

ST. CLAIR COUNTY COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE PROCEDURE

Date Issued 07/24

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SECTION Personnel		SUBJECT Personnel: Alcohol and Drug Testing		
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I. APPLICATION:

- ☐ SCCCMH Board
- ☐ SCCCMH Providers & Subcontractors
- ☒ Direct-Operated Programs
- ☒ Community Agency Contractors
- ☐ Residential Programs
- ☐ Specialized Foster Care

II. PURPOSE STATEMENT:

St. Clair County Community Mental Health (SCCCMH) requires that all potential employees participate in pre-hire drug testing and all employees performing safety sensitive functions participate in random drug and alcohol testing in accordance with the procedures outlined below as well as in the FTA Drug and Alcohol Policy (Exhibit A), and that any employee suspected of being under the influence of alcohol or unprescribed controlled substances or illegal substances during normal work hours be sent for on-demand testing as outlined in this administrative procedure.

III. DEFINITIONS:

- A. Controlled Substance: includes a drug or chemical whose manufacture, possession, and use is regulated by a government, such as illicitly used drugs or prescription medications that are designated by law.
- B. Illegal Substance: includes marijuana, cocaine, phencyclidine (PCP), opioids, and amphetamines.
- C. Reasonable Suspicion: means a belief, drawn from specific objective facts and reasonable inferences drawn from those facts in light of experience, that an employee is using or may have been using drugs or alcohol in violation of agency administrative procedures or the law. See Exhibit A, Reasonable Suspicion Testing.
- D. Revenue Service Vehicle: means the operation of vehicles for the transportation of passengers as anticipated by the recipient.
- E. Safety Sensitive Employee (S.S.E.): includes an employee who transports individuals served operating a revenue service vehicle and/or performs any of the following:
 - 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

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- Carrying a firearm for security purposes

F. SAP: means Substance Abuse Professional.

IV. STANDARDS:

- A. Adopts, by reference, the FTA Drug and Alcohol Policy (Exhibit A).
- B. SCCCMH requires all candidates selected for employment to participate in pre-employment drug testing.
- C. All safety sensitive employees who have not performed a safety sensitive function for 90 or more consecutive calendar days, and have not been in the random testing pool during that time, must take and pass a pre-employment drug screen before they can return to a safety sensitive function.
- D. SCCCMH requires safety sensitive employees to review current drug and alcohol testing policy and sign form [#0731 Acknowledgement of Employer's Drug and Alcohol Testing Policy](#).
- E. Refusal to test, as defined in Exhibit A, will result in the same consequences as testing positive and SSE will be immediately removed from performing safety-sensitive functions and provided with contact information for SAPs.
- F. Use of illegal drugs is prohibited at all times.
- G. Safety sensitive employees are prohibited from performing or continuing to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- H. 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 the SAP required program of education and/or treatment, and provide a negative return to duty drug test result and/or alcohol test result of less than 0.02. Return to duty testing will be directly observed. All costs incurred for SAP assessment(s) and follow-up education and/or treatment are the responsibility of the employee. Employee must utilize PTO when available during the rehabilitation program when occurring during regular working hours. In the event the employee does not have available PTO, the time will be unpaid.
- I. Drug and alcohol testing results and custody control forms for all safety-sensitive employees must be maintained as follows:
 - Positive test results must be maintained for five (5) years post follow-up testing
 - Negative and canceled test results must be maintained for one (1) year
- J. Random selection rosters must be maintained for two (2) years.

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V. PROCEDURES:

A. For Pre-employment Drug Screens

HR Designee

1. Obtains candidate's signature on form [#0736 Pre-Employment Notification & Acknowledgement](#), form [#0731 Acknowledgement of Employer's Drug and Alcohol Testing Policy](#), and form [#0732 Drug Testing: Consent to Diagnostic Procedure & Release of Information Authorization](#).
2. Provides authorization to McLaren Port Huron Industrial Health Services for candidate's pre-employment drug screen.
3. Instructs candidate to report to McLaren Port Huron Industrial Health Services to obtain drug screen, informing them of their cost, and that cost will be reimbursed only upon receipt of negative drug screen. McLaren Port Huron Industrial Health Services is open M-F 8:00 a.m.-4:30 p.m. It is recommended the candidate go no later than 2:00 p.m.

Candidate

4. Reports to McLaren Port Huron Industrial Health Services to obtain drug screen.

HR Designee

5. Obtains drug screen result from My eScreen and informs hiring supervisor of the result.
6. Reimburses candidate for drug test upon obtaining a negative result.

B. For Random Drug Screens

Supervisor/Designee

1. Reviews with and provides a copy of the administrative procedures to the S.S.E. and obtains staff signature on form [#0731 Acknowledgement of Employer's Drug and Alcohol Testing Policy](#).

HR Designee

2. Maintains roster of safety sensitive employees.
3. Submits updated roster on a monthly basis to testing center.
4. Receives random selections from testing center on a monthly basis.

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5. Contacts the supervisor of each employee selected for testing and instructs them to send, without prior notification, each employee to the testing center within a specified timeframe.

Supervisor

6. Informs staff they have been selected for random testing and instructs them to report to the testing center immediately.

SSE Staff

7. Participates in the random testing, which will be conducted according to the procedures outlined in Exhibit A.

HR Designee

8. Obtains results from My eScreen and informs supervisor when positive results occur.

HR Designee/Supervisor

9. When result is positive, follows Return to Duty and Follow Up Testing procedures as outlined in Exhibit A.
10. When result is positive, follows Administrative Procedures [#06-001-0055, Personnel: Corrective/Disciplinary Action](#), accordingly.

HR Designee

11. Maintains a file of test results as indicated in Standard I.

C. For Reasonable Suspicion Testing

Supervisor/Trained Agency Official

1. Notifies management immediately when it is believed the appearance or behavior of an employee is a result of the use of a prohibited drug and/or engagement in alcohol misuse.

Management/Trained Agency Official/HR Designee

2. Determines if reasonable suspicion testing is necessary and requests employee proceed to McLaren Port Huron Industrial Health Services, accompanied by SCCCMH designee as the driver, for testing.
3. Follows guidelines in Exhibit A related to reasonable suspicion testing, follow-up, and discipline.

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D. Post-Accident Testing**Supervisor/HR Designee**

1. Determines if the S.S.E. is subject to post-accident testing according to circumstances outlined in Exhibit A.
2. In the event post-accident testing is required, S.S.E. is sent to the testing center as soon as practicable following the accident.

E. Return to Duty Testing**HR Designee**

1. Sends employee for return to duty testing based on recommendations of SAP evaluation and recommendation. See Exhibit A.

F. Follow-up Testing**HR Designee**

1. Sends employee for unannounced follow-up alcohol and/or drug testing for a period of one (1) to five (5) years, as directed by the SAP. See Exhibit A.

VI. REFERENCES:

- A. DOT Title 49 CFR; Drug Free Workplace Act of 1988
- B. [#0731 Acknowledgement of Employer's Drug and Alcohol Testing Policy](#)
- C. [#0732 Drug Testing: Consent to Diagnostic Procedure & Release of Information Authorization](#)
- D. [#0736 Pre-Employment Notification & Acknowledgement](#)
- E. [#06-001-0055, Personnel: Corrective/Disciplinary Action,](#)

VII. EXHIBITS:

- A. FTA Drug and Alcohol Policy.

VIII. REVISION HISTORY:

Dates issued 09/98, 10/00, 06/02, 06/04, 6/06, 12/09, 05/13, 05/14, 05/15, 05/16, 05/17, 05/18, 05/19, 07/20, 05/21; 07/22, 7/23.

St. Clair County Community Mental Health

FTA Drug and Alcohol Policy

Effective as of 7/1/2024

Adopted by: SCCCMH Leadership Team

Date Adopted: 07/2024

Last Revised: 12/01/2023

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Purpose of Policy

This policy complies with 49 CFR Part 655, as amended and 49 CFR Part 40, as amended. Copies of Parts 655 and 40 are available in the drug and alcohol program manager's office and can be found on the internet at the Federal Transit Administration (FTA) Drug and Alcohol Program website <http://transit-safety.fta.dot.gov/DrugAndAlcohol/>.

All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.

Portions of this policy are not FTA-mandated, but reflect St. Clair County Community Mental Health's policy.

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 St. Clair County Community Mental Health 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 Director no later than five days after such conviction.

Covered Employees

This policy applies to every person, including an applicant or transferee, who performs or will perform a "safety-sensitive function" as defined in Part 655, section 655.4.

You are a covered employee if you perform any of the following:

- 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

Prohibited Behavior

Use of illegal drugs is prohibited at all times. Prohibited drugs include:

- 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 required to take a post-accident test 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.

Consequences for Violations

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 provided with contact information for Substance Abuse Professionals (SAPs).

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 their next regularly scheduled duty period (but for not less than eight hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

Treatment/Discipline

Per St. Clair County Community Mental Health policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be subject to disciplinary action per Policy 06-001-0055 Personnel:

Corrective/Disciplinary Action.

Employee is responsible to pay for rehabilitation services. Employee must utilize PTO when available during the rehabilitation program.

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 drug and/or alcohol test must provide proof of having successfully completed a referral, evaluation, and treatment plan meeting DOT requirements.

Reasonable Suspicion Testing

All covered employees shall be subject to a drug and/or alcohol test when St. Clair County Community Mental Health 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 company 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.

Post-Accident Testing

Covered employees shall be subject to 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 St. Clair County Community Mental Health 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 St. Clair County Community Mental Health 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.

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 by the FTA administrator. The current year testing rates can be viewed online at www.transportation.gov/odapc/random-testing-rates.

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.

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 test result and/or an alcohol test result of less than 0.02. 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 a return-to-duty test 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.

Testing Procedures

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

Dilute Urine Specimen

If there is a negative dilute test result, St. Clair County Community Mental Health will accept the test result and there will be no retest, unless the creatinine concentration of a negative dilute specimen was greater than or equal to 2 mg/dL, but less than or equal to 5 mg/dL.

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. St. Clair County Community Mental Health guarantees that the split specimen test will be conducted in a timely fashion. Employee will be required to pay for the test (may not condition analysis on employee payment).

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 St. Clair County Community Mental Health.
- (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 provide a specimen for a drug or alcohol test. An employee who does not provide a 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 specimen for a drug or alcohol test without a valid medical explanation.
- (6) Fail or decline to take a second drug test as directed by the collector or St. Clair County Community Mental Health.
- (7) Fail to undergo a medical evaluation as required by the MRO or St. Clair County Community Mental Health's 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 urine drug 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 provided with contact information for SAPs.

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 Human Resources Director. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

Contact Person

For questions about St. Clair County Community Mental Health's anti-drug and alcohol misuse program, contact the Human Resources Director.