

RESOLUTION 1907

**A RESOLUTION ENTERING INTO A MEMORANDUM OF UNDERSTANDING WITH THE PUTNAM COUNTY BOARD OF EDUCATION TO MEET FEDERAL AND STATE REQUIREMENTS REGARDING DRUG AND ALCOHOL TESTING PROCEDURES.**

**WHEREAS**, the Omnibus Transportation Employee Testing Act of 1991 requires drug and alcohol testing of employees who perform safety-sensitive functions including public sector employees who possess a valid Commercial Driver's License; and

**WHEREAS**, January 1, 1996 will be the mandated implementation date for the drug and alcohol testing program; and

**WHEREAS**, the Council of the Village of Leipsic, Putnam County, Ohio, discussed the adoption of establishing a drug and alcohol testing policy for their employees who possess a valid Commercial Driver's License at a regularly scheduled meeting.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Village of Leipsic, Putnam County, Ohio, that;

**Section 1.** The Village of Leipsic Drug and Alcohol Testing Policy attached to this resolution as Exhibit A and made a part thereof be adopted.

**Section 2.** The Village enter into and declare a Memorandum of Understanding with the Putnam County Board of Education located at the County Annex, P.O. Box 190, Ottawa, Ohio, 45875 and develop a data base of employed drivers who possess a valid Commercial Driver's License thus creating a larger pool for testing drivers in Putnam County, Ohio.

**Section 3.** A professional certified drug and alcohol testing laboratory will be managing the testing for the Putnam County Board of Education and consequently the Village of Leipsic. The Village of Leipsic will be responsible for supplying the professional certified drug and alcohol testing laboratory with a correct and updated list of employees who currently possess a valid Commercial Driver's License.

This Resolution shall take effect from and after the earliest period allowed by law.

PASSED Dec. 18 1995

ATTEST:

Jeanne Baumeier  
Clerk-Treasurer

L. Shuefer  
President of Council

APPROVED:

Mark C. Baker  
Mayor





## **EXHIBIT A**

### **VILLAGE OF LEIPSIC**

#### **COMMERCIAL DRIVERS' ALCOHOL AND DRUG POLICY**

##### **A. GENERAL**

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1. It is the policy of the Village of Leipsic, Putnam County, Ohio to establish a program which is designed to aid in the prevention of accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by employees who are drivers of commercial motor vehicles.
  2. The misuse of alcohol and the use of controlled substances can cause grave harm to not only the person using the substance but also to fellow employees and citizens. The effects of alcohol misuse or drug use are magnified when the individual is responsible for the safety-sensitive functions involved with operating a commercial motor vehicle and/or other Village equipment.
  3. Federal law prohibits any alcohol misuse that could affect the performance of driving a commercial motor vehicle. This includes:
    1. Use of the job;
    2. Use during the four hours before driving a commercial motor vehicle;
    3. Having prohibited concentrations of alcohol in the system while driving a commercial motor vehicle;
    4. Use during eight hours following an accident; and
    5. Refusal to take a required test.
  4. Federal law prohibits any controlled substance use without a licensed physician's written prescription.
  5. Federal law requires employers to implement certain drug and alcohol testing procedures in accordance with the requirements of 49 C.F.R. Part 382. The law mandates that drivers of commercial motor vehicles, which includes school buses, be subject to pre-employment testing, reasonable suspicion testing, random testing, post accident testing, return to duty and follow-up testing.
  6. The testing procedures utilize an evidential breath device of alcohol testing and urine specimen collection for controlled substance testing. The testing procedures shall be implemented in accordance with the federal requirements contained in 49 C.F.R. Part 40. Every effort will be made to protect the driver and the integrity of the testing processes, to safeguard the validity of the test results, and to insure that the results are attributed to the correct driver.
  7. Before performing alcohol or controlled substances test under this policy, the Village of Leipsic will notify a driver that the alcohol or controlled substances test is required under the policy and federal law.
  8. Any questions regarding the language, implementation, or consequences of this policy shall be brought to the attention of the Village Administrator.
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## **B. PROHIBITIONS**

1. **Alcohol Concentration** - No driver shall report to duty or remain on duty requiring the performance of driving a commercial motor vehicle while having an alcohol blood concentration of 0.02 or greater.
2. **Alcohol Possession** - No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol.
3. **On Duty Use** - No driver shall use alcohol while driving a commercial motor vehicle.
4. **Pre-duty Use** - No driver shall drive a commercial motor vehicle within four hours after using alcohol.
5. **Use following accident** - No driver required to take a post-accident alcohol test under this policy shall use alcohol for eight hours following an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
6. **Controlled Substance Use** - No driver shall report for duty or remain on duty requiring the performance of driving a commercial motor vehicle when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. A commercial motor vehicle may be required by the Village of Leipsic to inform the said Village of any therapeutic drug use.
7. **Controlled Substance Testing** - No driver shall report for duty, remain in duty or drive a commercial motor vehicle, if the driver tests positive for controlled substances.
8. **Refusal to submit to required alcohol or controlled test** - No driver may refuse to submit to a required alcohol or controlled substance test. A driver refusing to undergo such tests will not be permitted to operate a commercial vehicle and will be treated as having failed the prescribed alcohol or drug test.



## **C. TESTS REQUIRED**

1. **Pre-employment** - Prior to the first time a driver performs safety sensitive functions for the employer, the driver must undergo testing for alcohol and controlled substances. This requirement pertains to all new hires and existing employees transferred to a commercial drivers position. The Village is under no obligation to hire an applicant who fails a drug or alcohol test. As soon as practical after an accident involving a commercial motor vehicle, a driver may be tested for alcohol and controlled substances. An accident is defined as one which involves the loss of human life or the driver receives a citation under state or local law for a moving traffic violation arising from the accident.
  2. **Random Testing** - At a minimum, 25% of the average number of driving positions in the Village will undergo annual alcohol testing. The minimum annual percentage rate for random controlled substance testing is 50% of the average number of driving positions.
  3. **Reasonable Suspicion Testing** - Drivers are required to submit to testing based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver." Reasonable suspicion testing is authorized by the regulations during, just preceding, or after a period of the work day the driver is required to be drug or alcohol free.
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The required observation for reasonable suspicion testing will be made by any Village employee who is trained in accordance with the requirements of the Federal Regulations.

4. Return to Drug Testing - After a driver fails to pass an alcohol or controlled substance test the driver will be required to undergo and pass another test before the driver is permitted to operate a commercial motor vehicle.
5. Follow-up Testing - Drivers who are reinstated after problems associated with alcohol misuse and/or use of controlled substances shall be subject to unannounced follow-up testing as directed by a substance abuse professional.

**D. CONSEQUENCES FOR VIOLATING ALCOHOL & DRUG PROHIBITIONS**

1. Alcohol - Following a determination that the employee has violated the alcohol prohibitions, including having a test result of 0.04 BAC or greater, the driver must be removed from, and cannot return to, a driving position until, at a minimum;
  1. The employee undergoes evaluation, and where necessary, rehabilitation;
  2. A substance abuse professional determines that the employee has successfully complied with any required rehabilitation; and;
  3. The employee undergoes return-to-duty tests with the result of less than 0.02 BAC.

In addition, an employee with an alcohol concentration of 0.02 or greater, but less than 0.04, will not be permitted to drive a commercial motor vehicle for a minimum of 24 hours.

2. Drugs - Following a determination that an employee has misused controlled substances, as determined through testing, this policy requires that a driver be removed from operating a commercial motor vehicle until, at a minimum:
  1. The employee undergoes evaluation, and where necessary, rehabilitation;
  2. A substance abuse professional determines that the driver has successfully complied with any required rehabilitation, and the employee takes a return-to-duty test with a verified negative test result.

**E. CERTIFICATE OF AUTHORITY**

I have received a copy of the foregoing Commercial Drivers Alcohol and Drug Policy, have read its contents, and understand that I may be disciplined, up to and including termination from employment, for failure to comply with the foregoing policy.

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Employee Signature

\_\_\_\_\_  
Employee's Name

\_\_\_\_\_  
Employer or Supervisor

\_\_\_\_\_  
Date