

When the confirmation result is different from the initial test, the lower of the two test results will be used to determine the consequences. A breath alcohol testing form will be prepared with a copy for the tested driver.

TESTING PROGRAMS

PRE-EMPLOYMENT TESTING

Those persons that a town or city intends to hire as drivers must be tested for drug and alcohol use prior to employment. For drug testing, a negative test result must be received before the driver makes the first trip.

REASONABLE SUSPICION TESTING

Reasonable suspicion means that the city or town believes that the driver's appearance or conduct are indicative of the use of alcohol and/or drugs. The actions or observations of the driver must occur while the driver is on duty or just preceding the work period, or just after the period of the work day. The conduct, appearance, or actions of the driver must be observed by a supervisor or city or town official. The supervisor or official must have received training in detection of probable alcohol and/or drug use.

In the case of suspected drug use, the driver must be taken immediately to a collection site and a urine sample must be obtained. The driver's action that causes the city or town supervisor or official to require the test must be documented and signed by the supervisor/official within 24 hours after the behavior is noticed.

In the case of suspected alcohol use, the test should be done within 2 hrs. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the breath alcohol test on the driver.

If over 2 hrs. have passed before the alcohol test has been done, the employer shall prepare and maintain on file, a record stating the reasons the alcohol test was not promptly administered. If over 8 hrs. have passed and the alcohol test has not been administered then all attempts should cease and a written explanation should be filed as to why the test was not given.

RANDOM TESTING

Random testing ensures that every driver has an equal chance of being tested. Random tests are unannounced.

The regulations provide that a minimum testing rate of 50% is to be used in drug testing. This rate should provide a sufficient deterrent to drug use. For alcohol testing the random rate is 25%.

The rate for random testing is based on a 1 year period. The unannounced tests should be spread reasonably throughout the year. There are no requirements as to how often the random test must be conducted. It could be on a monthly or quarterly basis.

POST ACCIDENT TESTING

A driver must supply a urine specimen for drug testing and a breath test for alcohol following certain types of accidents. If there is a fatality, testing must be done. Also, testing must be done if the accident results in a citation issued by a law enforcement authority for a moving violation.

RETURN-TO-DUTY AND FOLLOW-UP TESTING

These tests are required when a driver who has violated the prohibited alcohol conduct standards or tested positive for drugs returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests must be conducted in the first 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

REFUSAL TO SUBMIT TO A TEST

The Federal Motor Carrier Safety Regulations provide that a driver shall not refuse to submit to a post accident test, reasonable suspicion test, random selection test, or follow-up test.

No city or town shall permit a driver who refuses to submit to a required test to perform or continue to perform safety-sensitive functions.

In alcohol testing, the refusal to sign the certification in Step 2 on the form is regarded as a refusal to take the test. Not providing an adequate amount of breath may, under certain conditions, be regarded as a refusal to take a test.

In drug testing, failure to provide sufficient urine may constitute a refusal.

CONSEQUENCES OF A POSITIVE TEST

CONSEQUENCES FOR DRIVERS WHO TEST 0.04 BAC AND ABOVE

A driver who tests 0.04 or above

- Cannot perform a safety-sensitive function,
- Will be made aware of resources for solving alcohol and drug problems,
- Must be evaluated by a substance abuse professional (SAP),
- Comply with treatment recommendations, and
- Must undergo a return to duty breath test with a negative test result.

The positive tested driver will also be subject to unannounced follow-up breath tests for up to 5 years depending on the evaluation of the substance abuse professional.

CONSEQUENCES OF A TEST OVER 0.02 BAC BUT LESS THAN 0.04 BAC

No driver who is found to have a BAC of 0.02 or greater but less than 0.04 shall perform safety sensitive functions until the start of the driver's next scheduled duty period, but not less than 24 hours following the test. (SEE TABLE AT END OF BOOKLET)

CONSEQUENCES OF A POSITIVE DRUG TEST

A driver who test positive for drugs

- Cannot perform a safety-sensitive function,
- Must be evaluated by a substance abuse professional,
- Comply with treatment recommendations, and
- Must undergo a return to duty drug test with a negative test result.

The positive tested driver will also be subject to unannounced follow-up drug tests for up to 5 years depending on the evaluation of the substance abuse professional.

THE EFFECTS OF ALCOHOL AND DRUGS ON HEALTH, WORK, AND PERSONAL LIFE

The hazard of misuse of alcohol and illegal drugs extend far beyond the individual user. Impaired employees endanger themselves, fellow workers, and other users of our highways. Employees with drugs or alcohol in their systems are less productive and more likely to injure themselves or other persons in an accident. Alcohol and drug abusing employees increase the costs related to lost productivity, absenteeism, accidents, loss of trained personnel, theft, and treatment and deterrence programs. Also, medical costs are higher and are passed on to the employer in the form of higher health insurance rates. Alcohol and drug abuse costs both the employer and the employee. Alcohol remains the number one abused drug in this country. Alcohol consumption causes a number of changes in behavior. Even low doses can impair the judgment and coordination required for driving. Low to moderate doses increase the incidence of a variety of aggressive acts. Moderate to high doses cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression, and death. If combined with other depressant drugs, much lower doses of alcohol will produce the effects just described. Long-term consumption of large quantities of alcohol can lead to permanent damage to vital organs such as the brain and the liver.

SIGNS AND SYMPTOMS OF AN ALCOHOL OR DRUG PROBLEM

Drugs can show their effects in many different ways. Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, related inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression, and the use of drug paraphernalia. Some of the signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, swaying while maintaining balance, and confusion.

Multiple substance abuse is abuse of more than one drug, either at the same time or over a period of time and it involves any combination of:

- Alcohol
- Prescription drugs
- Over-the-counter drugs
- Illegal drugs

Multiple substance abuse is especially dangerous because different substances interact with each other to produce unexpected effects and dangers.

Multiple substance abuse often begins with abuse of single substance. This may happen because once a person begins to rely on a drug, abuse of additional substances becomes more likely. People who abuse one substance are at a high risk for developing dependence and tolerance for other substances.

METHODS OF INTERVENTION FOR SUSPECTED ALCOHOL OR DRUG PROBLEMS

Alcohol and substance abuse is a complex problem calling for specialized supervision and care. Don't help or aid a person who you think has an alcohol or drug abuse problem. Don't make excuses for them, don't do their work for them, don't look the other way. The problem is not going to go away. Don't enable the person to continue the alcohol or drug abuse.

Leave the treatment and counseling of a person with an abuse problem to the professionals. The DOT regulations require that the person with a problem be evaluated by a professional-such as, a physician, psychologist, other person with knowledge of abuse and clinical experience in the diagnosis and treatment of alcohol and drug related disorders.

DISCIPLINE

Although there should be a discipline policy, for a positive Drug or/Alcohol test, the Federal Highway Administration has declined to offer any recommendations.

Although it is not mandatory, a separate discipline policy is recommended for the Alcohol and Drug Testing Policy for CDL qualified employees.

The following is an excerpt taken from a Drug & Alcohol Testing Policy from another municipality:

Disciplinary Action for an Alcohol Test for 0.04 BAC or Greater or a Positive Drug Test:

An employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

The following disciplinary action will be taken for violations of this policy discovered during post-accident, reasonable suspicion and random testing. The measure of disciplinary action taken shall in all cases be properly and reasonably related to the severity of the offense.

1. **FIRST OFFENSE:**
A minimum of one (1) week unpaid suspension and a letter of reprimand in personnel file or other disciplinary action, up to and including termination if test results are positive.
2. **SECOND OFFENSE:**
A minimum of two (2) weeks unpaid suspension and a letter of reprimand in personnel file, or other disciplinary action, up to and including termination if test results are positive.
3. **THIRD OFFENSE:**
Termination

It should be noted that we at VLCT-PACIF do encourage some form of discipline to be coupled to the Drug & Alcohol Testing; however, **we do not mandate or endorse any particular kind.**

WHERE CAN I GO FOR HELP?

Listed below are sources of help and information:

National Clearinghouse for Alcohol and Drug Information
Monday through Friday
1-800-729-6686

The National Federation of parents for Drug-Free Youth
Monday through Friday
1-800-554-KIDS

National Council on Alcoholism
7 days a week, 24 hours a day.
1-800-622-2255

Parents' Resource Institute for Drug Education (PRIDE)
Monday through Friday
1-800-241-9746

Cocaine Helpline
Monday through Friday
Saturday and Sunday, 12:00 p.m. - 3:00 a.m.
1-800-COCAINE

For information on where to find treatment for alcohol and other drug problems, the best place to look is in the Yellow Pages under "Alcoholism Information" or "Drug Abuse and Addiction Information." Usually there is a listing of the nearest Council on Alcoholism (or Council on Alcohol and Drug Abuse). These Councils provide information over the phone on the availability of the nearest alcohol treatment programs. Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) may also be listed. Both offer immeasurable help in enabling people to cope with problems with alcohol and other drugs.

PRIVATE ORGANIZATIONS, CIVIC GROUPS, RELIGIOUS ORGANIZATIONS

Adult Children of Alcoholics
(ACoA)
P.O. Box 3216
Torrance, CA 9505
213/534-1815

Al-Anon Family Groups
P.O. Box 862
Midtown Station
New York, NY 10018
212/302-7440
800/344-2666

Alcoholics Anonymous
15 E. 26th Street, Room 1810
New York, NY 10010
212/683-3900

American Council for
Drug Education
204 Monroe Street, Ste. 110
Rockville, MD 20850
301/294-0600
800/488-DRUG

The Chemical People/WQED
1 Allegheny Square
Suite 720
Pittsburgh, PA 15212
412/391-0900

Cocaine Anonymous (CA)
3740 Overland Avenue
Suite G
Los Angeles, CA 90034
213/559-5833
800/347-8998

CoAnon Family Groups
P.O. Box 64742-66
Los Angeles, CA 90064
213/859-2206

Families Anonymous, Inc.
P.O. Box 528
Van Nuys, CA 91408
818-989-7841

Institute on Black
Chemical Abuse
2616 Nicollet Avenue
Minneapolis, MN 55408
612/871-7878

Just Say No Foundation.
1777 No. California Blvd.
Room 210
Walnut Creek, CA 94596
415/939-6666
800/258-2766

Mothers Against Drunk Driving
511 E. John Carpenter Freeway
Suite 700
Irving, TX 75062
214/744-6233

Nar-Anon Family Groups
P.O. Box 2562
Palos Verdes Peninsula, CA
90274
213-547-5800

Narcotics Anonymous (NA)
P.O. Box 9999
Van Nuys, CA 91409
818/780-3951

National Asian Pacific American
Families
Against Drug Abuse
6303 Friendship Court
Bethesda, MD 20817
310/530-0945

National Association for
Children of Alcoholics
(NACoA)
31582 Coast Highway
Suite B
South Laguna, CA 92677
714/499-3889

National Association of State
Alcohol and Drug Abuse
Directors (NASADAD)
444 No. Capitol Street, NW
Suite 642
Washington, DC 20001
202/783-6868

National Black Alcoholism
and Addictions Council
(NBAC)
1629 K Street, NW
Suite 802
Washington, DC 20006
202/296-2696

Nat'l Coalition of Hispanic
Health and Human Services
Organizations (COSSMHO)
1030 15th Street, NW
Washington, DC 20005
202/371-2100

National Families in Action
2296 Henderson Mill Road
Suite 204
Atlanta, GA 30345
404-934-6364

National Federation of Parents
for Drug-Free Youth
9551 Big Bend
St. Louis, MO 63122

National Parents Resource
Institute for Drug-Education
(PRIDE)
The Hurt Building
50 Hurt Plaza, Suite 210
Atlanta, GA 30303
404/577-4500

National Prevention Network
444 North Capitol Street, NW
Suite 642
Washington, DC 20001
202/783-6868

Quest International
537 Jones Road
P.O. Box 566
Granville, OH 43023
614/587-2800

Women for Sobriety
P.O. Box 618
Quakertown, PA 18951
215/536-8026