.
- A valid air blank test that registers 0.00 is not performed before each confirmation test.
- The alcohol test form with the attached EBT printout is not completed correctly. Employee, STT, and BAT signatures, and relevant STT and BAT remarks, must be included.
- The EBT fails to print the confirmation results, the sequential test number on the EBT is not the same as the number on the printout, or the alcohol concentration displayed on the EBT is different from what is printed out.
- For tests conducted on a saliva device —
 - The result is read before 2 minutes or after 15 minutes from the time the swab is inserted into the device.
 - The device does not activate.
 - The device is used for a test after the expiration date printed on its package.
 - The STT fails to note on the alcohol testing form that the test was conducted using a saliva device.

APPENDIX C

Department of Transportation

United States Code Annotated

Title 49. Transportation

Subtitle I, Chapter 5, Special Authority

Subchapter II – *Penalties*

Pursuant to the FHWA regulations §382.507, any employer or driver who violates the requirements of this part shall be subject to the penalty provisions of 49 U.S.C. §521(b). Section 521(b), Civil Penalties, provides:

(b) Violations Relating to Commercial Motor Vehicle Safety Regulation and Operators. -

(1) *Notice.* -

(A) In general. - If the Secretary finds that a violation of a provision of subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), 31310(g)(1)(A),(1) or 31502 of this title, or a violation of a regulation issued under any of those provisions, has occurred, the Secretary shall issue a written notice to the violator. Such notice shall describe with reasonable particularity the nature of the violation found and the provision which has been violated. The notice shall specify the proposed civil penalty, if any, and suggest actions which might be taken in order to abate the violation. The notice shall indicate that the violator may, within 15 days of service, notify the Secretary of the violator's intention to contest the matter. In the event of a contested notice, the Secretary shall afford such violator an opportunity for a hearing, pursuant to section 554 of title 5, following which the Secretary shall issue an order affirming, modifying, or vacating the notice of violation.

(B) Nonapplicability to reporting and recordkeeping violations. - Subparagraph (A) shall not apply to reporting and recordkeeping violations.

(2) *Civil Penalty.* -

(A) In general. - Except as otherwise provided in this subsection, any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act that is a violation of regulations issued by the Secretary under subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each offense. Notwithstanding any other provision of this section (except subparagraph (C)), no civil penalty shall be assessed under this section against an employee for a violation in an amount exceeding \$2,500.

(B) Recordkeeping and reporting violations. - A person required to make a report to the Secretary, answer a question, or make, prepare, or preserve a record under section 504 of this title or under any regulation issued by the Secretary pursuant to subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title about transportation by motor carrier, motor carrier of migrant workers, or motor private carrier, or an officer, agent, or employee of that person -

(i) who does not make that report, does not specifically, completely, and truthfully answer that question in 30 days from the date the Secretary requires the question to be answered, or does not make, prepare, or preserve that record in the form and manner prescribed by the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each offense, and each day of the violation shall constitute a separate

offense, except that the total of all civil penalties assessed against any violator for all offenses related to any single violation shall not exceed \$10,000; or

(ii) who knowingly falsifies, destroys, mutilates, or changes a required report or record, knowingly files a false report with the Secretary, knowingly makes or causes or permits to be made a false or incomplete entry in that record about an operation or business fact or transaction, or knowingly makes, prepares, or preserves a record in violation of a regulation or order of the Secretary, shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each violation, if any such action can be shown to have misrepresented a fact that constitutes a violation other than a reporting or recordkeeping violation.

(C) Violations pertaining to cdl's. - Any person who is determined by the Secretary, after notice and opportunity for a hearing, to have committed an act which is a violation of section 31302, 31303, 31304, 31305(b), or 31310(g)(1)(A) of this title shall be liable to the United States for a civil penalty not to exceed \$2,500 for each offense.

(D) Determination of amount. - The amount of any civil penalty, and a reasonable time for abatement of the violation, shall by written order be determined by the Secretary, taking into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, effect on ability to continue to do business, and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

(E) Copying of records and access to equipment, lands, and buildings. - A person subject to chapter 51 or a motor carrier, broker, freight forwarder, or owner or operator of a commercial motor vehicle subject to part B of subtitle VI who fails to allow promptly, upon demand, the Secretary (or an employee designated by the Secretary) to inspect and copy any record or inspect and examine equipment, lands, buildings and other property in accordance with sections 504(c), 5121(c), and 14122(b) shall be liable to the United States for a civil penalty not to exceed \$1,000 for each offense. Each day the Secretary is denied the right to inspect and copy any record or inspect and examine equipment, lands, buildings and other property shall constitute a separate offense, except that the total of all civil penalties against any violator for all offenses related to a single violation shall not exceed \$10,000. It shall be a defense to such penalty that the records did not exist at the time of the Secretary's request or could not be timely produced without unreasonable expense or effort. Nothing in this subparagraph amends or supersedes any remedy available to the Secretary under section 502(d), section 507(c), or any other provision of this title.

(3) The Secretary may require any violator served with a notice of violation to post a copy of such notice or statement of such notice in such place or places and for such duration as the Secretary may determine appropriate to aid in the enforcement of subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), or 31502 of this title, as the case may be.

(4) Such civil penalty may be recovered in an action brought by the Attorney General on behalf of the United States in the appropriate district court of the United States or, before referral to the Attorney General, such civil penalty may be compromised by the Secretary.

(5)(A) If, upon inspection or investigation, the Secretary determines that a violation of a provision of subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), or 31502 of this title or a regulation issued under any of those provisions, or combination of such violations, poses an imminent hazard to safety, the Secretary shall order a vehicle or employee operating such vehicle out of service, or order an employer to cease all or part of the employer's commercial motor vehicle operations. In making any such order, the Secretary shall impose no restriction on any employee or employer beyond that required to abate the hazard. Subsequent to the issuance of the order, opportunity for review shall be provided in accordance with section 554 of title 5, except that such review shall occur not later than 10 days after issuance of such order.

(B) In this paragraph, "imminent hazard" means any condition of vehicle, employee, or commercial motor vehicle operations which substantially increases the likelihood of serious injury or death if not discontinued immediately.

(6) Criminal Penalties. -

(A) In general. - Any person who knowingly and willfully violates any provision of subchapter III of chapter 311 (except sections 31138 and 31139) or section 31502 of this title, or a regulation issued under any of those provisions shall, upon conviction, be subject for each offense to a fine not to exceed \$25,000 or imprisonment for a term not to exceed one year, or both, except that, if such violator is an employee, the violator shall only be subject to penalty if, while operating a commercial motor vehicle, the violator's activities have led or could have led to death or serious injury, in which case the violator shall be subject, upon conviction, to a fine not to exceed \$2,500.

(B) Violations pertaining to cdl's. - Any person who knowingly and willfully violates –

(i) any provision of section 31302, 31303(b) or (c), 31304, 31305(b), or 31310(g)(1)(A) of this title or a regulation issued under such section, or

(ii) with respect to notification of a serious traffic violation as defined under section 31301 of this title, any provision of section 31303(a) of this title or a regulation issued under section 31303(a), shall, upon conviction, be subject for each offense to a fine not to exceed \$5,000 or imprisonment for a term not to exceed 90 days, or both.

(7) The Secretary shall issue regulations establishing penalty schedules designed to induce timely compliance for persons failing to comply promptly with the requirements set forth in any notices and orders under this subsection.

(8) Prohibition on operation in interstate commerce after nonpayment of penalties. -

(A) In general. - An owner or operator of a commercial motor vehicle against whom a civil penalty is assessed under this chapter or chapter 51, 149, or 311 of this title and who does not pay such penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty may not operate in interstate commerce beginning on the 91st day after the date specified by order of the Secretary for payment of such penalty. This paragraph shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11, United States Code.

(B) Regulations. - Not later than 12 months after the date of the enactment of this paragraph, the Secretary, after notice and an opportunity for public comment, shall issue regulations setting forth procedures for ordering commercial motor vehicle owners and operators delinquent in paying civil penalties to cease operations until payment has been made.

(9) Any aggrieved person who, after a hearing, is adversely affected by a final order issued under this section may, within 30 days, petition for review of the order in the United States Court of Appeals in the circuit wherein the violation is alleged to have occurred or where the violator has his principal place of business or residence, or in the United States Court of Appeals for the District of Columbia Circuit. Review of the order shall be based on a determination of whether the Secretary's findings and conclusions were supported by substantial evidence, or were otherwise not in accordance with law. No objection that has not been urged before the Secretary shall be considered by the court, unless reasonable grounds existed for failure or neglect to do so. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Secretary.

(10) All penalties and fines collected under this section shall be deposited into the Highway Trust Fund (other than the Mass Transit Account).

(11) In any action brought under this section, process may be served without regard to the territorial limits of the district of the State in which the action is brought.

(12) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

(13) The provisions of this subsection shall not affect chapter 51 of this title or any regulation promulgated by the Secretary under chapter 51.

(14) As used in this subsection, the terms "commercial motor vehicle", "employee", "employer", and "State" have the meaning such terms have under section 31132 of this title.

APPENDIX D

CERTIFICATE OF RECEIPT

Vehicle Operators Drug and Alcohol Policy

I acknowledge receipt of the **employer's** Vehicle Operators Drug and Alcohol Policy as required by the Federal Highway Administration's Drug and Alcohol Regulations, 49 CFR Part 382. I understand that I am required to read and to follow this Policy.

Date

Employee's Signature

For the **employer**

Employee's Name – Printed

**STOREY COUNTY
FORM 206A F1
12/04/18**

**FORM 206A1
VEHICLE OPERATORS DRUG AND ALCOHOL POLICY
EMPLOYEE ACKNOWLEDGEMENT FORM**

EMPLOYEE CERTIFICATION:

I hereby certify that Storey County and/or the Storey County Fire Protection District has provided me with a copy of its Drug and Alcohol policy for compliance with the Department of Transportation (DOT) Drug and Alcohol Regulations, that I have read and understand the policy, and that I agree to abide by the terms and conditions of the policy. I also understand that nothing in this policy is intended to create a contract, and I agree that no such contract is created by this policy.

Date

Employee Signature

**VEHICLE OPERATORS DRUG AND ALCOHOL POLICY
CONSENT TO RELEASE OF DRUG / ALCOHOL INFORMATION
DRUG / ALCOHOL TESTING**

I _____, authorize Storey County and/or the Storey County Fire Protection District to contact my former employer:

Name (Printed) _____
Previous Employer: _____
Street: _____ Telephone: _____
City, State, Zip: _____ Fax No.: _____

to obtain from them any relevant information regarding drug and/or alcohol use matters listed below. Further, I authorize the release of information from my former employer for the preceding two (2) years regarding drug and/or alcohol use matters listed below. I request you respond to the following questions as whether I:

1. Had an alcohol test with a result of .04 alcohol concentration or greater;
 Yes No
2. Had a verified positive controlled substance test result;
 Yes No
3. Refused to be tested for alcohol or controlled substance;
 Yes No
4. Violated other Department of Transportation (DOT) Drug and/or Alcohol testing regulations.
 Yes No

If yes, to any of the above, I further authorize the release of documentation, if any, on my successful completion of a return-to-duty requirements, including follow-up tests.

In exchange for employer's consideration of my employment application, I release the individual company or institution and all individuals providing the information or acquiring the information, including employer, from all claims, liability, and damages whatsoever in furnishing, obtaining, or using said information including, but not limited to, claims for defamation, libel, slander, infliction of emotional distress, and interference with current or prospective economic relations.

I authorize the release of this information to:

Employer Name
Attention: _____ on or before _____
Employer Designated Employer Representative Date

Applicant/Employee Signature Date

Witness Name (Printed) Witness Signature Date

(Note: Obtain a release for each former employer for preceding two years)

**VEHICLE OPERATORS DRUG AND ALCOHOL POLICY
DRUG / ALCOHOL TEST INFORMED CONSENT**

I, _____, pursuant to a request by my department director
(Printed Name)

and, as a condition of employment with the employer, hereby give my consent to this request to perform a comprehensive test to determine the absence or presence of alcohol and/or drugs **(employer: circle one or both)** pursuant to **employer** policy on drug and alcohol in compliance with Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations.

I give my consent to release the results of the test(s) and other related medical information to individuals within the employer who have a need to know of the drug and alcohol testing results and to the use of all such reports or other medical information by the employer in its assessment of my employment application and/or employment status.

I understand that:

The department director and/or a medical review officer may request proof that I am taking a controlled substance as directed pursuant to a lawful prescription issued in my name. If requested, I must provide such proof within 72 hours.

The employer will pay the cost of all required drug and/or alcohol tests.

I will be notified of a positive test result in writing. The letter of notification will identify the particular substance found and its concentration level.

I have the right to request a retest of the initial specimen at a licensed laboratory of my choice, at my own expense, if I have a positive test for drugs or alcohol. The results of the retest shall be provided to me by the department director.

A positive test for illegal drugs or alcohol, or my refusal to authorize the test(s) by signing this form, or take the specified test(s), or produce a specimen may result in the following action:

Applicants - Rejection of my employment application for safety-sensitive positions.

Employees - Referral to an Employee Assistance Program (EAP) and/or disciplinary action, up to and including termination.

Check One:

- I consent to a drug and/or alcohol test
- I do not consent to a drug and/or alcohol test

Applicant/Employee Signature

Date

Witness Printed Name

Witness Signature

Date

EMPLOYER: If applicable, attach documentation for reasonable suspicion drug/alcohol testing.

U.S. Department of Transportation (DOT) Alcohol Testing Form

(The instructions for completing this form are on page 2 of this form)

STEP 1: TO BE COMPLETED BY ALCOHOL TECHNICIAN

A: Employee Name: _____
(Print) (First, M.I., Last)

B: SSN or Employee ID No. _____

C: Employer Name _____
Street _____
City, ST ZIP _____

DER Name and Telephone No. _____ () _____
DER Name DER Phone Number

D: Reason for Test: Random Reasonable Susp Post-Accident Return to Duty Follow-up Pre-employment

Affix
Or
Print
Screening Results
Here

Affix
With
Tamper Evident
Tape

STEP 2: TO BE COMPLETED BY EMPLOYEE

I certify that I am about to submit to alcohol testing required by U.S. Department of Transportation regulations and that the identifying information provided on the form is true and correct.

Signature of Employee Date: Month Day Year

Affix
Or
Print
Screening Results
Here

STEP 3: TO BE COMPLETED BY ALCOHOL TECHNICIAN

(If the technician conducting the screening test is not the same technician who will be conducting the confirmation test, each technician must complete his/her own form.) I certify that I have conducted alcohol testing on the above named individual in accordance with the procedures established in the U.S. Department of Transportation regulation, 49 CFR Part 40, that I am qualified to operate the testing device(s) identified, and that the results are as recorded.

TECHNICIAN: BAT STT DEVICE: SALIVA BREATH* 15-Minute Wait: Yes No

SCREENING TEST: (For BREATH DEVICE* write in the space below only if the testing device is not designed to print.)

Test #	Testing Device Name	Device Serial # OR Lot # & Exp. Date	Activation Time	Reading Time	Result
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CONFIRMATION TEST: Results MUST be affixed to each copy of this form or printed directly onto the form.

REMARKS:

Alcohol Technician's Company _____ Company Street Address _____
(PRINT) Alcohol Technician's Name (First, M.I., Last) _____ Company City, State, Zip _____ Phone Number _____
Signature of Alcohol Technician _____ Date: Month Day Year

Affix
With
Tamper Evident
Tape

Affix
Or
Print
Screening Results
Here

STEP 4: TO BE COMPLETED BY EMPLOYEE IF TEST RESULT IS 0.02 OR HIGHER

I certify that I have submitted to the alcohol test, the results of which are accurately recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment because the results are 0.02 or greater.

Signature of Employee Date: Month Day Year

Affix
With
Tamper Evident
Tape

COPY 1 – ORIGINAL – FORWARD TO THE EMPLOYER
COPY 2 – EMPLOYEE RETAINS
COPY 3 – ALCOHOL TECHNICIAN RETAINS

OMB No. 2105-0529

**Instructions for Completing the
U.S. Department of Transportation (DOT) Alcohol Testing Form**

NOTE: Use a ballpoint pen, press hard, and check all copies for legibility.

STEP 1 The Breath Alcohol Technician (BAT) or Screening Test Technician (STT) completes the information required in this step. Be sure to print the employee's name and check the box identifying the reason for the test.

NOTE: If the employee refuses to provide SSN or I.D. number, be sure to indicate this in the remarks section in STEP 3. Proceed with STEP 2.

STEP 2 Instruct the employee to read, sign, and date the employee certification statement in STEP 2.

NOTE: If the employee refuses to sign the certification statement, do not proceed with the alcohol test. Contact the designated employer representative (DER).

STEP 3 The BAT or STT completes the information required in this step and checks the type of device (saliva or breath) being used. After conducting the alcohol screening test, do the following (as appropriate):

Enter the information for the screening test (test number, testing device name, testing device serial number, or lot number and expiration date, time of test with any device-dependent activation times, and the results) on the front of the Alcohol Testing Form (ATF). For a breath testing device capable of printing, the information may be part of the printed record.

NOTE: Be sure to enter the result of the test exactly as it is indicated on the breath testing device, e.g., 0.00, 0.02, 0.04, etc.

Affix the printed information to the front of the form in the space provided, or to the back of the form, in a tamper-evident manner (e.g., tape), or the device may print the results directly on the ATF. If the results of the screening test are less than 0.02, print, sign your name, and enter today's date in the space provided. The test process is complete.

If the results of the screening test are 0.02 or greater, a confirmation test must be administered in accordance with DOT regulations. An EVIDENTIAL BREATH TESTING device that is capable of printing confirmation test information must be used in conducting this test.

Ensure that a waiting period of at least 15 minutes occurs before the confirmation test begins. Check the box indicating that the waiting period lasted at least 15 minutes.

After conducting the alcohol confirmation test, affix the printed information to the front of the form in the space provided, or to the back of the form in a tamper-evident manner (e.g., tape), or the device may print the results directly on the ATF. Print, sign your name, and enter the date in the space provided. Go to STEP 4.

STEP 4 If the employee has a breath alcohol confirmation test result of 0.02 or higher, instruct the employee to read, sign, and date the employee certification statement in STEP 4.

NOTE: If the employee refuses to sign the certification statement in STEP 4, be sure to indicate this in the remarks line in STEP 3.

Immediately notify the DER if the employee has a breath alcohol confirmation test result of 0.02 or higher.

Forward Copy 1 to the employer. Give Copy 2 to the employee. Retain Copy 3 for BAT/STT records.

PAPERWORK REDUCTION ACT NOTICE (as required by 5 CFR 1320.21)

Public reporting burden for this collection of information is estimated for each respondent to average: 1 minute/employee, 4 minutes/Breath Alcohol Technician. Individuals may send comments regarding these burden estimates, or any other aspect of this collection of information, including suggestions for reducing the burden, to U.S. Department of Transportation, Drug and Alcohol Policy and Compliance, Room 10403, 400 Seventh St., SW, Washington, D.C. 20590. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number associated with the collection is 2105-0529.

**VEHICLE OPERATORS DRUG AND ALCOHOL POLICY
SUGGESTED STEPS FOR REASONABLE SUSPICION
DRUG / ALCOHOL TESTING**

- _____ 1. Keep the situation confidential.
- _____ 2. Carefully review employer's policy on drug and alcohol testing to include all applicable forms.
- _____ 3. If practical, without endangering the safety of the employee and others or unduly delaying your response, consult with your human resources specialist or legal counsel about the actions you will be taking.
- _____ 4. Have a second supervisor present whenever possible throughout the process.
- _____ 5. Union representation? Check any requirements of the contract.
- _____ 6. Complete the employer's documentation for Reasonable Suspicion Drug/Alcohol Testing.
- _____ 7. Meet with the employee to inform him/her of your observations and request them to take a drug and/or alcohol test.
- _____ 8. Request that the employee complete the Drug/Alcohol Test Informed Consent form.
- _____ 9. Provide the employee transportation to the testing site and provide transportation after the test or, if the employee refuses to be tested, to his/her home.
- _____ 10. If the employee refuses to be tested, inform him/her that s/he may be disciplined, up to and including termination.
- _____ 11. If the test is positive, inform the employee in writing.
- _____ 12. If the test is positive, determine what disciplinary action to take.
- _____ 13. If the test is positive and the employee was not terminated, refer him/her for evaluation by a substance abuse counselor and rehabilitation, as appropriate.

Note: Time is of the essence. If you have reasonable suspicion, proceed immediately by completing the Documentation For Reasonable Suspicion Drug/Alcohol Testing Form and proceed with the testing process.

**VEHICLE OPERATORS DRUG AND ALCOHOL POLICY
DOCUMENTATION FOR REASONABLE SUSPICION
DRUG / ALCOHOL TESTING**

This form is to be used to document the reasons for requesting that an employee be asked to submit to a medical evaluation, or drug or alcohol screen test pursuant to Federal Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations. All questions that apply should be answered. Additional pages, if necessary, should be attached with any other relevant documents.

Employee Name: _____

Date of Incident: _____

Time Started to Work: _____ Time Relieved of Duty: _____

Location Last Worked: _____

1. Is employee in a position that performs safety-sensitive functions? Yes No

2. Was there an incident? Yes No

a. If yes, describe the event (include date and time, employee's actions, and extent of any injury to any person(s) or property).

b. If no, describe observation which led to consideration of reasonable suspicion testing.

3. Attendance (There must be other indicators of a violation in addition to attendance.)

a. Number of days missed before or after regularly scheduled days off in the last two months:

b. Total absences in the last two months: _____

c. Times tardy in the last two months: _____

d. Times employee left early in last two months: _____

4. Performance Level

Has there been a recent change in the employee's level of performance?

Yes No

If yes, describe:

5. Other Witnesses:

Name (Please Print)

Name (Please Print)

STOREY COUNTY
FORM 206A-6
2018

6. Observation of Employee: Date: _____ Time: _____

Reasonable Suspicion must be based on directly observing specific contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. In addition, the observations for drug use may include indications of the chronic and the withdrawal effects of controlled substances.

(Check all that apply)

- a. **WALKING:** Falling Holding On Staggering
 Stumbling Swaying Unsteady
 Unable to Walk
- b. **STANDING:** Rigid Staggering Sagging at Knees
 Swaying Unable to Stand Feet Wide Apart
- c. **SPEECH:** Mute Incoherent Rambling
 Shouting Silent Slobbering
 Slow Slurred Whispering
- d. **DEMEANOR:** Calm Cooperative Crying
 Sleepy Confrontational Fighting
 Polite Sarcastic Silent
 Talkative Excited
- e. **ACTIONS:** Calm Drowsy Erratic
 Hostile Fighting Polite
 Irritable Profane Resisting
 Communications Threatening Hyperactive
- f. **EYES:** Bloodshot Closed Dilated
 Droopy Glassy Watery
- g. **FACE:** Flushed Pale Sweaty
- h. **APPEARANCE/ CLOTHING:**
 Unruly Having Odor Dirty
 Messy Neat Partially Dressed
 Bodily Excrement Stains on Clothing
- i. **BREATH:** Alcohol Odor Faint Alcohol Odor No Alcohol Odor
 Marijuana Odor Faint Marijuana Odor No Marijuana Odor
- j. **MOVEMENTS:** Fumbling Hyperactive Jerky
 Nervous Normal Slow
- k. **EATING/ CHEWING:**
 Candy Gum Mints
 Nothing

OTHER: _____

Supervisor Name (please print): _____

Supervisor Signature: _____

Date: _____

Approved for alcohol testing: [] Yes [] No

Approved for drug testing: [] Yes [] No