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| Title: Administrative Policy Commercial Driver's License | Policy No. Part 5, Staff Policies Chapter 1, Rules Section 6 |
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| Policy Custodian Safety & Compliance | Adoption/Revision Date February 23, 2021 |

Adopting Resolution(s): CC21-059

References (Statutes /Resos/Policies): CC13-170, CC15-443, CC19-426, CC20-092

Purpose: To provide rules for employees who hold a Commercial Driver's License and perform safety sensitive functions.

Policy: Commercial Driver's License

A. Definitions

1. Clearinghouse: The Federal Motor Carrier Safety Administration database that requires motor carriers to report information to and to query driver history for drivers subject to the Department of Transportation (DOT) controlled substance and alcohol testing regulations.
2. Commercial Motor Vehicle: Federal Motor Carrier Safety Regulations, Section 390.5 defines a commercial motor vehicle as "any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle— (1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or (2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or (3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or (4) Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C."
3. Driver: Employees who are required to hold a Commercial Driver's License (CDL) or CDL permit and perform any safety-sensitive function as part of their assigned duties.

4. Safety-sensitive function: Federal Motor Carrier Safety Regulations, Section 382.107 states that safety-sensitive functions include all time¹:
 - at a motor carrier 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 motor carrier;
 - inspecting equipment or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - spent at the driving controls of a commercial motor vehicle in operation;
 - other than driving time, in or upon any commercial motor vehicle except time resting in a sleeper berth;
 - 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
 - repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

B. Applicability

1. This Policy shall apply to all Departments/Divisions that report to the Board of County Commissioners, Elected Officials Offices and Appointed Officials Offices.
2. All employees who are required to hold a CDL or a CDL permit and perform any safety-sensitive function as part of their assigned duties are subject to this policy and all applicable state and federal laws and regulations. Such employees are referred to as Drivers under this policy. Employees subject to this policy are also subject to the Jefferson County Personnel Rules and the Policy and Procedure Manuals.

C. Driver Requirements

1. All Drivers must have a valid driver's license for a minimum of two consecutive years immediately preceding employment.
2. All Drivers must have registered with the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse. All Drivers must consent to a Pre-Hire query within Clearinghouse and must be shown to be eligible to drive a commercial motor vehicle before performing a safety sensitive function. All Drivers must consent to an annual Clearinghouse query. All Drivers must grant consent for all queries within Clearinghouse during employment. Refusal to

¹ All time means from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

provide consent is considered the same as refusal to take a drug and alcohol test.

3. All employees who hold a CDL, drive a DOT registered vehicle must submit to drug and alcohol testing in accordance with this policy and state and federal laws and regulations.
4. All Drivers shall have proper CDL class, consistent with the job posting (Class A or B)
5. All Drivers shall have the proper CDL endorsements for the type of commercial motor vehicle to be operated.
6. Acceptable restrictions on CDL licenses include:
 - a. Intrastate only
 - b. Corrective lenses
 - c. No manual transmission
 - d. No tractor trailers
7. All Drivers shall carry their valid CDL on their person while operating a commercial motor vehicle.
8. All Drivers shall renew their CDL and Department of Transportation (DOT) medical examiner's certificate prior to the expiration date. Drivers shall monitor expiration dates and make all arrangements to renew.
9. All employees who are required to hold a CDL as a requirement of their position must pass all requirements of a DOT physical. The county will not issue a letter in support of a medical waiver. The cost to take the DOT physical will be reimbursed by the county only if the physical is performed within the county designated network. If an employee chooses to go outside the county designated network, the employee will be responsible for the cost of the physical.
10. All Drivers are required to report any medical condition that may impact their ability to perform safety-sensitive functions to S&C.
11. All Drivers are responsible for advising their medical practitioner that they hold a CDL and perform safety-sensitive functions. Drivers are responsible for asking their medical practitioner whether a prescribed substance will adversely affect their ability to safely operate a commercial vehicle. A Driver must follow any instructions from his/her medical provider concerning the use of any prescription drug.
12. All Drivers must report to S&C if they are prescribed any substance that is considered a controlled substance under the federal regulations. S&C may contact county contracted medical provider to verify side effects of a prescription

drug. If a Driver uses any substance that adversely affects the ability to safely operate a vehicle or perform safety-sensitive functions, the Driver must notify S&C. Employees may be required to take leave or may be given a temporary reassignment that does not involve driving or safety-sensitive functions.

13. All Drivers shall notify their supervisor immediately when involved in a traffic accident while operating a commercial motor vehicle. Supervisors must immediately notify S&C of any accident involving a county employee driving a commercial motor vehicle.

14. All Drivers shall notify S&C of any traffic violation, excluding parking tickets, that are in personal vehicles within seven days of conviction. If the traffic violation is received while operating a county vehicle, Drivers will notify S&C no later than the following workday. DUI, DWI, and DWAI must be reported to S&C no later than the very next business day following the arrest for the offense. Drivers must pay all fines resulting from traffic violations, excluding fines for weight violations if the vehicle was loaded by the county.

15. All Drivers shall notify their supervisor if they have a second employer. All Drivers must report hours worked for other employers to their supervisor on a weekly basis.

D. Prohibited Conduct

1. The following conduct is prohibited.

a. Alcohol Use

No Driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. No Driver shall use alcohol while performing safety-sensitive functions or while on-call to perform safety-sensitive functions. No Driver shall perform safety-sensitive functions within four hours after using alcohol. A Driver required to take a post-accident alcohol test shall not use alcohol until he/she undergoes the post-accident alcohol test.

b. Controlled Substance Use

No Driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when he/she uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the Driver that the substance will not adversely affect the Driver's ability to safely operate a commercial motor vehicle and the prescription has been reported to S&C.

2. Consequences

- a. A Driver will be dismissed in accordance with the Jefferson County Personnel Rules for a confirmed positive drug test or blood alcohol level of 0.04 or above. Drivers that test positive due to refusal to test will be dismissed in accordance with the Jefferson County Personnel Rules.
- b. If the blood alcohol level is 0.02 or greater, but less than 0.04, the employee may not perform, nor be permitted to perform, any safety sensitive functions for at least 24 hours. The county shall take appropriate disciplinary action.

E. Circumstances Where Testing Is Required

1. There are five circumstances that require a drug and/or alcohol test:

- Pre-Hire
- Post-Accident
- Reasonable Suspicion
- Random
- Follow-up and Return to Duty

a. Pre-Hire Drug Testing

- 1) Pre-Hire drug testing shall be conducted prior to a Driver's start day for all safety sensitive positions. The hiring unit shall provide instructions to the applicant prior to hire. A Driver must have a negative test result before beginning employment. To be hired, a Driver cannot be currently enrolled in the Return of Duty Process as a result of a previous employment.
- 2) Current employees who obtain a CDL permit with the intention to perform safety-sensitive functions for the County must complete a Pre-Hire drug test and have a negative result prior to performing safety-sensitive functions.

b. Post-Accident Testing

- 1) A Driver who was performing a safety-sensitive function at the time of an accident must be tested as soon as practicable but, in all cases, no later than 8 hours after the accident for alcohol and no later than 32 hours after the accident for controlled substances if:
 - the accident involved a human fatality
 - the accident involved bodily injury with immediate medical treatment away from the scene; or
 - the accident involved disabling damage to any motor vehicle requiring tow away.
- 2) The Driver must remain available for testing during this period or be deemed to have refused testing.

c. Reasonable Suspicion Testing

- 1) A Driver shall submit to drug or alcohol testing when there is reasonable suspicion to believe that the Driver is under the influence of drugs or alcohol. The required observations shall be made by a supervisor or other person who is trained in accordance with federal regulations.
- 2) The determination must be based on contemporaneous observations concerning the appearance, behavior, speech or body odors of the Driver or the actual possession of or use of alcohol or illegal drugs on the job. The person who makes the determination that reasonable suspicion exists shall not conduct the test.
- 3) The Driver will be escorted to the medical provider for testing.

d. Random Testing

- 1) Random drug and alcohol testing shall be conducted on an unannounced basis in compliance with federal regulations. A random sample of all Drivers shall be selected each month by the county contracted medical review company. Individual Drivers may be tested more than once per year to compose the sample.
- 2) Each month, S&C provides the medical review company with an updated list of all Drivers. The medical review company selects a random sample from that list and provides S&C with a list of Drivers to be tested. S&C prepares instructional envelopes containing the test/tests that are being required along with the testing location and authorization form signed by S&C and provides the envelope to the Drivers' supervisor.
- 3) The supervisor determines when to provide the Driver with the testing instructional envelope. The envelope must be delivered to the Driver within the same month that it was drawn. Upon receipt of the instructional envelope, the Driver must go immediately to the county contracted medical provider to take the test/tests that are required.

e. Follow-up and Return to Duty Testing

- 1) Any Driver who has been required to or voluntarily undergoes rehabilitation for substance or alcohol abuse must submit to a controlled substance test and/or an alcohol test before returning to work. In addition, the Driver will be subject to follow-up testing not to exceed 60 months following the employee's return to work.
- 2) All follow-up testing will be done at the county's direction and at the employee's expense.

- 3) The county may require follow-up testing as a condition of continued employment based on a Driver's admission or other evidence of drug or alcohol use.
- 4) Nothing in this policy prohibits the county from additional testing if the employee agrees to be tested.

F. Testing Standards

1. Drug and alcohol testing shall be administered by the Safety and Compliance Division (S&C).
 - a. Any questions about this policy can be directed to the Director of S&C.
 - b. Drivers will be provided educational materials that include an explanation of the effects of alcohol and controlled substances on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substance problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected.
 - c. Testing is conducted by a SAMHSA certified lab provider.
 - d. A DOT qualified Medical Review Officer (MRO) will receive and verify all test results and maintain confidentiality of all records as required by law.

2. Drug tests

Drug tests are conducted to detect those substances identified in the federal regulations, including but not limited to: marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), opioids, and phencyclidine (PCP). Drug testing is conducted by a split sample urine test.

3. Alcohol tests

Alcohol tests are conducted to detect blood alcohol concentration of 0.02 or greater as indicated by an alcohol breath test. If the alcohol test result is 0.02 or greater, a second or confirmation test should be conducted after a 15-minute waiting period (and not more than 45 minutes after the first test). Any result less than 0.02 alcohol concentration is considered a negative test.

4. Test results

The county contracted medical provider collects urine for drug tests and conducts the alcohol test. The county contracted medical review company will email negative test results to the S&C. The county contracted medical review company will contact the Driver directly in the event of a positive test result. The medical review company will attempt to identify a reason for the positive test result. If the

medical review company cannot identify a “legal” reason for the positive test result, the medical review officer will notify S&C of the positive test result.

5. Second sample testing

The Driver has 72 hours after being informed of a verified positive test by the MRO to request a test of the split sample. The request must be made to the MRO, and the employer must ensure the test is conducted. The Driver must pay cash to have the sample tested. If the split sample results are negative, S&C will reimburse test cost and the Driver will be reinstated.

6. Refusal

Any Driver that refuses to be tested for drugs and/or alcohol will be considered a confirmed positive and will be terminated.

G. Self-Admission of Alcohol and Drug Use

1. A Driver may voluntarily admit to drug or alcohol abuse and may not be disciplined based solely on the admission if:

a. The admission is not made to avoid required testing, as determined by S&C;

b. The Driver has participated in or agrees to participate in evaluation and treatment;

c. The Driver refrains from performing a safety-sensitive function until S&C is satisfied that the Driver has been evaluated and has successfully completed education or treatment requirements; and

d. The Driver signs a release of information that will enable the county to receive the results of the evaluation, treatment recommendations, and information related to the employee’s completion of any program or treatment.

2. The Driver may be subject to disciplinary action, including dismissal, for any other reason, even if that reason is related to the person’s use or possession of drugs or alcohol. The employee is responsible for applying for and obtaining any necessary leave under the Jefferson County Personnel Rules. Employees may be dismissed or separated if leave is not available or not approved.

3. A Driver must contact a Substance Abuse Professional as required by federal regulations within five calendar days of the admission and enter a treatment program as soon as practical. S&C will maintain a list of certified Substance Abuse Professionals. Certified Substance Abuse Professionals may not be covered by insurance, and the employee is responsible for all associated costs. Written certification from the Substance Abuse Professional must be submitted to S&C. The certification must indicate the treatment program and the time frame for successful completion. Following the successful completion of the treatment

program, the Substance Abuse Professional must send a letter of completion to S&C.

4. The Driver must take a "Return to Duty" drug and alcohol test as directed by S&C. This test will be an observed test. The Driver will then be subject to follow-up testing comprised of a minimum of 6 times for drug/alcohol in the first year. The Driver is subject to follow up testing not to exceed 48 months following the first 12 months as directed by the Substance Abuse Professional. Drug/alcohol tests are random and unannounced as directed by S&C. These tests will be observed tests. All costs associated with the tests shall be born by the employee. The employee must use appropriate leave for any time off required for testing.