

TOWN OF WOLFEBORO, NEW HAMPSHIRE
DRUG AND ALCOHOL TESTING POLICY

STATEMENT

The Town of Wolfeboro, New Hampshire, has a strong commitment to the health, safety, and welfare of its employees, their families and the citizens of Wolfeboro. In accordance with Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT), and the National Highway Traffic Safety Administration (NHTSA), which requires drug and alcohol testing of Commercial Driver's License (CDL) employees, this document will be the policy for the Town of Wolfeboro.

SCOPE

The above listed agencies require that all employees in a safety sensitive position undergo drug and alcohol awareness training and must be tested for drug and alcohol abuse. This action will be effective on February 7, 1996. Any Town employee who is "on-Duty", holds a CDL, and may be required to drive as part of their job is considered to hold a safety sensitive position and MUST comply with testing procedures.

PROCEDURE

The following rules and regulations are established by the Town of Wolfeboro to insure compliance with Federal and State law:

I. DEFINITIONS:

- A. "Employee" shall mean all employees of the Town; full-time , part-time, or temporary.
- B. "Covered Employee" shall mean any Town employee who must have, as a condition of employment, a CDL license.
- C. "Working Hours" shall mean to include the basic workweek, as defined by the Personnel Policy or Collective Bargaining Agreement. Including overtime and call-back time, including meals which are contained within the workday.
- D. "Safety Sensitive Function" shall mean the following "On-Duty" functions:
 - 1. All commercial motor vehicle (CMV) driving time;
 - 2. All inspecting, servicing, maintaining of a CMV;
 - 3. All time other than driving time in or upon any CMV;
 - 4. All loading/unloading time;
 - 5. All time a covered employee is in readiness to operate a CMV or waiting to be dispatched;
 - 6. All time repairing, obtaining assistance or remaining in attendance upon a disabled CMV; and
 - 7. All time related to an accident.

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II. PROHIBITIONS

No employee shall report for duty, remain on duty or operate a Town vehicle, regardless of gross vehicle weight (GVW) while under the influence, while in the possession of, or while using alcohol or a controlled substance. In the case of controlled substances an exception is made if prescribed by or used pursuant to the advice of a physician. Covered employees must be advised by their physician that the substance does not impair their ability to operate a CMV. Any employee shall inform his/her supervisor of therapeutic drug use that may impair the employee's ability to perform job functions.

III. TESTING

Testing will be performed and shall apply to all covered employees of the Town. Refusal to submit to a required test will be considered a positive result.

Testing will be done through the Town's participation with New Hampshire Occupational Health Alliance Drug Testing Consortium, Huggins Hospital, P.O. Box 912, Wolfeboro, NH. The hospital will serve as the operations portion of the consortium for the Town. Testing will be performed under the requirements of rules outlined in the Federal Register, 49, CFR Part 40 "Procedure for Transportation Workplace Drug Testing Programs".

Any testing not specified in this policy (i.e. blood testing) or any treatment required subsequent to testing is the financial responsibility of the employee.

IV. POSITIVE TEST RESULTS

Any covered employee who tests positive for drugs, as confirmed by the Medical Review Officer (MRO) or has an alcohol breath test indicating an alcohol concentration greater than 0.04 will be subject to the following actions:

FIRST OFFENSE: The employee may not return to work until he/she has undergone evaluation by a Substance Abuse Professional (SAP), commenced treatment if determined necessary by the SAP, and has successfully undergone return to duty testing. The employee must use his/her available leave during this period.

SECOND OFFENSE: Employee will be terminated effective immediately.

Employees with an alcohol concentration greater than 0.02 but less than 0.04 will not be allowed to work for 24 hours from the time of the test but will be allowed to use any available leave for this period. A subsequent test in this range at any time will be considered a **FIRST OFFENSE**. The next test in this range will be considered a **SECOND OFFENSE**.

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V. CONTRACTOR

Agreements between the Town and independent contractors to provide highway maintenance, including but not limited to snow plowing, will include certification that the contractor is in compliance with drug and alcohol testing requirements.

VI. RECORDS

A. The Town shall keep the following records confidential:

1. Records that the collection process conforms to federal law for three (3) years.
2. Records that show employees who failed a drug test and the type of test failed, and records that demonstrate rehabilitation, if any, for five (5) years.
3. Records that show employees who passed a test (negative result) will be kept for one (1) year.
4. Records that show the number of employees tested, by the type of test, will be kept for five (5) years.
5. Records of education and training will be kept for two (2) years.
6. Upon written request, any employee shall have access to any records relating to his/her testing results.

VII. EMPLOYEE NOTIFICATION

Employees will be notified of this policy through distribution of the policy, educational meeting, and training sessions for both supervisors and employees. (See signed CMV Form 4110)

All management and supervisory personnel are charged with the responsibility of being alert to the possibility of drug and alcohol usage or drug related activity in their area of responsibility.



Town of Wolfeboro

www.wolfeboronh.us

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ACKNOWLEDGMENT OF RECEIPT

I, _____, acknowledge receipt of the
(Employee Name - Please Print)

Town of Wolfeboro Drug and Alcohol Testing Policy. I understand that it is my responsibility to familiarize myself with its contents, and will consult my supervisor with any questions.

Employee Signature

Date

(This form is to be retained in the employee personnel file.)

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