

TOWN OF SENECA
ALCOHOL AND DRUG TESTING POLICY

DEFINITIONS

ALCOHOL - the intoxicating agent in beverage alcohol, or: ethyl, methyl, or isopropyl alcohol.

CDL - commercial driver's license

CONTROLLED SUBSTANCE - marijuana, cocaine, amphetamines, phencyclidine, or opiates.

DRUG - controlled substance

MRO - Medical Review Officer, a licensed physician who reviews and interprets laboratory results relative to a drug testing program.

NHTSA - National Highway Traffic Safety Administration

TEST REFUSAL - Employees are prohibited from conduct that obstructs the testing process. Employees that engage in such conduct shall be considered to have refused to test.

SAFETY SENSITIVE FUNCTION - ALL time for which your employer is compensating you (paid time) that you may be required to operate a vehicle for which a CDL license is required, regardless of whether or not you are actually assigned to operate a CDL required vehicle. (This is considered to be time waiting to be dispatched.)

US DOT FHWA - United States Department of Transportation Federal Highway Administration.

I. Policy

The overall coordinator of this policy is Town Safety Officer, ^{Jim Lawson} ~~Bill Roberts~~. If you have questions concerning this policy contact your supervisor or the program coordinator.

The Omnibus Transportation Employee Testing Act requires alcohol and drug testing of all personnel who drive commercial motor vehicles requiring a commercial driver's license (CDL). In order to conform to these regulations and to ensure that all employees of the Town of Seneca who are so classified are properly tested, the following policy and procedures will apply.

A. Alcohol Testing

1. Prohibitions

Performance of safety sensitive functions is prohibited under the following conditions:

Reporting for duty or remaining on duty requiring the performance of safety sensitive functions with a breath alcohol concentration of 0.02 percent or greater as indicated by an alcohol breath test.

Using or possessing alcohol while on duty to operate vehicles covered by this policy.

Reporting to work within four (4) hours after using alcohol.

No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until a post accident test is administered, whichever comes first.

2. Required Tests:

Post-accident - Alcohol breath tests will be conducted under the following conditions:

- a. All fatal accidents
- b. The driver is issued a citation for a moving traffic violation.

Alcohol breath test will be conducted within eight (8) hours of the accident.

Employees are expected to remain available for testing. Failure to do so constitutes a refusal to test.

For purposes of this rule an accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury requiring medical treatment away from the scene, or a vehicle is required to be towed away from the scene.

Reasonable Suspicion

Reasonable suspicion testing will be conducted when a trained supervisor observes behavior, speech, odor or appearance that is characteristic of alcohol misuse. If a breath test cannot be administered, the driver must be removed from performing safety sensitive duties for at least 24 hours.

Random Testing

The annual percentage rate of alcohol testing will be 25%. Tests will be conducted on an unannounced basis, spread reasonably throughout the calendar year, and administered just before, during or just after performance of a safety sensitive function.

Return to Duty

Return to duty testing will be conducted when an individual who has violated the prohibited alcohol conduct standards intends to return to a position performing safety-sensitive duties. An alcohol test with resulting concentration of less than 0.02% will be required prior to reassignment to the safety sensitive position. Once the individual returns to duty, at least six (6) unannounced follow up tests will be conducted during the twelve (12) month period following the return to duty date.

Test Refusal

Refusal to undergo any of the tests outlined above will be treated the same as a positive test.

3. Process for Random Selection

Drivers will be randomly selected for testing from a pool of drivers and the testing dates and times will be unannounced and with unpredictable frequency throughout the year.

4. Process for Alcohol Testing

Alcohol screening will be conducted using evidential breath testing devices (EBT). An initial screening test will first be administered, with any resulting alcohol concentration of less than 0.02% considered as a negative test. A confirmation test will be required for alcohol concentration of greater than 0.02%. A confirmation test result of greater than 0.04% will be considered to be a positive test.

An initial test reading of 0.02% or greater, with a confirmation reading of less than 0.04% will result in the suspension of the individual from safety sensitive duties until the start of the individual's next regularly scheduled shift but not less than a period of 24 hours following the test.

5. Consequences of Alcohol Misuse

Employees of the Town of Seneca who are required to have a CDL (hereinafter referred to as CDL employees) and who engage in prohibited alcohol misuse in accordance with the testing procedures outlined above, will be immediately removed from safety sensitive functions with no obligation on the part of the employer for reassignment to a non safety sensitive position. CDL employees who have engaged in alcohol misuse will be referred to a substance abuse professional for evaluation, assistance and potential treatment. CDL employees will not be permitted to return to a safety sensitive position until all treatment recommendations have been complied with and the individual has been released to return to safety sensitive duties by the substance abuse professional. During the period of treatment, the employee will be eligible to discharge accumulated sick, personal and or vacation leave.

CDL employees noted above will be subject to the return to work testing requirements and follow up testing requirements outlined in #2 above.

CDL employees may be subject to disciplinary action up to and including termination in accordance with applicable Civil Service Law and or Union contract provisions. Employees will be allowed one opportunity for treatment and counseling under this policy. Subsequent positive tests following return to duty will result in disciplinary action proposing termination. Employees terminated under this policy will be ineligible for rehire.

6. Confidentiality of Records

All driver alcohol testing records are confidential and test results will only be released to the Town of Seneca and the substance abuse professional. Any other release of information will only be allowed with the driver's consent.

All dated records and notifications for verified positive test results will be maintained for a period of five years.

All dated records and notifications for negative test results will be maintained for a period of one year.

The records of any breath alcohol test results are maintained under strict confidentiality and will not be released without the specific written authorization of the tested individual. Results will be released however to Federal, State, or local officials with regulatory authority over the controlled substances program.

B. Drug Testing

1. Prohibitions

No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any controlled substances. The only exception is when use is under physician's order and does not impair the individual's ability to operate a commercial motor vehicle.

2. Unauthorized Controlled Substance:

All urine specimens will be analyzed for the following controlled substances:

- a. Marijuana
- b. Cocaine
- c. Amphetamines
- d. Opiates (including heroin)
- e. Phencyclidine (PCP)

3. Required Tests:

Pre-employment - Must be conducted after an offer of employment has been extended (conditional offer) but before the individual actually performs safety sensitive functions for the first time. If the individual fails the controlled substances test, including the confirmation test, the offer of employment will be withdrawn. This section also applies to current employees transferring to safety sensitive positions.

The individual will not be considered for employment, or transfer in the case of current employees, with the Town of Seneca for a period of one (1) year.

Post-accident - Controlled substances tests will be conducted under the following conditions:

- a. All fatal accidents.
- b. The driver is issued a citation for a moving traffic violation.

Controlled substances tests must be conducted within thirty-two (32) hours of the accident.

Employees are expected to remain available for testing. Failure to do so constitutes a refusal to test.

For purposes of this section an accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury requiring medical treatment away from the scene, or a vehicle is required to be towed from the scene.

Reasonable Suspicion

Reasonable suspicion testing will be conducted when a trained supervisor observes behavior, speech, odor, or appearance that is characteristic of controlled substance misuse. Belief that the driver has violated controlled substances prohibitions must be based upon specific and articulable observations.

Random Testing

The annual percentage rate of controlled substances testing will be 50%. Tests will be conducted on an unannounced basis, spread reasonably throughout the calendar year, and administered just before, during or just after performance of safety sensitive functions. Drivers selected for random controlled substances tests will proceed immediately to the testing site upon notification of being selected.

Return to Duty

Return to duty testing will be conducted when an individual who violated the prohibited controlled substances standards intends to return to a position performing safety sensitive duties. A controlled substances test with a verified negative result will be required prior to reassignment to the safety sensitive position. A driver cannot be returned to safety sensitive duties until an evaluation has been completed by a substance abuse professional, and the rehabilitation recommendations complied with. During the period of treatment the employee will be eligible to discharge accumulated sick, personal, and or vacation leave. Once the individual returns to duty, at least six (6) unannounced follow-up tests will be conducted during the twelve (12) month period following the return to duty date.

Test Refusal

Refusal to undergo any of the tests outlined above will be treated the same as a positive test.

4. Process for Random Selection

Drivers will be randomly selected for testing from a pool of drivers and the testing dates and times will be unannounced with unpredictable frequency throughout the year. On-duty drivers selected for controlled substances testing must report for testing regardless of whether or not they are assigned to safety sensitive functions on the day they are selected. Once notified of selection testing the driver must proceed directly to a collection site for testing.

5. Process for Controlled Substances Testing

Drug testing is conducted by analyzing the urine specimen of drivers. Once provided in a location that affords privacy, specimens will be sealed and labelled to ensure an appropriate chain of custody, proper identification and integrity of the specimen.

Urine specimens will be divided into 2 containers, i.e. "primary" and "split" specimens. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the driver has 72 hours to request the split specimen be sent to another certified laboratory for analysis. Drivers requesting the confirmation test will be required to pay the full cost of this second opinion.

All drug tests will be reviewed and interpreted by a physician, i.e. a medical review officer (MRO), before they are reported to the Town of Seneca. The test will be evaluated in the light of all relevant information obtained, including the driver's statement and documentation as to any currently prescribed medication currently being taken.

6. Consequences of Positive Drug Test:

Employees of the Town of Seneca, who are required to have a CDL (hereinafter referred to as CDL employees) and who have engaged in controlled substances misuse will be immediately removed from the safety sensitive function with no obligation on the part of the employer for reassignment to a non safety sensitive position. CDL employees who have engaged in controlled substances misuse will be referred to a substance abuse professional for evaluation, assistance and potential treatment. CDL employees will not be permitted to return to a safety sensitive position unless and until all treatment recommendations have been complied with and the driver has been released to return to safety sensitive duties by the substance abuse professional. During the

period of treatment, the employee will be eligible to discharge accumulated sick, personal and or vacation leave. CDL employees will be subject to the return to work testing requirements outlined in #3 above.

CDL employees may be subject to disciplinary action up to and including termination in accordance with applicable Civil Service Law and or Union contract provisions. Employees will be allowed one opportunity for treatment and counseling under this policy. Subsequent positive tests following return to duty will result in disciplinary action proposing termination. Employees terminated under this policy will be ineligible for rehire.

7. Confidentiality of Records

All driver drug testing records are confidential and test results will only be released to the Town of Seneca and the substance abuse professional. Any other release of information will only be allowed with the driver's consent.

All dated records and notifications for verified positive controlled substances test results will be maintained for a period of five years.

All dated records and notification for negative controlled substance test results will be maintained for a period of one year.

The records on any controlled substances test results are maintained under strict confidentiality and will not be released without the specific written, authorization of the tested individual. Results will be released however to Federal, State and local officials with regulatory authority over the controlled substances program.

WHERE TO GET HELP

**ONTARIO COUNTY SUBSTANCE
ABUSE SERVICES**

**. 3907 CO. RD. #46
CANANDAIGUA, NY 14424**

716-396-4190

ACTION HELPLINE

1-800-234-0420

AL-ANON

1-800-356-9996

ALCOHOLICS ANONYMOUS

1-315-789-5955

**AMERICAN COUNCIL ON
ALCOHOLISM HOTLINE**

1-800-527-5344

COCAINE HOTLINE

1-800-262-2463

FLACRA

1-315-781-0771

1-315-462-9466

LIFELINE

1-800-333-0542

**NATIONAL INSTITUTE ON
DRUG ABUSE HOTLINE**

1-800-843-4971

CERTIFICATE OF RECEIPT

I ACKNOWLEDGE THAT I HAVE RECEIVED THE DOCUMENT ENTITLED TOWN OF SENECA "ALCOHOL AND DRUG TESTING POLICY".

Name (Please Print)

Date

Signature

If driver refuses to sign receipt, but supervisor has witnessed his/her receipt, please sign below to indicate that the driver has received this handbook.

Supervisor's Name (Please Print)

Supervisor's Signature

TOWN OF SENECA

Drug and Alcohol Testing Policy Addendum

1. The Town of Seneca will pay for all required Post Accident, Reasonable Suspicion and Random Drug and Alcohol tests.
2. The second test of a Split Sample will be paid by the employee unless the result is negative.
3. Payment for evaluation and treatment by substance abuse professionals will be paid by the employee.
4. Return to work and followup testing will be paid by the employee.
5. Unpaid bills for evaluation and treatment and non-required drug and alcohol tests received by the Town of Seneca will be deducted from the appropriate employee's pay or referred to Small Claims Court for collection.