



Peters Township Drug and Alcohol Policy

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Peters Township Drug and Alcohol Policy

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1. GENERAL PROVISIONS

1.1 Policy Statement

Peters Township intends to provide a safe and productive working environment for its employees and members of the public. The use of illegal drugs and the inappropriate use of alcohol, medications, and other substances can adversely affect an employee's health, safety, and job performance. It can also affect or endanger other employees and the public.

As a condition of employment, all employees must abide by the terms of this policy. It is a violation of this policy for any employee to be under the influence of drugs or alcohol in the workplace, when acting within the scope of employment or during work time, including reporting for work. Violation of this policy may result in disciplinary action up to and including suspension without pay or termination.

This policy is also intended to comply with and be interpreted consistently with all requirements of the Drug Free Workplace Act of 1988 and the U.S. Department of Transportation regulations pertaining to employees in safety-sensitive transportation positions.

This policy is subject to ongoing review and evaluation and modifications will be made as deemed necessary to respond to current circumstances and evolving needs.

1.2 Scope and Application

This policy applies to all employees, current and temporary, while they are engaged in Township business, working on Township premises or worksites, and operating vehicles and equipment. Violations of this policy may result in disciplinary action up to and including termination of employment.

Peters Township's implementation of this policy will include drug and alcohol testing as part of pre-employment screening, reasonable suspicion, post-accident investigations, return to work and follow-up. This policy also requires random testing for employees who hold Safety Sensitive Positions including employees with Commercial Driver's Licenses. The policy is designed not only to establish a program of testing, but to also raise awareness of the assistance that is available to employees with substance abuse problems.

1.3 Key Definitions

CDL Position means a position for which a Commercial Driver's License (CDL) is required as a condition of employment.

Drug means:

- (a) any substances specified in Schedule I or II of the Controlled Substance Act including but not limited to, amphetamines, cannabinoids (THC), cocaine, opiates, phencyclidine (PCP), barbiturates, MDMA (Ecstasy), benzodiazepines, methaqualone, methadone, and propoxyphene
- (b) A substance which can be obtained legally, but was not properly obtained or, if properly obtained, was not being used in accordance with the prescribing

doctor's instructions (e.g., Percocet, Vicodin and OxyContin obtained by means other than the employee's prescription).

Employee means all regular full-time, part-time, temporary, casual and seasonal workers on the Peters Township payroll.

Employee Assistance Program means the program available to employees which offers confidential, professional assistance to help employees and their immediate family members resolve concerns that currently, or potentially, affect the quality of life at home or at work.

FMCSA Clearinghouse means the Federal Motor Carrier Safety Administration's (FMCSA) Drug and Alcohol Clearinghouse, a secure online database that gives employers as well as appropriate federal and state authorities real-time information about CDL holders' drug and alcohol program violations, authorized by the Moving Ahead for Progress in the 21st Century Act of 2012 and established by the FMCSA Final Rule published December 5, 2016.

Medical Review Officer is a licensed physician responsible for receiving laboratory results generated under this Policy, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's drug and alcohol test result together with his medical history and any other relevant biomedical information.

Negative Test or Negative Test Result means a report from the Third-Party Administrator that an individual who provided a specimen for drug or alcohol testing did not have a drug or alcohol concentration equal to or in excess of the limits set forth in this Policy.

Positive Test or Positive Test Result means a report from the Third-Party Administrator that an individual who provided a specimen for drug or alcohol testing had a drug or alcohol concentration equal to or in excess of the limits set forth in this Policy.

Query is an electronic check in the FMCSA Clearinghouse conducted by an employer or Third-Party Administrator to determine if current or prospective employees are prohibited from performing functions involving a CDL due to unresolved drug and alcohol program violations.

Safety Sensitive Position means (a) all CDL Positions as designated in collective bargaining agreements, and (b) all other positions identified by the Township as presenting such a great risk of injury to the employee or the public that momentary lapses in attention can have disastrous consequences. When hiring an employee into or transferring an employee to a Safety Sensitive Position, Peters Township will inform the employee that the job will require the employee to undergo drug and alcohol testing, as set forth in this policy. A Safety Sensitive Position shall be subject to a more extensive drug panel, beyond the panel designated by U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA), along with an alcohol screen by the Township's Third-Party Administrator.

Substance Abuse in the context of this policy is the abuse of alcohol, illegal drugs, prescription, and over-the-counter medication, and any other substance that may be inhaled, injected, or taken by mouth, which may impair the individual.

Substance Abuse Professional is an individual with knowledge of and clinical experience in the diagnosis and treatment of Alcohol and Drug related disorders. The Substance Abuse Professional will assess if the individual has an alcohol or drug dependency, make

recommendations regarding education and treatment, and recommend a return-to-duty monitoring program including unannounced testing.

Third-Party Administrator is an outside agency contracted with Peters Township that manages the Township's drug and alcohol testing program. The Third-Party Administrator is responsible for collecting samples for drug and alcohol testing from employees and testing them in a laboratory. The Third-Party Administrator shall employ or contract with a Medical Review Officer.

Workplace includes Township vehicles or private vehicles used in any manner for Township purposes or for transportation to or from work. It also includes all premises, parking lots, and areas owned or maintained by the Township, any location at which the employee is representing the Township, such as attending off premises meeting, picking up and/or delivering material, and sites where the Township is performing any work or has sent any of its employees.

1.4 Roles and Responsibilities

(a) Township Manager

The Township Manager is responsible for the management of this policy, including:

- (i) Ensuring the Township and all employees in CDL Positions are in compliance with the FMCSA Clearinghouse, and that FMCSA regulations regarding queries are followed.
- (ii) receiving the test result reports from the Third-Party Administrator;
- (iii) advising Department Heads as to the positive test results;
- (iv) advising employees of the Drug and Alcohol Policy;
- (v) advising employees of the Employee Assistance Program;
- (vi) assisting Department Heads in determining options for removing an employee from Township premises and providing a safe means of travel to a medical facility, testing center, or employee's place of residence as required.

(b) Department Heads

Department Heads are responsible for:

- (i) ongoing performance management to ensure safe operations and effectiveness of the policy;
- (ii) guiding Employees who voluntarily seek assistance for a personal problem to appropriate resources such as the Employee Assistance Program or other local resources while maintaining confidentiality to the greatest extent possible under the circumstances;

- (iii) making arrangements for an assessment through the Township Manager if, in the course of any performance-related discussion, an employee states that the employee has a problem with alcohol or drugs
- (iv) taking appropriate steps to investigate any possible violation of this policy;
- (v) requesting and arranging for an alcohol and drug test in a post-accident or reasonable suspicion situation as required to do so under this policy.

Failure of Department Heads to meet their responsibility for the implementation and enforcement of this policy will be grounds for disciplinary action, up to and including termination.

(c) Employees

Employees must:

- (i) read and understand this policy and comply with their responsibilities under it;
- (ii) seek advice and follow appropriate treatment if they have a current or emerging alcohol or drug problem, and follow recommended monitoring programs after attending treatment;
- (iii) if in CDL Positions, comply with the regulations of the U.S. DOT's FMCSA Drug and Alcohol Clearinghouse
- (iv) cooperate with any work modification related to safety concerns;
- (v) notify their Department Head if they believe an employee is violating this policy or a visitor is using alcohol or drugs while on Township Premises;
- (vi) cooperate with an investigation into a violation of this policy, including any request to participate in the testing program as required to do so under this policy.

2. STANDARDS

2.1 Drugs

- (a) The use or being under the influence of, possession, distribution, offering or sale of drugs or drug paraphernalia is prohibited while on Township Business or Township Premises.

2.2 Alcohol

- (a) The use, possession, distribution, offering or sale of any alcohol is prohibited when on Township business or on Township premises.
- (b) For purposes of this Section, "use" means the employee has a Blood Alcohol Level of .04 or greater.
- (c) In addition, employees who hold Safety Sensitive Positions are subject to the following additional restrictions:

- (i) they may not consume any alcohol within four (4) hours before reporting for work or, if the employee is called to work on an emergency basis with less than four hours advance notice, after being notified to report for work;
- (ii) they may not consume any alcohol for at least eight (8) hours after an accident, or until after the employee has been tested or advised by the Township that a test is not required; and
- (iii) if they have a Blood Alcohol Level Content of between .02 and .04, they may not perform any Safety Sensitive Position duties until the start of the employee's next regular shift (but not less than 24 hours after the administration of the alcohol test).

2.3 Special Rule for Medications

- (a) Employees are expected to responsibly and properly use prescribed and over-the-counter medications including herbal preparations.
- (b) The following are prohibited when on Township business or premises:
 - (i) the misuse of medications (e.g. not using the medication as directed by the prescribing doctor or pharmacy, using someone else's prescription Medication, or combining medications and alcohol use against direction); and
 - (ii) the unauthorized possession of prescribed medications without a legally obtained prescription, and the unauthorized distribution, offering or sale of prescription medications.
- (c) Additionally, employees must:
 - (i) investigate through their doctor, or pharmacist whether a medication can affect safe operations;
 - (ii) act responsibly and use a safe alternative medication choice when available (e.g. non-drowsy);
 - (iii) take appropriate action to minimize safety risk and advise their Department Head of any need for modified duties if the medication they are using will affect their ability to operate safely; and
 - (iv) follow any recommended course of action, which could include temporary reassignment, if possible, or leave as appropriate to the situation.
- (d) All CDL-covered employees who use prescription medications pursuant to the instructions of a physician are required to ask the physician if those drugs could adversely affect their ability to safely operate a commercial motor vehicle. If the physician affirms that safe operation of a commercial motor vehicle could be impaired by the employee's use of a drug, the employee is required to immediately report this to his/her Department Head and the employee must be removed from the performance of safety-sensitive duties. The employee is also required to have the physician complete the CDL Employee Prescription Medications Form (Form 708) indicating the effects (e.g., drowsiness, dizziness) of the medication and expected duration of these effects. The completed form is to be provided to the employee's

Department Head for review, and is to be maintained in a confidential manner consistent with other medical information.

- (e) Peters Township reserves the right to have the Township Manager or the Manager's designee confirm the nature and duration of any required work modification with the treating physician.
- (e) The Manager will provide guidance to Department Heads on work modification and/or removal from the job, if necessary.

2.4 Call-in Situations

If an employee is requested to perform services while the employee has drugs or alcohol in his or her system at or above acceptable limits, the employee must advise the requestor or the employee's Department Head that they are unable to report for work so that appropriate steps can be taken to find an alternate employee.

3. TYPES OF REQUIRED DRUG AND ALCOHOL TESTS

3.1 Pre-Employment Testing

All applicants for full-time and permanent part-time employment will be tested for alcohol and drugs as a condition for being offered employment. No employee shall commence work until results of the testing are received by the Township.

3.2 Random Testing

- (a) Employees in CDL Positions shall adhere to the random testing regulations of the U.S. DOT and the FMCSA Clearinghouse. Safety Sensitive Position testing for employees in CDL Positions shall be performed in conjunction with their U.S. DOT random testing.
- (b) At least twenty-five percent (25%) of the non-CDL Position employees in Safety Sensitive Positions will be randomly tested for drug and alcohol on an unannounced basis, spread reasonably throughout the year and done no less than on a quarterly-basis.
- (c) If an employee selected to be tested is off due to vacation, injury, illness, or layoff, another employee will be selected to fulfill the necessary requirement.
- (d) If an employee selected to be tested is off due to normal workday rotation, the employee will be informed of his or her selection upon returning to work for his or her scheduled shift and then will proceed to the testing facility.
- (e) An employee who fails a random test for alcohol or drugs must be immediately suspended.
- (f) If the employee refuses to be tested or cooperate in the testing process, this is considered to be a refusal to test, which is equivalent to failing the test
- (g) If the result of the employee's reasonable suspicion drug test is reported as "negative diluted", the agency will be notified that they must conduct an immediate retest. The employee must be immediately escorted to the collection site for

another specimen collection. If directed by the Medical Review Officer, the specimen collection must be witnessed by the Third-Party Administrator's collection site staff. A "negative diluted" result from this second collection is treated as a negative result.

- (h) If an employee fails the alcohol or drug test the Department Head is to make necessary arrangements to have the employee taken home; the employee cannot be permitted to drive. If the employee refuses those arrangements and attempts to drive, the police department is to be notified.

3.3 Reasonable Suspicion Testing

- (a) Alcohol and drug testing will take place whenever Peters Township has reasonable cause to believe that the actions, appearance or conduct of an employee while on duty are indicative of the use of alcohol or drugs in violation of the policy. A reasonable suspicion test may be conducted when a trained supervisor has made a contemporaneous observation of the appearance, behavior, speech, or body odor of the employee, including indicators of the chronic and withdrawal effects of drugs.
- (b) The following procedures are to be used by the Department Head in situations where an employee appears to be under the influence of alcohol and/or drugs.
 - (1) Determine in-person if an employee "appears" to be under the influence of alcohol, drugs, or both, based on the factors described in sub-section (a) above.
 - (2) If the Department Head believes that the employee may be under the influence, conduct an interview with the employee using the Reasonable Suspicion Checklist. If requested by the employee, allow a union representative, if available, to be present during the interview. If available, have another supervisor or Department Head also participate in the interview. Ask the questions in the sequence indicated and record the employee's answers on the form. If another supervisor or Department Head is participating, that individual should document the employee's answers on a separate Reasonable Suspicion Checklist.
 - (3) Each evaluator should then document his/her visual observations of the employee's appearance and behavior using Part 2 of the Reasonable Suspicion Checklist.
 - (4) At the conclusion of the interview each evaluator should complete Part 3 of Reasonable Suspicion Checklist, documenting his/her opinion regarding whether the employee is under the influence and/or is fit for duty, sign and date the form, and have the other evaluator (if one was available) witness the signature.
 - (5) If the Department Head concludes that the employee does not appear to be under the influence of alcohol and/or drugs and is able to perform work duties, the employee should be returned to work duties.
 - (6) If the Department Head concludes that the employee is not under the influence of alcohol and/or drugs, but is not fit to perform work duties, the Township Manager's office should be contacted to determine the appropriate actions to be taken.

- (7) If the Department Head concludes that the employee is under the influence of alcohol, drugs, or both, then the employee must be escorted (transported) for a reasonable suspicion test. The reasonable suspicion test is to be conducted, even if the employee admits using drugs and/or alcohol.
 - (a) Reasonable suspicion testing may be done at any time, including prior to the start of duties of that work shift.
 - (b) If a reasonable suspicion alcohol test is not administered within two hours following the supervisor's observations, the supervisor must prepare and maintain on file a record stating the reasons the test was not administered promptly.
 - (c) If the reasonable suspicion drug and/or alcohol test is not administered within eight hours, the supervisor must cease attempts to have the tests administered and must prepare and maintain on file a record stating the reasons the alcohol and/or drug test was not administered promptly.
- (8) An employee who is taken for a reasonable suspicion drug and/or alcohol test must be immediately suspended and cannot be returned to work until a negative result from the reasonable suspicion test is received. If the drug test result is negative the employee shall be made whole for any wages lost or paid leave used.
- (9) If the employee refuses to be tested or cooperate in the testing process, this is considered to be a refusal to test, which is equivalent to a positive test.
- (10) At the conclusion of the collection process the Department Head is to make necessary arrangements to have the employee taken home; the employee cannot be permitted to drive. If the employee refuses those arrangements and attempts to drive the police department is to be notified.
- (11) If the result of the employee's reasonable suspicion drug and alcohol test is reported as "negative diluted", the Third-Party Administrator will be notified that they must conduct an immediate retest. The employee must be immediately escorted to the collection site for another specimen collection. If directed by the Medical Review Officer, the specimen collection must be witnessed by the Third-Party Administrator's collection site staff. A "negative diluted" result from this second collection is treated as a negative result.
 - (c) If an employee is being tested for reasonable suspicion, the Township will remove the employee pending the results of the test. The Township may assign the employee to other work in a non-Safety- Sensitive Position or, in its sole discretion, suspend the employee until the Township receives a final written report. If the final written report a negative test result, Peters Township will reimburse the employee for any lost time

3.4 Post-Accident Testing

- (a) As soon as practicable following an accident involving an employee driving a vehicle in performance of the employee's work duties, the driver must be tested for alcohol and drugs when either:

- (1) The accident involved a fatality; or
- (2) The driver has received a citation within 32 hours of the accident under state or local law for a moving traffic violation arising from the accident and;
 - (a) there is bodily injury to any person who immediately receives medical treatment away from the scene, or
 - (b) one or more motor vehicles has incurred disabling damage as a result of the accident, requiring that the motor vehicle be towed away from the scene.
- (d) Testing for drugs will occur as soon as possible but in no event later than thirty-two (32) hours after the event in question. If the test is not conducted within thirty-two (32) hours after the accident, the reason for the delay will be documented. Testing for alcohol will occur within two (2) hours if possible, but in no event more than eight (8) hours after the event. If the test is not conducted within two (2) hours after the accident, the reason for the delay will be documented.
- (e) The failure to report an incident which may require testing shall constitute a violation of this policy.
- (f) If an employee is being tested for reasonable suspicion or following an accident, the Township will remove the employee pending the results of the test. The Township may assign the employee to other work in a non-Safety-Sensitive Position or, in its sole discretion, suspend the employee until the Township receives a final written report. If the final written report is a negative test result, Peters Township will reimburse the employee for any lost time.

3.5 Return to Duty Testing

- (a) If an employee continues to work for the Township after a policy violation, the employee will be required to submit to an alcohol and drug test and achieve a negative test result for alcohol and drugs prior to returning to work.
- (b) If an employee has been off work for the treatment of drug or alcohol dependency for 30 or more days the employee will be required to undergo a drug and alcohol test and achieve a negative test result before performing any work. The Township will assume the cost of testing

3.6 Follow-up Testing.

- (a) An employee who has tested positive for drugs and/or alcohol will be subject to unannounced follow-up drug and/or alcohol testing after return to safety-sensitive duties. The follow-up testing schedule is determined by the Substance Abuse Professional (SAP), and will consist of a minimum of six drug and/or alcohol tests in the first 12 months. Follow-up testing may be extended up to five years at the direction of the SAP. All costs associated with follow-up testing will be the responsibility of the employee.
- (b) Neither the Township nor the employee is permitted to know the details of the follow-up testing schedule.

3.7 Refusal to Test

An employee's failure to report directly for a test, the refusal to submit to a test, a confirmed attempt to tamper with or adulterate a test sample, or any combination thereof shall each constitute a separate violation of this policy and may be deemed the equivalent of a positive test result.

4. DRUG AND ALCOHOL TEST EVALUATION AND REVIEW

4.1 Procedures - Employees in CDL Positions

- (a) All employees in CDL Positions shall comply with the FMCSA Drug and Alcohol Clearinghouse, and shall consent to queries (limited or full) as per FMCSA Clearinghouse regulations. For existing employees of the Township, the consent form attached to this Policy must be completed and returned to the Township by June 30, 2020. Any existing employee in a CDL position failing to submit this form by the aforementioned date will be prohibited from performing tasks requiring a CDL, which is a condition of employment for certain positions. All employees hired into CDL Positions after January 6, 2020 must be registered with the FMCSA Clearinghouse before their start of employment or immediately upon receipt of their CDL, and shall consent to FMCSA Clearinghouse regulations regarding queries. The Driver Consent for Annual Limited Query form is included in the Appendix of this policy.
- (b) Sample collection, testing, and reporting of results will be conducted in accordance with standards adopted by the U.S. DOT and FMCSA in order to ensure the accuracy and integrity of results. Rigorous sample collection, storage, and chain-of-custody procedures will be followed.
- (b) Collection specimens for drug testing and administration of alcohol tests will be performed by trained collection agents at Township-designated collection sites.
- (c) All drug tests will be administered by urinalysis, or by collection of an oral fluid sample for analysis in the laboratory. In certain situations, a "point of collection" (quick test) urine drug screening test may be administered with appropriate adulterant checks; any result that is not negative will be sent to the laboratory for confirmation analysis.
- (d) Urine samples for drug testing will be analyzed by a fully qualified and accredited laboratory.
- (e) Employees being tested must sign and will be given a copy of the drug testing custody and control form and/or the breath alcohol testing form for their records.
- (f) Alcohol tests will be administered by a calibrated breathalyzer with a printout of test results.

4.2 Procedures – Employees in Non-CDL Positions

For employees not in CDL Positions, Peters Township will follow procedures similar to those used for CDL Positions, but the Township need not comply strictly with the U.S. DOT and FMCSA rules and regulations that apply to employees in those positions.

4.3 Third-Party Administrator

- (a) The Third-Party Administrator's Medical Review Officer will review and interpret confirmed positive test results and follow appropriate procedures for positive results
- (b) The Medical Review Officer's primary function is to review and interpret test results. The Third-Party Administrator's primary function is to collect specimens and communicate the Medical Review Officer's test results to the Township Manager.
- (c) The Third-Party Administrator shall report all controlled substance and alcohol test results within twenty-four (24) hours of completion of the Medical Review Officer's examination to the Township Manager.
- (d) Written notification shall be sent to the Township Manager within three (3) working days upon the completion of his/her review.
- (e) When the Third Party Administrator's Medical Review Officer receives a laboratory report that shows a specimen has been adulterated or substituted, he/she must treat that report in the same manner as a laboratory result of a confirmed positive drug test for a drug or drug metabolite.
- (f) The Third-Party Administrator's report shall clearly identify the following information:
 - (i) That the controlled substance and/or alcohol tests being reported were in accordance with the applicable regulations;
 - (ii) Name of the tested individual;
 - (iii) Type of test administered;
 - (iv) Date and location of the test;
 - (v) The Third-Party Administrator's staff performing the collection, analysis of the specimen, and the Medical Review Officer 's name for that analysis; and
 - (vi) The verified results (positive or negative) and if positive, the identity of the controlled substance(s) for which the test was verified positive.
- (g) The Third-Party Administrator and Medical Review Officer will adhere to any other U.S. DOT and FMCSA requirements that may apply to employees in CDL Positions.

4.4 Confidentiality

- (a) The Township Manager will receive all verified drug test results.
- (b) Peters Township will not release individual test results or medical information about an employee to third parties without the employee's specific written consent, except in lawsuits, grievances, administrative proceedings or as otherwise required by law.

5. CONSEQUENCES OF A POLICY VIOLATION

- (a) Assuming that the use of drugs and/or alcohol does not result in another violation of work rules, any employee who tests positive for drugs or alcohol will be:
 - (i) Immediately removed from duty;
 - (ii) Suspended without pay,
 - (iii) Referred to a substance abuse professional for assessment and recommendations,
 - (iv) Required, at the employee's expense, to successfully complete rehabilitation including continuing care recommended by a substance abuse professional,
 - (v) Required to pass a Return-to-Duty test and sign a Return-to-Work Agreement,
 - (vi) Subject to ongoing, unannounced, follow-up testing including at least six random tests during a 12-month period; and
 - (vii) terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement

Failure to meet the requirements of the Return-to-Work Agreement during the monitoring period will be grounds for separate discipline up to and including termination of employment, as set out in the agreement.

6. PREVENTION, ASSISTANCE, REHABILITATION, AFTERCARE

6.1 Employee Assistance Program

Peters Township provides an Employee Assistance Program for all full-time employees to help employees and their families with alcohol and/or drug abuse problems. However, it is the responsibility of each employee to seek assistance from the Employee Assistance Program before alcohol/ drug problems lead to corrective action. Once a violation of this policy occurs, subsequent voluntary use of the services provided by the Employee Assistance Program will not lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action or termination of employment.

The employee's decision to seek prior assistance from the Employee Assistance Program will not be used as disciplinary action nor will it be used against the employee in any disciplinary action. Use of the services provided by the Employee Assistance Program will not be a defense to the imposition of disciplinary action where facts proving a violation of this policy are obtained outside the Employee Assistance Program. Accordingly, the purposes and practices of this policy and the Employee Assistance Program are not in conflict, but are distinctly separate in their applications.

6.2 Assessment/Rehabilitation

Peters Township recognizes that alcohol and drug dependency are treatable illnesses and early intervention greatly improves the probability of a lasting recovery. Individuals who suspect they have a substance dependency or emerging alcohol or drug problem are expected to seek advice and to follow appropriate treatment promptly before job performance is affected or violations of this policy occur.

6.3 Request for Assistance

Employees who come forward voluntarily for help with an alcohol or drug problem will be referred for an assessment by a Substance Abuse Professional.

6.4 Responsibilities

Employees should understand that accessing assistance or declaring a problem does not eliminate the requirement for maintenance of satisfactory performance levels. Corrective action or testing cannot be avoided by a request for assistance with a problem or by disclosure that the individual is already involved in a treatment program.

6.5 Aftercare

All employees who complete primary treatment (e.g., residential or out-patient treatment) for alcohol or drug problems as a result of a performance-related referral or request for assistance from the Township will be required to participate in an aftercare program when returning to duty to help them maintain recovery. They will be expected to enter into a written agreement which will outline the conditions governing their return to the job, and the consequences for failing to meet those conditions.

6.6 Confidentiality

Confidentiality will be maintained except where disclosure of a drug or alcohol test result is required or permitted by law. The Township maintains employee medical information confidentiality. Supervisors and managers may be informed regarding necessary restrictions on the work or duties of an employee and necessary accommodations, and first aid and safety personnel may be informed, when appropriate, if a medical condition requires emergency treatment.

7. LOSS OF LICENSE/IMPAIRED DRIVING CHARGE

All employees who regularly or periodically operate any motorized vehicle on behalf of Peters Township must advise the Township of any loss of their driver's license. In addition, employees must inform their Department Head immediately if they have been charged with an impaired driving offense when operating a Township vehicle or driving on behalf of the Township. Impaired driving would include but not be restricted to testing over the legal Blood Alcohol Content in any jurisdiction, driving while impaired, or refusing to provide a sample at the request of a police officer for testing. Failure to report the charge is a violation of this policy.

8. RECORDKEEPING REQUIREMENTS

8.1 Records Retention

Peters Township will maintain records regarding this policy as follows:

- (a) One (1) Year: Records of negative or cancelled drug test results and alcohol results below 0.02.
- (b) Two (2) Years: Records of the inspection, maintenance and calibration of Evidential Breath Testing devices.

- (c) Three (3) Years: Information obtained from previous employers concerning drug and alcohol test results of employees.
- (d) Five (5) Years:
 - (i) Alcohol test results 0.02 or greater
 - (ii) Verified positive drug test results and documentation of refusals to test (including adulterated or substituted)
 - (iii) Substance Abuse Professional reports
 - (iv) Follow up tests and schedules

9. MISCELLANEOUS

9.1 Department Head Training

All Department Heads and supervisors will receive training related to detecting alcohol and drug use.

9.2 Reporting a Criminal Conviction

Any employee convicted of violating a criminal drug statute must notify Peters Township no later than five (5) days after the conviction. Under this rule, a conviction includes a finding of guilt, a plea of guilty or *nolo contendere*, and/or the imposition of a sentence by any judicial body responsible for determining violations of federal or state criminal drug statutes.

APPENDICES

APPENDIX

REASONABLE SUSPICION CHECKLIST

Part I. Interview Question Checklist.

With another supervisor/manager present (if available), ask the employee who is suspected of being under the influence of alcohol and/or drugs the following questions in the order listed. If the employee admits, at any time during the questioning, to be under the influence of a drug(s) or alcohol, continue the interview. Regardless of the employee's responses, follow the interview questions with the visual observation checklist.

1. Are you feeling ill? _____yes _____ no _____no response

If yes, what are your symptoms? _____

2. Are you under a doctor's care? _____yes _____ no _____no response

3. Do you have a cold? _____yes _____ no _____no response

4. Have you recently taken any medication? _____yes _____ no _____no response

5. Did you forget to take your medication? _____yes _____ no _____no response

6. Have you recently taken any nonprescription medications? _____yes _____ no _____no response

7. Did you drink alcohol or an alcoholic beverage today? _____yes _____ no _____no response

Part II. Visual Observation Checklist.

Directions: Circle pertinent items based on your visual observation of the employee. This section must be completed regardless of the outcome of the interview.

1. WALKING/STANDING Normal	stumbling swaying unable to walk/stand	staggering unsteady	falling holding on
2. SPEECH Normal	shouting slow slobbering	silent rambling/incoherent	whispering slurred
3. DEMEANOR Normal	sleepy talkative	crying excited	silent fighting
4. ACTIONS Normal	resisting communications drowsy hyperactive	Threatening hostile erratic	fighting profanity
5. EYES Normal	bloodshot droopy	watery closed	glassy
6. FACE Normal	flushed	pale	sweaty
7. APPEARANCE/ CLOTHING Normal	disheveled partially dressed stains on clothing	messy bodily excrement stains	dirty
8. BREATH	alcoholic odor	faint alcoholic odor	no odor
9. MOVEMENT Normal	fumbling nervous	jerky hyperactive	slow
10. EATING/CHEWING	gum other – identify if possible	candy	mints

11. OTHER OBSERVATIONS:

Part III. Opinion Based on Observations and Questioning by Supervisor.

- A. Under the influence of alcohol and/or drugs _____yes _____ no _____uncertain
- B. Fit for safety-sensitive duties _____yes _____ no _____uncertain
- C. Recommended for drug/alcohol test _____yes _____ no

If yes to C, direct the employee to submit to a drug and alcohol test, and transport the employee to a collection facility. If the employee refuses to be tested, inform the employee that a refusal to test is the same as a positive test, with the same consequences as a positive test.

Remarks:

Signed _____
Supervisor

Date _____

Witnessed by _____
Supervisor

Date _____

CDL Employee Prescription Medications Form

This information is required to comply with *The Omnibus Transportation Employee Testing Act of 1991*.

Instructions:

- Employee completes Section 1 prior to giving form to treating physician.
- Treating physician completes Section 2, signs and dates, and returns completed form to employee.
- Employee submits completed form to supervisor, who immediately sends it to agency human resource office. Employee may also submit completed form directly to agency human resource office.

Section 1: Employee Information:

Employee Name	Employee #	Name of Treating Physician	Today's Date
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Section 2: Medication Information

The above-named patient currently is taking the following prescription medication(s) which will impair his/her ability to operate Commercial Drivers License motorized vehicles/equipment.

Dates employee will be taking medication		Name of Medications	Dosage	Will medication impair patient's ability to operate motorized vehicles or equipment? (yes/no)	If yes, how will it impair the patient? (e.g., dizziness, fatigue, sleepiness, nausea, etc.)
From	To				

Physician Comments:

Physician signature _____ Date _____

Physician address _____ Telephone _____



Driver Consent for Annual Limited Query

As stipulated in Federal Motor Carrier Safety Administration (FMCSA) rule §382.701, Drug and Alcohol Clearinghouse, in-lieu of a full query, an employer may obtain the individual driver's consent to conduct a limited query to satisfy the annual query requirement. The limited query will tell the employer whether there is information about the individual commercial driver in the Clearinghouse, but will not release that information to the employer. The individual driver may give consent to conduct limited queries that is effective for more than one year.

If the limited query shows that information exists in the Clearinghouse about the individual driver, the employer must conduct a full query, within 24 hours of conducting the limited query. If the employer fails to conduct a full query within 24 hours, the employer must not allow the driver to continue to perform any activities requiring a Commercial Drivers License until the employer conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions.

The driver needs to register in the Clearinghouse and provide consent in the Clearinghouse for a full query to be fulfilled. If the driver fails to register and consent for the full query, the employer must not allow the driver to perform any functions requiring a Commercial Drivers License until the employer is able to conduct the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions.

I, _____, hereby consent to all Peters Township to perform infinite limited queries to the FMCSA Drug and Alcohol Clearinghouse to determine whether drug or alcohol violation information about me exists in the Clearinghouse.

I understand that if the limited query conducted by Peters Township indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the Township without first obtaining additional specific consent.

I further understand that if I refuse to provide consent for Peters Township to conduct a limited query of the Clearinghouse, Peters Township must prohibit me from performing all tasks involving a Commercial Drivers License as required by FMCSA's drug and alcohol program regulations. Such a prohibition may result in the termination of my employment with the Township.

This consent is valid for a period of five (5) years or until my employment with Peters Township is terminated.

Driver Name	CDL Number	State of Issue

Driver Signature: _____

Date: _____