



TOWN OF STRAFFORD
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TOWN OF STRAFFORD

ALCOHOL AND DRUG ABUSE POLICY

We, the Town of Strafford, Vermont, value our employees and drivers and recognize each person's need for a safe and healthy work environment. Employees who use illegal drugs and abuse alcohol tend to be less productive, less reliable, more prone to accidents, and more prone to greater absenteeism, resulting in the potential for increased accidents, costs, and risks to the Town of Strafford.

We are committed to maintaining a safe workplace for our drivers and other users of the highways that is free from illegal drug use and the misuse of alcohol.

We, the Town of Strafford, will comply with the requirements for testing of the U.S. Department of Transportation and other Federal and State laws and regulations. We therefore forbid the unlawful use of possession of alcohol and controlled substances.

The violation of this policy or regulations and laws may result in severe disciplinary action, up to and including termination, at our sole discretion.

Adopted this 27th day of December, 1995 by the Strafford Selectboard, Strafford, Vermont.

Kendall Mix
Kendall Mix, Chair

Stephen Willbanks
Stephen Willbanks

Tim Cadwell

Strafford Town Clerk's Office

Rec'd for record 12/28 1995 A.D.
at 8 o'clock 30 minutes A M
Recorded in Book 1016 Page 87
Attest Becky Bullock Town Clerk.

PERSON IDENTIFIED TO ANSWER QUESTIONS

As part of our continuing policy to ensure fair and equal treatment of our drivers, we understand that there may be questions and concerns involving our controlled substance and alcohol testing policies and programs. To assist you in understanding the requirements placed on both you, the driver, and us, the employer for the Town of Strafford we have designated Dennis Ullery of VLCT-PACIF, to answer your questions regarding the alcohol and drug testing program.

Please call VLCT-PACIF at 1-800-649-7915 and ask the for Loss Prevention Department.

DRIVERS SUBJECT TO ALCOHOL AND DRUG TESTING

The Federal Highway Administration of the United States Department of Transportation requires certain drivers to undergo drug and alcohol testing. The drivers who must be tested are those required to have a Commercial Driver's License (CDL).

Who must have a CDL and be tested? Any driver who drives a motor vehicle -

- * With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;
- * With a gross vehicle weight rating of 26,001 or more pounds;
- * Designed to transport 16 or more passengers; or
- * Of any size that is used to transport hazardous material which require the vehicle to be placarded under the hazardous materials regulations.

There are four exemptions to the testing requirements. These exemptions are listed in §382.103 of the Federal Motor Carrier Safety Regulations (49 CFR 382.103).

SAFETY SENSITIVE FUNCTIONS

A driver shall not use alcohol when performing safety sensitive functions nor perform safety sensitive functions within four hours of using alcohol.

A driver shall not report for duty or remain on-duty when his or her job requires performing safety sensitive functions if he or she has been using drugs or has tested positive for drug use.

A driver is performing a safety sensitive function when -

- * Waiting at a terminal, facility, or other property to be dispatched, unless the driver has been relieved from duty by the city or town STRATFORD,
- * Performing pre-trip inspections or servicing the motor vehicles;
- * Driving the motor vehicle;

- 90
- * On the vehicle;
 - * Loading or unloading the vehicle, supervising the loading or unloading, giving receipts for the load, or remaining in readiness to operate the motor vehicle;
 - * Performing duties and services at an accident scene; or,
 - * Repairing, obtaining assistance, or remaining in attendance of a disabled vehicle.

It should be noted that the Federal Highway Administration has interpreted this regulation to mean that if a municipal employee has reported to work on a particular day and is not operating that day, the CDL Qualified Employee is still subject to the testing requirements under the regulation. There is additional interpretation on this subject; available through FHWA or VLCT-PACIF.

PROHIBITED CONDUCT

A driver shall not:

- * Report for or remain on duty performing a safety-sensitive function while having a blood alcohol concentration of 0.04 or greater;
- * Use alcohol while performing safety-sensitive functions;
- * Abuse controlled substances;
- * Be on duty or operate a commercial motor vehicle while possessing alcohol unless the alcohol is manifested and transported as part of the shipment;
- * Perform safety-sensitive functions within four hours of using alcohol;
- * Use alcohol for 8 hours following an accident unless the driver has been given a post-accident test; or
- * Refuse to submit to a required alcohol and/or drug test involving post-accident, random reasonable suspicion, or follow-up testing.

WHEN A DRIVER MUST BE TESTED

The Federal Motor Carrier Safety Regulations are very specific regarding when a driver must submit for a drug and an alcohol test. The drug test will use a urine sample and the alcohol will use a breath sample.

<u>TYPE OF TEST</u>	<u>ALCOHOL</u>	<u>DRUGS</u>
Pre-employment	No	Yes
Random	Yes	Yes
Reasonable Suspicion	Yes	Yes
Post-Accident	Yes	Yes
Return to Duty	Yes*	Yes
Follow-Up ¹	Yes*	Yes

* Required if the test results of the original tests were ≥ 0.04 BAC

TESTING PROCEDURES DRUG TESTING PROCEDURES

The testing program required by the regulations is limited to five drug types: (1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines, (5) Phencyclidine (PCP).

All drug testing must be done from urine specimens collected under highly controlled conditions. Specimen collection procedures require a designated collection site; security for the collection site; chain of custody documentation; use of authorized personnel; privacy during collection; integrity and identity of the specimen; and transportation to the laboratory.

¹ If required by a substance abuse professional.

10
Driver protection is built into the testing procedures. In order to meet the federal requirements the only laboratories that can be used are those that have been certified by the Federal Government. The Substance Abuse and Mental Health Services Administration certifies laboratories that have met all of the guidelines established by the Department of Health and Human Services.

After the urine specimen has been collected and forwarded to the laboratory, two tests may be performed. The initial test is the immunoassay test. This is a screening test to determine drug usage for the five classes of drugs. The second test is a confirmation test.

The positive levels for the five classes of drug tests are in the table below:

<u>DRUGS</u>	<u>INITIAL TEST LEVELS (ng/ml)*</u>	<u>CONFIRMATION TEST LEVELS (ng/ml)*</u>
Marijuana	50	15
Cocaine	300	150
Opiates	300	
Morphine		300
Codeine		300
Phencyclidine (PCP)	25	25
Amphetamines	1000	500
Methamphetamine		500

*ng/ml means nanograms per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter.

If the results of the initial test are negative, the testing laboratory will advise the city or town's Medical Review Officer (MRO) that the drug test for the driver was negative. No additional tests on the specimen will be done.

If the results of the initial test are positive, that is, if the results exceed the test levels of any of the five drug classes, a second (confirmation) test is performed. This test is done in an entirely different manner from the initial one. All specimens identified as positive on the initial test must be confirmed using gas chromatography/mass spectrometry techniques.

Only specimens that are confirmed positive on the second or confirmatory test are reported positive to the Medical Review Officer for review and analysis.

A split specimen collection will be done. That is, the urine is divided into two specimen bottles. If the test result of the primary specimen is positive, you may request the Medical Review Officer to send the second (or split) specimen to a different certified lab for

testing. The testing of the split specimen will be for the presence of drugs and no cut-off levels. If the result of the test of the split specimen is "negative," the MRO shall cancel the test. If you want the split specimen tested, you must advise the MRO within 72 hours of being notified of the positive test result of the primary specimen. The employee will be responsible for the cost of the second test.

The town or city need to keep a record in the driver's file showing the type of test (pre-employment, periodic, etc.); date of collection; location of collection; entity performing the collection; name of the lab; name of the MRO; and the test results.

ALCOHOL TESTING PROCEDURES

Alcohol testing is done by testing breath, because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The test results are displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is called an Evidential Breath Testing Device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent by weight." It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A BAC (blood alcohol concentration) of 0.10 means one tenth of a gram of alcohol per 210 liters of breath. The EBT will print three copies of each test result and the test results are numbered. A test may have two separate parts. The first test is the initial test. If the initial test shows a reading less than 0.02 the test is recorded as "negative." If the initial test 0.02 or greater a confirmation test will be done. The alcohol testing will be done in a site that affords privacy to the drivers being tested. This site could be a room, van, or a partitioned-off area. Only one breath test will be done at one time. The person giving the test will not leave the testing sight during the test.

The first part of the testing process is to make sure that the EBT is operating properly. In the drivers presence the technician runs an "air blank" test to make sure the EBT is working correctly and the reading is zero. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the driver is requested to blow into the mouthpiece for at least 6 seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will immediately read the results of the test and a copy of the printed results will be given to the driver. Printed results are not required for the initial test.

When the initial test results show a reading of 0.02 BAC or greater, a confirmation test is necessary. Before the confirmation test, a 15 minutes waiting period will be observed. The purpose of the 15 minutes waiting period is to ensure that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products, does not artificially raise the test result. As the confirmation test is done on the same EBT as the first test, the testing procedures will be the same.

94

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

TESTING PROGRAMS

PRE-EMPLOYMENT TESTING

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

REASONABLE SUSPICION TESTING

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

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

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

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

RANDOM TESTING

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

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

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

POST ACCIDENT TESTING

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

RETURN-TO-DUTY AND FOLLOW-UP TESTING

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

REFUSAL TO SUBMIT TO A TEST

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

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

46

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

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

CONSEQUENCES OF A POSITIVE TEST

CONSEQUENCES FOR DRIVERS WHO TEST 0.04 BAC AND ABOVE

A driver who tests 0.04 or above

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

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

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

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

CONSEQUENCES OF A POSITIVE DRUG TEST

A driver who test positive for drugs

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

77

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

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

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

SIGNS AND SYMPTOMS OF AN ALCOHOL OR DRUG PROBLEM

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

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

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

70

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

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

METHODS OF INTERVENTION FOR SUSPECTED ALCOHOL OR DRUG PROBLEMS

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

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