

# **Addendum 1**

## **Chambers County Policy for Drug and Alcohol Detection and Deterrence Omnibus/DOT/CDL**

The safety and well being of our drivers, employees and the general public requires that our drivers perform their duties free from the effects of alcohol and/or drugs. A drug-free workplace is especially important to the transportation industry. A driver who uses or abuses alcohol and/or drugs is a hazard to Chambers County, the general public, other employees and him/herself. Chambers County carries a ZERO tolerance toward drug and/or Alcohol use, violators will be terminated.

In order to ensure the safe transportation and provide for an efficient and drug-free workplace while complying with the Federal Motor Carrier Safety Regulations, Chambers County has adopted this policy.

### **PROGRAM ADMINISTRATOR:**

The Human Resources Administrator or designee has been designated by Chambers County as the Alcohol/Drug Testing Program Administrator or designee. In this function the Human Resources Administrator or designee will be responsible to answer any questions from the drivers, administrators or the public in general.

The Program Administrator or designee will handle all information on all tests of covered drivers as confidential. The Program Administrator or designee may provide such information as necessary to the supervisor to enable him/her to take proper disciplinary action as warranted. The Program Administrator or designee may also release test information to the county's Human Resources Administrator or designee to use to evaluate and recommend appropriate follow-up.

### **DRIVERS SUBJECT TO TESTING:**

All drivers who must have a Commercial Drivers License to perform their duties, which are considered as safety-sensitive, will be subject to the alcohol and/or drug testing as outlined in this policy and required by Title 49 Code of Federal Regulations part 382.

### **DRIVER COMPLIANCE WITH REGULATION:**

All drivers subject to alcohol and drug testing must be in compliance with the regulations and this policy at all times while in a working status for Chambers County. This will include all time spent driving a commercial vehicle as well as time spent performing safety-sensitive

functions or just before or just after performing safety-sensitive functions. Chambers County has ZERO Tolerance regarding Drug and/or Alcohol use and violators will be terminated.

**Safety-Sensitive Function** means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

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 equipment as required by Sect.392.7 and 392.8 of 49 C.F.R. otherwise inspecting, servicing, or conditioning any commercial motor vehicle 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 resting in a sleeper berth (a berth conforming to the requirements of section 393.76 of 49 C.F.R.);
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

## **SUBSTANCES TESTED FOR:**

The following substances will be tested to determine their presence:

1. Alcohol
2. Marijuana
3. Cocaine
4. Amphetamines
5. Phencyclidine (PCP); and
6. Opiates

## **PROHIBITED CONDUCT:**

During the time that drivers are performing safety-sensitive functions, they shall not:

1. Report to and/or remain on duty with an alcohol concentration of 0.04 or greater;
2. Possess any alcohol;
3. Use any alcohol;
4. Use any alcohol within four hours of going on duty;
5. Use any alcohol for eight hours after an accident which will require the driver to be tested for alcohol or until tested;
6. Refusal to submit to a required alcohol and/or controlled substance test;
7. Report to or remain on duty when using any controlled substance, except when under a physician's orders **AND** the physician has informed the driver that the use will not effect the safe operations of a commercial vehicle;
8. Report to or remain on duty if he/she has tested positive for controlled substance.

## **TEST REQUIRED:**

All drivers who are required to be tested for alcohol and/or controlled substance use or mis-use will be tested under the following circumstances:

1. **Pre-employment or pre-use.** All applicants for jobs requiring a commercial drivers license and/or current employees transferring to a job which requires a commercial driver's license will be required to be tested for the use of controlled substances.
2. **Random.** All drivers are subject to random testing. Ten (10) percent (unless the Federal Highway Administration announced another testing level) of all drivers will be selected to submit to unannounced random alcohol testing, which will be spread through out the calendar year. Fifty (50) percent (unless the Federal Highway Administration announces another testing level) of all drivers will be selected to submit to unannounced controlled substance testing.

3. **Post-accident.** Drivers will be alcohol and controlled substance tested in all accidents involving a fatality. If the accident is one where one or more vehicles were towed from the scene of the accident or involves somebody being injured to the degree that the injury must be treated immediately away from the scene of the accident then the commercial vehicle driver must also receive a summons for a “moving traffic violation” as a result of the accident before a test will be directed.
4. **Reasonable suspicion.** All drivers that exhibit signs and/or symptoms of alcohol and/or controlled substance use or mis-use , which are observed by a trained company supervisor, while performing safety sensitive functions will be required to submit to an alcohol and/or controlled substance test.
5. **Property Damage.** A driver will be required to take a drug and/or alcohol test in the event the driver causes property damage in excess of \$200 dollars. This test is above and beyond Federal DOT requirements and does not count toward Federal drug and/or alcohol testing requirements.

## **TESTING PROCEDURES:**

Chambers County has contracted with Concentra Medical Centers to do the alcohol and collection of the urine specimen(s) for controlled substance testing.

Once a driver has been directed to submit to an alcohol and/or controlled substance test, he/she will proceed immediately to the testing area. Drivers must comply with the lawful request to the technician doing the alcohol and/or controlled substance test.

The selected driver will be required to provide a urine specimen for controlled substance testing and/or a breath or saliva sample for analysis of alcohol concentration.

The driver will be required to provide photo identification prior to testing. Privacy will be ensured at the facility by means of voiding in a private enclosure. A split sample will be procured and both samples will be sent to the lab.

Proper chain of custody procedures will be followed to ensure that the specimen submitted is indeed the specimen that belongs to the selected driver. The specimen will be sealed to prevent tampering during transport to the laboratory. Federal certified laboratories will be utilized for testing (drugs) and two separate methodologies will be performed to verify all specimens as positive prior to controlled substances reporting to the medical review office (MRO).

The MRO is a licensed physician that reviews all test results prior to reporting to the company. Should the specimen test positive, the MRO will contact the driver to discuss the test findings and afford the driver an opportunity to discuss his/her test results and any factors that could have attributed to the positive test. Should the driver question the test findings, the driver can request that the split sample be forwarded to another certified laboratory for re-analysis.

All test results are treated confidentially and not results will be released to outside parties without the drivers express consent or when required by law, rule or regulation or expressly authorized.

All testing for alcohol use or mis-use will be conducted only by devices, which have been approved by the National Highway Traffic Administration or trained Breath Alcohol Technicians (BATs) or trained Screening Test Technicians.

### **REQUIREMENTS THAT DRIVERS MUST SUBMIT TO TEST:**

All drivers who are required by Federal Motor Carrier Safety Regulations and this policy to be subjected to alcohol and/or controlled substances test must fulfill that requirement when so directed to the Alcohol/Drug Testing Program Administrator or trained supervisor. Failure to comply with the regulations of this policy will result in immediate termination.

### **REFUSAL TO TEST:**

The following circumstances will be construed as refusing to submit to an alcohol and/or controlled substance test and will result in immediate termination:

1. Fails to give an adequate sample of breath for an alcohol test without a valid medical evaluation.
2. Fails to provide adequate urine sample for a controlled test without a genuine inability to provide a specimen, as determined by medical evaluation.
3. Engages in conduct that clearly obstructs the testing procedures.

### **DISCIPLINARY ACTION:**

Any driver who violates either the Federal Motor Carrier Safety Regulations or this policy will be immediately terminated.

Any driver who has tested positive for either drugs or alcohol, will be immediately terminated.

Drivers who are found to have an alcohol concentration of 0.02 or greater but less than 0.04 will be taken out-of-duty for a minimum of 24 hours. It is the County's policy that drivers in violation of this policy be immediately terminated.

**INFORMATION:**

Chambers County will provide each driver Subject to the Federal Motor Carriers Safety Regulations a copy of this policy. In addition, the county will provide printed material which describes the effects of alcohol and/or controlled substance use or abuse on the individual's health work and personal life, as well as information on the signs and symptoms of an alcohol or controlled substance problem.

Chambers County  
Policy for Drug and Alcohol  
Detection and Deterrence  
Addendum 1

Acknowledgement:

I certify that I have received a copy of the Chambers County Policy for Drug and Alcohol Detection and Deterrence Addendum 1 and have read and understood those policies.

These policies control over any statement made by a supervisor or other individual and I understand that any agreement concerning my employment are not binding unless they are in writing and signed by the County Judge.

I will continue to be familiar with all rules and regulations regarding Chambers County's Drug and Alcohol policy and any policy changes or additional rules and regulations affecting my job.

I understand that this policy represents only the County's current policy and regulations. The County retains the right to replace or alter the existing policy with without notice.

I understand that Chambers County utilizes a Zero Tolerance policy toward Drug and/or Alcohol. I further understand that violation of this policy will result in immediate termination.

By: \_\_\_\_\_  
(Print Name)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature)