

VII. Drug and Alcohol Policy

A. Alcohol and Drugs – Drug Free Workplace Policy

1. The Solid Waste Disposal Authority of Baldwin County, Alabama is committed to providing a safe working environment for all employees. The SWDA recognizes that any employee who improperly uses intoxicating substances, including drugs and alcohol, poses a serious threat to his or her self, his/her coworkers, and to the public in general. Even small quantities of narcotics, abused prescription or over-the-counter drugs or alcohol can impair judgment and reflexes. This impairment can have dire results, particularly for employees operating vehicles or potentially dangerous equipment.

It is therefore the policy of the Solid Waste Disposal Authority of Baldwin County, Alabama that all employees or any person performing any kind of work for the SWDA must report to work completely free from alcohol, illegal or unauthorized drugs, or any other substances that may have a mind-altering or intoxicating effect or otherwise impair the employee's judgment, reaction times or functioning.

2. The SWDA also prohibits all employees from using, possessing, manufacturing, distributing or making arrangements to distribute alcohol, illegal or unauthorized drugs, or any other intoxicating substances while at work or on or about any county property.

3. In order to avoid creating safety problems and violating this policy, employees must inform his/her supervisor when he/she is legitimately taking any medication, including prescription drugs or over-the-counter medications, which affects his/her ability to work. Employees whose job performance may be affected by such medications may be required to provide a fitness-for-duty certification before being allowed to resume their job duties.

4. Any employee who violates this policy in any way shall be immediately removed from his/her job duties and shall be subject to discipline, up to and including immediate termination.

5. No part of this policy shall be construed to create a contract of continued employment or to confer upon any employee or applicant a property interest in his/her employment. The Authority maintains the right to change this policy at any time without notice. To the extent that any portion or provision of this policy and procedure conflicts with any applicable federal or state laws or regulation, such federal or state laws or regulations will be controlling. Further provisions of this policy, specifically including, but not limited to, testing procedures, are subject to change in order to remain consistent with the United States Department of Transportation regulations. It is the Authority's intent that it be allowed to choose any testing method that is approved by the United States Department of Transportation.

6. The Authority has designated the Human Resources Director as the Drug Program Coordinator. If you have any questions or concerns regarding this policy or its application, please contact him/her at: (251) 972-8548.

7. The Federal Drug and Alcohol Clearinghouse herein referred to as "Clearinghouse"

manages an electronic database that tracks all covered employees with commercial driver's licenses who have tested positive for prohibited drugs or alcohol use, as well as refusals to take required drug tests and other drug and alcohol violations. Additionally, when a covered employee driver has been found to be in violation and then completes the required return-to-duty process, this information will also be recorded in the Clearinghouse.

The Clearinghouse is Required by Federal Law

The Authority is required to populate the Clearinghouse with the following information:

- Employees' DOT drug and alcohol violations under Part 382 of the Federal Motor Carrier Safety Regulations as part of the hiring process; and
- Posting to the Clearinghouse all prohibited driver activity, who have tested positive for prohibited drugs or alcohol use, as well as refusals to take required drug tests, and other drug and alcohol violations; and
- The requirement to query the Clearinghouse annually for information relating to prohibited drug and alcohol testing behavior by the employee; and
- Verification of a CDL driver's completed steps in the DOT return-to-duty process (if applicable).

Covered DOT Employee Drivers Need to Know Their Rights and Responsibilities

If a covered DOT employee changes companies, he or she will have to register in the Clearinghouse in order to give permission for the new hiring motor carrier to make queries into his/her clearinghouse testing information. All companies are required to enter selected information into the Clearinghouse, as listed in Section 382.601(b)(12). The following is the best-practices information that all employees should understand:

- All types of inquiries companies will perform consistent with (Section 382.701);
- Employee driver procedures on signing up for access to the Clearinghouse;
- Covered employees be provided information on how they may obtain a copy of their Clearinghouse records (Sections 382.707, 382.709);
- Procedures for correcting information in the database (Section 382.717);
- Awareness that state licensing authorities (DMVs) will have access to the database (Section 382.725); and
- Clarification on an employee's obligation to notify a current employer(s) (in writing) of DOT testing violations occurring under a different employer (Section 382.415)

It is important to understand that all covered DOT employee drivers must give their permission to access their Clearinghouse drug and alcohol information. Which means if the covered employee refuses to allow access to the Clearinghouse, it will result in removal of the employee from his/her duties and disciplinary action up to and including termination.

Lastly, all covered employee drivers have a right to review their Clearinghouse information, and if the driver finds a discrepancy or disagree with the records, they are encouraged to write to FMCSA and dispute any issues in question and potentially correct any incorrect records. All

these processes are easily defined and available online at <https://clearinghouse.fmcsa.dot.gov/>

B. Definitions

1. “Accident” means any on the job accident. “Accident” includes vehicular accidents as well as any acts or omission causing an accident or injury to any person or damage to any equipment or property belonging to the Authority.

2. “Administrator” means the person or entity that implements drug testing on employees and applicants.

3. “Alcohol” means distilled or fermented beverage containing ethyl alcohol, including, but not limited to, beer and wine.

4. “Chain of Custody” means procedures implemented by SWDA for the identification and integrity of each urine specimen. SWDA requires the person responsible for policy implementation to track the handling and storage of each urine specimen from the point of specimen collection to final disposition of the specimen. These procedures include an appropriate drug testing chain of custody form to be used from time of collection to receipt by the testing laboratory. Chain of custody forms shall document the date and purpose of each time a specimen is handled or transferred and shall identify every individual in the chain of custody.

5. “Clearinghouse” means *FMCSA Commercial Driver’s License Drug and Alcohol Clearinghouse*. It is a secure online database that gives employers, the FMCSA, State Driver Licensing Agencies (SDLAs), and state law enforcement personnel real-time information about commercial driver’s license (CDL) and commercial learner’s permit (CLP) holders’ drug and alcohol program violations. The Clearinghouse enables employers to identify drivers who commit a drug and alcohol program violation while working for one employer, but who fail to subsequently inform another employer (as required by current regulations).

6. “Collector” means a person who instructs and assists tested employees and applicants for eligible positions at a collection site and who receives and makes an initial examination of the urine specimens. The collector shall have successfully completed training to carry out this function or shall be a licensed medical professional or technician who shall be provided instructions for collection under this procedure and certifies completion as required herein. In any case, where a collection is observed or monitored by non-medical personnel, the collector shall be a person of the same gender as the employee or applicant.

7. “Collection Site” means a place designated by SWDA where employees present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of specified controlled substances and alcohol. The site will possess necessary personnel, materials, equipment facilities, and supervision to provide for the collection, security, temporary storage, and transportation or shipment of the samples to a laboratory.

8. “Controlled Substance” means any substance defined or classified as a controlled substance according to federal or state law. Title II of the Comprehensive Drug Abuse Prevention

Act of 1970 (Controlled Substance Act), as it is amended from time to time, provides the basic standard. Controlled substances include, but are not limited to, any and all forms of marijuana and its derivatives regardless of how obtained, and any stimulants or hallucinogens, that are subject to legal prohibitions or restriction on their sale purchase, transfer, use or possession.

9. “Authority” means Solid Waste Disposal Authority of Baldwin County, Alabama.

10. “DOT Employee” is an employee who is subject to the rules and regulations of the United States Department of Transportation regarding drug and alcohol testing because of the job duties that he/she performs.

11. “Drug Program Coordinator” is the person designated by SWDA to ensure compliance with this Policy, including, but not limited to, ensuring that proper testing procedures are followed, ensuring that the lab(s) used by SWDA are properly certified and ensuring that the Medical Review Officer is properly credentialed. SWDA has designated the Human Resources Director as the Drug Program Coordinator.

12. “Employer Premises” includes all property owned, leased, used, or under the control of the SWDA, including, but not limited to, the job site of any employee, structures, building offices, facilities, vehicles and equipment or transportation to and from those locations while in the course and scope of Authority employment.

13. “Employee” means any and all employees of the Authority.

14. “Illegal/Unauthorized Drug” means any drug (1) which is legally obtainable but has not been legally obtained or, even if legally obtained, is not being used in accordance with instructions given either by a physician or, if over-the-counter, on the drug’s label; or (2) all illegal drugs, including, but not limited to, methamphetamine, cocaine, heroin, marijuana etc.

15. “Intoxicating Substance” means any substance, whether legal or illegal, that may have an intoxicating or mind-altering effect when ingested, snorted, smoked, or otherwise introduced into the body. Intoxicating substances include, but are not limited to, “bath salts,” nitrous oxide, glues, solvents, cannabidiol (CBD) derivatives, or herbs or other plants such as salvia.

16. “Legal Drug” means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used appropriately for their intended purpose in accordance with directions given either on the label or by an employee’s treating physician.

17. “Medical Marijuana” refers to marijuana or any of its derivatives that is prescribed in accordance with the laws of a State.

18. “Medical Review Officer” (MRO) means a licensed physician (medical doctor) responsible for receiving laboratory results generated by the county’s drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual’s confirmed positive test result, together with his/her medical history and any other relevant biomedical information.

19. “Possession” means actual or constructive care, custody, control, or immediate access.

20. “Random Selection Process” is the process used to ensure that each employee holding a safety-sensitive position has an equal chance of being drug-tested every time that random drug tests are conducted. This process means that some employees may be tested multiple times in any given year.

21. “Reasonable Cause” means that SWDA believes the actions, appearance, or conduct of an employee on duty are indicative of the use of a controlled substance or alcohol.

22. “Safety-Sensitive Employees” are those persons who are subject to random drug and alcohol testing. These employees include, but are not limited to, persons who inspect, service, repair, or maintain a vehicle or other heavy equipment, operate or load a vehicle or heavy equipment, use tools, including both power and hand tools, and that have the capacity to injure any person. An employee is engaged in a safety-sensitive function at all times from the time that an employee begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. A list of all positions that are designated as “safety sensitive” is maintained by the Human Resources Director.

23. “Under the Influence” means being unable to perform work in a safe and productive manner; being in a physical or mental condition which creates a risk to the safety and well-being of the individual, other employees or the public; and/or having any laboratory evidence of the presence of drugs, alcohol, or prohibited or controlled substance in the employee’s body.

C. Persons Subject to Testing

1. The following employees have been designated by the Authority to submit at any time to be tested for illegal drug abuse and alcohol abuse:

- a. All employees who hold positions or regularly perform duties that have been designated to be “safety-sensitive” by the Authority;
- b. Any employee who, during the course of said employee’s employment, is involved in an accident causing physical injury to any person or damage to any property; and
- c. Any employee, regardless of whether he/she holds a safety-sensitive position, whose conduct, behavior, or physical symptoms establishes reasonable cause to believe that said employee is under the influence of any drug and/or alcohol while performing his/her job duties or while being physically present on the premises of the Authority’s property during any activity sponsored or supervised by the Authority or in which the Authority participates.

D. Types of Testing

1. Pursuant to the Authority’s Policy and Procedures, employees will undergo testing as follows.

- a. **Pre-Employment Testing:** All employees applying for a position that has been designated as safety-sensitive will be required to submit to a pre-employment drug and alcohol test before a final offer of employment is extended. All pre-testing offers of employment to such persons are explicitly conditioned on the employee successfully taking and passing the drug and alcohol test and undergoing a routine pre-employment physical exam. Pre-employment testing will also be done when an employee transfers from a non-safety sensitive position to a safety-sensitive position.
 - b. **Random Testing:** All employees holding safety-sensitive positions will be subject to testing on a random basis without advance notice to them.
 - c. **Reasonable Cause Testing:** The Authority may schedule a drug/alcohol test when behavioral observations indicate to the employee's supervisor that any employee may be involved in illegal use of a controlled substance, use of alcohol, or abuse of legal drugs. Before testing, the employee's supervisor shall either (1) contact another supervisor to observe the employee's behavior and to concur with the decision to test the employee or (2) review the employee's behavior with another supervisor to obtain concurrence with the decision to test the employee. The employee shall be promptly escorted to the collection site for testing by the employee's supervisor or designee.
 - d. Employees arrested or convicted for the off-the-job use or possession of illegal or controlled substances shall undergo testing to assist the Authority in determining fitness for duty. If the employee tests positive, the Authority may discharge the employee.
 - e. **Post-Accident Testing:** All employees are required to report all injury or damage related accidents and submit to a post-accident drug/alcohol test as set out in this policy. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing. The employee's supervisor or his/her designee shall schedule the drug screening test immediately following a reportable incident or a reportable accident.
 - f. **Return-To-Duty Testing:** If an employee has violated the prohibited drug and alcohol rules, he/she must take and pass a drug and alcohol test before returning to work. Further, any employee who has violated the prohibited drug and alcohol rules is required to take a drug and/or alcohol test before returning to safety-sensitive functions for *any* DOT regulated employer and is also subject to unannounced follow-up testing at least six times in the first 12 months following a return to active safety-sensitive service.
2. Any and all drug testing conducted by the Authority will not be used to identify the existence of any disability.

3. In the event there is reasonable suspicion of a violation of this policy, the Authority also reserves the right to search all property, including, but not limited to cabinets, tool boxes, vehicles, including personal vehicles brought onto SWDA's property.

E. Safety-Sensitive Employees

1. Employees are considered to be "safety-sensitive" when his/her job duties regularly require them to engage in activities that have the potential to cause physical injury to themselves or others or to cause serious property damage. Such activities include, but are not limited to:

- a. Maintaining or repairing motor vehicles or heavy equipment, including, but not limited to, bulldozers, tractors, trucks, and riding mowers;
- b. Maintaining or repairing tools that have the capacity to seriously injure the user or another person, including, but not limiting to, chainsaws or weed-eaters;
- c. Regularly operating motor vehicles or heavy equipment as part of his/her job duties, including equipment such as tractors or riding mowers for which licensure is not required by the State of Alabama;
- d. Regularly operating tools or machinery that has the capacity to seriously injure the user or another person; or
- e. Loading and unloading vehicles or heavy equipment.

2. A list of positions that have been designated as safety-sensitive by SWDA is available for view with the Human Resources Director. Some safety-sensitive positions are specifically subject to regulation by the Department of Transportation (DOT). These positions are indicated by an asterisk. An accredited testing laboratory will maintain two different random testing pools, including one pool for persons specifically subject to regulation by DOT and one pool for all other safety-sensitive employees.

3. All employees are subject to drug and alcohol testing when there is reasonable cause to believe that they have violated this policy and after any accident involving physical injury or serious property damage. However, employees who have been designated as safety-sensitive are also subject to pre-employment testing and random testing. Random drug tests can be performed any time a safety-sensitive employee is on duty. An alcohol test can be performed when the safety-sensitive employee is performing a safety-sensitive duty, just before or just after the performance of a safety-sensitive duty.

4. Medical marijuana prescribed pursuant to State law is not a valid explanation for a positive test result for a safety-sensitive employee. Employees may not perform safety-sensitive functions while taking medical marijuana. Employees who are prescribed medical marijuana in accordance with State law must inform Employer of their prescription prior to first use. Reasonable accommodations will be made for an employee who complies with this procedure, depending on the individual circumstances; however, failure to properly report may result in

termination for cause.

5. In addition, employees occupying positions deemed to be “safety-sensitive” must promptly report any arrests, charges or convictions for drug or alcohol related criminal offenses, including both misdemeanors and felonies, to his/her supervisor. **Failure to report such arrests, charges or convictions may be grounds for discipline, up to and including immediate dismissal.**

F. Necessity of Compliance with Testing Requirements

1. All employees are subject to reasonable suspicion and post-accident testing as a condition of his/her employment. In addition, all safety-sensitive employees will be subject to pre-employment and random drug and alcohol testing urine, breath, or any other method approved by the Department of Transportation as a condition of employment.

3. Any employee who refuses to take a drug and/or alcohol test to which he/she is properly subject shall be considered to have a verified positive test result. An employee who has a verified positive test result, including by refusal, shall be immediately removed from his/her duties and may be subject to immediate termination. In addition, any employee subject to DOT regulations will receive educational and rehabilitative information and a referral to a Substance Abuse Professional.

- a. Refusals can include a variety of behaviors, including the following:
 - i. Failure to appear for any test (except for pre-employment) within a reasonable time, as determined by the Authority;
 - ii. Failure to remain at the testing site until the testing process is complete;
 - iii. Failure to provide a urine specimen for any required drug test;
 - iv. Failure to permit the observation or monitoring of the specimen collection when required to do so;
 - v. Failure to provide a sufficient amount of urine when directed without an adequate medical explanation for this failure;
 - vi. Failure to take a second test when directed to do so by the Authority or collector;
 - vii. Failure to undergo a medical examination when directed to do so by the MRO or the Authority;
 - viii. Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, or fail to wash hands after being directed to do so by the collector);
 - ix. Failure to follow the observer’s instructions during an observed collection, including instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;
 - x. Possess or wear a prosthetic or other device that could be used to interfere with the collection process;
 - xi. Admit to the collector or MRO that the specimen has been adulterated or

- substituted;
- xii. Failure to sign step two of the alcohol test form; or
- xiii. Leaving the scene of an accident without a valid reason before post-accident tests has been completed. Failure to remain "readily available."

G. Off-Duty Conduct

Off-the-job use of drugs, alcohol or any other prohibited substance which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product or harm to the Authority's image, tasks or government is prohibited. Employees should realize that these regulations prohibit all illicit drug use, on and off duty.

H. Prescription Drugs

The proper use of medication prescribed by a physician is not prohibited; except that safety-sensitive employees may not use medical marijuana. The Authority prohibits the misuse of prescribed and/or over-the-counter medications or other intoxicating substances and requires all employees using drugs at the direction of a physician to notify the Authority's Medical Review Officer (MRO) or their Drug Program Coordinator/Human Resources Director, when these drugs may affect his/her job performance, such as by causing drowsiness, dizziness, or otherwise interfered with performance or cognition. Employees may not perform safety-sensitive functions while using any controlled substances, unless the employee's physician certifies that the substances will not adversely affect the employee's ability to perform his/her job. All employees should also be aware that the use of such medications will not excuse misconduct or violations of policy; however, depending on the circumstances, an employee may be entitled to a reasonable accommodation if they inform their supervisor of their need to use such substances prior to an incident.

Employees should be aware that there is a risk that the use of certain supplements and topical lotions, oils, creams, etc., including, but not limited to, products containing CBD oils, may cause a positive drug test result. The use of such products may not provide a medical justification for a positive test result.

I. Persons Subject to Testing

1. All safety-sensitive applicants shall undergo urine drug testing using either urinalysis or any other method approved by the Department of Transportation prior to performing safety-sensitive duties. This requirement also affects employees not in safety-sensitive positions who seek reclassification into a safety-sensitive position. Receipt by the Authority of a negative test result is required prior to performing safety-sensitive duties in a covered position. A cancelled test result is not acceptable and must be retaken. If the applicant has a positive pre-employment drug test, he/she cannot be hired for a safety-sensitive position.

2. A negative result on a pre-employment test by a job applicant is valid for 30 days. If a current covered employee has not performed a safety-sensitive duty for 90 days or longer and has been removed from the random pool, the employee must submit to a new pre-employment test and

receive a negative result before resuming safety-sensitive duties.

3. Any person who is subject to DOT testing will be required to undergo pre-employment testing if they have been removed from the DOT random testing pool for more than 30 days.

4. An MRO may report negative pre-employment test results for individuals who are unable to provide sufficient volume due to permanent disability but has a medical evaluation that indicates no chemical evidence of illegal drug use.

5. All applicants for safety-sensitive positions will be notified in writing that they will be required to undergo pre-employment/reclassification drug testing prior to his/her employment and that they will be subject to drug and alcohol testing throughout the period of his/her employment. Applicants will acknowledge in writing his/her understanding of these provisions for his/her application and employment. The Authority will retain on file the negative drug test results of all new hires.

6. In addition to undergoing pre-employment testing, applicants for a safety-sensitive position will be asked to sign forms for release of information from any previous employer for whom the applicant performed safety-sensitive functions. Failure to sign this form will result in not being hired. When a covered applicant has previously failed a pre-employment drug test with a prior employer, the employee must present proof of having successfully completed a referral, evaluation and treatment plan.

J. Reasonable Cause

1. All employees (whether or not safety-sensitive) will be required to submit to screening whenever a supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. Examples of circumstances that may establish reasonable cause to warrant testing include supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in workplace or vehicular accident or other actions which indicate a possible error in judgment or negligence or other violations of the drug or other Authority policy. Before testing the employee, another supervisor shall be contacted to observe the employee's behavior and to concur with the decision to test the employee or the observing supervisor will review the employee's behavior with another supervisor either face to face or via telephone to obtain concurrence with the decision to test the employee. The documentation of the employee's conduct shall be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

2. Upon the reasonable suspicion determination being made, the Authority shall ensure that the employee is transported immediately to a collection site for the collection of a urine sample. The employee shall be counseled not to drive a vehicle and a supervisor shall provide transportation for the employee to the collection site.

3. All persons designated to make a determination that reasonable suspicion exists to require an employee to undergo testing under this provision shall receive at least 60 minutes of training on both alcohol and controlled substance use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

4. Any employee refusing to submit to reasonable suspicion testing or any employee having a positive drug and/or alcohol test will be terminated.

K. Random Testing

1. The Authority will conduct random unannounced screening of all designated employees at unannounced times throughout the year. An accredited laboratory will maintain two computerized random testing pools including one DOT pool and one non-DOT pool. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule in either pool.

2. Employees will be required to report to the designated collection site for testing as soon as possible, but in no case later than two hours following notification. Failure to report for drug/alcohol screening within two hours of notification will be treated as a positive test result.

L. Post-Accident Testing

1. Employees are required to immediately notify the Drug Program Coordinator/Human Resources Director or designee of any accident resulting in injury or damage to any Authority property or personnel.

2. Each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to an accident shall provide a urine specimen to be tested for the use of controlled substances and/or alcohol as soon as possible after the accident, but in no case later than eight hours for alcohol testing and 32 hours for drug testing.

3. Employees will be required to undergo drug and alcohol testing using urine, breath, or any other method approved by the Department of Transportation if they are involved in an accident that results in a fatality. A post-accident test will also be conducted in situations where there is no fatality but the following occurs: (1) an individual requires immediate transport to a medical treatment facility as a result of collision or non-collision; (2) any time one or more vehicles incur disabling damage that prevents any of the vehicles involved from leaving the scene of the occurrence in its usual manner in daylight after simple repairs; or (3) with respect to any occurrence in which a vehicle including a mass transit vehicle (rail car, trolley car, trolley bus or vessel) is removed from operation. In a non-fatal accident as previously described, post-accident testing will be conducted, unless the operator's performance (and any other covered employees whose performance could have contributed to the accident) can be completely discounted as a contributing factor to the accident as determined by the Authority using the best information at the time of the decision. In addition, drug screening and alcohol screening will be required for any

driver receiving a citation for any moving violation resulting from an accident.

4. After notification of any accident, the Authority will arrange for the employee to be taken as soon as practicable to the collection site designated by the Authority. The supervisor or designee will schedule the employee and assure that he/she is tested the same day as the reportable accident, if possible.

5. If an employee is injured, unconscious or otherwise unable to evidence consent to the drug test, all reasonable steps must be taken to obtain a urine sample. A supervisor may elect not to test under these circumstances, but such a decision must be made based upon information received as a result of an investigation of the accident. *Nothing in this document should be construed to require the delay of necessary medical attention for injured people following an accident or prohibit a 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.*

6. Any employee subject to post-accident testing must refrain from consuming alcohol or taking any controlled substance for eight hours following an accident or until he/she submits to an alcohol test, whichever comes first. As stated above, the employee will be tested not to exceed eight hours following an accident for alcohol and not to exceed 32 hours post-accident for drug testing. If there is a delay of greater than two hours for an alcohol test, a reason must be given in writing, retained in a file for possible later referral and the employer must still attempt to administer an alcohol test for up to eight hours following the accident or until the employee undergoes a post-accident alcohol test.

7. An employee who is subject to post-accident testing must remain available and follow these guidelines or the Authority may consider the employee to have refused to submit to testing.

8. The Authority will discipline or terminate any employee who fails to report an accident or submit to substance screening where required by law or this policy. The Drug Program Coordinator/Human Resources Director shall ensure that an accident report is filed in compliance with SWDA policy and applicable laws and regulations.

M. General Testing Procedures

1. The Authority Commission will contract with a properly certified testing laboratory that will ensure that all proper testing procedures are followed in accordance with this Policy and all applicable laws. The following is a list of the general procedures that will be followed for all drug and alcohol testing, regardless of the reason why the test is being performed:

- a. All testing procedures, including collections, will be performed by certified technicians and/or laboratories;
- b. Upon arrival at the collection site, the employee must provide proof of identification. The employee will be required to read and sign the controlled substance testing consent form provided by the Authority. The signature shall be witnessed by the collector. Acceptable proof of identification shall be a current

driver's license, with photo, other form of picture identification or identification by an Authority representative;

- c. The employee shall complete a drug testing custody and control form;
 - d. The Drug Program Coordinator/Human Resources Director shall notify the employee directly of the results of any positive drug test in order to give the employee an opportunity to challenge the findings. The Authority may, but shall not be required to, reanalyze the employee's original sample to clarify the findings;
 - e. Controlled substance testing must follow split sample procedures. Under this provision, an employee whose urine sample has tested positive for a controlled substance has the option of having the other portion of the split sample tested at another laboratory. The employee must notify the Authority within 72 hours after notification of a positive sample that he/she desires a retest under this provision;
 - f. If a split sample test produces a negative result or if the second portion is not available, the test is considered negative, and no sanctions will be imposed; and
 - g. All persons who receive information by the Authority regarding drug tests shall maintain this information on a confidential basis.
 - h. In the event that the United States Department of Transportation approves additional and/or alternative testing methods, devices, or procedures, including, but not limited to, Oral Fluid Testing, Employer reserves the right to utilize such methods, devices, or procedures as allowed in the applicable regulations.
2. Both the SWDA and the laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation's procedures for transportation workplace drug testing programs.

N. Substances Tested For

1. DOT employees will regularly be tested for:
 - a. Marijuana (THC Metabolite);
 - b. Cocaine;
 - c. Amphetamines (including when appropriated, amphetamine, methamphetamine, MDMA, and MDA);
 - d. Opiates (including codeine, morphine, heroin, hydrocodone, hydromorphone, oxycodone, and oxymorphone);
 - e. Phencyclidine (PCP); and

f. Alcohol

2. Non DOT-employees may be tested for other substances without advance notice. DOT employees may also be separately tested for other substances without advance notice by the Authority for safety purposes. Such tests will be coordinated with the Drug Program Coordinator/Human Resources Director.

O. Collection Sites

1. The Authority will designate a collection site in a reasonably accessible location.

P. Collection Procedures

1. Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy. The collector seals and labels the specimen, completes a chain of custody document and prepares the specimen and accompanying paper work for shipment to a drug-testing laboratory. The specimen collection procedures and chain of custody ensures the specimen's security, proper identification and integrity is not compromised.

2. Split specimen procedures:

- a. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen;
- b. Both bottles are sent to a laboratory;
- c. Only "primary" specimen is opened and used for analysis;
- d. "Split" specimen remains sealed and stored at the laboratory;
- e. If the "primary" specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request in writing the "split" specimen be sent to another DHHS certified laboratory for analysis;
- f. If it is positive for one or more of the drugs, then a continuation test is performed for each drug using state-of-the-art gas chromatography/mass spectrometry ("GC/MS") analysis; and
- g. GC/MS confirmation insures that over-the-counter medications or prescriptions are not reported as positive results.
- h. Any portion of a sample provided during the collection event will be discarded if an employee fails to provide a sufficient specimen by the end of the three-hour wait

period.

3. Direct Observation.

- a. Observed collections are required in a number of situations for DOT employees. Any employee subject to a drug test may also be required to undergo observed collection. The purpose of direct observation is to guard against employee attempts to mask the testing process. Observed collections are required in the following circumstances:
 - i. All return-to-duty tests;
 - ii. All follow-up tests;
 - iii. Anytime the employee is directed to provide another specimen, because the temperature on the original specimen was out of the accepted temperature range of 90 – 100 degrees Fahrenheit;
 - iv. Anytime the employee is directed to provide another specimen because the original specimen appears to have been tampered with;
 - v. Anytime a collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
 - vi. Anytime the employee is directed to provide another specimen, because the laboratory reported to the MRO that the original specimen was invalid and the MRO determines that there is not an adequate medical explanation for the result; or
 - vii. Anytime the employee is directed to provide another specimen, because the MRO determined that the original specimen was positive, adulterated or substituted, but had to be cancelled because the test of the split specimen could not be performed.
- b. The employee who is being observed will be required to raise his/her shirt, blouse or dress/skirt as appropriate, above the waist, lower clothing and underpants and turn around completely at the direction of the observer in order to show that he/she is not wearing any prosthetic device.
- c. When necessary, an Authority representative or medical personnel may obtain a specimen outside of a designated collection site (such as the emergency room following an accident investigation, etc.).

Q. Alcohol Testing Procedures

1. All employees are prohibited from possessing, drinking or being impaired or

intoxicated by alcohol while at work or on duty. *In addition, safety-sensitive employees are prohibited from consuming any alcohol four hours prior to going on duty.* A Blood Alcohol Content (BAC) of 0.04 will be accepted as presumptive evidence of intoxication.

2. Any employee may be subject to alcohol testing either for reasonable suspicion or post-accident. Safety-sensitive employees are also subject to random alcohol testing. Random testing will be conducted just before, during or after the employee has performed a safety-sensitive function. Safety-sensitive employees with a BAC of 0.02 will be immediately removed from the safety-sensitive duties for a period of at 24 hours.

3. All alcohol tests will be conducted using evidentiary breath testing devices approved by the National Highway Traffic Safety Administration by a properly trained person. Any result showing greater than a 0.02 BAC will be repeated.

R. Evaluation and Return of Results

1. The MRO will be responsible for reviewing the quantified test results of employees and confirming that the individuals testing positive have used drugs in violation of policy. Prior to making a final decision, the MRO shall give the individuals testing positive an opportunity to discuss the result either face to face or over the telephone. If the test result is negative dilute, the MRO may decide that the employee must take another test. If this second test results in a negative dilute result, the test will ordinarily be considered to be a negative and no additional testing will be required unless the MRO so directs.

2. The MRO shall then promptly tell the Drug Program Coordinator/Human Resources Director which employees or applicants test positive.

S. Request for Re-Test

An employee may submit a written request for a retest of the original specimen within 72 hours of receipt of the final test results. Requests must be submitted in writing to the Drug Program Coordinator/Human Resources Director. The employee may be required to pay the associated costs of retest in advance but will be reimbursed if the result of the retest is negative.

T. Release of Test Results

1. Except where otherwise specifically required by law, employee drug testing results and records are maintained under strict confidentiality by the Authority, the drug testing laboratory and the Medical Review Officer. They cannot be released to others without the written consent of the employee. Exceptions to this confidentiality are limited to DOT agencies when license or certification actions are required or to the decision-maker in arbitration, litigation or administrative proceedings arising from a positive drug test.

2. However, all employees will be required to execute a consent/release form permitting the Authority to release test results and related information to the Department of Industrial Relations or other relevant government agency. Applicants for safety-sensitive positions will also

be required to execute a consent/release form permitting the Authority to review records of previous drug and alcohol testing information.

U. Retention of Records

1. All records will be maintained so as to preserve confidentiality and prevent unauthorized persons from accessing, releasing or tampering with records. The following records will be maintained:

- a. Records related to the collection process, including:
 - i. Collection logbooks, if used;
 - ii. Documents relating to the random selection process;
 - iii. Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol tests;
 - iv. Documents generated in connection with decisions on post-accident drug and alcohol testing; and
 - v. MRO documents verifying existence of a medical explanation of the inability of an employee to provide adequate urine or breath sample.
 - vi. Records related to test results:
 1. The employer's copy of the custody and control form;
 2. Documents related to the refusal of any employee to submit to a test; and
 3. Documents presented by an employee to dispute the result of a test.
 - vii. Records related to referral and return to duty and follow-up testing, including records of any DOT employee's entry into and completion of the treatment program recommended by the substance abuse professional.
 - viii. Records related to employee training:
 1. Training materials on drug use awareness and alcohol misuse, including a copy of the employer's policy on prohibited drug use and alcohol misuse;
 2. Names of employees attending training on prohibited drug use and alcohol misuse and the dates and times of such training;
 3. Documentation of training provided to supervisors for the purpose of

qualifying the supervisors to make a determination concerning the need for drug and alcohol testing based on reasonable suspicion; and

4. Certification that any training conducted under this part complies with the requirements for such training.
 - ix. Copies of any annual MIS reports submitted to FTA.
- b. The following records will be maintained for no less than five years:
 - i. records of verified positive drug or alcohol test results;
 - ii. documentation of refusals to take required drug or alcohol tests;
 - iii. referrals to the substance abuse professional; and
 - iv. copies of annual MIS reports submitted to FTA
- c. The following records will be maintained for no less than two years:
 - i. records related to the collection process and
 - ii. employee training
- d. The following records will be maintained for no less than one year:
 - i. records of negative drug or alcohol test results, with the exception that all post-accident testing records will be maintained for at least three years after an accident.

V. Employee Education and Training

The Authority will provide written information on drug/alcohol use and treatment resources to safety-sensitive employees. The Authority will provide training for employees on the dangers of controlled substance use annually. All supervisors of safety-sensitive employees must also attend one hour of training on the signs and symptoms of drug abuse. The training is necessary to assist supervisors in making appropriate determinations for reasonable suspicion testing and decisions regarding work assignments.

W. Employment Assessment

Any safety-sensitive employee or applicant who tests positive for the presence of illegal drugs and/or alcohol above the minimum thresholds set forth in 49 CFR Part 40, as amended or has refused to submit to a drug or alcohol test (except in the case of an applicant) will be referred to a Substance Abuse Professional (SAP). A SAP can be a licensed physician (Medical Doctor or Doctor of Osteopathy) or a licensed or certified psychologist, social worker or employee

assistance professional with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission. The SAP will follow the protocols and meet the requirements defined in 49 CFR part 40. All employees and applicants will be given contact information for a USDOT qualified SAP if they test positive.

X. Investigation/Searches

1. Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he/she may inspect vehicles which an employee brings on the Authority's property, lockers, work areas, desks, purses, briefcases, tool boxes or other belongings and at locations where Authority related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the Drug Program Coordinator/Human Resources Director will do so for him/her. The Authority may release any illegal or controlled drugs or paraphernalia to appropriate law enforcement authorities.

2. All searches should be coordinated with the Drug Program Coordinator/Human Resources Director or his/her designee.

Y. System Contacts

Any questions regarding this policy or any other aspect of the drug free and alcohol-free transit program should contact the following transit system representative:

Designated Solid Waste Disposal Authority's Representative/Program Manager:

Title: Human Resources Director
Address: 15093 Landfill Drive
Summerdale, Alabama 36580
Telephone #: (251) 972-8548