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## DRUG AND ALCOHOL

### Section 1. PURPOSE

The goal of the Bedford Regional Water Authority (“Authority”) is to establish and maintain a safe and healthy workplace for its employees that is free from drug and alcohol abuse, and to protect the safety of its customers and partners by providing services in a safe and professional manner.

### Section 2. POLICY

- A. Employees are expected to report to work on time and in appropriate mental and physical condition for work. In order to accomplish the Authority’s goals and maintain employee productivity, an employee must:
1. Not have a detectable presence of illegal drugs in their system, not have an alcohol concentration of 0.02 or greater, not be under the influence of, nor have their ability to perform job duties impaired by alcohol or any other drugs, whether legal or illegal, while on duty or on call, while on Authority property, or while off Authority property in an official capacity, or at any time while operating Authority vehicles or equipment. Any employee, who as a result of testing is found to have a detectable presence of illegal drugs or an alcohol concentration of 0.02 or greater in their system, regardless of when, where, or how the substance entered the employee’s system, will be in violation of this policy.
  2. Not use alcohol while on duty, on call, or report to work with the odor of alcohol on their breath or person. This includes all time during working hours, including lunch.
  3. Not consume, use, possess, sell, buy, distribute, or offer to sell, to buy, or to distribute, or to manufacture any illegal drugs or alcohol or any substance that purports to be an illegal substance, any time during the scheduled work day, while on Authority property, or while off Authority property in an official capacity, while on-call, or at any time while operating an Authority vehicle.
  4. Submit to a drug or alcohol screening test when requested to do so by their Manager or the Executive Director by signing the Release Form.
  5. Provide within twenty-four (24) hours of request a current valid prescription, bottle for the prescription, and doctor’s note stating drivability or impairment for any controlled substance or drug found to be in the employee’s possession or identified in a positive drug screening analysis to the Medical Review Officer. The medical review officer is appointed by a third party that is not an employee of the Authority.
  6. Inform their Manager of any potential violation, by themselves or their coworkers, of this policy; and to notify their manager of any current prescriptions that may cause impairment by an employee prior to the operation of any safety sensitive position including the operation of equipment and/or vehicles.
- B. Employees must, as a condition of employment, abide by the terms of this policy and report any arrest or conviction under a criminal drug statute for violations occurring on or off Authority premises. Any arrest or conviction must be reported to their Manager or Human Resources within five (5) days after the arrest or conviction.

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### Section 3. APPLICANTS

- A. The Authority requires drug/alcohol screening for all applicants that are offered employment or internships.
- B. Any applicant with a current Commercial Drivers License (CDL) will be required to give the Authority written permission to run a full query in the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse.
- C. The applicant being offered a position will provide a specimen for screening by urinalysis for drugs and other appropriate tests for alcohol.
  1. Drug/alcohol screening will be performed under standard medical procedures.
  2. A positive test for drugs or alcohol shall be grounds for disqualification from employment consideration.
- D. Any applicant who tests positive for drugs and/or alcohol shall be disqualified for employment consideration for six months following the positive test.

### Section 4. EMPLOYEES

- A. Reasonable Cause Testing.
  1. The Authority may require a current employee to undergo a drug or alcohol screen if there is reasonable cause to believe that the employee is under the influence of drugs or alcohol during work hours.
  2. Circumstances which constitute a basis for reasonable cause may include, but are not limited to:
    - a. A pattern of abnormal or erratic behavior (e.g., including but not limited to hyperactivity, unexplained mood or personality changes, paranoia, hallucinations).
    - b. Information which is provided by an individual who, in the judgment of the Executive Director, is a reliable and credible source.
    - c. Work-related accidents or personal injuries that may have been caused by human error.
    - d. Vehicle accidents in which a fatality occurs, or a vehicle involved in the accident is towed from the scene, or a person involved in the accident receives medical attention due to the accident and the Authority driver is issued a citation by a law enforcement officer.
    - e. Direct observation of drug or alcohol use.
    - f. Presence of the physical symptoms of drug or alcohol use (e.g., including but not limited to glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, onset of unusual perspiration or shakes, unusual drowsiness or sluggishness).
    - g. Disregard or violations of established safety, security or other operating procedures.
    - h. Excessive time away from the workplace, excessive absenteeism or tardiness pattern.
    - i. Possession of alcohol or illegal drugs, or the presence of alcohol, alcohol containers, illegal drugs, or drug paraphernalia in an area subject to the employee's control.
    - j. Unexplained inability to think or reason at the employee's normal levels.

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- k. Fighting or combative or assaultive behavior.
  - l. Agreement between two (2) supervisors that there is reasonable cause for alcohol testing.
- B. Random Testing.
- 1. All Authority employees must submit to random drug/alcohol testing due to the need for employees to safely operate Authority vehicles and/or equipment as requested.
  - 2. A scientifically valid random selection method will be used by a third party, who is not an employee of the Authority, to designate the employees to be tested. Each employee in the work group will have an equal chance of selection at all times.
  - 3. An individual selected for random testing shall be notified on the same day when the test is to occur, preferably, within two (2) hours of the scheduled testing. The Manager will explain to the employee that the employee is under no suspicion of taking drugs and that the employee's name was selected randomly.
- C. Testing Necessary to Comply with the Department of Transportation ("DOT") Regulations.
- 1. In compliance with DOT regulations, all Authority employees whose job duties require them to possess a valid Commercial Driver License ("CDL") must submit to random drug testing.
  - 2. DOT requires that at least 10% of the Authority employees who hold a CDL to be tested annually.
  - 3. The Authority will annually require a limited query from all employees that hold a CDL from the Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse.

### Section 5. PROCEDURES

- A. At all times, the Manager will proceed with sensitivity so as to minimize embarrassment to the employee and to protect confidentiality and privacy. The Manager will consult the Executive Director prior to requesting a drug or alcohol screen.
- B. The Manager will confidentially and privately explain to the employee the reason(s) for requesting a drug/alcohol screen. If the reason(s) for requesting a screen are based in any part on information received from a third party, the name of that third party will not be disclosed to the employee, without the third party's permission.
- C. The employee will be given an opportunity during the meeting with the Manager to respond to the Manager's assertions concerning the reasons for requesting the drug/alcohol screen. If the Manager still believes the screen necessary or if the screen is pursuant to the random testing program or any follow-up testing at random intervals, the Manager will continue to have the screen performed.
- D. The employee will provide a specimen or blood sample at the chosen medical facility for testing. The Manager shall have the authority to place the employee on Administrative Leave with pay or to reassign an employee tested for reasonable cause while awaiting the results of the test when such action is in the best interest of the Authority. Such action is not to be considered corrective in nature, nor a presumption of guilt.

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- E. The results of the screen shall be reported to the employee, Human Resources, the Manager, and the Executive Director. Any quantification information will be reported only to the Executive Director.

### Section 6. TEST RESULTS

- A. Adulteration detected in a specimen, substitution of a specimen, or otherwise tampering with a specimen by the employee to be tested or by another Authority employee may be grounds for dismissal. In the event of adulteration, substitution or tampering, a new screen may be ordered if the tested employee is not dismissed.
- B. If the drug/alcohol screen is negative-dilute, the Manager will meet with the employee and have the employee submit a second specimen.
- C. If the drug/alcohol screen is positive, the Manager will meet with the employee prior to determination of an appropriate action/response. The employee will be given an opportunity to respond to the result.
  - 1. An employee who tests positive may request, at their own expense, that the original specimen that was split be retested; this additional test must be requested within seventy-two hours of the notification of the positive test results.
  - 2. If the second drug test is negative or inconclusive, the Authority, at its expense, may request a third drug test for further analysis of the test specimen.
  - 3. If both the second and third tests are negative, the Authority will reimburse the employee's share of the screening test costs to the employee, up to the normal cost that the Authority pays for its screening tests. All test-related records will be purged.
  - 4. If two (2) of the three (3) drug test results are inconclusive, the employee shall be subject to follow up drug/alcohol testing at random intervals during the next twelve (12) months of employment. At the department's discretion, follow up testing may be continued up to five (5) years from the positive drug test.
  - 5. If the drug/alcohol screen is positive (and if any confirmation test is also positive), the Manager will determine an appropriate action/response according to the following:
    - a. A positive drug/alcohol screen that confirms an employee has a detectable presence of illegal drugs in their system or has an alcohol concentration of 0.02 or greater, or has their ability to perform job duties impaired by alcohol or any other drug, whether legal or illegal, during work hours, including on-call time, may result in immediate suspension from duty, without pay, pending appropriate corrective action.
    - b. Any employee who tests positive for drugs or alcohol shall be presumed to have been at work under the influence of drugs or alcohol.
    - c. If the employee holds a CDL, they will be subject to six (6) mandatory follow up drug/alcohol screenings at random intervals during the next twelve (12) months of employment. At the department's discretion, follow up testing may be continued up to five (5) years from the positive drug test.

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- d. A positive test for drugs or alcohol is not necessarily the only method/means of determining that an employee has used drugs or alcohol in violation of Authority policies. Such a finding may be based on other observed facts and conditions.
- D. Any employee who tests positive for drugs and/or alcohol shall be dealt with in accordance with the discipline policy.

### **Section 7. CORRECTIVE ACTION**

- A. Any employee who violates this policy shall be subject to the full range of corrective action, including termination, pursuant to applicable disciplinary policies.
  - 1. The severity of the corrective action for violations of this policy shall be determined on a case-by-case basis.
  - 2. Mitigating circumstances that may be considered in determining the appropriate corrective action include whether the employee voluntarily admits to, and seeks assistance for, an alcohol or other drug problem.
- B. No employee shall receive corrective action for the appropriate use of non-prescription, over the counter or prescribed medication in the treatment of illness or injury. However, if the employee knows or should know that use of a non-prescription or prescribed medication does or could impair their ability to operate an Authority vehicle or equipment, or otherwise interfere in any way with their job performance, the employee shall inform their immediate Manager prior to the operation of any vehicles or equipment and shall be prepared to provide a copy of the prescription or an indication of the medication upon request.
- C. The failure of an employee to submit to a drug or alcohol screening test shall be considered insubordination and shall subject the employee to immediate corrective action, up to and including possible termination from employment. If the employee holds a CDL, according to the DOT, refusal is the same as a positive test and will be treated as such. An employee who refuses to take a drug or alcohol screening test shall be immediately placed on Administrative Leave without pay, pending corrective action. The results of a drug or alcohol screening test shall not be used by the Authority for any purpose other than to determine adherence to policy, readiness for work, and appropriate corrective action.

### **Section 8. EMPLOYEE ASSISTANCE PROGRAMS**

- A. The Authority recognizes drug/alcohol dependency as an illness and a major health problem, as well as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance Program (“EAP”).
- B. The employee may be required or recommended to participate satisfactorily in a rehabilitation program if any part of this policy is violated. If the employee refuses treatment, fails to complete the program, fails to be rehabilitated, they shall be subject to termination.
- C. Conscientious and voluntary efforts by an employee to seek help will not jeopardize their job.

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**Section 9. REVISIONS**

- A. This policy was approved and adopted by the Authority's Executive Director on February 26, 2013, effective July 1, 2013.
- B. This policy was modified as follows:
  - 1. Approved July 29, 2021 effective August 1, 2021:
    - a. Section 3.B and Section 4.C.3 added information about CDL Clearinghouse requirements.
    - b. Section 6. B added a negative-dilute test result.