

**JACKSON COUNTY**

**SUBSTANCE ABUSE  
POLICY**

**FOR EMPLOYEES WITH**

**~ CDL ~**

**COMMERCIAL DRIVERS LICENSES**

## **I. PURPOSE OF POLICY**

Jackson County recognizes that the use of drugs and alcohol in its workplace creates health, safety, security and production problems for its employees, customers, visitors, and business.

In addition, because the County employs employees who are required, by state or federal law, to possess commercial driver's licenses as a result of their job duties, the County is subject to state and federal laws, including rules promulgated by the federal Department of Transportation ("DOT"), which, among other things, requires the County to:

- Maintain a written substance abuse policy for its employees who are required to possess a commercial drivers license,
- Perform drug and alcohol testing on its employees with commercial drivers licenses as required by the state and federal laws,
- Maintain safeguards to protect employees from, among other things, erroneous test results, and
- Impose mandatory corrective action against employees who violate the policy.

This Substance Abuse Policy is designed to (a) provide a safe, healthy, productive, and drug-free workplace for all employees, (b) protect our County and its customers from losses arising out of or associated with alcohol and controlled substance, (c) provide an effective tool for deterrence of substance abuse, (d) provide an effective tool for detection of violators, (e) ensure efficient operations, (f) maintain a favorable County image, and (g) satisfy the state and federal (including the DOT) rules covering employees with commercial driver's licenses.

The Policy does not alter the at-will employment relationship between the County and its employees. It is not meant to create a contract or expectation of future employment between the County and its employees, and is merely one condition of continued employment. The terms of the Policy may change in the future at the County's discretion or to comply with changes in federal or state law. The County has discretion to impose corrective action against violators of this Policy in addition to that imposed by the DOT. Employees are advised to contact the Personnel Department with any questions concerning the Policy.

Compliance with this policy is not optional. The failure to comply with any of the provisions of the Policy may subject an employee to discipline up to and including termination. The Policy replaces and supersedes all prior CDL alcohol or substance abuse policies. Employees subject to this policy are also subject to the general Jackson County Substance Abuse Policy applicable to all employees.

This Policy summarizes applicable federal law. To the extent that anything in this Policy is inconsistent with federal law, federal law shall supercede and supplement this Policy. Employees are encouraged to review Title 49 of the Code of Federal Regulations, Parts 40, 482 and 391 for further detail on alcohol and drug testing procedures and requirements.

## **II. SCOPE OF POLICY**

This Policy applies to employees as well as certain independent contractors (hereinafter referred to as the "drivers") who are required to possess a Commercial Driver's License. ("CDL"). CDLs are generally required for all drivers operating a "Commercial Motor Vehicle", which includes any vehicle which:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

- Has a gross vehicle weight rating of 26,001 or more pounds;
- Is designed to transport 16 or more passengers, including the driver; or
- Is any size transporting hazardous materials requiring placards.

Several provisions of this Policy govern a driver's conduct in relation to their performance of "Safety Sensitive Functions." A "Safety Sensitive Function" as defined by the DOT is all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work, including:

- 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;
- All time inspecting equipment or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at anytime;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth;
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

### **III. GENERAL PROHIBITIONS**

All drivers are subject to the following prohibitions:

#### **A. Alcohol**

Drivers are prohibited from the following actions relating to alcohol use:

- From using alcohol within four hours of performing a Safety Sensitive Function;
- From performing a Safety Sensitive Function while having an alcohol concentration of 0.02 or greater, or within 24 hours of being tested with an alcohol concentration of at least 0.02 but less than 0.04;
- From operating a commercial motor vehicle while in possession of alcohol (unless it is manifested cargo);
- From using alcohol during eight hours following an accident, unless the driver undergoes a post-accident test.

#### **B. Drugs/Controlled Substances**

All drivers are prohibited from the unlawful manufacture, distribution, possession, or use of controlled substances during working hours, in any County-owned or leased vehicle, or in any County facility or workplace. For purposes of this Policy, the terms "drugs" or "controlled substances" includes any illegal or illicit drugs, including the following: marijuana, cocaine, opiates, phencyclidine, or amphetamines.

Drivers are also prohibited from any other drug use that could affect performance of a safety sensitive function. The only exception is by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle. IN THE EVENT THAT A DRIVER HAS BEEN PRESCRIBED A DRUG WHICH HE OR SHE HAS BEEN ADVISED WILL ADVERSELY AFFECT HIS OR HER ABILITY TO SAFELY

OPERATE A COMMERCIAL MOTOR VEHICLE, HE OR SHE SHALL IMMEDIATELY REPORT THAT TO THEIR SUPERVISOR (WHO WILL REPORT IT TO PERSONNEL) AND THEY SHALL BE REASSIGNED TO NON-SAFETY SENSITIVE FUNCTIONS (IF WORK IS AVAILABLE) UNTIL THE PRESCRIPTION HAS EXPIRED.

#### **IV. TESTING REQUIREMENTS**

All drivers are required to completely comply with all testing requirements, as described below. "Compliance" is not satisfied if the employee refuses, interferes with, or alters a test in any manner.

##### **A. Pre-Employment Testing**

All applicants for driver positions must submit to pre-employment testing for drugs, and the results must be obtained prior to the driver performing a safety sensitive function for the first time. Applicants must also sign a Consent and Release Agreement, allowing the County to obtain information from the applicant's prior employers.

1. **Positive Test Results at Previous Employers:** If the applicant has tested positive for alcohol or drugs at a prior employer, the applicant must be required to complete the DOT-required procedures before being assigned to a safety sensitive function (including, but not limited to, consultation with a Substance Abuse Professional, compliance with the recommendations of the Substance Abuse Professional, satisfactory completion of return-to-work tests, and satisfactory participation in follow-up testing). The County will verify the applicant's test results with prior employers as required by law.
2. **Positive Pre-Employment Test (or Refusal to Take Pre-Employment Test):** During the interview process, the applicant will also be asked if they have ever tested positive at a pre-employment test, or ever refused to take a pre-employment test for any employer which the applicant applied for, but did not receive employment, within the prior two years. The employee must answer the questions honestly. If there was a positive or refusal to test, the employee cannot be assigned to safety sensitive functions prior to completing the DOT-required procedures (described in subparagraph 1, above).

##### **B. Reasonable Suspicion Testing**

Drivers are also required to submit to a drug and/or alcohol test whenever the County has reasonable suspicion to believe that a driver is under the influence of or using alcohol (just before, during, or just after performing a safety sensitive function), or controlled substances anytime while at work.

County department heads, supervisors/managers have receive on-going training to make observations concerning potential alcohol and/or drug use, including, but not limited to, factors such as the driver's appearance, behavior, speech, and body odors. The factors constituting reasonable suspicion will be documented by the supervisor at the time of the observation.

The employee under suspicion will be escorted by a County representative to the collection site for specimen collection. Upon completion of the collection process, arrangements will be made for a spouse, family member, or friend to escort the employee home. If none are available, the County will arrange for a taxi to transport the employee to his home at the employee's expense, or make such other measures as deemed appropriate under the circumstances.

Alcohol and drug tests based on reasonable suspicion will be conducted as soon as possible following the observations. If the alcohol test is not administered within two hours, the supervisor will be required to report to Personnel and their oversight committee why the test was not administered. The alcohol test

may not be taken after eight hours following the observed behavior, and the supervisor will be required to report Personnel and their oversight committee their reasons for failure to conduct the test within the eight hours.

No driver shall be allowed to perform safety-sensitive duties until after the alcohol or drug test results are received by the County. Until the alcohol or drug test results are received, the driver shall report the following shift to their supervisor (who will report it to Personnel) and they shall be reassigned to non-safety sensitive functions (if work is available).

C. Random Testing

All drivers will be subject to random testing for both drugs and alcohol. The number of random tests will be based on the total number of drivers. The percentage of drivers required to be tested is set by the federal government. A driver selected for a random test must proceed to the collection site immediately.

The random tests will not be announced in advance, and will be conducted at randomly selected intervals throughout the calendar year. Every driver will have an equal chance of being selected for a test each time a selection is conducted.

D. Post-Accident Testing

Employees are required by federal regulations to be tested if they are involved in an accident involving a Jackson County vehicle (in or out of service) that results in:

- ❖ A loss of human life; or
- ❖ Your receiving a citation under State or local law for a moving traffic violation and a person is injured in the accident and immediately receives medical treatment away from the scene or accident; or
- ❖ Your receiving a citation under State or local law for a moving traffic violation and one or more of the vehicles involved in the accident receives disabling damage and is towed from the scene of the accident.

Following an accident under the above circumstances, all efforts will be made to have the employee tested as soon as possible, but not to exceed eight (8) hours beyond the incident for alcohol testing and 32 hours for drug testing. Employees involved in accidents must refrain from alcohol use for eight (8) hours following the accident or until a drug/alcohol test is administered.

**Employees who leave the scene of an accident without appropriate authorization prior to the testing will be considered to have refused the test.**

E. Return to Duty Testing

In the event that an employee who has refused a test or who has tested positive is not terminated and is allowed to complete the applicable treatment program described below, before he or she may return to work, he or she must be evaluated by a Substance Abuse Professional, participate in any required substance abuse assistance program, and be tested for drugs and/or alcohol. All results must be negative.

F. Follow-Up Testing

Any driver who is allowed to return to work following a positive test or a refusal, and has satisfactorily passed the return-to-duty testing and has completed the required substance abuse assistance programs, will be subject to additional follow up tests over and above the general random tests applied by the County. The employee will be subject to a minimum of six tests during the first 12 months following the

return, and further testing for up to five years. The dates, times, and conditions of the testing will be established by the County, in conjunction with any written follow-up testing programs and input from the Substance Abuse Professional.

## V. CONDUCT CONSTITUTING A “REFUSAL”

Any driver conduct which constitutes a “refusal” to participate in a required drug or alcohol test is considered a positive test result. The following summarizes some of the conduct which can constitute a “refusal”:

### A. General Refusals

The following are general examples of conduct that will be considered a “refusal”:

- Failure to proceed immediately to the collection site and submit to testing for a required test
- Failure to remain at the test site until completion of the testing process
- Failure to provide a urine, saliva or breath specimen as required under this Policy
- Failure to permit a “monitored” or “observed” collection, when required under this Policy
- Failure to provide a sufficient urine or breath specimen without a valid medical reason
- Failure to submit to a medical examination to verify a valid medical reason for an inability to provide a sufficient specimen
- Failure to submit to a second test as directed by the County or a collector
- Failure to complete any required forms, including, but not limited to, certification forms, authorization and consent forms, or other forms
- Failure to otherwise cooperate with any part of the testing process

### B. Invalid Urine Tests

Federal law requires procedures be followed (called “Validity Testing”) to ensure that no urine sample is subject to “tampering” or other conduct which might lead to an inaccurate test result. The following situations could lead to urine test results being classified as a “refusal”:

1. Diluted Specimens: A urine sample that exhibits unexpectedly low amounts of creatinine and specific gravity value for human urine will be considered to be a “diluted specimen”. A diluted specimen that tests positive is treated as a positive test. If a diluted specimen tests negative, the employee may be required to immediately submit to a second test. The failure to submit to a second test may be considered a “refusal”.
2. Substituted Specimen: A urine specimen that exhibits such low levels of creatinine and specific gravity value that are deemed to be inconsistent with human urine will be considered to be a “substituted specimen”. A substituted specimen is treated as a “refusal”.
3. Adulterated Specimen: A urine specimen that contains substances not expected in human urine, or a specimen containing expected substances, but in unexpectedly high concentrations will be considered to be an “adulterated specimen”. An adulterated specimen is treated as a “refusal”.
4. Invalid Specimen: A urine specimen where there is an unexplained interfering substance will be considered to be an invalid specimen. An employee must provide a legitimate medical explanation for the result. If none exists, and if the employee denies tampering, he or she must immediately submit to a second test under “direct observation”

procedures. If the employee admits to having adulterated or substituted the specimen, it is treated as a “refusal”. If the invalid test results from circumstances unrelated to employee conduct (such as spilled specimens, damaged specimens, or specimens improperly collected), the test will be disregarded, but the employee must immediately submit a new specimen, but not under direct observation procedures.

5. Insufficient Urine Specimen: An employee who is unable to provide a sufficient urine specimen will be urged to drink up to 40 ounces of fluid over a three hour period to aid in providing a sufficient urine sample. If no sufficient sample can be obtained within three hours of arriving at the test site, the County is notified, and the employee will be required to be examined by a licensed physician within five working days to determine whether there is a valid medical reason for the inability to provide a sufficient specimen. If no reason is verified, the test is treated as a “refusal”. (If there is a legitimate medical reason, the test is canceled.)

C. Insufficient Alcohol Breathalyzer Test

An employee who is unable to provide a sufficient breathalyzer specimen after three attempts will be required to be examined by a licensed physician within five working days to determine whether there is a valid medical explanation for the failure. If the failure is not based on any legitimate medical reason, the test is treated as a “refusal”. (If there is a legitimate medical reason, the test is canceled.)

## VI. CONSEQUENCES OF VIOLATIONS OF THIS POLICY

Drivers who violate this Policy are subject to a number of overlapping adverse consequences, some imposed by federal law, and others imposed by the County. These include the following:

A. Refusals or Interference with Testing

A refusal or interference with testing constitutes both a violation of this Policy, and must be considered a positive test result under federal law. The consequences for positive test results are listed below.

B. Positive Alcohol Tests

Federal law imposes several consequences for a positive alcohol test.

1. .02 to .039 Breath Alcohol Concentration: Drivers who have a positive test result of .02 or greater but less than .04 alcohol concentration must be removed from all safety sensitive functions for a period of at least 24 hours.
2. Alcohol Concentration of .04 or Greater: Drivers with an alcohol concentration of .04 or greater must be removed from all safety sensitive functions immediately. Before being reassigned to any safety sensitive function for any employer, the employee must consult with a qualified Substance Abuse Professional, complete any treatment assigned by that professional, and submit to return to work and follow up testing.

C. Positive Drug Test

Any employee who tests positive for controlled substances must be immediately removed from all safety sensitive functions. Before being reassigned to any safety sensitive function for any employer, the employee must meet with a qualified Substance Abuse Professional, complete any required treatment recommended by that professional, and submit to return to work and follow up testing.

D. Other Violations

Other violations of this policy shall result in corrective action imposed by the County.

E. Other Corrective Action

The County reserves the right to impose other corrective action, in addition to the consequences imposed by federal law, for any violations of this policy, up to and including termination of the employee.

**VII. IDENTITY OF PERSONS RESPONSIBLE FOR  
ADMINISTERING THIS POLICY**

The Personnel Department and the provider of the county's choice will administer this Policy and will have contact with drivers regarding the above procedures.

A. County Representatives

Please contact the Personnel Department for the name and address of our County representative.

In the event that employees need to contact the County after hours or if the Designated Employer Representative is unavailable, the following individual should be contacted:

Name: Black River Falls Memorial Hospital

Title: \_\_\_\_\_

Phone Number: 715-284-5361

B. Substance Abuse Professionals

Drivers who test positive (or are considered to have tested "positive" as a result of a "refusal") will be referred to a Substance Abuse Professional who is properly qualified under DOT rules. Drivers will be required, before being reassigned to a safety sensitive function to comply with all of the following procedures:

- Submit to an initial face-to-face assessment and evaluation by the Substance Abuse Professional.
- The Substance Abuse Professional will refer the driver to an appropriate education and/or treatment program based on the initial assessment and evaluation. (This could include, but is not limited to, educational programs such as self-help groups (for example Alcoholics Anonymous), community lectures, drug and alcohol educational courses, outpatient counseling programs, after care programs, partial inpatient treatment programs or inpatient hospitalization.)
- The driver must complete the education and/or treatment program assigned by the Substance Abuse Professional.
- The driver must submit to a follow-up face-to-face reevaluation with the Substance Abuse Professional after completing the education or treatment program assigned to them.
- The driver must comply with follow-up drug and/or alcohol testing, as well as possible continuing education and/or treatment, as directed by the County (with input from the Substance Abuse Professional).

**VIII. PROCEDURES AND SAFEGUARDS USED IN  
CONDUCTING THE DRUG AND ALCOHOL TESTING**

The County has adopted a multitude of procedures to safeguard the accuracy of testing procedures to protect employees from inaccurate results and inadvertent consequences. These safeguards include the County's retention of qualified, trained personnel to conduct the drug and alcohol testing, retention of trained, qualified, and federally-certified laboratories to perform the analysis of urine samples, the internal training of the County's supervisors and other personnel charged with administering this Policy, and other measures.

**IX. CONCLUSION**

The County anticipates that this policy will serve to increase the productivity of its workforce, promote safety in the workplace and to our employees in the public, and advance the health and well being of our employees. We ask each of you to commit yourselves to this policy and together we can make it work.

Violation of this Policy may have severe consequences to the employee and also to the employee's family and dependents. Employees are urged to take this into consideration in their future actions.

The County is confident that this policy will not overburden its employees and will serve to increase morale, safety and productivity in our workplace.

## Appendix "A"

### TESTING PROCEDURES AND SAFEGUARDS

The County complies with the drug and alcohol testing procedures prescribed by the federal DOT rules. The County has also established additional safeguards to facilitate the accuracy of test results and to provide assurances to its employees.

#### A. Qualifications

One of the principal safeguards for our employees is federal regulations requiring qualifications, training, and certification for "collectors" (both urine and breath-alcohol), laboratory, Medical Review Officers, and County supervisors/managers. Jackson County retains collectors, laboratories, and Medical Review Officers that meet these requirements, and conducts necessary on-going training of applicable management staff. Medical Review Officer(s) for Jackson County is defined as a practitioner who is licensed or qualified to administer/conduct substance abuse screenings, exams, and results.

In addition, the law requires that collection "sites" meet very specific standards. Finally, documentation of the collection and testing process must be completed and preserved pursuant to federally-required forms and procedures.

#### B. Urine Collection Procedures for Drug Testing

The following is a summary of the urine drug screen collection and test process (note that these procedures are subject to change as may be required by federal law):

1. Employees are required to report immediately to the designated collection site for any required testing. The collector will notify the County of late arrivals.
2. In the event alcohol testing is also required, the alcohol testing must be done before the urine collection if practicable.
3. The employee must submit a picture ID to the collector or be identified by an employer representative. The employee may request the collector to present identification.
4. The collector will review the collection procedures with the employee and review the federally-required form which will be completed by both the employee and the collector.
5. The employee will then be required to remove outer clothing (such as overcoats, coveralls, suit coats, or hats), and will be required to store all personal belongings, such as briefcases, purses, and other items, in a mutually agreeable location.
6. The employee may be required to empty their pockets to display the items to the collector. If the collector determines that nothing can be used to adulterate a urine specimen, the items may be allowed to be returned to the pockets. If the collector identifies items that could be used to tamper with a specimen, the collector will require that the employee submit to a "directly observed" collection (unless the collector determines that the materials were brought in inadvertently).
7. The employee will then be instructed to wash and dry their hands. The employee will not have access to water or other materials to be used to adulterate or dilute the urine specimen after this point in the procedure.
8. The collector or employee will then unwrap a sealed "collection container". This is the only item that the employee is allowed to take into the room for urination.
9. The employee will be instructed to then enter the room used for urination, provide a specimen of at least 45 ml, not flush the toilet, and return the specimen as soon as the employee has completed the process. No one will be in the room with the employee except in the case of an "observed" or "monitored" collection.

10. The employee will then present the urine sample to the collector.
  - a. There must be at least 45 ml of urine. If there is not, the collector will proceed with “shy bladder” procedures.
  - b. The urine sample must be within the federally-acceptable temperature ranges. If it is not, a new collection will be immediately required using “direct observation” procedures.
  - c. The collector will observe the specimen for signs of tampering. If tampering is indicated, the employee will be required to provide a new collection using “direct observation” procedures.
11. In the event that the employee cannot provide a sufficient amount of urine, the employee will be allowed up to three hours to provide another specimen. During that time, the employee will be allowed to drink up to 40 ounces of fluid. If the employee refuses to attempt to provide a second specimen, it will be designated a “refusal”. If the employee is unable to provide a sufficient specimen within three hours, the County will be notified and the employee will be required to submit to an evaluation by a licensed physician to determine if there is a medical explanation.
12. In several situations (for example, urine sample not within federally-accepted temperature ranges, or evidence of tampering exists), the employee will be required to submit to “direct observation” collection procedures which include the following:
  - a. A person (known as the “observer”) will be required to specifically observe the employee’s urine go from the employee’s body into the collection container.
  - b. The “observer” may be the collector, but is not required to be the collector.
  - c. The “observer” is required to be the same gender as the employee.
  - d. If the observer is not the collector, the observer cannot take the specimen directly from the employee, but must watch the container while the employee submits it to the collector.
13. After obtaining a proper urine sample, the collector will divide the urine sample into two specimen bottles, one used for the “primary” collection/testing, and the second used for “split-specimen” testing. A seal will be placed on the bottles, and the employee will be asked to initial the seals.
14. The employee and the collector will then complete the remainder of the Federal Drug Testing Custody and Control Form, and that form will be placed with the specimen bottles for delivery to the laboratory.
15. The laboratory will test for five drugs or classes of drugs:
  - a. Marijuana
  - b. Cocaine
  - c. Amphetamines
  - d. Opiates
  - e. Phencyclidine (PCP)
16. The laboratory will also conduct “validity testing” to determine whether the sample was adulterated, substituted, or diluted.
17. The laboratory will then issue one of the following findings regarding the urine sample:
  - a. The urine sample is negative
  - b. The sample was negative—diluted
  - c. The sample was rejected for testing (with an explanation)
  - d. The sample was positive (with the specific drugs noted)
  - e. The sample was positive (with the specific drugs noted and diluted)
  - f. The sample was adulterated (with an explanation)
  - g. The sample was substituted (with an explanation)
  - h. There was an invalid result (with an explanation)

18. The laboratory results are then conveyed to the Medical Review Officer (not to the County).
19. The Medical Review Officer will review the tests and determine whether there is a legitimate medical explanation for all confirmed positive, adulterated, substituted, or invalid test results. If there is a confirmed positive, adulterated, substituted, or invalid drug test, the Medical Review Officer will conduct a “verification interview” with the employee. During that interview, the employee may indicate any medications or other substances that the employee is using or medical conditions the employee reports having, that may have affected the test result. The Medical Review Officer may contact the employee’s physician and take all necessary and reasonable steps to verify any medical information that the employee presents. The Medical Review Officer may direct the employee to undergo further medical evaluation by the Medical Review Officer or another physician.
20. The Medical Review Officer will also inform the employee of his or her right to have the “split specimen” tested by another laboratory (at the employee’s cost).
21. The Medical Review Officer will attempt to reach the employee at least three times over a 24 hour period. If the Medical Review Officer is unable to reach the employee, the County will be notified and the County will attempt to contact the employee and inform the employee to contact the Medical Review Officer.
22. The Medical Review Officer will not verify a positive test result to the employer without communicating to the employee, unless the employee declines the opportunity to discuss the test result, more than 72 hours have passed since the County contacted the employee to advise him to contact the Medical Review Officer, or if neither the Medical Review Officer nor the County has been able to contact the employee within 10 days from the date that the Medical Review Officer received the confirmed test result.
23. If the employee elects to have the split specimen tested, he or she must notify the Medical Review Officer within 72 hours after being advised of their rights.
24. The Medical Review Officer will notify the County of the final test results, and the County will proceed as indicated in this policy.

C. Alcohol Testing Procedures

The following is a description of the procedures used to test for the employee’s possible use of alcohol (note that these procedures are subject to change as may be required by federal law):

1. Like the drug testing procedures, the employee must report immediately to the collection site for any required testing.
2. The employee must provide a picture ID or be identified by an employer representative.
3. The technician and the employee will then review the federally-required form, which will be completed by both the technician and the employee.
4. The alcohol testing is then performed in two stages, an initial or “screening” test, and a final or “confirmation” test.
5. The screening test can be performed using either a breath test or a saliva test, but either type of test must be performed with a device that has been pre-approved by the Federal government.
6. During this screening test, the technician will unwrap the mouthpiece (for a breathalyzer device) in front of the employee and ask the employee to blow into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
7. If a saliva test is used, the technician will open the package containing the device in front of the employee and will either allow the employee to insert the device into his mouth or will, with the employee’s permission, insert the device into the employee’s mouth (wearing approved gloves), and obtain the necessary amount of saliva on the test device.

8. If insufficient saliva is provided, the employee will be required to make another attempt. If the second attempt does not result in sufficient saliva, the County will be notified, and the employee will be required to submit to a breath testing device to perform the screening test.
9. If insufficient breath is provided, the employee will be instructed to make a second attempt. If there is insufficient breath after the second attempt, the collector may allow the employee to make a third attempt. If there is insufficient breath after three attempts, then, for initial screening, a saliva test may be used, but for the final testing, the employee will be directed to obtain, within five working days, an evaluation from a licensed physician to determine whether there is a medical explanation for the failure. If no medical explanation is provided, the test will be considered a “refusal”.
10. The employee will then be informed of the results of the breath or saliva screening test.
11. If the screening test result is less than .02 alcohol concentration, the test will be considered a negative and the employee will be dismissed.
12. If the screening test result indicates an alcohol concentration of .02 or higher, a confirmation test must be given.
13. Before the confirmation test is given, a “waiting period” of at least 15 minutes, but not more than 30 minutes, must occur. During this period, the employee is not allowed to eat, drink or put anything (such as a cigarette or chewing gum) in their mouth, or belch. Note: Careful compliance with the waiting period is for the employee’s benefit—the purpose is to prevent an accumulation of mouth alcohol leading to an artificially high reading. The confirmation test will be performed even if the employee has not complied with the waiting period instructions.
14. The confirmation test will be performed on a breathalyzer device.
15. The technician will conduct an air blank on the breathalyzer machine and show the reading to the employee. The reading should be 0.00. If it is not, a second test will be done. If that test does not reflect a 0.00 reading, the breathalyzer will be taken out of service and a different one used.
16. The technician will then open the mouthpiece and insert it into the device, and the employee will then be required to blow into the mouthpiece for a least six seconds or until an adequate amount of breath is obtained. (If insufficient breath is provided, the same steps as in the screening process will be followed.)
17. The technician will then complete the Alcohol Testing Form, indicating the results of the breathalyzer.
18. Results will be communicated to the County by the technician/licensed practitioner, and the County will proceed as indicated in this policy.

D. Record Maintenance

An additional safeguard is reflected in the procedures for safekeeping various records relating to the collection and testing process. The following is a description of the records that are maintained by the County, and the length of time for which the records are maintained:

<u>Retention Period</u>	<u>Document</u>
5 Years	<ul style="list-style-type: none"> <li>▪ Alcohol test results indicating a breath alcohol concentration of 0.02 or greater</li> <li>▪ Verified positive drug test results</li> <li>▪ Refusals to submit to required alcohol or drug tests</li> <li>▪ Required calibration of evidential breath testing devices (EBT’s)</li> <li>▪ Substance abuse professional’s (SAP’s) evaluations and referrals</li> <li>▪ Annual calendar year summary</li> </ul>

	<ul style="list-style-type: none"> <li>▪ All follow-up tests and schedules for follow-up tests</li> </ul>
3 Years	<ul style="list-style-type: none"> <li>▪ Information obtained from previous employers concerning drug and alcohol test results of employees</li> </ul>
2 Years	<ul style="list-style-type: none"> <li>▪ Records related to the collection process and training</li> <li>▪ Records of the inspection, maintenance, and calibration of EBT's</li> </ul>
1 Year	<ul style="list-style-type: none"> <li>▪ Negative and cancelled drug test results</li> <li>▪ Alcohol test results indicating a breath alcohol concentration less than 0.02</li> </ul>

All results are confidential, available only to the Medical Review Officer and authorized personnel at the County. Results may not be released to anyone else without the written permission of the employee, except:

1. Upon request by the DOT or a state agency as part of an accident or investigation.
2. Without names for statistical evaluations.
3. For training records.

**Jackson County  
REASONABLE SUSPICION REPORT**

Employee \_\_\_\_\_ Date Observed \_\_\_\_\_ am pm

Dept \_\_\_\_\_ Position \_\_\_\_\_ Time Observed \_\_\_\_\_ am pm

Location/Address of Incident \_\_\_\_\_  
\_\_\_\_\_

With another witness present, follow the steps below

Step One:     Check all observations that are applicable.
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	YES	Slight	Strong	None
Odor on Breath/Clothing	_____	_____	_____	_____
Alcohol Breath	_____	_____	_____	_____
Marijuana Odor	_____	_____	_____	_____

**Eyes:**

_____ Bloodshot	_____ Glassy	_____ Watery	_____ Droopy
_____ Closed	_____ Fixed Pupils	_____ Dilated Pupils	

**Speech:**

_____ Loud	_____ Mumbling	_____ Incoherent	_____ Rapid
_____ Confused	_____ Slow	_____ Slurred	_____ Stuttering
_____ Whispering	_____ Slobbering	_____ Rambling	_____ other _____

**Attitude:**

_____ Excited	_____ Talkative	_____ Hyperactive	_____ Lethargic
_____ Bursts of Laughter	_____ Silent	_____ Sleepy	_____ Submissive
_____ Cocky	_____ Profane	_____ Sarcastic	_____ Fighting
_____ Erratic	_____ Indifferent	_____ Insulting	_____ Hostile
_____ Irritable	_____ Crying	_____ Nervous	

**Walking/Balance/Movement:**

_____ Staggering	_____ Falling	_____ Falling	_____ Staggering Knees
_____ Bumping into Objects	_____ Fumbling	_____ Jerky	_____ Slow

**Face/Skin:**

_____ Flushed	_____ Pale	_____ Sweaty	_____ Clammy
_____ Dry Mouth	_____ Dry Nose	_____ Dry Lips	_____ Bloody Nose
_____ Runny Nose			

**Appearance/Clothing:**

\_\_\_\_Partially Dressed      \_\_\_\_Messy      \_\_\_\_Dirty      \_\_\_\_Stains on Clothes

**Step Two:**

Opinion based on observations by the supervisor and witness:

- 1. Impaired?    \_\_\_\_Yes                      \_\_\_\_No                      \_\_\_\_Uncertain
- 2. Fit for Work?    \_\_\_\_Yes                      \_\_\_\_No                      \_\_\_\_Uncertain
- 3. Recommend drug/alcohol screening and medical assessment?  
    \_\_\_\_No            \_\_\_\_Yes - If yes, ask the employee following question:

Would you submit to a medical assessment to include a urinalysis and/or blood test? \_\_\_\_Yes    \_\_\_\_No

- 4. If yes to above question,
  - A. Check with the Personnel Department for arrangements.
  - B. Make appropriate arrangements for employee to be taken to the testing site.
- 5. If the employee refuses to sign the agreement for testing, the employee should be told that by refusing, he or she may be subject to further disciplinary action, up to and including termination.

Remarks: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Printed** Employee Signature                      Employee Signature                      Date            Time

\_\_\_\_\_  
**Printed** Supervisor Signature                      Supervisor's Signature                      Date  
Time

