

TOWN OF PLYMOUTH
ALCOHOL AND CONTROLLED SUBSTANCES
USE AND TESTING POLICY
FOR
SAFETY-SENSITIVE DRIVERS

8/15/95

Rev. 3/01

Introduction:

This is the policy of the Town of Plymouth regarding alcohol testing and drug testing of those employees who operate motor vehicles which require a commercial driver's license. This testing policy is issued in conjunction with the Town of Plymouth Alcohol and Drug Policy and the Department of Transportation regulations.

Terms and Abbreviations:

BAT	Breath Alcohol Technician
CDL	Commercial Driver's License
CMV	Commercial Motor Vehicle
DHHS	Department of Health and Human Services
DOT	Department of Transportation
EAP	Employee Assistance Program
EBT	Evidential Breath Testing
MRO	Medical Review Officer
SAP	Substance Abuse Professional

Definitions:

Alcohol	The intoxicating agent in beverage alcohol, ethyl alcohol, methyl or isopropyl alcohol
Alcohol Concentration	Also called alcohol content, the alcohol volume of breath as indicated by an evidential breath test, such as a breathalyzer
Alcohol Use	The consumption of any beverage, mixture or preparation, including medications, containing alcohol
Breath Alcohol Technician	An individual who instructs and assists individuals in the alcohol testing process and operated an evidential breath testing (EBT) device
Confirmation Test	In alcohol testing, a second test with a result of 0.02 or greater, that provides a quantitative measurement of alcohol concentration
Controlled Substances	In this policy, the terms <u>drugs</u> and <u>controlled substances</u> are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to: <ul style="list-style-type: none">• Marijuana• Cocaine• Opiates• Phencyclidine (PCP)

- Amphetamines, including methamphetamines

Driver	Any person who operates a commercial vehicle (CMV) including: <ul style="list-style-type: none"> • Full-time drivers • Temporary or occasional drivers • Leased drivers • Independent owner-operator contractors who are either directly or indirectly employed by the Town of Plymouth
Evidential Breath Testing	A device used for alcohol breath testing that has been approved by the National Highway Safety Administration
Medical Review Officer	A licensed physician (M.D. or O.D.) responsible for interpreting lab results from the Town of Plymouth’s drug testing program
Screening Test	<u>In alcohol testing</u> : the initial test to determine if a driver has a prohibited concentration of alcohol in his or her system <u>In controlled substances testing</u> : a screen to eliminate <u>negative</u> urine specimens from further consideration
Substance Abuse	Refers to patterns of substance use that result in health consequences or impairment in social, psychological, and occupational functioning
Substance Abuse Professional	A licensed physician (M.D. or O.D.) or a licensed or certified psychologist, social worker, or addiction counselor with experience in the diagnosis and treatment of alcohol and substance problems

Who is covered by the Alcohol and Drug Rule?

The Federal Highway Administration, Department of Transportation Alcohol and Drug ruling applies to every person who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce, and is subject to the commercial driver's license (CDL) requirements of part 383.

In accordance with the Fair Practices Article of the collective bargaining agreement, there shall be no discrimination by foremen, superintendents or other agents of the Employer against any employee because of his activity or membership or non-membership in the Union.

What is a Safety Sensitive Function?

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

- Inspecting service brakes, including trailer brake connections, parking brake, steering mechanism, lighting devices and reflections, tires, horn, windshield wipers, rear vision mirrors, coupling devices, fire extinguisher, spare fuses, or warning devices for stopped vehicles.
- Inspecting, servicing, or conditioning any CMV in operation
- At the driving controls of a CMV in operation while in or upon any CMV, except when resting in the sleeper berth
- Supervising or assisting in loading or unloading a vehicle
- Attending a vehicle being loaded or unloaded
- While in readiness to operate the vehicle
- When giving or receiving receipts for shipments loaded or unloaded performing driver requirements of sections 392.40 and 392.41 of part 392, Driving Motor Vehicles, relating to accidents
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle

What are the Alcohol and Drug Prohibitions?

The DOT refers to the restrictions for the use of both alcohol and controlled substances as prohibitions.

Alcohol Prohibitions:

A driver may not perform a safety sensitive-function with .02-.04 blood alcohol concentration until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following the administration of the test.

A driver may not report for duty or stay on duty

- With a blood alcohol concentration of 0.04 or greater
- If in possession of alcohol (unless it is being transported as cargo) including any product or medication containing alcohol.

- Within four hours of using alcohol

A driver who has had an accident may not use alcohol until post-accident testing is done or for a period of eight hours, whichever comes first.

Drivers may not refuse to submit to alcohol testing.

Drug Prohibitions:

Drivers may not report for or stay on duty while using any controlled substance, except when a physician has prescribed a substance which does not interfere with the driver's ability to operate a vehicle in a safe manner.

Drivers may not report for duty or stay on duty if they have tested positive for a controlled substance.

Drivers may be required to report the use of any drugs prescribed by a physician.

What tests are required and when will I be tested?

There are five situations where testing can be done to determine the presence of alcohol and/or drugs.

- Pre-placement: Before a new hire can perform any safety-sensitive duties, or when a person transfers into a safety-sensitive function from elsewhere in the Town of Plymouth, unless they are already in the pool.
- Post-accident: Following an accident involving a fatality, or when the driver was cited for a moving violation
- Random: Unannounced random testing is required on a certain percentage of drivers each year

How: the random selection process will ensure that each driver has an equal chance of being tested each time selections are made.

When: Random testing for alcohol must be performed immediately before, during, or after performing safety-sensitive work. Random drug testing may be performed any time you are working for the Town of Plymouth. When you are notified that you have been selected for random testing, you must report immediately to the test site. The Town intends to perform random tests only during regular working hours, but will pay employees who are detained beyond their regular hours in accordance with the provisions of the collective bargaining agreement or the applicable state and federal laws.

Random Testing is done as follows:

- 10% of all drivers must be randomly tested for alcohol during the first year of the program.
- 50% of drivers must be randomly tested for controlled substances during each year of the program
- If a random test is canceled by the Town, the list drawn for that day will be discarded and a new random list prepared for the next test.
- If an employee was scheduled to be off and was selected for the random test, the employee will not be scheduled or carried over for an additional test. If an employee calls in absent on the day of the test, unless the employee was ill on the previous day, the employee will be scheduled for another test.

Reasonable Suspicion: If your employer believes that your behavior or appearance may indicate alcohol or drug use. Observations by the employer must be made during working hours. Appearance, speech, behavior, and body odor are factors in determining reasonable suspicion. The supervisor must directly observe the behavior in question and may not rely solely on third party reports of alcohol or drug misuse. Observations for reasonable suspicion will be made by a trained supervisor in accordance with DOT regulations.

- The supervisor who determines that there is a reasonable suspicion may not conduct the test on the driver; he must obtain a second opinion from another supervisor. A written, signed report must be completed by the supervisor who determines the reasonable suspicion, and the second opinion must be recorded. Records will be submitted prior to the administration of the test.
- Alcohol testing for reasonable suspicion should take place within two hours of the observation. Tests that cannot be done within eight hours of the observation should not be done.
- You may not report for duty or stay on the job while under the influence of alcohol. The Town of Plymouth will not allow you to perform safety-sensitive duties until:

Your alcohol concentration is less than 0.02

Or

24 hours have passed from the time of the initial observation

- The Town of Plymouth will not take action against employees covered by this agreement regarding alcohol misuse on the job unless an alcohol test was administered.

Return to Duty and Follow-up

- Return to duty testing is required for drivers who have violated prohibitions before they return to work. In order to return to work, an alcohol concentration of less than 0.02 or a negative drug test is required. The Town will schedule a return to duty test within forty-eight hours of notification by the employee that he/she is ready to return to work. The Town will expect the results within forty-eight hours. If the test is negative, the employee will be scheduled to return to work on the day following receipt of the results by the Town.
- Follow-up testing is required after the driver returns to safety-sensitive function. The ruling calls for a minimum of six tests during the first year back in a safety-sensitive position. Follow-up testing may continue for up to five years.

What happens if I refuse to be tested?

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.

How is alcohol testing done?

All alcohol testing will be done by a Breath Alcohol Technician (BAT) in a private setting. No other party will see or hear the test results. An evidential breath-testing device (EBT) must be used.

- The BAT will not be a town employee.
- The BAT will ask you for identification. You may ask for the BAT's identification as well.
- To complete the test, you must blow forcefully into the mouthpiece of the testing device. The BAT must show you the test result on the testing device.
- A screening test is done first. If the reading is less than 0.02, you will sign and date the certification. The test will be reported as negative.

- If the reading is 0.02 or greater, a confirmation test must be done (after 15 minutes but within 20 minutes of the first test.) You will be asked not to eat, drink, belch, or put anything in your mouth. These steps prevent the buildup of mouth alcohol, which could lead to an artificially high test result.
- If screening and confirmation test results are not the same, the confirmation test result is used.
- A copy of the certification will be available whenever possible; if not available, the union representative will be allowed to observe the results.
- All time spent administering the alcohol and controlled substances policy, including travel time, will be paid at the regular rate or overtime if applicable. Any employee not allowed to return while awaiting test results will be compensated for all time, including overtime if applicable.
- If you refuse to be tested or to sign the testing form, the BAT will immediately notify your employer or manager.

How is drug testing done?

Drug testing is done by analyzing a urine sample, which is collected in a private location.

- Urine specimens are divided into two containers by the collection site person in your presence. These two samples, called primary and split, are sent to a testing laboratory certified by the DHHS.
- At the laboratory, a screening test is performed on the primary sample. If this test is positive for drugs, a confirmation test is required.
- The confirmation test must use a specialized procedure called gas chromatography/mass spectrometry, to ensure that over-the-counter drugs are not reported as positive.
- If the first test is positive, the MRO will contact you to find out if there is a medical reason for drug use. If the MRO determines a legitimate medical excuse, the test may be reported as negative.
- After being notified that the first test was positive, you have 72 hours to request a test of the split specimen. If you make this request, the split specimen is sent to another DHHS-certified lab for the test. If you do not contact the MRO within 72 hours, but can prove a legitimate reason for not doing so, the MRO may order the split specimen to be tested. If the employee wishes a split test and to select the lab at which the second sample

is to be tested, the employee will pay for that test. If the Town chooses the lab for the second test, the Town will pay for that test.

- Removal from safety-sensitive duty is required by the DOT following the first positive drug test. If the analysis of the split sample does not confirm the presence of a drug, the MRO shall cancel the test and report this to the DOT, the Town of Plymouth, and you.

What are the consequences of violating the Alcohol or Drug Prohibitions?

Random, Return to Duty & Follow-up

- First positive random; three day suspension. Return to duty after the successful completion of program as identified by the Substance Abuse Professional (SAP) & Medical Review Officer (MRO). Probationary employees will be discharged.
- Second positive within 24 months; ten day suspension. Return to duty after successful completion of program as identified by SAP & MRO.
- Third positive within 24 months of second positive: discharge.

POST ACCIDENT, as defined in the DOT regulations:

- Positive: discharge

REASONABLE SUSPICION

- First positive: 5-day suspension. Return to duty after successful completion of program as identified by SAP & MRO (Probationary employees will be discharged).
- Second positive within a 36-month period: discharge.

PRE-PLACEMENT (Includes promotion to a safety-sensitive position)

- First positive: action canceled, no appointment to position.

Where can I go for help?

The alcohol and drug rule requires that the Town of Plymouth provide you with an opportunity for treatment. The ruling does not, however, require the Town to hold a job open for you or to pay for your rehabilitation. If you violate an alcohol or drug prohibition, you must be evaluated by a substance abuse professional to determine what help is needed, and you are subject to disciplinary action up to and including termination, as specified above.

Payment of recommended programs will be covered by the employee's health insurance according to the terms set forth in the medical insurance health agreement, i.e. deductibles and co-payment are the responsibility of the employee.

After the appropriate disciplinary action has been imposed, if the employee is in a program, they may use available vacation time. They shall also be eligible for sick leave benefits, either on a full or part-time basis if provided for by the treatment plan recommended by the MRO. In addition, they may be eligible for Family Medical Leave benefits, depending on the situation. The Human Resources Director will review their FMLA request.

Before you can return to a safety-sensitive job, you must:

- Have an alcohol concentration of less than 0.02, or a verified negative drug test, depending on the violation.
- Complete recommended treatment as determined by the SAP and MRO.

After you return to work, you must:

- Complete a minimum of six follow-up tests within the first year back to work (follow-up testing may be done for up to five years after return to work)

MANAGER ENFORCEMENT

- Supervisors shall attend annual training sessions on the DOT regulations and/or recognizing drug and alcohol misuse. The Union shall be supplied with a list of training and attendance.
- All managers will be expected to enforce the policy consistent with its terms and conditions. Any manager found to ignore the policy will be subject to the Town's disciplinary procedure.

LABORATORY CERTIFICATIONS

- All companies used by the Town of Plymouth will meet the certification of such companies as specified in the DOT regulations. All equipment used by such companies will be in compliance with federal regulations.
- If the Town changes contractors, labs, or procedures, it will notify the Union 90 days in advance, or as soon thereafter as the Town becomes aware of the change.

Temporary filling of position

The Town of Plymouth reserves the right to temporarily fill positions as necessary, either from within or outside the Union. Union employees will be given every opportunity to fill the vacancy unless licenses or certifications required by either the Town or the State or Federal government are not in possession.

Related consequences

If any employee who requires license(s) for their job, loses his/her license for driving under the influence of either drugs or alcohol, he/she may be required by management to accept a demotion to a non-driving position, as long as one is available, and as long as it does not adversely affect the operation of the department, up to a maximum of 90 days. If the loss of license is for more than 90 days, or if no position is available, or if the operations of the department would be adversely affected by placing the individual in another position, the employee may be required to take a leave of absence without pay. In addition, he/she will be required to meet with a Substance Abuse Professional (SAP) and successfully complete any recommended programs. A second incident will result in a 5-day suspension followed by a discharge. If the employee's behavior involves unbecoming conduct or criminal behavior, which goes beyond driving under the influence, the Town reserves the right to impose more severe discipline, up to and including discharge.

What are the effects of alcohol and drugs on the body?

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 1/2 oz. shot of hard liquor all contain the same amount of alcohol. The average person takes about one hour to process and eliminate one half ounce 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 judgement. 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 years.

Other effects:

- Greatly impaired driving ability
- Reduced coordination and reflex action
- Impaired vision and judgement
- Inability to divide attention
- Lowering of inhibitions
- Hangover, including headaches, nausea, dehydration, unclear thinking, aching muscles

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 which require concentration. The drug has a significant effect on judgement, 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
- 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

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. Some 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

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-up, 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, and 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

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 unsterile 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

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 convulsion.

Other effects:

- Impaired driving ability
- Drowsiness
- Perspiration
- Repetitive or incomplete speech patterns
- Blank stare
- Thick, slurred speech
- Involuntary eye movement

If you would like further information or assistance on alcohol or drug issues, you may do so on a confidential basis through the Town's Employee Assistance Program. Contact Health Resources for confidential assistance at 1-800-451-1834.

If you have questions about the Drug and Alcohol Testing Program in the Town of Plymouth, you may contact the Human Resources Director at 830-4100.

SIGN OFF SHEET

I HAVE READ, AND/OR HAVE HAD EXPLAINED TO ME, THE ALCOHOL
AND DRUG TESTING POLICY OF THE TOWN OF PLYMOUTH

PRINT NAME: _____

SIGNATURE: _____

DATE: _____