

**CITY OF JONESBORO SUPPLEMENTAL SUBSTANCE ABUSE POLICY FOR  
EMPLOYEES REQUIRED TO POSSESS  
A COMMERCIAL DRIVER'S LICENSE ("CDL")**

**PURPOSE**

The purpose of this Supplemental Substance Abuse Policy For Employees Covered by the Department of Transportation is to create and maintain a work environment free from the unlawful use or possession of alcoholic beverages and illegal drugs. It is the intent of the City of Jonesboro (City) to provide a workplace that ensures the health and safety of our employees and the general public, and to promote motor vehicle traffic safety.

**AUTHORITY FOR TESTING DRIVERS OF COMMERCIAL MOTOR VEHICLES**

The authority for controlled substances and alcohol testing of all employees who are drivers of commercial motor vehicles is found in the United States Code of Federal Regulations ("CFR"), particularly 49 CFR Parts 40, 382, 383, 391, 392, and 395, collectively referred to in this Policy as the "Regulations."

**OBJECTIVES**

The objectives of this Policy are to:

- (1) Eliminate the illegal use of alcohol in the workplace;
- (2) Eliminate the use or abuse of illegal drugs by City employees required to possess a CDL; and
- (3) Comply with federal requirements for employees required to possess a CDL or who are otherwise covered by the DOT.

Consistent with these objectives, this Policy, and the informational and educational materials provided to employees with this Policy, represents the City's intent to comply with the Regulations.

In order to achieve the objectives, each employee subject to the Regulations ("covered employee" or "employee"), particularly Part 382, will be issued a copy of this Policy. This Policy serves as written notice to employees required to possess a CDL, or who are otherwise covered by the DOT, of the informational materials referred to in this Policy.

This Policy includes material concerning controlled substances and alcohol abuse and how these affect an individual's health, work, and personal life. The materials instruct employees on how to recognize the signs and symptoms of an alcohol

or controlled substances problem. Along with this Policy, each employee subject to this Policy will be issued a copy of the Federal Motor Carrier Safety Regulations Pocketbook. Each employee will sign an acknowledgment indicating that he or she received a copy of this Policy, and a copy of the FMCSA Pocketbook.

## **DRUG AND ALCOHOL TESTING PROGRAM**

This Policy establishes the City of Jonesboro's Drug and Alcohol Testing Program for Employees Required to Possess a Commercial Drivers License by the DOT ("Program"). The City has a Designated Employer Representative ("DER"), Gloria Roark, Human Resources Director, 870 933-4640 to answer employee questions about this Policy. This Policy contains an overview of the requirements mandated by the Regulations. All employees should refer to the Regulations for the comprehensive requirements.

### **COVERAGE**

All employees required to possess a CDL under the Regulations, or who are otherwise covered by the DOT, will be covered by this Policy. The City has a separate Drug Free Workplace Policy which covers employees who are not covered by the DOT. NOTE: Those provisions of the City's Drug Free Workplace Policy which do not conflict with the provisions of this Policy and the Regulations also apply to City DOT covered employees. The authority for the application of the City's Drug Free Workplace Policy to employees is based upon the City's inherent authority as an employer under applicable Arkansas law.

### **DEFINITIONS**

The following terms are defined in the Regulations, principally at 49 C.F.R. §§ 40.3 and 382.107. Those regulations can be found in the FMCSA Pocketbook.

1. "Adulterated specimen";
2. "Designated employer representative" or "DER";
3. "Dilute specimen";
4. "Medical Review Officer" or "MRO";
5. "Safety-sensitive functions";
6. "Substance abuse professional" or "SAP"; and
7. "Substituted specimen"

## **PROHIBITIONS**

### **Controlled Substances**

No employee covered by this Policy shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee is using any "controlled substance", as defined by the Regulations, except when the use is directed by the instructions of a licensed medical practitioner, as defined in § 382.107, who has advised the employee that the substance will not adversely affect his or her ability to safely operate a commercial motor vehicle ("CMV").

The employee must notify the DER, in writing, that he or she is using any therapeutic drug.

No employee covered by this Policy shall report for duty, or remain on duty requiring the performance of safety-sensitive functions, if the employee tests positive for controlled substances or the employee has adulterated or substituted a test specimen for controlled substances.

### **Alcohol**

No employee covered by this Policy shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while he or she is under the influence of or impaired by alcohol, until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02.

No covered employee shall be on duty or operate a CMV while possessing alcohol, unless the alcohol is manifested and transported as part of a shipment.

No covered employee shall use alcohol while performing safety-sensitive functions.

No covered employee shall perform safety-sensitive functions within four (4) hours after using alcohol.

No covered employee subject to taking a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.

## **General**

No covered employee shall, or attempt to, adulterate or substitute any specimen for controlled substance testing.

No covered employee shall be considered to have tested negative if he or she provides a negative dilute specimen. The covered employee shall be required to submit to another test.

## **TESTING**

### **Types of Substances**

#### **Controlled Substances**

Covered employees will be tested for the following controlled substances:

Marijuana;  
Cocaine;  
Opiates;  
Amphetamines;  
Phencyclidine (PCP); and  
Ecstasy (MDMA).

#### **Alcohol**

Covered employees will also be tested for alcohol under the circumstances identified in this Policy.

### **Circumstances for Testing**

Testing will be performed under the following circumstances:

Pre-employment - No new employee will be allowed to perform a safety-sensitive function until he or she has undergone pre-employment testing for controlled substances.

Post-Accident – All employees will be subject to controlled substances and alcohol tests as soon as practicable following an accident if the accident results in:

The loss of human life;

The accident involved bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident and a City employee receives a citation for a moving traffic

violation arising from the accident within eight (8) hours (for alcohol) or within thirty-two (32) hours (for controlled substances); or

One or more motor vehicles incurs disabling damage as a result of the accident which requires the vehicle to be transported away from the scene by a tow truck or other vehicle and a City employee receives a citation for a moving traffic violation arising from the accident within eight (8) hours (for alcohol) or within thirty-two (32) hours (for controlled substances).

An employee must remain readily available for post-accident testing, except for the period of time necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Random - Each year, the City will test the percentage of its covered employees for drugs and alcohol as required by the Regulations. Random alcohol testing shall be conducted only while the employee is performing safety-sensitive functions, just before performing safety-sensitive functions, or immediately after performing safety-sensitive functions. When notified of selection for random drug or alcohol testing, employees shall proceed immediately to the collection site and shall follow all instructions of and cooperate with collection site personnel.

Reasonable Suspicion - Reasonable suspicion tests will be conducted when the City supervisors/management have reasonable grounds to suspect that an employee is under the influence of drugs and/or alcohol.

If a City supervisor has reasonable suspicion to believe a covered employee has violated the prohibitions of this Policy or the Regulations, the supervisor shall require the employee to submit to reasonable suspicion drug and/or alcohol testing in accordance with the Regulations. Reasonable suspicion alcohol testing under this Policy shall be conducted only while the employee is performing safety-sensitive functions.

## **POTENTIAL ACTIONS FOR VIOLATIONS OF THIS POLICY**

### **Pre-Employment/Applicants for Employment**

Any applicant who tests positive for illegal drugs shall not receive any further consideration for employment.

### **Employment**

Any covered employee who violates the Prohibitions in this Policy, including any employee who tests positive by a confirmed test for a controlled substance or alcohol, will normally be discharged.

## **SPECIMEN COLLECTION AND LABORATORY REQUIREMENTS**

An approved United States Health and Human Services ("HHS") laboratory will be used for all specimen analysis under procedures approved in the Regulations. and the approved HHS laboratory will utilize procedures approved by HHS and the Regulations to test for the presence of alcohol and controlled substances, protect the covered employee and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.

### **MEDICAL REVIEW OFFICER**

Dennis M. Luter, M.D., 601 Southwest Drive, Jonesboro AR 72401 is appointed MRO for the Program. The MRO shall make the final decision as to positive vs. negative test results in accordance with the applicable Regulations.

### **RECORD KEEPING**

The City will treat as confidential the results of any testing performed under this Policy and will provide the results strictly on a need-to-know basis or as may be legally required.

### **BACKGROUND INVESTIGATIONS**

The City requires each applicant who may be covered by this Policy to provide a signed written consent form authorizing all former employers to release information related to alcohol and drug testing information. A thorough background investigation will be conducted prior to hiring. As required by the Regulations, the background investigation will include information related to previous drug and alcohol testing. The City will not consider hiring an applicant prior to receipt of information from all previous employers as required by the Regulations. The City will request the following information from any DOT regulated employer for which the applicant has worked during the last three (3) year period prior to the date of the application:

- alcohol tests with a result of 0.04 or higher alcohol concentration;
- verified positive drug tests;
- refusals to be tested (including verified adulterated or substituted drug test results);
- other violations of DOT agency drug and alcohol testing regulations; and
- successful completion of DOT return-to-duty requirements.

If a previous employer fails to provide the requested information within fourteen (14) days, the City may discontinue any efforts related to the employment of that specific applicant. However, if a previous employer has failed or refused to provide the required information in violation of the Regulations and the City has no reason to suspect that hiring the applicant would violate the Regulations, the City may continue to consider or hire the applicant. Receipt of all requested information does not mean that

the City will necessarily hire an applicant under all circumstances. The City reserves sole discretion on whether to hire an applicant.

Applicants will also be required to disclose, for the past three (3) years, whether the applicant applied for, but did not obtain, employment for a safety sensitive position with a DOT covered employer, because the applicant either tested positive, or refused to be tested, on any pre-employment drug or alcohol test.

### **REFUSAL TO SUBMIT TO A TEST**

The following circumstances constitute refusal to submit to a controlled substances and/or an alcohol test:

Failure to provide a urine specimen and/or a breath sample as required by this CDL Policy unless there is a legitimate medical reason for lack of ability to provide the urine specimen or breath sample.

Failure to report to a collection site within a reasonable time and as directed by a supervisor.

Failure to cooperate with: a supervisor or management in any way related to drug and alcohol testing; or failure to comply with the provisions of this Policy.

Failure to cooperate with collection site employees.

Failure to submit to direct observation of specimen collection or failure to provide a specimen under direct observation, which results from any attempt to substitute or adulterate the specimen/sample, or is in connection with a return-to-duty or follow-up test.

Failure to submit to a post accident test within the time frame and in accordance with this Policy and the Regulations.

Failure to remain available for a post accident test.

A verified adulterated or substituted test result.

Failure to cooperate or communicate with the MRO as required by the Regulations.

Failure to comply with any of the requirements imposed on covered employees by the Regulations.

The penalty for violation of this section for covered employees will be immediate discharge. Applicants who perform similar acts will not be considered for employment and will be denied future employment opportunities.

## **CONFLICT WITH REGULATIONS/SEVERABILITY**

If any provision of this Policy is deemed to be in conflict with the Regulations, any conflict created by the City is unintended and the Regulations will control over this Policy. If any portion of this Policy is determined by an authorized agency or court to conflict with the Regulations and is deemed invalid, the remaining provisions should be considered valid.

### **WHAT ARE THE AFFECTS OF ALCOHOL AND DRUGS ON THE BODY**

#### **ALCOHOL**

A central nervous system depressant, alcohol is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse.

#### **How Much is Too Much?**

Consider that a 12 ounce beer, a 5 ounce glass of wine, and a 1.5 ounce shot of liquor contain about the same amount of alcohol. For the average to larger person (170#) and petite to small person (125#) the following approximate BACs can be expected:

	<u>170# person</u>	<u>125# person</u>
1 drink in 1 hour	.015%	.025%
2 drinks in 1 hour	.04%	.075%
7 drinks in 1 hour	.10%	.175%

#### **The Removal of Alcohol From The Body**

- Blood alcohol concentrations in the average person usually decrease at the rate of .012 to .02% per hour
- For a given person, the rate of elimination is nearly constant regardless of the % of alcohol in the body
- Coffee, cold showers, and exercise do not quicken sobriety.

To demonstrate this, here is a chart that shows what happens when a person goes to bed intoxicated with a blood alcohol level of .250

<u>Time</u>	<u>Activity</u>	<u>Blood Alcohol</u>
1:00 AM	Goes to Bed	.250



5:00 AM	Get Up for Work	.190
7:00 AM	Reports for Work	.160
8:00 AM	Still Legally Intoxicated	.145
9:00 AM	Driving Erratically	.140
11:00 AM	Still Legally Intoxicated – car	.100
3:00 PM	Quitting Time – Still Intoxicated (CDL)	.040

Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors. Low self-control often leads to the aggressive behavior associated with some people who drink. In large doses, alcohol can dull sensation and impair muscular coordination, memory and judgment. Taken in larger quantities over a long period of time, alcohol can damage the liver and heart and cause permanent brain damage. On the average, heavy drinkers shorten their life span by about 10 years.

**Other Effects:**

- \* greatly impaired driving ability
- \* reduced coordination and reflex action
- \* impaired vision and judgment
- \* impaired vision and judgment
- \* inability to divide attention
- \* overindulgence (hangover) can cause headaches or unclear thinking
- \* nausea/unsettled digestion
- \* dehydration/aching muscles

**1. MARIJUANA**

Marijuana is also called grass, pot, weed, Mary Jane, herb, joint, reefer, among other street names. Marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce ability to perform tasks requiring concentrations and coordination, such as driving.

**NOTE:** While alcohol dissipates in a matter of hours, marijuana stays in the body for four weeks or more!

**Other Effects:**

- driving impaired for at least 4-6 hours after smoking 1 joint
- restlessness, inability to concentrate
- increased pulse rate and blood pressure
- altered sense of identity
- impaired memory, dulling of attention

- hallucinations, fantasies and paranoia
- reduction or temporary loss of fertility

## **2. COCAINE**

Cocaine is a stimulant drug, which increases heart rate and blood pressure. As a powder, it is inhaled, ingested, or injected. It is often called coke, snow, blow, nose candy, and white. Cocaine is also used as a free-base cocaine known as crack or rock, which is smoked.

The most dangerous effects of crack is that it can cause vomiting, rapid heart rate, tremors, and convulsive movements. All of this muscle activity increases the demand for oxygen, which can result in a cocaine-induced heart attack. Since the heat regulating center in the brain is also disrupted, dangerously high body temperatures can occur. With high doses, brain functioning, breathing and heart beat are depressed – leading to death.

### **Other Effects:**

- a rush of pleasurable sensation
- heightened, but momentary feeling of confidence, strength and endurance
- paranoia, mood swings, anxiety
- irritation of the nostrils and nasal membrane
- reduced sense of humor
- compulsive behavior such as teeth grinding or repeated hand washing

## **3. AMPHETAMINES:**

Amphetamines can cause increased heart and respiratory rates, and promote a feeling of alertness and an increase in speech and general physical activity. It is often called speed, uppers, pep pills, black beauties, bennies, and hearts.

**NOTE:** People with a history of sustained low-dose use often become dependent and believe they need the drug to get by. These users frequently keep taking amphetamines to avoid the “down” mood or crash they experience when the “high” wears off.

Even small infrequent doses can produce toxic effects in some people. Restlessness, anxiety, moody swings, panic, heart beat disturbances, paranoid thoughts, hallucinations, convulsions, and coma have been reported. Long-term users often have acne resembling measles, trouble with their teeth, gums and nails, and dry, dull hair. Heavy, frequent doses can produce brain damage resulting in speech disturbances.

### **Other Effects:**

- \* loss of appetite
- \* exaggerated reflexes
- \* distorted thinking
- \* irritability, anxiety, apprehension
- \* increased heart rate
- \* short term insomnia
- \* difficulty focusing eyes
- \* increased blood pressure
- \* perspiration, headaches, dizziness

## **4. OPIATES**

Opiates, including heroin, morphine, and codeine are narcotics used to relieve pain and induce sleep. Common street names include, "junk" "smack" "brown sugar" "Harry" or "big H".

**NOTE:** Heroin accounts for a significant percentage of the narcotic abuse in this country.

Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal, and cannot even be obtained with a physician's prescription.

### **Other Effects:**

- \* short-lived state of euphoria
- \* impaired driving ability
- \* drowsiness followed by sleep
- \* constipation
- \* decreased physical activity
- \* reduced vision
- \* change in sleep habits
- \* possible death

## **5. PHENCYCLIDINE (PCP):**

Also called angel dust, rocket fuel, super kools, and killer weed, it was developed as a surgical anesthetic in the late 50's. Later, due to its' unusual side effects in humans, it was restricted to use as a veterinary anesthetic and tranquilizer. Today, it has no lawful use and is no longer legally manufactured.

**NOTE:** PCP is a very dangerous drug. It can produce violent and bizarre behavior even in people not otherwise prone to such behavior. More people die from accidents caused by erratic behavior produced by the drug than from the drug's direct effect on the body.

PCP scrambles the brain/s internal stimuli and alters how users see and deal with their environment. Routine activities like driving and walking become very difficult.

### **Other Effects:**

- \* impaired driving ability
- \* drowsiness

- \* perspiration
- \* Incomplete verbal responses
- \* thick, slurred speech

- \* repetitive speech patterns
- \* blank star
- \* involuntary eye movement

## **6. ECSTASY (MDMA):**

Ecstasy is a synthetic drug that has stimulant and psychoactive properties.

Ecstasy is also called XTC, X Adam, hug, beans and love drug.

**NOTE:** Ecstasy is a very dangerous drug. Adverse affects can include confusion, depression, sleep problems, drug craving, severe anxiety, nausea, chills, sweating, teeth clenching, muscle cramping, and blurred vision. For some people, Ecstasy can be addictive.

Additional information about the City's Drug & Alcohol Program is available from:

**Designated Employer Representative (DER):** the City's Director of Safety

Phone: **(501) 280-0700**

## **CITY OF JONESBORO LIST OF APPROVED TREATMENT PROGRAM OPTIONS**

1. **Substance Abuse and Mental Health Services (SAMSHA)**, Center for Substance Abuse Treatment, (240) 276-1660 ([www.samhsa.gov/aboutsamhsa/contacts.aspx](http://www.samhsa.gov/aboutsamhsa/contacts.aspx))
2. **SAPlist.com** – a complete list of qualified Substance Abuse Professionals in your area

**ACKNOWLEDGMENT OF RECEIPT OF  
CITY OF JONESBORO SUPPLEMENTAL SUBSTANCE  
ABUSE POLICY FOR EMPLOYEES REQUIRED TO POSSESS A COMMERCIAL  
DRIVERS LICENSE**

My signature below indicates that:

I have received, read, and understand the City's Supplemental Substance Abuse Policy for Employees Required to Possess a Commercial Driver's License ("Policy");

I agree to comply with the Policy in its entirety; and

I have received with the Policy (or have previously received from the City) a copy of Federal Motor Carrier Safety Regulations Pocketbook containing, among other things, the Department of Transportation Regulations applicable to drug and alcohol testing.

Employee Name (Print or Type): \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_