

ALCOHOL AND CONTROLLED SUBSTANCES USE AND TESTING FOR SAFETY SENSITIVE DRIVERS POLICY

96-04

I. PURPOSE AND SCOPE

The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to drug and alcohol use in the workplace and the testing of employees in safety sensitive positions in accordance with U.S. Department of Transportation (DOT) regulations, issued under the Omnibus Transportation Employee Testing Act of 1991 and in accordance with the Drug-Free Workplace Act of 1988.

II. POLICY

A safety-sensitive function includes any of the following functions or activities:

- A. at a carrier or shipper facility, or on any public property, waiting to be dispatched, unless the driver is relieved from duty by the employer.
- B. inspecting service brakes, including trailer brake connections, parking brake, steering mechanism, lighting devices and reflectors, tires, horn, windshield wipers, rear vision mirrors, coupling devices, fire extinguisher, spare fuses, or warning devices for stopped vehicles.
- C. inspecting, servicing, or conditioning any CMV in operation.
- D. at the driving controls of a CMV in operation.
- E. while in or upon any CMV, except when resting in the sleeper berth.
- F. supervising or assisting in loading or unloading a vehicle.
- G. attending a vehicle being loaded or unloaded.
- H. while in readiness to operate the vehicle.
- I. when giving or receiving receipts for shipments loaded or unloaded.
- J. performing driver requirements of sections 392.40 and 392.41 or part 392, Driving Motor Vehicles, relating to accidents.
- K. repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle

III. To Whom Policy Applies

This policy applies to those employees who operate motor vehicles, which require a Commercial Drivers License (CDL) (with the exception of GELD, who has their own more stringent policy).

IV. Policy Regarding Alcohol and Drug Use

- A. The Town of Groton (Town) firmly believes that the use of illegal drugs and misuse of legal drugs, including alcohol, is a source of danger in the workplace and a threat to the Town's goal of maintaining a productive and safe work environment. The Town discourages users of illegal drugs and misusers of legal drugs, including alcohol, from seeking employment with the Town and very forcefully encourages the rehabilitation of such persons already in its employ.
- B. While the Town has no intention of intruding into the private lives of its employees, the Town does expect employees to report for work in a condition to perform their duties. The Town recognizes that an employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and the Town's ability to accomplish its goal of providing an alcohol and drug-free environment.
- C. In accordance with the Federal Drug Free Workplace Act, the illegal use, sale or possession of narcotics, drugs or controlled substances while on the job or on Town property is an offense warranting disciplinary action up to and including termination.
- D. Employees, who are under the influence of alcohol during work hours, have the potential for interfering with their own as well as their co-workers safe and efficient job performance. Consistent with Town practice, such conditions will be proper cause for disciplinary action up to and including termination of employment.
- E. Employees are expected to follow any directions of their health care provider concerning prescription medications. However, a driver must immediately notify their supervisor if any prescription drug is likely to have an impact on job performance. In addition, notification must be given at the time of any testing or screening as to any drugs or medicine being taken.
- F. Any employee with a CDL, while on Town property or during the employee's work shift, including without limitation all breaks and meal periods, who consumes, uses, or stores in his or her locker or desk or other such repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation and will be subject to testing and further disciplinary action as set forth in this policy.
- G. The Town is committed to the treatment and rehabilitation of employees with alcohol and controlled substance misuse problems and encourages employees to come forward voluntarily and seek assistance for those problems prior to testing. This voluntary disclosure shall be kept in complete confidence and the employee shall receive no discipline for coming forward.

- H. If at any time an employee volunteers to enter a chemical dependency program, he/she will enter without fear of disciplinary action being taken against him/her as a result of seeking treatment. Such a program is designated to provide care and treatment to employees who are in need of rehabilitation.

V. Policy Regarding Alcohol and Drug Testing

- A. It is the policy of the Town to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident drug and alcohol testing in accordance with the regulations issued by DOT.
- B. Performance of safety sensitive functions is prohibited by employees having a breath alcohol concentration of .04 percent or greater as indicated by an alcohol breath test; by employees using alcohol within four hours of reporting to work; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken.
- C. Use of illicit drugs by employees holding CDLs is prohibited.

VI. Testing

- A. Types of Tests – Timing of Tests

To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. The following tests are required:

1. Pre-employment – All applicants for employment in positions requiring a Commercial Drivers License, or candidates for transfer or promotion to such a position, are subject to screening for improper use of controlled substances.
2. Post-accident – Post-accident tests are conducted after accidents on drivers in Town vehicles whose performance could have contributed to the accident.
3. Reasonable Suspicion – Reasonable suspicion tests are conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse. If a driver's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted.
4. Random – Random tests are conducted on a random, unannounced basis just before, during or after performance of safety sensitive functions for alcohol or at any time for drugs. Each year, the number of random alcohol tests conducted must equal at least 25% of all the safety sensitive drivers in the Town's testing consortium and the number of random drug tests conducted must equal at least 50% of all safety sensitive drivers in the Town's testing consortium.
5. Return to Duty and Follow-up – Return to duty and follow-up tests are conducted when an individual who has violated the prohibited

alcohol or drug standards returns to performing safety sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty at the discretion of the employer.

6. You must submit to alcohol and drug testing. If you refuse to be tested, it is considered a positive test result, the consequences of which will be in effect. Refusal to test is considered to be any time you either fail to provide enough breath for alcohol testing or enough urine for controlled substances testing (without a valid medical excuse) after being notified of the test, or if you otherwise obstruct the testing process.

B. How Tests are Conducted

1. Alcohol Test

DOT rules require breath testing using evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than .02 alcohol concentration is considered a “negative” test. If the alcohol concentration is .02 or greater, a second, confirmation test must be conducted.

2. Drug Test

a) Drug testing is conducted by analyzing a driver’s urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements must ensure that the specimen’s security, proper identification, and integrity are not compromised. To the extent possible, all tests will be conducted off site.

b) DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has seventy-two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

c) All urine specimens are analyzed for the following drugs:

Marijuana (THC metabolite)
Cocaine
Amphetamines
Opiates (including heroine)
Phencyclidine (PCP)

- d) Testing is conducted using a two-stage process. First a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
- e) All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. Legitimate medical reasons may explain a positive test result in some instances of a positive test. If the MRO determines that the drug use is legitimate, the test will be reported to the Town as a negative test.

C. Refusal to Participate

Any refusal to participate in any of the types of alcohol and drug test authorized in this policy will be treated as a positive test result.

D. Costs Associated with Tests

The Town will incur the expense of all tests required by the DOT regulations. Tests not required by DOT regulations, such as testing of split sample, will be incurred by the employee.

VII. Consequences of Positive Tests Concerning: Alcohol

- A. Safety sensitive employees who have any alcohol concentration, defined as .02 or greater, who were tested just before, during, or just after performing safety sensitive functions must be removed from performing such duties for twenty-four (24) hours. Depending on the circumstances, disciplinary action may be imposed upon an employee whose alcohol test reveals any alcohol concentration between .02 and .04.
- B. Drivers who engage in prohibited alcohol use, that is, who test positive for alcohol use greater than .04, will be immediately suspended without pay for three (3) working days and required to consult with a Substance Abuse Professional (SAP). Any driver serving a probationary period will be terminated immediately.
- C. Drivers who test positive who wish to continue employment with the Town must be evaluated by an SAP and comply with any treatment recommendations to assist them with an alcohol problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable).

- D. Drivers who have been evaluated by an SAP, who comply with any recommended treatment, who have taken a return to duty test with a result less than .02 and who are then subject to unannounced follow-up tests, at the employers' expense, may return to work. Also, you must complete a minimum of six (6) follow-up tests within the first year back to work (follow-up testing may be done for up to five (5) years after return to work).
- E. Drivers who have returned to work under these conditions and who subsequently test positive for alcohol will be suspended without pay immediately for ten (10) working days and be required to follow the above procedures for return to work.
- F. Drivers who have returned to work under the conditions outlined above and who subsequently test positive for alcohol will be terminated.

VIII. Consequences of Positive Tests Concerning: Drugs

- A. Safety sensitive employees who test positive for illicit drugs will immediately be suspended, without pay, for sixty (60) days and be required to consult with an SAP. Any driver serving a probationary period will be terminated immediately.
- B. Drivers who test positive who wish to continue employment with the Town must be evaluated by an SAP and comply with any treatment recommendations to assist them with a drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). If treatment recommended and documented by the SAP requires in-patient or out-patient treatment, the time in treatment may be designated as family leave in accordance with the Family Medical Leave Act.
- C. Drivers who have been evaluated by an SAP, who comply with any recommended treatment, who have taken a return to duty test and who are then subject to unannounced follow-up tests at the employee's expense, may return to work.
- D. Drivers who have returned to work under these conditions and who subsequently test positive for drugs will be terminated.

IX. Information/Training

- A. All current and new employees will receive written information about the DOT regulations and testing requirements and how and where they may receive assistance for alcohol and drug misuse. All employees will receive a copy of this policy and sign the Confirmation of Receipt form. (Attached)
- B. At least one supervisory or management personnel in the Highway Department must attend at least two hours of training on alcohol and drug

misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, ongoing training will also occur after implementation of the policy.

- C. This policy will be posted on employee bulletin boards and made available to all employees.

X. Record Keeping

Driver alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the SAP and the MRO, and any arbitrator of a grievance filed in accordance with this policy. Any other release of this information may only be made with the driver's consent, or in response to a court order.

XI. Supervisor Enforcement

All supervisors will be expected to enforce the policy consistent with its terms and conditions. Any supervisor found to ignore the policy; will be subject to disciplinary procedure.

XII. The Effects of Alcohol and Drugs on the Body

- A. **Alcohol**, a nervous system depressant, is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse. A 12 oz. can of beer, a 5 oz. glass of wine, and a 1.5 oz. shot of hard liquor all contain the same amount of alcohol. The average person takes about one (1) hour to process and eliminate .5 oz. of alcohol. Coffee, cold showers, or exercise do not speed up the process. Alcohol first acts on the parts of the brain that affect self-control and learned behaviors. This explains the aggressive behavior of some people who drink. In large doses, alcohol can impair muscular coordination, memory, and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart, and can cause permanent brain damage. On average, heavy drinkers shorten their life span by about ten (10) years.

Other effects:

greatly impaired driving ability

reduced coordination and reflex action

impaired vision and judgment

inability to divide attention

lowering of inhibitions

hangover, including headaches, nausea, dehydration, unclear thinking,

aching muscles

- B. **Marijuana**, also known as *pot*, *weed*, *grass*, and other street names, alters the user's sense of time and reduces the ability to perform tasks that require concentration. The drug has a significant effect on judgment, caution, and sensory/motor functions. Marijuana stays in the body for 28 days, unlike alcohol, which dissipates in a few hours.

Other effects:

impaired driving for at least 4-6 hours after smoking one "joint"

restlessness

inability to concentrate

increased pulse rate and blood pressure

rapidly changing emotions and erratic behavior

altered sense of identity

dulling of attention

hallucinations, fantasies, and paranoia

reduction or temporary loss of fertility

- C. **Cocaine** is a stimulant drug, which increases heart rate and blood pressure. As a powder, cocaine is inhaled, ingested, or injected. Cocaine is also used as free-base cocaine known as *crack* or *rock*, which is smoked. Many people think that, because it is smoked, crack is safer than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive drugs known. Cocaine causes rapid heart beat, tremors, and even convulsions. Due to the extreme demand for oxygen, cocaine use can directly cause a heart attack. High doses can depress brain functioning, breathing, and heart beat, which can cause death.

Other effects:

heightened, but momentary, feeling of confidence, strength, and endurance

accelerated pulse, blood pressure, respiration

impaired driving ability

paranoia, which can trigger mental disorders

irritation and bleeding of nostrils

mood swings and anxiety

reduced sense of humor

compulsive behavior such as teeth grinding or repeated hand washing

- D. **Amphetamines** are drugs that stimulate the central nervous system and promote a feeling of alertness and an increase in speech and general physical activity. Street names for amphetamines are *speed*, *uppers*, *black beauties*, *bennies*, *wake-ups*, *footballs*, and *dexies*. People who use amphetamines become addicted quite often, believing that they need the drug to get by. They use the drug frequently to avoid the "down" mood which they experience when the drug wears off. Even small, infrequent doses can produce restlessness, anxiety, mood swings, panic, heart rhythm disturbances, paranoid thoughts, hallucinations, convulsions, and coma. Long-term users often have acne, trouble with teeth, gums, nails, and hair. Frequent use can produce brain damage and speech problems.

Other effects:
loss of appetite
irritability, anxiety
increased heart rate and blood pressure
difficulty in focusing eyes
exaggerated reflexes
distorted thinking
perspiration, headaches, dizziness
insomnia

- E. **Opiates** include heroin, morphine, codeine, and other narcotics used to relieve pain and reduce sleep. Heroin, also called *junk* or *smack* accounts for 90% of the narcotic abuse in this country. Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal, and cannot be obtained even with a doctor's prescription. Most medical problems are caused by uncertain dosage level, use of nonsterile needles (which transmit the AIDS virus) contamination of the drug, or dangerous combination with other drugs.

Other effects:
Short-lived euphoria
impaired driving ability
drowsiness, followed by sleep
constipation
decreased physical activity
reduced vision
change in sleeping habits
possible death

- F. **Phencyclidine** or PCP, also known as *angel dust*, was developed as a surgical anesthetic in the late 1950's. Later, due to its bad side effects, it was restricted to use as a veterinary anesthetic and tranquilizer. Today, it has no lawful use and is no longer legally manufactured. PCP is a very dangerous drug. It can produce violent and bizarre behavior. More people die from accidents caused by erratic and unpredictable behavior produced by the drug than from the drug's direct effect on the body. PCP scrambles the brain's internal connections and changes how users see and deal with their environment. Routine activities such as driving and walking become very difficult. Low doses produce a rush, sometimes associated with a feeling of numbness. Increased doses produce an excited, confused state including any of the following: muscle rigidity, loss of concentration and memory, visual disturbances, delirium, feelings of isolation, and convulsions.

Other effects:
impaired driving ability
drowsiness
perspiration

repetitive or incomplete speech patterns
blank stare
thick, slurred speech
involuntary eye movement

XIII. Referral for Questions about Policy

The person designated by the Town to answer driver questions about the materials and policy is the Administrative Officer to the Board of Selectmen.

IXV. Contacts for Assistance

The following contacts are provided for assistance with alcohol and/or drug problems:

Substance Abuse Services
Department of Public Health
Hotline: 1-800-327-5050

Wachusett Counseling Association
Leominster, MA
1-508-534-1962

Alcoholic Counseling: 1-508-840-0278

XV. Employee Confirmation

I hereby certify that I was given a copy of the Alcohol and Controlled Substances Use and Testing for Safety Sensitive Drivers policy of the Town of Groton, and have been given an opportunity to ask questions of my supervisor about the content of the policy.

Employee's Name (printed)

Witness' Signature

Employee's Signature

Date

Adopted by the Board of Selectmen: May 14, 1996
Amended: April 22, 2002