

Date?

TOWN OF HARDWICK

SELECT BOARD

DRUG & ALCOHOL TESTING  
POLICY FOR CDL-QUALIFIED  
EMPLOYEES

**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 policy on alcohol misuse and drug abuse.

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## ALCOHOL AND DRUG ABUSE POLICY

We, the Town of Hardwick, 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 Hardwick.

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 Hardwick, 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 of 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.

**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 Town of Hardwick we have designated the Public Works Foreman to answer your questions regarding the alcohol and drug testing program.

Please call (802)-472-6029 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 Town of Hardwick,
- \* 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.

#### **TRAINING**

At any time Town of Hardwick Supervisory Personnel are offered any required training in accordance with the Federal Motor Carrier Safety Regulations, a member of the bargaining unit will also be offered the same training.

#### **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 >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.

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.

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



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:

<u>DRUGS</u>	<u>INITIAL TEST LEVELS (ng/ml)*</u>	<u>CONFIRMATION TEST LEVELS (ng/ml)*</u>
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 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 chromatograph/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 present 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. If the employee

requests that the split sample be tested and the test confirming the initial test, the employee shall pay for the cost of the split sample test; if the split test does not confirm the initial test, the town shall pay for the cost of the split sample test. The results and any other information regarding the split sample test shall be available to both the employee and the town.

The Town needs 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. Printer 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 minute 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.

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 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 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 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 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 hours. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the breath alcohol test on the driver.

If over 2 hours 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 hours 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 of 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. The employee is responsible for the cost of any return to work testing or random drug test.

## **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, or follow-up test.

No 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 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 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,
- May be subject to disciplinary action up to and including termination.

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 FOR DRIVERS WHO TEST 0.04 BAC AND ABOVE

A driver who tests positive for drugs

- Cannot perform a safety-sensitive function,
- Must be evaluated by a substance abuse professional (SAP),
- Comply with treatment recommendations, and
- Must undergo a return to duty drug test with a negative test result,
- May be subject to disciplinary action up to and including termination.

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 does increase the incidence of a variety of aggressive acts. Moderate to high does 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 substances 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.

#### DISPICLINE

The following disciplinary action will be taken for an Alcohol Test of 0.04 BAC or greater or a Positive Drug Test 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.

\* All municipal employees are subject to the Town of Hardwick Drug Free Work Place Policy, Federal and State laws.

WHERE CAN I GO FOR HELP?

NEKCA Alcohol & Drugs  
472-3130

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  
1800-554-KIDS

National Council on Alcoholism  
7 days a week, 24 hours a day  
1-800-241-9746

Parents' Resource Institute for Drug Education (PRIDE)  
Monday through Friday  
1-800-241-9746  
Cocaine Helpline  
Monday through Friday  
Saturday and Sunday, 12:00p.m. - 3:00a.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.



## 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

Nar'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

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