



<b>Policy 7.7</b>	<b>Drug and Alcohol Testing</b>		
<u>Effective Date:</u> 9/14/10	<u>Applicable Law/Statute:</u> 49 CFR Part 40	<u>Source Doc/Dept.:</u> None/HR	<u>Authorizing I.C. Sec:</u> None
<u>Last Amended Date:</u> 2/28/12			

## **DRUG AND ALCOHOL TESTING**

**7.7**

### **POLICY**

It is the policy of DuPage County to establish programs designed to ensure the safety of County employees and help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances. The Omnibus Transportation Employee Testing Act of 1991 requires the testing of covered employees and mandates anti-drug and alcohol misuse prevention programs.

### **ELIGIBILITY**

- All employees under County Board Jurisdiction performing a safety-sensitive function, as defined by the Omnibus Transportation Employee Testing Act of 1991. This includes County employees who operate and/or service a commercial motor vehicle (CMV) and are required to maintain a commercial driver's license (CDL) in the performance of their job duties.

### **GUIDELINES**

- A.** As prescribed by law, a commercial motor vehicle shall be defined as one or more of the following:
1. Having a gross vehicle weight rating of 26,001 or more pounds.
  2. Having 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.
  3. Designed to transport sixteen (16) or more passengers, including the driver.
  4. Any size vehicle transporting hazardous materials requiring placards.
- B.** As prescribed by law, a safety-sensitive function shall be defined as all time, from the time an employee reports to work or is required to be in a readiness to work until the time he is relieved from all work duties and responsibilities including lunches and breaks.

- C.** As prescribed by law, alcohol and/or drug tests are required in the following circumstances:
1. Pre-employment
  2. Post motor vehicle accident
  3. Documented reasonable suspicion
  4. Computer generated random pool selection
  5. Return to duty—conducted when an employee has violated the prohibited alcohol and drug standards
  6. Follow-up testing—conducted as directed by a substance abuse professional
- D.** Although alcohol is a legal substance, an employee covered by this act is prohibited from any alcohol misuse that could affect performance of a safety sensitive function, including:
1. Use or possession of alcohol while performing safety-sensitive job functions.
  2. Use during the four (4) hours before performing safety-sensitive functions.
  3. Reporting for duty or remaining on duty with a blood alcohol concentration of 0.04 or greater.
  4. Use during eight (8) hours following an accident, or until undergoing a required post-accident test.
  5. Refusal to take a required test.
  6. A driver found to have any alcohol concentration shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours, and may be subject to the same proceedings as that of a positive test result and disciplinary action may be taken, not to exclude termination.
  7. Breath alcohol test results with any alcohol concentration will be considered to be a positive test result and will be subject to disciplinary action, not to exclude termination.
- E.** Any drug use that could affect performance of a safety-sensitive function is prohibited. This includes the use of any drug, except by doctors' prescription, and only then if the doctor has advised the employee that the drug will not adversely affect the employee's ability to safely perform their job duties.

- F.** Controlled Substances testing shall include, but is not limited to, the following drugs:
- 1.** Marijuana THC (metabolite)
  - 2.** Cocaine, any form or derivative of
  - 3.** Amphetamines (including methamphetamines)
  - 4.** Opiates – Heroin, Opium, etc
  - 5.** Phencyclidine (PCP)
- G.** Some over the counter vitamins or health supplements may contain THC and will result in a positive screen and will be treated as a positive drug screen.
- H.** Refusal to submit to a required alcohol or drug test is prohibited. Refusal to submit to a test means failing to provide adequate samples for testing without medical reason, failing to show up at the testing site when instructed, or engaging in conduct that obstructs the testing process. Failure to submit to a test will result in the same measures as a positive test result and disciplinary action shall be taken, not to exclude termination.
- I.** An employee who does not pass a required alcohol or drug test shall be relieved immediately of safety-sensitive duties as outlined in the employee's job description.
- J.** An employee who violates the alcohol misuse or drug use rules may be required to complete a program under the supervision of a substance abuse professional.
- K.** An employee violating the above policy is subject to discipline, not to exclude termination for a first offense.
- L.** Alcohol and drug testing records will remain confidential as prescribed by law.
- M.** In the event an employee's Commercial Driver's License (CDL) is revoked, suspended or canceled, the employee will have up to sixty (60) days in which to regain the CDL. During this period of loss of CDL driving privileges, an employee may be placed on a leave of absence with time charged, as available, to accrued paid time off. An employee may also be assigned to a non-driving position at the discretion of the Department Head.
- N.** In the event that an employee is unable to regain their CDL, the employee shall be subject to termination.
- O.** It is the responsibility of the employee to maintain and renew their CDL.
- P.** The operation of any Commercial Motor Vehicle by a County employee without a valid CDL is strictly prohibited.

## PROCEDURES

1. By law, acknowledgment and agreement to this policy is required of covered employees as a condition of employment. All regular employees who have a CDL and perform safety-sensitive work will receive:
  - a. A copy of the drug and alcohol testing policy and procedures
  - b. Training in regards to the dangers of drug use and alcohol misuse
  - c. An acknowledgment form to sign, which will be placed in the employee's personnel file
2. The Human Resources Department shall maintain compliance with drug and alcohol testing procedural guidelines as prescribed by law.
3. It is the employee's responsibility to inform their Department Head or Supervisor if they are currently on prescription medication that may affect their ability to safely and effectively perform the duties of their job. If there is no appropriate work available, the Department Head or Supervisor should contact their Human Resources Representative. (Personnel Policy 7.6: Drug Free Workplace)
4. All drug and alcohol test results will be conducted, reviewed and interpreted by professionally trained and certified technicians and/or medical review officers who will follow a chain of custody which includes splitting the sample into two separate samples in order to ensure and confirm the accuracy of the test results.
5. In cases where an employee receives a negative-dilute test result, the employee will be required to re-take the test. If there is a second negative-dilute test result, it will be accepted as a negative test result.
6. In cases where an employee is notified of a positive drug or alcohol test, the employee will be removed from duty for up to 72 hours. The employee may request that the second sample of the split sample be tested, at their own expense. If the results of the second sample are negative, the County will reimburse the employee for the cost of the test.
7. Upon being informed of a positive drug or alcohol test result, the employee will be encouraged to complete an evaluation with a Substance Abuse Professional (S.A.P.). This service is available through the Employee Assistance Program (EAP). The employee may choose to use accrued paid time off during this evaluation period.
8. According to regulations, following a positive test result, the employee may only return to safety-sensitive duties after being cleared by a Substance Abuse Professional (S.A.P.) and having a negative return to work drug screen. The employee will also be subject to follow-up testing in accordance with DOT regulations and S.A.P. recommendations.

- 9.** The County reserves the right to offer employees participation in an approved alcohol rehabilitation or drug abuse assistance program, at the employee's cost, as an alternative to, or in conjunction with disciplinary action. If such a program is offered and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.
- 10.** Disputes that arise under this policy shall be handled pursuant to Personnel Policy 10.2: Problem Resolution/Grievance.
- 11.** Questions regarding drug and alcohol testing policy and procedures should be directed to a Human Resources Representative.

The County reserves the right to terminate an employee based upon a positive drug or alcohol test result.