

Title: Administrative Policy Commercial Driver's License	Policy No. Part 5, Staff Policies Chapter 1, Rules Section 6
	Effective Date April 30, 2013
Policy Custodian County Administrator	Adoption/Revision Date April 30, 2013

Adopting Resolution(s): CC13-170

References (Statutes /Resos/Policies):

Purpose: To provide rules for employees who hold a Commercial Driver's License and perform safety sensitive functions.

Policy: Commercial Driver's License

A. Applicability

1. This policy is applicable to employees of the following agencies: The Board of County Commissioners; The Jefferson County Sheriff; The Jefferson County Clerk & Recorder; The Jefferson County Treasurer; The Jefferson County Assessor; The District Attorney of the First Judicial District; Jefferson County Public Health; The Jefferson County Coroner; The Jefferson County Public Trustee; and The Jefferson County Public Library.
2. All employees who hold a Commercial Driver's License (CDL) and perform any safety-sensitive function are subject to this policy and all applicable state and federal laws and regulations. Such employees are referred to as drivers under this policy. Employees subject to this policy are also subject to the Jefferson County Personnel Rules and the Policy and Procedure Manuals.

Safety-sensitive function means all time related to operating, inspecting, maintaining, and repairing a vehicle, including time obtaining assistance or remaining in attendance for a disabled vehicle. Safety-sensitive function includes all time, including wait 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.

3. Drug and alcohol testing shall be administered by the Road and Bridge (R&B) Safety Office.
 - a. Any questions about this policy can be directed to the Road and Bridge Safety Coordinator.
 - b. Drivers will be provided educational materials that include an explanation of the effects of alcohol and controlled substances on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substance problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected.

4. For persons having a CDL that is not required by their position, upon hire, the County will do an initial drug test and background check, as per DOT and CDOT regulations. After the drug screen and background check are completed, the County will not maintain a driver file on the employee or include them in the random drug pool. Such employees are not to operate any vehicles other than personal passenger type vehicles on County business. Department Directors may agree to pay expenses to allow such employees, to keep their CDL current.

If at a later time the employee changes positions or the requirements of their position change such that a CDL is required, the Employee must comply with all DOT and CDOT regulations that apply to new hires.

5. All employees who are required to hold a CDL as a requirement of their position must pass all requirements of DOT physical. The County will not issue a letter in support of a medical waiver.

B. Prohibited Conduct

1. The following conduct is prohibited.

- a. Alcohol Use

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. No driver shall use alcohol while performing safety-sensitive functions or while on-call to perform safety-sensitive functions. No driver shall perform safety-sensitive functions within four hours after using alcohol. A driver required to take a post-accident alcohol test shall not use alcohol for eight hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

- b. Controlled Substance Use

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when he/she uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

C. Consequences

A driver will be dismissed in accordance with the Jefferson County Personnel Rules for a confirmed positive drug test or blood alcohol level of 0.04 or above. Drivers that test positive due to refusal to test will be dismissed in accordance with the Jefferson County Personnel Rules.

If the blood alcohol level is 0.02 or greater, but less than 0.04, the employee may not perform, nor be permitted to perform, any safety sensitive functions for at least 24 hours. The County shall take appropriate disciplinary action.

D. Circumstances Where Testing Is Required

1. There are five circumstances that require a drug and/or alcohol test:

- Post-Accident
- Reasonable Suspicion
- Random Testing
- Pre-Hire Testing
- Follow-up and Return to Duty

a. Post Accident Testing

- 1) A driver who was performing a safety-sensitive function at the time of an accident must be tested as soon as practicable but in all cases no later than 8 hours after the accident for alcohol and no later than 32 hours after the accident for controlled substances if:
 - the accident involved a human fatality;
 - the accident involved bodily injury with immediate medical treatment away from the scene and the CDL driver was issued a citation; or
 - the accident involved disabling damage to any motor vehicle requiring tow away and the CDL driver was issued a citation.
- 2) The driver must remain available for testing during this period or be deemed to have refused testing.

b. Reasonable Suspicion Testing

A driver shall submit to drug or alcohol testing when there is reasonable suspicion to believe that the driver is under the influence of drugs or alcohol. The required observations shall be made by a supervisor or other person who is trained in accordance with federal regulations. The determination must be based on contemporaneous observations concerning the appearance, behavior, speech or body odors of the driver or the actual possession of or use of alcohol or illegal drugs on the job. The person who makes the determination that reasonable suspicion exists shall not conduct the test. The driver will be escorted to the medical provider for testing.

c. Random Testing

Random drug and alcohol testing shall be conducted on an unannounced basis in compliance with federal regulations. A random sample of all drivers shall be selected each month by the county contracted medical review company. Individual drivers may or may not be tested more than once per year to compose the sample. Each month, the R&B Safety Office provides the medical review company with an updated list of all drivers. The medical review company selects a random sample from that list and provides the R&B Safety Office with a list of drivers to be tested. The R&B Safety Office prepares instructional envelopes containing the test/tests that are being required along with the testing location and authorization form signed by the Safety Coordinator. The R&B Safety Office provides an envelope to the driver's supervisor. The supervisor determines when to provide the driver with the testing instructional envelope. The envelope must be delivered to the driver within the same month that it was drawn. Upon receipt of the instructional envelope, the driver must go immediately to the county contracted medical provider.

d. Pre-Hire Drug Testing

Pre-Hire drug testing shall be conducted prior to a driver's start day. The hiring unit shall provide instructions to the applicant prior to hire. A driver must have a negative test result before beginning employment.

e. Follow-up and Return to Duty Testing

Any driver who has been required to or voluntarily undergoes rehabilitation for substance or alcohol abuse must submit to a controlled substance test and/or an alcohol test before returning to work. In addition, the driver will be subject to follow-up testing not to exceed 60 months following the employee's return to work. All follow-up testing will be done at the County's direction and at the employee's expense. The County may require follow-up testing as a condition of continued employment based on a driver's admission or other evidence of drug or alcohol use. Nothing in this policy prohibits the County from testing if the employee agrees to be tested.

E. Testing Standards

1. All employees who hold a Commercial Driver's License (CDL) and perform any safety-sensitive function must submit to drug and alcohol testing in accordance with this policy and state and federal laws and regulations. This drug and alcohol testing policy is administered by R&B Safety Office personnel. Testing procedures conform to the requirements set forth in federal and state law and regulations. A Department of Transportation qualified Medical Review Officer (MRO) will receive and verify all test results and maintain confidentiality of all records as required by law.
2. Drug tests
Drug tests are conducted to detect those substances identified in the federal regulations, including: marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). Drug testing is conducted by a split sample urine test.
3. Alcohol tests
Alcohol tests are conducted to detect blood alcohol concentration of 0.02 or greater as indicated by an alcohol breath test. If the alcohol test result is 0.02 or greater, a second or confirmation test should be conducted within 15 minutes. Any result less than 0.02 alcohol concentration is considered a negative test.
4. Test results
The county contracted medical provider collects urine for drug tests and conducts the alcohol test. The county contracted medical review company will email negative test results to the R&B Safety Office. The county contracted medical review company will contact the driver directly in the event of a positive test result. The medical review company will attempt to identify a reason for the positive test result. If the medical review company cannot identify a "legal" reason for the positive test result, the medical review officer will notify R&B Safety Office personnel of the positive test result.
5. Second sample testing
A driver may request that the second sample be sent for testing. This request must be made within 72 hours. The driver must pay cash to have the sample tested. If the split

sample results are negative, R&B Safety Office will reimburse test cost and the driver will be reinstated.

6. Refusal

Any driver that refuses to be tested for drugs and/or alcohol will be considered a confirmed positive and will be terminated.

F. Self -Admission of Alcohol and Drug Use

1. A driver may voluntarily admit to drug or alcohol abuse and may not be disciplined based solely on the admission if:
 - a. The admission is not made to avoid required testing, as determined by the R&B Safety Office;
 - b. The driver has participated in or agrees to participate in evaluation and treatment;
 - c. The driver refrains from performing a safety-sensitive function until the R&B Safety Office is satisfied that the driver has been evaluated and has successfully completed education or treatment requirements; and
 - d. The driver signs a release of information that will enable the County to receive the results of the evaluation, treatment recommendations, and information related to the employee's completion of any program or treatment.
2. The driver may be subject to disciplinary action, including dismissal, for any other reason, even if that reason is related to the person's use or possession of drugs or alcohol. The employee is responsible for applying for and obtaining any necessary leave under the Jefferson County Personnel Rules. Employees may be dismissed or separated if leave is not available or not approved.
3. A driver must contact a Substance Abuse Professional as required by federal regulations within five calendar days of the admission and enter a treatment program as soon as practical. Written certification from the Substance Abuse Professional must be submitted to R& B Safety Office. The certification must indicate the treatment program and the time frame for successful completion. Following the successful completion of the treatment program, the Substance Abuse Professional must send a letter of completion to the R&B Safety Office.
4. The driver must take a "return to duty" drug and alcohol test as directed by the R&B Safety Office. This test will be an observed test. The driver will then be subject to follow-up testing comprised of a minimum of 6 times for drug/alcohol in the first year. The driver is subject to follow up testing not to exceed 48 months following the first 12 months as directed by the Substance Abuse Professional. Drug/alcohol tests are random and unannounced as directed by R&B Safety Office. These tests will be observed tests. All costs associated with the tests shall be born by the employee. The employee must use appropriate leave for any time off required for testing.

G. Prescription Drug Use

Drivers are responsible for advising their medical practitioner that they hold a commercial drivers license and perform safety-sensitive functions. Drivers are responsible for asking their medical practitioner whether a prescribed substance will adversely affect their ability to safely operate a commercial vehicle. A driver must follow any instructions from his/her medical provider concerning the use of any prescription drug.

All drivers must report to R&B Safety Office if they are prescribed any substance that is considered a controlled substance under the federal regulations. R&B Safety Office may contact county contracted medical provider to verify side effects of a prescription drug. If a driver uses any substance that adversely affects the ability to safely operate a vehicle or perform safety-sensitive functions, the driver must notify the R&B Safety Office. Employees may be required to take leave or may be given a temporarily reassignment that does not involve driving or safety-sensitive functions.