

RESOLUTION #786-01-16-2021**Jackson County Drug and Alcohol Testing Policy**

1. Jackson County is dedicated to providing a work environment that is safe not only to its employees, but also to the citizens of Jackson County. To assure this, Jackson County has complied with all Federal regulations governing employees with commercial driver's licenses (CDL's). This policy incorporates the requirements set forth in the U.S. Department of Transportation and affects all County employees required to maintain a CDL.

This policy covers all employees that meet the following conditions:

- a. Hold a commercial driver's license (CDL) and
- b. Drive vehicles of over 26,001 GVWR (13 tons)

Drivers covered by the policy are prohibited by the Federal Motor Carrier Safety Administration (FMCSA) from the following:

- a. Driver must not consume alcohol while on duty, four hours prior to on duty time, and up to eight hours following an accident or until the employee undergoes a post-accident test, whichever occurs first.
 - b. Driver shall not report for duty or remain on duty that requires performing safety-sensitive function when using any controlled substances, except when the use is at the instruction of a physician who has advised the driver that the substance does not adversely affect the ability to safely operate a Commercial Motor Vehicle (CMV).
2. Jackson County is a member of the Drug and Alcohol Testing Alliance (DATA), which has employed the services of UnityPoint Clinic – Occupational Medicine, 4230 War Eagle Drive, Sioux City, IA 51109 to administer our drug-testing program. The Jackson County Regional Health Center collects all samples and submits them to this company. These five tests may be used to detect substance abuse:
 - a. Pre-employment – All potential employees will submit to and test negative for drug use prior to employment. All offers of employment are conditioned upon receipt of a negative drug test result.
 - b. Random – All covered employees are subject to random, unannounced drug and alcohol tests. If an employee is chosen for testing, he/she must report immediately to the location specified by the Designated Employer Representative (DER).
 - c. Post-Accident – All covered employees having an accident with a County commercial motor vehicle on a public road in-state or out-of-state are required to submit to a drug and alcohol test when the following conditions are met:
 - If accident involves the loss of human life.
 - If the employee receives a ticket for a moving traffic violations arising from the accident AND the accident involves bodily injury to any person requiring medical treatment away from the scene of the accident OR one or more motor vehicles incurring disabling damage as a result of the accident, requiring a motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

These tests will be administered as soon as possible after the accident, but no later than 8 hours after the accident for alcohol, and 32 hours for drug. The employee is allowed to get any necessary medical treatment as needed prior to testing, or if necessary, to leave the scene of an accident for the period necessary to obtain assistance in responding to the accident.

- d. Reasonable cause – Any covered employee whom is suspected of being under the influence of drugs and/or alcohol will be required to test for these substances. A supervisor who has completed the annual training must make the request.
- e. Return to Duty/follow-up – All covered employees who have previously tested positive for drugs and/or alcohol must test negative, be evaluated and released for duty prior to returning to work. Once returning to work, an employee is required to

undergo unannounced testing with at least six tests performed in the first year. Follow-up testing may be extended for up to five years following return to work and may include testing for additional drugs. The employee's Substance Abuse Professional (SAP) determines the testing parameters, type, frequency and duration.

3. Drug tests are conducted on urine samples and are screened for marijuana (THC), cocaine, opiates (including heroin), amphetamines (including methamphetamine and ecstasy), and phencyclidine (PCP). The employee will provide a urine sample, and the sample shall be split into 2 specimen containers. The second sample, or split specimen, is the determining factor for all confirmation tests. The split specimen is stored by the testing agency, but will not be tested unless the employee requests it.

First offense for testing positive for any illegal substance will be considered just cause for immediate termination per union contract. At employee's request and expense, the split specimen may be tested with the employee suspended from duty without pay until final results are in. If employee is cleared by the Medical Review Officer (MRO), said employee will be paid for time off of duty. The decision received from the MRO shall be final.

Alcohol tests are conducted by breath samples based on grams of alcohol per 210 liters of breath. A result of 0.02 and above is a positive test result per FMCSA regulations.

Employees having an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions until 24 hours following the administration of the test. First offense for testing 0.04 and higher will be considered just cause for immediate termination per union contract.

In instances where there is a reason to believe an employee is abusing a substance other than those listed above, Jackson County reserves the right to test for additional drugs under its own authority using standard laboratory testing procedures.

4. A refusal to take a drug or alcohol test shall be considered as testing positive for the test, and shall be subject to paragraph 3 of the policy. An employee refuses to take a test if:
 - a. Employee fails to appear for any test within 2 hours after being directed to report for testing.
 - b. Employee fails to remain at the testing site until the testing process is completed.
 - c. Employee fails to provide a urine specimen for any drug test required.
 - d. Employee fails to permit the observation or monitoring of specimen if a directly observed or monitored collection is required.
 - e. Employee tampers with or attempts to adulterate the specimen.
 - f. Employee fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
 - g. Employee fails or declines to take a second test as directed by the DER per policy.
 - h. Employee fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "shy bladder" or "shy lung" procedures.
 - i. Employee fails 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.)
 - j. The MRO reports that employee has a verified adulterated or substituted test result.
 - k. Employee leaves the scene of an accident without a valid reason before the tests have been conducted.

If an employee tests positive or refuses to test, the employee will immediately be placed on unpaid leave and referred to a Substance Abuse Professional (SAP). The appropriate Board overseeing the employee shall implement the terms of paragraph 3 of the policy as soon as possible after the event.

5. An employee who is tested and is determined to have a "shy bladder" or "shy lungs" may be required, by the MRO, to get an evaluation from a licensed physician. This physician must be acceptable to the MRO and have expertise in the medical field associated with this.
6. Dilute specimens are drug tests, positive or negative, that the MRO has determined are not tampered with directly, but are diluted by the employee through the body. There are two types of dilute results, a positive dilute drug test and a negative dilute drug test.
 - a. A positive dilute drug test is considered as a positive, and is subject to the terms listed in paragraph 3.
 - b. A negative dilute drug test is not considered as a negative or a positive. If the MRO contacts the county's DER with a negative dilute drug test, that employee will be required to test again upon contact by the DER. The DER will escort the employee to the test site for the second test. The results of the second test will be considered as the determining test for the employee.
7. Drug and alcohol treatments are to be paid by the employee or employee's insurance. An evaluation with a SAP is required prior to returning to duty, with a written letter of eligibility sent to the Engineer stating such. No employee can return to duty without clearance from a SAP and the Engineer.
8. All follow-up and return to duty testing will be at the employee's expense. Payments shall be to the Jackson County Secondary Roads Department and will not be deducted from payroll. Failure to submit payment for these tests within 30 days of billing will be considered an immediate resignation by employee.
9. Information on the effects of alcohol misuse and controlled substance use on an individual's health, work, and personal life; signs and symptoms of an alcohol problem; and available methods of intervening when an alcohol and/or controlled substance problem is suspected can be obtained from the DER.
10. The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, certain medications have time constraints placed upon them by the FMCSA. Any employee taking listed medications is required to contact his/her immediate supervisor and request time off during use of these medications. This time off will be with pay by taking sick leave, sick leave credit, floating holiday or vacation pay. If employee has no leave available, leave will be without pay. Any employee violating these requirements shall be subject to the following:
 - a. First offense an employee will receive a written warning in the employee's file.
 - b. Second offense an employee will be suspended without pay for 3 days.
 - c. Third offense will be considered an immediate resignation by employee.
11. Employees must report any arrest for driving under the influence (DUI) or drunken driving (OWI) to his/her immediate supervisor within 48 hours of arrest and inform him/her of all court dates and proceedings. Upon conviction of these charges, the employee will be considered as having immediately resigned his/her position with the County. (Secondary Roads employees refer to your contract.) Any time off needed for court dates and proceedings will be without pay. However, if the employee is not convicted of the charges and maintains his/her CDL with no penalty, the employee may request payment of missed days by using vacation, floating holiday or sick leave credit hours.
12. Employees must report any arrest for possession, usage or distribution of illegal substance to his/her immediate supervisor within 48 hours of arrest and inform him/her of all court dates and proceedings. Upon conviction of these charges, the employee will be considered as having immediately resigned his/her position with the County. Any time off needed for court dates and proceedings will be without pay. However, if the employee is not convicted of the charges and maintains his/her CDL with no penalty, the employee may request payment of missed days by using vacation, floating holiday or sick leave credit hours.
13. The Federal Motor Carrier Safety Administration (FMCSA) requires employees to report all convictions for driver violations in any type of motor vehicle to the County Engineer. This notification must be within 30 days of conviction and must include the following information:
 - a. Driver's full name
 - b. Driver's license number
 - c. Date of conviction

- d. The specific criminal or other offense(s), serious traffic violation(s), and other violation(s) of State or local law relating to motor vehicle traffic control, for which the employee was convicted and any suspension, revocation, or cancellation of certain driving privileges which resulted from such conviction(s)
- e. Whether the violation was in a commercial motor vehicle
- f. Location of offense
- g. Driver's signature

Any employee not reporting convictions per FMCSA guidelines shall be subject to the following:

- a. First offense an employee will receive a written warning in the employee's file.
- b. Second offense an employee will be suspended without pay for 3 days.
- c. Third offense will be considered an immediate resignation by employee.

14. The FMCSA requires employers to annually review the driving record of all CDL-licensed employees. The County Engineer will annually review all driving records to verify they meet Jackson County Motor Vehicle Record Acceptability Guidelines.

15. The FMCSA requires employers to query an employee's records through the FMCSA Drug and Alcohol Clearinghouse per the following:

- a. Limited Query – a limited query must be conducted annually on current employed drivers. A "General Consent for Limited Queries" form must be signed by the employee before the query can be conducted. This form will be valid for the duration of employment with the employer.
- b. Full Query – a full query must be conducted as follows:
 - Pre-employment check on prospective employees, or
 - Limited query returned records found for queried driver
 Employees will be required to provide electronic consent via the Drug and Alcohol Clearinghouse for all full queries.

16. Jackson County is committed to protecting the privacy of the employee before, during and after the testing process. If there is a question regarding the confidentiality, correctness, or instructions in the testing procedure, contact the DER for further clarification.

17. The Jackson County Engineer's Office will store all information relating to drug and alcohol testing. These records are in a locked box with access restricted to the DER's. All records are confidential and are not part of the employee's personnel file. An employee's records and results will be released only to those authorized by the FMCSA rules to receive this information. Any questions regarding the drug and alcohol policy, testing or files may be directed to the DER's:

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Passed and approved this 26th day of January 2021.


ATTEST:



 Alisa Smith, Jackson County Auditor



 John J. Willey, Board Chair



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