

Town of Danville



Post Office Box 183 Danville, Vermont 05828

Controlled Substance and Alcohol Testing Policy

The Danville Select Board is required by the US Department of Transportation and the Federal Motor Carrier Safety Administration to establish programs for their employees to prevent accidents and injuries from the use of drugs and alcohol. The main focus of the Board when hiring CDL drivers is to hire professional, respectful drivers that understand the laws regarding the use of controlled substances and alcohol when doing safety sensitive work. The following written policy is to promote a safe and healthy work place for their employees and in no way preempts any State or Federal regulations regarding the use of alcohol and controlled substances by CDL drivers.

November 17, 2011
Review Date

All full-time employees of the Danville Highway Department are subjected to testing under this policy, as well as any part-time employees that are required to hold a CDL license to hold employment status with the Highway Department.

Section 1. Required Testing

Section 1A. Pre- Employment

As a condition of employment, all applicants are required to comply with the provisions in this policy as well as all State and Federal drug and alcohol testing laws. All applicants will agree to a pre-employment drug test and the Town of Danville must receive a verified negative test result for the applicant before he/she can be considered for the full-time position or perform any safety sensitive function. The Town of Danville will pay for the cost of the pre-employment test. If the applicant receives a verified positive test, the Town of Danville will not continue to consider the applicant for employment.

Section 1B. Reasonable Suspicion

This policy provides for testing of any employee for controlled substances including alcohol when the highway supervisor has reasonable suspicion that his/her employee is using a controlled substance or alcohol. The supervisor must be trained in accordance with 49 CFR part 382.603. The employee will not perform any of his/her duties until the tests are complete and a negative test result has been determined.

A written record of why a reasonable suspicion test is requested for an employee must be reviewed by the chairman of the Danville Select Board for review within 1 hour of the request for the test.

Section 1C. Random

Highway Department employees are required to participate in the random testing procedures outlined in this section of the policy. Employees will be randomly selected using a computer based number that is matched with the employee's social security number. Efforts are made to spread out selections throughout the calendar year.

Section 2. Testing Procedure

Section 2A. Procedure for Random Test

After an employee is selected for a random test, the foreman will notify him/her 60 minutes before the scheduled test. He/she will immediately then travel from the job site to the testing location (shop) and wait for their test.

Section 2B. Post Accident

A drug and alcohol test will be performed on the operator of a Town vehicle involved in an accident as soon as possible (within a 32 hours for drugs and within 8 hours for alcohol) when there is an injured person or persons that needed medical assistance away from the scene and the operator of the Town truck receives a moving violation citation, if a vehicle is having to be towed away on a tow truck and a citation was issued to the Town employee that was driving the truck, or a death of a human being.

Type of Accident Involved	Citation Issued to CDL Driver	Test Must Be Performed by Employer
Human Fatality	Yes	Yes
	No	Yes
Bodily injury with immediate medical treatment away from scene.	Yes	Yes
	No	No
Disabling damage to any motor vehicle requiring tow away.	Yes	Yes
	No	No

Section 3. Controlled Substances

Regulations require testing for the following classes of substances:

Marijuana (grass, pot, weed)
Cocaine (crack, coke)
Opiates (heroin)
Amphetamines (speed)
Phencyclidine-PCP- (angel dust)

This policy adopts the threshold levels established by the Department of Health and Human Services and the Substance Abuse and Mental Services Administrations Regulations 49 CFR Part 40.

Section 4. General Information

- Any alteration, attempt to alter, contaminate or substitute a urine specimen will be considered a positive test result.
- Any refusal to take a drug test will be considered a positive test.
- Prescribed medication must be only used by the employee that it is prescribed for. A written prescription may be asked for by the Road Foreman if questioned from the employees Doctor.

Section 5. Discipline

A positive test for any controlled substances will mean an immediate suspension from work without pay and a disciplinary hearing will be held by the Select Board within 48hrs from the positive test results to determine the employees' employment status with the Highway Department. This could result in the employee's immediate and permanent dismissal. Any decision made that does not include dismissal will be presented to the employee in writing which will include proper steps and testing so he/she can return to work.

An alcohol test resulting with a less than .02 no action will be taken. A result of .02 - .039 you will be suspended for 3 working days without pay. When you return for work, a less than .02 alcohol tests is required, if greater than .02, than immediate dismissal from employment will occur. A test of .04 or greater will trigger a hearing by the Select Board that could result in immediate, permanent dismissal. Any decision that does not include dismissal, the Select Board, in writing will outline the proper steps for the employee must take so he/she may return to work.

Employee Referrals

The Town of Danville is obligated by this policy to refer any employee that test positive for a control substance or has an alcohol test of .02 or greater to a local Substance Abuse Professional in an effort to assist in the training and information of the use of controlled substances and alcohol.

Section 6. Employee's Rights

If a positive test is received, the employee may request that a split specimen be tested. The employee must make this request, in writing, within 72 hours of the positive test. After hearing the request for a split specimen to be tested, the Town will immediately provide written notice to the lab that tested the primary specimen, directing the lab to forward the split specimen to a second HHS-certified lab for testing.

If the test fails to reconfirm the presence of the drug/drugs metabolite a reason why it doesn't match the primary test that were reported positive in the primary test the lab then must conduct a validity tests in an attempt to determine the reason for being unable to confirm the presence of the drug/drugs as the first sample. If the lab is unable to determine why the samples did not match the complete test and the results will be thrown out.

If the split specimen reconfirms a positive test the Town will move to a disciplinary hearing as outlined in the "Discipline" section of this policy.

References:

- Vermont League of Cities & Towns Drug and Alcohol Testing Manual for Municipal CDL Required Drivers
- U.S. Department of Transportation, Office of the Secretary, Office of Drug and Alcohol Policy and Compliance
- Federal Motor Carrier Safety Administration's Alcohol and Drug Testing Regulations
- U.S. Department of Health and Human Services and the Substance Abuse and Mental Services Administration Regulations, 49 CFR Part 40

Notification and Consent

All full-time employee's as well as applicants for a position with the highway department must be informed of this policy and provide their signature stating that they have received this policy and understand the information within this policy as well as any State and Federal laws concerning controlled substance testing and alcohol use.

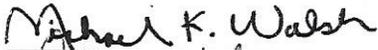
At no time will an employee be forced to submit a drug or alcohol test by the Town of Danville, but the employee or applicant must understand that refusing will automatically be considered a positive test and will be subject to the discipline that is stated in section 5.

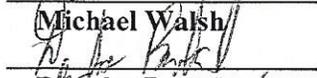
Disclaimer

At no time will this policy preempt any State or Federal law regarding the use of a controlled substance or alcohol by a CDL driver or an employee doing safety sensitive jobs for the Town of Danville.

This Policy is not intended to waiver any rights possessed of the Danville Select Board to take disciplinary action for misconduct due to the involvement with drugs and alcohol that is not specified within this policy.

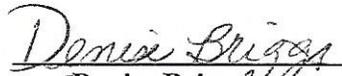
This policy can be amended as required by Federal, State or Local laws regarding the use of drugs and alcohol in the workplace.

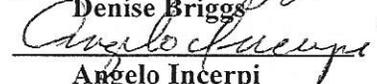


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