



**DOUGLAS COUNTY GOVERNMENT
POLICY FORM**

<p>SUBJECT</p> <p>Department of Transportation (DOT) Drug and Alcohol Regulations</p>	<p>POLICY NO. HR.8.06</p>
<p>TITLE</p> <p>Douglas County Government Policy Regarding Compliance with Department of Transportation Drug and Alcohol Regulations</p>	<p>APPROVAL DATE</p> <p>May 2006</p>
	<p>REVISION/REVIEW DATE</p> <p>August 15, 2018</p>

PURPOSE: The use of controlled substances and the misuse of alcohol increase the risk of accidents, jeopardize the safe work environment, and cause harm to an individual's health. The goal of Douglas County is to provide employees with a workplace that promotes health and safety.

The purpose of this policy is to establish procedures to comply with applicable federal safety standards for safety-sensitive duties regulated by the Department of Transportation. These standards were designed to reduce accidents that result from employee abuse and/or misuse of controlled substances and alcohol.

DEPARTMENT RESPONSIBLE: Human Resources

DEPARTMENT(S) AFFECTED: Any and all departments with employees maintaining a Commercial Driver's License (CDL).

POLICY:

I. AUTHORITY

The regulatory authorities providing the foundation for this policy are: Department of Transportation (DOT) or Federal Motor Carrier Safety Administration (FMCSA) Title 49 Code of Federal Regulations Part 382 - 40, Drug-Free Workplace Act of 1988 (P.L. 100-690 Title V, Sub Title D), and Douglas County Drug-Free Workplace Policy.

II. SCOPE

1. This policy applies to all employees who are required to hold a commercial driver's license (CDL) in order to perform their job for Douglas County Government. For purposes of this policy, an employee is covered by DOT regulations as those regulations relate to the employee's fitness-for-duty and use of alcohol prior to going on duty, while on duty, or while operating or having physical control of a commercial motor vehicle. DOT testing for controlled substances under this policy requires that employees abstain from the use of controlled substances at any time or risk violating DOT regulations prohibiting the presence of controlled substances in their body.

2. In accordance with Douglas County policy, federal DOT and FMCSA regulations, and as allowed under Colorado regulations, testing positive for or being under the influence of medical or recreational marijuana, may result in a positive drug test result and will be subject to actions outlined in this policy.

III. DEFINITIONS

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. Includes beer, wine, liquor, and over the counter products containing alcohol; e.g., Nyquil, mouthwash, etc.

Alcohol Use: The consumption of any beverage, mixture, or preparation including any medication containing alcohol.

Collection Site: A place where individuals present themselves for the purpose of providing breath or body fluid to be analyzed for alcohol or specified controlled substances. The site must meet all DOT and/or FMCSA standards.

Commercial Motor Vehicle (CMV): A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property which is 26,001 lbs. or greater.

Controlled Substance: Any drug listed in 21 U.S.C. 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. These drugs include opiates, cocaine, marijuana, PCP, and amphetamines. They also include "legal drugs" which are not prescribed by a licensed medical practitioner or are prescribed legally but used illegally.

Direct Observation Collection: Observation of the collection will be required by the collector if the donor, during the collection process, attempts to substitute, tamper with, or adulterate a urine sample.

Drug: Any substance (other than alcohol) that has known mind or function altering effects on a person. These include, but are not limited to, substances prohibited or controlled by Colorado and federal laws. A prescribed drug is any substance prescribed for the individual by a licensed medical practitioner and which is used in the manner, combination, and quantity prescribed.

Job Impairment: An employee's behavior or condition which adversely affects performance (e.g. reduced alertness, coordination, reactions, responses, or effort) or threatens the safety of the employee, others, or property; or exhibits conduct detrimental to the public's perception of Douglas County personnel.

Mandated Treatment: Substance abuse treatment that may be required by a substance abuse professional as a condition of an employee's continued employment.

Medical Review Officer (MRO): A licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders who is employed or used by an agency to conduct drug testing in accordance with these policy guidelines.

On-Duty Time: Means all time from the time an employee begins to work or is required to be in

readiness to work until the time he/she is relieved from work and all responsibility for performing work. On-duty time shall include all safety-sensitive functions noted below.

Reasonable Suspicion: Suspicion of substance use based on specific, objective facts.

Safety-Sensitive Functions for CDL Positions: 1) waiting to be dispatched; 2) all time spent at the driving controls; 3) all loading and unloading time; 4) all supervising of loading and unloading; 5) servicing, conditioning, or inspecting motor vehicles; 6) waiting or acquiring assistance for disabled motor vehicles; 7) all time other than driving time spent resting in or upon the commercial motor vehicle.

Substance Abuse Professional (SAP): DOT certified professionals with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.

IV. PROCEDURES - GENERAL

1. Employees required to possess a Commercial Driver's License (CDL) are subject to all testing requirements required by the DOT and/or FMCSA, including pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up testing.
2. Any test for drug or alcohol use must conform to the standards established for approved vendors and, if applicable, DOT and/or FMCSA requirements.
3. Any supervisor observing the need for a test for controlled substances or alcohol must comply with the Douglas County Human Resources Department with all record keeping requirements of these procedures and, if appropriate, the DOT and/or FMCSA.
4. Supervisors must comply with the specific procedures outlined below when contacting Human Resources about their observations and the need for a drug or alcohol test. Supervisors who misuse their authority by failing to follow these procedures or inappropriately testing applicants or employees will be subject to disciplinary action.
5. Except for the second test of a urine split sample, all costs for drug or alcohol testing are the responsibility of Douglas County. Employees or applicants who request a test of the split sample must pay for all costs associated with the split sample test.

V. PROHIBITIONS

1. All Douglas County employees are subject to the Douglas County Drug-Free Workplace Policy found in the Douglas County Government Employee Handbook. This policy prohibits the use of alcohol, other drugs, or controlled substances that result in job impairment. It also prohibits the illegal possession, manufacture, use, sale, or transfer of a controlled substance during working hours by employees.
2. In addition to the prohibitions of the Douglas County Drug-Free Workplace Policy, employees in positions requiring a CDL are subject to the specific prohibitions and consequences specified by the DOT and/or FMCSA.

A. ALCOHOL PROHIBITIONS: Any alcohol misuse that could affect performance of a safety-sensitive function, including:

- 1) Use while performing safety-sensitive functions.
- 2) Use during the 4 hours before performing safety-sensitive functions.
- 3) Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of .02 or greater.
- 4) Possession of alcohol, unless alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over the counter), unless the packaging seal is unbroken.
- 5) Use during the 8 hours following an accident or until he/she undergoes a post-accident test. No driver shall leave the scene of an accident, without a valid reason, before arranging to have both a controlled substance and alcohol test performed.
- 6) Refusal to take a required test.
- 7) Performance of safety-sensitive functions for at least 24 hours when a test shows an alcohol concentration of .02 to .039.
- 8) Interfering with accurate testing or altering test results.

B. DRUG PROHIBITIONS: Any drug use that could affect performance of safety-sensitive functions, including:

- 1) Use of any drug, except by a medical professional's prescription, and then only if the medical professional has advised the employee that the drug will not adversely affect the employee's ability to safely operate a CMV. If the drug will adversely affect the employee's ability to safely operate a CMV, the employee shall obtain a statement from the medical professional indicating any work restrictions and their duration. The employee shall present that statement to his or her supervisor prior to going on duty.
- 2) Testing positive for drugs.
- 3) No driver shall leave the scene of an accident, without a valid reason, before arranging to have both a controlled substance and alcohol test performed.
- 4) Refusing to take a required test.
- 5) Interfering with accurate testing or altering test results.

C. PRESCRIPTION MEDICATION: As required by Douglas County and not specified in DOT and/or FMCSA regulations:

- 1) It is the responsibility of each employee to notify Douglas County or their supervisors when they are taking ANY prescription that may create impairment.
- 2) Employees MUST have a valid and current doctor's prescription and MUST be under the prescribing doctor's care if taking any type of prescription medicine that can create impairment.
- 3) If an employee tests positive and cannot produce a valid prescription, the MRO will report a positive result to the employer. Consequences for a positive test will apply.
- 4) If an employee tests positive and a valid prescription exists, the MRO will report the result as a negative, but will also report any safety concerns, which may require further evaluation.

VI. CONSEQUENCES FOR VIOLATION OF PROHIBITIONS

1. The employee may be subject to immediate corrective and/or disciplinary action up to and including termination at Douglas County discretion and not specified in DOT and/or FMCSA regulations.
2. The employee shall not perform safety-sensitive functions until all return-to-duty requirements are met. Before returning to duty, the employee must undergo a return-to-duty test for:
 - A. Alcohol with a verified return-to-duty test result of less than .02, and/or
 - B. Drugs with a verified negative result.
3. The employee shall be advised by the Douglas County Human Resources Department of the resources available in evaluating and resolving the problem. This shall include the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment services.
4. Prior to being allowed to return to safety-sensitive functions, the employee must be evaluated by a Substance Abuse Professional (SAP) who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use. Douglas County and the SAP may discuss the employee's treatment without the employee's consent.
5. If the employee was identified as needing assistance in resolving the problem, the employee must:

- A. Be evaluated by the SAP to determine that the employee properly followed any prescribed rehabilitation program, and
 - B. Be subject to unannounced follow-up alcohol and/or drug tests administered by the employer following the employee's return to duty. The number and frequency of the tests are to be determined by the SAP, must remain unknown to the employee, and must consist of at least six tests during the first 12 months following the employee's return to duty. Follow-up testing may be done for up to 5 years.
6. Follow-up tests cannot be substituted for other tests (such as random).
 7. Return-to-duty and follow-up drug tests must be done under direct observation.
 8. Douglas County will not hire applicants who test positive for controlled substances even if an offer of employment has been made.
 9. The above consequences are minimum requirements as set out by the DOT and/or FMCSA. Compliance with the above does not guarantee an employee will be returned to work following a violation of this policy. Employees will be subject to disciplinary action up to and including termination for violation of this policy, regardless of eligibility to return to work under the DOT and/or FMCSA regulations.

VII. REHABILITATION

1. Douglas County is only obligated to provide the names of SAP's and counseling and treatment programs to an employee testing positive. In cases of pre-employment tests, Douglas County has no responsibility for SAP referral but is required to provide information on how an applicant may seek help for their addiction.
2. Any and all costs associated with treatment, rehabilitation, and/or counseling are the sole responsibility of the employee or applicant.

VIII. TESTS REQUIRED FOR EMPLOYEES IN SAFETY-SENSITIVE JOBS (CDL REQUIRED)

For the purpose of ensuring compliance with the Federal Department of Transportation Regulations, the Federal Motor Carrier Safety Administration, and this policy, applicants for driving-related positions and employee drivers will be subject to controlled substance and alcohol screening under the circumstances described below. Applicants and employees are required to submit to testing in the following circumstances as a condition of their employment.

1. PRE-EMPLOYMENT TESTING: (382.301)
 - A. Applicants for driving-related positions shall undergo a test for the presence of controlled substances prior to being hired or used by Douglas County Government. Under no circumstances may an employee perform a safety-sensitive function until a confirmed negative result is received.
 - B. Applicants who refuse to submit to testing will not be hired.

- C. References to “applicants” in this policy include current Douglas County employees who are acquiring a new Commercial Driver’s License.

2. POST-ACCIDENT TESTING: (382.303)

- A. As soon as practical following an accident, Douglas County shall test the surviving driver for alcohol and drugs when either:
 - 1) The accident involved a fatality **or**
 - 2) The driver receives a moving violation traffic citation **and**
 - a) One of the vehicles involved in the accident had to be towed **or**
 - b) One of the people involved in the accident had to receive medical attention immediately away from the scene.
- B. Alcohol tests should be conducted within 2 hours of the accident. If a test was not administered within this time frame, the Human Resources Department will prepare and maintain a file on record stating the reason a test was not promptly administered. If the driver is not tested within 8 hours, attempts to administer a test should cease and a record prepared and maintained by the Human Resources Department indicating why the test could not be performed.
- C. Drug tests should be completed within 24 hours of the accident. If a test was not administered within this timeframe, the Human Resources Department will prepare and maintain a file on record stating the reason a test was not promptly administered. If the driver is not tested within 32 hours of the accident, attempts to test should cease and a record prepared and maintained by the Human Resources Department indicating why the test was not performed.
- D. A driver who is subject to post-accident testing must remain available or Douglas County may consider the driver to have refused to submit to testing. The driver subject to post-accident testing must refrain from consuming alcohol for 8 hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

NOTE: Nothing in the regulations should be construed as to require the delay of necessary medical attention for injured people following an accident. Also, the driver is not 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 care.

3. RANDOM TESTING: (382.305)

- A. Employees will be subject to controlled substance and alcohol testing at any time on a random basis as a term and condition of holding a CDL or safety-sensitive position. Upon being notified of selection, the employee must immediately proceed

to the testing site.

- B. Random alcohol testing shall be administered at a minimum annual rate of 10% of the average number of CDL positions, including temporary positions.
- C. Random drug testing shall be administered at a minimum annual rate of 50% of the average number of CDL positions, including temporary positions.
- D. Random testing shall only be performed while the employee is performing safety-sensitive functions, immediately prior to performing, or immediately after performing safety-sensitive functions.
- E. The conditions for selection and notification of random testing are:
 - 1) Selection of employees shall be made by a scientifically valid method.
 - 2) Douglas County Government Human Resources Department or its designated vendor shall assure that random tests are unannounced and spread reasonably throughout the year.
 - 3) Douglas County Government Human Resources Department and the supervisory staff shall ensure that employees selected for random tests proceed immediately to the testing site upon notification of selection.
 - 4) In the event an employee, who is selected for a random test, is sick or on vacation, they will be required to submit to the random test upon their return to work. Douglas County Human Resources Department will make that determination.
 - 5) In the event an employee, who is selected for a random test, is on an extended medical absence or layoff, Douglas County Human Resources Department will contact its designated vendor for the name of the next alternate random selection in place of the original selection. If an alternate employee is selected, both the Human Resources Department and its designated vendor must document the details of the alternate selection.

4. REASONABLE SUSPICION TESTING: (382.307)

- A. A supervisor must contact Human Resources to discuss the need for a drug or alcohol test when he/she has reasonable suspicion to believe the employee has violated the prohibitions of these regulations. The supervisor must base their determination on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The supervisor must document his/her observations.
- B. For drug tests, the documentation must be completed within 24 hours of the observed behavior or before the results are released, whichever is earlier.

- C. If an alcohol test is not made within 2 hours of the observed behavior, the supervisor, working in conjunction with the Human Resources Department, should document why. If not made within 8 hours, attempts to test should cease and the supervisor, working in conjunction with the Human Resources Department, should document why the test could not be given.

- D. If reasonable suspicion of alcohol is observed but a test has not yet been administered, the employee shall not perform safety-sensitive functions until a confirmed negative test result is received. The employee will remain on paid status pending the receipt of drug testing results by the Human Resources Department.

5. RETURN-TO-DUTY TESTING: (382.309)
 - A. An employee who has violated these alcohol or drug prohibitions may return to safety-sensitive functions after he/she is evaluated by a SAP and participates in any prescribed assistance program.
 - B. Return-to-duty tests need not be confined to the substance involved in the violation. The SAP may recommend both a drug and alcohol return-to-duty test be given. An employee's return to duty is also contingent upon approval from the employee's supervisor and the employee must have a negative test result in order to return to duty.
 - C. Return-to duty drug tests must be under direct observation.
6. FOLLOW-UP TESTING: (382.311)
 - A. If the SAP determines that an employee needs assistance resolving problems associated with alcohol or drug use, the Human Resources Department shall ensure that the employee is subject to unannounced follow-up testing following the employees' return to duty. The number and frequency of the tests are to be determined by the SAP but must consist of at least 6 tests during the 12 month period following return to duty and may extend for up to 5 years.
 - B. The SAP's plan for follow-up testing must remain unknown to the employee.
 - C. Follow-up tests cannot be substituted for other tests (such as random).
 - D. Follow-up drug tests must be under direct observation.

IX. EMPLOYEE DRUG TEST NOTIFICATIONS

1. The Medical Review Officer (MRO) or Human Resources Department must contact the employee/applicant prior to verifying a positive test result. If the MRO is unable to reach the employee/applicant directly, the MRO shall contact the Human Resources Department. The Human Resources Department shall contact the employee/applicant and request that they contact the MRO within 24 hours. The Human Resources Department shall inform the MRO that the employee/applicant was so notified.
2. An employee shall be told which drugs were verified positive.
3. An applicant, to whom an offer of employment has been made, shall be notified which drugs were verified positive if requested and within 60 days of being notified.

X. TESTING PROCEDURES (382.407 – 409)

Testing shall be conducted in a manner to ensure adherence to standards of confidentiality, privacy, accuracy, and reliability as approved by the federal Department of Transportation and the federal

Department of Health and Human Services (HHS).

Controlled Substance and/or Breath Alcohol test results may be released to a prospective employer with the written authorization of the tested individual.

1. CONTROLLED SUBSTANCE TESTING: (Part 40, Subpart B)
 - A. A urine sample is the required substance and will be collected under controlled circumstances.
 - B. The sample will be divided into split specimens (2 containers) and each will be labeled thoroughly to preserve identity.
 - C. Specimens are transported to a federal Department of Health and Human Services (HHS) approved testing lab.
 - D. Specimens undergo testing by an initial screening procedure, which is followed by GC-MS confirmation testing, if necessary.
 - E. A positive result will occur if the sample contains a substance present in an amount greater than the minimum threshold as defined by the DOT and/or FMCSA.
 - F. A Medical Review Officer or MRO's assistant will contact the employee/applicant if there is a positive result in order to verify the result.
 - G. The Medical Review Officer or MRO's assistant will report the result to the DER (designated employer representative) or other authorized company official.
 - H. The Medical Review Officer or MRO's assistant will give the donor the option of testing the remaining split specimen at a HHS certified laboratory of their choice at their expense. The donor has up to 72 hours to request the split sample be tested.
2. ALCOHOL TESTING: (Part 40, Subpart B)
 - A. Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). The employee will provide a breath sample.
 - B. If an employee's alcohol concentration is 0.02 – 0.039, a second, confirmation test will be performed. If the confirmation test results are in the same range, the results will be reported to Douglas County. The employee will be removed from performing any safety-sensitive functions for 24 hours before being required to re-test and being allowed to return to work if those results are below 0.02.
 - C. If an employee's alcohol concentration is 0.04 or greater, a second, confirmation test will be performed. If the confirmation test results are the same or greater, the test will be considered positive and reported to Douglas County. The employee will be removed from duty and they must complete the entire SAP rehabilitative

process as outlined in this policy.

XI. REFUSAL TO SUBMIT TO TESTING (382.107 and 382.211)

Refusal to submit to testing is a violation of this policy. Any employee refusing to submit to testing will be referred to a Substance Abuse Professional and will face appropriate disciplinary action. Any applicant refusing to submit to testing will not be considered for employment with Douglas County. The following behavior constitutes a refusal:

1. Failure to appear for any test (except a pre-employment test) on time, as determined by the employer, consistent with applicable DOT and/or FMCSA agency regulations, after being directed to do so by the employer.
2. Failure to remain at the testing site until the testing process is complete.
3. Failure to provide a urine specimen for any drug test or breath sample for any alcohol test required by this part or by any DOT and/or FMCSA regulations.
4. In the case of a drug test that is directly observed or is a monitored collection, when the donor fails to permit the observation or monitoring.
5. Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
6. Failure or declining to take a second test the employer or collector has directed the donor to take.
7. Failure to undergo a medical examination or evaluation, as directed by the MRO, as part of the verification process, or as directed by the Designated Employer Representative (DER). In the case of a pre-employment drug test, the applicant is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
8. Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behaving in a confrontational manner that disrupts the collection process).
9. Is reported by the MRO as having a verified adulterated or substituted test result.
10. A donor's admission to a collector that he/she has adulterated or substituted their specimen.
11. Behaving in a confrontational manner that disrupts the collection process.
12. Failure to follow the observer's instructions to raise and lower clothing or to turn around to permit the observer to determine if the donor has a prosthetic or other device that could be used to interfere with the collection process.

13. Possession of or wearing a prosthetic or other device that could be used to interfere with the collection process.
14. Refusal to wash his/her hands after being directed to do so.

XII. VOLUNTARY EMPLOYEE SELF-IDENTIFICATION PROGRAM: As allowed by Douglas County and not specified in DOT and/or FMCSA regulations.

1. Douglas County Government supports sound treatment efforts. Whenever practical, Douglas County Government will assist employees in overcoming drug, alcohol, and other problems which may affect employee job performance as long as this policy has not already been violated. An employee may not self-identify in order to avoid required testing. The following is required to participate in this voluntary program: the employee makes the admission of alcohol misuse or controlled substance use **prior to** reporting to duty to perform a safety-sensitive function and the employee does not perform a safety-sensitive function until the employer is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements.
2. Employees who seek voluntary treatment prior to a violation of this policy will not be disciplined for making a voluntary admission of alcohol misuse or controlled substance use within the parameters of the program. The employee will be allowed a sufficient opportunity to seek evaluation, education, or treatment to establish control over their drug or alcohol problem. Employees who seek voluntary assistance will be returned to safety-sensitive duties only upon successful completion of an educational or treatment program as determined by a drug and alcohol abuse evaluation expert. Prior to the employee participating in a safety-sensitive function, the employee shall undergo a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 and/or controlled substance test with a verified negative test. In addition, Douglas County Government may monitor any employee who voluntarily reports under this provision by conducting unannounced follow-up testing not to exceed 60 months following the employee's return to work.
3. If the employee elects to enter an appropriate treatment program, the employee may be placed on unpaid status but will be required to use any accrued vacation time and sick leave while participating in the evaluation and treatment program so long as the employee is complying with the conditions of treatment. Douglas County Government will have the right to require verification from the health care provider for a release to work and/or verification of treatment as covered in Douglas County Government's medical leave policies. More information regarding availability of treatment resources and possible insurance coverage for treatment services is available from the Human Resources Department.

XIII. DESIGNATED EMPLOYER REPRESENTATIVE

Please contact the Human Resources Department if you have any questions for the Designated Employer Representative about this policy or wish to discuss issues related to the use or misuse of controlled substances or alcohol.

XIV. PREVIOUS EMPLOYER TEST INFORMATION

1. In accordance with Federal Motor Carrier Safety Administration regulations prescribed by the U.S. Department of Transportation, Douglas County Government must obtain alcohol and controlled substance testing results from previous employer(s) for applicants seeking positions requiring a Commercial Driver's License (CDL). The Human Resources Department makes available a Previous Employer Reference Form for such purpose. The regulations require, pursuant to an employee's consent, information of positive alcohol test(s) of 0.04 or greater, positive drug test(s), refusal to submit to a drug and/or alcohol test(s), or any violation of the DOT's drug or alcohol regulations within the preceding three (3) years. By federal regulation, this information must be on file in the Human Resources Department within 30 days of hire.
2. The Human Resources Department must maintain a written, confidential record with respect to each past employer contacted.
3. If the applicant tested positive for drugs or alcohol, the Human Resources Department must be able to demonstrate that the applicant met all return-to-duty requirements before performing safety-sensitive work.
4. Likewise, the Human Resources Department must provide alcohol and controlled substance testing results on previous or existing employees when requested by a potential employer for positions requiring a Commercial Driver's License (CDL). The potential employer must submit an authorization to release the information signed by the previous or existing employee. The federal regulations require, pursuant to an employee's consent, information of positive alcohol test(s) of 0.04 or greater, positive drug test(s), refusal to submit to a drug and/or alcohol test(s), or any violation of the DOT's drug or alcohol regulations within the preceding three (3) years. By federal regulation, this information must be received by the potential employer within 30 days of hire.

XV. RECORD RETENTION (382.401 - 403)

All records must be made available at the County facilities within 2 days of a request by the Federal Highway Administration or any regulatory agency. Not all records must be kept on site; some may be the responsibility of the consortium or testing site.

RETENTION PERIOD

1. The following records must be retained for 5 years:
 - A. Verified positive results
 - B. Alcohol results over 0.02
 - C. Documentation of refusals
 - D. Employee referrals to the SAP
 - E. Documents related to refusal to submit
2. The following records must be retained for 2 years:

- A. Records related to all processes and employee training
- 3. The following results must be retained for 1 year:
 - A. Records of negative drug and alcohol results less than 0.02
 - B. Annual Management Information System (MIS) reports

TYPES OF RECORDS

- 1. Collection Processes:
 - A. Random selection documents
 - B. Calibration documents
 - C. BAT training documents
 - D. Reasonable suspicion documents
 - E. Post-accident decision documents
 - F. Documents verifying medical inability to provide adequate breath or urine
- 2. Test Results:
 - A. Employer's copy of alcohol test
 - B. Employer's copy of controlled substance chain of custody
 - C. Documents from MRO
 - D. Documents presented by donor to dispute
- 3. Evaluations:
 - A. Determinations by the SAP of assistance needed to resolve misuse
 - B. Compliance with SAP
- 4. Education and Training:
 - A. Materials on misuse awareness, including the policy
 - B. Employee's signed receipt of education materials
 - C. Documents of supervisor training to qualify for making reasonable suspicion judgments
- 5. Agreements with collection sites, labs, MRO, and consortium (Third Party Administrator).

ACCESS TO RECORDS (382.405 – 382.413)

- 1. The employee is entitled to a copy of his/her records.
- 2. Records are available for officials with regulatory authority.
- 3. Subsequent employers may have a copy of the records upon specific written authorization from the employee.
- 4. Records are available to State and/or Federal inspection officers.

XVI. TRAINING (382.601)

1. Those designated to determine if reasonable suspicion exists must receive 60 minutes of alcohol and 60 minutes of controlled substance training, which covers the physical, speech, and performance indicators of misuse.
2. Each covered employee must be provided materials about the effects of drug and alcohol use (such as film or written), the County DOT policy, and the name of the supervisor who can answer their questions about the material.
3. Each employee must sign a certificate of receipt of the materials.

XVII. ACKNOWLEDGMENT

The final page of this policy is the acknowledgment to be completed by the employee upon receipt of the policy attesting that they understand that in order to continue employment with Douglas County they must abide by the terms of this policy and that this policy in no way modifies their status as an at-will employee and in no way implies, infers, or guarantees their continued employment for any definite term. Also, that the employee may be dismissed at the discretion of the employer for reasons other than failing to follow the terms of this policy.

The signed acknowledgment page must be returned to the Douglas County Human Resources Department.

ACKNOWLEDGMENT AND RECEIPT

I have received a copy of the **Douglas County Government Policy Regarding Compliance with Department of Transportation Drug and Alcohol Regulations, Policy No. HR 8.06, Revised May 30, 2013.**

I understand that in order to continue my employment with Douglas County I must abide by the terms of this policy.

I further understand that this policy in no way modifies my status as an at-will employee and in no way implies, infers, or guarantees my continued employment for any definite term and that I may be dismissed at the discretion of the employer for reasons other than failing to follow the terms of this policy.

Printed Employee Name

Employee Signature

Date

Return to:
Douglas County Human Resources Department