



ADMINISTRATIVE PROCEDURES

TITLE: Commercial Vehicle Operator Alcohol and Controlled Substance Testing	PROCEDURE #: 511-A	
DEPT: Business Services and Public Works	DIVISION: Risk Management	
EFFECTIVE DATE: 2/10	REVIEWED:	REVISED: 5/11

OBJECTIVE: To establish a procedure for drug and alcohol testing of employees involved with the operation or maintenance of commercial vehicles or Coast Guard licensed ferries and for employees in positions designated as safety sensitive.

REFERENCE: Policy #511

POLICY STATEMENT: To establish a policy to mandate drug and alcohol testing for employees involved with the operation or maintenance of commercial vehicles or Coast Guard licensed ferries and for employees in positions designated as safety sensitive to comply with federal law. To protect the physical and psychological well-being of all employees at the county's facilities and job sites and protect the safety of the public as well as comply with federal regulations.

APPLICABILITY: All county departments

PROCEDURES:

Procedures should include the following:

1. Alcohol Testing Procedures

The instrument that will be used to determine the presence of alcohol is the Evidential Breath Testing (EBT) device. Only qualified breath alcohol technicians shall be used to conduct breath alcohol testing according to 49 CFR Part 40.

- 1.1. If test results are negative, the breath alcohol technician will inform the employer and the employee and no further action is needed.
- 1.2. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test shall be performed. If the result of the screening or confirmation test is positive for any detectable level of alcohol, the driver will be immediately removed from the workplace and placed on paid or unpaid leave for at least 24 hours or the next working day whichever comes first. The driver will also be required to take a county required breath alcohol test prior to returning to duty.

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- 1.3. If the result of the confirmation test is 0.04 or greater, the employee will be subject to the same consequences as testing positive for a controlled substance.

2. Controlled Substance Procedures

The employer is required to use the “split sample” method of collection when conducting the test for controlled substances. The collection of samples for controlled substance testing shall be conducted by qualified collection technicians following the guidelines as published in 49 CFR Part 40. The employee will be required to show the collection technician the contents of his/her pockets. If the employee possesses a substance that is obviously intended to adulterate or substitute a specimen, a direct observation shall be immediately conducted in accordance with federal protocols. If, at any time, the employee refuses to submit to an observed collection when it is required under any of the circumstances outlined in 49 CFR Part 40, it will be deemed a refusal to submit. The urine sample will be placed into two (2) separate specimen bottles for shipment to a Department of Health and Human Services (DHHS) certified laboratory.

- 2.1. If the screening test indicates a negative result, the employer will inform the employee and no further action is needed.
- 2.2. If the test result of the primary specimen is positive for drugs, adulterated or substituted the medical review officer shall notify the employee of the verified test result. The employee will be offered the opportunity to request that the medical review officer direct the split specimen be tested in a different DHHS certified laboratory to re-confirm the presence of the drug(s), adulterant or substitution for which a non-negative result was obtained. The medical review officer shall honor this request if it is made within 72 hours of the employee having been notified of a verified non-negative test result. The result of the split specimen will be transmitted back to the medical review officer. While waiting for the test result to be completed on the split specimen, the employee shall not be permitted to perform safety sensitive functions. If no non-safety sensitive work is available, the employee may use accrued leave balances or unpaid leave while waiting for the test results.
- 2.3. If the test results of the split specimen fail to reconfirm the non-negative result of the primary specimen, the medical review officer will cancel the test and report the reasons as required by 49 CFR 382. A canceled test is considered neither positive nor negative. If a split sample test fails to reconfirm the non-negative test result, the employee will be paid for the time that he/she normally would have worked during the waiting process. In certain cases of a canceled pre-employment, post-accident, return-to-duty or follow-up test a re-collection may be necessary.
- 2.4. If a test is canceled due to the split sample not being available for testing, the employer is required have an immediate direct observation sample conducted. The medical review officer may also require a direct observation collection on canceled tests in which the employee has not provided an adequate explanation for an invalid test result. Employees who request a split sample to be tested at a second DHHS laboratory shall bear all costs associated with the split testing, unless the test fails to confirm the non-negative test result.

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3. Shy Bladder or Shy Breath Syndrome

If an employee has a medical condition that prevents an acceptable sample from being collected in accordance with 49 CFR Part 40, the employee will be required to have a medical examination conducted by a physician acceptable to the employee and the medical review officer. The employee will have five (5) business days to obtain a physician's statement verifying that a qualifying medical condition exists that would have prevented the employee from providing an acceptable sample.

- 3.1. If the employee has failed to keep the appointment with the physician, the employee may be disciplined up to and including discharge.
- 3.2. If the employee is unable to get an appointment with a physician in the five (5) day period, the employee is required to notify the employer immediately of the situation. The employer will then assist the employee to find a qualified physician to conduct the examination.
- 3.3. If, after the examination is completed and the physician has determined that the employee does not have a qualified medical condition that would prevent an acceptable urine/breath sample from being obtained, the test result will be reported as a refusal to submit.

4. Requirements to Submit to Observed or Monitored Urine Specimen Collection

Under certain circumstances, a covered employee may be required to submit to an observed specimen collection. Some situations that will require the specimen collector to conduct an immediate direct observation collection are:

- 4.1. Providing a sample that is not within the acceptable temperature range.
- 4.2. Providing an obviously adulterated specimen.
- 4.3. Conduct that clearly indicates an attempt to adulterate or substitute a specimen.
- 4.4. All return-to-duty and follow-up testing.

In other cases, the medical review officer has the right to require a direct observation in other circumstances, such as an invalid or canceled test result.

The covered employee is required to submit to the observed specimen collection when requested. Failure to permit an observed or monitored collection when requested will be deemed a refusal to submit.

ATTACHMENT: Acknowledgment and Receipt of Drug and Alcohol Policy Form

Revised: 5/11



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ATTACHMENT: ACKNOWLEDGMENT AND RECEIPT OF DRUG AND ALCOHOL POLICY

SUBJECT:	Commercial Vehicle Operator Alcohol and Controlled Substance Testing	POLICY #:	511
		PROCEDURE #:	511-A

I acknowledge having read the policy regarding commercial vehicle operator alcohol and controlled substance testing. I further acknowledge having been given the opportunity to ask for any clarification regarding the policy.

Employee Name

Employee Signature

Date