

**WORKPLACE DRUG AND
ALCOHOL ABUSE POLICY**

FOR THE

TOWN OF FREMONT

I. INTRODUCTION

The Town of Fremont recognizes that the use and abuse of controlled substances and alcohol poses a serious problem in today's society and workplace. Not only can this use and/or abuse of drugs and alcohol jeopardize the health, safety and well-being of the individual user, but that of the general public as well. This is especially true since many of the employees operate commercial motor vehicles and perform multiple other safety sensitive duties such as loading and unloading heavy materials and related items. Such abuse also constitutes a basis for other risks in a general office environment. It is in regard to these risks to health and safety that it will be considered an **essential job function** for all employees to remain free of the influence of drugs and alcohol in the performance of their respective job duties. Also, the Town mandates that all the Town drivers of DOT regulated County vehicles be in compliance with Federal Highway Administration regulations.

Specialized provisions have been made to assist the employee with chemical related problems to find professional help through the Employee Assistance Program (E.A.P.). The primary contact for this program is the Town Supervisor and the Highway Superintendent. The employees that seek assistance through the E.A.P. will be treated confidentially in a sincere effort to preserve their dignity and privacy. The goal of this policy is to eliminate the influence of drugs and alcohol in the workplace with an active part of that process being self-referral into accredited treatment programs by the employee.

The Designated Employer Representatives (DER's) responsible for the implementation of the testing process, maintenance of the drug and alcohol testing records, employer copies of the custody control form forms and general aspects of the program are the Risk Manager and the Town Supervisor.

II. POLICY STATEMENT – GENERAL PROHIBITIONS

Employees are hereby notified that the unlawful manufacture, sale, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace or in the course of any duty of employment. During working hours for Town business, employees cannot consume or be under the influence of alcoholic beverages, whether on a regular Town workday or being paid overtime, or if driving a Town vehicle, operating Town equipment, machinery, or vehicles, which are owned or leased by the Town. Employees suspected of being under the influence of drugs or alcohol while in the course of their duties of employment will be subject to reasonable cause testing. Violation of these prohibitions will subject the employee to discipline that may result in termination.

PRESCRIPTION DRUGS: It is considered illegal drug use when prescription or over-the-counter medications are being used in an amount, for a purpose or by an individual for which they were not originally prescribed or designated or which were illegally obtained. Any employee operating a commercial motor vehicle, machinery or powered industrial equipment taking a prescription medication that may materially affect the performance of their job duty is required to have the signed approval of the prescribing professional to continue to safely perform their job duty. The employee shall provide such proof to the drug program coordinator. A special form is available for your physician to sign from the drug program coordinator.

NOTE: “2 by 2's and 4 by 4's” are available over-the-counter in CANADA and contain the opiate codeine which can cause a “positive” on a drug test. It is a violation of this policy to be under the influence of this opiate absent a prescription.

As a condition of employment all employees will abide by the terms of the above statement. Additionally, as a condition of employment, employees will notify the Town immediately of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. All employees are required as a condition of their employment to truthfully respond to any inquiry of the Town respecting any violation of this policy.

Drugs, paraphernalia or other materials of suspicious nature found on Town premises or in a Town vehicle will be turned over to local law officials and the Town will cooperate with law officials concerning the investigation of such incidences.

Specialized provisions have been made to assist the employee with chemical related problems to find professional help through the Employee Assistance Program (E.A.P.). The primary contact for this program is the Town Supervisor. The employees that seek assistance through the E.A.P. will be treated confidentially.

The Designated Employer Representatives (DER's) responsible for the implementation of the testing process, maintenance of the drug and alcohol testing records, employer copies of the custody control form forms and general aspects of the program are the Town Supervisor and the Steuben County Risk Manager.

DEFINITION OF TERMS: To avoid confusion in the use of certain terms, the following list of definitions is to be regarded as the meaning of each term as used throughout this policy.

“Alcohol”

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol's including methyl and isopropyl alcohol.

“Alcohol Use”

The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

“Breath Alcohol Technician (BAT)”

A properly trained and certified individual who instructs and assists individuals in the alcohol testing process and operated an evidential breath testing device (EBT).

“Collection Site”

Location where urine specimen collections are performed in compliance to the applicable federal regulations where a “waterless”, private area is kept solely for this purpose.

“Commercial Motor Vehicle” (as defined by the U.S. Department of Transportation)

A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (2) Has a gross vehicle weight rating of 26,001 or more pounds; or (3) Is designed to transport 16 or more passengers, including the driver; or (4) Is of any size and is used in the transportation of hazardous materials requiring placards.

“Confirmation Test”

For alcohol testing means; a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing means; a second analytical procedure to identifying the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

“Consortium”

A unified group of member organizations that combine their efforts and resources to meet a common goal. (i.e. compliance)

“Custody Control Form”

A document used to properly label, identify and secure a specimen throughout the collection, transport and testing process. (Also through storage if tested positive). The label may be in bar coded form.

“D.O.T.”

The U.S. Department of Transportation, the branch of the U.S. federal government that regulates all the different modes of transportation through its various agencies, such as the F.H.W.A.

“Driver”

Any person who operates a commercial motor vehicle. For the purpose of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.

“Drug Test”

A laboratory procedure that is used to detect the presence of a drug or its metabolite (breakdown product) which is confirmed by a second, different method, before reporting of a positive result. A custody control form secures the specimen throughout the process and an M.R.O. interprets the results. A standard D.O.T. drug test is for amphetamines, PCP, marijuana, opiates, and cocaine.

“E.A.P.”

A term referring to an Employee Assistance Program, which is a program administered in confidence to assist an employee with a problem to a professional source for assistance, and guidance and possible treatment.

“Employer”

Means any person who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle, including employees, agents, officers, and representatives of the employer including, but not limited to the Town of Fremont.

“Evidential Breath Testing Device (EBT)”

A device approved by the U.S. National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s “Conforming Product’s List of Evidential Breath Measurement Devices (CPL)

“F.H.W.A.”

The U.S. Federal Highway Administration. The agency of the U.S. D.O.T. that deals specifically with the matters of the trucking industry and related concerns.

“GC/MS”

Gas chromatography/Mass spectrometry. Highly advanced analytical methods a lab will utilize to detect the presence of a drug or it’s metabolite as a backup confirmation test before reporting a positive to the MRO.

“Insubordination”

An act where an individual refuses to submit to the authority and the established mandates regarding drug and alcohol testing of applicable regulations or directives of this policy. (See 49 CFR 391.95d)

“Laboratory”

A testing facility certified by the appropriate authorities where the complete drug testing process is performed under rigid standards.

“M.R.O.”

Medical Review Officer – A licensed physician knowledgeable in substance abuse disorders that interprets drug test results and maintains custody of the lab reports and communicates verified drug test results to the employer.

“Negative”

The result given to a drug test when the specimen does NOT contain a detectable amount of the drug or metabolite for which is being tested. The term given to an alcohol test when the concentration of alcohol present is less than 0.020.

“NHTSA” (United States Agency)

The U.S. National Highway Traffic Safety Administration – The agency, which approves the various methods and instruments, used for alcohol testing.

“Owner Operator”

An independent contractor that works for the Town of Fremont for an arranged fee.

“Participant”

The term here used to refer to each individual (driver) entered into Consortium pool for random selection.

“Performing” (a safety-sensitive function)

Any period in which the driver is actually performing, ready to perform, immediately able to perform or has just finished with any safety sensitive functions.

“Pool”

The entire group of participants from which the random selection will take place.

“Positive”

A *lab positive* is a drug test result that screened and confirmed positive. A *verified positive* is a lab positive, which has been reviewed and interpreted by the M.R.O. as an illegitimate drug use. A positive alcohol test is an alcohol concentration determined to be at or above 0.04.

“Post-Accident”

Non-suspicious based post-accident testing mandated when an accident involves a fatality or the driver is issued a citation for a moving violation linked to the disabling of any vehicle or if medical treatment is required away from the scene.

“Pre-employment”

Circumstance referring to the pre-hire or pre-use status of a prospective employee or independent contractor respectively.

“Random”

An unbiased method of selection has no specific predictable pattern.

“Random Selection Process”

An unbiased and random means of selecting personnel for drug and alcohol test which are unannounced; that every driver of a motor carrier subject to tests conducted annually shall equal or exceed fifty percent (50%) for drugs and 10% for alcohol of the total number of drivers subject to testing of a motor carrier.

“Reasonable Cause”

Testing based on the specific, unordinary behavior of the employee as directly observed by a trained supervisor. The determination to test will be based on the specific, articulable observations concerning appearance, behavior, speech or body odors of the employee.

“Refusal to submit (to an alcohol or controlled substance test)”

When an employee: (1) fails to provide adequate +breath or saliva for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for testing, (2) Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for testing, or (3) Engages in conduct that clearly obstructs the testing process.

“Rehabilitation”

To restore to good standing or reputation by means of education, counseling or therapy.

“Safety-Sensitive Function”

Any of those on-duty functions set forth in 395.2 U.S. Federal Motor Carrier Safety Regulations *On-Duty time*, paragraphs (1) through (6) as listed below:

- 1) All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- 2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCST’s) or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- 3) All time spent at the driving controls of a commercial motor vehicle.
- 4) All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
- 5) All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- 6) All time spent performing the driver requirements associated with an accident.

“SAMHSA”

The U.S. Substance Abuse and Mental Health Services Administration. A division of the U.S. federal government dealing with chemical dependency issues and certification of laboratories performing drug testing.

“Screen”

The first phase of drug testing that yields a negative result or a presumptive positive result that leads to confirmation testing. The first stage of alcohol testing which would mandate confirmation if the results are at or above 0.02.

“Screening test (AKA initial test)”

In alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing it means an immunoassay screen to eliminate “negative” urine specimens from further consideration.

“Substance Abuse Professional”

A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

“Verification”

The process by which the M.R.O. interprets drug test results to reach a final determination regarding drug abuse.

“Waterless”

Referring to a urine collection area where there is no accessible water which is not colored with a bluing agent.

III. SCOPE

This policy applies to all employees of the Town of Fremont. All full-time, part-time and casual employees working for the Town are subject to the prohibitions in this policy and testing as described within. Testing will be administered based on the safety sensitive nature of the job duties involved, as follows:

- A) All drivers of DOT regulated Town vehicles will be subject to the testing circumstances of the Federal Highway Administration rules as described section V (A) of this policy.
- B) All other non-DOT regulated employees will be subject to the testing circumstances as described in V (B) of this policy.

IV. CONTRACTORS/SUBCONTRACTORS

Contractors, owner operators, or any other non-employees that enter into a contractual arrangement with the Town to perform any job duties on behalf of the Town must either participate with the mandates of this policy or provide certain proof of participation in an equivalent program as a condition of the contract. By signing the “Acknowledgement” of this policy, the non-employee duly accepts all the mandates of this program in the equivalent context to the Town employee.

The Town will initially secure compliance of contractors who choose not to participate in the Town program by:

- A) Requiring the contractors to file a pre-audit questionnaire before any covered work is performed.
- B) Assurance of all required aspects of compliance are in place before work functions are initiated.
- C) Requesting quarterly testing statistics from approved contractors.

V. **OCCASIONS FOR DRUG AND ALCOHOL TESTING**

All drug and alcohol tests will always be in compliance to Department of Transportation's standards, 49 CFR Part 40, and performed at the Town designated laboratory, testing facilities, and collection sites.

A) **Drug & Alcohol Testing Circumstances Specific to Drivers of DOT Regulated Town Vehicles:**

Pre-employment – Drug testing ONLY upon application to the Town to work in a **DRIVER** capacity. This will also be the designated test type of the current employee who transfers into a **DRIVER** job capacity. An employee with a work outage in excess of thirty (30) days may be subject to a pre-employment drug test.

Random – random selection with surprise employee notification, a 50% rate of testing per year for drugs and a 10% rate for alcohol. All personnel subject to random are available for testing at all selection cycles. The Steuben County Risk Manager or Personnel Officer will contact individuals by phone and inform them of when and where to go for testing.

Reasonable cause - Drug and alcohol testing, when circumstances such as behavior, conduct, speech, body odor, or other actions lead a trained supervisor to believe that the employee may be under the influence of drugs or alcohol while on duty.

Post-accident – testing as soon as possible, within 32 hours, for drugs and up to 8 hours for alcohol, following an accident on a public road in commerce. The driver must contact the supervisor on-call and remain available for testing, up to 32 hours, while abstaining from any alcohol use for 8 hours. **Testing is mandated in any of the following four circumstances:**

- 1) **Whenever there is a fatality involving the Town Vehicle.**
- 2) **Whenever there is a citation issued to the driver of the Town commercial motor vehicle for a moving violation and any vehicle involved in the accident is disabled requiring towing.**
- 3) **Whenever there is a citation issued to the driver of the Town commercial motor vehicle for a moving violation and there is immediate medical treatment administered to anyone away from the scene.**
- 4) Special Post-Accident Injury Related Protocols:
 - a) In the case of a conscious, but hospitalized employee, the Town is authorized to request that the hospital or medical facility obtain samples of urine, saliva, breath or blood from the employee to conduct the testing required by this policy. Employee agrees to cooperate with the hospital release of the test results/sample to the Town.

- b) If an employee is conscious (employee can communicate) and he/she is able to evidence consent (employee able to sign custody and control form) to the drug and alcohol tests and is able to void normally (without the aid of catheters) the urine specimen shall be collected and the breath sample shall be attempted for the alcohol test.
- c) If an employee is injured, unconscious (employee is able to communicate), or otherwise unable to evidence consent (employee is unable to sign custody and control form) to the drug and alcohol tests, all reasonable steps will be taken to obtain a urine, saliva, breath or blood sample(s) from the employee to conduct the testing required by this policy.
- d) If an employee who is subject to post-accident testing is conscious, able to urinate normally (in the opinion of a medical professional), and refuses to be tested, that employee will be removed from duty in accordance with Section 382.211.
- e) Attempts to obtain an alcohol testing sample will cease after 8 hours and attempts to obtain the drug testing sample will cease after 32 hours.
- f) If any condition above, where the employee is not able to evidence consent to drug and alcohol testing, the signed acknowledgment to this policy will be the employee's advance consent to obtain the required samples.

NOTE: The priority in the above situations is to provide required medical treatment to the injured employee. Treatment of any injury will not be delayed to conduct testing, but the employee will not delay the sample collections after the treatment has been rendered.

Return-to-duty testing – Drug and/or alcohol testing prior to the employee returning to any duty of employment for the Town after having tested positive to drugs or at an alcohol concentration at or above 0.04 and after appropriate rehabilitation has been successfully completed to the satisfaction of the S.A.P. and the M.R.O. An employee will be subject to a return to duty test before returning to duty if a previous alcohol test resulted in a removal from any safety sensitive job capacity due to an alcohol concentration of 0.02 to 0.039%.

Follow-up testing- Unannounced testing for drugs and/or alcohol as dictated by the substance abuse professional (S.A.P.) with a minimum of six (6) tests in the first 12 months and for a maximum of five (5) years.

Follow-up testing required for any driver as a result of previous employment prohibited drug or alcohol related conduct shall be solely at the expense of the driver and performed at Town designated facilities wherever possible.

Other Alcohol Testing – An employee with two alcohol test results in the range of 0.02% to 0.39% within two (2) years will be subject to a mandatory S.A.P. evaluation and required to follow all recommended treatment, follow-up testing and return-to-duty recommendations suggested by the S.A.P.

B) TESTING OF “NON-DOT REGULATED” EMPLOYEES:

All drug and alcohol tests will always be in compliance to Department of Transportation standards, 49 CFR Part 40, and performed at the Town designated laboratory, testing facilities and collection sites.

Pre-Employment – Drug testing only for all applicants to the Town in any job classification.

Reasonable cause – Drug and alcohol testing, when circumstances such as behavior, conduct, speech, body odor, or other actions lead a trained supervisor to believe that the employee may be under the influence of drugs or alcohol while on duty.

Industrial Post Accident – Testing of an employee who is directly or indirectly involved in any work related accident on Town premises or a worksite, where their actions, judgment, decisions or directive have resulted in circumstances involving:

- 1) A fatality.
- 2) A bodily injury to anyone on the scene of the accident requiring medical treatment from a health professional away from the scene.
- 3) Property damage or loss, due to the accident, exceeds the amount of \$4,500.00.

Return-to-duty testing – Drug and/or alcohol testing prior to the employee returning to any duty of employment for the Town after having tested positive to drugs or at an alcohol concentration at or above 0.04 and after appropriate rehabilitation has been successfully completed to the satisfaction of the S.A.P. and the M.R.O. An employee will be subject to a return to duty test before returning to duty if a previous alcohol test resulted in a removal from any safety sensitive job capacity due to an alcohol concentration of 0.02 to 0.039%. An employee having an alcohol concentration of 0.02 – 0.039 or greater shall be placed on a leave of absence for a 24-hour period along with a 24-hour suspension without pay, starting from the time of the alcohol test.

Follow-up testing- Unannounced testing for drugs and/or alcohol as dictated by the substance abuse professional (S.A.P.) with a minimum of six (6) tests in the first 12 months and for a maximum of five (5) years.

Follow-up testing required for any employee as a result of previous employment prohibited drug or alcohol related conduct shall be solely at the expense of the employee and performed at Town designated facilities wherever possible.

VI. DRUG TESTING

LABORATORY ANALYSIS FOR DRUGS

Only a laboratory with specialized certification from **Substance Abuse and Mental Health Services Administration** (SAMHSA) will be utilized for drug testing to assure the highest quality standards in analysis. A strict custody control form procedure will secure the lab samples. Local collection facilities will be made available.

A urine specimen will be initially tested by the laboratory using the immunoassay technique. If a test is positive, a second quantitative analytical procedure, Gas Chromatography/Mass Spectrometry (GC/MS), will be used. If a specimen tested using GC/MS is negative, the laboratory shall report the result as negative to the M.R.O.

Analysis of a split specimen shall be authorized only by the M.R.O. and utilizing the Gas Chromatography/Mass Spectrometry method if the employee makes a request for retest in writing within 72 hours after being notified of a positive test by the Medical Review Officer. If the employee requests an analysis of the split specimen within 72 hours of having been informed of a verified positive test, the Medical Review Officer shall direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis at the employee's expense. The mere presence of the drug or its metabolite shall be reason to re-confirm the original GC/MS positive result.

The SEVEN drugs for which the SAMHSA Lab will be testing **will always be in accordance with 49 CFR part 40**, currently being: Marijuana, cocaine, PCP, opiates, amphetamines, ecstasy and mono-acetyl morphine.

IX. INSUBORDINATION

Any employee or applicant refusing to provide a urine, breath, saliva or blood sample, refusing to sign any relevant documentation, such as the custody control form, the breath alcohol testing form, the S.A.P. or employee assistance release of information form, or release and consent forms, fails to present him or herself at the designated collection site at the appointed time, fails to properly cooperate with the MRO, collection site personnel, or engages in any conduct which creates a reason to believe any sample to be used for drug or alcohol testing has been altered or substituted, may be subject to discipline, up to and including discharge, or refusal to hire.

X. DISCIPLINE

The following disciplinary actions will be taken relative to each of the following testing circumstances for ALL employees:

PRE-EMPLOYMENT TESTING

Any applicant who tests positive as a result of a pre-employment drug test will not be considered for employment at that time. Professional assistance information shall be provided to the applicant.

ALL OTHER TESTING CIRCUMSTANCES

Upon a positive drug or alcohol test, the employee will be immediately removed from the job with:

Leave time to be used until the issue is resolved, as follows:

- 1) First Offense – Incident Notice
- 2) Second Offense – Termination

Any time an employee tests at or above 0.02 to an alcohol test, they must contact their supervisor or a D.E.R. to arrange transportation away from the test location and may not use a Town vehicle to return to any destination. An employee having an alcohol concentration of 0.02 – 0.039 or greater shall be placed on a leave of absence for a 24-hour period along with a 24-hour suspension without pay, starting from the time of the alcohol test.

XI. DRUG EDUCATION AND AWARENESS

A D.O.T. compliant drug awareness campaign will be implemented in the workplace. Appropriate drug education will be carried out for employees. Supervisors will receive 60 minutes of training on each; Drugs and Alcohol. Emphasis will be placed on the effects and behavioral manifestations of drugs and alcohol on individuals for proper actions in reasonable cause circumstances.

XII. REHABILITATION/EMPLOYEE ASSISTANCE/REINSTATEMENT

REHABILITATION

In the event of a positive drug or alcohol test, the drug program coordinator shall make an *ADMINISTRATIVE REFERRAL* to an accredited S.A.P. or to a clinical coordinator of the employee assistance contract group. The employee must provide proof of enrollment into an accredited program within four weeks of referral and sign a release of information to allow the S.A.P. to keep the employer contact informed of the person's participation in the program.

All responsibility for their participation in a rehabilitation program belongs with the employee. It is the responsibility of the employee to engage in their health plan or supplemental insurance benefits or personal resources to pay for the services of the substance abuse professional and any required treatment professionals. It is a priority of the Town to assist the employee in seeking the professional help required. The D.E.R.'s are available to confidentially handle this aspect for the Town.

REINSTATEMENT

It is required that an employee provides proof of rehabilitation from an accredited S.A.P. as well as a negative drug and/or alcohol test before being considered for work re-entry. All employees must have return-to-duty testing in accordance with U.S. D.O.T. regulations as documents in 49 CFR parts 40 and 382. The Medical Review Officer is empowered to override an S.A.P. return-to-work recommendation if any question arises as to the return to safety sensitive duties. Reinstatement will be considered after the above conditions are met and based on job availability with no guarantee of re-employment.

XIII. RECORD KEEPING AND RETENTION

The Town Supervisor will keep the following records for the period specified and permit access to the records as provided:

- A) Records that demonstrate the collection process conforms to Part 382, 391 and Part 40 will be kept for at least three years.
- B) Records of employee drug test results that show employees failed the drug or alcohol test and the type of test they failed.
- C) Records that demonstrate rehabilitation, if any, will be kept for five years and include the following information:
 - 1) Functions performed by employees who failed any drug or alcohol test
 - 2) The prohibited drugs or alcohol which was used by employees that failed the drug test.
 - 3) The disposition of employees who failed the test, e.g., termination, rehabilitation, etc.
- D) Records of employee test results that show employees passed the drug and alcohol test will be kept for at least one year.

- E) A record of the number of employees tested by type of test will be kept for at least five years.
- F) Records confirming that supervisory employees have been trained as required will be kept for at least three years.
- G) Records shall be kept in a locked filing cabinet and maintained in strictest confidentiality separated from employee files.

XIV. PRIVACY

No results of drug or alcohol test or participation in a rehabilitation program will be released to a third party without the written consent of the employee. The U.S. D.O.T. or N.Y.S. D.O.T. may have access to these records upon an audit or investigation as set forth in the regulations.

Information regarding an individual's drug and alcohol testing results or rehabilitation will be released only upon the written consent of the individual to ensure confidentiality, except that such information will be released regardless of consent to the County or the representative of a U.S.D.O.T, or state agency upon request as part of an accident investigation, conducted in accordance with U.S.D.O.T. regulation 49 CFR Part 40, 382, 391 or upon routine audits. Statistical data related to drug and alcohol testing and rehabilitation that is not name-specific and training records will be made available to the County or the representative of the U.S.D.O.T., provincial or state agency upon request.

ACKNOWLEDGEMENT OF THE DRUG AND ALCOHOL POLICY OF

The Town of Fremont

I hereby acknowledge, by my signature below, that I have received and read a copy of the Town's Drug and Alcohol Abuse Policy and agree to abide by the terms and conditions as set forth within the policy.

I understand that these conditions constitute part of my essential job duties and are mandated by the Town for my own safety, that of my coworkers, as well as that of the general public.

I further understand that the drivers must also comply with the U.S. Department of Transportation (DOT) regulations pertaining to drug and alcohol testing for the Town to be allowed to perform transportation duties. The policy is being administered to the employees in an unbiased manner. I further understand that my compliance with the policy and procedures are a condition of my new or continuing employment or contract with the Town.

My signature is being given below on this document of my own free will without duress and with the understanding that the provisions of this policy do not in any capacity constitute a contract of employment or contract of services.

EMPLOYEE SIGNATURE

PRINTNAME

____/____/____
DATE

***Place This Original Form
Into the Personnel File***