

Benton County Transportation

Drug and Alcohol Policy

Effective as of 01/08/2019

Adopted by: Benton County Iowa Board of Supervisors

Date Adopted: 1/8/2019

Last Revised: 1/8/2019

BENTON COUNTY TRANSPORTATION

FMCSA & FTA Drug and Alcohol Policy

BENTON COUNTY TRANSPORTATION(hereinafter referred to as "**BENTON COUNTY TRANSPORTATION**") has a vital interest in the safety and wellbeing of our employees as well as the general public. It is well recognized that individuals who use illegal drugs or abuse alcohol are more likely to have workplace accidents, incur greater amounts of lost time, and perform their jobs in a substandard manner.

Therefore, it is BENTON COUNTY TRANSPORTATION intent to continue to promote a safe and secure work environment, free of illegal drug use and alcohol abuse. It is also our intent to comply with all U.S. Department of Transportation rules and regulations (49 CFR Part 40), the Drug Free Workplace Act of 1988, the Americans with Disabilities Act and the Family and Medical Leave Act.

All applicants will be notified of BENTON COUNTY TRANSPORTATION drug and alcohol testing policy at the time they apply for a position with BENTON COUNTY TRANSPORTATION. Anyone possessing a valid CDL will comply with the following rules and regulations. Any questions or concerns regarding BENTON COUNTY TRANSPORTATION Drug and Alcohol Policy shall be directed to the Designated Employee Representative (DER) **Benton County Transportation Director@ (319) 472-2413**

The goal of BENTON COUNTY TRANSPORTATION policy and the testing of employees are to ensure a drug and alcohol free work environment, to reduce and help eliminate drug and alcohol related accidents, injuries, fatalities and property damage.

The following conduct is prohibited:

- Employees are prohibited from using, being under the influence, or possessing illegal drugs or any look alike substances that may mimic the effects of other illicit substances. Substances such as these may not be regulated or scheduled by the FDA/DEA, but still pose safety or job performance issues within the workplace.
- Employees are prohibited from using or being under the influence of legal drugs that can adversely affect their ability to work safely.
- Employees are prohibited from buying, selling, soliciting to buy or sell, transport or possess illegal drugs while on or in BENTON COUNTY TRANSPORTATION time or property.
- Employees are prohibited from using alcohol within 4 hours of performing a safety sensitive function.
- Storing any prohibited substance in a locker, desk, vehicle or other repository on BENTON COUNTY TRANSPORTATION premises or refusing to submit to a search.
- Employees are prohibited from using or being under the influence of alcohol at any time while on duty, 8 hours post-accident, or until tested post-accident.

- Employees are prohibited from possessing ANY amount of alcohol (including medications or over-the-counter remedies containing alcohol) while on duty. This is a new DOT regulation.
- Testing positive for drugs and/or alcohol while on duty.
- Refusing to be tested for drugs and/or alcohol when circumstances warrant.
- Failing to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled.
- Reporting for duty or remaining on duty to perform a safety-sensitive function with an alcohol concentration of 0.04 or greater.

NOTE: A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 may not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours.

An employee who violates this policy shall be subject to disciplinary action by BENTON COUNTY TRANSPORTATION to include termination.

Prescription / Over-The-Counter Medications

Employees should use both prescription and over-the-counter medications in the prescribed manner and must be kept in the container in which they were received from the pharmacy or original packaging. Employees are encouraged to discuss their job functions / duties with their medical provider prior to the medical provider prescribing medications that may have potential adverse effects posing a safety risk to the employee or others. Employees using prescriptions that may cause side effects or who are under the influence of any prescribed medication may advise their manager of that fact before reporting to work. If a potential side effect could cause an unsafe condition in the workplace, BENTON COUNTY TRANSPORTATION may determine that the employee cannot work. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Assistance to Employee in Overcoming Alcohol or Drug Abuse

Early recognition and treatment of alcohol or drug abuse is important for successful rehabilitation and for reduced personal, family and social disruption. BENTON COUNTY TRANSPORTATION encourages the earliest possible diagnosis and treatment for alcohol and drug abuse. The decision to seek diagnosis and accept treatment for alcohol or drug abuse is primarily the individual employees' responsibility.

BENTON COUNTY TRANSPORTATION will pay for pre-employment, post-accident, reasonable suspicion and random testing. Any counseling and testing will be at the terminated employee's expense.

Voluntary requests for assistance from the SAP will not prevent disciplinary action for violation of this alcohol and drug abuse policy. Employees who undergo voluntary counseling or treatment pursuant to a referral by BENTON COUNTY TRANSPORTATION and who continue to work, must meet all established standards of conduct and job performance.

Confidentiality

Employee test results are confidential. Test results and other confidential information will only be released to the employer and the substance abuse professional. Any other release of this information is only with the employee's consent as mandated by the D.O.T. 49 CFR §40.321.

Introduction

This handout provides a general overview of the Department of Transportation regulations on drug and alcohol use. A review of the effects of alcohol and certain drugs on the body is also included. Throughout this handout "substance abuse" will be used in place of the terms "alcohol abuse" or "drug abuse" in reference to both substances. Chemical dependency comprises all chemicals, whether they are controlled substances or alcohol.

BENTON COUNTY TRANSPORTATION Time and Premises

Includes but is not limited to all property (real or personal), whether owned, leased or used by BENTON COUNTY TRANSPORTATION. This policy also includes any other locations, such as job-sites or mode of transportation to and from those locations/job-sites while in the course and scope of employment.

Who is Covered by the Drug and Alcohol Regulations?

The Federal Motor Carrier Safety Administration, and The Federal Transit Administration are subject to the Department of Transportation Drug and Alcohol regulations which apply to every person who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce in the United States, and is subject to the commercial driver's license (CDL) requirements of Part 383 and his/her employer. It also applies to drivers who operate CMVs in the United States and are subject to the Licencia Federal de Conductor (Mexico) or the CDL requirements of the Canadian National Safety Code.

What is a Safety-Sensitive Function?

Safety-sensitive functions for operators of commercial motor vehicles (CMV) are listed under §382.107.

A safety-sensitive function means all time from the time a driver begins work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- ❖ All time at an employer terminal, facility, or on any public property or job-site, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- ❖ All time inspecting equipment as required by §392.7 and §392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

- ❖ 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 (a berth conforming to the requirements of §393. subchapter);
- ❖ All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending to a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- ❖ All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

EFFECTIVE 1/1/2018

The USDOT, FMCSA is expanding its drug testing panel to include four synthetic opioid drugs that of hydrocodone, hydromorphone, oxycodone and oxymorphone. This will be recognized as a five panel with expanded opioids. This also will remain as the "only" approved method for the DOT drug test panels.

The Department of Transportation (49 CFR Part 40) is harmonizing with HHS guidelines and will test for the following drugs: (5 panels with expanded opioids)

- 1) Marijuana metabolite
- 2) Cocaine
- 3) Phencyclidine-PCP
- 4) Amphetamines - (includes Methamphetamines, MDMA, MDA)
- 5) Opioids: Codeine/Morphine,6 -AM (Heroin) Hydrocodone/Hydromorphone, Oxycodone/Oxymorphone

What Tests are Required and When Will I Be Tested?

There are five situations where testing is done to determine the presence of alcohol and/or drugs. The drug test will be

1) Pre Employment - Post Offer Testing

When: A controlled substances test is required before a new hire or a person transferring into a driving position from elsewhere in the company can perform any safety-sensitive function. Education will be provided to all employees regarding the effects of drugs and alcohol, signs and symptoms of a drug or alcohol problem, information regarding assistance for abuse problems and testing requirements. §382.601.

2) Post Accident Alcohol Testing when any of the following conditions are met:

- If there is a fatality.
- If the driver of a BENTON COUNTY TRANSPORTATION truck receives a citation under state or local law within 8 hours for a moving violation arising from the accident and if the accident involved:

- o Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident OR
 - o One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- At the discretion of BENTON COUNTY TRANSPORTATION management following an accident.

Alcohol testing MUST be done within 2 hours of the accident. If the test cannot be performed within 2 hours, the employer must prepare a record stating why the test wasn't given. If the test cannot be performed within 8 hours, the employer should not give the test and must prepare a record stating why the test could not be given within that time.

Post Accident Drug Testing when any of the following conditions are met:

- If there is a fatality.
- If the driver of a BENTON COUNTY TRANSPORTATION truck receives a citation under state or local law within 32 hours for a moving violation arising from the accident AND if the accident involved:
 - o Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, OR
 - o One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Post-accident drug testing must be performed within 32 hours. If the test cannot be performed within 32 hours, the employer should not give the test and must prepare a record stating why the test could not be given within that time.

Nothing in the regulations should delay medical attention for those who are injured. The employer must provide the necessary information and instructions to allow the driver to be tested or to get emergency medical care.

A driver subject to post-accident alcohol testing must remain available for testing. Not remaining available for testing is considered a refusal to test.

The employer must provide drivers with necessary post-accident information, procedures, and instructions BEFORE the driver operates a commercial motor vehicle.

A driver who refuses to submit to post accident drug testing will be terminated.

Immediately notify your company's DER.

3) Random Testing

When: Random testing for alcohol must be completed just before, during, or immediately after performing a safety-sensitive function. Random testing for drugs can be done anytime you are at work for your employer. Once you are notified that you have been selected for testing, you must proceed immediately to the test site.

Unannounced random testing is required for a certain percentage of drivers each year. The tests must be reasonably spaced throughout the year. The random selection process must ensure that each driver has an equal chance of being tested each time selections are made. One method is a computer-generated system using social security number, payroll identification number, or other identifying number. Once you are notified that your name is included in the random selection you must report to the collection site IMMEDIATELY.

A driver who refuses to submit or tests positive for drugs and/or alcohol will be terminated

Random Testing - End of Shift

Random testing may occur anytime an employee is on duty so long as the employee is notified prior to the end of the shift. Employees who provide advance, verifiable notice of scheduled medical or child care commitments will be random drug tested no later than three hours before the end of their shift and random alcohol tested no later than 30 minutes before the end of their shift. Verifiable documentation of a previously scheduled medical or child care commitment, for the period immediately following an employee's shift, must be provided] before the end of the shift

Testing rates for the FMCSA is as follows:

10% of the average number of driver positions must be randomly tested for alcohol during the year.

25% of the average number of driver positions must be randomly tested for controlled substances during the year.

Testing rates for the FTA is as follows:

10% of the average number of driver positions must be randomly tested for alcohol during the year.

50% of the average number of driver positions must be randomly tested for controlled substances during the year.

NOTE: DOT establishes the random testing rate.
FMCSA was last updated 2016
FTA was last updated 2019

4) Reasonable Suspicion

When: If the employer has reason to believe that your behavior or appearance may indicate alcohol or drug use. Observations for alcohol testing must be made just before, during or just after the performance of a safety-sensitive function. Observations for drug testing will be made at any time while you are at work for your employer.

Employees while on BENTON COUNTY TRANSPORTATION premises or job-site, are required to submit to searches of their persons, vehicles, lunch boxes, personal effects, desks or similar repositories, etc., when management has a reasonable suspicion that (1) the employee possesses a prohibited substance; or (2) the employee ingested a prohibited substance.

A driver will be required to submit to a drug and/or alcohol test when reasonable suspicion exists. §382.307 Reasonable suspicion exists when a driver's appearance, speech, or odors of breath and/or body, or physical symptoms indicate drug and/or alcohol use.

Observations must be personally observed and documented by at least one BENTON COUNTY TRANSPORTATION trained official. A "trained official" is one who has undergone at least 2 hours of education, which included behavioral, physical, speech, and performance indicators of possible drug and/or alcohol use.

Dilute Urine Specimen

If there is a negative dilute test result, Benton County Transportation will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

What Happens if I Refuse to Be Tested?

As part of the alcohol and drug regulations, you must submit to alcohol and drug testing. A refusal to test is treated the same as a positive test. If you refuse to be tested, you cannot continue to perform safety-sensitive functions and are subject to disciplinary action, up to and including termination.

"Refusal" occurs when:

- You fail to appear for any test within a reasonable time
- You fail to remain at the testing site until the testing process is complete
- You fail to provide:
 - A urine specimen for drug testing
 - A saliva or breath specimen for alcohol testing
- You fail to provide enough urine and there is no medical explanation for the failure
- In the case of a directly observed or monitored drug test collection, you fail to permit the observation or monitoring of your provision of the specimen;

- You fail or decline taking a second drug test when directed by an employer or collector.
- You fail to undergo a medical examination or evaluation as part of:
 - The verification process for drug testing or as directed by the designated employer representative (DER);
 - "shy bladder" procedures for drug testing
 - insufficient breath procedures for alcohol testing.
- You fail to cooperate with any part of the testing process.

A verified adulterated or substituted drug test is also considered a refusal to test.

How is Alcohol Testing Done?

All alcohol testing is conducted by a trained technician in a private setting using an evidential breath-testing device (EBT). In compliance with Title 49 Part 40 and part 382 of the regulations.

How is Drug Testing Done?

All drug testing is done by analyzing a urine sample and is conducted by a trained collection site person in an appropriate, private setting. The urine sample will be collected at your place of employment or at a certified collection site. In either case, the collection must be in compliance with Part 40 Part 40 and part 382 of the regulations.

What are the Consequences of Violating the Alcohol or Drug Prohibitions?

If you fail an alcohol test:

- You must be removed from all safety-sensitive functions.
- You will not return to a safety-sensitive function until an evaluation by a substance abuse professional (SAP) has been done, you have complied with prescribed treatment, and you pass a return-to-duty test. You are then subject to six follow-up tests in the first 12 months after your return to duty and will be subject to follow-up testing for up to five years.
- You will not return to safety-sensitive duties for at least 24 hours if alcohol concentration is determined to be 0.02 or greater but less than 0.04.
- If you fail an alcohol breath test you may be subject to disciplinary action, up to and including termination.

If you test positive for drug(s), or have a verified adulterated or substituted test result:

- If you fail a drug test you will be terminated from employment.

NOTE: A confirmed positive test results will be mailed to the terminated employee by the employer, by certified mail, return receipt requested.

The drug and alcohol regulations require that your employer advise you of the resources available for appropriate treatment for alcohol and drug use. However, the regulations do not require an employer to pay for rehabilitation or to hold a job open for you while you undergo treatment.

Self-admission of Alcohol and Drug Use

The regulations include a provision that allow an employer to establish a program that lets a driver voluntarily admit to drug use or alcohol abuse without DOT consequences. Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Benton County Transportation Director, who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

SIGNS AND SYMPTOMS OF DRUG AND ALCOHOL USAGE

Drug Name	Substances Detected in Urine	What to Look For & Physical Symptoms	Dangers	Time Detectable in Urine
Amphetamines •Uppers •Speed •Meth •Dexies •Crank •black Beauties	Methamphetamine, Amphetamine	Tablets of varying colors, possible chain smoking, long periods without rest or sleep. Loss of appetite, irritability, rapid speech, tremors, mood elevations	Disorientation, severe depression, paranoia, possible hallucinations, increase in blood pressure, fatigue	1-2 Days
Cocaine •Coke •Crack •Flake •White Candy •Free Base •Toot •Blow	Benzoylcegonine	Glassine envelopes, razor, small spoons, odorless, bitter white crystalline powder, granular rocks, short-lived euphoria changing to depression, irritability, nervous, tightness of muscles	Shallow breathing, fever, anxiety, tremors, possible death from convulsions or respiratory arrest	1-3 Days
Marijuana •Dope •Pot •Reefer •Joint •Grass •Blow	11-Nor-delta9-tetrahydrocannabinol-9-carboxylic acid THC	Plastic baggies, rolling paper, 'roach' clips, odor of burnt rope. Altered perception, dilated pupils, lack of concentration and coordination, craving for sweets, increased appetite, laughter	Psychological dependence, increased heart rate, impaired short-term memory, anxiety, lung damage, possible psychosis with chronic use	Occasional use: 1-3 days Chronic use: Up to 30-60 days
Opiates • Heroin (smack, horse, junk) •Morphine ('M', Miss Emma) •Codeine (school boy)	Codeine, Morphine	Glassine Envelopes, needles and syringes, caps or spoons, tourniquets, needle marks on arms. Insensitivity to pain, euphoria, sedation, nausea, vomiting, itchiness, water eyes, running nose)	Lethargy, weight loss, hepatitis, slow and shallow breathing, possible death	1-3 Days
Phencyclidine •Angel Dust •Devil Stick •PCP •Dummy Dust	Phencyclidine	Liquid Capsules. White or brown powder can be put on paper stamps, sugar cubes, cigarettes or joints. May be injected. Increased pulse and heart rate, blood pressure and temperature. Mood and perception alteration possible, paranoia, panic, anxiety, nausea, tremors, suicidal urge	Unpredictable behavior, flashbacks, possible emotional instability and psychosis, hallucination	Occasional use: 1-3 days Chronic use: Up to 30 days
Barbiturates •Downers •Dolls •Reds •Tuinal •Rainbows •Yellows •Blues •Goof Balls	Secobarbital Phenobarbital Pentobarbital Butobarbital Amobarbital	Capsules of varying colors, longer periods of rest or sleep, dizziness, cold and clammy skin. Depression, decreased alertness and muscle control, intoxication and slurred speech, drowsiness	Rigidity and painful muscle contraction, emotional instability, possible overdoses and death, especially when mixed with alcohol	Pentobarbital and others: 1-3 Days Phenobarbital: 1-3 Weeks
Benzodiazepines Downers	Diazepam Chlordiazepoxide Oxazepam Nordiazepam Temazepam	Oral/Injection. Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, cold and clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	1-7 Days
Methadone • Done •Dolophine •Methadose	Methadone	Tablets. Liquid injection. Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow, shallow breathing, clammy skin, convulsions, coma, possible death	1-3 Days

Methaqualone •Ludes •Quaaludes	Methaqualone	Tablets. Slow heart rate and breathing, lowered blood pressure. Sleepiness, feeling of well being, loss of coordination, dizziness, impaired perception, confusion, later hangover		1-3 Days
MDMA •Ecstasy •Adam •XTC •MDA •MDE •X	Methylenedioxymethamphetamine	Tablets. Euphoria, confusion, anxiety, sleeplessness, drug craving and paranoia. Used at all night RAVE dance parties	Muscle tension, teeth clenching, nausea, tremors, rapid eye movement, chills, possible death	1-2 Days
Propoxyphene	Propoxyphene	Tablets, capsules. Dizziness, drowsiness, headache, euphoria, dysphoria	Skin rash & other allergic reactions occur occasionally and may be accompanied by drug fever and mucosal lesion, stupor or coma; convulsions, respiratory depression	1-3 Days
Buprenorphine •Buprenex •Temgesic	Buprenorphine	Pinpoint pupils, extreme drowsiness, dizziness, blurred vision, slowed breathing		1-6 Days
Alcohol	Ethanol	Dulled mental processes, Lack of coordination, Odor of alcohol on breath, Pupils will be constricted, Sleepy condition, Slowed reactions, Slurred speech, Anxiety or jumpiness, Shakiness or trembling, sweating, nausea and vomiting, insomnia, Irritability, headache	depression, anxiety, and suicide, Social problems, liver damage, Inflammation of the esophagus, Aggravation of peptic ulcers, Acute and chronic pancreatitis, Malabsorption of food nutrients that will lead to malnutrition, Heart attack, Hypertension, Stroke Immune system depression, Brain damage (dementia, blackouts, seizures, hallucinations, peripheral neuropathy).	Varies - up to 8 hours

FOR MORE INFORMATION OR ASSISTANCE YOU CAN TRY SOME OF THE FOLLOWING SOURCES:

Cocaine Anonymous: (800) 347-8998

Center for Substance Abuse: (800) WORKPLACE

National Clearinghouse for Alcohol and Drug Abuse: (800) 729-6686

NIDA's treatment Hotline: (800) 662-HELP

Some helpful and interesting websites are:

www.drughelp.org

www.doj.gov

www.dea.gov

www.samsha.gov

www.health.org

EMPLOYEE ACKNOWLEDGEMENT FORM

The undersigned, Employee of BENTON COUNTY TRANSPORTATION does hereby acknowledge that, pursuant to United States Department of Transportation (DOT) Regulations, the undersigned will be subject to testing on a random basis for alcohol, illegal drugs or drugs taken for non-medical purposes. I hereby consent to participate in the drug and alcohol testing program.

The undersigned acknowledges receipt of BENTON COUNTY TRANSPORTATION drug and alcohol abuse policy and that it is my responsibility to read and understand the policy.

I understand that this policy is intended to supersede and replace all previous employee handbooks, manuals and policy statements, whether oral or written, issued by BENTON COUNTY TRANSPORTATION

Employee Signature

Date

Employee Printed Name

Employee SS#