

**TOWN OF CHESTERFIELD
PUBLIC WORKS DEPARTMENT
SUBSTANCE ABUSE POLICY**

THE UNITED STATES DEPARTMENT OF TRANSPORTATION HAS ISSUED RULES REQUIRED FOR DRUG AND ALCOHOL TESTING OF DRIVERS REQUIRED TO HAVE COMMERCIAL DRIVERS LICENSE. FEDERAL REGULATIONS 49 CFR PARTS 40 AND 382.

TEST REQUIRED

PRE-EMPLOYMENT - (DRUGS ONLY) BEFORE HIRING.

POST-ACCIDENT - AFTER ACCIDENTS IF DRIVER'S PERFORMANCE MAY HAVE CONTRIBUTED TO THE ACCIDENT AND ALL FATAL ACCIDENTS.

REASONABLE CAUSE - TRAINED SUPERVISOR OBSERVES BEHAVIOR OR APPEARANCE OF DRUG USE OR ALCOHOL MISUSE.

RANDOM AND UNANNOUNCED DRUG AND ALCOHOL TEST

RETURN TO DUTY " A TEST WILL BE REQUIRED WHEN AN EMPLOYEE HAD A POSITIVE TEST BEFORE THEY MAY RETURN TO WORK

FOLLOW-UP TESTING - ALL DRIVERS THAT PASS DRUG OR ALCOHOL TESTING FOR RETURN TO DUTY, WILL BE SUBJECT TO FOLLOW-UP TESTING.

DRUGS ARE TESTED BY URINALYSIS AT A CERTIFIED LAB, REVIEWED AND INTERPRETED BY A PHYSICIAN (MEDICAL REVIEW OFFICER).

ALCOHOL TESTING IS DONE BY BREATH ANALYSIS PERFORMED BY A TRAINED TECHNICIAN OR A COMBINATION SALIVA TEST AND BREATH ANALYSIS.

EMPLOYEES SHALL MEAN ALL EMPLOYEES OF THE DEPARTMENT, FULL-TIME, PART TIME, TEMPORARY OR OTHERWISE WHO MUST HAVE OR OBTAIN A CDL AS A CONDITION OF EMPLOYMENT.

BUILDING AND PROPERTY SHALL MEAN ANY STRUCTURE OR WORK SITE OWNED, LEASED OR UNDER THE CONTROL OF THE TOWN OF CHESTERFIELD OR UNDER THE CONTROL OF THE PUBLIC WORKS DEPARTMENT. THIS SHALL INCLUDE ANY TOWN VEHICLE.

PROVIDER SHALL MEAN THE CONTRACTOR USED BY THE TOWN OF CHESTERFIELD TO PROVIDE ALCOHOL AND DRUG TESTING SERVICES IN COMPLIANCE WITH US DOT REGULATIONS.

WORKING HOURS SHALL MEAN WITHIN THE BASIC WORK WEEK AS DEFINED WITHIN THE PERSONNEL PACKAGE OF THE TOWN OF CHESTERFIELD INCLUDING ALL OVERTIME AND CALL-BACK TIME, INCLUDING MEALS WHICH ARE CONTAINED WITHIN THE WORKDAY

SAFETY SENSITIVE FUNCTION SHALL MEAN ON-DUTY FUNCTIONS, ALL COMMERCIAL VEHICLE DRIVING TIME, ALL TIME OTHER THAN DRIVING, WAITING TO BE DISPATCHED TO DRIVE. ALL TIME RELATED TO ACCIDENTS.

PRE-EMPLOYMENT THAT REQUIRES A CDL MUST BE ADVISED THAT ANY OFFER OF EMPLOYMENT IS CONDITIONAL UPON A NEGATIVE DRUG TEST. IF THE APPLICANT FAILS THE TEST THE MRO WILL CONTACT THE APPLICANT. ONCE THE TEST IS VERIFIED AS POSITIVE, THE MRO WILL CONTACT THE PUBLIC WORKS DEPARTMENT, THE OFFER OF EMPLOYMENT WILL BE WITHDRAWN. APPLICANT WILL MAKE DRUG AND ALCOHOL TEST, IF PREVIOUSLY IN A USDOT TESTING PROGRAM, AVAILABLE TO THE TOWN OF

CHESTERFIELD FROM THE SUBSEQUENT EMPLOYER BY WRITTEN REQUEST, UPON OFFER OF EMPLOYMENT ONE DRUG TEST WILL BE PAID FOR BY THE TOWN OF CHESTERFIELD AT THERE COLLECTION SITE.

IF ALCOHOL CONCENTRATION IS GRATER THEN 0.02 A SECOND OR CONFIRMATION TEST IS CONDUCTED. EMPLOYEE WHO TESTED 0.02 BUT LESS THAN 0.04 WILL BE SUSPENDED FROM PERFORMANCE OF SAFETY SENSITIVE FUNCTIONS FOR TWENTY FOUR HOURS. EMPLOYEE MUST HAVE A NEGATIVE TEST RESULT BEFORE THEY MAY RETURN TO SAFETY SENSITIVE DUTIES. UNTIL SUCH TIME THE EMPLOYEE WILL BE PLACED ON SUSPENSION WITHOUT PAY

THE FOLLOWING DRUGS ARE TESTED BY URINALYSIS IN A CERTIFIED LAB, MARIJUANA , COCAINE, PHENCYCLIDINE OPIATES (INCLUDING CODEINE) AND AMPHETAMINES. EMPLOYEE WILL PROVIDE A SPLIT URINE SAMPLE IN PRIVATE AND THE COLLECTOR SEALS AND LABELS THE SPECIMEN AND PREPARES FOR SHIPMENT TO THE LAB. CHAIN OF CUSTODY AND QUALITY CONTROL OF SAMPLES SHALL FOLLOW NIDA AND USDOT GUIDE LINES TO ASSURE THE ACCURACY OF COLLECTION AND TESTING PROCEDURES. SPECIMENS COLLECTED FOR URINALYSIS WILL BE SEALED IN THE PRESENCE OF THE EMPLOYEE AND INITIALED TO MAINTAIN CHAIN OF CUSTODY. IF THERE IS A REASON TO BELIEVE THAT AN EMPLOYEE HAS OR MAY ALTER OR SUBSTITUTE A SPECIMEN A DIRECT OBSERVATION BY A SAME GENDER COLLECTION SITE PERSON WILL BE ALLOWED.

COLLECTION AND TESTING PROCEDURES

IT IS IMPORTANT FOR EMPLOYEES IN THE RANDOM POOL TO UNDERSTAND THAT IF THEY ARE DRAWN FOR A DRUG AND OR ALCOHOL TEST THEIR NAME GOES BACK INTO THE RANDOM POOL AND MAY BE SELECTED IN THE FUTURE. TESTING RATE FOR COVERED EMPLOYEES IS 50% TESTED FOR DRUGS, 25% FOR ALCOHOL.

AT THE TIME OF NOTIFICATION, EMPLOYEES WILL REPORT IMMEDIATELY FOR TESTING. ALL TIME SPENT FOR TESTING SHALL BE CONSIDERED "ON-DUTY". FAILURE TO REPORT FOR TESTING WITHIN A REASONABLE TIME AND WITHOUT GOOD CAUSE BEYOND EMPLOYEE'S CONTROL SHALL BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

THE PUBLIC WORKS DIRECTOR WILL NOTIFY THE TESTING FACILITY TO CONFIRM AND PROVIDE THE NAME OF EMPLOYEE, POSITION NUMBER, ESTIMATED TIME OF ARRIVAL, TESTING FOR DRUGS OR ALCOHOL OR BOTH. COOPERATION OF EMPLOYEE IS EXPECTED AT COLLECTION SITE, EMPLOYEE MUST SHOW A PICTURED ID (DRIVERS LICENSE WITH PHOTO) UPON ARRIVAL. CLINIC OR COLLECTION SITE WILL NOTIFY THE PUBLIC WORKS DIRECTOR IF A SCHEDULED EMPLOYEE FAILS TO ARRIVE AT THE ASSIGNED TIME. A COLLECTION SITE IS A PLACE DESIGNATED BY THE TOWN OF CHESTERFIELD FOR A EMPLOYEE TO PROVIDE A URINE SAMPLE OR BREATH SAMPLE FOR TESTING, INCLUDING A PROPERLY EQUIPPED MOBILE FACILITY

POSITIVE TEST

EMPLOYEE CANNOT RETURN TO A SAFETY SENSITIVE FUNCTION AFTER A VERIFIED POSITIVE TEST. A POSITIVE TEST FOR ALCOHOL REQUIRES SUSPENSION WITHOUT PAY FROM DUTY FOR 24 HOURS AND A NEGATIVE RETURN TO DUTY TEST.

POSITIVE RESULTS OF DRUG AND OR ALCOHOL TEST DURING INITIAL SCREENING REQUIRES LABORATORY TO DO A CONFIRMATION TEST, RESULTS ARE SUBMITTED TO THE MRO. THE MRO WILL REVIEW AND INTERPRET EACH TEST. BEFORE MRO FINAL DECISION EMPLOYEES WILL HAVE AN OPPORTUNITY TO DISCUSS THE TEST RESULT WITH THE MRO. THE INTERVIEW MAY BE BY TELEPHONE, IF MRO IS UNABLE TO REACH THE EMPLOYEE DIRECTLY, AFTER 24 HOURS MRO WILL CONTACT THE PUBLIC WORKS

DIRECTOR AND THE EMPLOYEE SHALL BE DIRECTED TO CONTACT MRO WITHIN TWO DAYS OF NOTIFICATION. IF NOT DONE WITHIN THE TIME LIMIT THE MRO MAY VERIFY A TEST RESULT POSITIVE.

AN EMPLOYEE ELECTING TO HAVE A SPECIMEN RE-TESTED WILL PAY FOR THE COST AND ANY TESTING DONE CONNECTED TO A POSITIVE TEST WILL BE PAID FOR BY THE EMPLOYEE. A MINIMUM OF 6 TESTS COULD BE PERFORMED IN A 12 MONTH PERIOD. MRO REPORTS SIGNED AND FORWARDED WITHIN 3 WORKING DAYS TO THE EMPLOYER. A REFUSAL OF ANY DRUG AND ALCOHOL TEST WILL BE TREATED AS POSITIVE AND WILLFUL INSUBORDINATION AND MAY RESULT IN DISCIPLINARY ACTION OR AUTOMATICALLY DISCHARGE.

AFTER A POSITIVE TEST, SOME CIRCUMSTANCES MAY CALL FOR DISCIPLINARY ACTION INCLUDING TERMINATION SUCH AS POSTACCIDENT OR A POSITIVE RETURN TO DUTY OR FOLLOW-UP TEST.

IF YOU HAVE AN ACCIDENT YOU WILL NOT USE ALCOHOL WITHIN EIGHT HOURS OR UNTIL TESTED, WHICHEVER COMES FIRST. REQUIRED DRUG TESTING MUST BE PERFORMED WITHIN 32 HOURS AFTER THE ACCIDENT.

IF AN EMPLOYEE IS INJURED, UNCONSCIOUS OR OTHERWISE UNABLE TO GIVE EVIDENCE CONSENT TO TESTING, ALL REASONABLE STEPS WILL BE TAKEN TO OBTAIN A SAMPLE WITHIN REQUIRED TIME FRAME.

REASONABLE SUSPICION - CONDUCTED WHEN A TRAINED CERTIFIED SUPERVISOR OR TOWN OFFICIAL OBSERVES BEHAVIOR OR APPEARANCE, SYMPTOMS OF DRUG AND ALCOHOL ABUSE OF A EMPLOYEE. DRIVERS MUST SUBMIT TO APPROPRIATE TEST, EMPLOYER MUST DOCUMENT ACTION OF EMPLOYEE. THIS MAY RESULT IN DISCIPLINARY ACTION OR TERMINATION.

THE FEDERAL RULES DO NOT REQUIRE THE TOWN OF CHESTERFIELD TO PROVIDE REHABILITATION, PAY FOR TREATMENT, EXTRA TESTING OR REINSTATEMENT OF WORK TO THE EMPLOYEE'S.

RECORDS WILL BE KEPT AT THE PUBLIC WORKS DEPARTMENT FOR FIVE YEARS. ANY EMPLOYEE WHO IS SUBJECT OF AN ALCOHOL OR DRUG TEST, SHALL UPON WRITTEN REQUEST, HAVE ACCESS TO ANY RECORDS RELATING TO THE RESULTS OF ANY LABORATORY TEST. EMPLOYEE RECORDS WILL BE MAINTAINED IN CONFIDENCE, AS PROVIDED IN US DOT REGULATIONS. A VIOLATION OF THE FEDERAL RULES OR PROCEDURES IS NOT PLACED ON YOUR CDL RECORD.

THIS POLICY IS BASED ON AND INTENDED TO COMPLY WITH ALL APPLICABLE LAWS. ALL APPLICABLE LAWS APPLY IN THERE ENTIRETY, EVEN IF NOT SPECIFICALLY REFERRED OR IDENTIFIED IN THIS POLICY SHOULD ANY OF THESE REGULATIONS OR PROCEDURES BE MODIFIED OR AMENDED OR THE PUBLIC WORKS DEPARTMENT BECOMES SUBJECT TO ADDITIONAL FEDERAL OR STATE REGULATIONS, THIS POLICY WILL BE MODIFIED.

THIS POLICY IS ISSUED TO ALL EMPLOYEES AND WILL BECOME PART OF THE SAFETY MANUAL. IT IS REQUIRED THAT ALL EMPLOYEES CAREFULLY AND THOROUGHLY READ, UNDERSTAND AND ADHERE TO THIS POLICY.

THIS SHALL APPLY TO ALL DEPARTMENT EMPLOYEES AS MANDATED BY FEDERAL LAW. THE DEPARTMENT SHALL IMPLEMENT A DRUG AND ALCOHOL TESTING PROGRAM TO PROVIDE A SAFE WORKING ENVIRONMENT FOR EMPLOYEES AND PROTECT THE PUBLIC FROM ILLEGAL DRUG USE AND ALCOHOL ABUSE.

ANY EMPLOYEE FOUND TO HA VE VIOLATED THIS POLICY AND OR PROCEDURE MAY BE SUBJECT TO AUTOMATIC DISMISSAL.