

***VLCT - PACIF***

***DRUG & ALCOHOL TESTING  
POLICY  
FOR  
CDL-QUALIFIED  
EMPLOYEES  
FOR  
CITIES & TOWNS OF VERMONT***

Adopted by Board of Selectmen on November 7, 1995.

# RECEIPT

I hereby acknowledge receipt of this  
"Policy on Drug & Alcohol Testing"

I agree to learn more about the negative effects and serious consequences of drug and alcohol abuse on my personal health and safety, and the safety regulations and procedures regarding the testing of drug and alcohol.

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Signature

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Date

To be kept on file by employer

## INTRODUCTION

The Federal Motor Carrier Safety Regulations require employers to have a company policy on drug and alcohol abuse. The first item provides a sample policy on alcohol misuse and drug abuse.

Employer must provide their drivers with information on their drug and alcohol program and the safety regulations regarding the testing for alcohol and drugs. Shown below are the sections of the regulations that require the information material for drivers. The information meets the regulatory requirements when furnished to a driver or applicant before testing.

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## **ALCOHOL AND DRUG ABUSE POLICY**

We, the Town of Halifax, Vermont, value our employees and drivers and recognize each person's need for a safe and healthy work environment. Employees who use illegal drugs and abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to greater absenteeism, resulting in the potential for increased accidents, costs, and risks to the Town of Halifax.

We are committed to maintaining a safe workplace for our drivers and other users of the highways that is free from illegal drug use and the misuse of alcohol.

We, the Town of Halifax, will comply with the requirements for testing of the U. S. Department of Transportation and other Federal and State laws and regulations. We therefore forbid the unlawful use and possession of alcohol and controlled substances.

The violation of this policy or regulations and laws may result in severe disciplinary action, up to and including termination, at our sole discretion.

Please refer to page #14 for additional information on discipline.

## **PERSON IDENTIFIED TO ANSWER QUESTIONS**

As part of our continuing policy to ensure fair and equal treatment of our drivers, we understand that there may be questions and concerns involving our controlled substance and alcohol testing policies and programs. To assist you in understanding the requirements placed on both you, the driver, and us, the employer, the Town of Halifax, we have designated the Town Clerk to answer your questions regarding the alcohol and drug testing program. Please call 368-7390 or VLCT-PACIF at 800-649-7915 and ask for the Loss Prevention Department.

## **DRIVERS SUBJECT TO ALCOHOL AND DRUG TESTING**

The Federal Highway Administration of the United States Department of Transportation requires certain drivers to undergo drug and alcohol testing. The drivers who must be tested are those required to have a Commercial Driver's License (CDL).

Who must have a CDL and be tested? Any driver who drives a motor vehicle -

- \* With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;
- \* With a gross vehicle weight rating of 26,001 or more pounds;
- \* Designed to transport 16 or more passengers; or
- \* Of any size that is used to transport hazardous material which require the vehicle to be placarded under the hazardous materials regulations.

There are four exemptions to the testing requirements. These exemptions are listed in §382.103 of the Federal Motor Carrier Safety Regulations (49 CFR 382.103).

## **SAFETY SENSITIVE FUNCTIONS**

A driver shall not use alcohol when performing safety sensitive functions nor perform safety sensitive functions within four hours of using alcohol.

A driver shall not report for duty or remain on-duty when his or her job requires performing safety sensitive functions if he or she has been using drugs or has tested positive for drug use.

A driver is performing a safety sensitive function when -

- \* Waiting at a terminal, facility, or other property to be dispatched, unless the driver has been relieved from duty by the city or town of Halifax;
- \* Performing pre-trip inspections or servicing the motor vehicles;
- \* Driving the motor vehicle;

- \* On the vehicle;
- \* Loading or unloading the vehicle, supervising the loading or unloading, giving receipts for the load, or remaining in readiness to operate the motor vehicle;
- \* Performing duties and services at an accident scene; or,
- \* Repairing, obtaining assistance, or remaining in attendance of a disabled vehicle.

It should be noted that the Federal Highway Administration has interpreted this regulation to mean that if a municipal employee has reported to work on a particular day and is not operating that day, the CDL Qualified Employee is still subject to the testing requirements under the regulation. There is additional interpretation on this subject; available through FHWA or VLCT-PACIF.

## **PROHIBITED CONDUCT**

A driver shall not:

- \* Report for or remain on duty performing a safety-sensitive function while having a blood alcohol concentration of 0.04 or greater;
- \* Use alcohol while performing safety-sensitive functions;
- \* Abuse controlled substances;
- \* Be on duty or operate a commercial motor vehicle while possessing alcohol unless the alcohol is manifested and transported as part of the shipment;
- \* Perform safety-sensitive functions within four hours of using alcohol;
- \* Use alcohol for 8 hours following an accident unless the driver has been given a post-accident test; or
- \* Refuse to submit to a required alcohol and/or drug test involving post-accident, random reasonable suspicion, or follow-up testing.

## WHEN A DRIVER MUST BE TESTED

The Federal Motor Carrier Safety Regulations are very specific regarding when a driver must submit for a drug and an alcohol test. The drug test will use a urine sample and the alcohol will use a breath sample.

| <u>TYPE OF TEST</u>    | <u>ALCOHOL</u> | <u>DRUGS</u> |
|------------------------|----------------|--------------|
| Pre-employment         | No             | Yes          |
| Random                 | Yes            | Yes          |
| Reasonable Suspicion   | Yes            | Yes          |
| Post-Accident          | Yes            | Yes          |
| Return to Duty         | Yes*           | Yes          |
| Follow-Up <sup>1</sup> | Yes*           | Yes          |

\* Required if the test results of the original tests were  $\geq 0.04$  BAC

## TESTING PROCEDURES DRUG TESTING PROCEDURES

The testing program required by the regulations is limited to five drug types: (1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines, (5) Phencyclidine (PCP).

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require a designated collection site; security for the collection site; chain of custody documentation; use of authorized personnel; privacy during collection; integrity and identity of the specimen; and transportation to the laboratory.

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<sup>1</sup> If required by a substance abuse professional.

Driver protection is built into the testing procedures. In order to meet the federal requirements the only laboratories that can be used are those that have been certified by the Federal Government. The Substance Abuse and Mental Health Services Administration certifies laboratories that have met all of the guidelines established by the Department of Health and Human Services.

After the urine specimen has been collected and forwarded to the laboratory, two tests may be performed. The initial test is the immunoassay test. This is a screening test to determine drug usage for the five classes of drugs. The second test is a confirmation test.

The positive levels for the five classes of drug tests are in the table below:

| <b>DRUGS</b>        | <b>INITIAL<br/>TEST LEVELS (ng/ml)*</b> | <b>CONFIRMATION<br/>TEST LEVELS (ng/ml)*</b> |
|---------------------|---|--|
| Marijuana           | 50                                      | 15   |
| Cocaine             | 300                                     | 150  |
| Opiates             | 300                                     |  |
| Morphine            |   | 300  |
| Codeine             |   | 300  |
| Phencyclidine (PCP) | 25                                      | 25   |
| Amphetamines        | 1000                                    | 500  |
| Methamphetamine     |   | 500  |

\*ng/ml means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.

If the results of the initial test are negative, the testing laboratory will advise the city or town's Medical Review Officer (MRO) that the drug test for the driver was negative. No additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the test levels of any of the five drug classes, a second (confirmation) test is performed. This test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the Medical Review Officer for review and analysis.

A split specimen collection will be done. That is, the urine is divided into two specimen bottles. If the test result of the primary specimen is positive, you may request the Medical Review Officer to send the second (or split) specimen to a different certified lab for

testing. The testing of the split specimen will be for the presence of drugs and no cut-off levels. If the result of the test of the split specimen is "negative," the MRO shall cancel the test. If you want the split specimen tested, you must advise the MRO within 72 hours of being notified of the positive test result of the primary specimen. The employee will be responsible for the cost of the second test.

The town or city need to keep a record in the driver's file showing the type of test (pre-employment, periodic, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results.

## **ALCOHOL TESTING PROCEDURES**

Alcohol testing is done by testing breath, because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidential Breath Testing Device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent by weight." It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A BAC (blood alcohol concentration) of 0.10 means one tenth of a gram of alcohol per 210 liters of breath. The EBT will print three copies of each test result and the test results are numbered. A test may have two separate parts. The first test is the initial test. If the initial test shows a reading less than 0.02 the test is recorded as "negative." If the initial test 0.02 or greater a confirmation test will be done. The alcohol testing will be done in a site that affords privacy to the drivers being tested. This site could be a room, van, or a partitioned-off area. Only one breath test will be done at one time. The person giving the test will not leave the testing sight during the test.

The first part of the testing process is to make sure that the EBT is operating properly. In the drivers presence the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is zero. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the driver is requested to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will immediately read the results of the test and a copy of the printed results will be given to the driver. Printed results are not required for the initial test.

When the initial test results show a reading of 0.02 BAC or greater, a confirmation test is necessary. Before the confirmation test, a 15 minutes waiting period will be observed. The purpose of the 15 minutes waiting period is to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products, does not artificially raise the test result. As the confirmation test is done on the same EBT as the first test, the testing procedures will be the same.