

**THE TOWN OF COTTAGE GROVE**

**DRUG AND ALCOHOL ABUSE**  
**AND**  
**TESTING POLICY**

**ORIGINAL POLICY ADOPTED: JANUARY 1, 1996**

**AMENDMENTS ADOPTED:**  
**NOVEMBER 21, 1995**  
**DECEMBER 4, 2018**

# THE TOWN OF COTTAGE GROVE

## POLICY GOVERNING DRUG AND ALCOHOL USE AND TESTING

### 1.0 INTRODUCTION AND OVERVIEW

- 1.1 U.S. Department of Transportation ("DOT") has issued regulations which govern the use of drugs and alcohol by motor vehicle drivers, and which also requires the TOWN OF COTTAGE GROVE ("Town") to conduct mandatory drug and alcohol testing of drivers at the times and under the conditions described in this Policy.
- 1.2 It is the intention of the TOWN OF COTTAGE GROVE to comply fully with the DOT's regulations governing drug and alcohol use and testing, and the requirements of DOT's regulations have been incorporated into this Policy. In the event DOT's regulations are amended, this Policy and the applicable term(s), condition(s) and/or requirement(s) of this Policy shall be deemed to have been amended automatically at that time, without the need for redrafting, in order to reflect and be consistent with DOT's regulations. In such case, the TOWN OF COTTAGE GROVE reserves the right to apply the amended requirements immediately, and without giving prior notice to drivers and/or applicants, unless such notice is required by DOT or another applicable law. It is also the intention of the TOWN OF COTTAGE GROVE to comply with any applicable state requirements governing drug and/or alcohol testing which are not preempted by DOT regulations. The TOWN OF COTTAGE GROVE also intends to comply with the applicable requirements of the Drug-Free Workplace Act of 1988, the Americans With Disabilities Act, and the Family and Medical Leave Act.
- 1.3 Under the TOWN OF COTTAGE GROVE Policy, drug and alcohol testing will be conducted on any current and/or prospective driver who may be required to operate a motor vehicle having a gross vehicle weight rating in excess of 26,000 pounds in interstate or intrastate commerce, and on any driver of a motor vehicle that is used to transport hazardous materials in a quantity which requires the vehicle to be placarded regardless of the vehicle's size.
- 1.4 All applicants for positions with the TOWN OF COTTAGE GROVE as a driver, will be notified of the drug and alcohol use and testing policy at the time they apply for a driver position.
- 1.5 The TOWN OF COTTAGE GROVE has spent a great deal of time and effort in developing and implementing the terms, conditions and requirements of this Policy, whose terms, conditions, requirements and implementation comply with DOT's regulations.

### 2.0 DEFINITIONS OF TERMS USED IN THIS POLICY

- 2.1 For purposes of this Policy and the TOWN OF COTTAGE GROVE drug and alcohol testing program, "safety-sensitive function" means any of the following:
  - (i) driving;

- (ii) the time spent waiting to be dispatched, at a carrier's or shipper's terminal, plant, facility or other property, unless the driver has been relieved from duty;
  - (iii) inspecting, servicing or conditioning equipment;
  - (iv) being in or on a commercial motor vehicle (except resting in the sleeper berth);
  - (v) loading or unloading, including supervising or assisting in loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle; giving or receiving receipts for a shipment being loaded or unloaded;
  - (vi) securing the vehicle and taking all of the other precautionary measures required by DOT's regulations following an accident (49 C.F.R. §§392.40 and 392.41);
  - (vii) repairing, obtaining assistance, or attending a disabled vehicle.
- 2.2 For purposes of this Policy and the TOWN OF COTTAGE GROVE drug and alcohol testing program, "Town business" includes, but is not limited to:
- (i) work performed on or in Town property including a Town vehicle;
  - (ii) work performed on or in a non-Town vehicle, which is being used for conducting Town business;
  - (iii) the term also includes meal and break times.
- 2.3 For purposes of this Policy and the TOWN OF COTTAGE GROVE drug and alcohol testing program, "refusing to be tested" means any of the following:
- (i) failing to provide an adequate urine specimen for a drug test without a valid medical explanation;
  - (ii) failing to provide adequate breath for an alcohol test without a valid medical explanation;
  - (iii) failing to submit to a test as directed;
  - (iv) engaging in any conduct which clearly obstructs the testing process.
- 2.4 For purposes of this Policy and the TOWN OF COTTAGE GROVE alcohol testing program, an alcohol test will be considered "positive" when the alcohol concentration level registers 0.02 or greater.
- 2.5 For purposes of this Policy and the TOWN OF COTTAGE GROVE drug and alcohol testing program, "Driver" means any of the following:
- (i) a full-time employee of the Town, who performs a safety sensitive function;
  - (ii) a casual, or part-time employee, who performs a safety sensitive function for the Town;

- (iii) a contractor, or sub-contractor, who performs a safety sensitive function at the direction of the Town;
- (iv) an owner-operator or other person, who performs a safety sensitive function at the direction of the Town;
- (v) any person who drives a Town owned or controlled vehicle requiring a commercial driver's license, for any purpose, at any time.

### **3.0 PROHIBITED DRUG AND ALCOHOL USE AND ACTIVITIES**

3.1 The goals of the TOWN OF COTTAGE GROVE Policy and the testing of drivers is to insure a drug and alcohol-free transportation and work environment, and to reduce and help eliminate drug and alcohol related accidents, injuries, fatalities, and damage to property.

3.2 In furtherance of the goals of the TOWN OF COTTAGE GROVE, the conduct specified in Section 3.3 of this Policy is prohibited whenever a driver is on duty; whenever a driver is performing, or just about to perform, a safety-sensitive function (as defined in Section 2.1 of this Policy); whenever a driver is otherwise engaged in Town business (as defined in Section 2.2 of this Policy); or at the times otherwise specified in this Policy.

3.3 The following conduct is strictly prohibited:

- (i) drivers are prohibited from using, being under the influence of, or possessing illegal drugs;
- (ii) drivers are prohibited from using or being under the influence of legal drugs that are being used illegally;
- (iii) drivers are prohibited from using or being under the influence of legal drugs whose use can adversely affect the ability of the driver to perform his or her job safely;
- (iv) drivers are prohibited from selling, buying, soliciting to buy or sell, transporting, or possessing illegal drugs while on Town time or property;
- (v) drivers are prohibited from using alcohol within four (4) hours of driving or performing any other safety-sensitive function;
- (vi) drivers are prohibited from using or being under the influence of alcohol at any time while driving or performing any other safety-sensitive function;
- (vii) drivers are prohibited from possessing any amount of alcohol (including possessing medications which contain alcohol) while on duty or driving, unless the alcohol is manifested and being transported as part of the shipment;
- (viii) testing positive for drugs and/or alcohol;
- (ix) refusing to be tested for drugs and/or alcohol (as defined in Section 2.3 of this Policy);

- (x) failing to submit to a drug and/or alcohol test as directed by the Town;
- (xi) failing to stay in contact with the Town and its medical review officer while awaiting the results of a drug test;
- (xii) violating any applicable federal and/or state requirement governing the use of drugs or alcohol;
- (xiii) doing anything to obstruct the goals of the TOWN OF COTTAGE GROVE with respect to drugs and alcohol.

3.4 A driver who violates these prohibitions will be subject to disciplinary action mandated by the DOT (described in sections 6.13, 6.23 and 6.24 of this Policy). Drivers who violate these prohibitions will also be subject to disciplinary action by the TOWN OF COTTAGE GROVE, up to and including discharge. In addition, any driver who is convicted by the judicial system of a felony for a drug or alcohol-related matter will be subject to disciplinary action up to and including termination of employment.

#### **4.0 TESTS REQUIRED**

4.1 In general, the TOWN OF COTTAGE GROVE is required by DOT to conduct tests under the following conditions or times:

- (i) before a driver-applicant is hired or an existing non-DOT worker performs DOT driving duties ("pre-employment/pre-duty" testing);
- (ii) for reasonable suspicion;
- (iii) following certain accidents ("post-accident" testing);
- (iv) on a random basis.
- (v) prior to a driver returning to duty in a safety-sensitive function, after engaging in conduct prohibited by DOT and the terms of this Policy ("return-to-duty" testing);
- (vi) following a determination under the terms of this Policy, that a driver is in need of assistance in resolving alcohol and substance abuse problems ("follow-up" testing).

The Town's procedures and requirements for each test are discussed below.

4.2 Pre-employment/pre-duty testing will be conducted in accordance with the terms of this Policy.

4.21 This test is required before any driver-applicant will be hired to perform safety-sensitive duties. This test is also required before any existing worker in a non-DOT driver position will be assigned, transferred or otherwise permitted to operate a commercial motor vehicle or perform other safety-sensitive duties on behalf of the TOWN OF COTTAGE GROVE for the first time. For purposes of the TOWN OF COTTAGE GROVE policy concerning pre-employment/pre-duty testing procedures, requirements and discipline, applicants and

existing workers who are applying for a driver position are collectively referred to in Section 4.2 as "applicants."

- 4.22 Prior to taking a pre-employment/pre-duty drug and alcohol test, the applicant will be given forms notifying the applicant to report for a drug and an alcohol test, which include instructions and an explanation of the collection procedures for each test. The applicant will also be asked to execute a general consent and release to be tested for drugs, and a general consent and release to be tested for alcohol.
- 4.23 All offers by the TOWN OF COTTAGE GROVE to hire an applicant for, or to assign or transfer an applicant to, a driver position are conditioned upon the applicant:
- (i) executing the Town's general consent and release to be tested for drugs and alcohol forms;
  - (ii) taking a drug and alcohol test as directed by the Town and passing both tests;
  - (iii) executing the Town's authorization to obtain past drug and alcohol test results form (which authorizes the Town to obtain all of the applicant's past drug and alcohol test results, including any refusals to test, from each employer for whom the driver either worked, or took or refused to take a pre-employment/pre-duty test during the previous two years and the results of those tests including any refusals);
  - (iv) passing the DOT-required physical exam required for driver positions;
  - (v) complying with any other conditions or requirements of which the Town advises the applicant at the time of the offer.
- 4.24 Any applicant who refuses or fails to execute the Town's general consent and release to be drug and alcohol tested forms, who refuses or fails to execute the Town's authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment/pre-duty drug and alcohol test as directed, or whose result is positive for either test, will not be considered eligible to work for the TOWN OF COTTAGE GROVE. Existing workers who test positive will not be considered qualified for the position for which they are applying and will also be subject to Town discipline, up to and including discharge
- 4.25 A new applicant will only be notified of the results of their tests if they present a written request to the TOWN OF COTTAGE GROVE for his/her results within sixty (60) days of being notified by the Town of its hiring decision. Existing workers will be notified only in the event of a positive test.
- 4.3 Post-accident drug testing will be conducted in accordance with the terms of this Policy.
- 4.31 A driver who is performing a safety-sensitive function must submit to a post-accident drug and a post-accident alcohol test as soon as possible after the occurrence of any accident that meets the description of section 4.32 or section 4.33 of this Policy. For purposes of this Policy and the TOWN OF COTTAGE GROVE drug and alcohol testing program, an accident which meets the description of section 4.32 or section 4.33 of this Policy is referred to as a "DOT accident."

- 4.32 A driver must always submit to a post-accident test as soon as possible after an accident which involves the death of a human being.
- 4.33 A driver must submit to a post-accident test as soon as possible after an accident, whenever the driver receives a citation for a moving violation involving the accident and either:
- (i) a person is injured because of the accident and the injuries require immediate medical treatment to the person away from the accident scene; or
  - (ii) one or more motor vehicles involved in the accident incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle.
- 4.34 It is possible that a driver will be directed to submit to a drug and/or alcohol test at the accident scene by a federal, state, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to contact the driver's supervisor or another TOWN OF COTTAGE GROVE official immediately to report this and to provide the Town with the name, badge number and telephone number of the law enforcement officer who conducted the test.
- 4.35 Whenever a driver is involved in a DOT accident and is not tested for drugs and alcohol by a law enforcement official, the driver is required to immediately report for a test, following the procedures detailed on the Driver's Post-Accident Testing Checklist, which every driver is given at the time he/she is hired.
- 4.36 A driver who is required to take a post-accident drug and/or alcohol test will, at the discretion of the TOWN OF COTTAGE GROVE, either be assigned to a non safety-sensitive function, or placed on non-disciplinary suspension with pay, while awaiting the post-accident test results.
- 4.37 In addition to the penalties imposed by DOT (discussed in section 6.13, 6.23 and 6.24 of this Policy), a driver who tests positive for drugs and/or alcohol, who refuses or fails to submit to a post-accident drug and alcohol test as required, who unnecessarily delays reporting to the test site following an accident, or who otherwise fails to comply with the post-accident testing procedures of the TOWN OF COTTAGE GROVE, will be subject to disciplinary action, up to and including discharge.
- 4.4 Random testing will be conducted in accordance with the terms of this Policy.
- 4.41 The TOWN OF COTTAGE GROVE is required to test drivers on a random basis, and all such tests will be unannounced ahead of time.
- 4.42 Under the Town's random selection process, every driver will have an equal chance of being selected each and every time the selection is conducted. Appropriate safeguards are also present to ensure that the identity of individual drivers cannot be determined prior to or at the time of their selection.
- 4.43 Whenever a driver is randomly selected to be tested, he/she will be notified of this in writing and instructed to report to the collection site immediately.

- 4.44 A driver who tests positive or who refuses to submit to a test is medically unqualified to drive and/or perform any other safety-sensitive function.
- 4.45 In addition to the penalties imposed by DOT (discussed in section 6.13, 6.23 and 6.24 of this Policy), a driver who refuses to submit to a random test, who fails to report for the test as directed, or who tests positive, will be subject to disciplinary action, up to and including discharge.
- 4.5 Reasonable suspicion testing will be conducted in accordance with the terms of this Policy.
- 4.51 Each driver is required to submit to a drug and/or alcohol test whenever the TOWN OF COTTAGE GROVE has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT regulations and/or this Policy.
- 4.52 Reasonable suspicion will exist when a driver's appearance, behavior, speech or body odors indicate drug or alcohol use, or the chronic and withdrawal effects of drugs. Such observations must be personally observed and documented by at least one TOWN OF COTTAGE GROVE official who has received training covering the physical, behavioral, speech, and performance indicators of probable drug and alcohol use.
- 4.53 Whenever a driver is notified that there is reasonable suspicion to be tested, the driver will be expected to report to the test site immediately to be tested.
- 4.54 In the event an alcohol test is confirmed positive, the TOWN OF COTTAGE GROVE will attempt to contact the driver's spouse, another member of the family, or another person designated by the driver, in order to make arrangements for transporting the driver to his/her home after the test is completed. In the event that the Town is unable to contact the driver's spouse, family member or another designated person, the Town will make arrangements for transporting the driver home by cab or other suitable means.
- 4.55 If the driver rejects the efforts of the TOWN OF COTTAGE GROVE in this regard, and instead insists on driving his/her personal vehicle, the Town reserves the right to take whatever means are appropriate to prevent this, including contacting appropriate law enforcement personnel and imposing disciplinary action, up to and including discharge.
- 4.56 A driver who is required to take a reasonable suspicion test will be considered by the TOWN OF COTTAGE GROVE as unqualified to work and placed on immediate suspension, without pay, pending the results of his/her test. A driver whose test results are negative will be reimbursed for the time of his/her suspension. A driver whose test results are positive will not be reimbursed for the time of the suspension.
- 4.57 In addition to the penalties imposed by DOT (discussed in section 6.13, 6.23 and 6.24 of this Policy), a driver whose reasonable suspicion test is positive, or who fails or refuses to submit to a reasonable suspicion test when directed to do so by the TOWN OF COTTAGE GROVE will be subject to disciplinary action, up to and including discharge.
- 4.6 Return-to-duty testing will be conducted in accordance with the terms of this Policy.

- 4.61 Except as required by any collective bargaining agreement, the TOWN OF COTTAGE GROVE is not obligated, and by the inclusion of this provision in this Policy does not undertake or commit to any obligation under this Policy, to reinstate or rehire any driver who violates any DOT or Town prohibition or requirement concerning drugs and alcohol.
- 4.62 Should the Town elect to consider reinstating or rehiring a driver who violates any DOT and/or Town prohibition concerning drugs or alcohol, that driver will be required to submit to and pass a drug and alcohol test before he/she will be permitted to return to duty.
- 4.63 Before being permitted to return to duty, the driver must also be evaluated by a substance abuse professional and submit to any follow-up testing which the substance abuse professional determines is required.
- 4.64 In addition to the penalties imposed by DOT (discussed in section 6.13, 6.23 and 6.24 of this Policy), any driver who refuses to submit to a return to duty test, or who tests positive will be considered medically unqualified to perform a safety-sensitive function and immediately discharged.
- 4.7 Follow-up testing will be conducted in accordance with the terms of this Policy.
- 4.71 Except as required by any collective bargaining agreement, the TOWN OF COTTAGE GROVE is not obligated, and by the inclusion of this provision in this Policy does not undertake or commit to an obligation under this Policy, to reinstate or rehire any driver who violates any DOT or Town prohibition or requirement concerning drugs and alcohol.
- 4.72 Any driver who is determined to have a drug or alcohol-related problem by a substance abuse professional is required to submit to unannounced follow-up testing as one condition of being reinstated, rehired, or otherwise permitted to return to duty after violating any DOT or Town prohibition or requirement concerning drugs and alcohol.
- 4.73 At a minimum, the driver will be required to submit to at least six (6) tests during the first 12 months following the driver's return to duty. All such tests will be conducted at random and without prior notice being given to the driver.
- 4.74 In addition to the penalties imposed by DOT (discussed in section 6.13, 6.23 and 6.24 of this Policy), a driver who tests positive, or who refuses to be tested, will be considered unqualified to perform a safety-sensitive function, immediately suspended without pay, and subject to other Town discipline, up to and including immediate discharge.

## **5.0 TESTING METHODOLOGY AND INTEGRITY**

- 5.1 To ensure the integrity and accuracy of each test, all specimen collection, analysis, and laboratory procedures shall be conducted in accordance with DOT's procedural protocols and safeguards set forth in Part 40 of Title 49 of the Federal Code of Regulations. This includes, among other things:
- (i) procedures to ensure the correct identity of each driver at the time of testing;
  - (ii) a strict chain-of-custody procedure to ensure that the driver's specimen is not tampered with by the Town;

- (iii) the use of a trained breath alcohol technician (BAT) and DOT-approved testing devices for conducting alcohol tests;
  - (iv) the use of a laboratory which has been certified by the National Institute for Drug Abuse (NIDA);
  - (v) the confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GCMS);
  - (vi) the confirmation of an initial positive alcohol screen by a second analysis;
  - (vii) the Town's appointment of a qualified Medical Review Officer (MRO) to review drug test results before they are reported to the designated representative of the TOWN OF COTTAGE GROVE.
- 5.2 To further facilitate the integrity and accuracy of each test, the TOWN OF COTTAGE GROVE will provide drivers with written and/or oral instructions regarding the conduct of the specific test before each testing event. The Town considers all such instructions to be a part of this Policy. Drivers who refuse or otherwise fail to comply with all such instructions will be subject to disciplinary action, up to and including discharge.
- 5.3 All drug tests will be conducted in accordance with the terms of this Policy.
- 5.31 All drug tests conducted under this Policy require that the driver must provide a specimen of his/her urine.
- 5.32 At a minimum, urine specimens will be analyzed for the presence of the following drugs:
- (1) marijuana;
  - (2) cocaine;
  - (3) opiates;
  - (4) amphetamines;
  - (5) phencyclidine.
- Specimens will also be analyzed for such other substances as DOT may from time-to-time direct, or as may otherwise be permitted by federal or state law. In the event that DOT expands the list of drugs for which testing is or may be required, the TOWN OF COTTAGE GROVE reserves the right to begin testing immediately for those drugs without prior notice to drivers or applicants, unless notice is required by DOT or another applicable law.
- 5.33 In general, drivers will be permitted to give a urine specimen in privacy and without being observed by collection site personnel. However, a driver forfeits this right whenever there is reason to believe that he/she may alter or substitute a specimen., or the test constitutes a return-to-duty or follow-up test.

- 5.34 All drug tests will be administered using the split sample methodology required by DOT. Under this methodology, the driver must provide at least 45 milliliters (ml) in a specimen container. The specimen will then be divided into two specimen bottles by the collector. Thirty (30) ml will be poured into one bottle and fifteen (15) ml into a second bottle. Both bottles will be sent to the laboratory. The bottle containing 30 ml will be analyzed as the driver's primary specimen. The second bottle will be held by the laboratory, to be sent to another lab at the driver's request in the event that the primary specimen is verified as positive. In the event the primary specimen is verified as positive, the driver will be notified either by the Town's MRO or by the TOWN OF COTTAGE GROVE of the positive test and given the option to have the second bottle sent to a different laboratory for analysis. To exercise this option, the driver must advise the Town's MRO within 72 hours of being told that the primary specimen was positive.
- 5.35 Except for the use of methadone and medications containing alcohol, nothing in this Policy prohibits a driver's use of a medication legally prescribed by a licensed physician:
- (i) who is familiar with the driver's medical history and specific safety-sensitive duties; and
  - (ii) who has advised the driver that the prescribed medication will not adversely affect
  - (iii) the driver's ability to operate a motor vehicle safely.

Medications prescribed for someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.

- 5.36 Before being tested for drugs, drivers will be given an opportunity to list, on their copy of the chain-of-custody form, any prescription and non-prescription medications being lawfully used by that driver at that time. A "positive" drug test may be declared "negative" by the Town's MRO, if the driver can prove with clear and convincing evidence that the drug which was used was prescribed by a licensed physician who is familiar with the driver's medical history and specific duties. The determination of this will be made by the Town's MRO.
- 5.4 All alcohol tests will be conducted in accordance with the terms of this Policy.
- 5.41 All alcohol tests conducted under this Policy require that the driver must provide a breath specimen for any test conducted by, or on behalf of, the TOWN OF COTTAGE GROVE. In the case of an alcohol test conducted by a federal, state or local law enforcement officer following an accident, the driver must provide either a breath or blood specimen, as directed by the law enforcement officer.
- 5.42 Alcohol tests will be administered using a breath specimen, taken by a breath alcohol technician (BAT) using an approved breath testing device (EBT), except in cases of on-scene post-accident testing conducted by federal, state, or local officials.
- 5.43 Before being tested by the Town, each driver will be required to:
- (i) present his/her personal identification; and
  - (ii) execute a DOT "Breath Alcohol Test Form" provided by the BAT.

A driver who refuses to provide his/her identification, provides a false identification, refuses to execute the DOT "Breath Alcohol Test Form", or who otherwise refuses or fails to cooperate will be treated as though he/she had tested positive and will be subject to disciplinary action, up to and including discharge, in addition to the penalties imposed by DOT.

- 5.44 Prior to each alcohol breath test conducted by the TOWN OF COTTAGE GROVE, the BAT will instruct the driver on how the test will be performed.
- 5.45 To protect each driver, the BAT will open and attach to the testing device an individually-sealed mouthpiece in the driver's view. The driver will then be directed to blow forcefully into the breath testing device until an adequate amount of breath has been maintained.
- 5.46 In the event that a driver is unable to provide an adequate amount of breath for the initial or confirmatory test after several attempts to do so, the driver will be required to submit to an evaluation by a licensed medical physician to determine whether a valid medical condition exists. If the physician determines that a valid medical condition does exist, the test result will be reported to the TOWN OF COTTAGE GROVE as "negative." If the physician determines that a valid medical condition does not exist, the test result be reported to the Town as a "confirmed positive."

## **6.0 TEST RESULTS**

- 6.1 Drug test results will be provided following a medical analysis of the specimen, in accordance with the terms of this Policy.
- 6.11 In the event that the test result of a driver's primary specimen is positive, the driver will be notified by the TOWN OF COTTAGE GROVE or its MRO and advised that he/she has 72 hours to request that the MRO send his/her secondary specimen to a second, Town approved, laboratory for analysis. Pending the outcome of this additional analysis, the driver will continue being considered physically unqualified to work by DOT.
- 6.12 Before a driver's test result will be confirmed positive for drugs, the driver will be given the opportunity to speak with the Town's MRO and demonstrate that there was a legitimate medical explanation for the positive test result. If the MRO determines that a legitimate medical reason does exist, the test result will be reported to the TOWN OF COTTAGE GROVE as "negative." If the MRO determines that a legitimate medical reason does not exist, the test result be reported to the Town as a "confirmed positive."
- 6.13 Except as provided in Section 4.24 of this Policy (concerning pre-employment and pre-duty tests), a driver whose test result is confirmed positive for drugs will be considered unqualified to perform or continue performing his/her functions safely and will be immediately discharged. In addition, a driver whose test result is confirmed positive for drugs will also be subject to civil and criminal penalties imposed by DOT.
- 6.14 If the Town is informed that a test sample is negative-dilute, the Town will require an immediate re-test of that test subject. The procedures of the re-test will comply with 49 C.F.R. § 40.197, and any other applicable statutes or regulations.

- 6.2 Alcohol test results will be provided immediately following the test, in accordance with the terms of this Policy.
- 6.21 In the event that the driver provides an adequate breath, or saliva, specimen and the initial test registers an alcohol concentration level that is less than 0.02, the test result will be reported as a "negative" and no additional test will be required at that time.
- 6.22 In the event that the driver provides an adequate breath, or saliva, specimen and the initial test registers an alcohol concentration level of 0.02 or greater, a second, confirmatory test will be performed. In the event that the driver provides an adequate breath specimen and the confirmatory test registers less than 0.02, the test result will be reported to the TOWN OF COTTAGE GROVE as "negative."
- 6.23 DOT prohibits any driver whose confirmatory test registers 0.02 or more but less than 0.04 from performing or from continuing to perform any safety-sensitive function until the driver's next regularly-scheduled duty period, but for no less than 24 hours. Except as provided in Section 4.24 of this Policy (concerning pre-employment and pre-duty tests), a driver who, after providing an adequate breath specimen, has a confirmatory test which registers 0.02 or more but less than 0.04 will, at a minimum be suspended without pay until his/her next regularly-scheduled duty period, but for no less than 24 hours, and may be subject to additional disciplinary action by the TOWN OF COTTAGE GROVE, up to and including discharge.
- 6.24 A driver who, after providing an adequate breath specimen, has a confirmatory test which registers 0.04 or greater will, at a minimum be suspended without pay until his/her next regularly-scheduled duty period, but for no less than 24 hours, and will be subject to additional disciplinary action by the TOWN OF COTTAGE GROVE, up to and including discharge.

## **7.0 MAINTAINING CONTACT WITH THE TOWN OF COTTAGE GROVE AND THE TOWN'S MRO AFTER A DRUG TEST**

- 7.1 Drivers who are tested for drugs are required to remain in contact with the TOWN OF COTTAGE GROVE and the Town's MRO while awaiting the results of their tests. Drivers are also required to advise the Town of their whereabouts and the telephone number where they can be reached during this time.
- 7.2 The name and telephone number of the Town's MRO is identified on the "Contact List" which accompanies this Policy.
- 7.3 A driver who refuses or fails to remain in contact with the TOWN OF COTTAGE GROVE and the Town's MRO will be considered insubordinate and subject to disciplinary action, up to and including discharge. In addition, a driver who fails to remain in contact may waive his/her right, under Section 6.12 of this Policy, to speak with the Town's MRO before a test is confirmed positive.

## **8.0 DRUG AND ALCOHOL INFORMATION**

- 8.1 The TOWN OF COTTAGE GROVE is required to provide educational materials for all drivers, explaining the DOT's requirements and the Town's policies and procedures to meet those requirements. In addition to this policy, the TOWN OF COTTAGE GROVE will provide drivers with information concerning:
- (i) the effects of drugs and alcohol on an individual's health, work, and personal life;
  - (ii) the signs and symptoms of a drug or alcohol problem;
  - (iii) the available methods of intervention when a problem does exist.
- 8.2 Each driver is required to certify that he/she has been given a copy of this Policy and other drug and alcohol information by the TOWN OF COTTAGE GROVE, in accordance with paragraph 8.1 of this Policy. In accordance with paragraph 4.23 of this Policy, applicants are required to execute the certification as a condition of being hired. An applicant who refuses to do so will not be hired. Existing drivers who refuse to execute this required certification will be subject to Town discipline, up to and including discharge.
- 8.3 Any existing driver who engages in any conduct prohibited under this Policy will be provided with information concerning the resources available to evaluate and resolve a drug or alcohol problem, and the names, addresses and telephone numbers of substance abuse professionals, counseling and treatment programs.
- 8.4 All questions concerning the educational materials provided by the Town, or about this Policy, should be directed to appropriate person identified on the "Contact List" which accompanies this Policy.

## **9.0 PAYMENT OF TESTS**

- 9.1 The TOWN OF GROVE shall pay the cost of establishing and maintaining the drug and alcohol program as detailed in this Policy, including the costs of any tests required by the DOT's regulations governing drug and alcohol use of any driver (as defined in section 2.5(i) of this Policy).
- 9.2 Drivers (as defined in sections 2.5(ii) - 2.5(v) of this Policy), are responsible for paying the costs for all tests, (initial and confirmatory), which the TOWN OF COTTAGE GROVE is required to conduct on drivers under DOT regulations.
- 9.3 Drivers (as defined in sections 2.5(ii) - 2.5(v) of this Policy), are responsible for paying the costs for all tests, (initial and confirmatory), which the TOWN OF COTTAGE GROVE does not require, including the costs of the analysis of any secondary urine specimen which the driver requests under section 6.11 of this Policy.
- 9.4 As an alternative to paying the costs of any tests referenced in this Policy, drivers (as defined in sections 2.5(ii) - 2.5(v) of this Policy), may provide the TOWN OF COTTAGE GROVE with a certification that they are currently in a DOT approved drug and alcohol program that meets or exceeds the provisions of this Policy; provided they hold a valid certificate of motor carrier authority from the Wisconsin department of transportation, (MV-2851). Verification of any such certification statements may be requested by the TOWN OF

COTTAGE GROVE, at any time. Failure to provide suitable verification will subject the driver to the full provisions of this Policy.

## **10.0 CONFIDENTIALITY**

- 10.1 The results of all individual drug and alcohol tests will be kept in a secure location with controlled access.
- 10.2 All individual test results will be considered confidential. The release of an individual driver's results will only be given in accordance with an individual driver's written authorization, or as is otherwise required by DOT's regulations, or by other applicable federal or state law.