

DRUG AND ALCOHOL POLICY

This policy applies to all vehicle operators when on duty, whenever performing, or just about to perform, a safety-sensitive function. All employees regulated by the Federal Highway Administration and the U.S. Department of Transportation are covered by this policy.

DEFINITIONS

- A. The definition of “on premises” includes any work location, vehicle, property or office which is serviced or used by the District or any client of the District which could include District owned, rented, or leased vehicles on the property of the District or of any client of the District and/or vehicles of visitors leased, part-time or contract personnel on District premises.
- B. The term “illicit drugs” is meant to include any and all illegal drugs, including so-called look-alike and designer drugs; legally obtained drugs which are used in a manner other than that prescribed by a physician, and any substance which can affect a person's perceptions or motor functions.

The persons affected by this policy will be tested for at least the following substances: Amphetamines, Cannabinoids, Cocaine, Opiates, Phencyclidine (PCP), and alcohol.

PROCEDURES

A. Pre-employment

All offers by the District to hire an applicant for a driver position are conditioned upon: (i) completing the District's general consent and release to be tested for drugs and alcohol forms; (ii) taking a drug and alcohol test as directed by the District and passing both tests; (iii) completing the District's authorization to obtain past drug and alcohol test results forms from previous employer(s); (iv) passing the WisDOT-required physical exam; (v) complying with any other District conditions or requirements at time of offer.

Any applicant who refuses or fails to complete the District's consent and release forms to be drug and alcohol tested, who refuses or fails to complete the District's authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment/pre-duty drug and alcohol test, or whose result is positive for either test, will not be considered eligible to work for the District.

B. Reasonable Suspicion Testing

Each driver is required to submit to a drug and/or alcohol test whenever the District has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of WisDOT regulations and/or this policy. In the event one or more supervisors find reasonable suspicion of such use (based on personal observation, including the driver's appearance, behavior or speech), the District will require a drug test of the employee.

Whenever a driver is notified that there is reasonable suspicion to be tested, the driver must report to the collection facility immediately. Drivers who are required to submit to a reasonable suspicion test will be escorted by a District official to the collection site for a drug and alcohol test. If the driver refuses the District's efforts and insists on driving their own vehicle, or a District vehicle, the District reserves the right to take appropriate action to prevent this, including contacting law enforcement officials. Failure to abide by District policy may result in severe disciplinary action, including suspension or dismissal.

C. Random Testing

The District may perform unannounced, random drug and alcohol testing of all covered employees. Every driver will have an equal chance to be selected each and every time a selection is conducted.

Whenever a driver is randomly selected to be tested, he/she will be notified of this in writing and instructed to report to the collection site immediately.

Any driver who tests positive or who refuses to submit to a test will be considered to be medically unqualified to drive and/or perform any other safety-sensitive function and will be subject to disciplinary action, up to and including discharge.

D. Post-Accident Testing

A driver who has an accident while performing a safety-sensitive function, may be required to submit to a post-accident drug and alcohol test as soon as possible. A driver who has been involved with any accident where a fatality has occurred or a citation issued must be tested regardless of fault.

A post-accident drug and alcohol test is required whenever a driver receives a citation for a moving violation involving the accident and either: (i) a person is injured because of the accident and the injuries require transporting any individual from the scene for medical attention; or (ii) one or more motor vehicles involved in the accident receive disabling damage and must be removed from the scene by a tow vehicle; or (iii) the accident involves a fatality. A driver who has been in an accident may not use alcohol for 8 hours after the accident, or until he/she undergoes a post-accident alcohol test, if required.

TEST PROCEDURES, COLLECTION PROCEDURES, AND CONFIDENTIALITY

To ensure the integrity and accuracy of each test, all specimen collection, analysis, and laboratory procedures will be performed in accordance with Wisconsin Department of Transportation [WisDOT] protocols and safeguards.

This policy is not intended to prohibit the use of medication legally prescribed by a licensed physician, who is familiar with the driver's medical history and specific safety-sensitive duties, and who has advised the driver that the prescribed medication will not adversely affect the driver's ability to operate a motor vehicle. Medications prescribed for someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.

All alcohol tests conducted under this policy require that the driver provide a breath specimen for any test conducted by the District. If the alcohol test is conducted by a law enforcement officer following an accident, the driver must provide either a breath or blood specimen.

Prior to being tested for alcohol, each driver will be required to: (i) present their personal identification, and (ii) complete a WisDOT Breath Alcohol Test Form provided by the BAT. A driver who fails to provide identification, refuses to complete form, or otherwise fails to cooperate will be treated as though they had tested positive, and will be subject to disciplinary action up to and including discharge. Prior to each alcohol breath test conducted by the District, the BAT will instruct the driver on how the test will be conducted.

ALCOHOL RESTRICTIONS

1. No employee shall consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within 8 hours before going on-duty, operating, having physical control of, or performing any safety-sensitive function; or
2. Consume an intoxicating beverage regardless of its alcoholic content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol, while on duty, operating, or have in physical control of a District vehicle, or while performing any safety-sensitive function; or
3. Be on duty, operate, or be in physical control of a District vehicle, or perform any safety-sensitive function while in possession of an intoxicating beverage (including medications which contain alcohol) regardless of its alcoholic content.

WisDOT prohibits any driver whose test registers 0.02 or more but less than 0.04 from performing, or from continuing to perform, any safety-sensitive function until driver's next scheduled duty period, but in no case less than 24 hours after the test.

A driver who registers 0.02 or more but less than 0.04 will, at a minimum, be suspended without pay until their next regular duty period, but for no less than 24 hours, and may be subject to additional disciplinary action by the District, up to and including discharge.

A driver who registers 0.04 or greater will be suspended without pay until evaluated by a Substance Abuse Professional (SAP). If the SAP finds the driver to have an abuse problem, a treatment will be developed by the SAP, and must be complied with prior to returning to work. A driver will be subject to additional action by the District, up to and including discharge.

DRUG AND ALCOHOL INFORMATION

Any driver who engages in any conduct prohibited under this policy will be provided with information regarding resources available to evaluate and resolve a drug or alcohol problem. This information will provide names, addresses and telephone numbers of substance abuse professionals, counseling and treatment programs available in the area.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The District believes that the EAP and training, along with comprehensive drug testing, are the most effective approach to promote safety and reduce alcohol and drug abuse in the transportation industry. The District will support employee efforts to seek education and other assistance relative to their alcohol and drug use, but makes no guarantees of financial assistance in these efforts greater than what might be required by the law.

LEGAL REF: Federal Code Title 49

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