

Town of Bristol New Hampshire

DRUG AND ALCOHOL POLICIES AND PROCEDURES

I PURPOSE OF POLICY (Non-DOT Employees)

- To provide a safe, drug and alcohol free work environment

POLICY STATEMENT

- No employee shall consume drugs or alcohol while on company time or property. This includes unpaid meal and break periods.
- No employee shall possess or be in control of any alcoholic beverage or controlled substance within any company building or vehicle.
- No employee will participate in the unauthorized use, abuse or sale of any controlled substance.
- We do not permit the use or sale of any controlled substance at any time.
- We have adopted a zero tolerance policy for Police Officers in regard to the sale or use of controlled substances and/or alcohol misuse.

- #### APPLICABILITY

- All full-time and part-time employees not subject to the Federal Motor Carrier Safety Administration regulations.

III TESTING

- Although this policy prohibits the use of any controlled substance not lawfully prescribed by a physician, any drug test required under this policy will analyze an individual's urine, hair follicle, oral fluid or sweat to test for the presence of the following substances but are limited to:

Non-DOT: Marijuana
 Opiates
 Cocaine
 Phencyclidine
 Amphetamines

- Alcohol screening tests are performed via breath analysis or saliva testing. A trained Breath Alcohol Technician (BAT) or Saliva Test Technician (STT) using the approved testing device; QED, (Quantitative Enzymes Diagnostics) and will perform these tests.

- A trained BAT will perform confirmation testing on an evidential breath-testing device that is on the National Highway Traffic Safety Administration's Conforming Products List.

IV REASONS FOR TESTING

a. Pre-employment (382.301)

- Prior to the first time an employee performs a safety-sensitive function or any duty for the company, he/she will undergo testing for controlled substances and will not be allowed to perform any such function unless a verified negative test result is received from the Medical Review Officer (MRO). If a pre-employment controlled substance test indicates a confirmed positive, the company will rescind the employment offer.

b. Post-accident/incident (382.303)

- All employees are subject to Post-accident Testing.
- Any incident at the discretion of the Designated Employer Representatives (DER) that must concur with each other.
- All employees will immediately contact a supervisor for instructions. The employee will not drive to the testing facility. Either, the testing collector will travel to the accident, if applicable, or the employee will be brought to the testing facility.

c. Random Testing (382.305)

- All employees are subject to Random Testing.
- The substance abuse testing program will be managed by Onsite Drug Testing of New England. ODTNE will perform all aspects of the program management including, but not limited to, random selection, blind samples, quarterly statistic reports, scheduling and/or collecting samples.
- Drug screen collections and alcohol tests will be performed at the Town of Bristol, a worksite of the Town of Bristol that has the proper accommodations, a collection site or at Onsite Drug Testing of New England, LLC, Concord N.H.
- Random selection and subsequent testing will be performed at an annual percentage rate of 30% of eligible employee positions for controlled substances and 20% for alcohol. These tests will spread throughout the year and shall be performed with little or no notice to the employees. When the employee is notified of the need to be tested, he/she shall be

immediately ready or proceed directly to the collection site and submit to the required testing.

- Per the Town of Bristol policy, testing rates are subject to change the following year after statistical reports are completed showing actual results of negatives vs. positives.

d. Reasonable Suspicion (382.307)

- All employees are subject to Reasonable Suspicion Testing.
- All employees eligible for *controlled substance and alcohol testing* under this policy are to only undergo reasonable suspicion testing before, during or after performing any job duties.
- Whenever the Town of Bristol has reasonable suspicion to believe that an employee has violated any alcohol or controlled substance prohibition contained in this policy, it will require that employee to submit to an alcohol and/ or controlled substance test. Any suspicion shall be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic effects of controlled substances. These observations will only be made by a supervisor or company official who has received appropriate training and will be documented by that individual in a Supervisor's Report of Reasonable Suspicion within twenty-four (24) hours after his/ her observation. Two (2) DERs shall concur with regards to the observations about the reasonable suspicion.
- All testing shall be conducted as soon as possible after the determination to test has been made. If the employee needs to be transported to the collection site, it will be by a supervisor and the employee will not be allowed to perform any job duties or drive any company vehicle until negative results are confirmed. Appropriate measures will be taken to transport the employee home after the test has been taken to ensure the safety of the employee and the general public. Such measures may include but are not limited to calling a family member, calling a taxi or driving him/ her home.

e. Return to Duty Testing (382.309)

- Before an employee returns to duty after engaging in conduct prohibited by this policy concerning alcohol, the employee shall undergo a return to duty alcohol test with a result indicating a negative alcohol concentration, and

- Before an employee returns to duty after engaging in conduct prohibited by this policy concerning controlled substances, the employee shall undergo a return to duty controlled substance test with a result indicating a verified negative result for controlled substance use.
- The Town of Bristol will pay for one return to duty drug/alcohol screen per employee, excluding Police Officers.

f. Follow-up Testing (382.311)

- Following a determination under this policy, that an employee is in need of assistance in resolving problems associated with alcohol misuse or use of controlled substances, each employer shall ensure that the employee is subject to unannounced follow-up alcohol and/or controlled substance testing as directed by a Substance Abuse Professional (SAP). Follow-up testing shall be conducted only when the employee is performing job duties.
- The Town of Bristol will pay for the initial evaluation of the employee, following a confirmed positive as well as the Return-to-duty test. (For one time only)
- The Employee is responsible for any other costs accrued by testing positive.
- Following a second confirmed positive drug and/or alcohol screen, the employee will be terminated.

g. Refusal to Submit: (382.211)

- Any employee who refuses to submit to any required test under any circumstance shall be prohibited from performing any job duties and shall be subject to discipline as outlined in CONSEQUENCES OF POSITIVE TEST RESULTS.
- Refusal to submit shall be determined by any of the following circumstances, but are not limited to:
 - Failing to provide adequate breath, saliva or urine for testing without a valid medical explanation after the employee has received notice of a required test. (In the case of a Pre-Employment drug test, the employee is deemed to have refused to test on this basis only if the Pre-Employment test is conducted following a contingent offer of employment.)
 - Engaging in conduct that disrupts the collection process.
 - Engaging in any conduct that creates reason to believe that a urine specimen has been altered, substituted or

adulterated for the purpose of affecting the validity or accuracy of a controlled substance test result. This includes refusing to submit to an observed or monitored collection.

- Failure to appear for any test, except Pre-Employment within a reasonable time as determined by Onsite Drug Testing of New England, LLC after being directed by the employer.
- Failure to remain at the testing site, until the testing procedures are completed.
- Failure to submit to a second test that the Employer or Collector has directed the employee to take.
- A result reported by the MRO as being a verified, adulterated or substituted test.

V ALCOHOL & DRUG TESTING PROCEDURES (Part 40, 382 and 383)

- All procedures for drug and alcohol collection and testing shall be performed in accordance with FMCSR Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing) and 383 (Commercial Drivers License Standards; Requirements and Penalties).
- Each employee must present a photo ID directly prior to submitting to a drug or alcohol test.
- All specimens will be collected at locations that afford privacy for the employee. Providing a urine sample will not be directly observed or monitored unless the employee's conduct indicates an attempt to tamper with or adulterate the specimen.
- Urine samples will be tested for drugs at laboratories certified by the US Dept. of Health and Human Services (DHHS).

VI TESTING RESULTS (Subpart D, 382.401)

- All controlled substance and alcohol test results will be reported and maintained in a confidential manner and only shared with those who have a bonafide need to know, the DER(s) and Onsite Drug Testing of New England, LLC.
- A negative-dilute specimen is considered a confirmed negative and no further action is needed.
- A negative drug or alcohol test result is indicative of having passed the test. No further action needs to be taken.

- A positive result is defined as a confirmation alcohol test of greater than or equal to 0.01 units and a drug test determined and reported as positive by the MRO.
- No employee shall report or remain on duty requiring the performance of any job duties while having an alcohol concentration of 0.01 units or greater. The Town of Bristol having actual knowledge that an employee has an alcohol concentration of 0.01 units or greater shall permit the employee to perform or continue to perform any job duties.
- All drug test results, positive or negative, will be reviewed by a MRO prior to being reported to the employer. In the case of a positive test result, the MRO will contact the employee and discuss the results prior to reporting them to employer. If the employee can show a legitimate medical reason for testing positive, the MRO will report the result as negative to the employer.
- A positive controlled substance result means that the employee has failed the test and needs to be removed from job duties immediately. At this time, the employee may opt to have the split drug test sample sent for re-test. If the split result is other than positive for the same substance, the test is canceled and the employee may return to his job. (The Town will pay for this test if it results in a negative confirmation.)

VII. CONSEQUENCES OF POSITIVE TEST RESULTS (Part 40, Subpart 0)

- All employees will be treated as though they had a verified positive test result if they refuse to test.
- Any employee who has a verified positive test will be provided information by the employer on where to go to get guidance regarding substance abuse.
- Consequences for a verified positive result by a Police Officer and/or a part-time employee will be termination.
- Consequences for the first verified positive result by a full-time employee excluding Police Officers will be:
 - a. Immediate suspension with no pay.
 - b. Meet with a SAP for evaluation and referral.
 - c. Follow the SAP's referral including but not limited to a Substance Abuse class.
 - d. Employee will be allowed to return to work on the condition that he/she continue with the SAP referral program that will be monitored at all times by the SAP and DER.

- e. Submit to a return-to-duty test (drug and/or alcohol) of which the results are negative.
 - f. Submit to a minimum of 6 follow-up tests maintained by the SAP and DER within the first year following the evaluation. (follow-up tests are in addition to being selected for random testing and are paid by the employee)
- Not following the SAP and DER guidelines will result in termination.
 - Consequences for the second verified positive result will be termination.

VIII GENERAL REQUIREMENTS

- All employees must read, understand and sign the Alcohol and Drug Testing, Driver Awareness and Training Handbook.
- The receipt with signature, will be kept in the personnel files.
- All employees are required by this policy to report any other employees behavior showing any signs and symptoms of an alcohol or controlled substance problem to their immediate supervisor.
- Any employee who refuses to sign this policy or the handbook will not be hired and/or will be terminated.

References; Federal Motor Carrier Safety Regulations Handbook

Policy written by Onsite Drug Testing of New England, LLC

By signing and dating this policy, you are agreeing that you have read and understand this policy.

The Designated Employer Representative is: _____

Kimberly Reid, President:

Date:

Town of Bristol representative:

Date:

Employee:

Date:

Town of Bristol New Hampshire

DRUG AND ALCOHOL POLICIES AND PROCEDURES

AMENDMENT

OCTOBER 1, 2010

Per the Department of Transportation's (DOT) published final rule regarding Procedures for Transportation Workplace Drug and Alcohol Programs (49 CFR Part 40), all substance abuse screens will add to their initial testing panel, MDMA (Methylenedioxymethamphetamine, Ecstasy). In addition, instead of only testing for heroin metabolite 6-Acetylmorphone (6MAM) following a Morphine positive, they now will include it in the initial testing panel as well.

I acknowledge the final rule change as of October 1st, 2010. I acknowledge that I have received and understand the amendment to the Town of Bristol's drug and alcohol policy.

Employee's Full Name (Printed): _____

Employee's Signature: _____

Designated Employee Rep. Signature: _____