

**EMPLOYEE SUMMARY AND REFERENCE GUIDE**  
**BOROUGH OF DUMONT CDL DRUG AND ALCOHOL POLICY**

**WHAT CONDUCT IS PROHIBITED BY THE REGULATIONS?** *(See Page 12 of the Policy).*

As a safety-sensitive employee, holding a CDL:

- You must not use or possess alcohol or any illicit drug while assigned to perform safety-sensitive functions or actually performing safety-sensitive functions.
- You must not report for service, or remain on duty if you are...
  - under the influence or impaired by alcohol;
  - Have a blood alcohol concentration .04 or greater; (with a blood alcohol concentration of .02 to .039)
  - Have used any illicit drug.
- You must not report for duty or remain on duty when using any controlled substance unless used pursuant to the instructions of an authorized medical practitioner.
- You must not refuse to submit to any test for alcohol or controlled substances.
- You must not refuse to submit to any test by adulterating or substituting your specimen.
- The Borough has a zero tolerance policy for the use or possession of alcoholic beverages while on the Borough's property, or in any Borough vehicle, or on the Borough's time, including breaks or lunch, paid or unpaid, on any shift. *(See Page 30 of the Policy).*

**WHAT DRUGS DOES DOT TEST FOR?** *(See Page 5 of the Policy).*

DOT drug tests are conducted only using urine specimens.

The urine specimens are analyzed for the following drugs/metabolites:

- Marijuana metabolites/THC
- Cocaine metabolites
- Amphetamines (including methamphetamine, MDMA)
- Opiates (including codeine, heroin (6-AM), morphine)
- Phencyclidine (PCP)

**CAN I USE PRESCRIBED MEDICATIONS & OVER-THE-COUNTER (OTC) DRUGS AND PERFORM SAFETY-SENSITIVE FUNCTIONS?** *(See Page 13 of the Policy).*

Prescription medicine and OTC drugs may be allowed. However, you must meet the following minimum standards:

- The medicine is prescribed to you by a licensed physician, such as your personal doctor.
- The treating/prescribing physician has made a good faith judgment that the use of the substance at the prescribed or authorized dosage level is consistent with the safe performance of your duties.
  - ✘ Best Practice: To assist your doctor in prescribing the best possible treatment, consider providing your physician with a detailed description of your job. A title alone may not be sufficient. Many employers give employees a written, detailed description of their job functions to provide their doctors at the time of the exam.
- The substance is used at the dosage prescribed or authorized.
- If you are being treated by more than one physician, you must show that at least one of the treating doctors has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.
- Taking the prescription medication and performing your DOT safety-sensitive functions is not prohibited by agency drug & alcohol regulations.

### **WHEN WILL I BE TESTED?**

Safety-sensitive employees are subject to drug or alcohol testing in the following situations:

- Pre-employment. *(See Page 15 of the Policy).*
- Reasonable Suspicion/Cause. *(See Page 20 of the Policy).*
- Random. *(See Page 19 of the Policy).*
- Return-to-duty. *(See Page 22 of the Policy).*
- Follow-up. *(See Page 22 of the Policy).*
- Post-Accident. *(See Page 17 of the Policy).*

### **HOW IS A URINE DRUG TEST ADMINISTERED?**

The drug testing process always consists of three components:

- The Collection. (49 CFR Part 40, Subparts C, D, E)
- Testing at the Laboratory. (49 CFR Part 40, Subpart F)
- Review by the Medical Review Officer. (49 CFR Part 40, Subpart G)

**WHAT ARE MEDICAL REVIEW OFFICERS (MRO)?**

- Under DOT regulations, MROs are licensed physicians with knowledge and clinical experience in substance abuse disorders. They must also complete qualification training courses and fulfill obligations for continuing education courses.
- They serve as independent, impartial gatekeepers to the accuracy and integrity of the DOT drug testing program. All laboratory results are sent to an MRO for verification before a company is informed of the result.
- As a safeguard to quality and accuracy, the MRO reviews each test and rules out any other legitimate medical explanation before verifying the results as positive, adulterated or substituted.

**HOW IS AN ALCOHOL TEST ADMINISTERED?**

- The DOT performs alcohol testing in a manner to ensure the validity of the testing as well as provide confidentiality of the employee's testing information.
  - ✘ Remember: Leaving the testing area without authorization may be considered a refusal to test.
- If after several attempts you are unable to provide an adequate amount of breath, the testing will be stopped. You will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test

**WHAT HAPPENS WHEN I TEST AT CERTAIN LEVELS?**

Less than 0.02	No action required under 49 CFR Part 40.
0.02 - 0.039	You may not resume safety-sensitive functions for 24 hours [382.505] ( <i>See page 30 of the Policy</i> )
0.04 or greater	Immediate removal from safety-sensitive functions. You may not resume safety-sensitive functions until you successfully complete the return-to-duty process.

(See Page 30 of the Policy).

**WHAT IS CONSIDERED A REFUSAL TO TEST?** (See Page 7 of the Policy).

DOT regulations prohibit you from refusing a test. The following are some examples of conduct that the regulations define as refusing a test (See 49 CFR Part 40 Subpart I & Subpart N):

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine or breath sample for any test required by federal regulations.
- Failure to permit the observation or monitoring of you providing a urine sample. (Please note tests conducted under direct observation or monitoring occur in limited situations. The majority of specimens are provided in private.)
- Failure to provide a sufficient urine or breath sample when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
- Failure to take a second test when directed to do so.
- Failure to cooperate with any part of the testing process.
- Failure to undergo a medical evaluation as part of “shy bladder” or “shy lung” procedures.
- Providing a specimen that is verified as adulterated or substituted.
- 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, fail to wash hands after being directed to do so by the collector).
- Failure to follow the observer’s instructions [during a direct observation collection] to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- Admit to the collector or MRO that you adulterated or substituted the specimen.

## **WHAT HAPPENS IF I TEST POSITIVE, REFUSE A TEST, OR VIOLATE THE BOROUGH'S DRUG & ALCOHOL RULE?**

If you test positive, refuse a test, or violate DOT drug & alcohol rules:

- The Borough will immediately remove you from DOT-regulated safety-sensitive functions.
- You will not be permitted to return to performing DOT regulated safety-sensitive duties until you have:
  - Undergone an evaluation by a Substance Abuse Professional (SAP); - Successfully completed any education, counseling or treatment prescribed by the SAP prior to returning to service; and - Provided a negative test result for drugs and/or a test result of less than 0.02 for alcohol. (Return-to-duty testing)
- Upon return to a safety-sensitive job, you will be subject to unannounced testing for drugs and/or alcohol no less than 6 times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP).
- These tests (including the return-to-duty test) will be directly observed.

## **WHAT ARE SAPS?**

- SAPs are Substance Abuse Professionals. They play a critical role in the work place testing program by professionally evaluating employees who have violated DOT drug & alcohol rules.
- SAPs recommend appropriate education, treatment, follow-up tests, and aftercare. They are the gatekeepers to the re-entry program by determining when a safety-sensitive employee can be returned to duty.
- SAPs are required to have a certain background and credentials, which include clinical experience in diagnosis and treatment of substance abuse-related disorders. They must also complete qualification training and fulfill obligations for continuing education courses.
- While SAPs do make recommendations to the employer about an employee's readiness to perform safety-sensitive duties, SAPs are neither an advocate for the employee or the employer, and they make return-to-duty recommendations according to their professional and ethical standards as well as DOT's regulations.
  - ✘ Remember: Even if a SAP believes that you are ready to return to work, an employer is under no obligation to return you to work. Under the regulations, hiring and reinstatement decisions are left to the employer.

## **HOW DO I FIND A SAP?**

If you violate a DOT drug or alcohol rule, your employer is required to provide you with a list of SAPs' names, addresses, and phone numbers that are available to you and acceptable to them.

## **WILL I LOSE MY JOB IF I VIOLATE DRUG & ALCOHOL REGULATIONS?**

- Decisions regarding termination are made on a case by case basis by the Borough. Decisions regarding termination take into account the facts of the specific circumstances leading to the violation of the rules and regulations, including but not limited to prior history of violations, degree of impairment, and refusal factors.
- Under Federal regulations however, the Borough **MUST** immediately remove employees from performing DOT safety-sensitive jobs. (
- While termination is not automatic, you may lose your certification or license to perform that job.
  - ✘ Be sure to check industry specific regulations. For example, someone operating a commercial motor vehicle may not lose their state-issued CDL, but they will lose their ability to perform any DOT regulated safety-sensitive tasks.

## **WILL MY RESULTS BE CONFIDENTIAL?**

- Your test results are confidential. An employer or service agent (e.g. testing laboratory, MRO or SAP) is not permitted to disclose your test results to outside parties without your written consent. However, the MRO or SAP may have communications regarding your results with the Borough. (*See Page 27 & 28 of the Policy*).
- But, your test information may be released (without your consent) in certain situations, such as: legal proceedings, grievances, or administrative proceedings brought by you or on your behalf, which resulted from a positive or refusal.
- When the information is released, the employer must notify you in writing of any information they released.

**WILL THE RESULTS FOLLOW ME TO DIFFERENT EMPLOYERS?** (See Page 28 of the Policy).

- Yes, your drug & alcohol testing history will follow you to your new employer, if that employer is regulated by a DOT agency.
- Employers are required by law to provide records of your drug & alcohol testing history to your new employer. This is to ensure that you have completed the return-to-duty process and are being tested according to your follow-up testing plan.

**WHAT SHOULD I DO IF I HAVE A DRUG OR ALCOHOL ABUSE PROBLEM?** (See Page 10 of the Policy).

- **SEEK HELP!!**
- Your work is a vital part of everyday life. Yet, by abusing drugs or alcohol, you risk your own life, your co-workers lives and the lives of the public.
- The Borough has resources in place to confidentially assist you through the evaluation and treatment of your problem.
- If you would like to find a treatment facility close to you, you can speak directly to the Borough's DER, Anthony Schiraldi or the Alternate DER, Christopher Tully. (See page 2 of the Policy). You can also contact the local health department or visit the U.S. Department of Health and Human Services treatment facility locator at <http://findtreatment.samhsa.gov/>. This site provides contact information for substance abuse treatment programs by state, city and U.S. Territory. Also, many work-place programs are in place to assist employees and family members with substance abuse, mental health and other problems that affect their job performance.