

Policy No. 2-1095

IOWA COUNTY ALCOHOL AND SUBSTANCE ABUSE  
POLICY AND PROCEDURE FOR INDIVIDUALS HOLDING  
COMMERCIAL DRIVERS LICENSES (CDL)

EMPLOYEE ASSISTANCE PROGRAM

Iowa County provides to employees an Employee Assistance Program through Unified Counseling Services.

Address: 410 N. Union St.  
Dodgeville, WI 53533  
Phone: (608) 935-2776

Employee Assistance Program. For more details on this program, contact the Personnel Department at (608) 935-9752.

V. LEAVE OF ABSENCE PRIOR TO TESTING

An employee shall be permitted to take a leave of absence for the purpose of undergoing treatment pursuant to an approved program for alcoholism or drug use. The leave of absence must be requested prior to the commission of any act subject to disciplinary action.

Employees requesting to return to work from a leave of absence for drug use or alcoholism shall be required to submit to three tests without prior notice on the following basis -

\* 2 tests to occur within 6 months of the employee's return to employment.

\* 1 test to occur within 6-12 months after the employee's return to employment.

A positive test result or a refusal to submit to any of these three tests may lead to disciplinary action up to and including discharge.

VI. PROHIBITED CONDUCT FOR COMMERCIAL MOTOR VEHICLE OPERATORS

Pursuant to Federal Regulations (49 C.F.R. Parts 40 & 381) of the Omnibus Transportation Testing Act of 1991, all employees who operate a commercial motor vehicle on a full time, casual, intermittent or occasional basis are prohibited from engaging in the following conduct:

1. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 grams of alcohol in 210 liters of that persons breath or greater;
2. Being on duty or operating a commercial motor vehicle while possessing alcohol, or using alcohol while performing safety-sensitive functions.

Note: Federal Regulations include non-prescription and prescription medications containing alcohol in the substances banned from use or possession in the workplace. Therefore, employees should not report for duty while using or possessing prescription medication if such medication contains any measurable amount of alcohol;

3. Performing safety-sensitive functions within four (4) hours after using alcohol;
4. Using alcohol within eight (8) hours following an accident, if the employee was required to be tested, unless an earlier test results in a reading of less than 0.02 grams of alcohol in 210 liters of that persons breath;

### VIII. DRUG AND ALCOHOL TESTING

Refusal by a County employee to take a required drug and/or alcohol test will result in the removal of that employee from his/her assignment(s) which, in turn, may result in discipline up to and including discharge.

1. Testing will be conducted in the following situations for all County employees:

Reasonable suspicion - In cases in which an employee is acting in an abnormal manner or appears unfit to perform his/her duties in a safe manner, and a qualified supervisor who has been trained in accordance with this policy and D.O.T. requirements has reasonable suspicion to believe the employee is using or is under the influence of alcohol or drugs, the employee shall be taken to a properly authorized testing facility for alcohol and drug testing. Reasonable suspicion means suspicion based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. These observations may include indications of the chronic and withdrawal effects of controlled substances.

Once an employee has been removed from the job site the qualified supervisor is to contact the Department Head or Personnel Coordinator. If contact cannot be made at that time, the qualified supervisor is to proceed through the next step of this procedure and make contact with the Department Head or Personnel Coordinator as soon there after as possible.

The qualified supervisor is to then take the employee to the collection site for drug and alcohol testing. The qualified supervisor is to wait at the collection site until the test is completed.

If the alcohol test is conducted more than two (2) hours, but less than eight (8) hours, after the qualified supervisor makes such reasonable suspicion determination, the qualified supervisor will complete a report explaining the reason for the delay in conducting the drug or alcohol test.

If the alcohol test is not conducted within eight (8) hours after the qualified supervisor makes such reasonable suspicion determination, or if the drug test is not conducted within twenty-four (24) hours after such determination, the qualified supervisor will complete a report explaining the reasons why the test was not conducted.

Once the drug and alcohol testing has been completed, the supervisor is to make arrangements for the employee to be taken home. The employee will not be permitted to drive his/her own car home at that time. The employee may have a family member or a friend pick him/her up or the supervisor may take the employee

annual percentage rate for random alcohol and drug testing based upon the reported violation rate for the entire industry as determined by the Federal Highway Administration and the Federal Regulations implementing drug and alcohol testing in the transportation industry.

The random selection of employees for testing shall be done by the Department Head or Personnel Coordinator. Under this selection process, each employee will have an equal chance of being tested each time selections are made. As a result, some employees may be tested more than once each year, while other employees may not be tested at all.

- c. Post-Accident Testing - As soon as practical following an accident involving a commercial motor vehicle, Iowa County shall test an employee driver for alcohol and controlled substances in the following situations:
  - a. The accident involved the loss of human life; or
  - b. The employee receives a citation under State or local law for a moving traffic violation arising from an accident.

The alcohol breath test should be administered as soon as possible, but no later than three (3) hours following the accident and the drug test must be administered within thirty-two (32) hours of the accident. If the alcohol test is not administered within two (2) hours of the accident, the supervisor will complete a report explaining the reasons for the delay in conducting the test. If the alcohol test is not administered within three (3) hours of the accident or if the drug test is not administered within thirty-two (32) hours of the accident, the supervisor will complete a report explaining why the test was not conducted.

An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by Iowa County to have refused to submit to testing.

- d. Return-to-Duty/Follow-up Testing - Iowa County will ensure that before an employee returns to duty requiring the performance of safety-sensitive job functions after engaging in conduct prohibited by Federal Regulations in 21.06 above, the driver shall undergo a return-to-duty alcohol and/or controlled substance test with a result indicating an alcohol concentration of less than 0.02 grams of alcohol in 210 liters of that persons breath and a verified negative result for controlled substance use. In any event, an employee will not be allowed to return to duty without first having been evaluated by the Iowa County Employee Assistance Program (EAP) provider in order to determine the employee's fitness-for-duty. Such follow-up activity

the test.

4. The screening test will be conducted. The BAT will open an individually sealed, disposable mouthpiece in the view of the employee and attach it to the EBT. The BAT will instruct the employee to blow forcefully into the mouthpiece for  
  
at least six (6) seconds or until an adequate amount of breath has been obtained. Following the test, the BAT will show the employee the test results.
  5. If the screening test is a breath alcohol concentration of less than 0.02 grams of alcohol in 210 liters of that persons breath, no further testing is required and the BAT will report the test to the employer as a negative.
  6. If the screening test is a breath alcohol concentration greater than 0.02 grams of alcohol in 210 liters of that person's breath, a confirmation test must be performed. The confirmation test will be conducted 20 minutes after the completion of the initial test. During the period the employee must not eat, drink, put any object or substance into his/her mouth or belch.
  7. Refusal by an employee to complete and sign the test form to provide breath, to provide an adequate amount of breath, or other failure to cooperate with the testing process in a way that prevents the completion of the test will subject the employee to discipline, up to and including termination.
  8. In the event of conflicting results between the initial test and the confirmation test, the confirmation test results will determine the outcome of the test.
- b. Blood Alcohol Testing - Blood alcohol testing is authorized only in the following circumstances:
1. When policy rules require a post-accident or reasonable suspicion test, and an EBT is not readily available for either a screening or confirmation test, or if there is an EBT available only for a screening test.
  2. When an employee attempts and fails to provide an adequate amount of breath, blood alcohol testing may be used for both screening and confirmation test purposes.

Upon the conclusive finding a positive (0.04 grams of alcohol in 210 liters of that persons breath or greater) blood alcohol test result, the employee has 72 hours in which to request a test of the split specimen (For explanation of "split specimen" refer to the TESTING CONTROLLED SUBSTANCES section below.) An employee who fails to notify the Department Head within 72 hours of receiving the results of a positive test of the employee's desire to have the split specimen tested, shall be deemed to have waived the

- Cocaine
- Amphetamines
- Opiates (including heroin)
- Phencyclidine (PCP)

In instances where there is reason to believe an employee is abusing a substance other than the five drugs listed above, the County reserves

the right to test for additional drugs under the County's own authority standard laboratory testing protocols.

Drug testing is conducted by analyzing an employee's urine specimen (through a certified testing lab.) This procedure will include use of a split specimen testing procedure. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles will be sent to a certified lab. Only the "primary" specimen bottle is opened and used for the urinalysis. The split specimen bottle will remain sealed and is stored at the lab. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request the split specimen be retested at the same lab or be sent to another certified laboratory for analysis, at the employee's expense. An employee who fails to notify the Department Head within 72 hours of receiving the results of the positive test of the employee's desire to have the split specimen tested, shall be deemed to have waived the employee's right to seek testing of the split specimen.

- a. Preparation for Drug Testing - The following procedures summarize the procedures established by the Federal Highway Administration regulations implementing drug testing under the federal law. These procedures are subject to change in the event the FHWA or other government agency changes the regulations on drug and alcohol testing of employees in safety-sensitive positions.
  1. When the employee enters the collection site, the employee will be required to provide positive identification (i.e. photo I.D. or employer identification)
  2. The employee will be instructed to provide at least 45 ml of urine under the split sample method of collection.
  3. If an employee is unable to provide at least 45 ml, they will be instructed to drink not more than 24 ounces of fluids during a period of up to two (2) hours. A fresh collection container will be used to collect the new sample.
  4. If the employee is still unable to provide the required specimen, the test will be discontinued and the Department Head notified. The Department Head will then notify the Personnel Coordinator and the employee will be referred for a medical evaluation to determine whether the employee's inability to provide a specimen is genuine or constitutes a refusal to submit to a drug test.

test. Follow-up testing to monitor the employees continued abstinence from drug use will be required if the employee determined needs rehabilitation.

#### X. PRESCRIPTION DRUGS

Before performing work-related duties, employees must notify their supervisor if they are taking any legally prescribed medication, therapeutic drug, or any non-prescription drug which contains any measurable amount of alcohol or which carries a warning label that indicates the employee's mental functioning, motor skills or judgment may be adversely affected by the use of this medication. A written report of this notification is to be filed by the supervisor with the Department Head. It is the responsibility of the employee to inform his/her physician of the type of safety-sensitive function that the employee performs in order that the physician may determine if the prescribed substance could interfere with the safe and effective performance of the employee's duties or operation of County equipment. However, as required by the Federal Regulations, any employee who uses or possesses medication containing alcohol while on duty or who tests positive for alcohol will be removed from his/her position and subject to the provision of this policy, even though the reason for the positive alcohol test is the fact that the employee's prescription or non-prescription medication contains alcohol.

A legally prescribed drug is one where the employee has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment. The prescription must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing County business is prohibited by County policy.

#### XI. CONFIDENTIALITY OF RECORDS

The County respects the confidentiality and privacy rights of all of its employees. Accordingly the results of any test administered under this policy and the identity of any employee participating in the County's EAP or other assessment or treatment program will not be revealed by the County to anyone except as required by law. The County will release an employee's records as directed by the express written consent of the employee authorizing release to an identified person. In addition, the County will ensure that any lab or agency used to conduct testing under this policy will maintain the confidentiality of employee test records. However, the lab or testing agency will disclose information related to a positive drug or alcohol test of an individual to the County. The County may disclose this information to the employee or to the decision maker in a lawsuit, grievance or other proceeding by or on behalf of the individual which arises from any action taken in response to a positive drug or alcohol test; or as required by law, including court orders or subpoenas.

the decision maker in a lawsuit, grievance other other proceeding on behalf of the individual which arised from any action taken in response

EMPLOYEE ACKNOWLEDGMENT FORM

I, the undersigned, have received copies of the Iowa County Policy on Alcohol and Other Drugs as well as any attachments or Addenda appended to it ("Policy"). I have read the documents in their entirety and I UNDERSTAND THAT VIOLATION OF ANY PROVISION OF THE POLICY MAY LEAD TO DISCIPLINARY ACTION, UP TO AND INCLUDING DISCHARGE FROM EMPLOYMENT.

I further understand that I am subject to reasonable suspicion, unannounced, post-accident, and, if warranted, return-to-work and follow-up alcohol and other drug testing as a condition of continued employment, as set forth in the Policy.

I hereby consent to the taking of one or more specimens of my blood, breath or urine, to the testing of such specimens, and to the release of the test results and other test-related information by, to and among Iowa County, its Medical Review Officer, its clinic, and its testing laboratory, now and in the future, in accordance with the Policy's provisions. I also understand that I must abide by all terms of the Policy, as applicable, copies of which I have had the opportunity to review and to ask questions about.

I understand and acknowledge that neither the Policy, nor my acknowledgement of its receipt, constitutes or implies any contract of employment.

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NAME (PLEASE PRINT)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
WITNESS SIGNATURE

\_\_\_\_\_  
DATE