
DRUG AND ALCOHOL

Section 1. PURPOSE

The goal of the Bedford Regional Water Authority (“Authority”) is to establish and maintain a safe, productive, and healthy workplace for its employees that is free from drug and alcohol abuse; it is also to protect the safety of its customers, employees, and partners by providing services in a safe and professional manner.

Section 2. POLICY

- A. Employees are expected to report to work on time and in appropriate mental and physical condition for work and shall not be impaired by the use of drugs or alcohol.
- B. Regardless of when, where, or how the substance entered the employee’s system, employees must not be under the influence of alcohol or drugs deemed illegal by federal, state, or local laws, nor should they use, consume, possess, sell, buy, distribute, or offer to sell, buy, distribute, or manufacture alcohol or drugs during the following times:
 1. While on duty during working hours; or,
 2. During lunch breaks or other breaks taken during the working day; or,
 3. While on call and subject to be called into work; or,
 4. While on Authority property; or,
 5. While off Authority property and working in an official capacity; or,
 6. At any time while operating Authority vehicles or equipment.
- C. Employees must:
 1. Have zero detectable presence of drugs in their system; and,
 2. Not have an alcohol concentration of 0.02 or greater in their system; and,
 3. Not have tetrahydrocannabinis (“THC”) in their system. The use, sale, and possession of cannabis over 0.3% THC in the United States is illegal under Federal law. THC is classified as marijuana, is considered a Schedule 1 drug by the Drug Enforcement Administration, and is Federally illegal.
 4. Not report to work with the odor of alcohol on their breath or on their person; and,
 5. Submit to a drug or alcohol screening test when requested to do so by their Manager, Human Resources, or Director.
 6. Provide within twenty-four (24) hours of request a current valid prescription, bottle for the prescription, and doctor’s note stating drivability or impairment for any controlled substance or drug found to be in the employee’s possession or identified in a positive drug screening analysis to the Medical Review Officer. The medical review officer is appointed by a third party and is not an employee of the Authority.
 7. Inform their Manager of any potential violation, by themselves or their coworkers, of this policy
 8. Notify their Manager of any current prescriptions or over-the-counter (non-prescription) that may cause impairment by an employee prior to the operation of any safety-sensitive position and/or duty, including the operation of devices, tools, machines, equipment, and/or vehicles. Employee shall be prepared to provide a copy of the prescription and/or an indication of the

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medication and documentation of the appropriate use of the medicine and its side effects upon request.

9. Report any arrest or conviction under a criminal drug statute for violations occurring on or off Authority premises. Any arrest or conviction must be reported to their Manager or Human Resources the employee's next working day after the arrest or conviction.

Section 3. APPLICANTS

- A. The Authority requires participation in pre-employment drug/ alcohol screening for all applicants who are offered employment or internships.
- B. The applicant being offered a position must provide a specimen for screening by urinalysis for drugs and other appropriate tests for alcohol. Drug and alcohol screening will be performed under standard medical procedures.
- C. Any applicant who tests positive for drugs and/or alcohol shall be disqualified for employment consideration for six months following the positive test.

Section 4. SCREENING

- A. Reasonable Cause Screening:
 1. The Authority may require a current employee to undergo a drug and alcohol screen if there is reasonable cause to believe that the employee is under the influence of drugs or alcohol during work hours.
 2. Under reasonable cause testing, the management team will designate a transport representative to transport the driver to the facility to conduct the test. The employee **MUST NOT** transport themselves to the collection site.
 3. All reasonable cause testing must be completed within two hours.
 4. The employee must have their driver's license or appropriate identification upon being transported.
 5. Circumstances which constitute a basis for reasonable cause may include, but are not limited to:
 - a. A pattern of abnormal or erratic behavior (e.g., including but not limited to hyperactivity, unexplained mood or personality changes, paranoia, hallucinations).
 - b. Direct observation of drug or alcohol use.
 - c. Presence of the physical symptoms of drug or alcohol use (e.g., including but not limited to glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, onset of unusual perspiration or shakes, unusual drowsiness or sluggishness).
 - d. Disregard or violations of established safety, security or other operating procedures.
 - e. Excessive time away from the workplace, excessive absenteeism or tardiness pattern.
 - f. Possession of alcohol or drugs, or the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control.
 - g. Unexplained inability to think or reason at the employee's normal levels.
 - h. Fighting or combative or assaultive behavior.

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6. A decision to send an employee for reasonable cause screening should involve an agreement between two (2) members of management that there is reasonable cause for drug and alcohol screening. A written statement of the reasons leading to the determination must be provide to Human Resources within 8 hours after the screening.

B. Random Screening

1. All Authority employees must submit to random drug and alcohol screening.
2. A scientifically valid random selection method will be used by a third party, who is not an employee of the Authority, to designate the employees to be tested. Each employee in the work group will have an equal chance of selection at all times.
3. When notified, an individual selected for random testing must report immediately to the drug testing facility. The Manager will explain to the employee that the employee is under no suspicion of taking drugs or alcohol and that the employee's name was selected randomly.
4. An employee will not be required to submit to screening while on paid time off nor while on an extended leave of absence; the employee may be required to submit to the random screening when they return to work.

C. Post Incident Screening

1. After any at-fault vehicle or equipment damage incident or crash, the driver/operator will be screened for drugs and alcohol. A driver/operator is defined as anyone who operates or may operate an Authority vehicle, Authority equipment, or is using their personal vehicle for Authority business.
2. After any employee injury requiring immediate medical care by a medical provider, as defined by the Occupational Safety and Health Administration ("OSHA"), the at-fault employee will be screened for drugs and alcohol.
3. Post incident alcohol screens must be completed within 2 hours of the incident and drug screens must be performed within 32 hours of the incident.

D. Screening Procedures

1. At all times, the Manager will proceed with sensitivity so as to minimize embarrassment to the employee and to protect confidentiality and privacy. The Manager will consult a Director prior to requesting a drug or alcohol screen.
2. The Manager will confidentially and privately explain to the employee the reason(s) for requesting a drug/alcohol screen.
3. The employee will be given an opportunity during the meeting with the Manager to respond to the Manager's assertions concerning the reasons for requesting the drug/alcohol screen. If the Manager still believes the screen is necessary or if the screen is pursuant to the random testing program or any follow-up testing at random intervals, the Manager will continue to have the screen performed.
4. The employee will provide a specimen or blood sample at the chosen medical facility for testing. The Manager shall have the authority to place the employee on Administrative Leave with pay or to reassign an employee tested for reasonable cause while awaiting the results of the test when such action is in the best interest of the Authority. Such action is not to be considered corrective in nature, nor a presumption of guilt.

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5. The results of the screen shall be reported to the employee, Human Resources, the Manager, and the Executive Director.

Section 5. RESULTS

- A. Adulteration detected in a specimen, substitution of a specimen, or otherwise tampering with a specimen by the employee to be tested or by another Authority employee may be grounds for dismissal. In the event of adulteration, substitution or tampering, a new screen may be ordered if the tested employee is not dismissed.
- B. If the drug/alcohol screen is negative-dilute, the Manager will meet with the employee and have the employee submit a second specimen.
- C. If the drug/alcohol screen is positive:
 1. The Manager will meet with the employee before determining an appropriate action/response. The employee will be given an opportunity to respond to the result.
 2. An employee may request, at their own expense, that the original specimen that was split be retested; this additional test must be requested within seventy-two hours of the notification of the positive test results.
 - a. If the second drug test is negative or inconclusive, the Authority, at its expense, may request a third drug test for further analysis of the test specimen.
 - b. If both the second and third tests are negative, the Authority will reimburse the employee's share of the screening test costs to the employee, up to the normal cost that the Authority pays for its screening tests. All test-related records will be purged.
 - c. If two (2) of the three (3) drug test results are inconclusive, the employee shall be subject to follow up drug/alcohol testing at random intervals during the next twelve (12) months of employment. At the department's discretion, follow-up testing may be continued up to five (5) years from the positive drug test.
 3. Management will determine an appropriate action/response including any and/or all of the following:
 - a. Suspension: An immediate suspension from duty, without pay, may be issued pending appropriate corrective action when the employee has:
 - i. test results showing a detectable presence of drugs; or,
 - ii. test results showing an alcohol concentration of 0.02 or greater
 - iii. job duty impairment by alcohol or any other drug, whether legal or illegal, during work hours, including on-call time.
 - b. Employee Assistance Program (EAP): While EAP may be the first course of employee-initiated action following a positive alcohol screen, certain circumstances may justify immediate disciplinary action up to and including dismissal. Generally, the employee will be referred to and remain in a counseling or rehabilitation program as administered or recommended by EAP until the program administrator releases the employee from the program. While in the rehabilitation program, an employee will not report to work and may use PTO, compensatory time, or request a leave of absence without pay. If the employee refuses treatment or fails to complete the program, he/she shall be subject to dismissal from employment.
 - c. Termination: Any employee who tests positive for drugs or alcohol shall be presumed to have been at work under the influence of drugs or alcohol and may be immediately terminated.

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- d. A positive test for drugs or alcohol is not necessarily the only method/means of determining that an employee has used drugs or alcohol in violation of Authority policies. Such a finding may be based on other observed facts and conditions.
4. An employee who test positive for drugs or alcohol and remains employed by the Authority:
 - a. is subject to being tested at random intervals for up to 12 months following the initial event positive test and may be subject to continued follow-up testing for up to five years at management's discretion.
 - b. A second event positive test may result in immediate dismissal from employment.
5. Within an employee's initial employment probation period, an employee who tests positive for drugs or alcohol will normally be separated from employment.

Section 6. CORRECTIVE ACTION

- A. Any employee who is in violation of this policy shall be subject to the full range of corrective action, including termination, pursuant to applicable disciplinary policies.
- B. Employee shall not receive corrective action for the appropriate use of non-prescription, over-the-counter, or prescribed medication in the treatment of illness or injury.
- C. The failure of an employee to submit to a drug or alcohol screening test shall be considered insubordination and shall subject the employee to immediate corrective action, up to and including possible termination from employment. An employee who refuses to take a drug or alcohol screening test shall be immediately placed on administrative leave without pay, pending corrective action. The results of a drug or alcohol screening test shall not be used by the Authority for any purpose other than to determine adherence to policy, readiness for work, and appropriate corrective action.

Section 7. CDL REQUIREMENTS

- A. All drivers with Commercial Drivers License's (CDL) are subject to the Authority's Drug and Alcohol testing program as well as the Department of Transportation's (DOT) Drug and Alcohol Program requirements. The Authority's policies may be more stringent than the DOT requirements which leads to the potential that a CDL driver could be in violation of the Authority's policy but not those of the DOT standards; if this were to occur, the Authority will work to ensure the employee's Authority records and DOT required drivers records are maintained separately.
- B. Pre-Employment:
 1. All CDL drivers must complete a DOT pre-employment drug screen and receive a negative result before being placed into a driving role.
 2. A positive result in the DOT pre-employment screening will be recorded in the driver's records in the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse by the Medical Review Officer.
 3. All CDL prospective drivers must approve the Authority's request to complete a full query in

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the FMSCA Drug and Alcohol Clearinghouse and receive a Driver Not Prohibited status before being placed in a driving role.

C. Random Testing

1. All CDL drivers will be subject to random drug and alcohol screening in accordance with the DOT requirements.
2. Selection of drivers for the random screening is done by a third party in accordance with the Authority's guidelines and DOT selection rates.
3. Any positive result from a random DOT drug and alcohol screen will be recorded in the drivers records in the FMCSA Drug and Alcohol Clearinghouse by the Medical Review Officer.

D. Post-Incident:

1. CDL drivers are subject to the Authority's post-incident drug and alcohol screening policy.
2. DOT guidelines require post-incident drug and alcohol screening in accordance with the following table:

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

3. If a positive drug or alcohol result were to occur as a result of a DOT required post-incident screening the result will be placed in the drivers records in the FMCSA Drug and Alcohol Clearinghouse by the Medical Review Officer.

E. Reasonable Cause:

1. CDL drivers are subject to Reasonable Cause drug and alcohol screening as explained in this policy.
2. If a CDL driver were to receive a positive result from a DOT reasonable cause screening the Medical Review Officer will record that result in the driver's FMCSA Drug and Alcohol Clearinghouse record.
3. Reasonable Cause screening must be based on direct observations of the Supervisor. The Supervisor must submit a written statement to Human Resources indicating the observations made for this decision within 8 hours of the screening.
4. A driver sent for reasonable cause screening will be placed on paid administrative leave until the results are received.

F. Refusal or Failure to provide a sample:

1. Refusal to submit to screening will be recorded in the FMCSA Drug and Alcohol

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- Clearinghouse as a violation and subject the driver to the Authority's corrective action process.
2. Failure to provide a sample will be addressed in accordance with the DOT guidelines and medical protocols, but will result in the driver being removed from all driving duties until the issue is resolved and subject the employee to the Authority's corrective action process.
- G. Return to Duty
1. The FMCSA has a driver return-to-duty process for any driver who has a positive drug or alcohol result or a situation that is recorded as a violation in the Drug and Alcohol Clearinghouse. Going through this process and the cost of this process is the responsibility of the driver. The Authority will provide the driver with information that may assist them in determine how to initiate this process, but the final decision on how to process will be left with the driver.
- H. FMCSA Drug and Alcohol Clearinghouse
1. The following information will be reported to the Clearinghouse:
 - a. A verified positive, adulterated, or substituted drug test result (Reported by MRO);
 - b. An alcohol confirmation test with a concentration of 0.04 or higher;
 - c. A refusal to submit to any test (see regulations since some reported by MRO, some by the employer).
 - d. An employer's report of actual knowledge of the following:
 - i. On-duty alcohol use
 - ii. Pre-duty alcohol use
 - iii. Alcohol use following an accident
 - iv. Controlled substance use
 - e. A substance abuse professional (SAP) must report the successful completion of the return-to-duty process;
 - f. A negative return-to-duty test;
 - g. An employer's report of completion of follow-up testing.
 2. Annual Drug and Alcohol Clearinghouse review: The Authority is required to complete an annual limited query of a drivers Clearinghouse record. All CDL drivers must approve this limited query and receive a Driver Not Prohibited status. If a driver were to have a Prohibited status they will immediately be removed from a driving status until the reasons for this status is determined.
- I. Training
1. All drivers will be provided information on the DOT and FMCSA Drug and Alcohol Testing program, policies, and procedures.
 2. All supervisors with CDL employees will be provided training on the DOT and FMCSA Drug and Alcohol Testing program, policies, and procedures. This will include training on the effects of drug and alcohol issues and the factors used in making reasonable cause determinations.

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Section 8. REVISIONS

- A. This policy was approved and adopted by the Authority's Executive Director on February 26, 2013, effective July 1, 2013.
- B. This policy was modified as follows:
 1. Approved July 29, 2021 effective August 1, 2021:
 - a. Section 3.B and Section 4.C.3 added information about CDL Clearinghouse requirements.
 - b. Section 6. B added a negative-dilute test result.
 2. Approved August 28, 2023, effective October 1, 2023:
 - a. Grammatical changes were updated throughout the policy.
 - b. Section 2 was updated with details about THC, prescription drugs, and arrest or conviction reporting.
 - c. Section 4's title was changed to "Screening" and the section was updated to include sections about procedures and test results.
 - d. Previous Section 8 Employee Assistance Program was deleted.
 - e. Section 6 added for CDL requirements.
 3. Approved June 27, 2024, effective September 23, 2024:
 - a. Section 2 was modified to provide clarity.
 - b. Section 4.B was modified to include alcohol testing and clarity about timeframes with this introduction.
 - c. Section 4.C was modified to provide clarity about when testing is performed.
 - d. Section 5 was created to consolidate the Results into a new section; the information in this section was also reformatted for easier reading.
 - e. Section 5.C.3.b was added to provide assistance to employees who test positive for alcohol.