

RESOLUTION # 95-4

WHEREAS, the Boise County Board of Commissioners are in recognition of the harmful effects that the use of illegal drugs and the misuse of alcohol can have on employees engaged in the transportation area.

WHEREAS, the Boise County Board of Commissioners determine that Boise County will be in compliance with the regulations contained within the Department of Transportation Controlled Substances and Alcohol Use and Testing , as contained in 49 CFR Part 382.

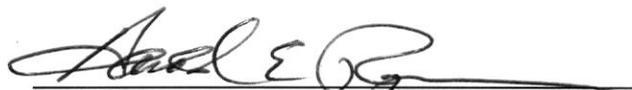
WHEREAS, diligent review and discussion have been held concerning a Boise County Drug and Alcohol Policy.

NOW THEREFORE BE IT RESOLVED that Boise County Resolution #95-4. to be known as the Boise County Drug/Alcohol Testing Policy, be adopted with an effective date of April 1, 1995.

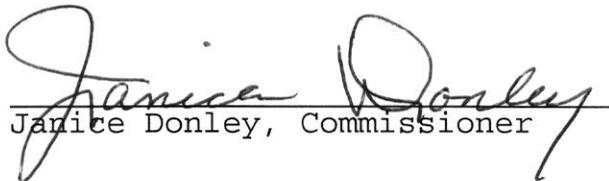
PASSED AND ADOPTED this 27th day of March, 1995.



John M. Dyer, Chairman



Harold E. Raper, Commissioner



Janice Donley, Commissioner

ATTEST:




Rora A. Canody
Clerk to the Board of Commissioners

BOISE COUNTY DRUG/ALCOHOL TESTING POLICY

POLICY STATEMENT

In recognition of the harmful effects that the use of illegal drugs and the misuse of alcohol can have on employees engaged in the transportation industry, **Boise County** has a responsibility to its drivers, and the public at large, to see that its commercial vehicle operators are both drug and alcohol free while on duty. This responsibility comes in light of recent studies showing that employees who are under the influence of drugs or alcohol while on duty are more likely to cause accidents and injuries, both to themselves and co-workers, as well as the public at large.

Therefore, **Boise County** is implementing this Drug and Alcohol Free Workplace Policy that includes within its provisions those regulations contained within the Department of Transportation (DOT) Controlled Substances and Alcohol Use and Testing, as contained in 49 CFR Part 382.

Implementation Schedule

This policy will become effective April 1, 1995, and will apply to all prospective and current employees of this County who operate commercial vehicles (hereafter referred to as drivers).

Questions Regarding This Policy

The County hereby designates the Risk Manager as the person responsible for answering drivers questions relating to the provisions of this policy.

Drivers Use Of Alcohol

The County is committed to ensuring that all drivers do not operate a commercial vehicle while under the influence of alcohol. Therefore, drivers of this County are not to consume alcohol within four (4) hours of reporting to work. Drivers are not to report to work or remain at work while having an alcohol concentration of .02 or greater. Drivers are prohibited from using or possessing alcohol while they are on duty.

Drivers' Use Of Illegal Drugs

This County has an absolute prohibition against an employee's use of illegal drugs, or the illegal use or misuse of prescription medication. Evidence that an employee has tested positive for the presence of illegal drugs pursuant to a test given under the terms of this policy will be proof sufficient to establish the employee's violation of this provision.

DRUG AND ALCOHOL TESTING OF PROSPECTIVE AND CURRENT DRIVERS

Pre-Employment Testing

All prospective drivers will be tested for the presence of illegal drugs, as well as evidence of alcohol intoxication prior to driving a commercial vehicle for this County. Furthermore, all prospective drivers must disclose to the County all previous employers for whom they have worked as a driver within the past two (2) years. The County will then request from those employers all information regarding any incidents where the prospective employee has tested positive for illegal drugs or alcohol, or refused to test. In the event that the County receives information from a past employer that the prospective employee has tested positive for drugs or alcohol within the last year, that prospective employee will not be offered employment. Drivers will be required to sign a consent form authorizing the County to conduct a check with each employer the driver has been employed with during the past two (2) years to determine if the driver has tested positive for illegal drugs or alcohol.

Reasonable Cause

The County may require a driver to be tested for illegal drugs or alcohol when there is reasonable suspicion to believe a driver is under the influence of illegal drugs or alcohol while at work.

Random Testing

All drivers will be subject to random drug and alcohol testing. Random testing selections shall be made by a scientifically valid method that will result in each driver having an equal chance of being tested each time selections are made. Random testing for alcohol will take place just prior to, during, or just after a driver's duty time.

Post-Accident

A driver operating a commercial vehicle for the County that is involved in a reportable accident will be tested for both illegal drugs and alcohol as soon as practical. For terms of this policy a reportable accident means an accident that results in a fatality, or where someone involved requires medical treatment away from the scene, or if one of the vehicles is towed away, and if there is a citation issued in connection with the accident. Alcohol testing must be administered within two (2) hours of the accident and drug testing must be administered within 32 hours of the accident.

Any driver required to be tested under this section must remain readily available for such testing and such a driver may not consume alcohol within eight (8) hours of the accident. A driver who is involved in an accident requiring a drug and alcohol test must notify the County of the accident as quickly as possible and comply with those instructions given them relative to their taking a drug and alcohol test.

Specimen Collection Procedures And Test Result Notification

Adulteration Or Submission Of A Concealed Specimen

If, during the collection procedure, the collection monitor detects an effort by a driver to adulterate or substitute a specimen, a second specimen will be immediately requested. If a second specimen is provided, that specimen will be tested. If the request for a second specimen is refused, the collection monitor will inform the County contact of the driver's refusal to submit a true specimen. Such conduct by the driver will be considered as a refusal to provide a true specimen for testing.

In the event that a prospective or current employee submits a specimen that the laboratory later identifies as a diluted specimen, the County will advise the employee of that result and request that employee submit a second specimen. Such donors will be advised by the County not to drink any fluids prior to the test.

Drug/Alcohol Specimen Collection Procedures

All testing for illegal drugs will be done by the testing of a driver's urine specimen. All such testing will utilize the split specimen collection procedure. Under that procedure, each driver will have his/her urine specimen sealed in two separate containers and both sent to a SAMHSA certified laboratory for testing. If a driver's first specimen tests positive, that driver may request, within three (3) days of the positive notification, that the other specimen be tested at another SAMHSA laboratory. This second test must be completed within five (5) working days and will be done at the driver's expense unless the second test comes back negative. During the time the second specimen is being tested, that driver will be suspended without pay. Any driver who has a test come back negative will be given back pay for the time of the suspension. All specimen collections will be conducted by personnel that have been instructed and trained in collection procedures set by the DOT. All testing for alcohol will be done by the use of a DOT approved breath testing device, operated by a trained and qualified breath alcohol technician (BAT).

Notification Of Test Results

This County has arranged that all test results, both drug and alcohol, will be forwarded to the County through Minert & Associates, Inc., as the representative of the County, and the Medical Review Officer (MRO). Prior to the County being informed that a prospective or current driver has tested positive for illegal drugs, the driver will be offered an opportunity to personally discuss the positive drug test with the MRO or his representative. The MRO will follow up on such information as is appropriate. Any driver who is taking a prescription drug that may have been the cause of a positive test result will be asked to provide the name of the medication and the identity of the prescribing physician for verification. If this is verified, the driver's test result will be reported as negative. If, after consideration of the matter, the MRO finds no reason to doubt the validity of the positive test, that result will be conveyed to the County contact, as well as the identity of the drug.

If the driver cannot be located, the MRO, or his representative, may request that the County contact arrange for the driver to contact the MRO as soon as possible to discuss the results of the positive test. The MRO will communicate a positive result to the County without discussing the result with the driver if the driver expressly declines the opportunity to discuss the results of the test, or the driver is instructed by the County to contact the MRO but fails to do so within 24 hours.

Refusal

A driver operating a commercial vehicle for Boise County may not refuse to take a drug or alcohol test when requested to do so, consistent with the terms of this policy. Such a refusal will be considered equivalent to testing positive for illegal drugs or alcohol.

A driver will be considered as refusing to test if he/she expressly refuses to take a test when so requested, or otherwise fails to provide an adequate breath or urine sample without a valid medical explanation. Additionally, a driver will be considered as refusing to test if he/she engages in conduct that clearly obstructs the testing process.

Effect Of Testing Positive For Drugs Or Alcohol

Any prospective employee that tests positive for the presence of illegal drugs or alcohol will not be hired. Any current employee that tests positive for the presence of illegal drugs or alcohol will immediately be terminated from employment with the County.

For purposes of this policy, an employee tests positive for alcohol when that employee's blood alcohol concentration (BAC) is .04 or above. If an employee tests between .02 and .039 BAC, that driver will not be allowed to operate a commercial vehicle for Boise County for 24 hours from the time of the test. A driver that twice tests between .02 and .039 BAC in a year's time will be treated as the equivalent of testing positive for alcohol. This last provision is done as a matter of County policy and is not as required by the DOT

Boise County Representative

Date