

	ORGANIZATIONAL POLICY		GENERAL ADMINISTRATION APPLICATION: All Employees		
			TITLE: Drug-Free Workplace	RESOLUTION NUMBER RC18-393	SUPERCEDE RC92-314

INTENT

It is the intent of the Washtenaw County Board of Road Commissioners to provide a safe, healthy and productive work environment for all Washtenaw County Road Commission (WCRC) employees. Consistent with this commitment and in accordance with the Federal Drug Free Workplace Act the manufacturing, unauthorized use or possession, sale or distribution of illegal drugs/alcohol by WCRC employees while on duty or on Road Commission property is strictly prohibited.

PROHIBITIONS

- A. Alcohol concentration. No employee shall report for duty or remain on duty requiring performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- B. Possession of Alcohol or a Prohibited Substance. No employee shall be on duty or operate a commercial motor vehicle while the employee possesses alcohol or a prohibited substance.
- C. On-duty use. No employee shall use alcohol or a prohibited substance while on duty.
- D. Pre-duty use. No employee shall perform safety-sensitive functions within four hours after using alcohol or while under the influence of a prohibited substance.
- E. Use following an accident. No employee required to take a post-accident test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- F. Refusal to submit to a required alcohol or controlled substances test. No employee shall refuse to submit to an alcohol or controlled substances test required under this policy.

TESTING CONDITIONS

- A. Pre-Employment – All approved applicants for employment with the Road Commission shall be given a blood and/or urine test for prohibited substances coincidental with a pre-employment physical. Those testing positive shall not be hired.
- B. Reasonable Suspicion – An employee of the Road Commission may be ordered to submit to testing upon reasonable suspicion that such an employee may be

under the influence of alcohol or prohibited substances while working or while at the workplace.

C. Post-Accident – Any employee involved, while operating equipment, in a reportable accident. A “reportable accident” means an accident:

- 1) involving the loss of human life;
- 2) resulting in bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, and/or the employee receives a citation within 8 hours of the accident, or;
- 3) one or more of the motor vehicles incurs disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by tow truck or other vehicle, and/or the employee receives a citation within 8 hours of the accident.

D. Return to Duty/Follow-Up – Any employee participating in an approved substance abuse evaluation drug and alcohol program as described in Section VI shall be tested at such intervals as recommended by the Substance Abuse Professional. The employee is responsible for the cost of this testing.

E. Random – Employees in designated positions that require a Commercial Driver’s License (CDL) will be subject the random selection process.

TESTING REQUIREMENTS

A. All breath, blood and/or urine examinations will be performed by a certified testing facility recognized under the U.S. Department of Transportation’s current rules and which is accessible through the Employer’s current designated medical facility.

B. Samples testing positive for one of the designated controlled substances under the U.S. Department of Transportation’s guidelines shall be subjected to an additional confirmatory gas chromatography mass spectrometry (GC/MS) test. No urine test shall be reported positive until confirmation by such GC/MS testing. In addition, the laboratory shall retain a portion of the initial sample to be made available on request for independent confirmatory tests at the employee’s expense.

C. Collection and processing procedures for the types of test covered by this policy shall be done substantially in accordance with those procedures in 49 CFR Part 40 to ensure that samples are not tampered with during or after collection.

The confirmatory positive test result “cut-off” levels shall be as provided in 49 CFR 40.87(a) and as set out in the following table:

Cutoff Concentrations for Drug Tests		
	Initial Test	Confirmatory Test
Marijuana Metabolite	50 ng/ml	15 ng/ml
Cocaine Metabolite	150 ng/ml	150 ng/ml
Codeine/morphine	2000 ng/ml	2000 ng/ml
Hydrocodone/hydromorphone	300 ng/ml	100 ng/ml
Oxycodone/oxymorphone	100 ng/ml	100 ng/ml
6-Acetylmorphine	10 ng/ml	10 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Amphetamine/methamphetamine	500 ng/ml	250 ng/ml
MDMA/MDA	500 ng/ml	250 ng/ml
Adjustments in the Federal test levels will occur on the effective date thereof.		

- D. Only specimens confirmed as positive by the GC/MS test procedure shall be reported as positive for controlled substances by the testing laboratory. Test results shall be reported to the Medical Review Officer substantially in accordance with the procedures set out in 49 CFR 40.97. The Medical Review Officer shall review the results reported from the laboratory substantially in accordance with the procedures set out in 49 CFR 40.127 through 40.151.

- E. Tests for alcohol levels shall be considered to verify that the employee is under the influence when the blood/alcohol level meets, or exceeds, .02%. Any employee who provides a positive alcohol test result of .02% or greater, but less than .04%, shall be mandated to wait a minimum of twenty-four (24) hours prior to again reporting for duty.

- F. Before reporting test results to the Road Commission, the Medical Review Officer shall ascertain from records made available, and from the employee during the interview, whether an employee who has tested positive for a controlled substance is, or has been, taking prescription or nonprescription medication prior to furnishing the test sample. The Medical Review Officer shall make the decision as to whether such medications used prior to collection of the test sample render a positive result unreliable. If the employee claims that a medication has been prescribed, and a positive test result is reported to the Medical Review Officer, the Medical Review Officer shall require that employee to furnish evidence such medication was, in fact, prescribed for the employee. Such evidence shall include a copy of a prescription written by a licensed physician or other documentation, such as a notation in an employee's medical records, indicating such a medication was prescribed. The Medical Review Officer shall not consider prescription medicine taken without a prescription as an excuse in determining whether or not a test result should be attributed as positive.

ACTIONS

- A. Alcohol test results. A screening test of less than 0.02 will be considered "negative" and the employee may return to work. In the event a test registers 0.02 or greater, the employee will be required to take a confirming test. If the

confirming test registers less than 0.02, the test will be considered negative and the employee may return to work.

If the confirming test registers 0.02 or greater but less than 0.04, the employee may return to non-safety-sensitive jobs within twenty-four hours following the time of the confirming test. He/she will not be eligible for emergency call-in or scheduled overtime during that period. [If this situation (having a positive confirming test of 0.02 or greater) occurs more than once in any twelve-month period, Section IV of this "Drug-free Workplace Policy" will be implemented.]

If the employee tests 0.04 or greater on the confirming test, then Section VI of this "Drug-free Workplace Policy" will be implemented. Even if the Substance Abuse Professional clears the employee for return to work, he/she cannot return to a safety-sensitive job for twenty-four hours from the time of the positive test, nor will he/she be eligible for emergency call-in or scheduled overtime during that period. In order to return to work, the employee must provide a test from a certified Breath Alcohol Technician (BAT) proving less than 0.02 alcohol concentration within four hours of the time of their return to the job.

- B. Drug test results. Employees receiving a positive drug screen report from the Medical Review Officer will be removed from the job and Section VI of this "Drug-free Workplace Policy" will be implemented
- C. Costs. Employees must bear the cost of any follow-up or return to work tests after a positive result has been given.

SUBSTANCE ABUSE EVALUATION

- A. In the event that testing shall reveal the presence of either alcohol or prohibited substance in such employee's breath, blood and/or urine at the time of testing beyond the accepted levels, that employee shall be required to submit to an immediate evaluation by an approved Substance Abuse Professional for possible alcohol and/or substance abuse problems. Pending such evaluation, the employee shall be placed on immediate suspension without pay. After the evaluation such employee shall be required, as a condition of continued employment, to enter and participate in such treatment programs as shall be recommended by the Substance Abuse Professional and shall be placed upon medical leave of absence, without pay, except to the extent that such employee shall use accumulated sick time or vacation time during such medical leave of absence.
- B. Once the Substance Abuse Professional certifies that the employee does not present a risk to others in the work place and may return to work, the employee shall be allowed to return to work, subject to the disciplinary provisions of this policy, provided that employee passes a return-to-duty test and can fulfill the requirements of the job. Thereafter, such employee shall be subject to regular drug and alcohol testing at such intervals as shall be recommended by the Substance Abuse Professional. The employee is responsible for the cost of return-to-duty and follow-up testing.

- C. Any employee who shall fail to participate in and/or successfully complete a treatment program, including recommended after-care, as shall be recommended by the Substance Abuse Professional or shall thereafter test positive, shall be subject to immediate discharge.

SELF-REFERRAL FOR TREATMENT

- A. The Road Commission recognizes that an employee who is unfit for duty due to drug or alcohol abuse is a safety risk to themselves, their fellow employees and the motoring public. To this end, the Road Commission seeks to deter substance abuse through the implementation of this Policy. However, the Road Commission encourages its employees, who may have substance abuse problems, to voluntarily refer themselves to treatment programs. Said self-referral must occur prior to selection for testing or identification of a positive result.
- B. Employees are encouraged to seek treatment for drug or alcohol abuse and are offered cooperation and assistance under this Policy and/or applicable Contract benefits. Additionally, an employee who initiates his/her own treatment shall be exempt from the penalties of this Policy and/or the Collective Bargaining Agreement, subject to the terms and conditions set forth herein.
- C. In order to be exempt, the employee's self-referral must occur prior to any Road Commission-initiated random or reasonable cause testing and/or any other contract violations. The Self-Referral declaration by an employee at the time of random or reasonable cause testing or other contract violation occurrences shall not be allowed as an exemption from the implementation of discipline under this Policy or the Collective Bargaining Agreement.
- D. An employee who has referred himself for treatment shall be required to successfully complete a substance abuse rehabilitation program that includes a return to work drug and alcohol test prior to his return to work. In the event an employee tests negative, he will be allowed to return to work. If he tests positive, the employee must successfully complete a Road Commission-approved substance abuse rehabilitation program including execution of a medical information waiver which gives the rehabilitation provider(s) the authorization to share confidential medical information so that the Road Commission can monitor the employee's progress in the treatment program.

REQUIRED NOTIFICATIONS

- A. Convictions and Loss of Driving Privileges. Employees shall notify their immediate supervisor within five (5) working days of any criminal drug statute conviction. Employees involved in equipment or vehicle operations shall notify their immediate supervisor within five (5) working days of any traffic violation conviction involving drugs or alcohol. Each employee who has a driver's license suspended, revoked, or cancelled, or who is disqualified from operating a motor vehicle for any period, shall notify the Road Commission of such suspension,

revocation, cancellation or disqualification before the end of the business day following the day the employee received notice of the suspension, revocation, cancellation, or disqualification, but, in any event, prior to operating any Road Commission vehicle or equipment. Failure to do so will result in disciplinary action, up to and including termination from employment.

- B. Prescription and Non-Prescription Medicine. Any employee using a medication which his/her physician has advised the employee the use of such medication may affect the employee's ability to safely operate a motor vehicle, or the employee's ability to otherwise perform the duties of his/her position, shall promptly notify the Road Commission that he/she is currently using such medication.
- C. Fitness for Duty/Call-in. It shall be the policy of the Road Commission that any employees called to report for duty, during emergency or unscheduled operations, shall be personally asked and shall personally respond to the Road Commission's questions regarding their fitness for duty with respect to the consumption of drugs and/or alcohol. Further, the employee shall be required to notify the Road Commission's representative if at any time the employee is not fit to perform his/her duties for the Road Commission in a safe manner as such fitness may relate to the consumption of drugs and/or alcohol.

VIOLATIONS

In addition to any penalties mandated by the Department of Transportation, if an employee tests positive for illegal drugs and/or prohibited substances, or is under the influence (0.04% or above) of alcohol, the following are disciplinary steps that shall be taken:

- 1) First Offense – Five (5) day suspension without pay; upon completion of the five (5) day suspension and before an employee is allowed to return to work, he/she will submit to an evaluation by a Substance Abuse Professional and to a drug/alcohol test at the employee's expense. Upon approval of the Substance Abuse Professional and a negative test result, the employee will be allowed to return to work.
- 2) Second Offense – Discharge.

DEFINITIONS

- A. **Under the influence** – An employee has been affected by a drug or alcohol, or a combination, in a manner that demonstrates a disregard for life or property or impairs the employee's ability to perform a given job or assignment. Symptoms of being under the influence of drugs or alcohol include, but are not restricted to, misbehavior, obvious impairment of physical or mental ability, slurred speech or difficulty in maintaining balance. Supervisors recommending testing of an employee for being under the influence shall document, in writing, their observations and the information they have which causes them to believe the employee is under the influence before the employee is sent to the appropriate

place for testing.

- B. **Prohibited Substance** – Any drug or substance that is identified in 21 CFR 1308.11 Schedule I, any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR Part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner who is familiar with the employee’s medical history and has advised the employee that the substance will not adversely affect the employee’s ability to safely operate a vehicle or equipment, or any drug or substance which has not been legally obtained

- C. **Drug Testing** – Any urine/blood or breath test conducted for the purpose of detecting the presence of a chemical substance in an individual.