TOWN COUNCIL OF CENTREVILLE RESOLUTION 09-2020

A RESOLUTION OF THE TOWN COUNCIL OF CENTREVILLE TO ADOPT A DRUG AND ALCOHOL POLICY FOR DOT AND NON-DOT EMPLOYEES

WHEREAS, the Town Council of Centreville adopted Resolution 209, enacting a policy for all Town employees with commercial driver's licenses (CDL) and all employees in a safety sensitive position to be tested for alcohol and controlled dangerous substances where there is reasonable suspicion to support it;

WHEREAS, the Town Council of Centreville, on January 4, 1996, agreed to adopt the Queen Anne's County, Maryland, Alcohol and Controlled Substances Testing Policy as if the same was their own;

WHEREAS, the Town Council of Centreville wishes to redact Resolution 209 in its entirety and adopt their own Drug and Alcohol Policies for DOT employees and Non-DOT employees;

NOW, THEREFORE, be it resolved by the Town Council of Centreville, this 13th day of August, 2020:

1. That the Town Council of Centreville Drug and Alcohol Policy for DOT employees, Policy Number 300-101 and Drug and Alcohol Policy for Non-DOT employees, Policy Number 300-102 attached hereto as Exhibit "A" be, and is hereby, adopted.

 Number 300-102 attached hereto as Exhibit "A" be, and is hereby, adopted. The Human Resources Manager is directed to send a copy of this resolution and the Drug and Alcohol Policy attached hereto as Exhibit A to all Town of Centreville employees. 		
ATTEST:	THE TOWN COUNCIL OF CENTREVILLE	
Carolyn M. Srunkly Carolyn M. Brinkley, Town Clerk	Jeffrey C. Morgan, President Timothy E. McCluskey, Vice President	
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Member

VACANT

SECTION: 300 - Human Resources

POLICY TITLE: Drug and Alcohol Testing Policy

POLICY NUMBER: 300-102

APPROVAL: Town Council of Centreville; Town Manager; Human Resources

Manager

EFFECTIVE DATE: August 13, 2020

REVISION DATE(S):

REFERENCE(S): 49 CFR Part 655, as amended

49 CFR Part 40, as amended

49 CFR Part 29, The Drug-Free Workplace Act of 1988

FORM(S): Reasonable Suspicion Checklist 300-101-F4

Forensic Test Requisition Form 300-101-F6

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A. STATEMENT OF PURPOSE:

The Town of Centreville and the Town Council of Centreville believe that the use of alcohol or illicit drugs in the workplace is detrimental to public safety, employee morale, and productivity.

B. APPLICABILITY:

The provisions of this drug and alcohol testing policy are applicable to all employees and volunteers who do not hold a CDL license.

C. DESIGNATED EMPLOYER REPRESENTATIVE (DER):

Human Resources Manager Town of Centreville 101 Lawyers Row Centreville, MD 21617 (410) 758-1180 telephone

D. MEDICAL REVIEW OFFICER (MRO):

The Medical Review Officer (MRO) is a licensed physician with knowledge of controlled substances testing and substance abuse disorders. The primary role of the MRO is to act as an independent, impartial gatekeeper and advocate for the accuracy and integrity of the drug testing process. The MRO must also provide a quality assurance review of the drug testing process for the specimens reviewed and processed by said MRO. The MRO will perform all mandated duties, and make all decisions and determinations in accordance with MRO best practices and industry standards.

E. EMPLOYEES SUBJECT TO TESTING:

All employees and volunteers who do not hold a CDL license shall be subject to pre-employment, post-accident, reasonable suspicion, return to duty, and follow up drug and alcohol testing under this policy. Safety sensitive positions are also subject to random drug testing.

F. TESTING LABORATORIES:

The Town of Centreville retains the services of several DHHS (Department of Health and Human Services) certified forensic laboratories for the purposes of urine drug screening and confirmation testing. These laboratories have completed the certification program conducted by the DHHS and administered by the National Institute of Drug Abuse (NIDA).

The laboratory must retain any specimen reported with positive, adulterated, substituted, or invalid results, for a minimum of 1 (one) year. The MRO must offer the donor of any laboratory confirmed positive test result, the opportunity to have "split specimen" testing performed. Laboratories testing the "split specimen", must also retain those specimens for 1 (one) year.

G. COLLECTION SITES AND PROTOCOL:

Specimens for pre-employment, random, post-accident, reasonable suspicion, return to duty, and follow up alcohol and drug testing will be collected at locations with properly trained and certified personnel to act as collectors. These locations will also furnish all of the necessary equipment and supplies for the purpose of collecting breath, saliva, and urine specimens for drug & alcohol testing. All procedures used for collection, shipment, custody control, and accessioning of specimens are performed according to industry standards and best practices following the guidelines set forth in U S DOT 49 CFR part 40, as amended, and will be reviewed regularly by the administrative staff of the Town of Centreville's Third-Party Administrator for compliance of these regulations.

The Town of Centreville reserves the right to require a designated supervisor escort any employee who has been directed to test, to the collection site.

H. ALCOHOL TESTING:

For purposes of alcohol testing, the Town of Centreville utilizes only NHTSA-approved Alcohol Screening Devices and Evidential Testing Devices. Any alcohol test registering an alcohol concentration above 0.02 must be confirmed after a 15 (fifteen) minute waiting period has elapsed, and the donor has been instructed not to eat, drink, smoke, chew, or belch. The confirmation test must be completed within 30 (thirty) minutes of the initial screening test result. If the confirmation test is not completed within the specified 30 (thirty) minutes, the testing will be still be conducted, and the reason for the delay and amount of time that has actually elapsed, are noted on the remarks line of the alcohol testing form.

All alcohol-testing technicians are certified by approved training programs. They are also provided with continuing education and training with regards to equipment and testing protocols, to keep in compliance with Federal and State regulations. Training certifications and calibration information for equipment and collectors utilized by the Town of Centreville are maintained at the Town of Centreville's Third-Party Administrator and can be inspected upon request.

I. DRUG TESTING:

The Town of Centreville's Drug and Alcohol Testing Policy will adhere to industry standards, best practices, and guidelines set forth in the US DOT 49 CFR Part 40 regulation for specimen collection, transit, and laboratory analysis. The analysis of all specimens will include an initial screen with confirmation by SAMHSA certified laboratories, and certified MRO review for non-negative results. All non-negative laboratory results will be forwarded directly to the MRO, at which time the chain of

custody and documentation concerning the specimen is examined in detail. Both the laboratory and the MRO inspect each sample for "fatal flaws". If any "fatal flaws" are discovered, the test is cancelled. In situations where correctable flaws exist, they must be corrected prior to the completion of MRO verification process.

After a thorough review of the collection procedure, chain of custody form, testing protocol and laboratory results, negative results are verified and reported by the MRO to the employer. For non-negative results, the MRO will contact the employee and conduct a medical interview, focusing on the individual's medical history and/or any other relevant biomedical factors. The MRO shall examine all alternative medical explanations for any positive test results. The MRO will also review all medical records made available by the donor, when a confirmed positive test result could have resulted from legally prescribed medications. Additionally, the MRO reserves the right to order additional laboratory ancillary testing and/or specimen re-analysis and quantification of the specimen submitted, in order to complete the verification process.

The MRO must offer the donor of any laboratory confirmed positive test result, the opportunity to have "split specimen" testing performed. The donor must notify the MRO of their request for "split specimen" testing within 72 (seventy-two) hours of the initial interview by the MRO. Split specimen testing allows the donor to have the unopened specimen bottle, with the chain of custody and tamper evident seal intact, sent to a second independent DHHS approved laboratory for confirmation. Donors are financially responsible for the cost of any "split specimen" test request.

The MRO will attempt to contact the donor a minimum of at least 3 (three) times during the first 24 (twenty-four) hours. If the MRO is unable to contact the donor after 24 (twenty-four) hours, the MRO will request that the Town of Centreville Designated Employer Representative (DER), attempt to contact the donor. The DER will instruct the donor to contact the MRO immediately. The donor will be instructed that contact with the MRO must occur within 72 (seventy-two) hours. The DER must also advise the donor, that his or her failure to contact the MRO within 72 (seventy-two) hours after being instructed to do so will result in the test being reported by the MRO as a refusal to test which is considered a verified positive.

If after 10 (ten) days from the MRO's receipt of the confirmed laboratory positive result, the MRO and DER are still unable to contact the donor, the test will be reported as verified positive. In the event the donor expressly declines or refuses an interview with the MRO, the test will be reported as a verified positive. The MRO is permitted to release to the Town of Centreville DER or any regulatory agency the results of drug testing. The MRO will not release individual test results to any other person, without first obtaining specific written authorization from the donor.

Any corrupted samples or chain of custody forms that require cancellation based upon MRO best practices, industry standards, and/or guidelines set forth US DOT 49 CFR Part 40, as amended, will result in the cancellation of the test by the MRO.

All collection officials have been trained and certified with regards to collection procedures. Each collector participates in a quality assurance and continuing education program, which requires periodic monitoring and proficiency demonstrations utilizing mock collections. Training certification

documentation for all collectors utilized is maintained by the Town of Centreville's Third-Party Administrator.

J. SELF REPORT

The Town of Centreville does not consider a request for assistance with a drug and/or alcohol problem after an employee or volunteer is notified or required to report for testing as a "voluntary" or "self-report". In this case, the employee or volunteer would still be required to submit to any requested drug and/or alcohol testing, and subsequent action taken if adverse results were received.

If an employee or volunteer has reason to believe he or she is unfit to perform duties and voluntarily seeks assistance, due to a drug and/or alcohol problem, the employee must contact the Town of Centreville Drug & Alcohol Testing Program DER, and request a temporary leave from duty. The employee or volunteer may not return to the performance of duties until a qualified drug and alcohol counselor has approved him or her to do so, after completing an evaluation, and all recommended treatment/education. The employee or volunteer must also submit a negative return to duty drug test and/or alcohol test, prior to the commencement of any safety-sensitive functions.

While the employee may use leave (if applicable), the Town of Centreville cannot guarantee a position will be available or "held" for the employee during and/or after treatment.

The employee or volunteer remains subject to all personnel policies, including those related to drugs and/or alcohol while undergoing treatment. The employee is subject to termination if found to be violating the Drug & Alcohol Testing Policy, notwithstanding the fact that he or she may be receiving treatment.

The cost of any treatment, education, as well as follow up and return to duty testing, will be the employee or volunteer's financial responsibility.

K. POLICIES & PROCEDURES

I. General Program Guidelines & Prohibited Behaviors

Employees and volunteers are prohibited from performing duties while under the influence of alcohol and/or illegally prescribed or illegally used controlled substances.

Any employee deemed a refusal to test will be immediately terminated.

Employees or volunteers using prescription medication should obtain confirmation that the usage does not pose any safety concerns from the prescribing physician, or the Town of Centreville's MRO. If a medically legitimate prescription, that would preclude or inhibit the performance of job duties, is dispensed to an employee, he or she will be placed on leave until the cessation of the prescribed medication is indicated.

MRO Safety Concerns: During the MRO verification process, a donor may disclose medication that requires the MRO to report the result as negative, but also to generate a "safety concern" letter. If the MRO issues a "safety concern" letter subsequent to an MRO interview, the donor will be required to undergo a "fitness for duty" exam. Information concerning medication usage, including but not limited to, consultation with the MRO will be provided to the medical examiner performing the exam.

Prohibited substances addressed by this policy include the following:

Controlled Substances and Illicit Drugs: Illegally used controlled substances, or drugs under the Drug-Free Workplace Act of 1988, any drug or any substance identified in Schedules I thru V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 thru 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U. S. Drug Enforcement Administration or the U. S. Food and Drug Administration. Illegal use includes usage of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs.

Medical Marijuana: The Town of Centreville is required to abide by the Drug Free Workplace Act of 1988. Marijuana is listed as a Schedule I drug by the DEA; employees are prohibited from using marijuana. The MRO is prohibited as accepting medical marijuana as a legitimate medical explanation during the verification process of any laboratory positive test results.

Hemp Products: The MRO is prohibited as accepting hemp product use as a legitimate medical explanation during the verification process of any laboratory positive test results. This would include CBD oils and other hemp derivatives.

Mate de Coca: The MRO is prohibited as accepting mate de coca product use as a legitimate medical explanation during the verification process of any laboratory positive test results.

Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing duties is prohibited. An alcohol test can be performed before, during, or just after the performance of job duties.

On-call employees and volunteers are prohibited from performing duties if they have consumed alcohol within 4 (four) hours of reporting for duty. On-call employees and volunteers, who have consumed alcohol, must advise a supervisor of the alcohol use prior to reporting for duty. The Town of Centreville reserves the right to perform an alcohol screen to determine a driver's fitness to perform on-call duties.

The Town of Centreville considers the following behaviors prohibited, and will result in immediate removal from duty and termination of employment:

- On duty use or possession of alcohol.
- Pre-duty use of alcohol within 4 (four) hours of reporting for duty.

- Use of alcohol within 8 (eight) hours of a reportable accident, or until post-accident alcohol testing has been conducted.
- Refusal to submit to a required alcohol or controlled substances test. Any employee deemed a refusal to test will be immediately terminated.
- Possessing, using, selling, transferring, or exchanging controlled substances, whether on or off duty.
- Illegal use and/or impairment while on duty of any prescription medication, which may affect work performance or pose a danger to the safety of the employee or others.
- Possessing, using, selling, transferring, or exchanging controlled substances in the workplace, on or in the Town of Centreville property, including but not limited to; facilities, parking lots, equipment, and vehicles.
- Possessing, using, selling, transferring, or exchanging substances, and/or products, including but not limited to prosthetic devices used to carry clean urine, and/or any other attempt to evade drug detection, and/or adulterate or substitute a specimen sample.

The Town of Centreville reserves the right to search, at any time, Town of Centreville property used by employees, i.e. desks, work areas, motor vehicles, lockers, etc. for the presence of controlled substances and/or alcohol.

Drug/DUI/DWI Arrests and Convictions:

All employees are required to notify the Town of Centreville DER of any criminal drug statute and/or DUI/DWI arrest/conviction within 5 (five) days after such arrest and/or conviction. Failure to comply with this provision shall result in immediate termination of employment.

I. Pre-Employment

All applicants for employment and volunteers are notified at the time of their application that as a condition of employment, they will be required to submit a drug screen with a negative result, prior to the performance of any duties. The applicant (except volunteers) must report for the preemployment test within 2 business days of being notified.

If any pre-employment drug test is verified positive, the applicant or volunteer will be notified his or her candidacy will not receive further consideration. If any pre-employment test is cancelled, the applicant will be instructed to repeat the test immediately.

Upon consideration of a job offer, the Town of Centreville is responsible for directing applicants to the collection site for a urine drug screen. No applicant or volunteer shall be allowed to begin the performance of duties until the Town of Centreville receives a negative drug screen result.

II. Random Testing

All safety sensitive employees and volunteers are subject to random unannounced alcohol and drug testing under this policy. Random testing will occur at intervals spaced equally throughout the year, equally throughout all shifts, and equally throughout all days of the week.

All safety sensitive employees and volunteers are subject to testing prior to, during, or immediately after performance of duties. All employees are to report directly to the collection site upon notification any of required testing. Failure to report for testing within 2 hours after notification is considered a refusal to test, and grounds for immediate dismissal.

III. Post-Accident Testing

The Town of Centreville may require post-accident testing for any accident or incident where there is damage to property, and/or where medical attention is rendered, and/or where the determination is made that based on potential liability, it would be in the best interest of the Town of Centreville to require testing based on departmental determination. The Town of Centreville also reserves the right to perform expanded panel testing.

Post-Accident testing will be required for accident involving a fatality, any accident in which any vehicle was towed from the scene, and/or any accident in which any person was taken from the scene via ambulance and/or received medical attention.

Post-accident testing should be performed immediately. Employees and volunteers must remain readily available and refrain from any alcohol use until the testing has been performed. If an employee subject to post accident testing does not remain readily available for testing, including notifying the Town of Centreville of his or her location if he or she leaves the scene of the accident prior to submitting to testing, he or she may be deemed to have refused testing.

Alcohol testing should occur within 2 (two) hours of the accident. If not promptly administered, the Town of Centreville will prepare and maintain on file, a record stating the reasons for not administering the test. If a post-accident alcohol test is not administered within 8 (eight) hours following an accident, the Town of Centreville shall cease attempts to administer the test, and prepare and maintain the same explanatory record. Drug testing should also occur immediately following an accident, but must be performed no more than 32 hours after the accident.

At no time shall any employee or volunteer be delayed or denied medical attention or be prohibited from leaving the scene of an accident, for the period necessary, to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. If an employee or volunteer cannot participate in the collection process due to injury or state of consciousness, the employer may accept test results performed by Federal, State, or Local officials, if the results are released.

If an employee or volunteer subject to post accident testing does not remain readily available for testing, including notifying the Town of Centreville of his or her location if he or she leaves the scene of the accident prior to post accident testing, he or she may be deemed to have refused testing.

IV. Reasonable Suspicion

Any employee or volunteer exhibiting behavior or conduct that has been observed by at least one supervisor who has received 2 (two) hours of training for drug & alcohol awareness, gives reasonable suspicion to suspect drug or alcohol use, he or she must submit to reasonable suspicion drug & alcohol testing. A refusal to submit to testing will be treated as a positive result, and grounds for

immediate termination. The supervisor will escort the employee or volunteer directly to the collection site for drug & alcohol testing. Under no circumstances will an employee or volunteer that requires reasonable suspicion drug & alcohol testing be permitted to drive his or herself to the collection site.

V. Consequences of a POSITIVE Test Result

Any covered employee or volunteer with a confirmed alcohol concentration greater than 0.02 but less than 0.04 will be IMMEDIATELY removed from duty for a period of no less than 24 (twenty-four) hours.

Any employee or volunteer with a confirmed positive drug test, confirmed alcohol test of 0.04 or greater, a refusal to test, or any other drug/alcohol policy violation, will be immediately terminated and referred to a substance abuse professional.

Any employee or volunteer that refuses to submit to any drug and/or alcohol test will be considered positive and immediately terminated.

VI. Refusal to Test

The following behaviors are considered a refusal to test and carry the same consequences as a positive test result. These would be cause for immediate removal from duty and termination:

- Failure to appear for a pre-employment test within 2 business days (except volunteers) after being notified to do so.
- Failure to appear for a random test within 2 hours after being notified to do so.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a specimen for any drug or alcohol test required by the Town of Centreville Drug and Alcohol Policy.
- Refusal to allow the observation or monitoring of a specimen collection when it is required.
- Failure to provide a sufficient urine or breath sample without an adequate medical explanation for the failure.
- Failure to take a second test that the employer or collector has directed the employee to take.
- Failure to undergo a medical exam as directed by the employer or the MRO as part of the verification process, or "shy bladder" or "shy lung" procedures.
- Failure to cooperate with the testing process (Examples: refusal to empty pockets when requested, behaving in a confrontational manner that disrupts the process).
- For a *direct observation* collection; failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants to mid-thigh, and to turn around to allow the observer to see if employee is wearing a prosthetic or similar device that could be used to interfere with the collection process.
- Possession or wearing of a device or product intended to help the employee pass the drug test.
- Admitting adulteration or substitution of the specimen to the collector or the MRO.
- If the MRO reports a verified adulterated or substituted test result.
- An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying the Town of Centreville of his or her location if he or she leaves the scene of the accident prior to submission to a test.

VII. Observed Collections

A collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- a. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports there was not a valid medical explanation for the result; or
- b. The MRO reports the original positive, adulterated, or substituted specimen had to be cancelled because the test of the split specimen could not be performed.
- c. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
- d. The temperature of the original specimen was out of range; or
- e. The laboratory reports to the MRO, validity testing revealed an invalid "dilute" specimen with a creatinine of less than or equal to 5mg/dL and the specific gravity is less than or equal to 1.001 or greater than or equal to 1.020.

During observed collections, observers will check for items such as prosthetic devices designed to carry clean urine, with both male and female donors. The observer will follow industry standards and best practices.

L. CONFIDENTIALITY AND RECORDKEEPING

Confidentiality will be maintained to the fullest extent possible with regards to drug and alcohol testing. All correspondence written or verbal, between the Town of Centreville's DER, TPA, and the MRO, is further protected from breeches in confidentiality by utilization of a password, known only to these individuals, prior to the exchange of any information.

The traditional doctor/patient relationship does not exist when the MRO is acting within the scope of duties assigned under the Town of Centreville's Drug & Alcohol Testing Policy. Individuals are advised that information provided to the MRO during the verification process of a confirmed laboratory positive test result may be disclosed to third parties. However, no testing information will be furnished to a third party, without express written consent provided by the employee/donor. Test results will not be disclosed by the DER, the MRO, the TPA, or the testing laboratory, to anyone outside of the Town of Centreville, including law enforcement agencies except when the following circumstances occur:

- a. A proceeding initiated by the employee or on behalf of the employee, including but not limited to the decision maker in a lawsuit, grievance, worker's compensation claim, unemployment compensation claim, or any other proceeding relating to a benefit sought by the employee require such.
- b. As a requirement of any Federal, State, or Local regulation or statute.
- c. When results are requested by a potential employer and the appropriate authorization form signed by the employee or applicant has been provided.

M. SPECIMEN VALIDITY TESTING AND MEDICAL EVALUATIONS

For specimens deemed invalid due to adulteration or substitution, the result will be treated as a positive, and the employee subsequently terminated. If the urine is reported as "dilute", it is still a valid test, either positive or negative.

In the event an employee or volunteer is unable to produce a sufficient amount of specimen, the MRO will arrange for a medical evaluation. In the absence of a medical condition or legitimate medical explanation, insufficient samples will be treated as a refusal to test, which carries the same consequence as a positive test result.

Attachment A Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6-ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholics')
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.

• More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment B Drugs of Abuse

Cannabinoids: (Marijuana, Hashish)

Effects: Euphoria, slowed thinking and reaction time confusion, impaired balance and coordination impaired memory, increased heart rate, and anxiety

Depressants: (Barbiturates, Benzodiazepines)

Effects: Reduced anxiety, feeling of well-being, lowered inhibitions, slowed pulse, poor concentration, impaired coordination, memory loss, addiction

Opioids: (Codeine, Morphine, Heroin, Opium, Hydrocodone, Hydromorphone, Oxycodone, Oxymorphone)

Effects: Euphoria, drowsiness, nausea, vertigo, confusion, sedation, addiction, coma, increased tolerance, respiratory depression and arrest.

Stimulants (Amphetamine, Methamphetamine, Cocaine)

Effects: Increased heart rate, blood pressure, metabolism euphoria, reduced concentration, rapid irregular, heart rate, weight loss, decreased appetite, heart failure.

Dissociative Anesthetics: (PCP)

Effects: Increased heart rate, impaired motor function, psychotic behavior, numbness, nausea, memory loss, catatonia, lethargy, flashbacks

Attachment C Substance Abuse Resources

800-622-HELP (4357)

Employee Assistance Program For time registration (Employer ID: LGIT)	1-877-622-4327
Human Resources Manager, Town of Centreville (DER)	410-758-1180 ext.15
Queen Anne's County Health Department; Substance Abuse Services After-Hours	410-758-1306
American Substance Abuse Professionals	888-792-2727

SAMHSA National Helpline

Town of Centreville's Policy Receipt Acknowledgement

I acknowledge I have been provided with a copy of the Town of Centreville's Drug & Alcohol Testing Policy. I further acknowledge have also been provided with contact information for the person of persons who can answer any questions I may have concerning any components, aspects, or consequences contained in this policy.	
Employee Signature	Date

Employee Printed Name

SECTION: 300 - Human Resources

POLICY TITLE: FMCSA Drug and Alcohol Testing Policy

POLICY NUMBER: 300-101

APPROVAL: Town Council of Centreville; Town Manager; Human Resources

Manager

EFFECTIVE DATE: August 13, 2020

REFERENCE(S): 49 CFR Part 655, as amended

49 CFR Part 40, as amended

49 CFR Part 29, The Drug-Free Workplace Act of 1988

FMSCA Clearinghouse

FORM(s): General Consent for Limited Queries of the FMCSA Drug and

Alcohol Clearinghouse (FMCSA) 300-101-F1 (C)

FMCSA Consent to Release Previous Drug and/or Alcohol Testing

Results (FMCSA) 300-101-F2 (C)

Previous Pre-Employment Employee Alcohol & Drug Test

Statement (FMCSA) 300-101-F3 (C)

Reasonable Suspicion Checklist 300-101-F4

Post-Accident Testing Decision Form (FMCSA) 300-101-F5 (C)

Forensic Test Requisition Form 300-101-F6

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- P. SPECIMEN VALIDITY & MEDICAL EVALUATIONS
- Q. FMCSA CLEARINGHOUSE: CONSENT, QUERIES, AND REPORTING

In some cases, the Town of Centreville reserves the prerogative to utilize stricter policies or procedures than the U. S. Department of Transportation when such are believed to be in the best interest of the Town of Centreville residents and employees. Any provisions set forth in this policy that are included under the sole authority of the Town of Centreville and are not provided under the authority of the above- named Federal

regulations are <u>underlined</u> indicating it is a requirement of the Town of Centreville for employment by that entity, and not required by the U. S. Department of Transportation.

<u>Underlined text = TOWN OF CENTREVILLE requirements</u> Regular text = FMCSA requirements

A. STATEMENT OF PURPOSE:

The Town of Centreville and the Town Council of Centreville believe that the use of alcohol or illicit drugs in the workplace is detrimental to public safety, employee morale, and productivity. Additionally, designated employees come under the regulatory auspices of the United States Department of Transportation (DOT) (49 CFR Part 40, as amended), specifically the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Part 382). The Town of Centreville is required to comply with the regulations of this operating administration within the U. S. Department of Transportation.

In some cases, the Town of Centreville reserves the right to utilize stricter policies or procedures than the U. S. Department of Transportation when such are believed to be in the best interest of the general public and Town of Centreville's employees. When a policy or procedure is mandated by the Town of Centreville, rather than the FMCSA (49 CFR Part 382), <u>underlined text</u> will appear indicating it is a requirement of the Town of Centreville for employment by that entity, and not required by the U. S. Department of Transportation.

B. APPLICABILITY:

The testing program applies to all employees and drivers who are required to hold a commercial driver's license (CDL) and operate a commercial motor vehicle for the Town of Centreville, even if they drive such vehicles only infrequently. The U. S Department of Transportation, 49 CFR Parts 40 and 382, as amended, require mandatory testing for those employees who must have a CDL driver's license in order perform their respective job functions, and/or are involved in maintaining the safety, and operation of commercially regulated vehicles.

C. AUTHORITY:

This program was adopted pursuant to and is intended to comply with federal regulations promulgated by the Department of Transportation, 49 CFR Parts 40 and 382, as amended, and applicable state regulations. Unless otherwise indicated by <u>underlined text</u>, the testing provisions of the program are required by federal regulations.

D. DEFINITIONS:

Commercial Motor Vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- Has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds, or;
- Has a gross vehicle weight rating of 26,001 pounds, or;
- Is designed to transport 16 or more passengers, including the driver, or;
- Is of any size, and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Act (49 U.S.C 5103(b)), and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

Performing Safety Sensitive Functions: A driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.

Post-Accident Testing: All employees covered under this section of the Town of Centreville's Drug & Alcohol Testing Policy will be required to undergo drug and alcohol testing as soon as practical following an accident involving a commercial vehicle operating on a public road, if as a result:

- A person dies;
- An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident, and the driver of the commercial vehicle was issued a citation.
- One or more vehicles incur disabling damage as the result of the accident and are transported away from the scene by a tow truck or other vehicle, and the driver of the commercial vehicle was issued a citation.

The Town of Centreville may require post-accident testing for any accident or incident where there is damage to property, and/or where medical attention is rendered, and/or where the determination is made that based on liability, it would be in the best interest of the Town of Centreville to require testing. All testing mandated by the Town of Centreville is performed under the Town of Centreville's policy, and will be collected utilizing Non-Federal testing forms. The Town of Centreville also reserves the right to perform expanded panel testing for Non-Federal testing.

Refusal to Test: The following actions/criteria are considered a refusal to test and subject to the same consequences as a positive test result:

Any employee deemed to have refused to be tested will be immediately terminated.

- The employee fails to appear for any test (excluding pre-employment) within 2 hours after being directed to do so.
- The employee fails to appear for a pre-employment test within 2 business days after being directed to do so.
- The employee fails to remain at the collection site until the testing process is complete.
- The employee refuses to provide a urine or breath specimen for any drug or alcohol test required by Part 40, as amended, or DOT agency regulations.

- The employee fails to permit the observation or monitoring of the provision of a specimen when the MRO had determined a direct observed or monitored specimen is required by Part 40, as amended, or DOT agency regulations.
- The employee fails to provide a sufficient amount of urine, breath, or salvia when directed, after it has been subsequently determined through a medical evaluation, there is no adequate medical explanation for the failure to provide.
- The employee fails or declines to take a second test after the DER or collector has directed the employee to take such.
- The employee fails to undergo a medical evaluation or examination, as directed by the MRO or DER for the Town of Centreville, as part of the verification process after the employee has failed to provide a sufficient amount of urine, breath, or saliva for testing.
- The employee fails to cooperate with any portion of the testing process (e.g. refusal to empty pockets when directed to do so by the collector, confrontational behavior towards the collector that disrupts the collection process).
- The employee submits a specimen that has been verified as "adulterated" or "substituted" by the MRO.
- The employee is found to possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- The employee refuses to follow the collector's instructions during an observed collection process to raise and lower clothing as specified in the U.S. Department of Transportation, 49 CFR Part 40, as amended, testing regulations.
- The employee admits to the collector or MRO that he/she adulterated or substituted the specimen.
- The employee refuses to sign step 2 of the ATF (alcohol testing form).

Safety-Sensitive Functions: Safety sensitive functions shall include:

- All times at the Town's workplace, terminal, facility or other property or any public property, waiting to be dispatched, unless the driver has been relieved from duty.
- All time inspecting, servicing, or conditioning any commercial vehicle.
- All time spent at the driving controls of a commercial motor vehicle in operation.
- All time, other than driving time, in or upon any commercial motor vehicle, except for time spent resting in a sleeper berth that meets requirements of The U.S. Department of Transportation.
- All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded.
- All time remaining in readiness to operate a commercial motor vehicle.
- All time spent giving or receiving receipts for shipments loaded or unloaded.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Split Specimen: All urine samples collected from covered employees will be split into two aliquots for transport to the lab. Each aliquot will be sealed with a tamper evident tape in the presence of the

donor. If the MRO reports a result other than negative, or negative dilute to the employer, the donor has the right to have the second unopened aliquot retested at a second certified laboratory.

E. DESIGNATED EMPLOYER REPRESENTATIVE (DER)

Human Resources Manager Town of Centreville 101 Lawyers Row Centreville, MD 21617 (410) 758-1180 telephone

F. MEDICAL REVIEW OFFICER (MRO):

The Medical Review Officer (MRO) is a licensed physician with knowledge of urine drug testing and substance abuse disorders. The primary role of the MRO is to act as an independent, impartial gatekeeper and advocate for the accuracy and integrity of the drug testing process. The MRO must also provide a quality assurance review of the drug testing process for the specimens reviewed and processed by said MRO. The MRO will perform all mandated duties and make all decisions and determinations in accordance with standard DOT procedures listed in 49 CFR Parts 40 & 382, as amended.

G. EMPLOYEES SUBJECT TO TESTING:

All drivers, or potential drivers, of commercial motor vehicles in the employ of the Town of Centreville who are required to have a commercial driver's license (CDL) in order to perform their job duties are subject to testing as required by the U. S. Department of Transportation, 49 CFR Parts 40 & 382, as amended. The Federal Motor Carrier Safety Administration (FMCSA) requires the testing of employees performing duties deemed to be safety-sensitive.

H. TESTING LABORATORIES:

The Town of Centreville retains the services of several DHHS (Department of Health and Human Services) certified forensic laboratories for the purposes of urine drug screening and confirmation testing. These laboratories have completed the certification program conducted by the DHHS and administered by the National Institute of Drug Abuse (NIDA).

The laboratory must retain any specimen reported with positive, adulterated, substituted, or invalid results, for a minimum of 1 (one) year. The MRO must offer the donor of any laboratory confirmed positive test result, the opportunity to have "split specimen" testing performed. Laboratories testing the "split specimen", must also retain those specimens for 1 (one) year.

I. COLLECTION SITES AND PROTOCOL:

Specimens for pre-employment, random, post-accident, reasonable suspicion, return to duty, and follow up alcohol and drug testing will be collected at locations with properly trained and certified personnel to act as collectors. These locations will also furnish all of the necessary equipment and supplies for the purpose of collecting breath, saliva, and urine specimens for drug and alcohol testing. All procedures used for collection, shipment, custody control, and accessioning of specimens are performed within strict accordance of The U. S. Department of Transportation, 49 CFR part 40, as amended, and will be reviewed regularly by the administrative staff of the Town of Centreville's Third-Party Administrator for compliance of these regulations.

DOT covered employees will utilize collection sites proximate to the Town of Centreville. Collection sites can be utilized for immediate collection upon notification of required testing;

The Town of Centreville reserves the right to require a designated supervisor escort any employee who has been directed to test, to the collection site.

J. ALCOHOL TESTING:

For purposes of alcohol testing, the Town of Centreville utilizes only NHTSA-approved Alcohol Screening Devices and Evidential Breath Testing Devices that appear on ODAPC's website. Any alcohol test registering an alcohol concentration above 0.02 must be confirmed after a 15 (fifteen) minute waiting period has elapsed, and the donor has been instructed not to eat, drink, smoke, chew or belch. The confirmation test must be completed within 30 (thirty) minutes of the initial screening test result. If the confirmation test is not completed within the specified 30 (thirty) minutes, the testing will be still be conducted, and the reason for the delay and amount of time that has actually elapsed, are noted on the remarks line of the alcohol testing form. All federally mandated alcohol tests are conducted according to 49 CFR Part 40, as amended. A DOT approved alcohol testing form (ATF) is used to record the test results. All Town of Centreville mandated alcohol tests are conducted following protocols set forth in 49 CFR Part 40, as amended. A Non-DOT alcohol testing form is used to record the test results.

All alcohol-testing technicians are trained in accordance with a DOT model training program as Screening Test Technicians (STT) and/or Breath Alcohol Technicians (BAT). They are also provided with continuing education and training with regards to equipment and testing protocols, to keep in compliance with Federal and State regulations. Training documentation and calibration information for equipment and collectors utilized by the Town of Centreville are maintained at the Town of Centreville's Third-Party Administrator and can be inspected upon request.

K. DRUG TESTING:

The Town of Centreville's CDL Drug and Alcohol Testing Policy will adhere to the U.S. Department of Transportation, 49 CFR Part 40 regulations, as amended, for urine specimen collection, transit, and laboratory analysis. The laboratory analysis of all specimens will include an initial screen with confirmation by GC/MS at the cutoff thresholds for drugs and drug metabolites mandated by the DOT 49 CFR Part 40, as amended. Any laboratory results will be forwarded directly to the MRO, at which time the chain of custody and documentation concerning the specimen is examined in detail. Both the laboratory and the MRO inspect each sample for "fatal flaws". If any "fatal flaws" are discovered, the test is cancelled. In situations where correctable flaws exist, they must be corrected prior to the completion of MRO verification process.

After a thorough review of the collection procedure, chain of custody form, testing protocol and laboratory results, negative results are verified and reported by the MRO to the employer. For nonnegative results, the MRO will contact the employee and conduct a medical interview, focusing on the individual's medical history and/or any other relevant biomedical factors. The MRO shall examine all alternative medical explanations for any positive test results. The MRO will also review all medical records made available by the donor, when a confirmed positive test result could have resulted from legally prescribed medications. Additionally, the MRO reserves the right to order additional laboratory ancillary testing and/or specimen re-analysis and quantification of the specimen submitted, in order to complete the verification process.

The MRO must offer the donor of any laboratory confirmed positive test result, the opportunity to have "split specimen" testing performed. The donor must notify the MRO of their request for "split specimen" testing within 72 (seventy-two) hours of the initial interview by the MRO. Split specimen testing allows the donor to have the unopened specimen bottle, with the chain of custody and tamper evident seal intact, sent to a second independent DHHS approved laboratory for confirmation. The donor covered under 49 CFR Parts 40 & 382 cannot be denied a "split specimen" test request based on his or her inability to pay. Donors not covered under these parts are financially responsible for the cost of any "split specimen" test request.

The MRO will attempt to contact the donor a minimum of at least 3 (three) times during the first 24 (twenty-four) hours. If the MRO is unable to contact the donor after 24 (twenty-four) hours, the MRO will request that the Town of Centreville's Designated Employer Representative (DER), attempt to contact the donor. The DER, will instruct the donor to contact the MRO immediately. The donor will be instructed that contact with the MRO must occur within 72 (seventy-two) hours. The DER must also advise the donor, that his or her failure to contact the MRO within 72 (seventy- two) hours after being instructed to do so will result in the test being reported by the MRO as a refusal to test which is considered a verified positive.

If after 10 (ten) days from the MRO's receipt of the confirmed laboratory positive result, the MRO and DER are still unable to contact the donor the test will be reported as verified positive. In the event the donor expressly declines or refuses an interview with the MRO, the test will be reported as verified positive. The MRO is permitted to release to the Town of Centreville's DER, or any regulatory U.S. Department of Transportation agency the results of urine drug testing. The MRO will not release

individual test results to any other person, without first obtaining specific written authorization from the donor.

All urine drug screens for employees covered under 49 CFR Parts 40 & 382, as amended, are collected with strict adherence to U. S. Department of Transportation collection protocols outlined in 49 CFR Part 40, as amended, utilizing only DOT approved "split" specimen collection kits. A federal chain of custody form is initiated for each DOT urine sample, such that the integrity is documented for each stage of transit. All employees subject to testing under the Town of Centreville's authority will be collected following the protocols stated above, utilizing a Non-DOT chain of custody form.

Any corrupted samples or chain of custody forms that require cancellation based upon guidelines set forth in The U. S. Department of Transportation 49 CFR Part 40, as amended, will result in the cancellation of the test by the MRO.

All collection officials have been trained in accordance with U. S. Department of Transportation collection procedures outlined in 49 CFR Part 40, as amended. Each collector participates in a quality assurance and continuing education program, which requires periodic monitoring and proficiency demonstrations utilizing mock collections. Training certification documentation for all collectors utilized is maintained by the Town of Centreville's Third-Party Administrator.

L. SELF REPORT

Each person holding a commercial driver's license and subject to the DOT controlled substances and alcohol testing requirements of 49 CFR Parts 40 & 382, as amended, who has violated any alcohol and/or controlled substances prohibitions during the course of employment in any position covered under a DOT agency subject to adherence to 49 CFR Part 40 or any subparts must notify the Town of Centreville in writing before the end of the business day, following the day the employee received notice of the violation, or prior to performing any safety-sensitive functions, whichever comes first. Failure to comply with this requirement is grounds for immediate termination.

The Town of Centreville does not consider a request for assistance with a drug and/or alcohol problem after an employee is required to report for testing as a "voluntary" or "self-report." In this case, the employee would still be required to submit to any requested drug and/or alcohol testing, and subsequent action taken if adverse results were received.

If an employee has reason to believe he or she is unfit to perform safety sensitive functions and voluntarily seeks assistance, due to a drug and/or alcohol problem, the employee must contact the Town of Centreville's Drug & Alcohol Testing Program DER, and request a temporary leave from duty. The employee may not return to the performance of safety sensitive functions until a qualified drug and/or alcohol counselor has approved him or her to do so, after completing an evaluation, and all recommended treatment/education. The employee must also submit a negative return to duty drug test and/or alcohol test, prior to the commencement of any safety-sensitive functions.

While the employee may use leave if applicable, the Town of Centreville cannot guarantee a position will be available or "held" for the employee during and/or after treatment.

The employee remains subject to all personnel policies, including those related to drugs and/or alcohol while, undergoing treatment. The employee is subject to termination if found to be violating the Drug & Alcohol Testing Policy, notwithstanding the fact that he or she may be receiving treatment.

The cost of any treatment, education, as well as follow up and return to duty testing, will be the employee's financial responsibility.

M. EDUCATION & TRAINING REQUIREMENTS

All covered employees must acknowledge receiving a copy of the Town of Centreville Drug & Alcohol Testing Policy and detailed information concerning the effects of alcohol and controlled substance use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem; and available methods of intervening when a problem is suspected.

All supervisors, particularly those who might conceivably be involved in reasonable suspicion determination, must receive at least 60 (sixty) minutes of training on alcohol misuse and an additional 60 (sixty) minutes of training on controlled substances use. This training includes the physical, behavioral, speech, and performance indicators of probable alcohol misuse and the use of controlled substances.

N. POLICIES & PROCEDURES

I. General Program Guidelines & Prohibited Behaviors

Employees are prohibited from performing safety sensitive functions while under the influence of alcohol and/or illegally prescribed or illegally used controlled substances.

Any employee deemed to refuse testing will be immediately terminated.

<u>Driver's with a CDL license using prescription medication should obtain confirmation the usage does not pose any safety concerns from the prescribing physician, or the National Medical Examiner performing the DOT physical. If a medically legitimate prescription that would preclude or inhibit the performance of job duties is dispensed to an employee, he or she will be placed on leave until the cessation of the prescribed medication is indicated.</u>

MRO Safety Concerns: During the MRO verification process, a donor may disclose medication that requires the MRO to report the result as negative, but also to generate a "safety concern" letter. If the MRO issues a "safety concern" letter subsequent to an MRO interview, the donor will be required to undergo a "fitness for duty" exam. Drivers will be required to return to the certified medical

examiner that performed the most recent DOT physical on the driver. Information concerning medication usage, including but not limited to consultation with the MRO will be provided to the medical examiner performing the exam.

Prohibited substances addressed by this policy include the following:

Controlled Substances and Illicit Drugs: Illegally used controlled substances, or drugs under the Drug-Free Workplace Act of 1988, any drug or any substance identified in Schedules I thru V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 thru 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes usage of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. The medical use of marijuana, or the use of hemp related products including CBD products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy. Federal Motor Carrier Safety Administration (FMCSA) drug testing regulations 49 CFR Parts 40 and 382, as amended, require that all covered employees be tested for: controlled substances outlined in those regulations, on a pre-employment, post-accident, reasonable suspicion, return to duty, follow up, and random basis as required in 49 CFR Parts 40 and 382, as amended. Illegal use of these substances is prohibited at all times, and thus covered employees may be tested for these drugs anytime that they are on duty.

Medical Marijuana: The Town of Centreville is required to abide by the Drug Free Workplace Act of 1988 at all times. Marijuana is listed as a Schedule I drug by the DEA. Drivers and employees with a CDL driver's license are prohibited from using medical marijuana. The MRO is prohibited from accepting medical marijuana as a legitimate medical explanation during the verification process of any laboratory positive test results.

Hemp Products: The MRO is prohibited as accepting hemp product use as a legitimate medical explanation during the verification process of any laboratory positive test results. This would include CBD oils, products, and other hemp derivatives.

Mate de Coca: The MRO is prohibited as accepting mate de coca product use as a legitimate medical explanation during the verification process of any laboratory positive test results.

Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Parts 40 and 382, as amended just before, during, or just after the performance of safety-sensitive job functions.

On-call employees are prohibited from performing safety sensitive duties if they have consumed alcohol within 4 (four) hours of reporting for duty. On-call employees, who have consumed alcohol,

must advise a supervisor of the alcohol use prior to reporting for duty. The Town of Centreville reserves the right to perform an alcohol screen to determine a driver's fitness to perform on-call duties.

The Town of Centreville considers the following behaviors prohibited, and will result in immediate removal from safety sensitive, and termination of employment;

- On duty use or possession of alcohol.
- Pre-duty use of alcohol within 4 (four) hours of reporting for duty.
- Use of alcohol within 8 (eight) hours of a reportable accident, or until post-accident alcohol testing has been conducted.
- Refusal to submit to a required alcohol or controlled substances test. <u>Any employee</u> deemed to refuse a test will be immediately terminated.
- <u>Possessing, using, selling, transferring, or exchanging controlled substances, whether</u> on or off duty.
- Illegal use and/or impairment while on duty of any prescription medication, which may affect work performance or pose a danger to the safety of the employee or others.
- Possessing, using, selling, transferring, or exchanging controlled substances in the workplace, on or in the Town of Centreville property, including but not limited to; facilities, parking lots, equipment, and vehicles.
- Possessing, using, selling, transferring, or exchanging substances, and/or products, including but not limited to prosthetic devices used to carry clean urine, and/or any other attempt to evade drug detection, and/or adulterate or substitute a specimen sample.

The Town of Centreville reserves the right to search, at any time the Town of Centreville's property used by employees, *i.e.*, desks, work areas, motor vehicles, lockers, etc. for the presence of controlled substances and/or alcohol.

Drug/DUI/DWI Arrests and Convictions:

All employees are required to notify the Town of Centreville's DER of any criminal drug statute and/or DUI/DWI arrest/conviction within 5 (five) days after such arrest or conviction. Failure to comply with this provision shall result in immediate termination of employment.

II. Pre-Employment Testing

All applicants for employment requiring a CDL license to perform duties will be notified at the time of their application that as a condition of employment, they will be required to submit a urine drug screen within 2 business days of notification. The Town of Centreville must receive a negative result, prior to the performance of any duties considered safety sensitive by 49 CFR Parts 40 and/or 382, as amended, and the Town of Centreville Drug & Alcohol Testing Policy. This testing will be conducted utilizing a Federal chain of custody form.

The specimen collector will collect the specimen, following protocols set forth in 49 CFR Part 40, as amended. A negative test result is required, and cancelled tests must be repeated before any safety sensitive functions can be performed.

Additional employees subject to pre-employment testing, are those who were hired before the requirement for pre-employment testing was introduced, and are under consideration for transfer to a position which 49 CFR Part 40, as amended, requires a negative pre-employment test result, prior to the commencement of safety sensitive functions.

An employee who has, for reasons of disability, leave of absence, or any other reason, been excluded from the random testing pool of employees, for 30 (thirty) or more preceding days, will be required to take a pre-employment urine drug screen prior to performing any safety sensitive duties.

In the event of a negative, but "diluted" specimen, the donor must immediately submit another sample for testing.

If any pre-employment drug test is verified positive, the applicant will be notified his or her candidacy will not receive further consideration. If any pre-employment test is cancelled, the applicant will be instructed to repeat the test immediately.

Upon consideration of a job offer, the Town of Centreville is responsible for directing applicants to the collection site for a urine drug screen. No applicant shall be allowed to begin the performance of duties until the Town of Centreville receives a negative urine drug screen result.

All DOT covered employees will be asked to complete and sign a statement concerning prior positive pre-employment test results and sign a release form. This release form allows the Town of Centreville to obtain from prior employers, a record of the applicant's results and participation in a previous drug & alcohol-screening program. So as to avoid delays in employment, applicants will be permitted to begin performance of duties prior to receipt of this requested information. PLEASE NOTE: the Town of Centreville reserves the right to reverse any employment decision, if adverse information is received from a previous employer.

Any applicant for a position with the Town of Centreville that requires a commercial driver's license or commercials learner's permit (CDL) or (CLP) must register with the FMCSA Clearinghouse and approve the Town of Centreville's electronic request for a full query within 2 business days of the request, or the applicant will no longer be considered for the position.

The Town of Centreville must not employ a driver subject to drug and alcohol testing under 49 CFR Parts 40 & 382, as amended, without first conducting a pre-employment full query of the FMCSA Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substance test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of §382.211; or that an employer has reported actual knowledge as defined in §382.107; that the driver used alcohol on duty in violation of

§382.205; used alcohol before duty in violation of §382.207; used alcohol following an accident in violation of §382.209; or used a controlled substance in violation of §382.213.

Current employees who obtain their commercial driver's license learner's permit (CLP) are not permitted to drive perform any safety sensitive functions including driving a CDL vehicle until the completion of a full query in the FMCSA Clearinghouse and the receipt of a negative urine drug screen.

III. Random Testing

All DOT employees are subject to random unannounced alcohol and drug testing. The frequency is determined by the Department of Transportation (FMCSA 49 CFR Part 382, as amended) on an annual basis. Random testing will occur at intervals spaced equally throughout the year, equally throughout all shifts, and equally throughout all days of the week.

All employees are tested following protocols set forth in 49 CFR Parts 40, & 382, as amended. All employees are tested just prior to, during, or immediately after performance of duties. All employees are to report directly to the collection site upon notification any of required testing. Failure to report for testing within 2 hours after notification is considered a refusal to test, and grounds for immediate dismissal.

In the event of a negative, but "diluted" specimen, the donor must immediately submit another sample for testing.

IV. Post-Accident Testing

If the involved employee is considered safety sensitive and the following circumstances apply, the urine drug testing must be performed in accordance with 49 CFR Parts 40 & 382, as amended, using Federal drug testing form (CCF):

- Any accident involving a fatality.
- Any accident in which any vehicle was towed from the scene, and the Town of Centreville employee was issued a citation within 32 hours.
- Any accident in which any person was taken from the scene via ambulance, and/or received medical attention, and the Town of Centreville employee was issued a citation within 32 hours.

If the involved employee is considered safety sensitive and the following circumstances apply, the alcohol testing must be performed in accordance with 49 CFR Parts 40 & 382, as amended, using Federal alcohol testing form (ATF):

- Any accident involving a fatality.
- Any accident in which any vehicle was towed from the scene, and the Town of Centreville employee was issued a citation within 8 hours.

 Any accident in which any person was taken from the scene via ambulance, and/or received medical attention, and the Town of Centreville employee was issued a citation within 8 hours.

Post-accident testing should be performed immediately. Employees must remain readily available and refrain from any alcohol use until the testing has been performed. If an employee subject to post accident testing does not remain readily available for testing, including notifying the Town of Centreville of his or her location if he or she leaves the scene of the accident prior to submitting to testing, he or she may be deemed to have refused testing.

Alcohol testing should occur within 2 (two) hours of the accident. If not promptly administered, the Town of Centreville will prepare and maintain on file, a record stating the reasons for not administering the test. If a post-accident alcohol test is not administered within 8 (eight) hours following an accident, the Town of Centreville shall cease attempts to administer the test and prepare and maintain the same explanatory record. Urine drug testing should also occur immediately following an accident but must be performed no more than 32 hours after the accident.

At no time shall any employee be delayed or denied medical attention or be prohibited from leaving the scene of an accident, for the period necessary, to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. If an employee cannot participate in the collection process due to injury or state of consciousness, the employer may accept test results performed by Federal, State, or Local officials, if the results are released. If the results are not released, or testing is not performed, the Town of Centreville will prepare and maintain an explanatory record.

If an employee subject to post accident testing does not remain readily available for testing, including notifying the Town of Centreville of his or her location if he or she leaves the scene of the accident prior to post accident testing, he or she may be deemed to have refused testing.

The Town of Centreville may require post-accident testing for any accident or incident where there is damage to property, and/or where medical attention is rendered, and/or where the determination is made that based on liability; it would be in the best interest of the Town of Centreville to require testing. All testing mandated by the Town of Centreville is performed under the Town of Centreville policy, and will be collected utilizing Non-Federal testing forms. The Town of Centreville also reserves the right to perform expanded panel testing for Non-Federal testing.

V. Reasonable Suspicion Testing

Any employee exhibiting behavior or conduct that has been observed by at least one supervisor who has received 2 (two) hours of training for drug & alcohol awareness, gives reasonable suspicion to suspect drug or alcohol use, he or she must submit to reasonable suspicion drug & alcohol testing. The trained supervisor must document the observed behavior and/or conduct within 24 (twentyfour) hours of the observation. The employee will be removed from duty and requested to submit to reasonable suspicion drug & alcohol testing. A refusal to submit to testing will be treated as a positive result, and grounds for immediate termination. The supervisor will escort the employee

directly to the collection site for drug & alcohol testing. Under no circumstances will an employee who requires reasonable suspicion drug & alcohol testing be permitted to drive his or herself to the collection site.

VI. Consequences of a POSITIVE Test Result

Any employee with a confirmed (Blood Alcohol Concentration) or BrAC (Breath Alcohol Concentration) greater than 0.02 but less than 0.04 will be IMMEDIATELY removed from duty for a period of no less than 24 (twenty-four) hours. Repeated occurrences of alcohol concentrations between 0.02-.039 will result in disciplinary action which may include termination.

Any employee with a confirmed positive drug test will be IMMEDIATELY removed from duty and terminated.

Any employee who refuses to submit to any drug and/or alcohol test will be considered positive and immediately terminated.

Any DOT covered employee with a confirmed positive drug test, confirmed alcohol test of 0.04 or greater, a refusal to test, or any other drug/alcohol policy violation of 49 CFR Parts 40 & 382, as amended, will be immediately terminated and referred to a substance abuse professional.

The Town of Centreville and/or it's designated MRO and/or TPA is required to report personal information collected and maintained to the FMSCA Clearinghouse concerning the following drug and alcohol program violations;

- A verified positive, adulterated, or substituted drug test result;
- An alcohol concentration test with a concentration of 0.04 or higher;
- A refusal to submit to any test required under 49 CFR 382 Subpart C;
- An employer's report of actual knowledge, as defined in §382.107;
- On duty alcohol use pursuant to §382.205;
- Pre-duty alcohol use pursuant to §382.207;
- Alcohol use following an accident pursuant to §382.209; and
- Controlled substance usage pursuant to §382.213;

VII. Refusal to Test

<u>Any employee deemed to refuse to test will be immediately terminated.</u> The following behaviors are considered a refusal to test, carry the same consequence as a positive test result, and will result in immediate removal from safety sensitive duties;

- Failure to appear for any test (except pre-employment) within 2 hours after being notified to do so.
- Failure to appear for a pre-employment test within 2 business days after being notified to do so.

- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a specimen for any drug or alcohol test required by DOT/FMCSA rules.
- Refusal to allow the observation or monitoring of a specimen collection when it is required.
- Failure to provide a sufficient urine or breath sample without an adequate medical explanation for the failure.
- Failure to take a second test that the employer or collector has directed the employee to take.
- Failure to undergo a medical exam as directed by the employer or the MRO as part of the verification process, or "shy bladder" or "shy lung" procedures.
- Failure to cooperate with the testing process (Examples: refusal to empty pockets when requested, behaving in a confrontational manner that disrupts the process, or failure to wash hands after being directed to do so by the collector).
- For a *direct observation* collection; failure to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants to mid-thigh, and to turn around to allow the observer to see if employee is wearing a prosthetic or similar device that could be used to interfere with the collection process.
- Possession or wearing of a device or product intended to help the employee pass the drug test.
- Admitting adulteration or substitution of the specimen to the collector or the MRO.
- If the MRO reports a verified adulterated or substituted test result.
- In alcohol testing, refusal to sign Step 2 of the Alcohol Testing Form.
- An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying the Town of Centreville of his or her location if he or she leaves the scene of the accident prior to submission to a test.

VIII. Observed Collections

Consistent with The Department of Transportation, 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- a. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports there was not a valid medical explanation for the result; or
- b. The MRO reports the original positive, adulterated, or substituted specimen had to be cancelled because the test of the split specimen could not be performed.
- c. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
- d. The temperature of the original specimen was out of range; or
- e. The laboratory reports to the MRO, validity testing revealed an invalid "diluted" specimen with a creatinine of less than or equal to 5mg/dL and the specific gravity is less than or equal to 1.001 or greater than or equal to 1.020.
- f. A return to duty or follow-up test is required.

During observed collections, observers will check for items such as prosthetic devices designed to carry clean urine, with both male and female donors. The observer will follow procedures outlined in 49 CFR Part 40 as amended, which includes have the donor raise and lower clothing, then put them back into place for the observed collection.

O. CONFIDENTIALITY AND RECORD KEEPING

Confidentiality will be maintained to the fullest extent possible with regards to drug and alcohol testing. All correspondence written or verbal, between the Town of Centreville's DER, TPA, the MRO, is further protected from breeches in confidentiality by utilization of a password, known only to these individuals, prior to the exchange of any information.

The traditional doctor/patient relationship does not exist when the MRO is acting within the scope of duties assigned under the Town of Centreville's FMCSA Drug & Alcohol Testing Policy. Individuals are advised, information provided to the MRO during the verification process of a confirmed laboratory positive test result, may be disclosed to third parties. No testing information will be furnished to a third party, without express written consent provided by the employee/donor. Test results will not be disclosed by the DER, the MRO, the TPA, or the testing laboratory, to anyone outside of the Town of Centreville, including law enforcement agencies except when the following circumstances occur:

- a. The Department of Transportation regulations require such disclosure.
- b. A proceeding initiated by the employee or on behalf of the employee, including but not limited to the decision maker in a lawsuit, grievance, worker's compensation claim, unemployment compensation claim, or any other proceeding relating to a benefit sought by the employee require such.
- c. As a requirement of any Federal, State, or Local regulation or statute.
- d. When results are requested by a potential employer and the appropriate authorization form signed by the employee or applicant has been provided.

P. SPECIMEN VALIDITY TESTING AND MEDICAL EVALUATIONS

All DHHS certified laboratories are required to perform validity and adulteration testing of all samples. Validity testing is conducted to ensure the sample is consistent with human urine, and adulterants, substitutions, and dilutions have not been utilized in an attempt to corrupt the testing process and/or results. For specimens deemed invalid due to adulteration or substitution, the result will be treated as a positive, and the employee subsequently terminated. If the urine is reported as "dilute", it is still a valid test, either positive or negative.

In the event of a negative, but "dilute" specimen (for any test except post-accident and reasonable suspicion), the donor must immediately submit another sample for testing. If the second test is a negative but "dilute" specimen it will be treated as a negative.

In the event an employee is unable to produce a sufficient amount of specimen urine, breath, and/or saliva, the MRO will arrange for a medical evaluation to determine if a medical condition is a legitimate medical explanation for such. In the absence of a medical condition or legitimate medical explanation, insufficient samples will be treated as a refusal to test, which carries the same consequence as a positive test result.

Q. FMCSA CLEARINGHOUSE: CONSENT, QUERIES, AND REPORTING

Any applicant for a position with the Town of Centreville that requires a commercial driver's license or commercial learner's permit (CDL) or (CLP) must register with the FMCSA Clearinghouse and approve the Town of Centreville's electronic request for a full query within 2 business days of the request, or the applicant will no longer be considered for the position.

Any current employee of the Town of Centreville in a position that requires a commercial driver's license (CDL) is required to sign a consent form authorizing the Town of Centreville to perform a limited query in the FMCSA Clearinghouse for the duration of their employment with the Town of Centreville in a position requiring a CDL.

The Town of Centreville must not employ a driver subject to drug and alcohol testing under 49 CFR Parts 40 & 382, as amended, without first conducting a pre-employment full query of the FMCSA Clearinghouse to obtain information about whether the driver has a verified positive, adulterated, or substituted controlled substance test result; has an alcohol confirmation test with a concentration of 0.04 or higher; has refused to submit to a test in violation of §382.211; or that an employer has reported actual knowledge as defined in §382.107; that the driver used alcohol on duty in violation of §382.205; used alcohol before duty in violation of §382.207; used alcohol following an accident in violation of §382.209; or used a controlled substance in violation of §382.213.

Employees who refuse to sign the consent form authorizing a limited query are not eligible to perform safety sensitive functions and will be removed from duty. Limited queries will be conducted at least once annually. Limited queries that return information exists will require the Town of Centreville to perform a full query. Employees will be notified it a limited query returns information and full query is required and instructed to register in the FMCSA Clearinghouse in order for the Town of Centreville to conduct the required full query. Any employee who does not register within 24 hours will be prohibited from performing any safety sensitive functions including driving a CDL vehicle until the completion of a full query in the FMCSA Clearinghouse and the receipt of a negative urine drug screen.

The Town of Centreville and/or it's designated MRO and/or TPA is required to report personal information collected and maintained to the FMCSA Clearinghouse concerning the following drug and alcohol program violations;

- A verified positive, adulterated, or substituted drug test result;
- An alcohol concentration test with a concentration of 0.04 or higher;
- A refusal to submit to any test required under 49 CFR 382 Subpart C;
- An employer's report of actual knowledge, as defined in §382.107;
- On duty alcohol use pursuant to §382.205;
- Pre-duty alcohol use pursuant to §382.207;
- Alcohol use following an accident pursuant to §382.209; and
- Controlled substance usage pursuant to §382.213;

- Report of a successful completion of the return-to-duty process by a qualified Substance Abuse Professional (SAP);
- A negative return-to-duty test; and
- An employer's report that the employee has successfully completed a follow-up testing plan as prescribed by the qualified Substance Abuse Professional (SAP).

Attachment A Safety-Sensitive Positions

- All drivers who possess a CDL license
- All mechanics who possess a CDL license

Attachment B Alcohol Fact Sheet

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance.)

Health Effects

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6-ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholics')
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related).

Social Issues

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetimes
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- The rate of separation and divorce in families with alcohol dependency problems is 7 times the average.
- Forty percent of family court cases are alcohol problem related.

- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Attachment C Drugs of Abuse

Cannabinoids: (Marijuana, Hashish)

Effects: Euphoria, slowed thinking and reaction time confusion, impaired balance and coordination impaired memory, increased heart rate and anxiety

Depressants: (Barbiturates, Benzodiazepines)

Effects: Reduced anxiety, feeling of well-being, lowered inhibitions, slowed pulse, poor concentration, impaired coordination, memory loss, addiction

Opioids: (Codeine, Morphine, Heroin, Opium, Hydrocodone, Hydromorphone, Oxycodone, Oxymorphone)

Effects: Euphoria, drowsiness, nausea, vertigo, confusion, sedation, addiction, coma, increased tolerance, respiratory depression and arrest.

Stimulants (Amphetamine, Methamphetamine, Cocaine)

Effects: Increased heart rate, blood pressure, metabolism euphoria, reduced concentration, rapid irregular, heart rate, weight loss, decreased appetite, heart failure.

Dissociative Anesthetics: (PCP)

Effects: Increased heart rate, impaired motor function, psychotic behavior, numbness, nausea, memory loss, catatonia, lethargy, flashbacks

Attachment D Substance Abuse Resources

800-622-HELP (4357)

Employee Assistance Program For time registration (Employer ID: LGIT)	1-877-622-4327
Human Resources Manager, Town of Centreville (DER)	410-758-1180 ext.15
Queen Anne's County Health Department; Substance Abuse Services After-Hours	410-758-1306
American Substance Abuse Professionals	888-792-2727

SAMHSA National Helpline

Attachment E Clearinghouse Consent Form

General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse

of the FMCSA Commercial Driver's License I alcohol violation information about me exis employment. This authorization allows the Town of Centreville is also authorized to cotthe limited query conducted by the Town or exists in the Clearinghouse, the FMCSA will a specific electronic consent from me allow required to register with the Clearinghouse conducted. I further understand that if I re Clearinghouse to conduct a limited or full questions.	, hereby provide consent to the Town of Centreville Drug and Alcohol Clearinghouse (Clearinghouse) to exts in the Clearinghouse. This authorization is valid for Town of Centreville to conduct at least one limited nduct additional limited queries during any calendary of Centreville indicates that drug or alcohol violation not disclose that information to the Town of Centreville to conduct a full query. In order to grant electronic consent to the FMCSA factors to provide consent to allow the Town of Centreville to grant electronic consent to the FMCSA factors to provide consent to allow the Town of Centreville to grant electronic consent to the FMCSA factors to provide consent to allow the Town of Centreville to grant electronic consent to the FMCSA factors are provided to the factors of the	determine whether drug or or the duration of my query annually, but the ryear. I understand that if information about me eville without first obtaining I understand I will be for any full query eville to utilize the n exists), the Town of
Signature	Date	
Printed Name	Date of Birth	
Driver's License Number	State of Issue	

Policy Receipt Acknowledgement

I acknowledge I have been provided with a copy of the Town of Centreville's FMCSA Drug & Alcohol Testing Policy. I further acknowledge I have also been provided with contact information for the person or persons who can answer any questions I may have concerning any components, aspects, or consequences contained in this policy.			
Employee Signature	Date		
Employee Printed Name			