



# FTA Drug & Alcohol Policy

Effective as of August 3, 2020

Revised as of January 21, 2025

FTA Drug & Alcohol Policy – Clear Creek County

Adopted by: Board of County Commissioners

Date Adopted: April 6, 2020

Last Revised: January 21, 2025

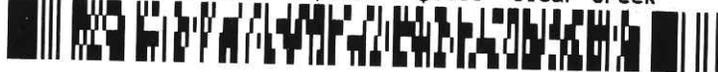
314718 01/21/2025 01:47 PM B: 1067 P: 428 POLICY  
Page 2 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek



## Contents

Purpose of Policy.....	4
Covered Employees .....	4
Prohibited Behavior .....	5
Consequences for Violations .....	5
Treatment/Discipline .....	5
County Action.....	5
Circumstances for Testing.....	6
Pre-Employment Testing.....	6
Reasonable Suspicion Testing.....	6
Post-Accident Testing .....	7
Random Testing .....	8
Return to Duty Testing.....	8
Follow-up testing .....	8
Testing Procedures .....	9
Dilute Urine Specimen .....	9
Split Specimen Test.....	9
Test Refusal.....	9
Voluntary Self-Referral.....	10
Prescription Drug Use .....	10
Contact Person.....	10
Policy: Alcohol, Drug and Controlled Substances .....	11
Acknowledgement of Receipt.....	18
Attachment A: Covered Position.....	19
Attachment B: FTA Post-Accident Drug and Alcohol Testing Decision Making Form.....	20

314718 01/21/2025 01:47 PM B: 1067 P: 429 POLICY  
Page 3 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek



## 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 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 Clear Creek County's policy. These additional provisions are identified by **bold text**.

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.

**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 no later than five (5) days after such conviction.**

## Covered Employees

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

Safety Sensitive refers to persons in the following situations:

- 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

See Attachment A for a list of covered positions by job title.

314718 01/21/2025 01:47 PM B: 1067 P: 430 POLICY  
Page 4 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek



## Prohibited Behavior

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

- Marijuana/cannabis
- 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 are required to take a post-accident test and 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 the contact information for a Substance Abuse Professional (SAP).

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 not for at least eight (8) hours) unless a retest results in the employee's alcohol concentration being less than 0.02.

## Treatment/Discipline

Per Clear Creek County policy, any employee who tests positive for drugs or alcohol (BAC at or above 0.04) or refuses to test will be immediately removed from the performance of safety-sensitive functions and provided with contact information for a Substance Abuse Professional.

## County Action

**If an employee's test result is positive, Clear Creek County may review the medical analysis with the Medical Review Officer (MRO), in order to determine a response as provided in this section. Additionally, if an employee refuses a DOT test, the following applies. Further, should the employee by self-admission reveal to the employer use of alcohol, drug or controlled substance, Clear Creek County may respond as provided in this section.**

**Clear Creek County shall impose disciplinary actions, including but not limited to the following:**

- A. **Immediately require an employee to go on unpaid leave (or paid leave of any type available to the employee). Amount of unpaid leave allowed will be on a case-by-case review.**
- B. **Employee will be given a list of Clear Creek County’s SAP providers. Employee must contact one of the SAP’s listed to schedule an evaluation appointment.**
- C. **Require an evaluation by a Clear Creek County approved SAP. If the SAP recommends that the employee should seek treatment, the employee will be required to enter a SAP approved program. The SAP recommends a treatment plan and follow-up testing for all safety sensitive employees. The employee will only be able to return to their safety sensitive duties upon successfully completing the SAP prescribed education and/or treatment, and must have a negative drug screen test. In addition, the employee will be expected to do all follow-up testing of at least 6 tests over the first 12 months of treatment, and follow-up testing may continue for up to 60 months dependent on the SAP’s recommendations.**
- D. **All costs associated with a SAP evaluation, treatment program, and all follow-up and return-to-work drug and/or alcohol tests required of the treatment program will be at the expense of the employee.**
- E. **Reprimand or written warning.**
- F. **Any other discipline up to and including transfer, demotion, or termination.**

314718 01/21/2025 01:47 PM B: 1067 P: 432 POLICY  
Page 6 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek

## 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 Clear Creek County 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 a specific, contemporaneous, articulable observation 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 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 Clear Creek County using the best information available at the time of the accident, will be tested.

### Non-fatal Accidents

As soon as practicable following an accident not involving the loss of 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 Clear Creek County 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](http://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 and/or alcohol test result. 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 leave for substance abuse rehabilitation 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 testing will be directly observed. All testing will be conducted in accordance with 49 CFR Part 40, Subpart O.

314718 01/21/2025 01:47 PM B: 1067 P: 434 POLICY  
Page 8 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek

## Testing Procedures

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

### Dilute Urine Specimen

Dilute negative results with a creatinine level greater than or equal to 2mg/dL, but less than or equal to 5 mg/dL require an immediate recollection under direct observation (see 49 CFR Part 40, section 40.76).

### 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. Clear Creek County guarantees that the split specimen test will be conducted in a timely fashion. **The employee is responsible to pay all expenses related to that test via a check made out to Clear Creek County upon notification of the cost of that expense.**

## Test Refusal

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 Clear Creek County.
- 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 attempt to provide a specimen. An employee who does not provide a urine or breath 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 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 test as directed by the collector or Clear Creek County for drug testing.
- 7) Fail to undergo a medical evaluation as required by the MRO or Clear Creek County'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 Test 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 Clear Creek County approved SAPs.

314718 01/21/2025 01:47 PM B: 1067 P: 435 POLICY  
Page 9 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek



## Voluntary Self-Referral

Any employee who has a drug and/or alcohol abuse problem and has not been selected for reasonable suspicion, random or post-accident testing or has not refused a drug or alcohol test may voluntarily refer her or himself to the supervisor or to Human Resources personnel, who will refer the individual to a substance abuse counselor for evaluation and treatment.

The substance abuse counselor will evaluate the employee and make a specific recommendation regarding the appropriate treatment. Employees are encouraged to voluntarily seek professional substance abuse assistance before any substance use or dependence affects job performance.

Any safety-sensitive employee who admits to a drug and/or alcohol problem will immediately be removed from her/his safety-sensitive function and will not be allowed to perform such function until successful completion of a prescribed rehabilitation program.

## Prescription Drug Use

The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgement may be adversely affected must be reported to your supervisor. Medical advice should be sought, as appropriate, while taking such medication and before performing safety-sensitive duties.

## Contact Person

For questions about Clear Creek County's anti-drug and alcohol misuse program, contact Human Resources personnel.

314718 01/21/2025 01:47 PM B: 1057 P: 436 POLICY  
Page 10 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek



## Policy: Alcohol, Drug and Controlled Substances

**Effective:** Revised 01-19-2018

**Purpose:** Clear Creek County supports the principles of a drug and alcohol free work place in order to ensure the safety and welfare of the public and its employees.

**Scope:** This policy applies to all employees of Clear Creek County and its elected officials. In each instance in this policy which refers to the term “employee” the meaning shall include all elected officials as well.

### Policy:

#### GENERAL

It is the employee's responsibility to remain unimpaired and free of alcohol, illegal drugs, marijuana and prescription drugs without a valid prescription. In addition, the employee must be unimpaired by any drug (including marijuana) or alcohol side effects which would impair job performance. An employee must report any prescription or over-the-counter drug side effects to the employee's immediate supervisor and be deemed fit for duty.

At no time shall a County vehicle or any equipment be operated while a driver or operator is under the influence of drugs or alcohol. At no time shall a personal vehicle or equipment be operated while a driver or operator is under the influence of drugs or alcohol during the course of doing County business.

Clear Creek County will not knowingly hire, retain, or permit to work on County business, any individual who uses illegal drugs (for this purpose only, marijuana used in a manner consistent with Colorado law is not deemed to be "illegal" unless DOT regulated), or who is abusing prescription or nonprescription drugs, alcohol, or who possesses, uses or displays marijuana, while on County property or while performing County duties.

Questions regarding these materials should be forwarded to the Clear Creek County Drug and Alcohol Policy Coordinator, who is the Human Resources Manager. All test results shall be certified by the County's Medical Review Officer (MRO), as designated by Clear Creek County. All testing facilities and procedures shall comply fully with all confidentiality, due process, and lab testing requirements and shall meet any and all regulatory requirements that are currently in place and as may be changed from time to time.

**Therefore,** in order to implement and enforce this policy, Clear Creek County hereby adopts the following policy and procedures for the hiring and on-duty testing of employees and prospective employees for all drugs and the testing of employees for the presence of drugs and/or alcohol while on-duty.

314718 01/21/2025 01:47 PM B: 1067 P: 437 POLICY  
Page 11 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek

**EMPLOYEE RESPONSIBILITIES/DUTIES**

The following requirements (a) shall be a condition of operating any County vehicles or equipment at any time, or operating any personal vehicle or equipment during the course of doing County business; (b) shall be a condition of continuing of specific job duties for the County and of continued employment with the County:

1. Providing you supervisor with timely information regarding prescription or nonprescription drug side effects which may affect your ability to operate a vehicle or to perform your duties.
2. Your submission to any applicable portion of this test procedure within the time limits specified by a County supervisor.
3. The completion of a drug or alcohol test showing full compliance with this policy (i.e. which does not result in a positive test result).
4. The successful completion of a substance abuse treatment program monitored by an SAP, Substance Abuse Professional or any other condition imposed after a positive test.
5. Promptly following any reasonable directive of a supervisor relating to the implementation of this policy and these procedures.

If an employee fails to comply with these duties, Clear Creek County may use that failure as a basis for discipline, including termination.

**TESTING STANDARDS**

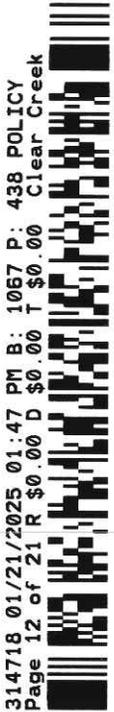
For the purpose of this policy, Clear Creek County adopts, as its own, the drug and alcohol limits established within the 49 Code of Federal Regulations (CFR) of the Federal Highway Administration (FHWA). The substances tested for include those substances in 49 CFR et seq, as amended from time to time. The National Institute on Drug Abuse standards identifies five (5) substance areas (Opioids, Amphetamines, Cocaine, Cannabinoids, or Phencyclidine) which cover most illegal drug usage. Note that drug testing following federal regulations, as here, includes testing for marijuana, an illegal drug under federal law.

49 CFR PART 382 of the FHWA also requires testing, for misuse of alcohol or controlled substances, for every person who operates a commercial motor vehicle in commerce in any State and is subject to the commercial driver's license requirements. A copy of 49 CFR PART 382 is available for viewing via <https://www.fmcsa.dot.gov/regulations/> or in the Human Resources Manager's office.

**TESTING PROCEDURES**

Clear Cree County uses the following types of testing to accomplish the above objectives:

1. New Employment
2. Post-Accident
3. Random
4. Reasonable Suspicion
5. Follow-up testing pursuant to the recommendation of a Substance Abuse Professional (SAP)



Breathalyzer and urinalysis are used to determine the presence of drugs or alcohol in the system. Clear Creek County Human Resources Manager designates an agency as the new employment collection site for urinalysis specimens. Clear Creek-County designates an accredited agency to provide drug and alcohol collection, testing, and reporting in consonance with the US Department of Transportation (DOT) Regulations in support of maintaining a Drug-Free Workplace. This agency shall be an Accredited Collection site by Drug Alcohol Treatment Industry Association. This agency conducts on-site services on behalf of the County to include: reasonable suspicion, post-accident, follow-up, and random testing.

Clear Creek County will pay all costs of testing including the cost of transportation and shall deem the time required away from regular duties, to provide specimens, as work time for the purposes of compensation and benefits.

No drug or alcohol testing is conducted without an employee's consent, but refusal to provide a sample within the required time frames, if requested by a supervisor for the County, will be considered a positive drug test followed by unpaid suspension pending a determination of the effect of the refusal by the County Manager or Elected Official.

A Positive test is any drug or alcohol test result which meets the stated regulatory requirements and is verified by a Medical Review Officer, designated by the County, to show the probability of presence of drugs or alcohol in the individual.

At or shortly after the time of the test, an employee is given an opportunity to present documentation for prescription drugs or to identify any nonprescription drugs or substances, which the employee may have been taking. Prescriptions must have been obtained on or before the date of the drug test.

Adulterated and/or tampered sample will be considered a positive drug test and treated as such.

**NEW EMPLOYEE TESTING**

Clear Creek County may test any new County employee for the presence of drugs and alcohol, in accordance with the provisions of this Policy on or before the 1st day the employee reports to work.

314718 01/21/2025 01:47 PM B: 1067 P: 439 POLICY  
Page 13 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek

**ESTABLISHED EMPLOYEE TESTING**

The employees who can expect to be tested include:

1. Any County employee (reasonable suspicion testing and/or follow-up testing under the recommendations of an SAP only); and
2. Any employee who operates or may operate a County vehicle or any equipment (post-accident, and/or reasonable suspicion testing or follow-up testing under the recommendation of an SAP only); and
3. Any employee who operates or may operate a personal vehicle or any personal equipment during the course of doing County business (post-accident, and/or reasonable suspicion or follow-up testing under the recommendation of an SAP only); and
4. Any employee who is responsible for the care of minors or persons who are incapacitated (post-accident, and/or reasonable suspicion testing or follow-up testing under the recommendation of an SAP only); and
5. Any employee who is required by law to maintain a Commercial Driver’s License (new employment, post-accident, reasonable suspicion, and/or follow-up testing under the recommendation of an SAP); and
6. Any employee of the Emergency Medical Services department who may drive a County Vehicle (new employment, post-accident, reasonable suspicion, random testing, and/or follow-up testing under the recommendation of an SAP); and
7. Any employee of the Sheriff’s Office who is a deputized officer, or who has on-duty access to contraband property or illegal drugs confiscated by a law enforcement official (post-accident, reasonable suspicion, random testing, and/or follow-up testing under the recommendation of an SAP); and
8. Any employee who transfers into, or is promoted into, a job which includes any of the above job duties.

**POST-ACCIDENT TESTING**

Post-accident testing is testing that is required following certain events such as vehicular accidents. Post-accident testing for any employee will be done in accordance with 49 CFR PART 382, even if they are not a Commercial Driver. Employee will be instructed by a supervisor, or Human Resources on the method of transport for testing purposes. Employees who refuse to be tested, See - "Testing Procedures"

Any employee who tests positive for an illegal drug or its metabolite (including marijuana), or for alcohol, or for a controlled drug or its metabolite (that has not been prescribed for that employee) will be subject to COUNTY ACTION as defined in this policy.

Any employee who leaves the scene of an accident for any reason other than to comply with the instructions of a law enforcement officer or this post-accident testing policy, will be subject to COUNTY ACTION as defined in this policy.



### **RANDOM TESTING**

Random testing is regular periodic testing of all employees within a job title or group of job titles, conducted in compliance with a statistically valid neutral selection process. Random testing (applicable to Commercial Drivers Licensed employees, Emergency Medical Services department employees, or certain Sheriff Office employees only) must be done in accordance with 49 CFR PART 382, as amended from time to time.

In the event that more than one department is subject to random testing, CDL requirements state that selection on a random basis must be made separately for each group. The random drawing for each group shall be statistically controlled separately.

In the event a selected employee is on vacation, out sick or otherwise not at work, another random selection may be substituted or the first drawn employee may be tested when the employee returns to work.

### **REASONABLE SUSPICION TESTING**

Reasonable suspicion testing for any employee is done in accordance with 49 CFR PART 382. Those procedures require that reasonable suspicion testing is done only after a "trained observer" makes the determination that the on-duty behaviors and conditions of an employee under all the circumstances present reasonable grounds to believe that the employee while on duty is currently impaired by possible substance abuse and is unfit for the performance of his or her job duties. If the "trained observer" makes the recommendation to the employee's supervisor, then that supervisor has the authority to require that the employee submit to the reasonable suspicion testing in a timely manner. If the "trained observer" is that employee's supervisor, the supervisor may require the employee submit to the reasonable suspicion testing.

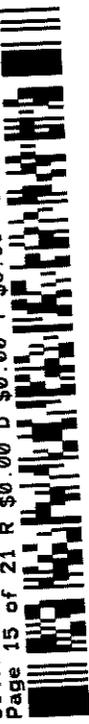
For the purpose of this policy and procedure, a "trained observer" is one who has received training at the "Supervisor Level" under the CDL requirements at 49 CFR PART 382: Only such a "trained observer" may conduct reasonable suspicion observations and make a recommendation for reasonable suspicion testing on behalf of the County. A list of those persons trained and certified will be available from the County's Drug and Alcohol Policy Coordinator, who is the Human Resources Manager.

Clear Creek County will follow a procedure of determining reasonable suspicion from criteria selected in the County's **REASONABLE SUSPICION FORM**.

### **ALCOHOL STANDARDS**

1. A test result of 0.02-0.039: employee will not be allowed to be back to work for 24 hours following administration of the test.
2. A test result of 0.04 or greater: employee will be immediately suspended without pay and will be required to obtain as SAP evaluation. Once the evaluation is received the disciplinary action will be evaluated.

314718 01/21/2025 01:47 PM B: 1067 P: 441 POLICY  
Page 15 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek



**DRUG AND CONTROLLED SUBSTANCE STANDARDS**

1. Marijuana: employee found using based upon a test of self-admission, will not be allowed to work for 12 hours after testing or upon self-admission. For DOT regulated drivers, marijuana use is not allowed; see “County Action.”
2. Illegal Drug/Unprescribed Controlled Substance: employee found to have a substance in their system by means of testing of self-admission will not be allowed to work (See “County Action”).
3. Prescribed Drug/Prescribed Controlled Substance (excluding marijuana): employee may work and/or drive unless package or physician directions are to the contrary.

**FOLLOW-UP TESTING**

Follow-up Testing is done in accordance with the recommendations of a SAP for any employee who is required to seek substance abuse treatment as a condition of continued employment. This testing and all treatment shall be monitored and certified by the MRO. The recommendations of a SAP in a substance abuse treatment plan shall be required to be followed by an employee who has had a positive test under this policy. It will be written in accordance with the regulations at 49 CFR PART 382.

**CONFIDENTIALITY OF MEDICAL INFORMATION**

All Medical records pertaining to any tests performed under this policy shall be maintained by the designated recipient and custodian of results for County employees (the Human Resources Department).

**COUNTY ACTION**

If an employee’s test result is positive Clear Creek County may review the medical analysis with the MRO in order to determine a response as provided in this section. Also, should the employee by self-admission reveal to the employer use of alcohol, drug or controlled substance, Clear Creek County may respond as provided in this section.

Clear Cree County shall impose disciplinary actions, including but not limited to the following:

1. Immediately require an employee to go on unpaid leave (or paid leave of any type available to the employee).
2. Require an evolution by a County provided SAP. If the SAP recommends that the employee should seek treatment, the employee will be required to enter an SAP approved program. If the SAP recommends the employee does not need treatment, the employee may be returned to their normal work duties following a negative drug test result, and with or without additional conditions of employment.
3. All costs associated with an SAP evaluation, treatment program, and all follow-up and return-to-work drug and/or alcohol tests required of the treatment program will be at the expense of the employee.
4. Reprimand or written warning.
5. Any other discipline up to and including transfer, demotion, or termination.

314718 01/21/2025 01:47 PM B: 1067 P: 442 POLICY  
Page 16 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek



**ASSISTANCE FOR ALCOHOL AND DRUG ABUSE**

Clear Creek County provides an Employee Assistance Program as part of the health insurance benefits. Any employee interested in assistance should the EAP’s Customer Service, or contact Human Resources department for further information.

**DEFINITIONS**

EAP, Employee Assistance Program - This is a resource service for issues of a personal nature for employees. For detailed information on services, contact Human Resources.

MRO, Medical Review Officer - is a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

SAP, Substance Abuse Professional - A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment follow-up testing and aftercare.

Approved this 21st day of January, 2025, at a regularly scheduled meeting of the Clear Creek County Board of County Commissioners.

  
George Marlin, Chair

  
Rebecca Lloyd, Commissioner

  
Jodie Hartman-Ball, Commissioner

ATTEST:  
  
Deputy Clerk & Recorder

314718 01/21/2025 01:47 PM B: 1067 P: 443 POLICY  
Page 17 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek



## Acknowledgement of Receipt

I acknowledge that I have received and fully understand the 2025 Revised ALCOHOL, DRUG AND CONTROLLED SUBSTANCES POLICY by my signature below.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (printed)

\_\_\_\_\_  
Signature of Employee

314718 01/21/2025 01:47 PM B: 1067 P: 444 POLICY  
Page 18 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek



## Attachment A: Covered Position

Bus Operators – Clear Creek County – Public Transit

314718 01/21/2025 01:47 PM B: 1067 P: 445 POLICY  
Page 19 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek



## Attachment B: FTA Post-Accident Drug and Alcohol Testing Decision Making Form

The Federal Transit Administration (FTA) drug and alcohol testing regulation (49 CFR Part 655) requires that safety-sensitive employees involved in a public transportation vehicle accident (as defined at 655.4 & 655.44) submit to tests for alcohol misuse and prohibited drug use as soon as possible following the accident. Part 655 also requires the testing of any other safety-sensitive employee whose performance could have contributed to the accident, as determined by the employer at the scene using the best information available at the time of the decision.

### Accident Information:

Date of Accident: \_\_\_\_\_ Time of Accident: \_\_\_\_\_ AM/PM  
Employee Name: \_\_\_\_\_ Employee ID/SSN: \_\_\_\_\_

### Decision Questions:

- Was there a fatality?  
\_\_\_\_\_ YES (FTA drug and alcohol tests are REQUIRED) \_\_\_\_\_ NO
- If there was NO fatality, answer the following questions:
  1. Has any individual suffered a bodily injury and immediately received medical treatment away from the scene of the accident? \_\_\_\_\_ YES \_\_\_\_\_ NO
  2. Was there any disabling damage to any vehicle involved in the accident, requiring the vehicle to be towed away from the scene? \_\_\_\_\_ YES \_\_\_\_\_ NO

If you answered yes to any of these two questions, can you completely discount the performance of the operator of the public transportation vehicle as a contributing factor to the accident?

\_\_\_\_\_ NO (FTA drug and alcohol tests are REQUIRED)  
\_\_\_\_\_ YES, Explain: \_\_\_\_\_  
\_\_\_\_\_

(If you answered YES, FTA drug and alcohol tests are PROHIBITED)

- Other than the operator, could the performance of any other safety-sensitive employee have contributed to the accident, using the best information available?  
\_\_\_\_\_ NO  
\_\_\_\_\_ YES, Explain: \_\_\_\_\_  
\_\_\_\_\_

(If YES, make arrangements to immediately post-accident test that employee)

### Did You Decide to Perform a Drug or Alcohol Test?

\_\_\_\_\_ YES (Complete page 2 of this form) \_\_\_\_\_ NO (No further action required)

Time of Decision to Conduct a DOT/FTA Post-Accident Test: \_\_\_\_\_ AM/PM

314718 01/21/2025 01:47 PM B: 1067 P: 446 POLICY  
Page 20 of 21 R \$0.00 D \$0.00 T \$0.00 Clear Creek

**Testing Information:**

Collection Site Location: \_\_\_\_\_ Time Arrived: \_\_\_\_\_ AM/PM

1. Was the **alcohol** test performed within **2** hours of the time of the accident?

\_\_\_\_\_ YES

\_\_\_\_\_ NO, Explain: \_\_\_\_\_  
\_\_\_\_\_

2. Was the **alcohol** test performed within **8** hours of the time of the accident?

\_\_\_\_\_ YES

\_\_\_\_\_ NO, Explain: \_\_\_\_\_  
\_\_\_\_\_

**If the alcohol test is not conducted within 8 hours cease all efforts to administer the test.**

3. Was the **drug** test performed within **32** hours of the time of the accident?

\_\_\_\_\_ YES

\_\_\_\_\_ NO, Explain: \_\_\_\_\_  
\_\_\_\_\_

**If the drug test is not conducted within 32 hours cease all efforts to administer the test.**

*The above documentation was provided by:*

Supervisor Name: \_\_\_\_\_

Phone No: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



