



**Harris County and Harris  
County Flood Control District  
Drug & Alcohol Policy  
for Commercial Drivers**

01/01/2018

**HARRIS COUNTY AND HARRIS COUNTY FLOOD CONTROL DISTRICT  
DRUG AND ALCOHOL SCREENING POLICY  
FOR COMMERCIAL DRIVERS**

**I. 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 "Harris County" include the Harris County Flood Control District.

Direct any questions regarding this policy to the Harris County Attorney’s Office or the Office of Human Resources & Risk Management.

**II. SCOPE**

- A. This policy applies to every applicant for employment in a position requiring a commercial drivers license (“CDL applicant”) and every employee in a position requiring a commercial drivers license (“CDL”) who works in a department under the direction of the Commissioners Court, as well as the Harris County Flood Control District, or under an elected or appointed official who chooses to adopt this policy. As used herein, the terms “applicant” and “employee” mean only those applicants and employees covered by this policy. Further, to the extent that additional drug and alcohol testing requirements are imposed on commercial drivers by state or federal statutes, rules, or regulations, such requirements are incorporated and included in all testing conducted under this policy.
- B. **Pre-employment testing.** Upon receiving a conditional job offer, every CDL applicant, including applicants for part-time and seasonal positions, is tested for the presence of the drug groups set forth in this policy. CDL applicants are not accepted for employment until the negative test results are provided to the County.
- C. **Random testing.** CDLs are subject to random drug and alcohol testing pursuant to the most recently enacted DOT regulations.
- D. **Post-accident testing.** Depending upon the circumstances of the accident, CDLs are subject to post accident testing as required in the “Post-Accident Decision Table,” on page 9 of this policy.

- E. **Reasonable suspicion testing.** CDLs are subject to testing if there is reasonable suspicion to believe that while in the course and scope of employment the employee has violated the prohibitions of this policy.
- F. Departments who hire CDLs must establish internal procedures for meeting the requirements of this policy.
- G. **ANYONE TESTED UNDER THIS POLICY MUST RECEIVE A COPY OF THIS POLICY AND MUST ACKNOWLEDGE IN WRITING THAT THEY HAVE RECEIVED AND READ THE POLICY.**

### III. DEFINITIONS

- A. **“Alcohol”** – The intoxicating agent in beverage alcohol, ethyl alcohol or other lower alcohols, including methyl or isopropyl alcohol and all beverages, mixtures, or preparations that contain one of these alcohols.
- B. **“Alcohol Concentration”** - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an EBT.
- C. **“Applicant”** - Includes both a CDL applicant and a non-CDL employee desiring to transfer to a CDL position.
- D. **“Certified Laboratory” or “Laboratory”** - A laboratory certified by the Department of Health and Human Services under the National Laboratory Certification Program to perform DOT drug and alcohol screening.
- E. **“Conviction for a criminal drug statute violation”**- A finding of guilt or imposition of sentence, including deferred adjudication or probation, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.
- F. **“DOT”** - The United States Department of Transportation.
- G. **“Evidential Breath Testing Device” or “EBT”** - A testing device approved by the National Highway Traffic Safety Administration for the evidential testing of breath at the .02 and .04 alcohol concentrations. This testing device is selected from among those listed on the Conforming Products List of Evidential Breath Measurement Devices published in the Federal Register from time to time by the National Highway Traffic Safety Administration, Department of Transportation.
- H. **“Illegal Drug”** - Any drug that cannot be obtained legally or any prescription drug that has not been legally obtained or that has been legally obtained and is not being used in accordance with the prescribed dosage. Examples of illegal drugs include, but

are not limited to, cocaine, codeine, heroin, phencyclidine (PCP), amphetamines, inhalants, and cannabis substances such as marijuana and hashish.

- I. **“Legal Drug”** - Any prescribed drug or over-the-counter drug the individual has legally obtained and is using in accordance with the prescribed or recommended dosage.
- J. **“Medical Review Officer” or “MRO”** - A licensed physician retained by Harris County to receive laboratory results generated by this policy, who is responsible for interpreting and evaluating a confirmed positive drug test result. The Medical Review Officer may be an employee of the laboratory conducting the testing if the laboratory establishes a clear separation of functions to prevent any appearance of a conflict of interest, including assuring that the Medical Review Officer has no responsibility for, and is not supervised by or the supervisor of, anyone who has responsibility for the testing or quality control operations of the laboratory.
- K. **“Possession”** - To have on one's person, in one's personal effects, in one's vehicle, or under one's control.
- L. **“Post-Accident”** - Testing required pursuant to DOT guidelines. The “Post-Accident Decision Table,” can be found on page 9 of this policy.
- M. **“Reasonable suspicion”** - Specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the CDL. For controlled substances testing, the observations may include indications of the chronic and withdrawal effects of controlled substances. Facts or incidents which constitute reasonable suspicion may include, but are not limited to, the following:
  - 1. observation of alcohol or illegal drug use;
  - 2. observations of alcohol, illegal drugs, or drug paraphernalia on the person, or within an area under the person's immediate control;
  - 3. a pattern of abnormal or erratic behavior, including the observation of physical symptoms of alcohol or illegal drug use.
- N. **“Substance Abuse Professional” or “SAP”** – A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and after care.
- O. **“Training”** - The Office of Human Resources & Risk Management will conduct training and education programs for employees and supervisors, including a drug-free awareness program designed to inform employees about the dangers of drug and alcohol use/abuse and the County's policies concerning substance abuse in connection with this policy.

#### IV. PROHIBITIONS

A. CDLs are prohibited from:

1. reporting for work or remaining on duty with an alcohol concentration of *0.02 or greater*;
2. performing CDL duties within four hours after drinking alcoholic beverages; and
3. using alcohol while performing *safety-sensitive functions* on the job;
4. using alcohol following an accident that requires a post-accident test until the test has been administered or for eight hours, whichever occurs first;
5. reporting for work or remaining on duty when the CDL uses any controlled substance, unless permitted under subsection C, below; **and**
6. refusing to submit to an alcohol or controlled substances test required under this policy. Conduct considered as *refusing* a test include:
  - Failure to appear for any test.
  - Failure to remain at the testing site until the testing process is completed.
  - Failure to cooperate with any part of the testing process.
  - Failure to take a second test when directed to do so.
  - Failure to undergo a medical evaluation as part of a “shy bladder” or “shy lung” procedures.
  - Providing an adulterated or substituted urine specimen.

B. The use, possession, distribution, or sale of alcohol or illegal drugs by any employee during working hours, while on County property, or while operating or riding upon vehicles while in the course and scope of employment is prohibited. Employees must notify their supervisor or designated Department representative of a conviction for a criminal drug or alcohol statute violation no later than five days after such conviction. The supervisor or designated Department representative must then report the conviction to the Director of the Office of Human Resources & Risk Management.

C. It is not a violation of this policy for any employee with a current, valid prescription for a drug to use, possess, or be under the influence of such drug in the manner and for the purposes prescribed, if such use **does not** affect the employee's performance or create a risk to the safety of the employee or to others. Employees are responsible for learning of the possible effects of prescription and non-prescription drugs they use while working and must notify their supervisor or designated Department representative of such use and of the possible side effects of such drugs or medications. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the written instructions of a licensed

medical practitioner, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. The County may, at its discretion, require CDLs to refrain from working while taking *any* drug or medication, or require such employees to obtain written authorization from their physician regarding their ability to perform their essential job duties safely while taking the medication.

- D. CDLs are required to inform their supervisor or designated Department representative of any therapeutic drug use.

**V. DEPARTMENT PROCEDURES REGARDING PRE-EMPLOYMENT BACKGROUND CHECKS**

- A. Departments who hire CDLs must conduct pre-employment checks of prior DOT drug and alcohol testing results. Have the CDL applicant (or current non-CDL employee applying for a CDL position) sign the REQUEST FOR DOT DRUG AND ALCOHOL TESTING INFORMATION form, which is attached to this policy as Exhibit A. If the CDL applicant does not sign the form, he or she may not perform CDL duties. Send the completed form to any previous employers listed on the application or resume for the **three** years prior to the date of the application. This information must be in writing, but can be transmitted via mail, fax, or e-mail.
- B. Departments must obtain and review the information from any previous employers before the employee first performs safety-sensitive functions. If a previous employer reports that the CDL applicant had violated a DOT drug, you must not allow the CDL applicant to perform safety-sensitive functions unless the CDL applicant provides documentation of his or her successful completion of DOT return-to-duty requirements. If after 30 days, you have not received the requested information from a previous employer, you may allow an employee who otherwise complies with these procedures to perform safety-sensitive functions if you have documented a good faith effort to obtain this information. Good faith documentation includes proof delivery (i.e. a green card), proof of fax transmittals, and/or a log of follow-up phone calls to the previous employer.
- C. Keep copies of the releases (one for each previous employer within the past three years) and any documentation received in a separate and confidential file. Keep it at least three years.
- D. Ask the CDL applicant whether he or she has tested positive or refused to test on any pre-employment drug or alcohol test administered by an employer who wound up not hiring him or her. If the applicant admits to a positive test result or a refusal to test, do not let the applicant perform CDL duties unless the applicant provides documentation that he or she successfully completed the return-to-duty process.

- E. If a former employer reports that the CDL applicant tested positive or refused to test, do not allow the person to perform CDL duties unless the former employer or the CDL applicant provides documentation that he or she successfully completed the return-to-duty process required in 49 C.F.R. Part 40, Subpart O.

## **VI. CONSENT TO DRUG AND ALCOHOL SCREENING**

Anyone tested pursuant to this policy must sign a consent form authorizing the drug and/or alcohol screening and permitting limited disclosure of the results. The results may be disclosed to the Director of the Office of Human Resources & Risk Management or to other persons he designates to receive such confidential information. The consent form contains the following information:

- (1) Acknowledgment that the applicant and/or employee has been notified of the drug and alcohol screening policy;
- (2) The consequences of a refusal to have the drug and/or alcohol screening;
- (3) The procedure for confirming a positive test result; and
- (4) The consequences of a confirmed positive test result from the drug and/or alcohol screening.

## **VII. TESTING PROCEDURES FOR THE DRUG SCREENING**

- A. Urine samples are tested at a Certified Laboratory to detect the prohibited drug levels set out in Section XII of this policy. All drug tests are conducted at the County's expense with the exception of the split specimen test discussed in Section XVI. The Laboratory conducting the test maintains written procedures in accordance with DOT requirements to ensure privacy, prevention of tampering, and chain of custody methods, including correct identification, labeling, and storage of all test samples. A copy of these procedures is available at the Laboratory to each person tested upon request. The Laboratory certifies that methods of analysis are state of the art, including the use of immunoassay techniques for initial test results and gas chromatography/mass spectrometry for confirmatory test results.
- B. A Medical Review Officer receives, reviews, and interprets drug test results; confers directly with the applicant or employee to determine alternate medical explanations for positive test results; and notifies applicants, employees, and the appropriate Elected Official, Department Head, or designee of confirmed positive drug test results.

## **VIII. TESTING PROCEDURES FOR THE ALCOHOL SCREENING**

- A. All alcohol breath tests are conducted at County expense. A copy of these procedures is available to each CDL applicant and CDL upon request.
- B. An EBT is used to detect and measure the presence of alcohol. If the result of the initial screening EBT test is an alcohol concentration of 0.02 or greater, a confirmation EBT test is performed after the expiration of a period of not less than fifteen minutes, but not more than 30 minutes after the completion of the screening test, to confirm that the test has properly measured the alcohol concentration.
- C. All alcohol tests are conducted by breath alcohol technicians trained in using EBTs and alcohol testing procedures as evidenced by successful completion of a course of instruction which, at a minimum, provides training in the principles of EBT methodology, operation, and calibration checks, the fundamentals of breath analysis for alcohol content, procedures for obtaining a breath sample, and interpreting and recording EBT results.
- D. The appropriate Elected Official, Department Head, or designee receives the EBT results and notifies the employee or applicant of the results.

## **IX. RANDOM TESTING**

- A. The random testing program is conducted and administered through personnel designated by the Elected Official, Department Head or their designee. The Office of Human Resources & Risk Management maintains a current list of all CDL positions subject to random testing under this policy.
- B. The testing provider randomly selects a number of CDLs for testing. Once the employees to be tested are selected, the Elected Official, Department Head or their designee immediately notifies the employees that they have been randomly selected. Testing is conducted immediately upon receipt of notice. After testing has been completed, the employees tested are returned to the selection pool so that CDLs are always eligible to be chosen. (Under this arrangement, it is possible that an employee may be tested two or more times within the same year. Conversely, it is possible that an employee may not be tested at all within a year.) Each driver selected for testing must be tested during the selection period.

## **X. POST-ACCIDENT TESTING**

- A. CDLs must notify their supervisor or designated Department representative as soon as practicable after any accident involving a commercial motor vehicle operating on a public road. Failure to notify the supervisor or designated Department representative may result in disciplinary action up to and including termination.
- B. A CDL involved in an accident involving a commercial motor vehicle will be given a drug and alcohol test if:

1. the accident involved the loss of human life; **or**
2. the CDL received a citation under State or local law for a moving violation arising from the accident **and**
  - a. a person sustained bodily injury as a result of the accident and immediately received medical treatment away from the scene **or**
  - b. one or more motor vehicles incurred disabling damage as a result of the accident requiring the motor vehicle to be towed away from the scene.

**Post-Accident Decision Table**

<b>Type of accident involved</b>	<b>Citation issued to the CDL driver</b>	<b>Test must be performed by employer</b>
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

- C. Post-accident testing is conducted as soon as practicable following an accident.
1. Alcohol testing: if an alcohol test required by this section is not administered within two hours following the accident, the Department shall prepare and maintain a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the test will not be given and the Department shall prepare and maintain a record stating the reasons the test was not administered.
  2. Controlled substances testing: if a controlled substances test required by this section is not administered within 32 hours following the accident, the test will not be given and the Department shall prepare and maintain a record stating the reasons the test was not promptly administered.
  3. CDLs subject to post-accident testing must remain readily available for such testing. Failure to remain available will be deemed a refusal to test.

**XI. REASONABLE SUSPICION TESTING**

- A. CDLs are subject to testing if, while in the course and scope of employment, there is reasonable suspicion to believe that they have violated the prohibitions of Section IV

of this policy. Supervisors who suspect that a CDL is engaging in behavior prohibited in Section IV of this policy must immediately provide the appropriate Elected Official, Department Head, or their designee with a written request for testing the employee. The written request must set out the specific facts, symptoms, or observations, which form the basis of the determination that reasonable suspicion exists to test the employee and be signed by the supervisor or Department official who made the observations. Upon receipt of the request, the Elected Official, Department Head, or their designee makes a final decision whether reasonable suspicion exists. If the test is authorized the supervisor or designated Department representative contacts the employee and schedules an immediate drug and/or alcohol test. The drug and/or alcohol test is conducted in accordance with the procedures established by this policy.

- B. Reasonable suspicion testing is conducted as soon as practicable following the events that warrant reasonable suspicion. If an alcohol test is permitted by this section, the testing should be conducted within two hours following the determination that reasonable suspicion exists. If an alcohol test is not administered within two hours following the determination, the Department shall prepare and maintain a record stating the reasons the test was not promptly administered. If an alcohol test permitted by this section is not administered within eight hours following the determination, the test will not be given, and the Department shall prepare and maintain a record stating the reasons the test was not administered.

**XII. PROHIBITED DRUG LEVELS**

The drug testing under this policy will adhere to 49 C.F.R. Part 40, as amended. The initial drug screening is an enzyme immunoassay techniques (EMIT) test to detect the following prohibited drug group levels:

<u>Substance</u>	<u>EMIT Cut-Off Level</u>
1. Marijuana metabolites (THCA)	50 ng/mL
2. Cocaine metabolites (Benzoylecgonine)	150 ng/mL
3. Codeine/Morphine	2000 ng/mL
4. Hydrocodone/Hydromorphone	300 ng/mL
5. Oxycodone/Oxymorphone	100 ng/mL
6. 6-Acetylmorphine (Heroin)	10 ng/mL
7. Phencyclidine (PCP)	25 ng/mL
8. Amphetamine/Methamphetamine	500ng/mL

9. Methylenedioxymethamphetamine (MDMA)/  
Methylenedioxyamphetamine (MDA) 500 ng/mL

All specimens identified as positive on the initial test are confirmed using gas chromatography/mass spectrometry (GC/MS) techniques.

The confirmation test conducted is given to detect the following prohibited drug group levels:

<u>Substance</u>	<u>GC/MS Cut-Off Level</u>
1. Marijuana metabolites (THCA)	15 ng/mL
2. Cocaine metabolites (Benzoylecgonine)	100 ng/mL
3. Codeine/Morphine	2000 ng/mL
4. Hydrocodone/Hydromorphone	100 ng/mL
5. Oxycodone/Oxymorphone	100 ng/mL
6. 6-Acetylmorphine (Heroin)	10 ng/mL
7. Phencyclidine (PCP)	25 ng/mL
8. Amphetamine/Methamphetamine	250 ng/mL
9. Methylenedioxymethamphetamine (MDMA)/ Methylenedioxyamphetamine (MDA)	250 ng/mL

Both tests are performed before any notice of a positive drug test result is provided to the County.

### **XIII. STATUS OF CDLS PENDING RECEIPT OF DRUG AND/OR ALCOHOL TEST**

Upon completion of a post-accident or reasonable suspicion drug and/or alcohol test, CDLs cannot return to work until the results of the test are given to the designated Department representative. The employee is placed on unpaid leave pending receipt of the test results, unless the employee desires to take vacation leave or compensatory leave as authorized under the Personnel Regulations. When necessary, the Department will help the employee arrange transportation to the testing facility and home. CDLs tested based upon reasonable suspicion must not drive **any** vehicle while in the course and scope of employment until the results from the drug and/or alcohol tests are received.

CDLs are responsible for verifying with the designated Department representative when they may return to regular working duties.

#### **XIV. CONSEQUENCES OF A POSITIVE DRUG TEST FOR CDL APPLICANTS**

- A. A CDL applicant who refuses to take a drug test under this policy is ineligible for hire. Providing an adulterated or substituted urine specimen is considered a refusal to test.
- B. *A CDL applicant who provides a diluted urine specimen that tests negative for controlled substances must submit another specimen with minimum notice (less than one hour). The results of the second test are final.*
- C. A CDL applicant who has a confirmed positive test result for illegal drugs is not qualified for employment. Six months must elapse from the date of a confirmed positive test result before an applicant may reapply for employment. Upon re-application, the CDL applicant who had a confirmed positive test result for illegal drugs must present documentation of successful completion of the return-to-duty process under 49 C.F.R. Part 40, Subpart O.
- D. The Department provides a list of Substance Abuse Professionals to CDL applicants who are ineligible for hire under this policy.

#### **XV. CONSEQUENCES OF A POSITIVE DRUG AND/OR ALCOHOL TEST FOR CDLS**

- A. CDLs who refuse to take a drug and/or alcohol test under this policy are terminated. Providing an adulterated or substituted urine specimen is considered a refusal to test.
- B. Employees who have a confirmed positive test result for illegal drugs or a confirmed alcohol concentration of .02 or greater are subject to disciplinary action, up to and including termination. Department Heads determine the appropriate disciplinary action.
- C. Department Heads that choose not to terminate an employee who has a confirmed positive test result for illegal drugs or a confirmed alcohol concentration of .04 or greater cannot allow the employee to perform any DOT regulated safety-sensitive duties until the employee successfully completes the return-to-duty process under 49 C.F.R. Part 40, Subpart O, that includes undergoing an evaluation by a SAP, successfully completing any education, counseling or treatment prescribed by the SAP, and providing a negative test result for drugs and/or a test result of less than .02 for alcohol.
- D. Employees who successfully complete the return-to-duty process will be subject to unannounced testing for drugs and/or alcohol no less than 6 times during the first 12

months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP). The tests will be directly observed.

- E. A CDL who is terminated for refusing to take a drug and/or alcohol test or for having a positive drug and/or alcohol test with a confirmed alcohol concentration of .04 or greater may be eligible for rehire no sooner than six months after the termination. Upon re-application, the CDL applicant must present documentation of successful completion of the return-to-duty process under 49 C.F.R. Part 40, Subpart O. Any decisions to rehire will include, but will not be limited to, consideration of the former employee's past work record, current qualifications, results of alcohol and drug tests at the time of application for reemployment, as well as the County's current needs and requirements.
- F. The Department provides a list of Substance Abuse Professionals to CDL applicants who are ineligible for hire under this policy.

#### **XVI. SPLIT SPECIMEN TESTING OF URINE SPECIMENS**

- A. An individual who tests positive for illegal drugs or who provides an adulterated or substituted specimen may have an independent test performed, at his or her expense, of a portion of the specimen that yielded the positive, adulterated, or substituted result. The individual must request an independent test within 72 hours of receiving notification of a confirmed positive test result or of an adulterated or substituted specimen. The independent test must be conducted by a Certified Laboratory. Upon written authorization from the individual, a portion of the specimen is delivered by the testing Laboratory to the Laboratory selected by the individual. If this second test result is negative for illegal drugs and neither adulterated nor substituted, records of the original test are treated as records of a negative test result. A CDL applicant is eligible for hire and a CDL is reinstated. A CDL who is reinstated based on the results of an independent test may be reimbursed for the actual cost of the second test, but in no event will reimbursement exceed the amount the County paid for the initial test.
- B. An individual's inability to pay for a split specimen test will not preclude the testing.

#### **XVII. CONFIDENTIALITY**

- A. All information relating to the drug and/or alcohol screening is confidential unless disclosure is otherwise required by law, court order, or the applicant's or employee's consent. Disclosure of the results of the drug and/or alcohol screening to any unauthorized county employee, agent, or person without permission of the person tested is strictly prohibited.

- B. All records of unconfirmed and negative test results are maintained in accordance with all applicable laws and regulations. Records of test results and medical information, if any, are maintained in secure files separate from the applicant or employee's personnel file.

**XVIII. EFFECTIVE DATE**

This policy becomes effective on **JANUARY 1, 2018.**

**HARRIS COUNTY AND HARRIS COUNTY FLOOD CONTROL DISTRICT  
DRUG AND ALCOHOL SCREENING POLICY  
FOR COMMERCIAL DRIVERS**

**CERTIFICATE OF RECEIPT**

I have received a copy of the Harris County and Harris County Flood Control District Drug and Alcohol Screening Policy for Commercial Drivers and understand that this policy applies to me.

(Departments must maintain a copy in the employee's file)

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Applicant or Employee

\_\_\_\_\_  
Supervisor/Witness

**HARRIS COUNTY AND HARRIS COUNTY FLOOD DISTRICT  
ACKNOWLEDGMENT AND CONSENT FORM  
FOR SUBSTANCE ABUSE TESTING  
FOR COMMERCIAL DRIVERS**

**I hereby acknowledge that I have received and read the HARRIS COUNTY AND HARRIS.COUNTY FLOOD CONTROL DISTRICT DRUG AND ALCOHOL SCREENING POLICY FOR COMMERCIAL DRIVERS. I understand that Harris County or the Harris County Flood Control District reserves the right to conduct tests for the presence of alcohol and illegal drugs, and that a positive test result may subject me to disciplinary action (including termination) or ineligibility for employment with Harris County. I understand that if I refuse to cooperate with testing or refuse to provide a urine or breath test specimen, I will be terminated from employment or ineligible for employment.**

I further authorize the testing laboratory to disclose the results of any such tests to the Director of the Office of Human Resources & Risk Management or to such other persons designated by the Director of the Office of Human Resources & Risk Management to receive confidential information. I understand that my test results are protected as confidential under the Public Information Act, Chapter 552 TEX. GOV'T CODE ANN., as amended.

In the event my drug test result is positive, I understand that I may request to have an independent drug test performed, at my own expense, of my urine specimen that yielded the positive test result. This test must be done at a DOT approved laboratory for alcohol and controlled substances testing. I understand that my inability to pay for the independent test will not preclude the testing.

I acknowledge that this policy is a term and condition of continued employment. I understand that if I do not wish to be subject to the testing policy, I may resign my position. Additionally, nothing about this policy changes my status as an at-will employee. The County or District may fire me at any time for any reason.

(Departments must maintain a copy in the employee's personnel file)

\_\_\_\_\_  
Signature of Applicant or Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Applicant or Employee

\_\_\_\_\_  
Signature of Supervisor/Witness

# EXHIBIT A

**REQUEST FOR DOT DRUG AND ALCOHOL TESTING INFORMATION FROM PREVIOUS EMPLOYER**

**PLEASE RETURN TO:**

COMPANY: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, ST. ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_

ATTENTION: \_\_\_\_\_ FAX: \_\_\_\_\_  
*(Name of individual requesting information)*

APPLICANT NAME: \_\_\_\_\_ SSN: \_\_\_\_\_

I hereby authorize \_\_\_\_\_  
*(Previous employer's name)*

to release information from my Department of Transportation regulated drug and alcohol testing records to the individual and company listed at the top of this form. This is limited to the following DOT-regulated testing items: (1) Alcohol tests with a result of 0.04 or higher; (2) Verified positive drug tests; (3) Refusals to be tested; (4) Other violations of DOT agency drug and alcohol testing regulations; (5) Information obtained from previous employers of a DOT drug and alcohol rule violation; and (6) Documentation, if any, of completion of the return-to-duty process following a rule violation.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_  
*(Signature of employee applicant)*

WITNESS: \_\_\_\_\_ DATE: \_\_\_\_\_

Previous employer must supply the following information regarding the above named individual during the past **three** years while employed to perform DOT or FMSCA covered safety sensitive functions:

	<b><u>YES</u></b>	<b><u>NO</u></b>
1. Alcohol tests with a result of 0.04 or higher alcohol concentration?	( )	( )
2. Verified positive drug tests?	( )	( )
3. Refusals to be tested (including verified adulterated or substituted drug test results)?	( )	( )
4. Other violations of DOT agency drug and alcohol testing regulations?	( )	( )
5. Did a previous employer report a drug or alcohol rule violation to you?	( )	( )
6. If the answer is "yes" to any of the above items, did the employee complete the return-to-duty process?	( )	( )

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_  
*(Signature of individual supplying information)*

If the answer to item #5 is "yes", then you must provide the previous employer's report even though it may be outside the three year time period. If you answered "yes" to item #6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report(s), follow-up testing records, etc.). If you referred the individual to a Substance Abuse Professional please supply the following information.

NAME of SAP: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, ST. ZIP: \_\_\_\_\_ PHONE: \_\_\_\_\_