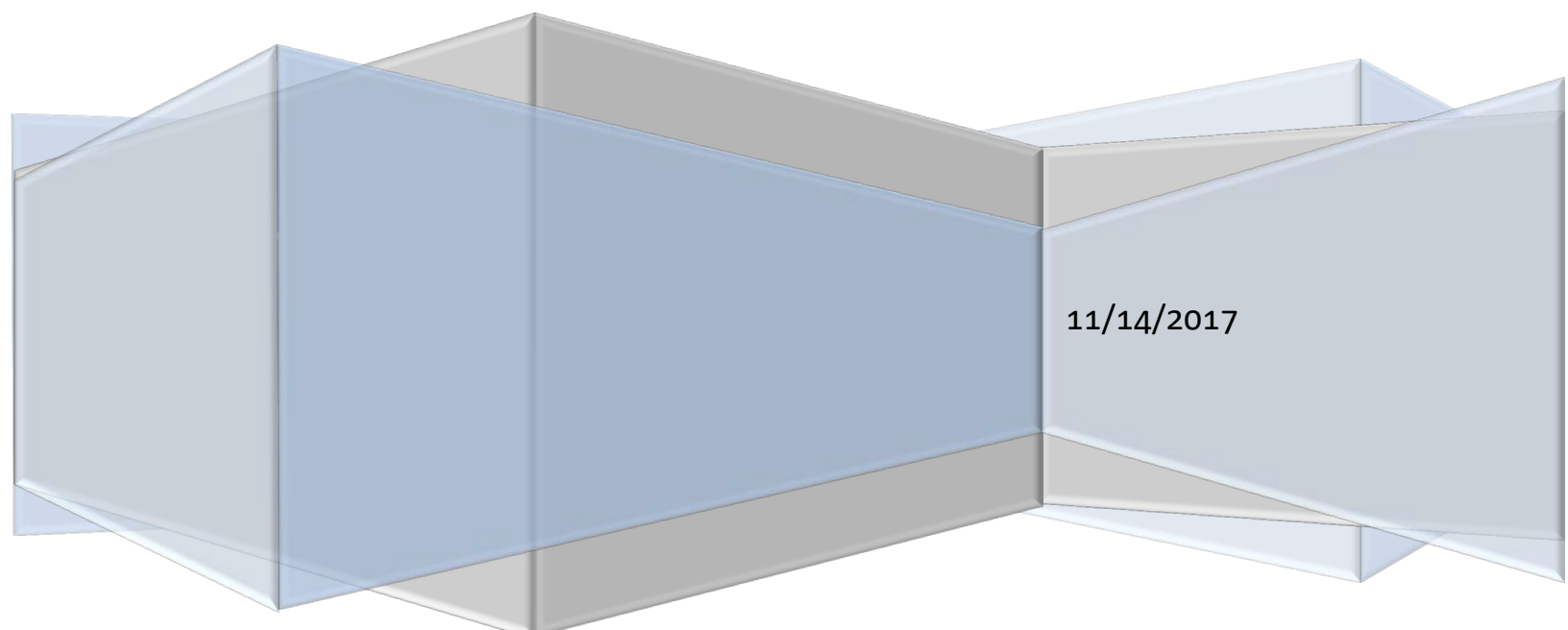


Pottawattmie County

Drug & Alcohol Testing Program

Appendix A



11/14/2017

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POLICY STATEMENT

Pottawattamie County is subject to the Drug-Free Workplace Act of 1988, Public Law 100-690, and any amendments thereof and as a result has a longstanding commitment to providing a safe, quality-oriented and productive work environment while balancing respect for individual privacy. Alcohol and drug abuse pose a threat to our employees, citizens and to the security of our equipment and facilities. When an employee is required to drive a county vehicle or perform safety sensitive functions and that employee has used controlled substances or abused alcohol, the risk to the employee and public increases significantly. Part of our mission is to ensure that our services are delivered safely, efficiently, and effectively by establishing a drug and alcohol free work environment, and to ensure that the workplace remains free from the adverse effects of drugs and alcohol. In keeping with this mission, Pottawattamie County declares that the unlawful use, possession, manufacture, distribution and dispensing of controlled substances or misuse or abuse of alcohol is prohibited for all employees. Employee participation is required, there are no exceptions.

The United States Congress recognized the need for a drug and alcohol free transportation industry, and in 1991 passed the Omnibus Transportation Employee Testing Act, requiring DOT agencies to implement drug and alcohol testing for safety-sensitive transportation employees. Title 49 Code of Federal Regulations (CFR) Parts 40, is a DOT-wide regulation that states how to conduct testing for DOT employees. The Federal Motor Carrier Safety Administration (FMCSA), 49 CFR, Part 382 requires a drug and alcohol testing program for safety-sensitive individuals, who drive or are available to drive commercial motor vehicles. This policy is intended to comply with 49 CFR Parts 40 & 382, governing drug and alcohol testing and shall be considered incorporated herein by reference and is available to review by employees upon request.

This policy defines serious consequences required by both federal regulations, and Pottawattamie County for all employees including commercial drivers who violate the Drug & Alcohol Free Workplace policy (#707 of the Employee Handbook) and Appendix A, The Drug and Alcohol Testing program. The DOT or FMCSA does not mandate disciplinary action for policy violations. Disciplinary actions resulting from policy violations are established by Pottawattamie County.

*Pottawattamie County shall adhere to the DOT & FMCSA drug and alcohol testing requirements found in 49 CFR Parts 40 & 382 for all county employees, except where noted. Pottawattamie County has the authority to establish certain policies related to the use of drugs and/or alcohol in the workplace for **ALL** county employees including our commercial drivers and those performing safety sensitive functions. Any provisions set forth in this policy that are based on the sole authority of Pottawattamie County, rather than 49 CFR Parts 40 & 382, as amended or other Federal regulations have been **italicized and underlined.***

Whenever the provisions of this policy are in conflict with the Code of Iowa, or with a collectively-bargained agreement between the County and a certified bargaining unit, the provisions of the collectively-bargained agreement and/or the Code of Iowa will prevail.

SCOPE

This Drug & Alcohol testing program applies to Pottawattamie County employees who perform, including an applicant or transferee who will perform safety sensitive functions.

In accordance with 49 CFR, Part 382.107, a safety-sensitive function is any duty related to the operation of a commercial motor vehicle which requires a commercial driver's license (CDL). This includes:

- Driving a commercial motor vehicle which requires a CDL
- Waiting to be dispatched to operate a commercial motor vehicle
- Inspecting, servicing, or conditioning any commercial motor vehicle
- Performing all other functions in or upon a commercial motor vehicle
- Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloading, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle

A listing of safety-sensitive positions can be found at Attachment A.

All Pottawattamie County employees and applicants for employment are also covered under this policy.

EDUCATION AND TRAINING

All employees shall receive a copy of the county's Drug & Alcohol Free Workplace policy, #707 and a copy of this Drug & Alcohol Testing program. Commercial Drivers will also have ready access to the corresponding federal regulations including 49 CFR Parts 40 and 382. In addition, Pottawattamie County has established an employee education and training program for all employees.

All employees must undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training shall also include manifestations and behavioral cues that may indicate prohibited drug use.

All supervisory personnel who are in a position to determine employee fitness for duty and authorized by Pottawattamie County to make reasonable suspicion determinations shall receive two (2) hours of mandatory training, sixty (60) minutes of training on the physical, behavioral, and performance indicators of probable drug use and sixty (60) minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. Supervisory personnel shall be required to receive an additional sixty (60) minutes of drug and alcohol training on an annual basis.

Information on the signs and symptoms, immediate and long term effects, of substance abuse and alcohol misuse is included in Attachment B of this policy.

DESIGNATED EMPLOYER REPRESENTATIVE (DER):

A designated employer representative, hereinafter referred to as DER, is an individual who has been designated to represent a County department on issues covered by this policy. This includes answering employee questions concerning the Drug and Alcohol Free Workplace policy #707, and the Drug & Alcohol Testing Program manual. The DER is also responsible for receiving information on drug and alcohol test results and taking required action, such as causing an employee to be removed from performing job duties or from the performance of safety sensitive functions. Collection site personnel shall contact the DER with any problems or issues that may arise during the testing process. Detailed contact information for department DER's can be found at Attachment C of this policy.

DUTY TO COOPERATE

An employee who fails to cooperate in the administration of this policy will face disciplinary action, up to and including termination and is in violation of §49 CFR Part 40. This includes such things as:

- Refusing to consent to testing, to submit a sample, or to sign required forms.
- Refusing to cooperate in any way. For example, refusing to courteously and candidly cooperate in any interview or investigation, including any form of untruthfulness, misrepresentation or misleading statements or omissions.
- Any form of dishonesty in the investigation or testing process.
- Failure of commercial drivers to notify the supervisor of the results of a random alcohol test if the alcohol concentration was greater than 0.02 but less than 0.04 upon return to work.
- Refusing to test again, at a time of the County's choosing, whenever any test results in a finding of a dilute sample or when requested for reasonable suspicion.

EMPLOYEE ADMISSION OF ALCOHOL AND CONTROLLED SUBSTANCE

USE: (49 CFR Part 382.121)

- A. Pottawattamie County will not take adverse action against any employee that makes a voluntary admission of alcohol misuse or controlled substance use provided that:
1. The employee does not self-identify in order to avoid testing under the requirements of this policy.
 2. The employee makes the admission prior to performing a safety sensitive function or prior to reporting for duty; and
 3. The employee does not perform a safety sensitive job function or other job duties until the employer is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements as outlined by a drug and alcohol abuse evaluation expert.
- B. After the voluntary admission, Pottawattamie County will allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem. The employee will be allowed to use vacation or compensatory time off until they have been evaluated by a drug and alcohol abuse evaluation expert (i.e. employee assistance professional (EAP), substance abuse professional (SAP) or qualified drug and alcohol counselor). Sick leave usage will be determined on a case by case basis, however, the employee will be allowed to utilize sick leave for any inpatient treatment program. In order to participate in the voluntary admission program, the employee is required to sign a release of information for the County and will not be allowed to return to work until released by the drug and alcohol abuse evaluation expert.
- C. For Commercial Drivers, prior to participating in a safety sensitive function, the employee is required to undergo a DOT return-to-duty alcohol test with an alcohol concentration of less than 0.02; and/or a DOT return-to-duty drug test with a negative test result for controlled substance use. Commercial drivers who have a voluntary admission may be subject to monitoring which may include non-DOT follow-up testing.

PROHIBITED DRUGS AND ILLEGALLY USED CONTROLLED SUBSTANCES:

Prohibited drugs addressed by this policy include the following:

- A. **Illegal Drugs:** The use of drugs is prohibited at all times. Employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of prohibited drug in the body above the minimum thresholds defined in U.S. DOT 49 CFR Part 40. Prohibited drugs include: marijuana (THC metabolite), cocaine, opioids (including heroin), amphetamines, and phencyclidine (PCP). The medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy.

Pottawattamie County prohibits the use of any illegal drug which includes marijuana (THC metabolite), cocaine, opioids (including heroin), amphetamines, and phencyclidine (PCP) and the illegal use of benzodiazepines, barbiturates, methadone, and propoxyphene for all employees including commercial drivers. Illegal drug use includes use of any of the specified illegal drugs, misuse of legally prescribed drugs or over-the-counter medication, and use of illegally obtained prescription drugs.

- B. **Prescription and Over-the-Counter Medications:** The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited under this policy. However, not taking the medication as prescribed; not having a prescription for the medication or excessive use or abuse of such drugs shall be considered to be the same as use of illegal drugs under this policy.

Commercial drivers are required to notify their supervisor of any medications prescribed which have a warning with respect to the operation of machinery or vehicles. All employees must report their use of over-the-counter or prescribed medications to their supervisor if the use of such medications might impair their ability to perform their job safely and effectively. If it is determined that the employee is unable to perform the job safely and properly, the employee will be required to utilize sick leave until they are released to return to work by a medical professional.

Pottawattamie County reserves the right to take appropriate action if the use of a prescribed or an over-the-counter drug is impairing or is deemed likely to impair the employee's ability to perform his/her job.

A list of mandatory reportable drugs with constraint times for commercial drivers are listed in Attachment D of this policy. If a commercial driver performs safety sensitive functions within the constraint time, they are in violation of DOT and FCMSA drug and alcohol regulations.

- C. **Alcohol:** Employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Pottawattamie County prohibits all employees from reporting for duty, performing or continuing to perform job duties while having an alcohol concentration of 0.02 or greater.

PROHIBITED BEHAVIOR AND CONDUCT:

The following is prohibited conduct and employees who engage in this conduct will be subject to termination of employment and may in addition, suffer legal consequences:

- A. The use, sale, offering for sale, storing, distribution or possession of illegal drugs, including controlled substances, imitation controlled substances, counterfeit controlled substances on the job, County property or in County vehicles is prohibited.
- B. The illegal use, sale, offering for sale, storing, distribution or possession of prescription medications or over-the-counter medication on the job, on county property, or in county vehicles is prohibited.
- C. The use of alcohol in the workplace, or the sale, offering for sale, distribution or illegal possession of beer, wine, liquor, or other alcoholic beverages or medicines containing alcohol on the job, on county property or in county vehicles is prohibited.
- D. Commercial drivers are prohibited from reporting for duty or remaining on duty anytime there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended. All employees are prohibited from reporting for duty or remaining on duty anytime there is a presence of a prohibited illegal drug in the body.
- E. Commercial drivers are prohibited from consuming alcohol within four (4) hours prior to the performance of safety sensitive job functions. Commercial drivers are prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration level of 0.04 or greater regardless of when the alcohol was consumed. All employees are prohibited from reporting for duty or remaining on duty if they are under the influence of alcohol.
- F. Positive Drug & Alcohol Test Results:
 - a. A commercial driver has engaged in prohibited conduct if they have a positive alcohol test result which means that their alcohol concentration level is 0.04 or greater. (49 CFR, Part 382.201)
 - b. A commercial driver has engaged in prohibited conduct if they have a positive test result with an alcohol concentration level of 0.02 or greater but less than 0.04 and had been performing safety sensitive functions under the influence. (49 CFR, Part 382.505)
 - c. A commercial driver has engaged in prohibited conduct if they have a positive drug test result which means that there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in U.S. DOT 49 CFR Part 40.87.
 - d. All employees, including commercial drivers have engaged in prohibited conduct if they have a positive alcohol test which means that their alcohol concentration level is 0.02 or greater.

- e. All employees have engaged in prohibited conduct if they have a positive drug test result which means that there is a detectable presence of a prohibited drug in the body.
- G. Employees are required to notify their supervisor of any prescribed medication that may impair their ability to operate machinery or vehicles.

Being under the influence of a prescription or over-the-counter medication that affects the employees ability to safety perform ANY of their job functions is prohibited.
- H. This policy prohibits all employees from reporting for duty or remaining on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform their duties.
- I. Commercial drivers are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he/she submits to a required post-accident drug and alcohol test, whichever occurs first.
- J. Employees who refuse to test for drugs or alcohol when required by the employer or any conduct that results in a test refusal as outlined in Section X of this policy is prohibited conduct.
- K. Commercial drivers are prohibited from consuming alcohol with four (4) hours of performing safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of 0.02 prior to performing.

All employees who are off duty and under the influence of alcohol or illegal drugs, are obligated to refuse any emergency calls or call outs. Reporting for work under the influence of alcohol or drugs is prohibited conduct.
- L. As required by law, it is a condition of continued employment that any employee who is convicted of any criminal drug violation for conduct in the workplace is required to notify their Elected Official or Department Head of this fact no later than five (5) calendar days after such conviction. (A conviction means a finding of guilt, including a plea of “nolo contendere” or “no contest”, of the imposition of a sentence, or both, by any judicial body charged with the responsibility of determining violations of federal, or state criminal drug statutes.) Employees who violate this provision will be subject to disciplinary action up to and including termination of employment.

DRUG & ALCOHOL TESTING REQUIREMENTS (49 CFR, Part 40 & 382)

- A. 49 CFR Part 40 & 382 as amended requires that commercial drivers be tested for drugs and alcohol under the following conditions: Pre-Employment, Reasonable Suspicion, Random and Post-Accident. Commercial drivers who voluntarily admit to alcohol misuse or controlled substance use will also be subject to return-to-duty testing and may also be required to employee monitoring and non-DOT (County) follow-up testing.
- B. In accordance with 49 CFR Part 40 & 382 as amended, commercial drivers performing safety sensitive functions will be tested for five (5) substances: marijuana (THC metabolite), cocaine, amphetamines, opioids (including heroin), and phencyclidine (PCP). For the purpose of this policy, this shall be hereinafter referred to as a DOT drug test. A list of job classifications required to participate in DOT drug testing is listed in Attachment A of this policy.

A DOT drug test can be performed any time a commercial driver is on duty. A DOT alcohol test can be performed just before, during, or after the performance of a safety sensitive job function.

- C. All employees will be tested for drugs and alcohol under the following conditions: Pre-Employment and Reasonable Suspicion. The County drug test will test for nine (9) substances which include: marijuana (THC metabolite), cocaine, amphetamines, opioids (including heroin), phencyclidine (PCP), Benzodiazepines, Barbiturates, Methadone, and Propoxyphene. For the purpose of this policy, this shall be hereinafter referred to as a County drug test. The county reserves the right to add additional drugs as they become available for testing.
 - 1. County Pre-Employment Testing Requirements: Applicants for employment shall be required to pass a pre-employment urine County drug test with a negative test result. For commercial driver applicants, the prospective employee will be required to pass two (2) drug tests. The applicant will be required to provide a urine specimen for a DOT pre-employment drug test first and after that has been completed will be required to provide a second urine specimen for the County pre-employment drug test. The two (2) drug tests are separate and independent of one another. Under no circumstances will one urine or breath specimen be used for both the DOT and County tests.
 - 2. County Reasonable Suspicion Testing Requirements: All employees are subject to reasonable suspicion testing. If reasonable suspicion testing is required, commercial drivers will be required to submit to and pass two (2) reasonable suspicion drug and/or alcohol tests. The employee will be required to provide a urine specimen for a DOT reasonable suspicion drug test or breath for the alcohol test first and after that has been completed will be required to provide a second urine specimen for a County reasonable suspicion drug test or breath for the alcohol test. The two (2) drug and/or alcohol tests are separate and independent of one another. Under no circumstances will one urine or breath specimen be used for both the DOT and County tests. A reasonable suspicion county alcohol or drug test can be performed any time a covered employee is on duty.

3. A list of job classifications required to participate in both DOT and County pre-employment drug testing is listed in Attachment A of this policy. All other job classifications shall be required to participate in County drug testing only.

DRUG & ALCOHOL TESTING CIRCUMSTANCES (49 CFR Part 40 & 382)

A. Pre-Employment Testing:

1. Commercial driver applicants that are offered a safety-sensitive position with Pottawattamie County shall be required to pass a pre-employment urine DOT drug test with a verified negative result. This includes current employees who transfer from a non-safety sensitive position (no CDL required) to a safety-sensitive position (CDL required).

All applicants for county employment shall be required to pass a pre-employment County urine drug test with a negative result. Commercial driver applicants will be required to pass a DOT pre-employment drug test and a County pre-employment drug test.

2. No one shall perform a safety-sensitive function, until a pre-employment drug test has been administered with a verified negative drug test result. Commercial driver applicants shall not be allowed to start employment until they have passed both the DOT drug test and the County drug test.
3. If an applicant refuses or fails a pre-employment drug test (whether DOT or County), the conditional offer of employment shall be rescinded and the applicant will be disqualified for consideration of employment for a period of at least three (3) years. Pottawattamie County shall also provide the applicant a list of Substance Abuse Professionals (SAP's) for referral.
4. In the event that the pre-employment test is determined to be a dilute specimen, the applicant will be allowed to re-submit provided the dilute specimen was negative. However, if the dilute specimen was positive, the test will stand as a positive test.
5. If a pre-employment test was cancelled, the employee, in cases of transfers, or applicant shall be required to take another pre-employment drug test with a verified negative result.
6. When a commercial driver applicant has previously failed or refused a pre-employment drug test administered under DOT and FMCSA requirements, the applicant must provide Pottawattamie County proof of having successfully completed a referral, evaluation and treatment plan meeting DOT and FMCSA requirements. Evidence of the absence of drug dependency from a substance abuse professional that meets DOT and FMCSA requirements and a negative pre-employment drug test will be required prior to further consideration of employment.
7. When a pre-employment DOT drug test for an employee being transferred from a non-safety-sensitive position (No CDL required) to a safety-sensitive position (CDL required) results in a verified positive test result, the employee will be subject to disciplinary action in accordance with Section XIV of this policy.

8. As an employer, Pottawattamie County, shall request applicants or any employee transferring into a safety-sensitive position to sign a written consent for Pottawattamie County to obtain specific information from any DOT regulated employer of the applicant, or employee, during any period within the three (3) years prior to the date of the employees application or transfer. Any applicant that refuses to provide this written consent shall not be permitted to perform safety-sensitive functions and the conditional offer shall be rescinded.

Information requested shall consist of the following:

- a. Alcohol tests with a result of 0.04 or higher alcohol concentration
- b. Verified positive drug tests
- c. Refusals to be tested (including adulterated or substituted drug test results)
- d. Other violation of the DOT agency drug and alcohol testing regulations
- e. With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests).

Information concerning an applicant who has tested positive on a pre-employment test will be requested from the applicant directly if unavailable from the employer. The applicant or employee will be asked whether he or she as tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past three (3) years. Any applicant or employee acknowledging that he or she had a positive test or refused to test shall not be allowed to perform a safety-sensitive function for Pottawattamie County until and unless the applicant or employee documents successful completion of the return-to-duty process.

As an employer from whom information is requested under the U.S.DOT rules, Pottawattamie County will maintain a written record of any information released, including the date, the party to whom it was released, and a summary of the information provided. Any information received from previous DOT regulated employers or the employee shall be kept confidential as well as good faith efforts made to obtain this information. This information shall be retained from three (3) years from the date of the employee's first performance of safety-sensitive duties for Pottawattamie County.

If Pottawattamie County learns that within the previous three (3) years an alcohol or controlled substances test resulted in the driver being prohibited from driving, the conditional offer of employment may be rescinded.

B. Reasonable Suspicion Testing:

1. All Pottawattamie County employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the employee has used a prohibited drug and/or engaged in alcohol misuse. Commercial drivers will be subject to a DOT reasonable suspicion drug and/or alcohol test and a County reasonable suspicion drug and/or alcohol test.
2. Reasonable suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug use and alcohol misuse, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse.
3. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. This includes but is not limited to:
 - a. Observable symptoms or unusual behavior.
 - b. The odor or smell of alcohol or drugs on the employee's breath or clothes or in an area (such as in a vehicle, office, work area, or restroom) immediately controlled or occupied by the employee.
 - c. Alcohol, alcohol containers, illegal drugs or drug paraphernalia in the employee's possession or in an area controlled or occupied by the employee (vehicle, office, desk restroom).
 - d. Evidence that the employee may have tampered with a previous drug test.
 - e. Employee admissions regarding drug or alcohol use.
 - f. Criminal citations, arrests or convictions involving drugs and alcohol.
4. A reasonable suspicion drug test can be performed any time an employee is on duty. A reasonable suspicion DOT alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive function for Commercial drivers. A reasonable suspicion county alcohol test may be performed anytime the employee is on duty.
5. Employees who are believed to be under the influence will not be allowed to operate a motor vehicle under any circumstances. Pottawattamie County will be responsible for transporting the employee to the collection site. The Supervisor will avoid placing themselves and/or others into a situation that might endanger the physical safety of those present. The employee will be placed on administrative leave without pay pending test results and shall be escorted home or other arrangements shall be made to ensure the employee gets home safely.
6. An employee who refuses an order to submit to a reasonable suspicion drug and/or alcohol test shall be immediately placed on administrative leave without pay and escorted home or other arrangements shall be made to ensure the employee gets home safely.

7. A written record of the observations that led to a drug or alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This record shall be forwarded to the DER and retained in the confidential drug and alcohol program files.
8. Employees with a dilute negative, reasonable suspicion test result will be required to retest.
9. If the reasonable suspicion test has a negative result, the employee shall be reimbursed for the unpaid administrative leave and shall report to work as directed or shall be placed on administrative leave with pay pending an investigation into what caused the supervisor to believe the employee was under the influence of drugs and/or alcohol.
10. If the reasonable suspicion drug or alcohol test is positive, the employee shall be placed on administrative leave without pay pending final disciplinary action and the employee shall be provided with a list of Substance Abuse Professionals (SAP) by the employer for referral. See Section VII, F for definition of positive test results.
11. Commercial drivers will not be allowed to return to employment until they have passed both the DOT reasonable suspicion drug test and the County reasonable suspicion drug test. If the employee fails either the DOT or the County drug test, the test shall be considered a positive test and the employee shall be placed on administrative leave without pay pending final disciplinary action.

C. Post-Accident Testing – Required for Commercial Drivers (CDL) Only

Commercial drivers are subject to post-accident testing regulations. Employees without CDLs or otherwise engaged in safety sensitive work are exempt from Post Accident Testing, unless performed under the authority of a law enforcement agency.

1. **Fatal Accidents:** In the event of an accident involving a commercial vehicle that results in the loss of human life, all DOT covered employees involved will be required to undergo drug and alcohol testing. This includes any surviving commercial driver that was operating the vehicle at the time of the accident and any other DOT covered employee(s) (i.e. mechanics, operators) who were performing safety-sensitive functions with respect to the vehicle, as determined by the Supervisor, using the best information available at the time of the decision.
2. **Non-Fatal Accidents:**
 - a. In the case of nonfatal accidents, in which a commercial vehicle is involved, post-accident alcohol testing will be conducted if the driver of the commercial motor vehicle received a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

- i. The accident results in injuries requiring immediate medical treatment away from the scene of the accident, or
 - ii. One or more motor vehicles incurred disabling damage as a result of the accident and must be transported away from the scene by a tow truck or other motor vehicle.
 - b. In the case of nonfatal accidents, in which a commercial vehicle is involved, post-accident drug testing will be conducted if the driver of the commercial motor vehicle received a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - i. The accident results in injuries requiring immediate medical treatment away from the scene of the accident, or
 - ii. One or more motor vehicles incurred disabling damage as a result of the accident and must be transported away from the scene by a tow truck or other motor vehicle.
3. The following table notes when a post-accident test is required to be conducted:

TABLE FOR §382.303

TYPE OF ACCIDENT INVOLVED	CITATION ISSUED TO THE CMV DRIVER	TEST MUST BE PERFORMED BY THE EMPLOYER
HUMAN FATALITY	YES >	YES
	NO >	YES
BODILY INJURY WITH IMMEDIATE MEDICAL TREATMENT AWAY FROM THE SCENE	YES >	YES
	NO >	NO
DISABLING DAMAGE TO ANY MOTOR VEHICLE REQUIRING TOW AWAY	YES >	YES
	NO >	NO

4. Any commercial driver involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test. Failure to comply with this section shall be considered a test refusal.

The Supervisor or DER shall ensure that an employee required to test under this section, is promptly tested, or as soon as practicable, but within eight (8) hours after the accident for alcohol and within thirty-two (32) hours for drugs. If an alcohol test is not performed within two (2) hours of the accident, the supervisor will document and maintain on file the reason(s) for the delay. If the alcohol test is not conducted within eight (8) hours, or the drug test within thirty-two (32) hours, attempts to conduct the test shall cease and the reasons from the failure to test shall be documented and forwarded to the DER.

5. An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
6. In the rare event that Pottawattamie County is unable to perform a DOT drug and alcohol post-accident test (i.e. employee is unconscious, employee is detained by law enforcement agency), Pottawattamie County may use drug and alcohol post-accident test results of tests administered by Federal, State, or local officials having independent authority to test, in lieu of the DOT test provided the test conforms to the applicable Federal, State, or local testing requirements and the test results are obtained by Pottawattamie County.
7. If the post-accident drug or alcohol test is positive, the employee shall be placed on administrative leave without pay pending final disciplinary action and the employee shall be provided with a list of Substance Abuse Professionals (SAP) by the employer for referral. See Section VII, F for definition of positive test results.

D. Random Drug & Alcohol Testing – Required for Commercial Drivers (CDL) only:

Random drug testing regulations shall only apply to commercial drivers performing safety-sensitive functions for Pottawattamie County in accordance with 49 CFR Part 382.305. Employees without CDLs or otherwise engaged in safety sensitive work are exempt from Random Drug and Alcohol testing.

Random drug and alcohol tests are unannounced and unpredictable and the dates for administering random tests shall be spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

1. Testing rates will meet or exceed the minimum annual percentage rate set each year within each DOT agency. If a given employee is subject to random testing under the rules of more than one DOT agency, the employee will be subject to random drug and alcohol testing at the annual percentage rate established by the DOT agency regulating more than 50% of the employee's work.
2. The random selection of employees will be made using a scientifically valid method that ensures each covered employee will have an equal chance of being selected each time selections are made. Each employee selected for testing shall be tested during the selection period, unless the employee is on an extended leave of absence. In those instances, the DER will document the reason that the employee was not tested.

3. Employees are required to proceed immediately to the collection site upon notification of their random selection. If the covered employee is performing a safety-sensitive function at the time of the notification, they shall cease to continue performing the safety-sensitive function and proceed to the collection site immediately.
4. Random drug tests can be conducted any time a covered employee is on duty. Random alcohol tests shall only be performed just before, during, or just after the performance of a safety sensitive duty.
5. The employee shall report their random alcohol test result to their supervisor upon their return from testing. If the employee has an alcohol concentration level of 0.02 or greater but less than 0.04, the employee shall be removed from safety sensitive functions for at least twenty-four (24) hours. If the employee has a positive test (an alcohol concentration level of 0.04 or greater), the employee will be referred to a Substance Abuse Professional for evaluation.
6. If the random drug or alcohol test is positive, the employee shall be placed on administrative leave without pay pending final disciplinary action and the employee shall be provided with a list of Substance Abuse Professionals (SAP) by the employer for referral. See Section VII, F for definition of positive test results.

E. Return-to-Duty and Follow-Up Testing

Return-to-duty testing is required for commercial drivers who voluntarily admit to alcohol misuse or use of controlled substances. Commercial drivers may also be subject to monitoring and non-DOT follow-up testing. Pottawattamie County shall adhere to DOT, 49 CFR Part 40, subpart O for the return to duty and potential follow-up testing process.

All employees who voluntarily admit to alcohol misuse or use of a controlled substance may be required to participate in return-to-duty or follow-up testing as determined by the drug and alcohol evaluation expert.

REFUSAL TO SUBMIT TO A DRUG OR ALCOHOL TEST (49 CFR, Part 40 & 382)

- A. Employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Pottawattamie County. Any employee who refuses to comply with a request for testing suffers the same consequences as a positive test and shall be immediately removed from duty and the employer shall provide the employee with a list of substance abuse professionals for referral. In addition, the employee will be placed on administrative leave without pay pending final disciplinary action.
- B. The following is considered a test refusal:
1. Fail to appear for any test within a reasonable time as determined by the designated DER.
 2. Fail to remain at the testing site until the testing process is complete.
 3. Fail to provide a urine specimen for any drug test.
 4. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of a specimen collection.
 5. Fail to provide sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
 6. Fail or declines to take a second test the DER, MRO or collector has directed the employee to take.
 7. Fail to undergo a medical examination or evaluation as directed by the MRO as part of the verification process, or as directed by the DER as part of the “shy bladder” or insufficient breath procedures.
 8. Fail to cooperate with any part of the testing process, including refusal to complete necessary consent forms and other required documents. May also include but not be limited to refusing to empty pockets or wash hands when directed, behaving in a confrontational way that disrupts the collection process.
 9. Fail to follow an observer’s instructions to raise or lower clothing and turn around during a directly-observed test.
 10. Possessing or wearing a prosthetic or other device used to tamper with the collection process.
 11. Tampering with the collection or testing process or failure to follow directions provided by collection facility.
 12. Admits to the adulteration or substitution of a specimen to the collector or MRO.
 13. Failure to remain readily available for testing following an accident where testing may be required or drinking alcohol within eight (8) hours after an accident where testing may be required.
 14. Refusal to participate in a second breath alcohol test or to provide a second urine specimen for the County drug test shall be considered a refusal to test for commercial drivers.
- C. If the MRO reports a verified adulterated or substituted test result, it shall be considered a refusal to take a drug test. In addition, verification of any of the above listed actions will be considered a test refusal. Refusal can also include a verbal or written declaration. Such refusals constitute a violation of Pottawattamie County’s drug and alcohol testing program.

- D. Failure to appear for pre-employment drug testing by applicants, or covered employees being transferred into safety sensitive positions, is not considered a refusal to submit to a drug test. However, failure to complete the testing process once testing commences is considered a refusal to submit in pre-employment instances.

DRUG TESTING PROCEDURES (49 CFR Part 40)

A. Drug Testing Procedures:

Drug and alcohol testing for employees, will be conducted consistent with DOT procedures set forth in 49 CFR Part 40, as amended.

County drug and alcohol testing will be conducted consistent with the DOT procedures with the exception, that the collector shall use the NON-DOT chain of custody form and the NON-DOT alcohol testing form. The laboratories utilized for DOT and NON-DOT testing are separate and are listed in Attachment C of this policy. DOT covered employees will be required to complete a DOT drug and/or alcohol test **and** a County drug and/or alcohol test for pre-employment and reasonable suspicion testing. The DOT test and the County test are completely separate and independent of one another. The DOT test shall be completed first and then the employee will be asked to provide another specimen or provide breath for a County drug or alcohol test. Refusal to participate in a second breath alcohol test or to provide a second urine specimen for the County drug test shall be considered a refusal to test.

Drug Testing procedures are as follows:

1. Testing will be conducted in a manner to assure a high degree of accuracy and reliability. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug and alcohol testing procedure, and the validity of the test result. The procedures will strictly follow federal chain of custody guidelines.
2. Employees are required to arrive at the collection site at a specific time or within a specified time frame of being ordered to report for testing. If the employee does not appear at the collection site at the scheduled time, the collection site will contact the DER to determine the appropriate interval within which the DER has determined the employee is authorized to arrive. If the employee's arrival has been delayed beyond that time, the collection site will notify the DER that the employee has not reported for testing. In cases where the DER has been notified that the employee has not reported for testing, the employee will be notified that he or she has refused to test.
3. When the employee enters the collection site, the testing process is to begin without undue delay. To the greatest extent practicable, collection sites shall ensure that covered employees reporting for both alcohol and drug testing complete the alcohol test before the urine collection process begins. In cases of post-accident testing, medical attention needed for an injured employee shall not be delayed to collect a specimen or conduct a breath alcohol test.
4. Collection sites shall meet DOT requirements. In most cases, a single-toilet room, having a full-length privacy door will be used. No one but the employee shall be present in the room during collection, except for the observer in the event of a directly observed collection. However, some collection sites may use a multi-stall

restroom. In these cases, the collection site will take steps to prevent unauthorized access to ensure privacy for the employee. Security measures will be taken by the collection site to prevent access to all sources of water and any other substances that could be used for adulteration and substitution to deter tampering with specimens. If a multi-stall restroom is used, monitored collection procedures may be used. If the monitored collection procedure is used, no one but the monitor will be present in the multi-stall restroom during the collection, except for the monitor, or the observer in the event of a directly observed collection. A source of water or moist towelettes for washing hands external of the closed room will be made available.

5. Upon arrival, employees will be required to provide a positive photo identification issued by Pottawattamie County or a federal, state, or local government. (i.e. driver's license). Faxes or photocopies of identification will not be accepted. Positive identification by the DER (not a co-worker or other employee being tested) is also acceptable. The collection site will contact the DER to verify the identity of the employee in any case where an employee is unable to provide positive identification. The employee may ask the collector for identification.
6. The drugs that will be tested during a DOT drug test include marijuana, cocaine, opioids, amphetamines, and phencyclidine. *The drugs that will be tested for a County drug test include marijuana, cocaine, opioids, amphetamines, phencyclidine, benzodiazepines, barbiturates, methadone, and propoxyphene.*
7. Collection site staff will explain the basic collection procedures. Employees will be directed to remove outer clothing (i.e. coveralls, jacket, coat, hat) that could be used to conceal items or substances that could be used to tamper with a specimen. These garments, as well as any briefcase, purse, or other personal belongings must be left outside the restroom. Failure to comply with the collection site directions constitutes a refusal to test.
8. Employees will be directed to empty pockets and display the items from the pockets to ensure that no items are present which could be used to adulterate the specimen. If nothing is there that can be used to tamper with the specimen, the employee may be allowed to place the items back into their pockets or may be required to secure their belongings. Employees may be allowed to keep their wallet. Employees must allow the collector to make this observation. If any item has been brought into the collection site that appears to have been brought in with the intent to alter the specimen, it shall be considered a refusal to test. *Pottawattamie County recommends that employees not bring anything to the collection site that can be construed as potentially interfering with the collection process.*
9. The employee will be asked to wash and dry their hands and will be instructed not to do so again until after delivering the specimen to the collector. The employee will remain in the presence of collection site personnel and may not have access to fountains, faucets, soap dispensers, or other materials that could adulterate the specimen.

10. A collection kit meeting the requirements of Part 40, Appendix A must be used for the drug test. The employee will be handed, or asked to select an individually wrapped or sealed collection container from collection kit materials. The employee may break the seal of the collection container or the collector may do so in front of the employee. The employee will not be allowed to take anything from the collection kit into the restroom except the collection container. The employee will then be directed to go into the restroom, provide a specimen of at least 45 mL, not to flush the toilet, and return to the collector with the specimen after completion of the void. A collector may set a reasonable time for voiding. Collections shall not occur by catheterization or other means, whether conscious or not, with the exception of an employee who normally voids through self-catheterization. In this case, the employee will be advised to provide a specimen in that manner. If, as an employee, you normally void through self-catheterization, and decline to do so, it will constitute a refusal to test.
11. Observed collections, shall be noted on the chain of custody form. The collection site supervisor and DER will both be notified as soon as possible of any direct observations that take place and the reason for doing so.
12. If the specimen provided contains less than 45 mL of urine “shy bladder” procedures (described in this policy) will be implemented. The original specimen will be discarded, unless another problem (i.e. temperature out of range, signs of tampering) also exists. Separate voids will never be combined to create a specimen. Excess urine will be discarded.
13. The temperature of the specimen will be checked within four (4) minutes after the employee has given the collector their specimen. If the temperature is within the range of 90-100 degrees Fahrenheit, the collector will note it on the chain of custody form. If the specimen temperature is out of range, the collector's findings will be noted on the chain of custody form and the employee will be required to provide a new specimen under direct observation. Both the original out of range specimen and the specimen collected under direct observation will be sent to the laboratory. The collector must notify both the DER and collection site supervisor that the collection took place under direct observation and the reason for doing so. If the employee refuses to provide another specimen or refused to do so under direct observation, the collection site will discard any specimen previously provided during the collection procedure and then notify the DER of the refusal.
14. Specimens will be inspected for signs of tampering, (i.e. unusual color, presence of foreign objects or matter, or any unusual odor). If tampering appears to have occurred, the employee will be ordered to conduct a new collection using direct observation. In these cases, both the original and the directly observed collection will be sent to the laboratory. The collector must notify both the DER and collection site supervisor that the collection took place under direct observation and the reason for doing so. If the employee refuses to provide a specimen under direct observation, the collection site will discard any specimen previously provided during the collection procedure and will then notify the DER of the refusal.

15. All collections must be split specimen collections. The 45mL sample provided must be split into a primary specimen of 30 mL and a second specimen (used as the split) of 15 mL. The collection site person must place and secure the lids on the bottles, place tamper-evident bottle seals over the lids and down the sides of the bottles, and write the date on the tamper-evident seals. The employee will initial the tamper-evident bottle seals to certify that the bottles contain specimens he or she provided. The split specimen process will be completed in the presence of the employee. If the employee fails or refuses to initial, the collector will note this on the chain of custody form, and complete the collection process.
16. All identifying information will be entered on the chain of custody form by the collection site person. The chain of custody form must be signed by the collection site person, certifying collection was accomplished in accordance with the instructions provided. The employee must also sign this form indicating that the specimen collected was his or hers. The collector is responsible for placing and securing the specimen bottles and a copy of the chain of custody form into an appropriate pouch or plastic bag and will advise the employee that they may leave the collection site.
17. The sealed plastic bag will be shipped to the laboratory within twenty-four (24) hours or the next business day.

B. Observed Collections: (49 CFR, Part 40.67

1. Direct observation of employee's urine specimen collections are allowed in certain circumstances. If an employee is required to participate in a direct observation, they along with the collector will be required to identify their gender on the collection form. Direct observation requires a collector of the same gender to watch the employee urinate into the collection container. Any employee that declines to allow a directly observed collection required or permitted under this section to occur shall be considered refusing to test. The observers name shall be noted in the "remarks" line of the chain of custody form, if observed by someone other than the collector.
2. If Pottawattamie County has directed an observed collection to be conducted, a supervisor or DER will advise the employee as to the reason for a directly observed collection. The collector will also inform the employee the reason for a directly observed collection ordered by the employer, if known. If the collector has directed an observed collection to be conducted, the collector will advise the employee as to the reason for a directly observed collection. When a collector learns that a directly observed collection should have been collected but was not, they will inform Pottawattamie County to direct the employee to undergo an immediate recollection under direct observation, even though some time may have passed since the original collection.
3. Collection under direct observation (by a person of the same gender) with no advance notice to the employee will occur if:

- a. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Pottawattamie County that there was not an adequate medical explanation for the result; or
- b. The MRO reports to the DER that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed.
- c. The laboratory reports to the MRO that the specimen was negative-dilute, and the MRO reported the specimen as a negative-dilute and that a second collection must take place under direct observation.
- d. The collector, must immediately conduct a collection under direct observation if:
 - i. They are directed by the DER to do so; or
 - ii. The collector observes materials brought to the collection site or the employees conduct clearly indicates an attempt to tamper with the specimen; or
 - iii. The temperature on the original specimen was out of range; or
 - iv. The original specimen appeared to have been tampered with.

C. Monitored Collections: (49 CFR, Part 40.69, 382)

1. Monitored collections allow for only the monitor and the employee to enter the room until after the collection has been completed. Monitors do not directly observe employee collections. This would occur if the restroom has multiple stalls.
2. Monitored collections are permitted by opposite-gender monitors who are medical professionals. Monitors who are not medical professionals must be the same gender as the employee. Any employee that declines to permit a collection to be monitored, shall be considered to be refusing to test. The monitor's name shall be noted in the "remarks" line of the chain of custody form, if monitored by someone other than the collector.

D. Shy Bladder: (40 CFR, Part 40.193)

1. Insufficient specimens will be discarded, except where the insufficient specimen was out of temperature range or showed evidence of adulteration or tampering. Employees will be urged to drink up to 40 ounces of fluid, distributed randomly though a period of up to three (3) hours, or until the employee is able to provide a sufficient urine specimen, whichever occurs first. It is not a refusal to test if the employee declines to drink. If the employee refuses to attempt to provide a new urine specimen, the collection will be discontinued and noted in the "remarks" line of the chain of custody form. The collector will then immediately notify the DER. Refusing to attempt to provide a new urine specimen is refusal to test.
2. If the employee has not provided a sufficient specimen within three (3) hours of the first unsuccessful attempt to provide the specimen, the collection will be discontinued and noted on the "remarks" line of the chain of custody form. The collector will immediately notify the DER in these instances. Copy 2 of the chain of custody form will be sent to the MRO, and copy 4 to the DER within twenty-four (24) hours or the next business day. The DER will then consult with the MRO and direct the affected employee to obtain an evaluation, within five (5) days, from a licensed physician acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. The MRO will provide the physician with specific information and instructions as required. If the MRO accepts the physician's recommendations, that a medical condition has, or with a high degree of probability could have precluded the employee from providing a sufficient amount of urine, the MRO will mark the test cancelled on the chain of custody form, and sign and date the chain of custody form. If the MRO agrees with the referral physician in their recommendation that there was not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine, the MRO will mark the test as a refusal and will note the reason on the chain of custody form. Once this is done, the MRO will notify the DER in writing as to their determination. When Pottawattamie County receives this report from the MRO, and the test was cancelled, no further action will be taken. Tests marked "refused to test" shall be acted upon the same as any other test refusal.

E. Split Specimen Testing: (49 CFR, Part 40, Subpart H)

1. Any employee who challenges the results of his/her drug test under this policy may request that the split sample be tested. The split sample test must be conducted at a second certified laboratory with no affiliation with the laboratory that analyzed the primary specimen.
2. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample for Non-DOT employees will be consistent with DOT procedures.

3. The employee's request for a split sample test must be made to the MRO within seventy-two (72) hours of notice of the original sample verified test result. Requests after seventy-two (72) hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Pottawattamie County will ensure that the cost for the split specimen is covered in order for a timely analysis of the sample; however, the county will seek reimbursement from the employee for the cost of any split sample test that reconfirms the original test.
4. If the analysis of the split specimen reconfirms a positive test for a drug or drug metabolite, the MRO will report the reconfirmation to the DER and the employee. In the case of a reconfirmed adulterated or substituted result, in which case this constitutes a refusal to test, the MRO will report to the DER and the employee the final result of the reconfirmation and "refusal to test".
5. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) detected in the primary specimen, if the split specimen cannot be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will report to the DER and the employee that both tests must be cancelled. In the case of the specimen not available for testing, the reason for cancellation must also be reported. The MRO will direct the DER to ensure the immediate collection of another specimen from the employee under direct observation, with no notice given to the employee of this collection requirement until immediately before the collection.
6. In the rare situation a primary specimen tests positive for a drug and a split specimen does not reconfirm the presence of the drug but the laboratory determines that an adulterant is present there is not a reconfirmed positive drug test. Should this situation occur, the MRO would contact the employee to ask if there is any legitimate medical explanation for the presence of the adulterant in the split specimen. If there is a legitimate medical explanation for the presence of the adulterant in the split specimen, the entire test is cancelled. If not, the MRO reports the test to the employee and the DER as a refusal. The employee will have seventy-two (72) hours to request a test of the primary specimen to determine if the adulterant is present there as well. If the primary specimen reconfirms the presence of the adulterant found in the split specimen, then the refusal result is reconfirmed. If not then the test is cancelled and the "split invalid" procedure applies.
7. The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the MRO. If the primary specimen is positive, it will be retained in frozen storage for one (1) year and the split specimen will also be retained for one (1) year.

F. Laboratory Procedures: (49 CFR, Part 40, Subpart F)

Pottawattamie County shall utilize laboratories that have been certified by the Department of Health and Human Services to conduct testing. Information on Laboratory procedures and reporting requirements can be found in 49 CFR, Part 40, Subpart F.

G. Medical Review Officer (MRO): (49 CFR, Part 40, Subpart G & Part 382)

1. The tests results from the certified laboratory are reported to the Medical Review Officer (MRO). The MRO is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result.
2. The MRO will attempt to contact the employee to notify them of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. If the MRO is unable to reach the employee, the MRO will direct the employer to tell the employee to contact the MRO immediately and warn the employee that the MRO may declare the test a “non-contact positive” for failure to contact the MRO with seventy-two (72) hours.
3. The MRO will subsequently review the employee’s medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the MRO will mark the test cancelled, “invalid result” and “direct observation collection required”. The MRO will also report to the DER that the test has been cancelled, the reason for cancellation and that a second collection must take place immediately under direct observation.
4. If a legitimate explanation is found, the MRO will mark test cancelled, “invalid result” and “direct observation collection not required”. The MRO will also report the test result as cancelled to the DER, the reason for the cancellation, and that no further action will be taken unless a negative test result is required (i.e. pre-employment).
5. If the employee admits to having adulterated or substituted the specimen, the MRO must then report a refusal to test.
6. The MRO must report the use of any legally prescribed medication to the DER that could make the employee medically unqualified or pose a significant safety risk. The employee will be given five (5) days to contact their physician to have his/her physician contact the MRO to determine if the medication can be changed to one that does not make the employee medically unqualified or does not pose a significant safety risk. The MRO will report the results of this contact with the DER.
7. The MRO shall have sole authority to make medical judgments about drug test results.

ALCOHOL TESTING PROCEDURES (49 CFR Part 40)

- A. A trained Breath Alcohol Technician (BAT) will conduct tests for breath alcohol concentration utilizing a National Highway Traffic Safety Administration (NHTSA) approved Evidential Breath Testing device (EBT). Alcohol screening tests only may be performed by a Screening Test Technician.
- B. The testing will be performed in a private setting and steps shall be taken to protect the security of the alcohol testing site. In addition, BAT's are limited to conducting an alcohol test for only one employee at a time and may not leave the testing site while the test is in progress. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be cancelled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- C. Upon arrival, employees will be required to provide a positive photo identification issued by Pottawattamie County or a federal, state, or local government. (i.e. driver's license). Faxes or photocopies of identification will not be accepted. Positive identification by the DER (not a co-worker or other employee being tested) is also acceptable. The collection site will contact the DER to verify the identity of the employee in any case where an employee is unable to provide positive identification. The employee may also ask the BAT for identification. The BAT will explain the testing procedure to the employee.
- D. An alcohol screening test will be performed first. The employee will be handed, or allowed to select, an individually wrapped or sealed mouthpiece from the testing materials. The mouthpiece will be inserted into the device and then the employee will be instructed to blow steadily for at least six (6) seconds or until the device indicates that an adequate amount of breath has been obtained. Once the test is complete, the BAT will then show the employee the displayed test result. The BAT will make sure the test number, testing device name and serial number, time, and result have been printed correctly onto the Alcohol Testing Form if the device is capable of doing so, or, if the device is one that prints this information on a separate printout, the BAT will affix the printout of the information to the designated space on the alcohol testing form with tamper-evident tape or use a self-adhesive label that is tamper-evident. If the device does not print this information and it is also not being used with a printer, the BAT will record this information on the alcohol testing form.
- E. An alcohol concentration of less than 0.02 on an initial screening test conducted by a BAT will be considered a negative test and no additional alcohol testing will be conducted. The BAT will sign and date the alcohol testing form and transmit the result to the DER in a confidential manner. If the screening test is invalid, the BAT will tell the employee that the test is cancelled and note the problem on the "remarks" line of the alcohol testing form. If practicable, the testing process will be repeated.
- F. If the initial test indicates an alcohol concentration of 0.02 or greater, the employee will be directed to take a confirmation test. To prevent the accumulation of mouth alcohol from leading to an artificially high reading, the confirmatory test will be conducted at least (15) minutes after the screening test but within thirty (30) minutes of the screening test. The employee will be advised by the BAT not to eat, drink or put anything (i.e. chewing gum, cigarette) into their mouth, or belch.

- G. Confirmatory tests will be performed using an NHTSA approved EBT operated by a trained BAT. A new, sealed mouthpiece must be used for the new test. The calibration of the EBT must be checked. All of this must be done in the employee's presence. If the device used is one that does not print the test number, testing device name and serial number, time, and result, or it is a device not being used with a printer, this information will be recorded by the BAT on the alcohol testing form. This information along with the alcohol testing form will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The alcohol testing form required by 49 CFR Part 40 as amended shall be used for all DOT required testing. The NON-DOT alcohol testing form shall be used for any county alcohol testing. Failure of an employee to sign the alcohol testing form will be considered a refusal to submit to testing.
- H. If the results of the confirmation test and screening test are not the same, the confirmation test will be used.
- I. Even though an employee who has a confirmed alcohol concentration of 0.02 or greater but less than 0.04 is not considered to have tested positive under DOT regulations, the BAT will notify the DER of the confirmed alcohol testing result and the employee will not be permitted to perform or continue to perform safety-sensitive functions for twenty-four (24) hours.

An employee who has a confirmed alcohol concentration of 0.04 or greater will be considered as having a positive alcohol test and in violation of this policy. The BAT will notify the DER of positive test results and the mandatory requirement that the covered employee be immediately removed from his or her safety-sensitive function and evaluated by a substance abuse professional before they can perform safety sensitive functions.

Any employee who has a confirmed alcohol concentration of 0.02 or higher on a alcohol test will be considered as having a positive alcohol test and in violation of this policy. The employee shall be immediately removed from his or her duties and placed on administrative leave without pay pending final disciplinary action.

Any employee that refuses to take an alcohol test shall incur the same consequences as a positive test result.

J. Insufficient Amount of Breath “Shy Lung”: (40 CFR, Part 40.265)

1. If an employee does not provide a sufficient amount of breath to permit a valid breath test, the BAT or Screening Test Technician will instruct the employee to attempt again and advise the employee regarding proper procedures. If the employee refuses to make the attempt, the test will be discontinued, noted on the “remarks” line of the alcohol testing form and the BAT will immediately notify the DER. This is a refusal to test.

2. If the employee again attempts and fails to provide a sufficient amount of breath, the BAT will make the determination as to whether to allow the employee to make another attempt.
3. When the BAT informs Pottawattamie County that an employee has not provided a sufficient amount of breath, the DER will direct the employee to obtain, within five (5) days, an evaluation from a licensed physician who is acceptable to Pottawattamie County and who has expertise in the medical issue raised by the employee's failure to provide sufficient breath. Pottawattamie County will provide the physician, who will conduct the evaluation, with specific information and instructions. After making their evaluation and subsequent determination, the physician must provide a written statement of their conclusion and the basis for it to the DER directly. If the physician determines the employee has a medical condition that could have precluded the employee from providing a sufficient amount of breath, the test will be cancelled. If the physician determines that there is not an adequate basis for determining that a medical condition had precluded the employee from providing a sufficient amount of breath, the test will be considered a refusal to test.

DISCIPLINARY ACTION FOR POLICY VIOLATIONS

In accordance with DOT and FCMSA drug and alcohol testing regulations, commercial drivers that have a verified positive drug or confirmed alcohol test result of 0.04 or greater, or refused to submit to a drug or alcohol test will be removed from his/her safety-sensitive position and referred to a Substance Abuse Professional. The employee is responsible for any costs associated with services provided by a Substance Abuse Professional. Commercial drivers who test positive are required to be evaluated by a Substance Abuse Professional and are subject to testing requirements before being allowed to perform safety sensitive functions for any employer.

In accordance with DOT and FCMSA drug and alcohol testing regulations, commercial drivers that have a confirmed alcohol test result of 0.02 or greater, but less than 0.04, will be immediately removed from safety-sensitive duties until the start of the employee's next scheduled duty period, but not less than twenty-four (24) hours following administration of the test.

Pottawattamie County shall enforce a zero-tolerance policy for all employees for illegal drug use. Pottawattamie County shall also enforce a zero-tolerance policy for all employees for alcohol misuse which affects the employee's ability to safely perform their job functions.

Under the authority of Pottawattamie County, all employees who engage in prohibited conduct and violate the county's drug and alcohol policies shall be subject to termination of employment.

All employees who violate Pottawattamie County's drug and alcohol policies shall be placed on administrative leave without pay, pending a pre-termination hearing and final disciplinary action.

DEFINITIONS

Adulterated Specimen: A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol, contained in any beverage, liquid mixture or preparation, mouthwash, candy, food, or medication.

Alcohol Concentration: The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as measured by an evidential breath-testing (EBT) device.

Alcohol Confirmation Test: A subsequent test using an EBT, following a screening test with a result that provides quantitative data about alcohol concentration.

Alcohol Screening Test: An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol Testing Site: A place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.

Breath Alcohol Technician (BAT): A person who instructs and assists employees in the alcohol testing process and operates an evidential breath-testing (EBT) device.

Cancelled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or been declared invalid by a Medical Review Officer. A cancelled test is neither a positive or negative test.

Chain of Custody: The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF). *For non-DOT employees the procedure uses the non-Federal Drug Testing Custody and Control Form.*

Collection Site: A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

Collector: A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the custody and control form (CCF).

Commercial Driver: An employee whose position has been designated as requiring possession of a Commercial Driver's License (CDL).

Confirmation Drug Test: A second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Consortium/Third Party Administrator: A service agent that provides or coordinates the provisions of a variety of drug and alcohol testing services to employers.

Controlled Substance (DOT): The five (5) prohibited substances specified by the DOT regulations: marijuana (THC metabolite), cocaine, amphetamines, opioids (including heroin), and phencyclidine (PCP).

Controlled Substance (County): The five (5) prohibited substances specified by the DOT regulations: marijuana (THC metabolite), cocaine, amphetamines, opioids (including heroin), and the following: phencyclidine (PCP) and Benzodiazepines, Barbiturates, Methadone, and Propoxyphene.

Designated Employer Representatives (DER): An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives the test results and other communications in relation to the drug and alcohol policy. See Attachment C for designated employer representatives (DER).

Dilute Specimen: A specimen with creatinine and specific gravity values that is lower than expected for human urine.

Disabling Damage: Damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, mirrors or windshield wipers that makes them inoperative.

Drug: Any drug or substance considered a controlled substance and included in Schedule I, II, III, IV, or V under the federal Controlled Substances Act.

Drug Test: Any drug test performed under DOT regulations for the five (5) specified controlled substances, hereinafter referred to as a DOT drug test. *Under the authority of Pottawattamie County a drug test is any test performed under County policy for the nine (9) specified controlled substances, hereinafter referred to as a County drug test*

FMCSA: The Federal Motor Carrier Safety Administration, an agency of the U.S. Department of Transportation (DOT).

Initial Drug Test: The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Invalid Drug Test: The result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test that is negative for the tested drugs or drug metabolites but has a specific gravity value lower than expected for human urine.

Negative Test Result for a Drug or Alcohol Test: Tests for which no verified presence of the of the five specified drugs or drug metabolites is identified or the verified presence of the identified drug or its metabolite is below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol concentration of less than 0.02 BAC is a negative test. *A negative test result are tests for which no verified presence of the nine specified drugs or drug metabolites is identified.*

Performing a Safety-Sensitive Function: An employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive Test Result for a Drug or Alcohol Test: For a drug test means a verified presence of the identified drug or its metabolite at or above the minimum levels specified in 49 CFR Part 40, as amended. A positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC or greater. *A positive drug test means a verified presence of the identified drug or its metabolite. A positive alcohol test results means a confirmed alcohol concentration of 0.02 or higher BAC.*

Prohibited Drug: The drugs for which tests are required under 49 CFR Part 40, as amended, specifically marijuana, cocaine, opioids, amphetamines, or phencyclidine (PCP) at levels above the minimum thresholds specified in 49 CFR Part 40, as amended. *The drugs for which tests are required by County policy include marijuana, cocaine, opioids, amphetamines, or phencyclidine (PCP), benzodiazepines, barbiturates, methadone, and propoxyphene.*

Split Specimen: A part of the urine specimen that is sent to the first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy), or licensed or certified psychologist, social worker, employee assistance professional or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certifications Commission with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders. A SAP evaluates employees who have violated a drug and/or alcohol regulation and makes recommendation concerning education, treatment, follow-up testing and aftercare. Commercial drivers who violate DOT & FCMSA drug and alcohol regulations must be evaluated by a SAP before they can again perform any DOT safety sensitive duties for any employer. Payment for SAP evaluations and services is the responsibility of the employee.

Substituted Specimen: A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Validity Testing: The evaluation of the specimen to determine if it is consistent with normal human urine. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

ATTACHMENT A

COMMERCIAL DRIVERS (CDL)

SAFETY-SENSITIVE POSITIONS

Positions considered upholding safety sensitive functions while maintaining a CDL include the following. These positions will be subject to drug and alcohol testing as required by both the Department of Transportation (DOT) AND Pottawattamie County. The tests are separate and independent of each other. The DOT testing shall be completed before any County testing occurs.

County Engineer's Office

Truck Driver/Laborer

Tractor/ Trailer Driver

Equipment Operator

Crew Leader

Mechanic Technician

Sign Technician

Engineering Technician, if maintaining a CDL (not required)

Inventory Technician

Roadside Technicians

Foreman

Conservation Department

Natural Resource Manager, if maintaining a CDL (not required)

Park Ranger, if maintaining a CDL (not required)

ATTACHMENT B

SIGNS, SYMPTOMS AND DANGERS OF SUBSTANCE ABUSE

(Reference: Unity Point CDL Manual)

The law requires that Commercial Drivers, be made aware of the effects of substance abuse. Pottawattamie County requires that all employees be made aware of the effects of substance abuse in order to provide a Drug & Alcohol Free Workplace. All employees must report to work “fit for duty” and remain fit throughout the workday in order to perform in a safe, efficient, and productive manner.

In an effort to establish a work environment free from the adverse effects of substance abuse, the following information is provided to help you evaluate the risks of involvement with chemical substances.

I. Prohibited Illegal Drugs

The prohibited illegal drugs include marijuana (THC metabolite), cocaine, opioids (including heroin), amphetamines (including MDMA (ecstasy)) and phencyclidine (PCP). Information pertaining to each drug is specified below:

A. Marijuana

1. Marijuana is the common name for a crude drug made from the chopped leaves, stems and flowering tops of a plant called Cannabis Sativa. The active ingredient in marijuana (THC) is stored in body fat and is retained for days to weeks after use.
2. Slang terms for marijuana include but are not limited to: dope, weed, herb, grass, pot, reefer, Mary Jane.
3. Marijuana can be smoked by rolling it into joints, or in a pipe, hookah or bong (which filters the smoke through the liquid); it can be smoked in a blunt (which is a cigar that has been hollowed out to replace the tobacco with marijuana, or a mixture of tobacco and marijuana; a new method is by vaporization (vaping); marijuana can also be eaten in brownies or other “marijuana edibles” such as snacks, candy, cereal, granola bars, cookies, and other items.
4. Immediate effects: Reddened eyes; increased heart rate; dry mouth and throat, lethargy, slow reflexes, difficulty in performing job duties, difficulty in focusing on task.
5. Chronic and long term effects: Reduction in efficiency of the respiratory, cardiovascular, reproductive and immunological systems; impaired short-term memory; altered sense of time; slowed reaction time; reduced ability to concentrate; psychological dependence; impaired motor skills; addiction.

6. Effects on motor skills: A person driving, or operating aircraft, machinery, equipment, etc, while using marijuana is likely to experience:
 - Impaired reaction time - Reaction time is increased, and action time is slowed. Thinking and reflexes are slowed, making it difficult to respond to sudden, unexpected events.
 - Impaired short term memory - The learning process is slowed. Remembering a sequence of numbers or memorizing and following a series of directions becomes difficult.
 - Reduced concentration - Inability to display continuous attention or process complex information occurs. There is difficulty with complex decisions.
 - Impaired tracking - The act of following a moving stimulus is significantly and consistently diminished. Tracking can be affected up to ten hours after use.
 - Distorted time and distance sense - The ability to perceive accurately the passage of time is adversely affected. The user typically overestimates the time that has elapsed.
 - Lengthened glare recovery and blurred/double vision
 - Distorted visual and depth perception - Confusion is created about traffic movement and appropriate driver response.
7. Consumption of hemp products, specifically Hemp Seed Oil which contains THC may cause a positive drug test result, and will not be accepted by the MRO as legitimate explanation of a positive test.
8. Marijuana use is NOT allowed for any Federal Safety-Sensitive positions.

B. Opioids

1. Sometimes referred to as narcotics, opioids are a group of drugs used medically to relieve pain and range from legal drugs such as fentanyl, codeine, oxycodone and morphine to illegal drugs such as heroin and opium. Some opioids come from a resin taken from the seed pod of the Asian Poppy, (opium, morphine, heroin and codeine) and other opioids are synthesized or manufactured. The term "opioids" includes naturally occurring opiate drugs, as well as the synthetic narcotics.
2. Slang terms for Opioids include but are not limited to: horse, smack, junk, H, morpho, dollies, heroin, opium, morphine, codeine.
3. Opioids can be taken orally or injected, it can be snorted or smoked.

4. Immediate effects: Relaxation and induced sleep; reduction of pain; decrease in size of pupils; cold, moist and bluish skin, lethargy, slow reflexes, difficulty in performing job duties, difficulty in focusing on task.
5. Chronic and long term effects: Restlessness, nausea and vomiting; breathing slows down, and death may occur; user may go “on the nod” going back and forth from feeling alert to drowsy; loss of appetite; addiction even with occasional use; infections of the heart lining and valves, skin abscesses, and congested lungs; infections from unsterile solutions, illness such as liver disease, tetanus, serum hepatitis and AIDS from use of needles.
6. Effects on Motor Skills: A person driving, or operating aircraft, machinery, equipment, etc. while using Opioids/Opioids is likely to experience:
 - Effects of intoxication - These effects are similar to those produced by alcohol abuse.
 - False sense of security - This state of mind will cause the user to take more chances and risks.
 - Euphoric high followed by a period of stuporous inactivity - The user daydreams while in this state of mind. Attention is not given to the piloting conditions and situations. This subsequently creates the probability of a collision.
 - Difficulty in focusing - The pupils are so constricted (pinpoint size) that vision is impaired.
 - Visual distortion - Blurred and/or double vision occurs as it does with any depressant drug.
 - Loss of consciousness - This is due to extreme fatigue and drowsiness.
 - Coma - This creates an obvious safety risk.

C. Cocaine

1. A powerful stimulant drug extracted from the leaves of the Erythroxylon coca plant. It is the most powerful central nervous system stimulant known to mankind. (Crack is a form of cocaine).
2. Slang terms for cocaine include but are not limited to: coke, crack, snow.
3. Cocaine can be inhaled nasally, smoked, taken orally or injected.

4. Immediate effects: Euphoria; dilated pupils; increase in blood pressure, heart rate, respiration rate, and body temperature.
5. Chronic and long term effects: Short attention span; irritability, anxiety and depression; seizure and heart attack; loss of appetite and sleeplessness; psychological problems and dependence; hallucinations of touch, sight, taste, and/or smell.
6. Effects on Motor Skills: A person driving, or operating aircraft, machinery, equipment, etc. while using Cocaine is likely to experience:
 - Lapses in attention and concentration - Awareness is adversely affected regardless of the amount used.
 - Aggressive behavior - The result manifestations are anger and hostility toward coworkers as well as impatience and inappropriate risk-taking. The user often overreacts to minor irritations.
 - Tendency to overreact and overcompensate - Acceleration, frequent braking, etc. are affected by over-stimulated reflexes.
 - Impaired motor coordination - A decrease in hand-steadiness and eye/hand coordination w h i c h affects proper response.
 - Periods of loss of consciousness - This is the result of fatigue due to lack of sleep and food.
 - Impaired judgment
 - False sense of alertness and security - User becomes overly confident in judgment and skill. This affects their ability to perceive impending danger.
 - Convulsions, seizures, cardiac arrest and/or stroke - These effects can obviously result in a dangerous situation.
 - Distorted vision and difficulty in seeing - The pupils are so dilated that sunlight or bright head lights cause pain and discomfort. Glare recovery is also affected.
 - Auditory and visual hallucinations as well as cocaine psychosis - Changes in perception are experienced. The user is out of touch with reality and loses sight of where he/she is going.
 - Profound depression, anxiety, irritability, and restlessness - Cocaine is a fast-acting drug. The euphoria ends in less than an hour. The user is more depressed after using cocaine than before use. The higher the “high” the lower the “low.”

D. Amphetamines

1. Drugs which are central nervous system stimulants used to increase alertness and physical activity. In pure form they are yellowish crystals that are manufactured into tablets or capsules. The three amphetamines include: Amphetamine, Dextroamphetamine, Methamphetamine (free-based methamphetamine is called ICE) and MDMA (Ecstasy).
2. Slang terms for the different types of amphetamine include but are not limited to: speed, meth, hearts, pep pills, beanies, uppers, peaches, cartwheels, sky-rockets, ecstasy, Molly
3. Amphetamines can be snorted, smoked, injected or swallowed. Legal amphetamines are taken in pill form, illegal amphetamines are taken orally, smashed into a powder and snorted or shot into veins or smoked/inhaled.
4. Immediate effects: Increased heart rate and respiration; increased blood pressure; dilated pupils; dry mouth.
5. Chronic and long term effects: Sweating; headache; blurred vision and dizziness; decreased appetite and weight loss; insomnia, sleeplessness and anxiety; rapid or irregular heartbeat; tremors; loss of coordination; physical collapse; depression; addiction and brain damage; amphetamine psychosis (hallucinations, delusions, or paranoia).
 - In case of methamphetamine abuse: a person may experience dental problems, skin sores, and severe weight loss.
6. Effects on Motor Skills: Very similar to the effects of Cocaine/Crack, except intensity decreases and duration increases. Stimulant drugs used to combat fatigue make the user edgy, less coordinated and more likely to be involved in accidents. A person driving, or operating aircraft, machinery, equipment, etc. while using amphetamines is likely to experience:
 - Overestimation of performance capabilities - User takes more risks
 - Likelihood of being more accident prone
 - Anxiety, irritability and frequent over-reaction, minor irritations affect inappropriate reactions
 - Extreme mental and physical fatigue - This occurs during the “down” period. During this time the user is unable to concentrate and make sound judgments.
 - Food and sleep deprivation - Amphetamine psychosis can result: the user is out of touch with reality and does not know where he/she is going.

- Auditory and visual hallucinations
- Impaired motor coordination - Responses necessary for hand/eye coordination are impaired.

E. Phencyclidine (PCP)

1. PCP was first developed as an anesthetic in the 1950's and was taken off the market because it sometimes caused hallucinations. Most often called "angel dust," it is available in various forms: a white crystal-like powder, a tablet or capsule.
2. Slang terms for PCP include but are not limited to: angel dust, killer weed, rocket fuel, supergrass, hog, love boat, peace pill.
3. PCP can be snorted, smoked, injected or swallowed. It is most commonly sold as a powder or liquid and is applied to a leafy material such as mint, parsley, oregano, tobacco, or marijuana when used for smoking.
4. Immediate effects: Increased heart rate and blood pressure; flushing, sweating, dizziness, numbness and poor muscular coordination. People using PCP experience a feeling of being "out of body" and detached from their environment.
5. Chronic and long term effects: Stimulation or speeding up of body functions (may also act as a depressant, pain killer, anesthetic, or hallucinogenic drug); change in user's perception of own body and other forms; changes in speech, muscle coordination and vision; slowing of body movements; dulled sense of touch and pain; "spacing out" of time; drowsiness, convulsions and coma (effects of large doses); death from repeated convulsions, heart and lung failure or ruptured blood vessels in the brain; signs of paranoia, fearfulness and anxiety; flashbacks or PCP psychosis.
6. Effects on Motor Skills: The person using this drug is extremely dangerous. Its effects are so varied and so bizarre that the dangers are unpredictable. A person driving, or operating aircraft, machinery, equipment, etc. while using PCP is likely to experience:
 - A feeling of superiority
 - Sense of invulnerability and power - This causes the user to take more risks.
 - Aggressive behavior – This drug creates a very aggressive, hostile and violent person with very little patience and no fear of death.
 - Auditory and visual hallucinations - This creates the likelihood of the user reacting to something not there, causing an accident.

- Visual distortion - Blurred and/or double vision can occur.
- Convulsions, coma and/or death - This creates the obvious possibility of an accident.
- Loss of perception of time - Time appears to slow down.
- Impaired coordination & dulled senses

F. **Benzodiazepines, Barbiturates, Methadone, Propoxyphene**

These drugs are prescription medications that may affect an employee's ability to safely perform job functions. These medications may become habit forming and if taken without a prescription or not in accordance with a prescription, an individual may suffer a number of side effects or long term effects. A brief description of each medication is listed below.

1. **Benzodiazepines are a class of psychoactive drugs used to treat a range of conditions, including anxiety, insomnia seizures, alcohol withdrawal, panic attacks. They are one of the most widely prescribed medications in the United States. Benzodiazepines possess sedative, hypnotic, anti-anxiety, anticonvulsant, and muscle relaxant properties.**

Types of Benzodiazepines: There are many different benzodiazepines; they all differ in potency, the speed at which they are metabolized and their therapeutic use. They include Alprazolam (Xanax), Chlordiazepoxide (Librium), Clorazepate (Tranxene), Diazepam (Valium), Estazolam, Flurazepam (Dalmane), Loprazolam (Somnovit), Oxazepam, Temazepam (Restoril), Triazolam (Apo-Triazo, Halcion, Hypam and Trilam).

2. **Barbiturates are a group of drugs in the class of drugs known as sedative-hypnotics, which generally describes their sleep-inducing and anxiety-decreasing effects. Barbiturates are central nervous depressants used to treat headaches, insomnia and seizures. They reduce the activity of nerves causing muscle relaxation. They can reduce heart rate, breathing and blood pressure.**

Barbiturates evolved into recreational drugs that some people used to reduce inhibitions, decrease anxiety, and to treat unwanted side effects of illicit drugs. For example, a common reason to abuse barbiturates is to counteract the symptoms of other drugs, the barbiturates (downers) counteract the excitement and alertness obtained from stimulants drugs like cocaine and methamphetamines.

Types of Barbiturates: Examples of barbiturates available include: Amobarbital (Amytal), Butabarbital (Butisol), Pentobarbital (Nembutal), Secobarbital (Seconal), Belladonna and Phenobarbital (Donnatal), Butalbital/acetaminophen/caffeine (Esgic, Fioricet), Butalbital/aspirin/caffeine (Fiorinal, Ascomp, Fortabs)

3. **Methadone** is commonly used to treat addiction to opioids (such as heroin). Taken once a day, methadone eases opiate withdrawal for 24 to 36 hours, decreasing the chance of relapse.

As a treatment for opiate addiction, methadone reduces the cravings and withdrawal symptoms caused by opiate use by blocking the "high" and preventing the intense euphoric rush of these drugs. This effect allows people to avoid the physical and psychological highs and lows caused by changing levels of opioids in the blood, decreasing the chance of relapse. In some cases of opiate addiction, methadone treatment may be needed for several years or longer.

4. **Propoxyphene** is a narcotic medication to treat mild to moderate pain. Propoxyphene drugs include Darvon, Darvon-N, Dolene and Darvocet. In 2010, the FDA recommended that health care professionals stop prescribing and dispensing propoxyphene-containing products to patients because of the dangerous side effects to the heart.

G. Alcohol

1. Immediate effects: Odor on breath; initial stimulation followed by depressed nervous system; flushed skin; glazed appearance of eyes; slowed reaction time; impaired motor skills.
2. Chronic and long term effects: Nutritional deficiencies and sleeping difficulty; impaired short term memory; inability to concentrate; physical and psychological dependence; brain and nervous system damage; liver damage; digestive problems (gastric ulcer); higher likelihood of stroke, coronary problems in general and several forms of cancer; disease of pancreas and kidneys; birth defects in children of women that drink heavily.
3. Effects on Motor Skills: A person operating aircraft, machinery, equipment, etc. while using alcohol is likely to experience the following under even minute amounts of alcohol. These reactions increase in intensity with blood alcohol level.
 - Impaired reaction time and motor coordination - Reaction time is increased, and action time is slowed. Thinking and reflexes are slowed, making accidents more likely in unexpected situations.

- Reduced concentration - Memory is impaired and learning processes are slowed. Remembering sequences of numbers or directions can be difficult. Daydreaming can lead to accidents.
- Tendency to take unnecessary risks - Impaired judgment and disinhibition make it more likely user will take unnecessary risks. May also occur due to false sense of security.
- Possibility of reacting with anger toward others - As blood alcohol level decreases, agitation may cause outbursts of anger.
- Euphoric high followed by a period of stuporous inactivity - Daydreaming occurs and attention is diverted. Possibility of accidents is increased due to sluggishness and inattention.
- Visual distortion - Blurred and/or double vision occurs as with any depressant drug.

II. Warning Signs of Substance Abuse on the Job

Substance abuse has a noticeable impact on the way people perform on the job. Even if you don't use drugs or alcohol, you can help keep your workplace drug free by learning to recognize the warning signs of substance abuse on the job.

You must remember, however, some of these same warning signs are indicative of other problems such as diabetes, thyroid disease, and other medical conditions. It is not the job of co-workers or supervisors to diagnose or treat substance abuse. Your job is to know the facts and help protect your family, your co-workers, and the public from the effects of substance abuse.

A. Signs of marijuana use include:

- Rapid loud talking
- Excessive laughter or inappropriate happiness
- Forgetfulness in a conversation (i.e. "What was I saying?")
- Inflammation in whites of eyes; pupils unlikely to be dilated
- Appearance of intoxication, but has no smell of alcohol
- Appearance of sleepiness or stupor in the latter stages
- Distorted sense of time passage, tendency to overestimate time intervals
- Tendency to drive vehicles slowly, below speed limit
- Increase in appetite especially after smoking marijuana

- Odor similar to burnt rope on clothing or breath
- Presence of roach clips (e.g. paperclips, bobby pins, hemostats or tweezers) and bongs or water pipes

B. Signs of opiate use include:

- Pinpoint pupils that fail to respond to light
- Respiratory depression
- Drowsiness
- Nausea and vomiting
- Apathy and decreased physical activity
- Short-lived euphoria or feeling good effects
- Changes in state of mind, going back and forth from feeling alert to drowsy
- Coma or death (result of overdose)

C. Signs of cocaine use include:

- Dilated pupils
- Runny nose; reddened and sore nose, cold or chronic sinus/nasal problems, nosebleeds
- Respiratory problems
- Unexplained bursts of energy
- Restlessness or nervousness
- Repetitive and non-purposeful behavior
- Irritability and anxiety
- Long periods without sleeping or eating, likely to be emaciated
- White powder in container and/or around nose
- Use or possession of paraphernalia including spoons, razor blades, mirrors, little bottles of white powder, straws and currency rolled into tight tube-like formation.

D. Signs of amphetamine use include:

- Dilated pupils
- Dryness of mucous membranes (dry mouth and lips)
- Excessive sweating and shakiness
- Reduced or loss of appetite
- Lack of sleep, insomnia
- Talkativeness, but conversation often lacks continuity, changes subjects rapidly
- Unusual energy, accelerated movements and activities

E. Signs of phencyclidine (PCP) use include:

- Pupils may appear dilated
- Mask-like facial appearance
- Rigid muscles, strange gait
- Irrational speech or behavior
- Symptoms of intoxication
- Hallucinations/ Subject to flashbacks
- Violent or frightened reactions
- Exaggerated physical and mental reactions to situations
- Disorientation; agitation and violence if exposed to excessive sensory stimulation
- Deaden perception (may experience severe injuries while not appearing to notice)

ATTACHMENT C

PROGRAM CONTACT INFORMATION

COMMERCIAL DRIVERS & COUNTY ENGINEER EMPLOYEES

Primary Designated Employer Representative (DER)

Name: Tina Hauger
Title: Assistant to the Engineer
Address: 223 South 6th Street, Council Bluffs, IA 51501
Phone: 712-328-5608
Fax: 712-328-4751
Email: Kristina.hauger@pottcounty-ia.gov

Secondary Designated Employer Representative (DER)

Name: Mary Davis
Title: Human Resources Director
Address: 227 South 6th Street, Council Bluffs, IA 51501
Phone: 712-328-4777
Fax: 712-328-5770
Email: mary.davis@pottcounty-ia.gov

Medical Review Officer (MRO)

DOT Employees

Name: Assigned as needed
Unity Point Clinic
Address: 4230 War Eagle Drive
Sioux City, IA 51109
Phone: 712-224-4300

Non-DOT Employees

Name: James G. Kalar, M.D.
CHI Occupational Health
Address: 715 Harmony Street,
Council Bluffs, IA 51503
Phone: 712-328-5550

Drug Testing Laboratory

Name: Clinical Reference Laboratory
Address: 8433 Quivira Rd, Lenexa, KS 66215,
Phone: 913- 492-3652

Employee Assistance Program

Provider: CHI Health
Phone: 402-398-5566 or toll free 1-888-847-4975
Website: www.chihealth.com/eap

PROGRAM CONTACT INFORMATION

EMPLOYEES OF THE POTTAWATTAMIE COUNTY SHERIFF'S OFFICE

Primary Designated Employer Representative (DER)

Name: Rob Ambrose
Title: Chief Deputy
Address: 1400 Big Lake Road, Council Bluffs, IA 51501
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Secondary Designated Employer Representative (DER)

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Phone: 712-328-4777
Fax: 712-328-5770
Email: mary.davis@pottcounty-ia.gov

Medical Review Officer (MRO)

Name: James G. Kalar, M.D.
Occupational Medicine
Address: 715 Harmony Street, Council Bluffs, IA 51503
Phone: 712-328-5550
Fax: 712-325-2483

Drug Testing Laboratory

Name: Clinical Reference Laboratory
Address: 8433 Quivira Rd, Lenexa, KS 66215,
Phone: 913- 492-3652

Employee Assistance Program

Provider: CHI Health
Phone: 402-398-5566 or toll free 1-888-847-4975
Website: www.chihealth.com/eap

PROGRAM CONTACT INFORMATION

ALL REMAINING POTTAWATTAMIE COUNTY EMPLOYEES

Primary Designated Employer Representative (DER)

Name: Mary Davis
Title: Human Resources Director
Address: 227 South 6th Street, Council Bluffs, IA 51501
Phone: 712-328-4777
Fax: 712-328-5770
Email: mary.davis@pottcounty-ia.gov

Secondary Designated Employer Representative (DER)

Name: Tina Hauger
Title: Assistant to the Engineer
Address: 223 South 6th Street, Council Bluffs, IA 51501
Phone: 712-328-5608
Fax: 712-328-4751
Email: Kristina.hauger@pottcounty-ia.gov

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ATTACHMENT D

MANDATORY REPORTABLE DRUGS WITH CONSTRAINT TIMES FOR COMMERCIAL DRIVERS (CDL)

<u>Drug</u>	<u>Constraint Time</u>
Antivert	24 hrs.
Atarax	8 hrs.
Benedryl	6 hrs.
Codiene	6 hrs.
Compazine	8 hrs.
Darvocet	6 hrs.
Darvon	6 hrs.
Demerol	8 hrs.
Empirin/codiene	6 hrs.
Equagesic	8 hrs.
Flexeril	8 hrs.
Hydrocodone	8 hrs.
Hyphen	8 hrs.
Levsin	12 hrs.
Lioresal	8 hrs.
Lomotil	6 hrs.
Lotab	8 hrs.
Meperdine	8 hrs.
Mepergan	8 hrs.
Meproamate	8 hrs.
Morphine	8 hrs.
Naldecon	6 hrs.
Norgesic	8 hrs.
Percocet/Percodan	8 hrs.
Phenergan	8 hrs.
Pyridium	6 hrs.
Reglan	12 hrs.
Skelaxin	6 hrs.
Talwin	8 hrs.
Tylenol/codeine	8 hrs.
Valium	48 hrs.
Vicodin	8 hrs.

Please note this is NOT a complete list.

Constraint means the time between when you take the medication and perform your safety sensitive job.

Certain medications and prescription drugs contain chemicals that are cross-reactive and can produce positive drug tests. The MRO cannot accept the use of a substance that is not prescribed to that employee as legitimate explanation of a positive test.

ATTACHMENT E

SUBSTANCE ABUSE PROFESSIONAL LIST

(This is not an all-encompassing list, it can change at any time)

Adel	Alcohol & Drug Assistance Agency (ADAA)	515-993-5243
Ames	Center for Addictions Recovery, Inc. (CFARI)	515-232-3206
Ames	Youth And Shelter Services, Inc. (YSS): Seven-12 House	515-233-5048
Ames	Youth And Shelter Services, Inc. Youth Recovery House	515-233-4930
Ankeny	Children and Families of Iowa Cornerstone Recovery	515-289-2272
Atlantic	Alcohol & Drug Assistance Agency (ADAA)	712-243-5091
Bettendorf	Center for Alcohol and Drug Services (CADS) Forest Grove Facility	563-332-9080
Carroll	New View Substance Abuse Treatment & Prevention Center	712-792-1344
Cedar Rapids	Area Substance Abuse Council (ASAC)	319-390-4611
Cedar Rapids	Sedlacek Treatment Center Mercy Medical Center	319-398-6226
Cedar Rapids	St. Luke's Hospital Chemical Dependency Services	319-363-4429
Cedar Rapids	Area Substance Abuse Council (ASAC): East Office	319-447-1921
Cedar Rapids	Area Substance Abuse Council (ASAC): Alert Program	319-368-5671
Cedar Rapids	Area Substance Abuse Council (ASAC): Heart of Iowa	319-862-1050
Centerville	Southern Iowa Economic Development Association (SIEDA)	641-856-3112
Chariton	Lucas County Health Center; Counseling Services	641-774-3370
Clarinda	Alcohol & Drug Assistance Agency (ADAA)	712-542-4481
Clinton	New Directions a Service of ASAC	563-243-2124
Clinton	New Directions a Service of ASAC: Hightower Place	563-242-2042
Council Bluffs	Family Service	712-322-1407
Council Bluffs	Jennie Edmundson Hospital: Addictions Services	712-396-7766
Davenport	New Life Outpatient Center	563-355-0055
Davenport	Center For Alcohol and Drug Services (CADS)	563-322-2667
Decorah	Northeast Iowa Mental Health Center	563-382-3649
Des Moines	Broadlawns Medical Center	515-697-6610
Des Moines	First Step: Mercy Recovery Center	515-271-6075
Des Moines	Iowa Health System: Adolescent Dual Diagnosis	515-263-2333
Des Moines	Iowa Health System: Powell Chemical Dependency Center	515-263-2424
Des Moines	United Community Services, Inc.	515-280-3860
Des Moines	Rainbow Recovery Center	515-277-0070
Des Moines	Orchard Place, Child Guidance/PACE	515-697-5700
Des Moines	Mid-Eastern Council on Chemical Abuse (MECCA)	515-262-0349
Des Moines	Area Substance Abuse Program Of Des Moines (ASAP of DM)	515-288-7905
Dubuque	Substance Abuse Services Center (SASC): Nesler Centre	563-582-3784
Dubuque	Turning Point Outpatient Treatment Center: Mercy Medical Center	563-589-8290
Eagle Grove	Community & Family Resources	515-448-5156
Fairfield	Southern Iowa Economic Development Association (SIEDA)	641-472-5834
Fort Dodge	Community & Family Resources	515-576-7261
Fort Dodge	Trinity Recovery Center	515-574-6502
Glenwood	Family Service	800-422-1407
Greenfield	Alcohol & Drug Assistance Agency (ADAA)	641-743-2439
Humboldt	Community & Family Resources	515-332-4843
Iowa City	Area Substance Abuse Program Of Iowa City (ASAP of IC)	319-354-6880
Iowa City	Mid-Eastern Council on Chemical Abuse (MECCA)	319-351-4357
Iowa City	Mid-Eastern Council on Chemical Abuse (MECCA)	319-335-8392
Iowa City	St. Luke's Hospital Chemical Dependency Services	319-338-9322
Iowa City	University of Iowa, Chemical Dependency Services (U of I)	319-384-8765
Logan	Family Service	712-644-2946
Manning	Manning Family Recovery Center	712-655-2072