

TOWN OF LINCKLAEN

D.O.T. DRUG AND ALCOHOL POLICY

1.0 Introduction and Overview

- 1.1 The U.S. Department of Transportation (DOT) has issued regulations which govern the use of drugs and alcohol by motor vehicle drivers, and which also require the Town of Lincklaen (hereafter referred to as the Town) to conduct mandatory drug and alcohol testing of drivers at the times and under the conditions in this Policy.
- 1.2 It is the Town's intention to comply fully with the DOT regulations governing drug and alcohol testing, and the requirements of the DOT regulations have been incorporated into this Policy. In the event the DOT regulations are amended, this Policy and the applicable term(s), condition and/or requirement(s) of this Policy shall be deemed to have been amended automatically at that time, without the need for redrafting, in order to reflect and be in compliance with DOT regulations. In such case, the Town reserves the right to apply the amended requirements immediately, and without giving prior notice to drivers and/or applicants or other employees covered by this Policy, unless such notice is required by the DOT or other applicable law. It is also the Town's intention to comply with any applicable state requirements governing drug and alcohol testing which are not preempted by DOT regulations.
- 1.3 The goals of the Town's Policy and the testing of drivers is to ensure a drug and alcohol-free transportation and work environment, and to reduce and help eliminate drug and alcohol related accidents, injuries, fatalities, and damage to property.
- 1.4 Under the Town's Policy, drug and alcohol testing will be conducted on any current and/or prospective driver who has a CDL and operates a motor vehicle that:
 - i. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more 10,000 pounds;
 - ii. Has gross vehicle weight rating of 26,001 or more pounds
 - iii. Is designed to transport 16 or more passengers, including the driver; or
 - iv. Is any size and is transporting hazardous materials requiring placards.
- 1.5 All applicants for positions with the Town as a driver will be notified of the Town's drug and alcohol use and testing policy at the time they apply for a driver position with the Town.
- 1.6 The Town has spent a great deal of time and effort in developing and implementing the terms, conditions and requirements of this Policy, whose terms, conditions, requirements and implementation comply with DOT regulations.

2.0 DEFINITIONS OF TERMS USED IN THE POLICY

- 2.1 For the purpose of this Policy and the Town's (Town) drug and alcohol testing program, "safety-sensitive function" is defined as any of the following:
 - i. Driving;
 - ii. The time spent waiting to be dispatched, at a carrier's or shipper's terminal, plant, facility or other property, unless the driver has been relieved from duty;
 - iii. Inspecting, servicing or conditioning equipment;

- iv. Being in or on a commercial motor vehicle (except resting in the sleeper berth);
 - v. Loading or unloading, including supervising or assisting in loading or unloading, attending a vehicle, giving or receiving receipts for a shipment being loaded or unloaded;
 - vi. Securing the vehicle and taking all other precautionary measures required by DOT regulations following an accident (49 C.F.R. 392.40 and 392.41);
 - vii. Repairing, obtaining assistance, or attending a disabled vehicle.
- 2.2 For the purpose of this Policy and the Town's drug and alcohol testing program, "refusing to be tested" means any of the following: (i) failing to provide an adequate urine specimen for a drug test without a valid medical explanation; (ii) failing to provide adequate breath for an alcohol test without a valid medical explanation; (iii) failing to submit to a test as directed; or (iv) engaging in any conduct which clearly obstructs the testing process.
- 2.3 For the purposes of those Policy and the Town's drug and alcohol testing program, "town business" includes, but is not limited to, work performed on or in Town property including a Town vehicle, and work performed on or in a non-Town vehicle being used for conducting town business. The term also includes meals and breaks.
- 2.4 For purposes of this policy and the Town's drug and alcohol testing program, an alcohol test will be considered "positive" when the alcohol concentration level registers 0.04 or greater.
- 2.5 For the purposes of this Policy and the Town's drug and alcohol testing program "illegal drugs" shall mean any narcotic or controlled substance, compound mixture, substance, derivative or extract whose possession, use, manufacture, distribution or sale is prohibited by either Federal or New York State Law.

3.0 DRUG AND ALCOHOL PROHIBITIONS

- 3.1 In furtherance of the Town's goals, the conduct specified in Section 3.2 of this Policy is prohibited: whenever a driver is on duty; whenever a driver is performing, or just about to perform, a safety- sensitive function (as defined in Section 2.1 of this Policy); whenever a driver is otherwise engaged in Town business (as defined in Section 2.3 of this Policy); or at the times otherwise specified in this Policy.
- 3.2 The following conduct is strictly prohibited:
- i. Using, being under the influence of, or possession of illegal drugs;
 - ii. Using or being under the influence of legal drugs that are being used illegally;
 - iii. Using or being under the influence of legal drugs whose use can adversely affect the ability to perform his or her job safely;
 - iv. Selling, buying, soliciting to buy or sell, transporting, or possessing illegal drugs while on Town time or property;
 - v. Using alcohol within four (4) hours of driving or performing any other safety- sensitive function;
 - vi. Using or being under the influence of alcohol at any time while driving or performing any other safety-sensitive functions;
 - vii. Possessing any amount of alcohol (including possessing medications which contain alcohol) while on duty or driving, unless the alcohol is manifested and being transported as part of the shipment;
 - viii. Testing positive for drugs and/or alcohol;

- ix. Refusing to be tested for drugs and/or alcohol (as defined in Section 2.2 of this Policy);
- x. Failing to submit to a drug/or alcohol test as directed by the Town;
- xi. Failing to stay in contact with the Town and its Medical Review Officer while awaiting the results of a drug test;
- xii. Violating any applicable federal and/or state requirement governing the use of drugs and/or alcohol;
- xiii. Obstructing in any way the Town's goals with respect to drugs and alcohol;

3.3 A driver who violated these prohibitions will be subject to disciplinary action mandated by the DOT (described in Section 7.13, 7.23 and 7.24 of this Policy).

3.4 Drivers who violate these prohibitions may also be subject to disciplinary action by the Town, up to and including discharge. In addition, any employee who is convicted by the judicial system of a violation, misdemeanor or felony for a drug or alcohol related matter may be subject to disciplinary action up to and including termination of employment.

4.0 TESTS REQUIRED

4.1 In general: The Town is required by DOT to conduct tests under the following conditions or times; (i) before a driver/applicant is hired or an existing non-DOT worker performs DOT driving duties ("**Pre-Employment/Pre-Placement**"); (ii) for **Reasonable Suspicion**; (iii) **Post Accident**; (iv) **Random**; (v) **Return-to-duty**; (vi) **Post-Rehabilitation**. The Town's procedures and requirements for each test are discussed below.

4.2 PRE-EMPLOYMENT/PRE-PLACEMENT TESTING

4.21 This test is required before any driver/applicant will be hired. This test is also required before any existing worker in a non-DOT driver position will be assigned, transferred or otherwise permitted to operate a commercial motor vehicle on behalf of the Town for the first time. For purposes of the Town's Policy concerning Pre-Employment/Pre-Placement testing procedures, requirements and discipline, applicants and existing workers who are applying for a driving position are collectively referred to in Section 4.2 as "applicants".

4.22 Prior to taking a Pre-Employment/pre-Placement drug test, the applicant will be given forms notifying the applicant to report for a drug test. The applicant will also be asked to execute a general consent and release to be tested for drugs.

4.23 All offers by the Town to hire an applicant for, or to assign or transfer an applicant to, a driver position are conditioned upon the applicant:

- i. Executing the Town's general consent and release to be tested for drugs forms;
- ii. Taking a drug test as directed by the Town and passing the test;
- iii. Executing the Town's authorization to obtain past drug and alcohol test results form (which authorizes the Town to obtain past drug and alcohol test results, including any refusals to test, from each employer for whom the driver either worked, or took, or refused to take, a Drug or Alcohol test during the past two (2) years;
- iv. Passing the DOT required physical exam required for driver positions;
- v. Complying with any other conditions or requirements of which the Town advises the applicant at the time of the offer.

- 4.24 Any applicant who refuses or fails to execute the Town's general consent and release to be drug tested forms; who refuses, or fails to execute the Town's authorization to obtain past drug and alcohol results form; who refuses or fails to submit to a Pre-Employment/Pre-Placement drug test as directed; or whose result is positive for the test will not be considered eligible to work for the Town. Existing workers who test positive will not be considered qualified for the position for which they are applying and will also be subject to Town discipline, up and including discharge.
- 4.25 A new applicant will only be notified of the result of their test if they present a written request to the Town for his/her results within sixty (60) days of being notified by the Town of the hiring decision. Existing workers will only be notified in the event of a positive test result.

4.3 POST-ACCIDENT TESTING

- 4.31 A driver who is performing a safety-sensitive function must submit to a Post-Accident drug and alcohol test as soon as possible after the occurrence of any accident that meets the description of Section 4.32 or Section 4.33 of this Policy. For purposes of this Policy and the Town's drug and alcohol testing program, an accident which meets the description of Section 4.32 or Section 4.33 of this Policy is referred to as a "DOT accident".
- 4.32 A driver must always submit to a Post-Accident test as soon as possible after an accident which involves the loss of human life.
- 4.33 A driver must submit to a Post-Accident test as soon as possible after an accident whenever the driver receives a citation for a moving violation in conjunction with the accident.
- 4.34 In addition to the DOT Post-Accident criteria listed in 4.32 and 4.33, an employee may be subject to a Post-Accident test after an incident that results in an injury to employee or others, requiring medical attention and/or damage to Town property. Failure to report any accident which meets the Post-Accident testing criteria is in violation of Town Policy and subject to disciplinary action, up to and including discharge. Employees testing positive, under certain state laws, may be ineligible for workers' compensation benefits.
- 4.35 It is possible that a driver will be directed to submit to a drug and/or alcohol test at the accident scene by a federal, state, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to contact the driver's supervisor or other Town official immediately to report the test and to provide the Town with the name, badge number and telephone number of the law enforcement officer who conducted the test.
- 4.36 Whenever a driver is involved in a DOT accident and is not tested for drugs and alcohol by a law enforcement official, the driver is required to immediately report the accident to his superior. The driver must remain available for testing and must not consume or use drugs (unless prescribed by a medical professional for post-accident treatment) or alcohol until such test(s) are administered or 8 hours whichever occurs first.
- 4.37 A driver who is required to take a Post-Accident drug and/or alcohol test will be assigned to a non-safety sensitive function while awaiting the post-accident test results.

4.38 In addition to the penalties imposed by the DOT (discussed in Section 7.13, 7.23 and 7.24 of this Policy), a driver who tests positive for drugs and/or alcohol, who refuses or fails to submit to a Post-Accident drug and alcohol test as required, who unnecessarily delays reporting to the test site following an accident, or who otherwise fails to comply with the Town's Post-Accident testing procedures, may be subject to disciplinary action, up to and including discharge.

4.4 RANDOM TESTING

4.41 The Town is required to test drivers on a random basis, and all such tests will be unannounced.

4.42 Under the Town's computerized random selection process, every driver will have an equal chance of being selected each and every time the selection is conducted. Appropriate safeguards are also present to ensure that the identity of individual drivers cannot be determined prior to the time of the computerized selection.

4.43 Whenever a driver is randomly selected to be tested, he/she will be notified of their selection and instructed to report to the collection site immediately.

4.44 A driver who tests positive or refuses to submit a test is deemed to be medically unqualified to drive and/or perform any other safety-sensitive function.

4.45 In addition to the penalties imposed by the DOT (discussed in Section 7.13, 7.23 and 7.24 of this Policy), a driver who refuses to submit to a random test, who fails to report for the test as directed, or who tests positive, may be subject to disciplinary action, up to and including discharge.

4.5 REASONABLE SUSPICION TESTING

4.51 Each driver is required to submit to a drug and/or alcohol test whenever the Town has reasonable suspicion to believe that a driver has used drugs and/or alcohol in violation of DOT regulations and/or this Policy.

4.52 Reasonable suspicion will exist when a driver's appearance, behavior, speech or body odors indicate drug or alcohol use, or the chronic and withdrawal effects of drugs. Such observations must be personally observed and documented by at least one Town official who has received training covering the physical, behavioral, speech, and performance indicators of probable drug and alcohol use.

4.53 Whenever a driver is notified that there is reasonable suspicion to be tested, the driver will be expected to report to the test site immediately to be tested.

4.54 Drivers who are required to submit to a reasonable suspicion test will be escorted by an agent of the Town to the appropriate specimen collection site for a drug and alcohol test.

4.55 The Town will also attempt to contact the driver's spouse, another member of the family, or other person designated by the driver, in order to make arrangements for transporting the driver to his/her home after the test is completed. In the event that the Town is unable to contact the driver's spouse, family member or other designated person, the Town will make arrangements for transporting the driver home by cab or other suitable means.

4.56 If the driver rejects the Town’s efforts in this regard and instead insists on driving his/her personal vehicle, the Town reserves the right to take whatever means are appropriate to prevent this, including contacting appropriate law enforcement personnel and imposing disciplinary action, up to and including discharge.

4.57 A driver who is required to take a reasonable suspicion test will be considered by the Town as unqualified for safety sensitive work and will be assigned to a non-safety sensitive function, pending the results of the test(s).

4.58 In addition to the penalties imposed by the DOT (discussed in section 7.13, 7.23 and 7.24 of this Policy), a driver whose reasonable suspicion test is positive, or who fails or refuses to submit to a reasonable suspicion test when directed to do so by the Town, may be subject to disciplinary action up to and including, discharge.

4.6 RETURN-TO-DUTY TESTING

4.61 A driver who has been removed from his/her safety-sensitive function due to positive drug or alcohol test result must pass a Return-to-Duty drug and/or alcohol test before he/she may return to perform a safety-sensitive function.

4.7 POST-REHABILITATION/FOLLOW-UP TESTING

4.71 After receipt of a positive test, a driver is subject to random, unannounced testing for a period of up to sixty (60) months, to include a minimum of six (6) tests in the first twelve (12) months after the Return-to-Duty test. The SAP can terminate the requirement for the follow-up testing in excess of the minimum at any time.

5.0 POST-POSITIVE/RETURN-TO-DUTY PROCEDURES

5.1 Before the Town can return a driver, who has tested positive, to his/her safety-sensitive position, driver must:

- i. Be evaluated by a Substance Abuse Professional (SAP);
- ii. Follow and successfully complete all recommended rehabilitation;
- iii. Pass a Return-to-Duty drug and/or alcohol test; and
- iv. Be subject to Post-Rehabilitation/Follow-Up testing for up to sixty (60) months, to include a minimum of six (6) follow-up tests in the first twelve (12) months after the Return-to-Duty test. The SAP can terminate the requirements for the follow-up testing in excess of the minimum at any time.

6.0 TESTING METHODOLOGY AND INTEGRITY

6.1 To ensure the integrity and accuracy of each test, all specimen collection, analysis, and laboratory procedures shall be conducted in accordance with DOT procedural protocols and safeguards set forth in Part 40 of Title 49 of the Federal Code of Regulations. This Code includes, but is not limited to, the following:

- i. Procedures to ensure the correct identity of each driver at the time of testing;
- ii. A strict chain-of-custody procedure to ensure against tampering of the specimen;
- iii. The use of a trained Breath Alcohol Technician (BAT) and DOT-approved testing devices for conducting alcohol tests;

- iv. The use of a laboratory which has been certified by the Department of Health and Human Services (DHHS);
- v. The confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GC/MS);
- vi. The confirmation of an initial positive alcohol screen by a second analysis;
- vii. The Towns' appointment of a qualified Medical Review Officer (MRO) to review drug test results before they are reported to the Town's designated representative.

6.2 FOR ALL DRUG TESTS

- 6.21 All drug tests conducted under this Policy require that the driver must provide a specimen of his/her urine.
- 6.22 At a minimum, urine specimens will be analyzed for the presence of the following drugs; (1) marijuana; (2) cocaine; (3) opiate; (4) amphetamines; and (5) phencyclidine. Specimens will also be analyzed for such other substances as DOT may from time to time direct, or as may otherwise be permitted by federal or state law. In the vent that the DOT expands the list of drugs for which testing is, or may be, required, the Town reserves the right to begin testing immediately for those drugs without prior notice to drivers or applicants, unless notice is required by DOT or other applicable law.
- 6.23 In general, drivers will be permitted to give a urine specimen in privacy and without being observed by collection site personnel. However, a driver forfeits this right whenever there is reason to believe that he/she may alter or substitute a urine specimen.
- 6.24 All driver's drug tests will be administered using the split methodology required by the DOT. Under this methodology, the driver must provide at least forty-five (45) milliliters (ml) in a specimen container. The specimen will then be divided into two specimen bottles by the collector. Thirty (30) ml will be poured into one bottle and fifteen (15) ml into a second bottle. Both bottles will be sent to the laboratory. The bottle containing the 30 ml will be analyzed as the driver's primary specimen. The second bottle will be held the laboratory. In the event the primary specimen is verified positive, the driver will e notified either by the Town's MRO or by the Town of the positive test and given the option to have the second bottle sent to a different laboratory for analysis. To exercise this option, the driver must advise the Town's MRO within 72 hours of being notified that the primary specimen was positive.
- 6.25 Except for the use of methadone and medications containing alcohol, this Policy does not prohibit a driver's use of a medication legally prescribed by a licensed physician:
- i. Who is familiar with the driver's medical history and specific safety-sensitive duties, and
 - ii. Who has advised the driver that the prescribed medication will not adversely affect the driver's ability to operate a motor vehicle safely.

Medications prescribed for someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.

6.3 FOR ALL ALCOHOL TESTS

- 6.31 All alcohol tests conducted under this Policy require that the driver provide a breath specimen for any test conducted by, or on behalf of, the Town. In the case of an alcohol test conducted by a federal, state or local law enforcement officer following an accident, the driver must provide a breath or blood specimen, as directed by the law enforcement officer.
- 6.32 Alcohol tests will be administered using a breath specimen, taken by Breath Alcohol Technician (BAT) using an approved Evidential Breath Testing (EBT), except in cases of on-scene Post-Accident testing conducted by federal, state or local officials.
- 6.33 Before being tested by the Town, each driver will be required to (i) present his/her personal identification, an (ii) execute a DOT “Breath Alcohol Test Form” provided by the BAT.
- 6.34 Prior to each alcohol test conducted by the Town, the BAT will instruct the driver on how the test will be performed.
- 6.35 To protect each driver, the BAT will open and attach to the testing device and individually-sealed mouthpiece in the driver’s view. The driver will then be directed to blow forcefully into the breath testing device until an adequate amount of breath has been maintained.
- 6.36 In the event that a driver is unable to provide an adequate amount of breath for the initial or confirmatory test after several attempts to do so, the driver will be required to submit to an evaluation by a licensed medical physician to determine whether a valid medical condition does exist. If the physician determines that a valid medical condition does exist, the test result will be reported to the Town as “negative”. If the physician determines that a valid medical condition does not exist, the test result will be reported to the Town as a “confirmed positive”.
- 6.37 In addition to penalties imposed by the DOT, a driver who refuses to provide his/her identification, provides a false identification, refuses to execute the “breath Alcohol Test Form” or who otherwise refuses or fails to cooperate will be treated as though he/she had tested positive and may be subject to disciplinary action up to and including discharge.

7.0 TEST RESULTS

7.1 FOR DRUG TESTS

- 7.11 Before a driver’s test result will be verified positive for drugs, the driver will be given the opportunity to speak to the Town’s MRO and demonstrate that there was a legitimate medical explanation for the positive test result. If the MRO determines that a legitimate medical reason does exist, the test result will be reported to the Town as “negative”. If the MRO determines that a legitimate medical reason does not exist, the test result will be reported to the Town as a “verified positive”.
- 7.12 In the event that the test result of a driver’s primary specimen is positive, the driver will be notified by the Town or its MRO and advised that he/she has 72 hours to request that the MRO send his/her secondary specimen to a second, approved laboratory for analysis. Pending the outcome of this additional analysis, the driver will continue being considered physically unqualified to work by DOT.

7.13 Except as provided in Section 4.24 of this Policy (concerning Pre-Employment/pre-placement tests), a driver whose test result is a verified positive for drugs will be considered unqualified to perform or continue performing his/her functions safely. He/she will be placed on suspension without pay and the driver may not use accrued leave time.

7.2 FOR ALCOHOL TESTS

7.21 In the event that a driver provides an adequate breath specimen and the initial test registers an alcohol concentration level that is less than 0.02, the test result will be reported as a “negative” and no additional test will be required at that time.

7.22 In the event that the driver provides an adequate breath specimen and the initial test registers an alcohol concentration level of 0.02 or greater, a second confirmatory test will be performed. In the event that the driver provides an adequate breath specimen and the confirmatory test registers less than 0.04, the test result will be reported to the Town as “negative”.

7.23 DOT prohibits any driver whose confirmatory test registers 0.02 but less than 0.04 from performing or from continuing to perform any safety- sensitive function until the driver’s next regularly-scheduled duty period, but or for no less than 24 hours.

A driver who, after providing an adequate breath specimen, has a confirmatory test which registers 0.02 but less than 0.04 will be placed on suspension without pay and the driver may not use accrued leave time until his/her next regularly scheduled duty period, but not less than 24 hours, and may be subject to additional disciplinary action by the Town, up to and including discharge.

7.24 DOT prohibits any driver whose confirmatory test registers 0.04 or greater from performing or from continuing to perform any safety-sensitive function until he/she has met the proper DOT requirements. (See Section 7.27).

7.25 A driver who, after providing and adequate breath specimen, has a confirmatory test which registers 0.04 or greater will be placed on suspension without pay and the driver may not use accrued leave time, until his/her next regularly scheduled duty period, but not less than 24 hours, and will be subject to additional disciplinary action by the Town, up to and including discharge.

7.26 A driver who disputes a confirmed positive alcohol test may provide a blood specimen for alcohol analysis. The costs involved with the blood test are the driver’s responsibility.

7.27 IN ORDER FOR A DRIVER TO RETURN TO A SAFETY-SENSITIVE POSITION AFTER A POSITIVE TEST RESULT, THE FOLLOWING PROCEDURES MUST BE FOLLOWED:

A driver who has a verified positive test must:

- i. Comply with the procedures outlined in Section 5.0 of this policy;
- ii. Stay in contact with the Town Drug Program Coordinator (DPC) and supply any requested documentation of continuing compliance or successful completion of the recommended rehabilitation.

Upon successful completion of the Return-to-Duty test, the driver may be allowed to return to a safety-sensitive position after review by the Town Officials.

7.28 In addition to the above DOT mandated procedure for safety-sensitive employees, the Town may elect to include any of the following disciplinary actions:

- i. Verbal reprimand
- ii. Unpaid suspension
- iii. Probation
- iv. Demotion
- v. Termination of employment

7.29 The Town may choose to terminate the employee without providing rehabilitation

7.30 If the driver receives a second verified positive, he/she will be terminated.

8.0 MAINTAINING CONTACT WITH THE TOWN AND MRO AFTER A DRUG TEST

8.1 Drivers who are tested for drugs are required to remain in contact with the Town and the Town's MRO while awaiting the results of their tests. Drivers are also required to advise the Town of their location and the telephone number where they can be reached during this time.

8.2 A driver who refuses or fails to remain in contact with the Town and the Town's MRO will be considered insubordinate and subject to disciplinary action, up to and including discharge. In addition, a driver who fails to remain in contact waives his/her right, under Section 7.12 of this Policy, to speak with the town's MRO before a test is confirmed positive.

9.0 DRUG AND ALCOHOL INFORMATION

9.1 The Town is required to provide educational material for all drivers explaining the DOT requirements and the Town's policies and procedures to meet those requirements. In addition to this Policy, the Town will provide drivers with information concerning:

- i. The effects of drugs and alcohol on an individual's health, work, and personal life;
- ii. The signs or symptoms of a drug or alcohol problem;
- iii. The available methods of intervention when a problem does exist.

9.2 Each driver is required to certify that he/she has been given a copy of this Policy and other drug and alcohol information by the Town in accordance with Section 9.1 of this Policy. In accordance with Section 4.23 of this Policy, applicants are required to execute the certification as a condition of being hired. An applicant who refuses to do so will not be hired. Existing drivers who refuse to execute this required certification will be subject to Town discipline, up to and including discharge.

9.3 Any existing driver who engages in any conduct prohibited under this Policy will be provided with information concerning the resources available to evaluate and resolve a drug or alcohol problem, and the names, addresses and telephone numbers of Substance Abuse Professionals (SAPS), counseling, treatment and Employee Assistance Programs (EAPs).

9.4 All questions concerning the educational materials provided by the Town, or about this Policy, should be directed to the proper town official(s) (i.e.: Personnel Department, Drug Program Coordinator, or Appropriate Personnel).

10.0 PAYMENT OF TESTS

- 10.1 The Town shall pay the costs for all tests which the Town is required to conduct on drivers under DOT regulations. The Town shall pay for all tests that it requires all other employees to take. These shall include tests required for, Pre-Employment, Periodic, Random, Post Accident, and Probable Cause. The Town shall also pay for a Confirmation Alcohol test required following an Alcohol screen of 0.02% or greater.
- 10.2 Employees are responsible for paying the costs for any test or tests conducted which the Town does not require, (such as, but not limited to; back to work, and follow-up tests, or additional confirmation tests requested by the employee) unless otherwise prohibited by the applicable state law.
- 10.3 Employees are responsible for paying the costs of the analysis of any secondary urine specimen which they request under Section 7.12 of this Policy, except as otherwise required by applicable state law. Employees who dispute the results of a breathalyzer test and request a blood test for alcohol are responsible for all costs incurred in conjunction with the blood test.

11.0 CONFIDENTIALITY

- 11.1 the results of all drug and alcohol tests will be kept in a secure location with controlled access.
- 11.2 All individual test results will be considered confidential. The release of an individual's results will only be given in accordance with an individual's written authorization, or as otherwise required by DOT regulations, or by other applicable federal or state law.