

RESOLUTION 2012 - 8

RESOLUTION ADOPTING SUBSTANCE ABUSE POLICY FOR ALL EMPLOYEES,
INCLUDING EMPLOYEES WITH COMMERCIAL DRIVERS LICENSE, OF
THE WARREN COUNTY HIGHWAY DEPARTMENT AND
WARREN COUNTY SOLID WASTE DISTRICT

WHEREAS, Warren County, Indiana, needs a substance abuse policy for all Warren County Highway Department and Warren County Solid Waste District employees, and

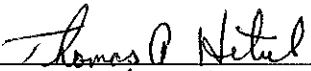
WHEREAS, the Board of Commissioners of Warren County, Indiana, desires to adopt such a policy.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Warren County, Indiana, that the attached Warren County Highway Department Substance Abuse Policy for All Employees Including Employees with Commercial Driver's License is adopted.

This resolution shall be in full force and effect immediately upon passage.

ADOPTED by the Board of Commissioners of Warren County, Indiana this 4th day of September, 2012.

BOARD OF COMMISSIONERS
OF WARREN COUNTY



Thomas A. Hetrick

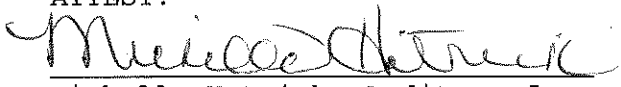


Steven C. Eberly



Anton "Tony" Briles

ATTEST:



Michelle Hetrick, Auditor of
Warren County, Indiana

**Warren County Highway Department
Warren County Solid Waste District**

SUBSTANCE ABUSE POLICY

FOR

**All Employees, including
Employees with Commercial Drivers License**

Effective: September 4, 2012

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STATEMENT OF PURPOSE AND POLICY

Employees are an extremely valuable resource for Warren County Highway Department and Solid Waste District business. Their health and safety is a serious concern. Drug or alcohol use may pose a serious threat to employee health and safety. It is therefore, the policy of the Warren County Highway and Solid Waste Departments (hereafter referred to as County) to prevent substance use or abuse from having an adverse effect on our employees. The County maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on County property. Furthermore, employees have a right to work in an alcohol and drug-free environment and to work with employees free from the effects of alcohol and drugs. Employees who abuse alcohol or use drugs are a danger to themselves, their coworkers and the County's assets.

The adverse impact of substance abuse by employees has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations which require the County to implement a controlled substance testing program. The County will comply and require that a driver submit to alcohol and controlled substance tests administered in accordance with these regulations and are committed to maintaining a drug-free workplace. All employees are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of the County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. FMCSA states that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis), conduct breath testing, and or search all covered employees including applicants for alcohol and drug use. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each employee. Every effort will be made to maintain the dignity of employees or applicants involved. Disciplinary action will, however, be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. The County retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective 09/04/12 and will supersede all prior policies and statements relating to alcohol or drugs.

**Administrative Guide to Warren County Highway Department's
and Solid Waste District's
Substance Abuse Testing Procedures**

I. Purpose

The purpose of this administrative guide is to set forth the procedures for the implementation of controlled substance and alcohol use and testing of employee applicants and current employees pursuant to the County's Substance Abuse Policy. These procedures are intended as a guide only, and are in no way intended to alter any existing relationship between the County and any employee.

II. Provisions

A. Applicability

This policy applies to all Warren County Highway employees

B. Prohibited Conduct

The following shall be considered "prohibited conduct" for purposes of this policy.

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcoholic concentration of .04 or greater. An employee is considered to be performing a safety-sensitive function if he/she is actually performing, ready to perform, or immediately available to perform any of the following on-duty functions:
 - a. All time spent at a facility waiting to be dispatched;
 - b. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - c. All driving time or time spent at the driving controls of a commercial vehicle in operation;
 - d. All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, including completion of any related paperwork; and remaining in readiness to operate the vehicle;
 - e. All time performing those duties required of an employee involved in a vehicle accident; or
 - f. All time spent repairing, assisting, or attending to a disabled motor vehicle;
2. No employee shall be on duty or operate a motor vehicle while the employee possesses alcohol.
3. No employee shall use alcohol while performing safety-sensitive functions.
4. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. No employee required to take a post-accident test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident test, whichever occurs first.
6. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test.

C. Prescription Medication and/or Other Medication Use

1. An employee is prohibited from reporting for duty or remaining on duty when the employee uses any controlled substance, except when the use is pursuant to the written instruction of a physician who has advised the employee that the substance will not adversely affect their ability to safely perform their duties. The employee must provide the County with proof of such medical advice. The County can decide if the employee can remain at work or on the County premises and what work restrictions, if any, are deemed necessary.
2. Any employee who is using a prescribed drug or other medication, which is known or advertised as possibly affecting or impairing judgment, coordination or other senses, (including dizziness or drowsiness), or which may adversely affect the employee's ability to perform work in a safe and productive manner, must notify the County prior to starting work. The County will decide if the employee can remain at work and what work restrictions, if any, are deemed necessary.
3. Ingestion of products that contain hemp will not be an acceptable explanation for testing positive for marijuana.

D. Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the County will be grounds for refusal to hire employee/applicant(s) and to discipline existing employee(s). A refusal to test would include any of the following situations:

1. Failing to appear for any test within a reasonable time after being directed to do so.
2. Failing to remain at the testing site until the testing process is completed.
3. Failure to provide a breath sample, saliva sample or urine sample as directed.
4. Failure to permit, if the situation requires, the observation or monitoring of providing a urine specimen.
5. Failure to provide a urine, breath or saliva specimen within required time frames may be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician of employer's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the regulations.
6. Failure or decline to take an additional drug test the employer or collector has directed you to take.
7. Failure 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 a "shy bladder" or "insufficient breath" situation.
8. Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test. (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
9. For an observed collection, fail to follow the observer's instruction to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
11. Admission to the collector or MRO by the employee that they adulterated or substituted their specimen.
12. A report from the MRO of a verified adulterated or substituted test result.
13. Refusing to sign step two (2) of the alcohol testing form.

E. Types of Tests

Pursuant to regulations promulgated by the Department of Transportation (DOT), the County has implemented the following circumstances for drug and alcohol testing: pre-employment (drug testing only), post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing.

1. Pre-employment Testing

As a condition of employment, the employee applicant shall submit to a urine drug test unless a qualifying pre-employment exemption can be documented.

2. Random Testing

The County conducts random drug and alcohol testing. The County will submit all employees' names to a random selection system. The random selection system provides an equal chance for each employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. Random selection by its very nature may result in employees being selected in successive selections more than once a calendar year.

If an employee is selected at random, for either drug or alcohol testing, a County official will notify the employee. Once notified, the employee must proceed to the designated collection site immediately. If the employee does not go to the collection site as soon as possible after notification, such conduct may be considered a refusal to test.

3. Post-Accident Testing

Following any accident, the employee must contact the County as soon as possible. The employee must submit to a Federal DOT drug and alcohol test any time he or she is involved in an accident where 1) a fatality is involved; or 2) the employee receives a citation for a moving violation arising from the accident that involved:

- o injury requiring medical treatment away from the scene, or
- o one or more vehicles having to be towed from the scene.

The employee shall follow the instructions from the County or its representative to complete required testing.

For other accidents not covered by the DOT definition above, the County may require a non-regulated drug and alcohol test when:

- a. The employee's actions may have contributed or cannot be completely discounted as a contributing factor to an accident,
- b. In this case, an accident shall mean an incident which results in damage over \$1,000.00 or in personal injury,
- c. An incident resulting in lost-time injury

Any time a post-accident drug or alcohol test is required, it must be performed as soon as practical. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for the purpose of post-accident drug testing within thirty-two hours, attempts to make such collection shall cease. An employee is prohibited from consuming alcohol between the time of the accident and the test.

In the event that federal, state, or local officials conduct breath or blood test for the use of alcohol and/or urine tests for the use of controlled substances following an accident, employees must comply with law enforcement personnel requests. The County may request testing documentation from such agencies, and may ask the employee to sign a release allowing the County to obtain such test results.

In the event an employee is so seriously injured that the employee cannot provide a sample of urine, breath or saliva at the time of the accident, the employee must provide necessary authorization for the County to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident.

4. Reasonable Suspicion Testing

Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing shall be deemed to exist when an employee manifests physical, behavioral, speech or performance symptoms or reactions commonly attributed to the use of controlled substances or alcohol.

A supervisor will take the following actions immediately:

1. Confront the employee involved, and keep under direct observation until the situation is resolved.
2. Secure the DER's concurrence to observations. After discussing the circumstances with the DER, arrangements will be made to observe or talk with the employee. If he/she believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal would result in a refusal to test violation and disqualification from performing any safety-sensitive function.
3. Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from driving duties. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
4. The DER shall, within 24 hours or before the results of the controlled substance test are released, document in writing the particular facts related to the behavior or performance problems, that led to the reasonable suspicion test and maintain this documentation in appropriate personnel files.
5. The DER shall remove or cause the removal of the employee from the Company-owned vehicle and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will that employee be allowed to continue to drive a Company vehicle until a confirmed negative test result is received.

F. Controlled Substance Testing Protocol

1. Urine Collection Procedures

1. The testing procedure starts with the collection of a urine specimen.
2. Collection procedures will follow the specific guidelines set forth by the U.S. Department of Transportation as outlined in the published collection procedures guidelines.
3. Employees will be directed to empty their pockets and display the contents to the collector.
4. Employees will be allowed privacy during the collection process except as noted in number 5 below.
5. Observed collections are required by DOT if:
 - a. The specimen is determined invalid and there is no medical explanation.
 - b. The specimen is determined to be negative-dilute with a creatinine value >2 mg/dl but <5 mg/dl.
 - c. The collector observes evidence of an employee's attempt to tamper with the specimen.
 - d. The temperature of the specimen is out of range.
 - e. The specimen appears to have been tampered with.

- f. The test is a return-to-duty or follow-up test.
- 6. Observed collections are required on return-to-duty and follow-up tests.
- 7. As part of the collection process, the specimen provided will be split into two portions; a primary specimen and a secondary (split) specimen.
- 8. If the employee is unable to provide 45 ml of urine, the DOT "shy bladder" rule will apply. The employee will have up to 3 hours to provide the required 45 ml, and may consume up to 40 ounces of fluids during this time period. The employee will be required to be monitored during the waiting period.
- 9. After collection, the specimen will be submitted to a SAMHSA certified laboratory for testing.

2. Laboratory Procedures

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

The SAMHSA certified laboratory will perform initial screenings on all primary specimens. In the event that the primary specimen tests positive, a confirmation test of that specimen will automatically be performed. If the confirmatory test is positive it will be reported to the Medical Review Officer (MRO) as a positive.

3. Validity Testing

The laboratory must also perform validity testing on each specimen received. 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. The following will be measured: creatinine level, specific gravity, and pH. In addition, all specimens will be tested for known adulterants. An initial validity test is performed first, followed by a confirmation test if required.

All laboratory results will be reported by the laboratory to a MRO designated by the County or its agents.

4. MRO Procedures

- 1. All tests results will undergo a review process by the MRO.
- 2. Negative test results will be reported directly to the County by the MRO.
- 3. Positive, adulterated or substituted results will be handled in the following manner by the MRO:
 - a. Before reporting a positive, adulterated or substituted test result to the County, the MRO will attempt to contact the employee to discuss the test result.
 - b. The employee is required to discuss the result with the MRO. The employee will be allowed to explain and present medical documentation to explain any permissible use of a drug.
 - c. For adulterated or substituted results, the employee must demonstrate that he or she did produce or could have produced urine, through physiological means, meeting the creatinine and specific gravity criteria of a substituted or adulterated specimen.
 - d. If the MRO is unable to contact the employee directly, the MRO will contact the DER designated in advance by the County, who shall, in turn, contact the employee and direct the employee to contact the MRO. Upon being so directed, the employee shall contact the MRO immediately or, if the MRO is unavailable, at the start of the MRO's next business day.
 - e. If, after failing to contact the MRO within 72 hours after being instructed to do so by the DER, or if the employee cannot be contacted at all within ten (10) days, or if the employee expressly declines the opportunity to discuss the test, the MRO may verify the test as positive or a refusal.
 - f. In the MRO's sole discretion, a determination will be made as to whether a result is verified as positive, negative or considered a refusal.

- g. After any verified positive or refusal to test determination, the employee may petition the MRO to reopen the case for reconsideration.

5. Diluted Specimens

If a test is reported as negative and diluted, it will be the policy of the County to require an immediate recollect for another test. The employee will be given the minimum possible advance notice to report for another test. The result of this second test will become the test of record. If the second test is also negative and diluted the test will be accepted as a valid test and no additional testing will be required. If the employee is directed to take another test and declines to do so, this will be considered a refusal to test and have the consequences of a refusal to test.

6. Medical Information Disclosure

Pursuant to DOT regulations, if, in the MRO's opinion, any information provided may mean a medical disqualification or represent a safety hazard, such as the use of certain prescription drugs, the MRO must disclose this to the employer. Individual test results for employee applicants and employees will be released to the County and will be kept strictly confidential unless consent for the release of the test result has been obtained. Any individual who has submitted to drug testing in compliance with this procedure is entitled to receive the results of such testing upon written request.

7. Safeguards for the integrity of the drug testing process

1. The collector must obtain photo identification from the employee or identification by supervisor prior to administering the test.
2. The employee will be asked to wash their hands.
3. The employee signs the chain of custody form signifying the correctness of data for test reporting.
4. Electronic communication of test results from the laboratory into the MRO reporting system with no external human intervention.
5. The specimen container and specimen bottles are individually wrapped and unwrapped in employee's presence.
6. After the specimen is provided in a reasonable time, the collector inspects it for sufficient volume, temperature and signs of tampering. If a specimen is not provided, the employee will be referred to a MRO to determine whether there is a valid medical reason. If there is, the employee must still attempt to provide a specimen each time the employee is required to test under this program.
7. After the specimen is given to the collector, the remaining collection procedures are conducted in employee's view.
8. The specimen bottles and shipping container are sealed with tamper evident seals.
9. The employee will be asked to sign the seals covering the specimen bottles identifying they were sealed in their presence.
10. The specimen number on the bottle seals match the specimen number on the chain of custody form.
11. The laboratory will check the specimen bottles upon receipt to insure the seal has not been broken. If the seal has been broken the laboratory will report the test as cancelled.
12. Blind sample submission through the laboratory for quality control.
13. A collector who has completed the qualification training as mandated in CFR Part 40 as amended will perform the collection.

G. Split Specimen Testing Protocol

An employee may request that the "split" portion of his/her specimen be tested at a different SAMHSA laboratory if he/she was notified by the MRO that his/her test result was positive, adulterated or substituted. The request must be made to the MRO within 72 hours of being notified of a verified positive, adulterated or substituted result. The MRO will arrange for all procedures to be done in accordance with split specimen testing procedures.

The cost of a split specimen test will be the responsibility of the employee. The County will withhold the amount of the cost of testing the split from the employee's pay unless other arrangements are acceptable to both the employee and the County. If the employee makes a timely request (within 72 hours) to the MRO for the split portion to be tested, the MRO shall immediately make arrangement with the laboratory to initiate the process.

H. Alcohol Testing Protocol

Alcohol tests will be conducted by a trained Breath Alcohol Technician (BAT) or Screening Test Technician (STT). Screening tests may be done using an evidential breath testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done by a trained BAT using an evidential breath testing device. The employee shall report to the alcohol testing site as notified by the County. The employee shall follow all instructions given by the alcohol technician.

If the result of a screening test is a breath alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test. In the event the confirmation test indicates a BAC of .020 to .039, the employee shall be removed from duty for twenty-four (24) hours or until his/her next scheduled on-duty time, whichever is longer. Employees with tests indicating a BAC of .04 or greater are considered to have engaged in prohibited conduct, which may result in disciplinary action up to and including termination. All alcohol tests shall be performed just prior to, during, or just after performing a safety sensitive function.

Alcohol Testing Safeguards For Employee's Protection

1. The BAT must obtain employee's photo identification prior to administering the test.
2. An individually wrapped mouthpiece will be opened and inserted into the EBT for the employee's test.
3. The National Highway Traffic Safety Administration approves the EBT that is used.
4. Calibration checks are frequently performed to insure the EBT is working efficiently.
5. If the screening test indicates a 0.02 or greater, a confirmation test will be administered.
6. An air blank will be administered prior to the confirmation test with a 0.000 reading.
7. An individually wrapped mouthpiece will be inserted for the confirmation test.
8. The BAT has completed the required training course in the correct operation of the EBT.

I. Educational Materials

Employees are required to attend an educational meeting(s) to discuss the County's policies and procedures and to review all materials covered by this procedure. Each employee is required to sign a statement (certificate of receipt) certifying that he or she has received a copy of these materials. The County shall provide these materials to each employee prior to the start of alcohol and controlled substance testing.

III. Disciplinary Procedures

Any employee who has a positive test for alcohol (.04 BAC or greater) or controlled substances or has refused to test is considered in violation of this policy. This employee is not qualified to drive a motor vehicle and will be immediately terminated from employment without recourse.

IV. Confidentiality and Release of Information

Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.

The County may release information as follows:

1. Copies of the results of alcohol or drug testing to an identified person provided the employee has provided written consent.

2. Copies of information requested by the Secretary of Transportation, any DOT agency, or any State or local official with regulatory control over the County or any of its employees.
3. The results of post-accident testing when requested by the National Transportation Safety Board as part of an accident investigation.
4. Legal proceedings to include:
 - o Lawsuits (e.g., wrongful discharge action).
 - o Grievances (e.g., an arbitration concerning disciplinary action taken by the employer).
 - o Administrative proceedings (e.g., an unemployment compensation hearing) brought on by, or on behalf of, an employee and resulting from a positive DOT drug test or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).
 - o Criminal or civil actions – to the decision maker in the proceeding (e.g., the court in the lawsuit)

Employees are entitled, upon written request, to obtain copies of any records pertaining to their use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.

V. Responsibility

- A. Employee - All County Highway employees are responsible for abiding by this procedure as a condition of their employment.
- B. Management Officials and Supervisors
All supervisors and County officials are responsible for being alert to employee conduct that raises a reasonable suspicion that an employee is using or is under the influence of alcohol or controlled substances while on duty or otherwise performing County business.

This policy is not intended nor should it be construed as a contract between the County and the employee. This policy may change at any time at the sole discretion of the County and/or to comply with changes in Federal DOT regulations.

APPENDIX A Abbreviations and Terms

Abbreviations

BAT	Breath Alcohol Technician	CDL	Commercial Drivers' License
CMV	Commercial Motor Vehicle	DER	Designated Employer Representative
DHHS	Dept. of Health and Human Services	DOT	Department of Transportation
EAP	Employee Assistance Program	EBT	Evidential Breath Testing Device
MRO	Medical Review Officer	STT	Screening Test Technician
SAMHSA	Substance Abuse and Mental Health Services Administration		

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

Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Concentration (or content)

Alcohol in a volume of breath (shown as grams of alcohol/210 liters of breath) as indicated by an evidential breath test.

Alcohol Use

Consumption of any beverage, mixture, or preparation, including medications, containing alcohol.

Breath Alcohol Technician (BAT)

An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath measurement (EBT) device.

Confirmation Test

In alcohol testing: a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

In controlled substances testing: a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the screening test.

Confirmation Validity Test

A second test performed on a urine specimen to further support a validity test result.

Controlled Substances

In this regulation, the term 'drugs' and 'controlled substances' are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to: marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines, including methamphetamines.

Designated Employer Representative (DER)

An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer.

Dilute Specimen

A specimen with creatinine and specific gravity values that are lower than expected for human urine.

EBT (or evidential breath testing device)

An EBT approved by the National Highway Traffic Safety Association (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Employee

Any person who operates a commercial vehicle (CMV), including: full time, regularly employed employees, casual, intermittent or occasional employees, leased employees, independent, owner-operated contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer.

Evidential Breath Testing (EBT) Device

A device used for alcohol breath testing that has been approved by the National Highway Traffic Safety Administration.

Initial Validity Test

The first test used to determine if a specimen is adulterated, diluted, or substituted.

Initial Drug Test

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

Medical Review Officer (MRO)

A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

Performing (a safety sensitive function)

An employee is considered to be performing a safety-sensitive function when he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

Primary specimen

The urine specimen bottle that is opened and tested first by the laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Screening Test (initial test)

In alcohol testing: a procedure to determine if an employee has a prohibited concentration of alcohol in his or her system.

In controlled substance testing: a screen to eliminate 'negative' urine specimens from further consideration.

Split Specimen means a part of the urine specimen that is sent to a 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.

Substituted Specimen

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

Substance Abuse Professional (SAP)

A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, marriage and family therapist, or an addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse (ICRC) or by the National Board of Certified Counselors (NBCC), with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Certificate of Receipt
(Acknowledgement of receiving materials)

Employee Name: _____ SSN or ID #: _____

County: **Warren County Highway Department**
 Warren County Solid Waste District

This is to certify that I have been provided educational materials that explain my employer's policies and procedures with respect to substance abuse and meeting the requirements. This includes all items checked.

- ✓ The designated person to answer questions about the material.
- ✓ Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
- ✓ Specific information concerning prohibited driver conduct.
- ✓ Circumstances under which a driver will be tested.
- ✓ Test procedures, driver protection and integrity of the testing processes, and safeguarding the validity of the test.
- ✓ The requirements that tests are administered in accordance with Part 382.
- ✓ An explanation of what will be considered a refusal to submit to a test and the consequences.
- ✓ The consequences for violations including removal from safety-sensitive functions.
- ✓ The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- ✓ A copy of my employer's substance abuse policy.

Employee Signature: _____ Date: _____