

RESOLUTION #2022-50

GRANT COUNTY DRUG AND ALCOHOL TESTING POLICY / HANDBOOK

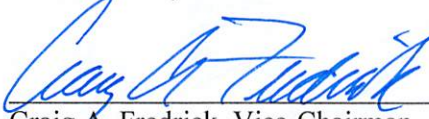
We, the Board of County Commissioners (BOCC) of Grant County, Oklahoma, do hereby approve the Grant County Drug and Alcohol Testing Policy Handbook as revised 11/22/2021 and presented to the BOCC during the regular meeting of the Board, this 18th day of April 2022. This policy will be in effect and implemented immediately.

Approved and Effective: April 18, 2022

BOARD OF COUNTY COMMISSIONERS GRANT COUNTY, OKLAHOMA



Steve Stinson, Chairman



Craig A. Fredrick, Vice-Chairman



Max L. Hess, Member



Cindy Pratt, County Clerk



Attest

Approved 04-18-22 by BOCC

Resolution 2022-50

GRANT COUNTY DRUG AND ALCOHOL TESTING POLICY HANDBOOK

Revised: 11/22/2021

Effective: 04/18/2022

GRANT COUNTY DRUG AND ALCOHOL TESTING POLICY

To enforce the policy against drugs and alcohol in the workplace and the policy against employees reporting to work under the influence of illegal or abused drugs or alcohol, Grant County will/may require an individual to undergo a test for drugs and/or alcohol under the following circumstances.

It is the County's intention to comply fully with the Oklahoma Statute on drug and alcohol testing, and the regulations of the U.S. Department of Transportation (49 CFR, Parts 40 and 382). In the event the State laws, State regulations or the DOT regulations are changed, this policy will be amended to reflect those changes and to remain consistent with State laws and regulations and DOT regulations. In such event, the County will notify all employees of these changes.

Paragraphs "1" through "17" below apply to all employees of Grant County except those covered by federal law or regulation through the Department of Transportation because they drive Commercial Motor Vehicles (CMV) requiring a Commercial Driver's License (CDL).

Drug or alcohol testing of all drivers of Commercial Motor Vehicles (CMV) which require a Commercial Driver's License (CDL) is required by and conducted pursuant to federal law or regulation through the Department of Transportation. This testing is exempt from the provisions of paragraphs "1" through "17" below and is covered by paragraphs "18" through "33" below.

OKLAHOMA MARIJUANA USE, POSSESSION, OR IMPAIRMENT POLICY FOR NON-CDL/CMV EMPLOYEES

County prohibits all employees – including those with valid Oklahoma medical marijuana licenses – from using or possessing marijuana while on County's premises or during the hours of an employee's employment. This prohibition against marijuana use or possession applies to any of County's properties or work sites, including exterior areas, parking locations, personal vehicles or County vehicles and during any hours of employment when an employee is performing work or providing services. The prohibition also applies to customer, client or other third-party locations or premises where an employee is performing work or providing services. If an employee's hours of employment include transportation or travel, then the prohibition against marijuana use or possession applies to that transportation or travel time.

County prohibits all employees – including those with valid Oklahoma medical marijuana licenses – from being under the influence or impaired by marijuana during any hours of employment, regardless of location. An employee is under the influence or impaired when marijuana use adversely affects ability to perform a job, interact with others, exercise judgment and/or work safely.

Violation of this Policy may result in discipline up to and including termination. If you have any questions about this Policy or its application, please contact the Chairman of the Board of County Commissioners.

TESTING POLICY FOR NON-CDL/CMV EMPLOYEES

1. **Individuals Subject to Drug or Alcohol Testing:** All employees, applicants who have received a conditional offer of employment, independent contractors, subcontractors, and/or employees of independent contractors or subcontractors are subject to drug or alcohol testing and the provisions of this Policy.
2. **Applicant Testing:** Applicants who have received a conditional offer of employment will be required to submit to drug and/or alcohol testing. A positive test or a refusal to undergo testing may result in a refusal to hire.
3. **For-Cause Testing:** Any time the County reasonably believes an individual is under the influence of drugs or alcohol, the County may require a drug or alcohol test. Circumstances causing the County to require testing of an individual may include, but are not limited to:
 - A. Drugs or alcohol on or about the individual's person or an individual's vicinity.
 - B. Conduct on the individual's part that suggests impairment or influence of drugs or alcohol.
 - C. A report of drug or alcohol use while at work or on duty.
 - D. Information that an individual has tampered with drug or alcohol testing at any time.
 - E. Negative performance patterns; or
 - F. Excessive or unexplained absenteeism or tardiness.
4. **Post-Accident Testing:** If an employee's conduct could have contributed to an accident while at work which results in an injury to the employee or another person or damage to property, including damage to equipment, the employee may be required to undergo drug and or alcohol testing. If the County conducts a post-accident test, the County will require employees whose conduct could have contributed to the accident to undergo a drug or alcohol test, whether or not they reported an injury.

5. **Random Testing:** The County will require the following individuals to undergo drug or alcohol testing at random and may limit its random testing to particular employment classification or groups.
- A. Are police or peace officers.
 - B. Have drug interdiction responsibilities.
 - C. Are authorized to carry firearms.
 - D. Are engaged in activities which directly affect the safety of others.
 - E. Are working for a public hospital, including any hospital owned or operated by a municipality, county, or public trust; or
 - F. Work in direct contact with inmates in the custody of the Department of Corrections or work in direct contact with juvenile delinquents or children in need of supervision in the custody of the Department of Human Services.
6. **Scheduled Periodic Testing:** The County may require the following individuals to undergo scheduled, periodic drug or alcohol testing scheduled routinely as part of the County's written policy:
- A. Are police or peace officers.
 - B. Have drug interdiction responsibilities.
 - C. Are authorized to carry firearms.
 - D. Are engaged in activities which directly affect the safety of others.
 - E. Are working for a public hospital, including any hospital owned or operated by a municipality, county, or public trust; or
 - F. Work in direct contact with inmates in the custody of the Department of Corrections or work in direct contact with juvenile delinquents or children in need of supervision in the custody of the Department of Human Services.
7. **Post-Rehabilitation Testing:** In those instances, in which the County offers or requires an employee the opportunity to successfully complete a drug and/or alcohol rehabilitation program in lieu of dismissal or following a positive test that did not result in dismissal, the employee may be required to undergo drug or alcohol testing for a period of up to two years commencing with the employee's return to work.
8. **Transfer/Reassignment:** If an employee transfers to a new position or job, or if an employee is reassigned to a different position or job.

9. **Fitness for Duty or Return from Leave:** As part of a routinely scheduled fitness for duty examination or as required by the County in connection with an employee's return to duty from a leave of absence as part of the County's written policies.
10. **Positive Marijuana Test Results and Medical Marijuana Licenses:** Employees and applicants who test positive for marijuana or its components under this Policy will be required to establish they hold a valid Oklahoma medical marijuana license.
11. **Substances Which May Be Tested:** Under this Policy the County shall test for drugs including marijuana and alcohol.
12. **Testing Methods and Collection Procedures:**
 - A. Samples shall be collected and tested only by individuals deemed qualified by the State Department of Health and may be collected on the premises of the employer.
 - B. Only samples deemed appropriate by the State Department of Health for drug and alcohol testing shall be collected.
 - C. The collection of samples shall be performed under reasonable and sanitary conditions.
 - D. A sample shall be collected in sufficient quantity for splitting into two separate specimens, pursuant to rules of the State Board of Health, to provide for any subsequent independent analysis in the event of challenge of the test results of the main specimen.
 - E. Samples shall be collected and tested with due regard to the privacy of the individual being tested. In the instances of urinalysis, no employer or representative, agent or designee of the employer shall directly observe an applicant or employee in the process of producing a urine sample; provided, however, collection shall be in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
 - F. Sample collection shall be documented, and the documentation procedures shall include:
 1. labeling of samples so as reasonably to preclude the probability of erroneous identification of test results, and
 2. an opportunity for the applicant or employee to provide notification of any information which the applicant or employee considers relevant to the test, including identification of currently or recently used prescription or nonprescription drugs, or other relevant information.

- G. Sample collection, storage, and transportation to the testing facility shall be performed so as reasonably to preclude the probability of sample contamination or adulteration.
- H. Sample testing shall conform to scientifically accepted analytical methods and procedures. Testing shall include confirmation of any positive test result by gas chromatography, gas chromatography-mass spectroscopy, or an equivalent scientifically accepted method of equal or greater accuracy as approved by Board rule, at the cutoff levels as determined by Board rule before the result of any test may be used as a basis for refusal to hire a job applicant or any action by an employer pursuant to 40 O.S. § 562 of this act.
- I. A written record of the chain of custody of the sample shall be maintained from the time of the collection of the sample until the sample is no longer required; and
- J. The County will use testing services and facilities which have been licensed by the State Department of Health to test for the presence of or abuse of drugs or alcohol.

13. **Records:**

Records of all drug and alcohol test results and related information are the property of the County. However, upon written request, those test results and related information will be made available for inspection and copying to the individual tested. The drug and alcohol test results and related information will be treated as confidential and will be maintained separate from other personnel records. Testing records may be provided to County employees, agents or representatives who need access to such records in the administration of the Standards for Workplace Drug and Alcohol Testing Act. The County may share drug and alcohol test results and related information regarding employees of independent contractor or subcontractors with the respective independent contractor or subcontractor, as provided by the County's contractual agreement.

The employee grants permission to the County to release testing records and/or results for purposes of unemployment, Workers' Compensation, and other employment-related legal actions. Additionally, testing records are admissible as evidence in a case or proceeding before a court of record or administrative agency if either the County or the individual tested are named parties in the case or proceeding. Further, testing records shall be released in order to comply with a valid judicial or administrative order.

The testing facility or any agent representative or designee of the facility, or any review officer, will not disclose to the County, based on the analysis of a sample collected from an individual under this Policy, any information relating to the general health, pregnancy or other physical or mental condition of the individual. The testing facility will release the results of the drug or alcohol test, and any analysis and information related thereto, to the individual testing upon request.

14. **Consequences for Violating the Testing Policy:**

- A. **Refusal to be Tested:** Any individual who refuses to submit to the County's request for drug and/or alcohol testing or refuses to complete the required forms will be subject to termination from employment or will not be eligible for employment as the case may be. Interfering with and/or failing to cooperate with the testing process will be treated as refusal to be tested.
- B. **Adulteration, Tampering or Manipulation of Samples:** The actual or attempted tampering, adulteration and/or manipulation of drug and alcohol testing samples is prohibited. Any individual who attempts to alter, tamper or manipulate any testing samples will be subject to termination from employment, or will not be eligible for employment, as the case may be.
- C. **Personnel Action Which May Be Taken as a Result of Policy Violation or a Positive Test Result:**
 - 1. Any individual who violates this Policy regarding consumption, use, transfer, solicitation or sale of illegal drugs, illegal possession or inappropriate or moderate use of alcohol or the abuse of prescription or over-the-counter drugs will be subject to disciplinary action, including but not limited to termination.
 - 2. Any employee who tests positive will be subject to discipline up to and including termination. However, the County may, in its sole discretion, suspend disciplinary action or impose discipline less than termination, on the condition that the employee successfully completes a program of rehabilitation or treatment satisfactory to the employer. An employee who refuses such an opportunity or who has been afforded this opportunity, but who does not successfully complete their rehabilitation or treatment of the program will be subject to termination from employment.
 - 3. Employees and applicants who test positive for marijuana or its components may be subject to disciplinary action up to and including termination under the County's Marijuana Use Possession or Impairment Policy.
 - 4. For employees and applicants with a valid Oklahoma medical marijuana license and who are not in safety-sensitive positions, no employment action will be based solely upon a positive test for marijuana components or metabolites.
 - 5. Safety-sensitive positions: Any applicants who apply for positions designated by County as safety-sensitive are not eligible for hiring if they test positive for marijuana components or metabolites. Any employees who hold positions designated by County as safety-sensitive are subject to

discipline up to and including termination if they test positive for marijuana components or metabolites. These safety-sensitive prohibitions apply to applicants and employees who have valid Oklahoma medical marijuana licenses.

15. **Confidential Explanation by Individual:**

Any individual who receives a positive drug test result or has otherwise violated this Policy will be given an opportunity to offer an explanation, in confidence, to a representative of the County.

16. **Appeal Procedures:**

Within 24 hours of receiving notice of a positive test, an individual may request a subsequent confirmation test of a sample. The individual shall pay all costs of the subsequent confirmation test unless the subsequent confirmation test reverses the findings of the challenged positive test. In those cases where the confirmed test reverses the initial findings, the County will reimburse the individual for the cost of the subsequent confirmation test.

An individual who is aggrieved by an alleged violation of the Oklahoma Standards for Workplace Drug and Alcohol Testing Act may file a civil action within one year of the alleged willful violation.

17. **Changes to this Policy:**

Any part of this Policy can be changed by the County with ten (10) days written notice.

CDL/CMV EMPLOYEES

18. **EMPLOYEES SUBJECT TO TESTING.** All drivers who drive Commercial Motor Vehicles (CMV) which require a Commercial Driver's License (CDL) are subject to controlled substance and alcohol testing. This policy follows Department of Transportation and Federal Motor Carrier Safety Administration regulations found in 49 CFR Parts 40 and 382 (attached). If there are any conflicts or omissions between this policy and the federal regulations, the federal regulations shall control.
- a. Testing of Applicants or Transfers: All applicants for employment with (blank) County and all current employees who are requesting transfer to a position covered by this paragraph "18" shall be subject to this policy. This includes applicants for, or requests for transfer to, full-time or part-time employment and applicants for regular or temporary employment.
 - b. All employees covered by this paragraph "18" shall be subject under this policy to the following listed testing. This includes full-time or part-time employees and regular or temporary employees.
 - i. Post-Accident Testing
 - ii. Random Testing
 - iii. Reasonable Suspicion Testing
 - iv. Return-To-Duty Testing
 - v. Scheduled, Periodic Testing
 - vi. Follow-Up Testing
19. **TESTING OF APPLICANTS OR TRANSFERS.** Prior to the first time that a driver performs safety-sensitive functions for the County, the driver shall undergo testing for alcohol and controlled substances. This testing shall be in accordance with 49 CFR §382.301. The employee shall not be allowed to perform any safety-sensitive functions unless the County has received:
- a. a controlled substances test result indicating a verified negative test result for that driver.
 - b. an alcohol test result indicating an alcohol concentration of less than 0.04; and
 - c. an authorization and release signed by the employee for each employer during the previous three years authorizing the County to obtain the information required by 49 CFR §391.23.

Under very limited circumstances, a driver may be exempted from this requirement if the driver meets the requirements of 49 CFR §382.301(b).

20. **POST-ACCIDENT TESTING.** As soon as practical following an occurrence involving a CMV operating on a public road, the driver shall be tested for alcohol and controlled substances if any of the following circumstances apply:

- a. the occurrence involved the loss of human life.
- b. the driver employed by the County receives a citation under State or local law for a moving traffic violation arising from the occurrence and either:
 - i. the occurrence involved bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the occurrence; or
 - ii. one or more motor vehicles incurred disabling damage as a result of the occurrence, requiring the motor vehicle to be transported away from the scene by tow truck or other motor vehicle.

This testing shall be in accordance with 49 CFR §382.303.

- 21. **RANDOM TESTING.** The County shall randomly select a sufficient number of drivers for testing each calendar year to equal an annual rate not less than the minimum annual percentage rate for random alcohol and controlled substances testing determined by the Administrator of the Federal Motor Carrier Safety Administration. Each driver selected for random testing shall have an equal chance of being tested each time selections are made. This means that some drivers may be tested more than once during a year while other drivers are not tested. This testing shall be in accordance with 49 CFR §382.305.
- 22. **REASONABLE SUSPICION TESTING.** If Grant County has reasonable suspicion that a driver has violated DOT Regulations in regard to alcohol or controlled substances, the County shall require a driver to submit to an alcohol and/or controlled substance test. In the case of alcohol, the testing will occur only if the reasonable suspicion arises during, just preceding, or just after the period of the workday that the driver is required to be in compliance with DOT Regulations. This testing shall be in accordance with 49 CFR §382.307.
- 23. **RETURN-TO-DUTY TESTING.** If a driver has violated DOT Regulations in regard to alcohol and controlled substances, the County has the sole discretion as to whether to return the driver to a safety sensitive function. However, if the appropriate authority determines that the driver has successfully completed a prescribed education and/or treatment program, and if the County decides to return the driver to a safety sensitive function, the driver shall be required to submit to an alcohol and/or controlled substance test. The driver must have a negative controlled substance test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming safety sensitive functions. This testing shall be in accordance with 49 CFR §382.309 and 40 CFR §§40.305, 40.307 and 40.311.
- 24. **SCHEDULED PERIODIC TESTING.** Grant County may request or require a driver to undergo drug or alcohol testing when scheduled routinely for all drivers subject to

scheduled, periodic tests. A refusal to take the test or a confirmed positive test may result in discipline up to and including termination of employment. This testing shall be in accordance with 49 CFR §382.111.

25. **FOLLOW-UP TESTING.** If Grant County decides to return a driver to safety-sensitive functions under paragraph “23” above, the driver will be subject to follow-up testing. Such testing shall be in accordance with the plan established by a Substance Abuse Professional but shall not be less than six unannounced follow-up tests in the first 12 months of safety sensitive duty following the driver’s return to safety sensitive functions. Such testing shall be in accordance with 49 CFR §382.311 and 40 CFR Subpart O, §§40.281-313.
26. **DEFINITIONS.** For the purposes of this policy, the definitions found in 49 CFR §382.107 shall apply and are incorporated herein. The following definitions are repeated for convenience only:
- a. **ALCOHOL.** Means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.
 - b. **ALCOHOL CONCENTRATION (or CONTENT).** Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
 - c. **ALCOHOL USE.** Means the drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.
 - d. **CONFIRMATION (or CONFIRMATORY) DRUG TEST.** Means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.
 - e. **CONTROLLED SUBSTANCES.** Means only the following six drugs or classes of drugs:
 - i. Marijuana metabolites.
 - ii. Cocaine metabolites.
 - iii. Amphetamines.
 - iv. Opiate metabolites.
 - v. Phencyclidine (PCP).
 - vi. Opioids, including hydrocodone, hydromorphone, oxycodone and oxycodone.
 - f. **DISABLING DAMAGE.** Means damage which precludes departure of a motor vehicle from the scene of an occurrence in its usual manner in daylight after simple repairs.

- i. Includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven
- ii. Excludes:
 - (1) damage which can be remedied temporarily at the scene of the occurrence without special tools or parts.
 - (2) tire disablement without other damage even if no spare tire is available.
 - (3) headlight or taillight damage.
 - (4) damage to turn signals, horn, or windshield wipers which makes them inoperative.
- g. **PERFORMING** (a Safety Sensitive Function). Means a driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety sensitive function.
- h. **REFUSE TO SUBMIT** (to an alcohol or controlled substance test). Means that a driver:
 - i. fails to appear for any test (except a pre-employment test) within a reasonable time after being directed to do so.
 - ii. fails to remain at the testing site until the testing process is complete.
 - iii. fails to provide a urine specimen for any required drug test.
 - iv. in the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen.
 - v. fails to provide a sufficient amount of urine when directed, and it has been determined through a required medical evaluation, that there was no adequate medical explanation for the failure.
 - vi. fails or declines to take a second test the driver has been directed to take.
 - vii. fails to undergo a medical examination or evaluation, as directed by a Medical Review Officer or by the Designated Employer Representative.

- viii. fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- ix. is reported by the Medical Review Officer as having a verified adulterated or substituted test result.

i. **SAFETY SENSITIVE FUNCTION**. Shall include:

- i. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- ii. All time inspecting equipment as required by 49 CFR, Subchapter B, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- iii. All time spent at the driving controls of a commercial motor vehicle in operation.
- iv. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (as defined in 49 CFR, Subchapter B).
- v. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- vi. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

j. **STAND DOWN**. Means the practice of temporarily removing an employee from the performance of safety sensitive functions based only on a report of a laboratory to the Medical Review Officer of a confirmed positive drug test or drug metabolite, an adulterated test, or a substituted test, before the Medical Review Officer has completed verification of the test results.

k. **PROHIBITED CONDUCT**. Means that no driver shall:

- i. report for duty or remain on duty requiring the performance of safety

sensitive functions with an alcohol concentration of 0.04 or greater.

- ii. use alcohol while performing safety sensitive functions.
- iii. perform a safety sensitive function within 4 hours after using alcohol.
- iv. if required to take a post-accident alcohol test (under paragraph "P" above), use alcohol for 8 hours following the occurrence, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- v. refuse to submit to any required alcohol or controlled substances test.
- vi. report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 40 CFR, Subchapter B, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV. (Any driver using any therapeutic drug pursuant to the instructions of a licensed medical practitioner must inform his/her supervisor of such use prior to performing any safety sensitive functions.).
- vii. report for duty, remain on duty, or perform any safety sensitive function if the driver has tested positive or has adulterated or substituted a test specimen for controlled substances.

27. **TEST PROCEDURES.** All regulations and procedures used to test for controlled substances and alcohol in order to protect the integrity of the testing process, safeguard the test validity, and ensure results are attributed to the correct driver are found in 49 CFR §§40 and 382. They are incorporated into this policy by reference herein and copies are attached hereto.

28. **CONSEQUENCES OF VIOLATIONS OF THIS POLICY.** Drivers who violate this policy or who commit any of the prohibited conduct in paragraph "26(k)" above will experience the following consequences in accordance with Federal Regulations:

- a. Immediate removal from any and all safety sensitive functions.
- b. Will not be able to again perform safety sensitive functions for any employer until he/she has completed the evaluation, referral and education/training set forth in 49 CFR, Part 40, Subpart O.
- c. In addition, will not be able to again perform safety sensitive functions for any employer until he/she has successfully completed a Return-To-Duty Test as described in paragraph "21" above.

- d. Shall be subject to civil and/or criminal penalties as recommended by the Secretary of Transportation under the provisions of 49 U.S.C. §521(b).

Also, any driver tested for alcohol under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall immediately be removed from any safety sensitive functions and shall not be allowed to resume safety sensitive functions until the start of the driver's next regularly scheduled duty period, or 24 hours from the administration of the test, whichever is longer.

- 29. **DISCIPLINARY ACTION.** In addition to the consequences in paragraph "28" above, and under authority separate from the Federal Regulations, drivers who violate this policy or who commit any of the prohibited conduct in paragraph "26(k)" above.

- a. will immediately be placed on unpaid, disciplinary suspension for any period when they are not eligible to perform safety sensitive functions. Such disciplinary action will not be imposed based solely on a laboratory report of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, until the Medical Review Officer has verified the test results; and
- b. if the violation is based upon a positive test result, and if the positive test result is confirmed by a second test and the results are verified by the Medical Review Officer, will be subject to discipline up to and including discharge.
- c. If the violation is based on some action other than a positive test result (e.g., refusing to submit to a test, using alcohol within 4 hours prior to performing safety sensitive functions), will be subject to discipline up to and including discharge.

- 30. **EFFECTS OF ALCOHOL AND CONTROLLED SUBSTANCE USE.** Attached is information concerning:

- a. the effects of alcohol and controlled substance use on an individual's health, work, and personal life.
- b. symptoms of an alcohol or a controlled substance problem (either the driver or a co-worker); and
- c. available methods of intervening when an alcohol or a controlled substance problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management.

- 31. **APPEALS.** As in all cases of job-related problems, concerns or questions regarding the County's drug and alcohol policy should be referred initially to the employee's supervisor and, if necessary, to the elected official. Within Grant County, Steve Stinson has been designated to answer questions about this policy or any of the attached materials.

32. **TREATMENT PROGRAM FOR RETURN TO DUTIES.**

For an employee who drives a CMV requiring a CDL, the employee will be permitted to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert. Also, prior to the employee returning to safety sensitive duties, the employee shall undergo:

- a. a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02; and/or
- b. a return to duty-controlled substance test with a verified negative test result for controlled substances use.

All employees undergoing an educational or treatment program will be subject to follow-up testing in accordance with Paragraph "25" above.

33. Notwithstanding any other provision of this Policy, Grant County and/or its MRO are required report the following information to the DOT Motor Carrier Safety Administration Clearinghouse as required by applicable laws and regulations:

1. A verified positive, adulterated, or substituted drug test result.
2. An alcohol confirmation test with a concentration of 0.04 or higher.
3. A refusal to submit to a drug or alcohol test.
4. Actual knowledge that a driver has used alcohol or drugs in violation of this Policy.
5. A substance abuse professional's report of successful completion of the return-to-duty process.
6. A negative return-to-duty test; and
7. A report of completion of follow-up testing.

Prospective employees and current employees are required to provide consent to Grant County, in order for the County to conduct queries with the Clearinghouse regarding drug and alcohol violations as required by applicable laws and regulations.

**ACKNOWLEDGMENT OF RECEIPT OF
GRANT COUNTY'S DRUG AND ALCOHOL TESTING POLICY**
(Please fill out this form if you are NOT covered by DOT Regulations)

This is to certify that I have received a copy of the Grant County Drug and Alcohol Testing Policy and understand that paragraphs 1 through "16" apply to me.

I understand the contents of the Policy and the reasons behind the Policy. I agree to adhere to the terms of the Policy as a condition of my employment with Grant County or as a condition of my continued employment with Grant County.

Employee Name

Date Signed:

Witness Name

Date Signed:

**ACKNOWLEDGMENT OF RECEIPT OF
GRANT COUNTY'S DRUG AND ALCOHOL TESTING POLICY**
(Please fill out this form if you ARE covered by DOT Regulations)

This is to certify that I have received a copy of:

1. the Grant County Drug and Alcohol Testing Policy; and
2. The Federal Motor Carrier Safety Regulations Pocketbook, which contains the complete text of 49 CFR Parts 40, 382, 383, 387, 390-397, and 399.
3. A Driver Handbook entitled *Drug & Alcohol Testing: Training and Awareness* which contains significant information about:
 - a. 49 CFR Part 40;
 - b. 49 CFR Part 382; and
 - c. material on the effects of alcohol and controlled substance use.

I understand that paragraphs 18 through 32 of the Grant County Drug and Alcohol Testing Policy apply to me.

I understand the contents of the Policy and the reasons behind the Policy. I agree to adhere to the terms of the Policy as a condition of my employment with Grant County or as a condition of my continued employment with Grant County.

Employee Name

Date Signed:

Witness Name

Date Signed:

GRANT COUNTY, OKLAHOMA
DRUG AND ALCOHOL TESTING CONSENT FORM
(Please fill out this form if you are NOT covered by DOT regulations)

I, _____ on this date _____

(Initial) DO consent to provide a sample specimen for drug and/or alcohol testing.

(Initial) DO NOT consent to provide a sample specimen for drug and/or alcohol testing.

I acknowledge that the testing personnel will determine which test to use (e.g., urine, blood, breath, etc.)

I am currently using the following medication (indicate "none" if applicable):

Type of drug/brand name/dosage

Last taken

Prescribing physician or over the counter

I have been in contact with or exposed to the following substance which may have an effect on a drug and/or alcohol test (indicate "none" if applicable):

I understand that my refusal to provide a sample specimen will result in the rejection of my application for employment or grounds for disciplinary action up to and including termination from my current employment with Grant County. I further understand that a confirmed positive test without satisfactory explanation will be grounds for the rejection of my application for employment and will be grounds for disciplinary action up to and including termination from my current employment with Grant County.

Signature

Date

Witness

Date

DRUG & ALCOHOL CLEARINGHOUSE CONSENT FOR LIMITED QUERIES

NOTICE TO DRIVER: The Commercial Driver's License (CDL) Drug & Alcohol Clearinghouse is a federal database containing information about CDL drivers who have violated the Federal Motor Carrier Safety Administration's (FMCSA'S) drug or alcohol regulations in 49 CFR Part §382.701. Whether you have committed such a violation or not, each motor carrier for whom you drive for is required to check whether the Clearinghouse has any information about you, both at the time of hire and annually. When conducting an annual inquiry, the motor carrier has the option to request a "limited" report that only indicates whether the Clearinghouse has any information about you. Before a motor carrier may request a limited report, they must have your written authorization, per §382.703. This authorization may be valid for more than one year. If a limited query ever reveals that the Clearinghouse has information about you, you will be required to log in to the Clearinghouse website within 24 hours to grant electronic consent for the motor carrier to obtain your full Clearinghouse record.

NOTICE TO MOTOR CARRIER: This consent form authorizes you to run a "limited query" to check whether the Clearinghouse has information about the driver identified below. If it does, then you must obtain a full Clearinghouse record within 24 hours, per §382.701. This consent form must be retained until 3 years after the date of the last query you perform for this driver, based on the authorization below.

AUTHORIZATION

I, _____, hereby authorize **Grant County**
(Drivers Printed Name)

to conduct limited annual queries of the FMCSA'S Drug & Alcohol Clearinghouse, to determine if a Clearinghouse record exists for me. This consent is valid from the date shown below until my employment with the above-named motor carrier ceases or until I am no longer subject to the drug and alcohol testing rules in 49 CFR Part §382.701 for the above-named carrier.

I understand that if any limited query reveals that the Clearinghouse contains information about me, I must grant electronic consent within 24 hours, via the Clearinghouse website, for the motor carrier to obtain my full Clearinghouse record. Refusal to provide such consent will result in my removal from safety sensitive duties.

Driver's Signature: _____ Date: _____

DL Number: _____ DOB: _____

GRANT COUNTY EMPLOYEE AUTHORIZATION AND RELEASE (For DOT New-Hires)

GRANT COUNTY, OKLAHOMA	
_____ (address) _____	
_____ (city) _____, Oklahoma, __ (zip) _____	
Designated County Representative _____	
Phone: _____	Fax: _____

Driver's Name: _____	
I hereby authorize and request:	
Prior Employer: _____	
Address: _____	
City, State, Zip _____	
Phone: _____	Fax: _____
to release any and all information pertaining to my employment records as required by 49 CFR §391.23 to the above-named Oklahoma county. You are released from any and all liability which may result from releasing such information.	
Signed: _____	SSN: _____
Witnessed By: _____	Date: _____

1.	§391. (d)(1). Please provide dates that the above applicant worked for you. Employment dates from: _____ to: _____
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2.	§391.23(d)(2). Did the applicant have any accidents? [☐] Yes [☐] No				
	Date	Location City/St	# Injuries	# Fatalities	HM Spill?

3.	§391.23(e)(1). Did the driver violate any section of 49 CFR Subpart B?	Yes	No
	§382.201 Alcohol concentration above .04.		
	§382.205 Alcohol use on duty.		
	§382.207 Alcohol use within 4 hours before coming on duty.		
	§382.209 Alcohol use prior to 8 hours after an accident.		
	§382.211 Refusing to submit to testing (Post accident, Random, Reasonable Suspicion, or Follow Up test)		
	§382.213 Controlled substances use on duty.		
	§382.215 Tested positive for controlled substances.		

4.	§391.23(e)(2). If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? 49 CFR §382.605/Part 40 Subpart O	Yes	No
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5.	§391.23(e)(3). After completing return-to-duty process, 49 CFR §382.605/Part 40 Subpart O, did the driver:	
		Yes No
1.	Test above .04 for alcohol	
2.	Receive a verified positive controlled substances result	
3.	Refuse to be tested	

Previous employer: If you answered "yes" to any item in section 3, you must also transmit a copy of the appropriate documentation (e.g., CCFs, MRO results reports, BATFs, SAP reports, follow-up testing record) to the new employer. (49 CFR Section 40.25)

Per 49 CFR §391.23(g): After October 29, 2004, previous employers must respond to the above request within 30 days after the request is received.

Type of equipment driven:

☐	Straight truck	☐	Tractor semi-trailer	☐	Bus
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☐	TRAILER USED	☐	Van	☐	Flatbed	☐	Refrigerated
☐	Cargo Tank	☐		☐	Triples	☐	Doubles

Was the applicant safe and efficient? ☐ Yes ☐ No

Remarks:

Reason for leaving your employ. ☐ Discharged ☐ Laid off ☐ Resigned ☐ Other:

Mailed On:	Faxed On:
Signature:	Date:
Title or position:	

For the use of Grant County only

Received by mail on:	Received by fax on:
Received by phone on:	Person talked to:

GRANT COUNTY RECORD OF INVESTIGATION

(For DOT New-Hires)

Grant County		
Address: _____	Phone: _____	
City: _____	Oklahoma, ZIP _____	Fax: _____

Prior employer check in accordance with 49 CFR 391.23 Good Faith Effort

1. Call the prior employer and record who was contacted. Fax the required release. Go to step 2.
2. Call the prior employer and record who was contacted. Ask if they received the fax. If they say YES, the fax was received, ask for the information that is required.
3. If the prior employer refuses to release the information, record the refusal below and file with the driver's original authorization for release of information.

PRIOR EMPLOYER	
Address: _____	Phone: _____
City, State, Zip: _____	Fax: _____
Dates of employment: From: _____	To: _____

DRIVER NAME: _____	Social Security Number: _____

Date of contact: _____	By Telephone/Fax? _____	Name of contact at prior employer. _____
1. NOTES		

Date of contact: _____	By Telephone/Fax? _____	Name of contact at prior employer. _____
2. NOTES		

Date of contact:	By Telephone/Fax?	Name of contact at prior employer.
3. NOTES		

Date of contact:	By Telephone/Fax?	Name of contact at prior employer.
3. NOTES		

Conducted By:
