

TOWN OF ROCKPORT

POLICY FOR DRUG & ALCOHOL TESTING FOR SAFETY- SENSITIVE  
POSITIONS

The policy will comply with regulations promulgated by the U.S. Department of Transportation under the 1991 Omnibus Transportation Employee Testing Act, and will incorporate the following consequences for and use/misuse of alcohol or drugs:

.02 - .04 Alcohol Concentration

- 1<sup>st</sup> time\* - Drivers who register and alcohol concentration of .02 - .039 when tested just before, during or after performing safety-sensitive functions will be removed from performing such duties for 24 hours, charged to sick leave if accumulated. The employee may be assigned to a non-safety sensitive position if available.
- 2<sup>nd</sup> time\* - Drivers who register an alcohol concentration of .02 - .039 when tested just before, during or after performing safety-sensitive functions will be removed from performing such duties for 24 hours and will receive one day suspension without pay; the employee will accept a mandatory referral to an Employee Assistance Program established by the Town; the payment for any recommended treatment will be strictly at the expense of the employee (or their health insurance program, if applicable).
- 3<sup>rd</sup> time\* - Drivers who register an alcohol concentration of .02 - .039 when tested just before, during or after performing safety-sensitive functions will be removed from performing such duties for 24 hours, and receive a 10 day suspension without pay; the employee will accept a mandatory referral to EAP.
- 4<sup>th</sup> time\* - Drivers who register an alcohol concentration of .02 - .039 when tested just before, during or after performing safety-sensitive functions for the fourth time within a three-year period will be terminated.

An employee who tests within this range is retested after 24 hours; if below .02 then the employee may return to work; if still between .02 - .04, the employee is required to be retested until a negative result. Federal Regulations consider this a negative test.

\* within three-year period

### .04 or greater Alcohol Concentration

- 1<sup>st</sup> time - Drivers who register an alcohol concentration of 0.04 or greater (considered a positive test and prohibited conduct under the federal regulations) shall be removed from their safety-sensitive position and referred to an EAP for the development of a treatment program by a substance abuse professional and must comply with any recommended treatment program. The employee must take a return-to-duty test and register below .02; he/she will be subject to unannounced testing of up to six (6) tests during the first years and up to five (5) years thereafter.
- 2<sup>nd</sup> time - Drivers who register and alcohol concentration of greater than 0.04 for the second time within a three-year period will be terminated.

### Positive Drug Test

- 1<sup>st</sup> time - Drivers who test positive for illegal drug use shall be removed from shall be removed from their safety-sensitive position and referred to an EAP for the development of a treatment program by a substance abuse professional and must comply with any recommended treatment program. The employee must take a return-to-duty test and register a negative result; he/she will be subject to unannounced testing of up to six (6) tests during the first years and up to five (5) years thereafter.
- 2<sup>nd</sup> time - Drivers who test positive for illegal drug use within a three-year period will be terminated.