

# TRUMBULL COUNTY BOARD OF DEVELOPMENTAL DISABILITIES

## Policy

## Section 3.18

### DRUG AND ALCOHOL TESTING OF NON-CDL EMPLOYEES WHO TRANSPORT ENROLLED INDIVIDUALS

#### 1. **Purpose**

The Trumbull County Board of Developmental Disabilities seeks to operate a drug and alcohol-free organization that is in compliance with the Department of Transportation (DOT) and the Federal Highway Administration (FHWA) regulations as directed by the Omnibus Transportation Workers Testing Act of 1991. Pursuant to these federal statutes and regulations (hereinafter collectively referred to “DOT regulations”), all drivers without a commercial driver’s license who work for the Board, and are required to transport enrolled individuals, are subject to alcohol and drug use prohibitions and restrictions.

Furthermore, the Board realizes the adverse effects that the use of illegal drugs and abuse of alcohol can have on its drivers/employees, its products and services, and the organization as a whole. It is also the Board’s obligation and right to maintain a safe, healthy, and efficient work environment for its drivers and other employees and the public, and to protect the Board’s property, operations, productivity, and public image.

#### 2. **Coverage and Implementation**

The policY covers all Non-CDL employees who are required to transport individuals as required for their position.

#### 3. **Conduct Prohibited by DOT Regulations**

The DOT expressly prohibits certain conduct of Non-CDL employees. Likewise, the DOT regulations mandate specific consequences that will follow any violations of the DOT regulations.

Employees who drive without CDL’s (also referred to as “drivers”) must be aware that the DOT provisions do not replace, but are in addition to, the conduct prohibited and the disciplinary actions set forth under the existing policies of the Board.

A. A driver is prohibited from:

1. Using alcohol while performing safety-sensitive functions;
2. Performing a safety-sensitive function within four (4) hours after using alcohol;
3. Reporting to duty or performing a safety-sensitive function with an alcohol concentration of .04 BAC percent or greater;

4. Using alcohol eight (8) hours following an accident or until tested when required to be tested;
5. Manipulating, switching or committing other misconduct related to a urine, breath, saliva or blood specimen or test;
6. Refusing to submit to post-accident, random, or reasonable suspicion or follow-up alcohol test(s) when required by the DOT or Board.
7. Possessing alcohol, unless the alcohol is manifested and transported as a part of the employee's job duty;
8. Disclosing information about an individual's alcohol or drug testing referral, or results of said testing or treatment referrals to anyone without a "need to know."

**B. DOT Prohibitions Regarding the Use of Drugs**

A driver is prohibited from:

1. Using or possessing any drug. An exception applies in certain limited circumstances involving authorized use of prescription drugs.
2. Testing positive for drugs;
3. Manipulating, switching or committing other misconduct related to a urine, breath, or saliva or blood specimen test;
4. Refusing to submit to a required drug test;
5. Disclosing information about an individual's alcohol or drug testing referral or results of said testing or treatment referrals to anyone without a "need to know";
6. Receiving a conviction under any state or federal drug statute for a violation occurring in the workplace or occurring while conducting Board business and failure to notify the Board of such a conviction within five (5) calendar days of the conviction.

**4. Testing Under the DOT Regulations**

The DOT regulations authorize employers to use urine, saliva, and breath tests to determine the presence of alcohol and/or drugs in the system. Accordingly, to the extent that this policy makes references to blood samples or tests, it contemplates blood testing performed by a separate, authorized agency which provides test results to the Board.

All urinalysis tests for drugs must use the "split sample" method of collection. The employee will be sent to an approved facility (hospital, urgent care center, etc.) for the drug test. The test will be conducted under the DOT rules.

Whenever an employee received notification of a positive, primary specimen test result, the employee may request that the split sample be tested in a different Department of Health and Human Services (DHHS)-certified laboratory. This request must be made within 72 hours after the driver received notification of the positive test result. Any test requested by the employee will be performed at the employee's expense.

In accordance with the DOT regulations, the Board is required to test for drugs and/or alcohol in the following circumstances:

A. Post Offer Drug Testing

Pre-employment testing applies to individuals whom the Board intends to hire or use, on a permanent or temporary basis, as Commercial Motor Vehicle (CMV) drivers. "Applicants" may be prospective employees or current employees who have served in other capacities, with the Board.

B. Reasonable Suspicion of Drug and/or Alcohol Use Testing

A driver shall be required to submit to an alcohol and/or drug test whenever a supervisor or manager has reasonable suspicion to believe that the driver has violated the prohibitions of the DOT regulation, or the driver's behavior and appearance indicated drug use and/or alcohol misuse.

C. Post-Accident Drug and/or Alcohol Testing

Drivers who are involved in an accident will be subject to an alcohol and/or drug test following the accident. Additionally a driver who receives a citation under state and local law for moving traffic violation arising from the accident shall remain in the care, control and custody of their immediate supervisor and shall be required to submit to post-accident testing.

A driver must submit to an alcohol test within two (2) hours, but no later than eight (8) hours following the accident, and shall not consume any alcohol for eight (8) hours following the accident or until the driver submits to an alcohol test and is no longer on duty. Should an employee leave, or their whereabouts be unknown, they will be insubordinate and there will be a presumption that they had alcohol in their system at the time of the accident. Likewise, a driver must submit to a drug test within thirty-two (32) hours following the accident.

Breath or blood tests may be performed by an on-site law enforcement officer or public safety official. The Board may substitute a breath or blood test for the use of alcohol and a urine test for the use of drugs administered by on-site police or public safety officials under separate authority, using procedures required by their jurisdictions.

A. Random Alcohol and Drug Testing

All Drivers will be subject to unannounced drug and alcohol testing. All drivers will have equal probability of being selected for testing and will remain in the pool throughout the process.

Random Alcohol:

In accordance with DOT regulations the number of tests to be performed annually will be equal to or exceed a number to 25% of the total number of drivers.

Random Drug:

In accordance with DOT regulations the number of tests to be performed annually will be equal to or exceed a number of 50% of the total number of drivers.

**5. Consequences of a Violation of the DOT Alcohol and Drug Regulations**

- A. The Board has established policies and practices in order to protect our employees and our Board from the effects of substance abuse. When there is a violation of this policy, the employee will be terminated.
- B. Failure of a Post-Offer Test  
Applicants or current employees (who are transferring to a Non-CDL position or returning to duty) who fail a post-offer test will not be considered for employment or terminated.
- C. Failure of a Post-Accident Test  
A driver who has a positive drug and/or alcohol test result following an accident, or where the driver receives a citation, will be terminated.
- D. Refusal to Submit to a Required Test  
A refusal to submit to a reasonable suspicion, post-accident, random or follow-up test is considered a positive verified drug test or alcohol test greater than .04 BAC and the employee will be terminated.

The Board recognizes that alcoholism is a disease and, based upon the facts of each case, the Board will attempt to reasonably accommodate an employee who has been diagnosed with this illness and who is actively undergoing a program of rehabilitation and treatment.

Adopted: 1/23/2006  
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