

ATTACHMENT E
TO MIAMI COUNTY PERSONNEL RULES AND REGULATIONS
DRUG & ALCOHOL TESTING POLICY

SECTION 9 DRUG & ALCOHOL TESTING POLICY

Miami County recognizes that the use and abuse of drugs and alcohol in today's society is a very serious problem, which has also found its way into the work place. Miami County also recognizes the significant threat that a drug-impaired employee working in the transportation industry can pose to the safety of the worker, co-workers and the general public. In order to address the safety threat presented by the problem of drug and alcohol abuse in the transportation industry, the Department of Transportation, and the Federal Highway Administration have established extensive regulations requiring drug testing under certain circumstances. In light of the above, Miami County has adopted this Anti-Drug Plan to specify the circumstances under which drug and alcohol testing may be required, the procedures for conducting such testing, and the methods and procedures for complying with the requirements of the regulations.

Additionally, Miami County's drug and alcohol testing program is incorporated in an overall anti-drug plan that is designed to create a drug-free transportation industry and provide help to those employees who may suffer from problems with substance abuse. The Plan has been developed in compliance with existing federal regulations in a manner, which ensures accurate and reliable test results, and thereby contains procedures designed to recognize and respect the dignity and privacy of all of our employees. More importantly, we recognize that our employees are our most valuable resource and we want to assist any employee who feels that he or she may have a problem with substance abuse.

A separate policy defines the Employee Assistance Program of Miami County, which is also a part of the mandated requirements. Miami County has adopted the following anti-drug program.

1. **USE AND/OR ABUSE OF DRUGS.**

A. Defined.

The use, possession, sale or distribution of illegal drugs or drug paraphernalia, or the improper or abusive use of legal drugs, alcohol or other intoxicating substances while on company property or other work locations and/or during work hours is strictly prohibited.

B. Applicability.

The above provision is applicable to all Miami County employees who perform covered work.

2. **COMPLIANCE.**

A. Condition of Continued Employment

1. Cooperation and compliance with Miami County's Drug and Alcohol Testing Policy (as with all other company policies and procedures) is a condition of continued employment for all Miami County employees. Failure to comply

with this policy may lead to disciplinary action up to and including termination from employment.

2. Cooperation and compliance with Miami County's Drug Free Workplace Policy (as with all other company policies and procedures) is a condition of continued employment for all employees. Failure to comply with this policy may lead to disciplinary action up to and including termination from employment.

B. Mandates.

Miami County's Drug and Alcohol Testing Policy is in compliance with the Federal Drug Free Workplace Act of 1988; the Federal Motor Carrier Safety Regulations (49 CFR Part 391); Federal Highway Administration (FHA) Part 382; and the Motor Carrier Regulations of the Transportation Division of the Kansas State Corporation Commission (82-4-3). All collection and testing procedures will specifically follow the regulations set forth in 49 CFR Part 40 for drugs and alcohol.

C. Employees to be Tested.

1. Safety-Sensitive, EMS, Sheriff and Health Positions: For the purpose of assuring compliance with the above, both employees and applicants for safety-sensitive, EMS, Sheriff and Health positions will be subject to random testing, pre-employment, reasonable cause, post-accident, (if tested positive) follow-up and return-to-duty testing.
2. Employees Driving County Vehicles: The County Commission has also determined that any employee driving a County vehicle will be tested pre-employment, reasonable cause, post-accident, and (if tested positive) follow-up testing.
3. Employees Reimbursed for Mileage: The County Commission has also determined that any employee receiving mileage reimbursement from the County while driving a personal vehicle will be tested for post-accident and (if tested positive) follow-up testing.
4. All County Employees: The County Commission has also determined that all Miami County employees will be tested pre-employment, and reasonable cause.

3. DESIGNATION OF SAFETY-SENSITIVE POSITIONS.

The Miami County Commission has established the following factors in designating specific positions as safety-sensitive:

A. Drivers of commercial vehicles.

1. With a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighing at least 26,001 pounds); or

2. Designated to transport sixteen (16) or more passengers including the driver; or
3. Transporting hazardous materials in amounts requiring placarding.

B. County-Related Functions.

Any driver required to have a commercial drivers license to perform a county-related function.

4. RESPONSIBILITIES.

A. Implementation and Conformance.

The Miami County Human Resources Director is responsible for the implementation and conformance of Miami County's drug and alcohol testing policy to 49 CFR Parts 40, 391, 382 (this includes any contract personnel, including subcontractors and anyone employed by a subcontractor are subject to drug and alcohol testing if they perform a covered function); and for record keeping and confidentiality of the drug testing process. (This includes maintaining required records with respect to subcontractors.)

In addition, supervisors are responsible for observing employee behavior and performance in relation to reasonable cause testing.

B. Employee's Responsibility to Report Prescriptions.

Unless an employee's physician has advised the employee that the controlled substance they are taking does not adversely affect their ability to safely operate a motor vehicle or perform duties of the position, that employee should not drive under the influence of a prescribed controlled substance or perform those duties affected.

Employees must report the use of all prescribed controlled substances and provide Miami County with a written release from their physician which states it is safe to perform the safety-sensitive function, drive a Miami County vehicle, or perform other duties as deemed "sensitive" by the Human Resources Department. Such other duties will include, but not be limited to, 9-1-1 Dispatchers, Jailers, Nurses, Deputies, and EMS personnel.

5. NOTIFICATION OF DRUG POLICY TO POTENTIAL EMPLOYEES.

Notification of the County's drug and alcohol testing requirements shall be given to all applicants who interview for employment with Miami County.

6. INSTRUCTION/TRAINING.

A. Supervisors' Training.

Employees who supervise other employees or who have responsibility to administer the company's drug and alcohol screening policies and procedures shall receive two (2) hours of training, by the Third-Party Administrative (TPA) representative on behavior, physical symptoms and performance indicators of probable drug and alcohol use.

B. Employees' Instructions on Policy.

Appropriate instruction regarding the Miami County's Drug and Alcohol Testing Policy and Employee Assistance Program will be available to all employees.

7. CONFIDENTIALITY.

A. Sole Point of Contact for Miami County.

After the MRO contacts the employee to discuss a positive confirmatory test result and a final decision is reached regarding the positive result, the Miami County Human Resources Director shall serve as the sole point of contact with the Miami County's Employee Assistance and Drug/Alcohol Testing Program.

B. Release of Information.

All drug and alcohol testing information will receive the highest level of respect in relation to confidentiality. Information regarding an individual's testing results or rehabilitation may be released only upon the written consent of the individual, except that such information must be released, regardless of consent, to the Human Resources Director or the representative of a state agency upon request as part of an accident investigation. Statistical data related to testing and rehabilitation that is not name-specific and training records must be made available to the Human Resources Director or the representative of a state agency upon request.

C. Storage of Testing Records.

All records relating to drug and alcohol testing will be kept in a locked file, separate from other regular personnel files.

8. PROCEDURES AND REQUIREMENTS OF DRUG SCREEN.

A. Outline of Procedure.

An applicant or employee required to submit to a drug screen will be advised of the following:

1. Methods of drug/alcohol screening which will be used;
2. Substances which may be identified;
3. Consequences of a refusal to submit to a drug/alcohol screening test or of a confirmed positive result; and
4. Reasonable efforts to maintain the confidentiality of results and any medical information which may be provided.

B. Consent Forms.

An applicant or employee will be required to sign the necessary drug/alcohol screening consent forms established by the company or authorized by the collection site agency. Refusal to sign required drug/alcohol screening consent forms will be considered refusal to submit to a drug/alcohol screening test as a

condition of employment and will be considered the equivalent of receiving a confirmed "positive" result for employment.

C. Screening Collection Location and Time.

An applicant or employee shall be informed of the drug/alcohol screening specimen collection location and time. The applicant or employee shall be responsible for reporting to the collection site at the scheduled time, with a photo ID, and comply with the directions of the specimen collector.

1. An employee who is requested to submit to a drug specimen collection shall be given time off with pay for that purpose.
2. Failure by an applicant or employee to report to the collection site at the scheduled time will be considered refusal to submit to a drug/alcohol screen as a condition of employment or continued employment, and will be considered the equivalent of receiving a confirmed "positive" result. The applicant or employee shall not be utilized in a safety-sensitive capacity until cleared by the MRO or SAP.

9. DRUG/ALCOHOL TESTING.

A. List of Chemicals and Thresholds for Drug Screens.

1. Drug screening will be conducted for the following chemicals: Marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines. A drug immunoassay screen will have the following thresholds for positive verification:

Marijuana Metabolite	50 ng/ml
Cocaine Metabolite	300 ng/ml
Opiates	300 ng/ml
Phencyclidine	25 ng/ml
Amphetamines/Methamphetamine	1000 ng/ml

2. When the initial screen is positive (has exceeded the established screening threshold) a second confirmation test (GC/MS) will be completed. The thresholds for positive confirmation for GC/MS are as follows:

Marijuana Metabolite	15 ng/ml
Cocaine Metabolite	150 ng/ml
Opiates	300 ng/ml
Phencyclidine	25 ng/ml
Amphetamines/Methamphetamine	500 ng/ml

B. Alcohol Testing.

Alcohol testing will be conducted by utilizing an evidential breath testing device (EBT) which meets the requirements established by the conforming products list published in the Federal Register.

1. A reading of .04 or greater on the EBT will result in the necessity of a second test occurring within twenty (20) minutes in order to make a determination of positive.
2. A second EBT test result of .04 or greater will result in the removal of the individual from the safety sensitive position.
3. An initial EBT reading of .02 to .0399 will result in a second EBT test within the time frame noted in B1 above. If the second test falls within the same range, the individual will be removed from the safety sensitive position until the start of the next regularly scheduled duty period, but not less than twenty-four (24) hours following the administration of the test.

10. CONDITIONS OF DRUG/ALCOHOL SCREENINGS.

The following conditions establish who may be screened and under what circumstances the drug and alcohol screening may occur:

A. Condition of Employment or Continued Employment.

1. Safety-Sensitive Positions: An individual offered employment and/or re-assigned to a safety-sensitive position shall be required to take and pass a drug and alcohol screening test as a condition of employment or continued employment.
2. Driver of County Vehicles: An individual offered employment and/or re-assigned to a position in which they will be driving a County-owned vehicle shall be required to take and pass a drug screening test as a condition of employment or continued employment.

(An exemption to the policy stated in A1 and A2 above would be if the applicant/employee is participating in an appropriate DOT drug and alcohol testing program of another organization; has been involved in such a testing program within the previous thirty (30) days; has been tested in the past six (6) months or participating in the drug/alcohol testing program for the last twelve (12) months. Written verification of drug and alcohol testing participation should be obtained for company files.) "Miami County Release of Information" form addresses information, which must be provided.

B. Reasonable Cause.

Any Miami County employee may be required to submit to a drug/alcohol screening test, based upon reasonable cause of drug/alcohol use by the employee as reported by the employee's supervisor. All supervisory employees are required to notify the Miami County Human Resources Director when reasonable cause is presumed.

1. Reasonable cause involves a judgment made regarding the employee's behavior, appearance, speech or body odor, or evidence found or reported and may be based on, among other circumstances, one of the following:

- (a) Direct observation of specific contemporaneous, articulable behaviors exhibited by the employee which may impair the employee's ability to perform his/her job or which may pose a threat to safety or health.
 - (b) Physical on-the-job observation of drug and/or alcohol use by the employee.
 - (c) Documented deterioration in the employee's job performance that is likely to be attributed to drug or alcohol use by the employee.
 - (d) An on-the-job incident or occurrence where there is evidence to indicate the incident or occurrence was in whole or in part the result of the employee's actions or inactions and/or the employee exhibited behavior indicating illegal drug or alcohol use.
2. Supervisors have the right to ask a current employee to submit to a drug/alcohol screening test under the circumstances of reasonable cause as a condition of employment in accordance with this policy. Refusal may be grounds for termination. In no instance of refusal for testing shall an individual be allowed to perform a safety sensitive function.
 3. Any employee requested to provide a drug specimen under the auspices of reasonable cause will be transported to the collection site. All time away from work will be compensated.
 4. Under no circumstances will an employee be allowed to drive a County vehicle or perform a safety sensitive function if they have consumed alcohol within four (4) hours of reporting for duty.
 5. If an alcohol test is not administered within two (2) hours of this determination, a record should be prepared stating the reasons for not administering the test. Attempts to test should cease at eight (8) hours and the individual should be removed from the safety sensitive function until they test less than .02 or twenty-four (24) hours has passed. A written record should be made of the observations.

C. Random Testing.

1. At least fifty percent (50%) of the average number of EMS, Sheriff, Health and safety-sensitive (CDL/DOT Regulated) positions will be tested on a random basis under the drug testing requirements.
2. Under the alcohol testing requirements at least ten percent (10%) of the number of EMS, Sheriff, Health and safety-sensitive (CDL/DOT Regulated) positions shall be tested.

3. All current drivers are subject to a urine drug test as a part of the DOT's biennial medical examination, unless they have been tested as a part of the random program (applies to Federal Motor Carrier regulations only).
4. Random selection will be made through a computerized program provided by the Third-Party Administrative (TPA) representative.
 - (a) By the 15th of each month Miami County will make available to Third-Party Administrative representative the names and SSN's of all employees to be covered in the random program for the next month.
 - (b) The list of persons to be tested for the next month will be created through the Third-Party Administrative's computerized random number program.
 - (c) The name of the person identified to be tested will be relayed to the contact person of the employer by the afternoon prior to the test date. The Employee will be notified on the morning of the test to report to the collection site not more than thirty (30) minutes plus travel time, prior to the scheduled test time in the case of a drug collection. In the case of an alcohol test, the individual shall be tested within fifteen (15) minutes prior, during or fifteen (15) minutes after performing a safety sensitive function.

D. Return-to-Duty Testing.

An employee who refuses to take or fails a drug or alcohol test may not return to duty until the employee passes a drug or alcohol test administered under this part and the MRO/SAP have determined that the employee may return to duty. An employee who returns to duty shall be subject to a reasonable program of follow-up drug/alcohol testing without prior notice of up to six (6) unannounced drug/alcohol tests per twelve (12) months for up to sixty (60) months after return to duty. The MRO/SAP will determine the schedule of unannounced testing.

E. Post-Accident.

Post-Accident testing will be required in accordance with Section 9.2C hereof: a) when it is determined that the County employee was responsible for or contributed significantly to the accident; b) if damages occurred to property other than County property; or c) if there is loss of life.

1. Following an accident all reasonable steps to obtain a urine sample from an employee should be implemented after first treating the injury.
 - (a) In the case of a conscious but hospitalized employee, the coordinator of Drug/Alcohol Testing at Miami County should notify the hospital or medical facility of the need for a sample and, if necessary, refer to the DOT drug testing requirements (Title 49 CFR Part 40).
 - (b) If an employee is injured or unconscious and unable to consent to the drug test, the medical facility should collect the sample, and retain it until the employee is able to consent. If the employee gives

his consent, the sample should be sent to the laboratory for testing. If the employee refuses to be tested, the sample should be discarded and the incident will be treated as a refusal to test. The treating physician should determine if the employee is able to understand a request to provide a sample.

(c) If an employee is conscious, able to understand a request for a sample, and able to urinate normally (in the opinion of a medical professional) and refuses to be tested, that person must be suspended indefinitely pending further review.

3. A breath alcohol test should also be administered in these same circumstances. An EBT test can occur up to eight (8) hours after the accident/incident and should be obtained as early as possible. Preferably within two (2) hours of the accident.
4. Failure to obtain a breath alcohol test within two (2) hours and a drug test within thirty-two (32) hours will result in the employer preparing and maintaining on file a record stating the reasons for not promptly administering a test. Records will be submitted upon request to the Department of Transportation.
5. No driver required to take a post-accident test shall use alcohol for eight (8) hours following an accident or until a breath alcohol test occurs.
6. The employee who is subject to post-accident testing shall remain readily available for testing. Necessary medical attention may be secured. Failure to remain available can be interpreted as a positive test result.
7. Results of a breath or blood test for the use of alcohol or a urine test for the use of controlled substances, conducted by Federal, State or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements, and that the results are obtained by the employer.

11. SCREENING AND COLLECTION SITES/PROCEDURES.

A. Collection Sites for Drug Screening.

Collection sites for drug screening specimen collection will be established by the Third-Party Administrative provider. Drug testing of the specimen will be provided through an established and accredited laboratory that has completed certification to conduct drug testing by the U.S. Department of Health and Human Services (DHHS) and National Institute of Drug Abuse.

B. Alcohol Testing

Alcohol testing will be conducted by a certified Breath Alcohol Technician (BAT).

C. Chain-of-Custody Practices.

Strict chain-of-custody practices will be adhered to regarding urine specimen collection, transportation to the laboratory, during laboratory analysis, MRO review and reporting to the agency.

D. Split-Sample Specimen.

All urine specimens collected will be split-samples.

E. Safety/Health Threat.

An employee who is removed from the work site pending the results of a drug screening test because the employee is deemed by their immediate supervisor and the Miami County Human Resources Director to pose a threat to safety or health shall be granted leave with pay.

F. Escort to Testing Site.

Except in the case of random or new hire testing, an employee must not be allowed to drive to a facility for alcohol and drug testing.

12. MEDICAL REVIEW OFFICER.

The Medical Review Officer is an agent of the Third-Party Administrator. The qualifications and functions of the MRO are available upon request from the Consortium.

All drug test results, whether positive or negative, will be reviewed by the MRO of the Third-Party Administrative provider, in accordance with 49 CFR Part 40.33.

In the event of a presumptive positive, the MRO will contact the person whose specimen it was to determine what medications and/or the reason the test was returned positive. The MRO, based on his or her review of the information will make the final determination of confirmed positive or negative. It is only after the MRO review that Miami County will be notified of the outcome of the test.

13. TESTING RESULTS REPORTS

A. Drug Testing Report.

1. Negative Testing: Negative drug testing report results will be reported within twenty-four (24) to forty-eight (48) hours of specimen receipt at the laboratory.
2. Positive Testing: Positive drug testing results will be reported within forty-eight (48) hours of receipt at the Laboratory (unless there is difficulty reaching the person being tested, by the MRO). All tests will be reported to the Miami County Human Resources Director. In no instance will the test go unreported longer than five (5) days from the time the specimen is received at the laboratory.

B. Alcohol Testing Report.

Reports of breath alcohol tests will be reported immediately to the employee and the employer.

14. CONFIRMED POSITIVE DRUG SCREEN RESULT.

Any employee testing positive under the category of random selection, reasonable cause, post-accident or return-to-duty will be immediately removed from performing safety-sensitive work and not allowed to return to the safety-sensitive position until they have passed a drug and alcohol test and cleared to return to duty by the MRO/SAP.

A. Confirmed Positive Result for Applicant.

An applicant who receives a confirmed positive drug screen result or the equivalent shall have the offer of employment withdrawn and shall be subject to disqualification from application for Miami County employment for a period of two (2) years from the effective date of the disqualifying action.

B. Confirmed Positive Result for Employee.

1. Confirmed Positive Drug Screen Result: An employee who receives a confirmed positive drug screen result or the equivalent and who has not previously had a confirmed positive result shall be directed to utilize the Miami County's Employee Assistance Program for referral to an appropriate drug assessment and education or treatment program; provided, however, the employer reserves the right to terminate an employee receiving a first time confirmed positive drug screen result if, in addition:

(a) The employee was involved in an accident or incident caused in part or in total by drug/alcohol use and injury to person/persons or property was involved; or

(b) The employee's personnel file reflects previous disciplinary material which, when combined with positive drug/alcohol testing screen results, in the opinion of the employer justifies termination.

2. Confirmed Positive Alcohol Test: An employee who receives a confirmed positive alcohol test shall be referred to a Substance Abuse Professional for appropriate assessment, education, and treatment. The employer retains the same right to terminate as in B1(a) and (b) above.

C. Employees Requiring Treatment.

1. The employee directed to utilize the Employee Assistance Program will be required to provide verification to the Miami County Human Resources Director that he/she is participating in an appropriate and authorized education and treatment program, prior to returning to duty. In addition the employee must pass a return to duty drug and/or alcohol test.

2. Absences during regular work hours will be charged to accumulated vacation and sick leave. When paid leave is exhausted, time away from work will be considered as unpaid medical leave.

3. Employees should consult their insurance policy for extent of nervous, mental and substance abuse coverage.

4. If the employee's supervisor determines the employee poses a threat to safety or health at the work site while undergoing out-patient or post-care treatment, the employee may be relieved of his/her duties until such time as he/she is deemed capable to return to regular duty by the MRO/SAP, and successfully passes a drug and/or alcohol test. All time away from work will be charged to accumulated sick and/or vacation leave. When accumulated paid leave is exhausted, remaining time will be charged as unpaid medical leave.
5. After completion of the recommended education or treatment program, the employee is required to provide or release verification to the Miami County Human Resources Director that they have successfully completed the recommended education or treatment program.
6. Subsequent drug/alcohol screens will be scheduled by the MRO/SAP in consultation with Miami County, as necessary, during the authorized education or treatment program and for a period of up to sixty months (60) after the program ends to determine or verify that the employee remains drug/alcohol free. All expenses for testing in the rehabilitation process will be the responsibility of the employee.
7. The employee will be tested a minimum of six (6) times in the first year of follow-up.

D. Second Confirmed Positive Result.

A second positive test, whether alcohol or drug, will result in immediate termination of employment.

E. Refusal to Cooperate.

Refusal by an employee to fully cooperate with a mandatory referral or with any recommended education or treatment program resulting from a mandatory referral or approved drug or alcohol assessment shall be grounds for employee discipline, up to and including termination.

F. Diluted Specimen.

A negative dilute specimen is a specimen that contains an unusually high level of water concentration. Recollection of a specimen is required of an employee for any negative dilute specimen, regardless of test type. The result of the recollected test shall be treated as the test result of record.

15. DISMISSAL.

An employee will not be subjected to dismissal solely on the basis of a confirmed positive result if the employee has not previously had a confirmed positive result, and the employee successfully completes an appropriate and approved drug/alcohol assessment and recommended education or treatment program.

A. Previous Confirmed Positive Result.

Any employee who receives a confirmed positive drug or alcohol screen result shall be subject to dismissal if the employee has previously had a confirmed positive result.

B. Failure to Complete Education and Treatment.

Any employee who receives a confirmed positive drug or alcohol screen result shall be subject to dismissal if the employee fails to successfully complete an appropriate and approved drug/alcohol assessment and recommended education and treatment program.

16. TAMPERING WITH DRUG SCREEN.

A. Applicant's Tampering

Any applicant for a Miami County position who intentionally tampers with a sample provided for drug screening, violates the chain-of-custody or identification procedures, or falsifies test results shall have the conditional offer of employment withdrawn. Such actions will be grounds for disqualification for all positions in Miami County service.

B. Employee's Tampering

Any current employee who intentionally tampers with a sample provided for drug screening, violates chain-of-custody or identification procedures, or falsifies a test result shall be subject to dismissal.

17. CHALLENGE TO POSITIVE RESULT.

A. Appeal Procedure

If an employee or applicant challenges the validity or accuracy of the confirmed positive result, they may appeal in writing to the MRO within seventy-two (72) hours of the employee/applicant having been notified of the positive result. All positive urine samples will be kept at the laboratory for a period of one (1) year, and at the employee's request, may be kept longer. The MRO and Drug Screening Coordinator should be notified of the appeal request so that arrangements for a second analysis process can be initiated on the split sample.

B. Re-Test Costs.

The employee will be responsible for any associated re-test costs in advance and will be reimbursed if the re-test is negative.

Requirements for retention of samples and re-testing are determined by the Third-Party Administrative provider.

C. Violation in Procedures or Methods.

The MRO will have discretion to authorize a re-test by the original or a different laboratory on the split specimen, if it is determined that the technical standards established for test method or chain-of-custody procedures were violated in deriving a confirmed positive result or has other appropriate cause to warrant a re-test.

18. RECORD KEEPING.

A. Confidentiality.

Records relating to drug/alcohol testing will be maintained as confidential, available only on a strict “need to know” basis.

B. Storage.

Records will not be kept in an employee’s regular, personnel file.

C. Release of Information.

Information regarding an individual’s drug and alcohol testing results or rehabilitation may be released only upon written consent of the individual, EXCEPT:

1. Such information must be released regardless of consent to a government agency as part of an accident investigation; or
2. Such information may be disclosed regardless of consent in a lawsuit, grievance or other proceeding initiate by or on behalf of the individual and arising from a verified positive drug/alcohol test.

D. Mandated Requirements.

Records will be maintained according to mandated requirements.

19. CHANGES TO POLICY.

Any changes made by Miami County to this policy will be in conformance with stated regulations.

20. DEFINITIONS.

The following are definitions of the Miami County Drug and Alcohol Testing Policy:

ACCIDENT: An incident reportable under 49 CFR Part 382, and 391.

AIR BLANK: A reading by an EBT of ambient air containing no alcohol. (In EBTs using gas chromatography technology, a reading of the device’s internal standard.)

ALCOHOL: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

ALCOHOL CONCENTRATION: Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

ALCOHOL USE: The consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

APPLICANT: An individual offered employment in, or being promoted or transferred to a safety sensitive position, or an individual offered employment in, or being promoted or transferred to a position in which they will drive a County-owned vehicle.

AUTHORIZED SUBSTANCES: Include only one (1) lawful over-the-counter drugs (excluding alcohol) in amounts as specifically directed by the manufacturer.

BREATH ALCOHOL TECHNICIAN (BAT): An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

COLLECTION SITE AGENCY: A facility designed by the Third-Party Administrative provider as the collection site for drug screening samples (urine) and breath alcohol testing. For purposes of this policy, the collection site is not the testing laboratory.

MIAMI COUNTY PROPERTY: All areas in which Miami County operates including actual premises, parking lots, owned or leased equipment, lockers, desks, work areas and buildings, storage facilities, etc.

DRUG: Any chemical substance that, when consumed, tends to produce a physical, mental or emotional change.

DRUG SCREENING: Procedure to eliminate negative urine specimens from further considerations.

DRUG TESTING: An analytical procedure which identifies the presence of a specific drug or metabolite and which uses a different chemical principle from that of the initial test to insure reliability and accuracy. At this time gas chromatography/mass spectrometry (GC/MS) is the accepted standard confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine.

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

EMPLOYEE ASSISTANCE PROGRAM (EAP): A program to help employees, and often their families, recognize and overcome personal problems that are interfering with the employee's work performance. This is an extension of the performance appraisal process and is designed to reach performance problems that cannot be remedied by training, education, or other employer-controlled factors. Among the many personal problems an Employee Assistance Program may deal with are alcohol and drug abuse.

ILLEGAL DRUGS: Urine samples from applicants and employees will be screened in all cases to identify the following classes of substances:

THRESHOLD FOR
POSITIVE VERIFICATION

IMMUNOASSAY SCREEN

Marijuana Metabolite	50 ng/ml
Cocaine Metabolite	300 ng/ml
Opiates	300 ng/ml
Phencyclidine	25 ng/ml
Amphetamines/Methamphetamine	1000 ng/ml

When the initial screen is positive (has exceeded the established screening threshold) a second confirmation test (GC/MS) will be completed. The thresholds for positive confirmation for GC/MS are as follows:

Marijuana Metabolite	15 ng/ml
Cocaine Metabolite	150 ng/ml
Opiates	300 ng/ml
Phencyclidine	25 ng/ml
Amphetamines/Methamphetamine	500 ng/ml

IMPAIRED: Under the influence of an illegal or legal drug whereby the employee's senses (i.e. sight, hearing, balance, reaction, reflex) or judgment are affected.

LEGAL/PRESCRIBED (MEDICATION) DRUGS: Drugs an individual may be taking under the direction of a licensed physician to address a specific physical, emotional or mental condition.

MEDICAL REVIEW OFFICER (MRO): A licensed physician who reviews and interprets positive results of confirmatory tests and evaluates those results together with medical history or any other relevant biomedical information to confirm positive results. This person has knowledge of substance abuse and appropriate medical or forensic training.

NEGATIVE RESULT (CONFIRMED): No detection of an illegal substance in the pure form of its metabolites at or above the threshold level by a drug screening test.

POSITIVE RESULT (CONFIRMED): The detection of an illicit substance in the pure form of its metabolites at or above the specified threshold by two (2) consecutive drug screening tests which employ different test methods and which was not determined by the appropriate medical, scientific, professional testing or forensic authority to have been caused by alternate medical explanations or scientifically insufficient data. All positive results are intensively reviewed by a Medical Review Officer (MRO).

REASONABLE CAUSE: Involves a judgment made regarding the employee's behavior, appearance, speech or body odor, or evidence found or reported and may be based on, among other circumstances, one of the following:

1. Direct observation of specific, contemporaneous, particular behavior exhibited by the employee which may impair the employee's ability to perform his/her job or which may pose a threat to safety or health.

2. Physical on-the-job observation of drug and/or alcohol use by the employee.
3. Documented deterioration in the employee's job performance that is likely to be attributed to drug or alcohol use by the employee.
4. An on-the-job incident or occurrence where there is evidence to indicate the incident or occurrence was in whole or in part the result of the employee's actions or inactions and/or the employee exhibited behavior indicating illegal drug or alcohol use.

SAFETY-SENSITIVE: The Board of Commissioners of Miami County has established the following factors in designating specific positions as safety-sensitive. The number of safety-sensitive positions may be increased as further criteria are established by the Board of commissioners of Miami County.

1. Drivers of commercial vehicles:
 - a. With a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighing at least 26,001 pounds); or
 - b. Designated to transport sixteen (16) or more passengers including the driver; or
 - c. Transporting hazardous materials in amounts requiring placarding.
2. Any driver required to have a commercial drivers license to perform a County-related function.

Any employee whose primary job functions may adversely or negatively impact the general public or co-workers.

SUBSTANCE ABUSE PROFESSIONAL (SAP): A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

TESTING LABORATORY: A laboratory certified by the Department of Health and Human Services (DHHS) and the National Institute of Drug Abuse (NIDA) to perform drug testing of urine specimens obtained at the collection site.