



Pinellas County Unified Personnel System
Alcohol and Controlled Substance
Testing Policy for
Commercial Motor Vehicle Drivers
(Revised February 2002)

**PNELLAS COUNTY UNIFIED PERSONNEL SYSTEM
ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY
COMMERCIAL MOTOR VEHICLE DRIVERS**

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ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY FOR COMMERCIAL MOTOR VEHICLE DRIVERS

Pursuant to the Federal Highway Administration (FHWA) regulations on Controlled Substance and Alcohol Use and Testing, 49 C.F.R. Part 382 & Part 40, the County has formulated the following policy. The County is committed to a drug-free and alcohol-use-free working environment and has a paramount interest in ensuring that its personnel perform their duties free of the influence of drugs or alcohol. This policy is being promulgated in compliance with the FHWA regulations requiring motor carriers to implement controlled substance and alcohol testing for drivers of commercial motor vehicles in interstate or intrastate commerce. Some of the requirements herein are more stringent than those required by FHWA regulations. All such drivers employed by the County are subject to the provisions herein as well as those provisions set forth in the Pinellas County Drug Free Workplace Program. A copy of this policy will be distributed to each driver and to each person hired for or transferred to a covered position. To the extent that the law or implementing regulations are amended, or other statutes and rules requiring or permitting drug and alcohol testing are determined to be applicable to the County employees, the County's program will be amended to the extent required by such, without the necessity of further general notice.

I. CONTACT PERSON KNOWLEDGEABLE OF THE PROGRAM:

Risk Management Supervisor
400 S. Ft. Harrison Avenue
Clearwater, Fl 33756

II. CATEGORIES OF DRIVERS SUBJECT TO TESTING:

All drivers, when performing any of the following safety-sensitive functions for the County, are subject to Department of Transportation (DOT)/FHWA drug and alcohol testing.

- A. Drivers are defined as any person operating a commercial motor vehicle, including, but not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; and leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of or with the consent of the County.
- B. Safety-sensitive functions means all time from the time a driver 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. Safety-sensitive functions shall include:
 - 1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;

2. All time inspecting equipment as required by 49 C.F.R. §392.7, 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth which conforms to the requirements of 49 C.F.R. §393.76;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

III. FUNCTIONS AND PERIOD OF THE WORK DAY COVERED:

Any drivers performing any of the above-listed safety-sensitive functions are subject to drug and alcohol testing and must refrain from consuming any drug or alcohol (including medication containing alcohol) whenever they are performing, ready to perform, or immediately available to perform these functions.

IV. PROHIBITED CONDUCT:

A. Definitions:

1. Adulterated Specimen is defined as a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
2. Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
3. Alcohol use is defined as the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
4. Drug is defined as any substance (other than alcohol) that is a controlled substance as defined by 49 C.F.R. Part 40 (marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP)), and by 21 U.S.C. 802, Schedules I through V, as they may be revised from time to time (21 C.F.R. 1380).
5. Performing (a safety-sensitive function) is defined as a driver who is actually

performing, ready to perform, or immediately available to perform any safety-sensitive function.

6. Refusal to Submit (to an Alcohol or Controlled Substance Test)

As an employee, you have refused to take a drug or alcohol test if you:

- a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the County after being directed to do so by the County;
- b. Fail to remain at the testing site until the testing process is complete (except during a pre-employment test);
- c. Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations (except where the applicant for a pre-employment test leaves the premises before the testing process begins);
- d. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen;
- e. Fail to provide an adequate amount of saliva or breath for any required alcohol test;
- f. Fail to provide a sufficient amount of urine or breath when directed, and it has been determined, through a medical evaluation, that there was no adequate medical explanation for the failure;
- g. Fail or decline to take a second test the employer or collector has directed you to take;
- h. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the County in a “shy bladder” situation;
- i. Fail to undergo a medical examination or evaluation, as directed by the employer as part of the insufficient breath or “shy lung” procedures;
- j. Fail to sign the certification at Step 2 of the Alcohol Testing Form; or
- k. Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).

B. Alcohol Use and Possession

1. Alcohol Concentration: FHWA regulations prohibit drivers from reporting for duty or remaining on duty in a position requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. As a matter of County policy, drivers are prohibited from reporting for duty or remaining on duty in a position requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. Drivers are subject to discipline up to and including discharge if they report for or remain on duty while having an alcohol concentration of 0.02 or greater.
2. Alcohol Possession: No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.
3. On-duty Use: No driver shall use alcohol while performing safety-sensitive functions.
4. Pre-duty Use: No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. Use Following an Accident: No driver required to take a post-accident test under this policy shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, which ever occurs first. Under the County's policy, violating this provision may result in discipline up to and including discharge.

C. Drug Use and Possession

1. Drug Usage: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses or tests positive for any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
2. Drug Possession: No driver shall possess or sell non-prescribed controlled substances or equipment, materials or products intended or designed for use with non-prescribed controlled substances, at any time while on County property, while in County vehicles, or during working time.

- D. Refusal to Submit to Testing: No driver shall refuse to submit to a post-accident, random, reasonable suspicion, or follow-up controlled substance or alcohol test as required under this policy. The County will not permit a driver who refuses to submit to such a test to perform or continue to perform safety-sensitive functions. Refusal to submit to a pre-employment or return-to-duty test is not a violation of FHWA regulations, but a refusal will preclude any driver from performing safety-sensitive functions. In addition, under the

County's policy, a driver may be discharged for refusing a test.

- E. Tampering with Specimens: No driver shall tamper with a specimen or any other portion of the alcohol or drug test. The County's laboratory will test for adulterants, foreign substances, dilution, and substitution of samples. Under the County's policy, a driver may be discharged for tampering with a drug test.

V. CIRCUMSTANCES THAT REQUIRE TESTING:

Covered drivers are subject to the following federally mandated alcohol and drug tests:

- A. Pre-employment: Before a driver performs safety-sensitive functions for the first time for the County he or she must undergo a pre-employment controlled substance test. The driver will not be hired to perform safety-sensitive functions unless the medical review officer reports a verified negative test result on the controlled substances test. The County may choose not to test a driver applicant for controlled substances if the applicant has participated in a controlled substance testing program that meets FHWA regulations for commercial motor vehicles within the previous 30 days and, while participating in such program, either: (1) was tested for controlled substances within the six (6) months prior to application at the County or (2) participated in a random controlled substances testing program for the 12 months prior to application at the County and the County obtains the confirmations required by FHWA regulations.
- B. Post-accident Testing: As soon as practicable following an accident involving a commercial motor vehicle, the County will test for alcohol and controlled substances each surviving driver: (1) who was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life; or (2) who received a citation under state or local law for a moving violation arising from the scene of the accident, if the accident involved: (i) bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (ii) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the County to have refused to submit to testing. Attempts to conduct post-accident alcohol testing will cease 8 hours after the accident, even if no alcohol test has been conducted. Attempts to conduct post-accident controlled substances testing will cease 32 hours after the accident, even if no controlled substance testing has been conducted. Post-accident testing requirements shall not delay the driver's receipt of necessary medical attention or prohibit the driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
- C. Random Testing: Drivers will be selected for random alcohol and controlled substance testing by a scientifically valid method, and each driver shall have an equal chance of

being tested each time selections are made. A number of drivers will be selected randomly for testing during each calendar year at rates as determined by the FHWA Administrator. Random tests will be spaced reasonably throughout the year and will be unannounced. Employees notified of selection for random testing must proceed immediately to the testing site. Random alcohol tests will be conducted while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.

- D. Reasonable Suspicion Testing: A driver must submit to an alcohol or drug test when the County has determined that reasonable suspicion exists that the driver is under the influence of controlled substances or alcohol or has violated any one of the above prohibitions concerning use of alcohol or controlled substances. Reasonable suspicion will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances. Attempts to conduct reasonable suspicion alcohol testing will cease 8 hours after a determination of reasonable suspicion has been made, even if no alcohol test has been conducted. A supervisor who determines that reasonable suspicion exists to conduct an alcohol test, shall not administer the test. Reasonable suspicion for an alcohol test will be based on observations made during, just preceding, or just after the employee performs safety-sensitive functions. A written record will be made of the observations leading to a controlled substance reasonable suspicion test, which will be signed by the supervisor or County official who made the observations, within 24 hours of the observed behavior or before the results of the controlled substance are released, whichever is earlier.
- E. Return-to-Duty Testing: Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by this policy, the driver shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a return-to-duty controlled substance test with a result indicating a verified negative result for controlled substances use.
- F. Follow-up Testing: Each driver, who has been identified by a substance abuse professional (SAP) as needing assistance in resolving problems associated with alcohol misuse and/or use of controlled substances and who has returned to duty performing safety-sensitive functions will be subject to unannounced follow-up testing as directed by the SAP. Follow-up tests will be unannounced and at least 6 tests will be conducted in the first 12 months after the driver is back on the job. Follow-up testing may continue for up to 60 months from the date of the driver's return to duty. Follow-up alcohol testing shall be conducted only when the driver is performing, just before the driver is to perform, or just after the driver ceased performing safety-sensitive functions. An employee will not be permitted to continue to perform safety-sensitive functions unless follow-up testing is conducted and successfully completed as directed by the SAP. The County will schedule follow-up test dates of its own choosing and will insure that the employees are given no advance notice. The County will not substitute any other test conducted on the employee to meet the follow-up testing requirement.

VI. PROCEDURES FOR ALCOHOL AND CONTROLLED SUBSTANCE TESTING, FOR PROTECTING THE EMPLOYEE AND THE INTEGRITY OF THE TESTING PROCESS, FOR SAFEGUARDING THE VALIDITY OF TEST RESULTS, AND FOR ENSURING THAT TEST RESULTS ARE ATTRIBUTED TO THE CORRECT DRIVER:

The County will be using a licensed physician knowledgeable about drug abuse disorders to conduct breath alcohol testing. All tests will use the following procedures:

A. Alcohol Testing

1. Preparation for Breath Alcohol Testing:

Upon entering the alcohol testing location, the breath alcohol technician (BAT) will require the driver to provide positive identification (photo I.D. or identification by a County representative). On request, the BAT will provide positive identification to the driver. The BAT will explain the testing procedure to the driver. The County will conduct alcohol testing at a location that affords visual and aural privacy to the driver being tested to the greatest extent practicable.

2. Screening Tests:

- a. The BAT will complete Step 1 on the Breath Alcohol Testing form, ("ATF") and the employee will then complete Step 2 on the form, signing the certification. Refusal by the driver to sign this certification will be regarded as a refusal to take the test.
- b. An individually sealed mouthpiece will be opened in view of the driver and BAT and attached to the evidential breath-testing device (EBT) in accordance with the manufacturer's instructions.
- c. The BAT will instruct the driver to blow steadily and forcefully into the mouthpiece for at least 6 seconds or until the EBT indicates that an adequate amount of breath has been obtained.
- d. The BAT will show the employee the displayed test result.
- e. If the device is one that prints the test number, testing device name and serial number, time, and result directly onto the ATF, the BAT will check to insure that the information has been printed correctly onto the ATF.
- f. If the device is one that prints the test number, testing device name and serial number, time, and result, but on a separate printout rather than directly onto the ATF, the BAT will affix the printout of the information to the designated space on the ATF with tamper-evident tape or use a self-adhesive label that is tamper-evident.

- g. If the device is one that does not print the test number, testing device name and serial number, time, and result, or is a device not being used with a printer, the BAT will record this information in Step 3 of the ATF.
- h. In any case in which the result of the screening test is a breath alcohol concentration of less than 0.02, the BAT will date the form and sign the certification in Step 3 of the form. No further testing is authorized. The BAT will transmit the result of less than 0.02 to the County in a confidential manner, and the County will receive and store the information so as to ensure that confidentiality is maintained as required.

3. Confirmation Tests:

- a. The BAT will instruct the driver not to eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This time period begins with the completion of the screening test, and will not be less than 15 minutes. The confirmation test will be conducted within 30 minutes of the screening test. The BAT will explain to the driver the reason for this requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the driver's benefit. The BAT will also explain that the test will be conducted at the end of the waiting period, even if the driver has disregarded the instruction. If the BAT becomes aware that the driver has not complied with this instruction, the BAT will so note in the "Remarks" section of the form.
- b. If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT will initiate a new Breath ATF. The BAT will complete Step 1 on the form. The driver will then complete Step 2 on the form, signing the certification. Refusal by the driver to sign this certification will be regarded as a refusal to take the test.
- c. The BAT will conduct an "air blank" to ensure that the device is working correctly. The air blank result must be 0.00. If the reading is greater than 0.00, the BAT will conduct one more air blank. If the reading is greater than 0.00, testing will not proceed using that instrument. However, testing may proceed on another instrument.
- d. If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed.
- e. If the alcohol confirmation test result is lower than 0.02, nothing further is required of the employee. The BAT will then sign and date Step 3 of the ATF. If the alcohol confirmation test result is 0.02 or higher, the employee will be asked to sign and date Step 4 of the ATF. If the employee does not do so, the

BAT will note this on the “Remarks” line of the ATF. However, this is not considered a refusal to test. The results will be immediately transmitted to the County in a confidential manner.

B. Controlled Substance Testing

1. Collection Site Services: The County has contracted with a reputable business to supply collection site services. All County collection sites will adhere to federally approved collection procedures.
2. Collection Site: The County will designate a collection site which will have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens ("specimen") to a certified drug testing laboratory.
3. Security Procedures: The designated collection site will be secured at all times during drug testing.
4. Chain of Custody: The County will utilize the Federal Drug Testing Custody and Control Form (“CCF”). Handling and transportation of urine specimens from one authorized collection site or place to another will be accomplished through chain of custody procedures. Every effort will be made to minimize the number of persons handling specimens.
5. Access to Authorized Personnel Only: No unauthorized personnel will be permitted in any part of the designated collection site where urine specimens are collected or stored. Only the collection site person and the employee will handle the specimen before it is poured into the bottles and sealed with tamper-evident seals. The collection site person will have only one donor under his or her supervision at any time, except a collector may conduct another collection during the time another employee is in the period for drinking fluids in a “shy bladder” situation.
6. Privacy: Procedures for collecting urine specimens allow driver privacy unless there is reason to believe that a particular driver may alter or substitute the specimen to be provided as outlined in DOT regulations.
7. Integrity and Identity of Specimen: The follow minimum precautions will be taken to ensure that unadulterated specimens are obtained and correctly identified.
 - a. To deter the dilution of specimens at the collection site, toilet-bluing agents will be placed in toilet tanks wherever possible, so the reservoir of water in the toilet bowl always remains blue and all other water sources will be secured.
 - b. When a driver arrives at the collection site, the collection site person will request the driver to present photo identification or will contact a County

representative to positively identify the driver. If the driver's identity cannot be established, the collection site person will not proceed with the collection.

- c. If the driver fails to arrive at the assigned time, the collection site person will contact a County representative to obtain guidance on the action to be taken.
- d. The collection site person will ask the driver to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the driver's urine specimen. The collection site person will ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The driver may retain his/her wallet. If the driver requests, the collection site person will provide the employee a receipt for any personal belongings. The collection site person will advise the employee that failure to comply with his or her directions constitutes a refusal to test.
- e. The driver will be instructed to wash and dry his/her hands prior to urination.
- f. The collection site person will note any unusual behavior or appearance on the urine custody and control form. The collector will inspect the specimen for unusual color, a presence of foreign objects or material, or other signs of tampering (e.g. if the collector notices any unusual odor).
- g. All collections will be split specimen collections. The collection site person will instruct the employee to provide at least 45 ml of urine. The collector will first pour at least 30 ml from the collection container into one specimen bottle, to be used for the primary specimen. The collector will then pour at least 15 ml of urine from the collection container into the second specimen bottle to be used for the split specimen. The collector will place and secure the lids/caps on the bottles, and seal the bottles by placing the tamper-evident bottle seals over the bottle lids/caps and down the sides of the bottles. The collector will then write the date on the tamper-evident bottle seals, and ask that the employee initial the tamper-evident bottle seals for the purpose of certifying that the bottles contain the specimens he or she produced.
- h. If the driver is unable to provide 45 ml of urine, the collection site person will urge the driver to drink up to 40 ounces of fluid, distributed reasonably through a period of up to three (3) hours, or until the driver has provided a new urine specimen, whichever occurs first. The original insufficient specimen will be discarded. A refusal to provide a new urine sample will be considered a refusal to submit to testing, and the collection site person shall terminate the collection and notify the County that the employee has refused to submit to testing. If the driver is still unable to provide an adequate specimen after three (3) hours, the insufficient specimen will be discarded, testing discontinued, and the Appointing Authority or designee so notified. The Appointing Authority or

designee will instruct the driver to obtain within five (5) working days a medical evaluation to develop pertinent information concerning whether the driver's inability to provide a specimen is genuine or constitutes a refusal to test except in cases of pre-employment testing. If the physician determines a medical condition precluded the employee from providing an adequate amount of urine, the driver will not be found to have refused to take the test. The physician shall provide to the MRO a brief written statement setting forth his or her conclusion and the basis for it, which shall not include detailed information on the medical condition of the driver. Upon receipt of this statement, the MRO shall report his or her conclusions to the employer in writing.

- i. Immediately after the urine specimen is collected, the collection site person will measure the temperature of the specimen. The temperature-measuring device used will be accurate and will not contaminate the specimen.
 - j. If the temperature of a urine specimen is outside the range of 32° - 38° C/90° - 100 F°, there is reason to believe that the driver may have altered or substituted the specimen. If the specimen temperature is outside the acceptable range, the collector will immediately conduct a new collection using direct observation procedures.
 - k. Immediately after the urine specimen is collected, the collection site person will also inspect the specimen's sufficiency, temperature, and will look for any signs of tampering. Any unusual findings will be noted on the CCF.
 - l. The collection site person will enter on the drug testing CCF all information identifying the specimen. The collection site person will sign the drug testing custody and control form according to federal requirements.
 - m. The driver will be asked to read and sign a statement on the drug custody and control form certifying that the specimen identified as having been collected from him/her is in fact the specimen he/she provided.
 - n. The collection site person will complete the chain-of-custody portion of the drug custody and control form to indicate receipt of the specimen from the driver and will certify proper completion of the collection.
8. Collection Control: To the maximum extent possible, collection site personnel will keep the driver's specimen bottle within sight both before and after the driver has urinated. After the specimen is collected, it will be properly sealed and labeled.

9. Transportation to Laboratory: Collection site personnel will arrange to ship the collected specimens to the drug-testing laboratory. The specimens will be placed in shipping containers designed to minimize the possibility of damage during shipment (e.g., specimen boxes or padded mailers) and those containers will be securely sealed to eliminate the possibility of undetected tampering with the specimen and/or the form. The collector or collection site will ensure that each specimen collected is shipped to a laboratory as quickly as possible, but in any case, within twenty-four (24) hours or during the next business day.
10. Failure to Cooperate: If the driver refuses to cooperate with the collection process, the collection site person will inform the Appointing Authority and will document the non-cooperation on the drug testing custody and control form.
11. Driver Requiring Medical Attention: If the sample is being collected from a driver in need of medical attention, necessary medical attention will not be delayed in order to collect the specimen.
12. Initial Test:
 - a. The following initial cutoff levels will be used when screening specimens to determine whether they are negative for these five drugs or classes of drugs:

<u>DRUG</u>	<u>INITIAL TEST CUTOFF LEVEL</u>
Marijuana metabolites.....	50ng/ml
Cocaine metabolites	300ng/ml
Opiate metabolites	2000ng/ml ¹
Phencyclidine	25ng/ml
Amphetamines	1,000ng/ml

- b. These cutoff levels are subject to change by the Department of Health and Human Services (DHHS) as advances in technology or other considerations warrant identification of these substances at other concentrations. Any changes will be automatically deemed adopted by the County.
13. Confirmatory Test:
 - a. All urine specimens identified as positive on the initial test will be confirmed at the cutoff levels listed in this paragraph for each drug.

<u>CONFIRMATORY DRUG</u>	<u>TEST CUTOFF LEVEL</u>
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Marijuana metabolites ¹	15ng/ml
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Cocaine metabolites ²	150ng/ml
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Opiates:

Morphine	2000ng/ml
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Codeine.....	2000ng/ml
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Phencyclidine	25ng/ml
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Amphetamines:

Amphetamine	500ng/ml
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Methamphetamine ³	500ng/ml
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¹Delta-9-tetrahydrocannabinol 9-carboxylic acid

²Benzoylcegonine

³Specimen must also contain amphetamine at a concentration greater than or equal to 200ng/ml.

- b. These cutoff levels are subject to change by the DHHS as advances in technology or other considerations warrant identification of these substances at other concentrations. Any changes will be adopted by the County.

14. Validity Testing:

Specimen validity testing is the evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

15. Reporting Results:

- a. The laboratory will report the results of each primary specimen tested as one as the following:

- (1) Negative;
- (2) Negative – dilute;
- (3) Rejected for testing, with remarks;
- (4) Positive, with drug(s)/metabolite(s) noted;
- (5) Positive, with drug(s)/metabolite(s) noted – dilute;
- (6) Adulterated with remarks;
- (7) Substituted, with remarks; or
- (8) Invalid result, with remarks.

Before any test result is reported to the County (the results of initial tests, confirmatory tests, or quality control data), it will be reviewed and the test certified as an accurate report by the responsible individual.

- b. The laboratory will report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive will be reported positive for a specific drug.
 - c. The MRO may request from the laboratory and the laboratory will provide quantitation of test results.
 - d. The laboratory may transmit results to the MRO by various electronic means in a manner designed to ensure confidentiality of the information. Results will not be provided verbally by telephone. The laboratory and the County will ensure the security of the data transmission and limit access to any data transmission, storage, and retrieval system.
 - e. The laboratory will send only to the MRO the original or a certified true copy of the drug testing custody and control form, which, in the case of a report positive for drug use, will be signed by the individual responsible for day-to-day management of the drug testing laboratory or the individual responsible for attesting to the validity of the test reports, and attached to which will be a copy of the test report.
 - f. Unless otherwise instructed by the County in writing, all records pertaining to a given urine specimen will be retained by the drug testing laboratory for a minimum of two (2) years.
16. Long-Term Storage: Long-term frozen storage in accordance with HHS requirements ensures that positive urine specimens will be available for any necessary retest during administrative or disciplinary proceedings. The laboratory will retain and place in properly secured long-term frozen storage for a minimum of one year all specimens confirmed positive, adulterated, substituted, or invalid. Within this one-year period, the County, the MRO, employee or a DOT agency may request the laboratory to retain the specimen for an additional period of time, but if no such request is received, the laboratory may discard the specimen after the end of one year, except that the laboratory will be required to maintain any specimens under legal challenge for an indefinite period.
17. Medical Review Officer (MRO):
- a. MRO Qualifications: The County has designated a licensed physician (Doctor of Medicine or Osteopathy knowledgeable about and with clinical experience in controlled substance abuse disorder and knowledgeable about issues relating to adulterated and substituted specimens, as well as possible medical causes of

specimens having invalid results, and the DOT, MRO Guidelines and applicable DOT agency regulations.

b. MRO Responsibilities.

- 1) Acting as an independent and impartial “gate keeper” and advocate for the accuracy and integrity of the drug testing process;
- 2) Providing a quality assurance review of the drug testing process for the specimens under his or her purview;
- 3) Determining whether there is a legitimate medical explanation for confirmed positive, adulterated, substituted, and invalid drug test results from the laboratory;
- 4) Investigating and correcting problems where possible and notifying appropriate parties;
- 5) Insuring the timely flow of test results and other information to employers;
- 6) Protecting the confidentiality of the drug testing information; and
- 7) Performing all functions in compliance with this policy and other DOT agency regulations.

c. Confirmed, Positive, Adulterated, Substituted or Invalid Test Result: Prior to making a final decision to verify a positive test result for a driver, the MRO will give the driver an opportunity to discuss the test result with him or her. The MRO will contact the driver directly, on a confidential basis, to determine whether the driver wishes to discuss the test result. Except as provided below, the MRO will talk directly with the driver before verifying a test as positive. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the driver directly, the MRO will contact the Appointing Authority or designee who will direct the driver to contact the MRO as soon as possible. If it becomes necessary to reach the driver through the Appointing Authority or designee, the Appointing Authority or designee will employ procedures that ensure, to the maximum extent practicable, the requirement that the driver contact the MRO is held in confidence. If, after making all reasonable efforts, the Appointing Authority or designee is unable to contact the driver, the County may place the driver on temporary medically unqualified status or medical leave. The MRO may, however, verify a test as positive without having communicated directly with the employee about the test in the following three (3) circumstances:

- 1) The driver expressly declines the opportunity to discuss the test;

- 2) The driver's Appointing Authority or designee has successfully made and documented a contact with the driver and instructed the driver to contact the MRO and more than seventy-two (72) hours have passed since the date the driver was successfully contacted by the Appointing Authority or designee;
- 3) Neither the MRO nor the designated employer representative, after making all reasonable efforts, has been able to contact the employee within ten (10) days of the date on which the MRO receives the confirmed positive test result from the laboratory; or
- 4) Other circumstances provided for in DOT drug testing regulations.

If a test is verified positive under 2) or 3) above, the driver may present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the driver from timely contacting the MRO or County representative. The MRO, on the basis of such information, may reopen the verification, allowing the driver to present information concerning a legitimate explanation of the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO will declare the test to be negative. Following a verification of a positive test result, the MRO will refer the case to the employer's employee assistance or rehabilitation program, if applicable, to the management official empowered to recommend or take administrative action, or both.

- d. Verification for Opiates; Review for Prescription Medication: Before the MRO verifies a confirmed positive result for opiates, (except where the laboratory detects the presence of 6 acetylmorphine or morphine or codeine at 15,000 ng/ml wherein the test result will be verified positive), he or she will determine that there is clinical evidence -- in addition to the urine test -- of unauthorized use of any opium, opiate, or opium derivative (e.g., morphine, heroine, or codeine).
- e. The MRO will notify each driver who has a verified drug test as positive for a drug or drug metabolite, or a refused to test because of adulteration or substitution that the driver has 72 hours in which to request a test of the split specimen. If the driver requests an analysis of the split specimen within 72 hours of having been informed of a verified positive test, the MRO will direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) or adulteration or substitution (as appropriate) or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test and report cancellation and the reasons for it to the DOT, the County, and the driver.

- f. If a driver has not contacted the MRO within 72 hours, as provided above, the driver may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the driver from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the driver's failure to contact the MRO within 72 hours, the MRO will direct that the analysis of the split specimen be performed.

If the analysis of the split specimen is reconfirmed by the second laboratory for the presence of the drug(s) or drug metabolite(s), the MRO will notify the County and the driver of the results of the test.

- 18. Challenge to Test Results. Employees may challenge positive test results as provided in the Pinellas County Drug Free Workplace Program.

VII. RELEASE OF TEST RESULTS:

Employee records pertaining to alcohol or controlled substance testing will be maintained in a secure location with controlled access.

- A. These records will be promptly released to the driver, or a person identified by the driver (including subsequent employers), upon written request of the driver. This release of information will not be contingent upon payment for records other than those specifically requested.
- B. These records will be released when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the County or any of its drivers or the FHWA.
- C. These records will be released to the National Transportation Safety Board when requested as part of an accident investigation.
- D. These records will be released to the driver or a decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from the results of an alcohol and/or controlled substances test administered under this part or from a determination that the driver engaged in prohibited conduct, including but not limited to, workers compensation, unemployment compensation, or other proceedings relating to a benefit sought by the driver.

VIII. CONSEQUENCES FOR VIOLATING THE POLICY:

- A. Removal From Safety-Sensitive Functions: Drivers are prohibited from performing safety-sensitive functions, including driving a commercial motor vehicle, if they have engaged in prohibited conduct under the FHWA rule, this Policy, or another DOT agency's alcohol or controlled substances rule.
- B. Consequences for Having an Alcohol Concentration of 0.02 or Greater but less than 0.04: FHWA regulations require that a driver found to have an alcohol concentration of 0.02 or greater but less than 0.04, be immediately removed from performing safety-sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. Such employees are subject to the terms of the County's Drug Free Workplace Policy.
- C. Required Evaluations and Testing:
 - 1. FHWA regulations provide that no driver who has engaged in prohibited conduct shall perform safety-sensitive functions, including driving a commercial motor vehicle, unless and until that driver has:
 - a. Been evaluated by an substance abuse professional (SAP) who shall determine whether the driver is in need of assistance in resolving problems associated with alcohol misuse and controlled substances use;
 - b. Completed any treatment recommended by the SAP;
 - c. Been evaluated by an SAP to ensure that the driver has properly followed the treatment program; and
 - d. Undergone required return-to-duty testing.
 - 2. A SAP is a licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders.

IX. TRAINING FOR SUPERVISORS:

Supervisors responsible for making determinations as to whether reasonable suspicion exists to require a driver to undergo testing under this policy will receive at least 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substances use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

X. EFFECTS OF CONTROLLED SUBSTANCES USE ON AN INDIVIDUAL'S HEALTH, WORK, AND PERSONAL LIFE AND SIGNS AND SYMPTOMS OF A CONTROLLED SUBSTANCES PROBLEM:

A. Warning Signs of a Substance Abusing Employee

1. General Behavior Changes

- a. Inappropriate giggling/laughter
- b. Obscene language and gestures
- c. Increased irritability
- d. Hyperactivity
- e. Bizarre and uncontrollable actions
- f. Time and place disorientation
- g. Inappropriate verbal responses
- h. Defensiveness about alcohol/drug use
- i. Withdrawn behavior
- j. Fights with co-workers
- k. Temper outbursts
- l. Extreme apathy
- m. Hypersensitivity
- n. Talk about suicide
- o. Suicide attempt

2. Work Attendance

- a. Lateness for work
- b. Leaving work before and/or after lunch
- c. Frequent call-ins

3. Work Performance

- a. Drop in productivity
- b. Inconsistent daily work
- c. Shortened attention span
- d. Decreased ability to think and solve problems

4. Behaviors at Home

- a. Missing money or objects that could be easily converted into cash
- b. House supply of prescription drugs dwindling for no apparent reason
- c. Increased time spent alone in room
- d. Possession of drug paraphernalia

5. Social Problems

- a. Deterioration in family relationships and communication
- b. Frequent absence from home
- c. Changing group of friends
- d. Problems Caused by a Drug Abusing Employee
- e. Safety
- f. Workload shift
- g. Endangering future business
- h. Increase cost of benefits
- i. Health dangers

XI. EFFECTS OF ALCOHOL MISUSE ON AN INDIVIDUAL'S HEALTH, WORK, AND PERSONAL LIFE:

- A. Alcohol is a central nervous system depressant. Taken in large quantities it causes not only the euphoria associated with "being drunk" but also adversely affects your judgment, your ability to think, and your motor functions. Drink enough alcohol fast enough and it can kill you.
- B. Long-term overuse of alcohol can cause liver damage, heart problems, sexual dysfunction, and other serious medical problems.
- C. In some cases, alcohol use can lead to physical and psychological dependence on alcohol. Alcoholism is a serious chronic disease. Left untreated, it will inevitably get worse.
- D. Workers who use alcohol (and other drugs) affect everyone. Studies show that compared to alcohol- and drug-free workers, substance abusers are far less productive, miss more workdays, are more likely to injure themselves or someone else, and file more workers' compensation claims.
- E. The measurable dollar costs of workplace substance abuse from absenteeism, overtime pay, tardiness, sick leave, insurance claims, and workers' compensation can be substantial. However, the hidden costs resulting from diverted supervisory and managerial time, friction among workers, damage to equipment, and damage to the County's public image means that workplace substance abuse can further cut profits and competitiveness.
- F. Alcohol can also destroy relationships, lead to serious problems with the law (e.g., drunk driving), and even cause harm to the people you love.
- G. If drinking affects your work life, it could lead to job loss and all of the financial problems that would follow.

XII. SIGNS AND SYMPTOMS OF ALCOHOL MISUSE:

Any one or more of the following signs may indicate a drinking problem:

- A. Family or social problems caused by drinking.
- B. Job or financial difficulties related to drinking.
- C. Loss of a consistent ability to control drinking.
- D. "Blackouts" or the inability to remember what happened while drinking.
- E. Distressing physical and/or psychological reactions if you try to stop drinking.
- F. A need to drink increasing amounts of alcohol to get the desired effect.
- G. Marked changes in behavior or personality when drinking.
- H. Getting drunk frequently.
- I. Injuring yourself--or someone else--while intoxicated.
- J. Breaking the law while intoxicated.
- K. Starting the day with a drink.

XIII. AVAILABLE METHODS OF INTERVENING WHEN A CONTROLLED SUBSTANCES PROBLEM IS SUSPECTED, INCLUDING CONFRONTATION, REFERRAL TO ANY EMPLOYEE ASSISTANCE PROGRAM AND/OR REFERRAL TO MANAGEMENT:

A. Reasons for Intervention:

1. Although the County has no history of substance abuse problems, we recognize that drug abuse is a problem throughout America.
2. There are three good reasons why you should be concerned if any of your coworkers is using drugs or alcohol on the job:
 - a. Your health and safety may be at risk.
 - b. Drug abuse costs you money.
 - c. Drugs create a negative work environment.

3. The U.S. Department of Labor has determined that drug and alcohol use on the job cost society an estimated \$102 billion a year. Since most of this cost is passed on to you in the form of higher health insurance rates or in the prices you pay for things, drug and alcohol use on the job costs you and your fellow workers.
4. Workers who abuse drugs don't function at their full potential. Not only is absenteeism a problem, when they are at work these employees may have reduced capabilities and productivity.
5. No matter what your position is in the organization, there is something you can do to ensure that drug and alcohol use on the job never becomes a problem at the County. Acceptance of any abuse puts you, this County, and the public at risk.

B. Employee Assistance Program

The County provides confidential treatment through its Employee Assistance Program and Mental Health/Substance Abuse program for all permanent employees insured under the group medical plan. The phone number for the EAP is listed on the medical ID card or can be obtained from Employee Benefits.

C. Outpatient programs exist in a variety of settings:

1. Community mental health centers;
2. Family service agencies;
3. Private physicians' and therapists' offices;
4. Occupational settings; and
5. Specialized alcohol or drug abuse treatment facilities.

D. Inpatient services, designed for those with more serious alcohol or substance abuse problems, can be found in hospitals, residential care facilities, community halfway houses, and some substance abuse and/or alcoholism clinics.

E. Your local telephone directory will list helpful assistance and referral organizations such as:

1. Alcohol and Drug Referral Hot Line 1-800-252-6465
2. Cocaine Hot Line 1 800-COCAINE
3. National Institute on Drug Abuse Hot Line 1-800-662-HELP
4. Alcoholics Anonymous