

# City of South Portland

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# Drug and Alcohol Policy

Effective as of October 18, 2022

Adopted by: South Portland City Council

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## I. Purpose of Policy

This policy complies with 49 CFR Part 655, as amended, 49 CFR Part 382, as amended, and 49 CFR Part 40, as amended. Copies of Parts 655, 382, and 40 are available in the drug and alcohol program manager's office and can be found on the Internet at the Department of Transportation (DOT) Office of Drug and Alcohol Policy and Compliance website <http://www.transportation.gov/odapc>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with these regulations.

Portions of this policy are not DOT-mandated, but reflect the City of South Portland's policy. These additional provisions are identified by **bold text**.

**The City of South Portland is dedicated to providing safe, dependable and economical transportation services to our transit system passengers, and assuring that our Public Works, Parks, and Water Resource Protection workers operate commercial vehicles in a safe manner.**

**The safety and well-being of our drivers, employees, and the general public requires that our drivers perform their duties free from the effects of alcohol and/or drugs. A driver who uses or abuses alcohol and/or drugs is a hazard to the City, the general public, other employees, and him/herself.**

**In order to ensure safe transportation, and provide for an efficient and drug-free workplace, while complying with the Federal Motor Carrier & Federal Transit Administration Safety Regulations, the City of South Portland has adopted this policy.**

**Adherence to this policy is a condition of employment, although it should not be considered an offer of employment**

In addition, DOT has published 49 CFR Part 32, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.

All City of South Portland employees are subject to the provisions of the Drug-Free Workplace Act of 1988.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited in the covered workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify Human Resources no later than five days after such conviction.

**This policy applies to all covered employees as defined herein while on-duty, while performing any safety-sensitive duty, and while on-call. This policy also applies to off-site lunch periods or breaks when a covered employee is scheduled to return to work. Visitors, vendors, and contract employees are governed by this policy while on municipal property and will not be permitted to conduct municipal business if found to be in violation of this policy, except that they will not be subject to any DOT testing or DOT consequences.**

**Failure to comply with the provisions of this policy may result in disciplinary action, up to and including termination.**

## 2. Covered Employees

This policy applies to every person whose position requires the possession of a commercial driver's license (CDL); every employee performing a "safety-sensitive function" as defined below; and any person applying for such positions.

Under FMCSA (Part 382), you are a covered employee if you perform any of the following safety-sensitive functions:

- Driving a commercial motor vehicle which requires the driver to have a CDL
- Waiting to be dispatched to operate a commercial motor vehicle
- Inspecting, servicing, or conditioning any commercial motor vehicle
- Performing all other functions in or upon a commercial motor vehicle (except resting in a sleeper berth)
- Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloading, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments being loaded or unloaded
- Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle

Under FTA (Part 655), you are a covered employee if you perform any of the following safety-sensitive functions:

- Operating a revenue service vehicle, in or out of revenue service
- Operating a non-revenue vehicle requiring a commercial driver's license
- Controlling movement or dispatch of a revenue service vehicle
- Maintaining (including repairs, overhaul and rebuilding) of a revenue service vehicle or equipment used in revenue service
- Carrying a firearm for security purposes

See Attachment A for a list of covered positions by job title.

## 3. Prohibited Behavior

Use of illegal drugs (as defined by applicable federal regulations) is prohibited at all times. Such drugs are referred to in this Policy as "prohibited drugs." All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body at or above the minimum thresholds defined in Part 40. Prohibited drugs include, but are not limited to, those drugs identified in 49 CFR Part 40, as may be amended, such as:

- marijuana
- cocaine

- phencyclidine (PCP)
- opioids
- amphetamines

All covered employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

All covered employees are prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. If the on-call employee claims the ability to perform his or her safety-sensitive function, he or she must take an alcohol test with a result of less than 0.02 prior to performance.

All covered employees are prohibited from consuming alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

All covered employees are prohibited from consuming alcohol for eight (8) hours following involvement in an accident or until he or she submits to the post-accident drug and alcohol test, whichever occurs first. **(See also Section 5. Circumstances for Testing, Subsection - Post Accident Testing.)**

#### **Other Prohibited Behavior for covered employees:**

**Misuse of legally prescribed drugs while performing a safety sensitive function.**

**Use of illegally obtained prescription drugs while performing a safety sensitive function.**

**The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance, which causes alcohol to be present in the body while performing a safety sensitive function by a covered employee is prohibited.**

**During the time that covered employees are performing safety-sensitive functions, they shall not possess any alcohol or prohibited drugs.**

**Covered employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on municipal property, in municipal vehicles, in uniform, or while performing municipal business. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.**

#### 4. Consequences for Violations

##### **FTA Consequences**

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional.

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties for at least eight hours unless a retest results in the employee's alcohol

concentration being less than 0.02. **The employee will be unpaid for the period of related work time they are removed from safety-sensitive duties and not allowed to use accrued time off.**

### **FMCSA Consequences**

Following a positive drug or alcohol (BAC at or above 0.04) test result or test refusal, the employee will be immediately removed from safety-sensitive duty and referred to a Substance Abuse Professional (SAP).

Following a BAC of 0.02 or greater, but less than 0.04, the employee will be immediately removed from safety-sensitive duties until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. **The employee will be unpaid for the period of related work time they are removed from safety-sensitive duties and not allowed to use accrued time off.**

*CERTAIN PERSONAL INFORMATION SHALL BE REPORTED TO THE FMCSA CLEARINGHOUSE AS REQUIRED:* Drivers should be aware that the City is required to collect, maintain, and report certain information to the Clearinghouse:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to any test required by subpart C of part 40;
- An employer's report of actual knowledge, as defined at §382.107;
- On duty alcohol use pursuant to §382.205;
- Pre-duty alcohol use pursuant to §382.207;
- Alcohol use following an accident pursuant to §382.209; and
- Controlled substance use pursuant to §382.213;
- A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- An employer's report of completion of follow-up testing.

### **Treatment/Discipline**

Per City of South Portland policy, any employee who tests positive for prohibited drugs or alcohol (BAC at or above 0.04) or refuses to test will be referred to a Substance Abuse Professional (SAP). **If this positive test for drugs or alcohol is a recurrence following any prior positive test or prior refusal to test per this policy, the employee will be subject to disciplinary action, up to and including termination. (Please also see Section 8 of this policy regarding Voluntary Self-Referral.)**

**The City will pay for an employee's initial or first time SAP referral and rehabilitation process. Any further SAP referral and rehabilitation process following an initial positive test or test refusal, as well as a self-referral for further SAP rehabilitation process or substance abuse counseling following any prior SAP process, will be at the employee's cost. The use of paid leave during any SAP rehabilitation process is only allowed if the employee cannot perform non safety-sensitive duties of their position or a related position, on a full or part-time basis, and will be limited to vacation time (absent a need for inpatient treatment documented by a medical provider, which may also qualify under FMLA) . An employee performing non safety sensitive duties of their or a**

**related position during the SAP process may have their pay reduced per a provision in their Collective Bargaining Agreement or by ten percent (10%) for non-union employees.**

## 5. Circumstances for Testing

### **Pre-Employment Testing**

A negative pre-employment drug test result is required before an employee can first perform safety-sensitive functions. If a pre-employment test is cancelled, the individual will be required to undergo another test and successfully pass with a verified negative result before performing safety-sensitive functions.

If a covered employee has not performed a safety-sensitive function for 90 or more consecutive calendar days, and has not been in the random testing pool during that time, the employee must take and pass a pre-employment test before he or she can return to a safety-sensitive function.

A covered employee or applicant who has previously failed or refused a DOT pre-employment drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

### **FMCSA Drug Testing Exceptions**

A driver is not required to undergo a pre-employment test if:

- (1) The driver has participated in a DOT testing program within the previous 30 days; and
- (2) While participating in that program, either:
  - (i) Was drug tested within the past six months (from the date of application with the City of South Portland, or
  - (ii) Participated in the random drug testing program for the previous 12 months (from the date of application with the City of South Portland); and
- (3) The City of South Portland can ensure that no prior employer of the driver of whom the City of South Portland has knowledge has records of a violation of this part or the controlled substances use rule of another DOT agency within the previous six months

### **Reasonable Suspicion Testing**

All covered employees shall be subject to a drug and/or alcohol test when the City of South Portland has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral for testing will be made by a trained supervisor or other trained City official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Covered employees may be subject to reasonable suspicion alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Once the decision to reasonable suspicion test is made, the employee will be removed from safety-sensitive duties until the test results are received. The employee will be escorted to the collection site by the supervisor or another employee. If there is no alcohol test within two hours of the decision to reasonable suspicion test, document for the record; if no alcohol test is completed within eight hours of the decision to reasonable suspicion test, update the document for the record and cease attempts.

## **Post-Accident Testing**

### **FTA Procedures**

Covered employees shall be subject to FTA post-accident drug and alcohol testing under the following circumstances:

#### Fatal Accidents

As soon as practicable following an accident involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee operating the public transportation vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the City of South Portland using the best information available at the time of the decision, will be tested.

#### Non-fatal Accidents

As soon as practicable following an accident not involving the loss of a human life, drug and alcohol tests will be conducted on each covered employee operating the public transportation vehicle at the time of the accident if at least one of the following conditions is met:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident
- (2) One or more vehicles incurs disabling damage and must be towed away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the City of South Portland using the best information available at the time of the decision, will be tested.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the safety-sensitive employee subject to testing must remain readily available, which means the City knows the location of the safety-sensitive employee. Any safety-sensitive employee who may be subject to testing who leaves the scene of an accident, without a justifiable explanation, prior to submission to drug and alcohol testing will be

considered to have refused the test **and shall face disciplinary action up to and including termination.**

Following an accident, safety-sensitive employees subject to testing will be tested as soon as possible, but not to exceed 32 hours for drug testing. If alcohol testing is not done within 2 hours of the accident, the reason for not testing should be documented in a report and attempts to alcohol test must continue for up to 8 hours after the accident. If alcohol testing is not done within 8 hours or drug testing is not done within 32 hours following the accident, the reasons for not testing must also be updated on the written report.

The results of a blood, urine or breath test conducted by Federal, State or local officials shall be considered to meet the requirements of this section, provided such test conforms to the applicable Federal, State or local testing requirements, and that the test results can be obtained by the City of South Portland.

### **FMCSA Procedures**

Covered employees shall be subject to FMCSA post-accident drug and alcohol testing under the following circumstances:

#### Fatal Accidents

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and involving the loss of a human life, drug and alcohol tests will be conducted on each surviving covered employee who was performing safety-sensitive functions with respect to the vehicle.

#### Non-fatal Accidents

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and not involving the loss of a human life, an alcohol test will be conducted on each driver who receives a citation within eight (8) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene; or
- (2) One or more motor vehicles incur disabling damage and must be transported away from the scene by a tow truck or other motor vehicle.

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, and not involving the loss of a human life, a drug test will be conducted on each driver who receives a citation within thirty-two (32) hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if:

- (1) The accident results in injuries requiring immediate medical treatment away from the scene; or
- (2) One or more motor vehicles incur disabling damage and must be transported away from the scene by a tow truck or other motor vehicle.

A covered employee subject to post-accident testing must remain readily available, or it is considered a refusal to test. Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the safety-sensitive employee subject to testing must remain readily available, which means the City knows the location of the safety-sensitive employee. Any safety-sensitive employee who may be subject to testing who leaves the scene of an accident, without a justifiable explanation, prior to submission to drug and alcohol testing will be considered to have refused the test **and shall face disciplinary action up to and including termination.**

Following an accident, safety-sensitive employees subject to testing will be tested as soon as possible, but not to exceed 32 hours for drug testing. If alcohol testing is not done within 2 hours of the accident, the reason for not testing should be documented in a report and attempts to alcohol test must continue for up to 8 hours after the accident. If alcohol testing is not done within 8 hours or drug testing is not done within 32 hours following the accident, the reasons for not testing must also be updated on the written report.

The results of a blood, urine or breath test conducted by Federal, State or local officials shall be considered to meet the requirements of this section, provided such test conforms to the applicable Federal, State or local testing requirements, and that the test results can be obtained by the City of South Portland.

### **Random Testing**

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year within each DOT agency. The current year testing rates can be viewed online at <http://www.transportation.gov/odapc/random-testing-rates>. If a given driver is subject to random testing under the rules of more than one DOT agency, the driver will be subject to random drug and alcohol testing at the annual percentage rate established by the DOT agency regulating more than 50% of the driver's function.

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the

selection process used, each covered employee will have an equal chance of being tested each time selections are made.

There is no discretion on the part of the employer in the selection and notification of individuals for random drug and alcohol testing.

A covered employee may only be randomly tested for alcohol misuse while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be randomly tested for prohibited drug use anytime while on duty.

Each covered employee who is notified of selection for random drug or random alcohol testing must immediately proceed to the designated testing site.

### **Return to Duty Testing**

Any employee who is allowed to return to safety-sensitive duty after failing or refusing to submit to a DOT drug and/or alcohol test must first be evaluated by a substance abuse professional (SAP), complete a SAP-required program of education and/or treatment, and provide a negative return-to-duty drug and/or alcohol test result. Any return-to-duty drug testing will be directly observed. All tests will be conducted in accordance with 49 CFR Part 40, Subpart O.

### **Follow-up Testing**

Employees returning to safety-sensitive duty following leave for substance abuse rehabilitation will be required to undergo unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. The duration of testing will be extended to account for any subsequent leaves of absence, as necessary. The type (drug and/or alcohol), number, and frequency of such follow-up testing shall be directed by the SAP.

A covered employee may only be subject to follow-up alcohol testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. A covered employee may be subject to follow-up drug testing anytime while on duty. All follow-up drug tests will be directly observed. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

Follow-up testing is separate from and in addition to the regular random testing program. Employees subject to follow-up testing must also remain in the standard random pool and must be tested whenever their name comes up for random testing, even if this means being tested twice in the same day, week, month or quarter.

## 6. Testing Procedures

All FTA and FMCSA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended.

Once a covered employee has been directed to submit to an alcohol and/or controlled substance test, he/she will proceed immediately to the testing area directed by the program administrator named in this policy. Covered employees must comply with the lawful requests of the technician doing the alcohol and/or controlled substance test.

The selected covered employee will be required to provide a urine specimen for controlled substance testing and/or a breath or saliva sample for analysis of alcohol concentration.

The covered employee will be required to provide photo identification prior to testing. For drug tests, privacy will be ensured at the facility by means of voiding in a private enclosure. A split sample will be procured and both samples will be sent to the lab.

Proper chain of custody procedures will be followed to ensure that the urine specimen submitted is indeed the specimen that belongs to the selected covered employee. The specimen will be sealed to prevent tampering during transport to the laboratory. Federal certified laboratories will be utilized for testing (drugs) and two separate methodologies will be performed to verify all specimens as positive prior to controlled substances reporting to the medical review office (MRO).

The MRO is a licensed physician that reviews all test results prior to reporting to the company. Should the specimen test positive, the MRO will contact the covered employee to discuss the test findings and afford the covered employee an opportunity to discuss his/her test results and any factors that could have attributed to the positive test. Should the covered employee question the test findings, the covered employee can request that the split sample be forwarded to another certified laboratory for re-analysis.

All test results are treated confidentially and no results will be released to outside parties without the covered employees express consent or when required by law, rule or regulation.

All testing for alcohol misuse will be conducted only by devices which have been approved by the National Highway Traffic Administration and conducted by trained Breath Alcohol Technicians (BATs) or trained Screening Test Technicians.

BAT may not act as a collector if they are a direct supervisor of the employee.

### **Dilute Urine Specimen**

If there is a negative dilute test result, the City of South Portland will conduct one additional test. The result of the second test will be the test of record.

Dilute negative results with a creatinine level greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.67).

## Split Specimen Test

In the event of a verified positive test result, or a verified adulterated or substituted result, the employee can request that the split specimen be tested at a second laboratory. The City of South Portland guarantees that the split specimen test will be conducted in a timely fashion. **The City of South Portland will ensure that the costs for the split specimen are covered in order to complete a timely analysis, however, the City will seek reimbursement for the split analysis from the employee.** The employee's request for split sample testing must be made to the Medical Review Officer (MRO) within 72 hours of notice of the original sample verified test result. The MRO must direct the laboratory in writing to send the split sample with appropriate copies of the Chain of Custody form and a copy of the MRO's request for testing to another DHHS certified laboratory. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.

## 7. Test Refusals

As a covered employee, you have refused to test if you:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City of South Portland.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- (6) Fail or decline to take a second test as directed by the collector or the City of South Portland for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the City of South Portland Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

As a covered employee, if you refuse to take a drug and/or alcohol test, you incur the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions, and referred to a SAP.

## 8. Voluntary Self-Referral

### **FTA Procedures**

**Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Human Resources Department, who will refer the individual to a substance abuse counselor for evaluation and treatment.**

**The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.**

**Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.**

### **FMCSA Procedures**

Any covered employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the Human Resources Department, who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from his/her safety-sensitive function until successful completion of a prescribed rehabilitation program. Prior to participating in a safety-sensitive function, the employee must also undergo a DOT return-to-duty drug test with a verified negative result and/or a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

**No disciplinary action may be taken against an employee who voluntarily participates in a rehabilitation program. Thereafter, the employee must refrain from violating the City's drug and alcohol abuse policy. Disciplinary action based on a violation of the City's drug and alcohol abuse policy for a second time is not automatically waived by an employee's participation in a rehabilitation program and a second positive test result shall be considered cause for discipline, up to and including termination of employment.**

## 9. Prescription Drug Use

**The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the covered employee's supervisor or department director. Medical advice should be sought by the employee, as appropriate, while taking such medication and before performing safety-sensitive duties. The misuse or abuse of legally prescribed drugs while performing a safety-sensitive function is prohibited.**

**A legally prescribed drug is one that the individual has a prescription or other written approval from a physician for the use of in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of use and authorization.**

## 10. Contact Person

For questions about the City of South Portland's anti-drug and alcohol misuse program, contact the City of South Portland Safety Coordinator, Employee Relations Manager, Human Resources Specialist or Human Resources Director.

## Attachment A: Covered Positions

### FTA covered employees:

Transportation Operations Supervisor  
Transit Bus Mechanic  
Transit Bus Operator  
Morning Fleet Technician  
Transportation Evening Coordinator  
Planning and Technical Specialist

### FMCSA covered employees:

Equipment Operator I & II  
Mechanic I & II  
Mechanics Helper  
Lead Mechanic  
Shop Fabricator  
Public Works Foreman  
Salt Truck Driver  
Transfer Station Equipment Operator  
Parks Foreman  
Park Maintainer  
Sewer Maintenance Worker I & II  
Vehicle Maintenance Mechanic WRP

EMPLOYEE RECEIPT OF THE CITY OF SOUTH PORTLAND

DRUG AND ALCOHOL POLICY

**Return this completed form to your immediate supervisor**

Print Employee Name: \_\_\_\_\_

I have received and will read the City's Drug and Alcohol Policy for Safety Sensitive Positions. I understand that I will be held responsible for the content of the policy and I agree to abide by drug and alcohol testing policy. If I need any clarification or if I have any questions regarding the substance of the policy, I will address them with the City's program administrator.

I understand that violation of this Policy may be grounds for immediate termination of my employment.

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

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

