

POLICY CHANGE

1D-4 DRUG AND ALCOHOL-CDL EMPLOYEES

Strike paragraph 4 and replace with attached paragraphs.

2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a drug and alcohol test. If the employee will refuses to submit to testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted for with signatures of either the elected official or supervisor as well as the employee.
4. The elected official or supervisor will remove the employee from county work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstance will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
5. The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the Treasurer's office for filing.

Upon approval, Reasonable Suspicion training will be carried out for all Elected Officials and supervisors with HR. Road and Bridge have already completed this training. This is a one-time training that does not need to be completed again. Once training is complete, the update will be added to the Upshur County Employee Handbook.

1D-4 DRUG AND ALCOHOL- CDL EMPLOYEES

CDL Drivers are an extremely valuable resource for Upshur County. Their health and safety is a serious county concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the county to prohibit CDL employees from being under the influence of or using illegal drugs or alcohol during working hours.

The Federal Highway Administration ("FHWA") has issued regulations, which require the county to implement a controlled substance testing program. The county will comply with these. All CDL drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the county.

Specifically, it is the policy of Upshur County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on county premises, engaged in county business, while operating county equipment, or while under the authority of the county is strictly prohibited. Mandatory testing must apply to every person who

operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Upshur County will conduct pre-employment, random and post-accident drug testing in accordance with federal law.

It is the policy of Upshur County to comply with the U.S. Department of Transportation FMCSA Clearinghouse, a secure online database that provides employers with real time information about CDL driver drug and alcohol program violations. Upshur County will conduct electronic queries as required by FMCSA's drug and alcohol use testing program for checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

1D-5 WORKPLACE VIOLENCE

Upshur County is committed to providing a workplace free of violence. Upshur County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. No employee may possess a firearm or other weapon other than an authorized law enforcement official, with or without permits in all county offices and buildings owned or used by Upshur County, this also includes county owned vehicles. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

1D-6 SOCIAL MEDIA

For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn and YouTube.

Upshur County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee's work and/or position in the county; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Upshur County among the community at large. Upshur County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

Where no policy or guideline exists, employees are expected to use their best judgment and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, check with your manager or supervisor.

A. PURPOSE

The purpose of this policy is to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by commercial motor vehicle drivers (“CDLs”). This policy complies with the drug and alcohol testing requirements mandated by the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. 31306, the relevant regulations promulgated by the Department of Transportation (49 C.F.R. Part 382), testing requirements required for CDLs by the Federal Motor Carrier Safety Administration 49 C. F. R. Part 40, as amended testing procedures for all DOT testing and the Texas Commercial Driver’s License Act, TEX. TRANSP. CODE ANN. 522.001-106, as amended. As used herein, the terms “County” or “Upshur County” means Upshur County, Texas.

B. PRE-EMPLOYMENT TEST

The FMCSA mandates pre-employment drug and alcohol testing. Before a CDL driver can be hired to operate a Upshur County vehicle, they shall be drug and alcohol tested and receive a negative result.

C. RANDOM TESTING

CDL drivers shall undergo random drug and alcohol testing throughout the year. The driver will leave immediately to be tested after being informed that he has been randomly selected for testing. After the testing he shall return to his duties while waiting on the results of the test. If the test comes back positive, he or she will immediately be relieved of his driving of County vehicles and report to his supervisor. The supervisor with the aid of HR will determine what action needs to be taken.

D. REASONABLE SUSPICION TEST

CDL supervisors must complete a reasonable suspicion course to be qualified to determine to send a driver for reasonable suspicion testing.

Reasonable suspicion testing is a necessary step when a driver is suspected of being under the influence. This test shall be conducted without delay to promptly address the issue. The driver shall leave immediately to be tested. The driver will not be allowed to operate any County equipment until the test results are known. If the test results are positive the driver shall report immediately to their supervisor. The supervisor with aid of HR will determine what action needs to be taken.

E. POST ACCIDENT TEST

After an accident, the FMCSA mandates a drug and alcohol test with some exceptions. After an accident that causes equipment damage, with another vehicle, property damage, injuries to the operator or some other person, or questionable actions by the operator. It is the

policy of Upshur County to immediately send the operator to be drug and alcohol tested. The operator will only be allowed to operate Upshur County equipment at the discretion of his or her supervisor. If the test comes back positive, the operator shall immediately report to their supervisor. The supervisor with the aid of HR will determine what action needs to be taken.

F. RETURN TO DUTY TEST

Return to duty testing is mandatory for drivers who have tested positive or refused testing. To begin the process, they must successfully complete a substance abuse program that meets USDOT standards. Once completed, a negative test result is necessary before the driver can resume work.

G. FOLLOW-UP TEST

After completing the return to duty steps, a follow-up test is necessary. Upshur County Policy shall require at least 3 test within a span of 12 months.