

RESOLUTION NO. 2012- 103

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA, RESCINDING RESOLUTION NO. 2008-118 IN ITS ENTIRETY AND ADOPTING THE NEW NASSAU COUNTY SAFETY POLICY AS THE STANDARD SAFETY PROGRAM IN NASSAU COUNTY.

WHEREAS, the Board of County Commissioners recognizes that job safety is of the utmost importance to the employees and citizens of Nassau County; and

WHEREAS, the management of the Board of County Commissioners is committed to providing employees with a safe and healthful workplace. It is the policy of this organization that employees report unsafe conditions and do not perform work tasks if the work is considered unsafe; and

WHEREAS, it is in the best interest of Nassau County to enhance job safety and the safety of its employees; and

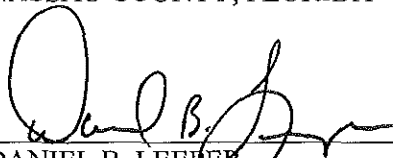
WHEREAS, enhanced job safety can be accomplished by ensuring that written policies and programs are followed and exercised; and

WHEREAS, this policy is intended to provide the framework for the development of detailed procedures for all County employees related to safety.

NOW, THEREFORE BE IT RESOLVED this 15th day of August, 2012, by the Board of County Commissioners of Nassau County, Florida as follows:

The Nassau County Safety Policy attached hereto as Exhibit "A" is hereby adopted.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA



DANIEL B. LEEBER
Its: Chairman

Attest as to Chairman's Signature:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

MES 08.16.12

Approved as to form by the
Nassau County Attorney:



DAVID A. HALLMAN

TABLE OF CONTENTS

NASSAU COUNTY SAFETY POLICY

ADMINISTRATION

- I. Purpose
- II. General Overview
- III. Management Commitment and Involvement
- IV. Responsibilities
- V. Nassau County Safety Committee (NCSC)
- VI. Safety Training
- VII. Discipline

CLAIM REPORTING PROCEDURES

- I. Purpose
- II. Vehicle Incident/Accident Reporting
- III. Workers' Compensation Procedures
- IV. General Liability Reporting
- V. Property Claim Reporting
- VI. Incident Reporting
- VII. Accident/Incident Investigation Procedures

RETURN TO WORK POLICY

- I. Purpose
- II. General Overview
- III. Responsibilities

VEHICLE USE POLICY

- I. Purpose
- II. General Rules
- III. Volunteer Drivers
- IV. Driver Selection
- V. Responsibilities for Employees Driving County Vehicles
- VI. Cell Phone Guidelines
- VII. Employee Owned Vehicles Used for Nassau County Purposes
- VIII. Rented Vehicles
- IX. Alcohol and Drugs
- X. General Vehicle Safety Procedures

NASSAU COUNTY SAFETY POLICY

- XI. Driving in Hazardous Weather Conditions
- XII. Skid Control
- XIII. Parking Safety
- XIV. Large Mobile Equipment Safety
- XV. Aggressive Driving
- XVI. Vehicle Preventative Maintenance and Inspection
- XVII. Driver's Safety Courses

DRUG FREE WORKPLACE POLICY & PROCEDURE

- I. General
- II. Preliminary Steps
- III. Notices to Employees and Job Applicants
- IV. Circumstances Requiring Testing
- V. Procedures for Collecting Specimens
- VI. Positive Test Results & Confirmation Testing
- VII. Employee Protection
- VIII. Employer Protection
- IX. Public Employees in Safety Sensitive and/or Special Risk Positions
- X. Confidentiality
- XI. Recordkeeping
- XII. Employee Assistance Program and Education
- XIII. Drugs to be Tested for

DRUG & ALCOHOL FREE POLICY FOR COMMERCIAL VEHICLE DRIVERS

- I. General
- II. Regulatory Requirements
- III. Non-Regulatory Requirements
- IV. Who is Responsible
- V. Alcohol Prohibitions
- VI. Drug Prohibitions
- VII. Conditions for Pre-Employment – Alcohol & Drug Testing
- VIII. Circumstances Requiring Testing
- IX. Refusal to Submit

NASSAU COUNTY SAFETY POLICY

- X. Diluted Specimens
- XI. Alcohol Testing Procedures
- XII. Drug Testing Procedures
- XIII. Confidentiality/Recordkeeping
- XIV. Driver Assistance
- XV. Self-identification
- XVI. Verified Positive Test Results and Discipline
- XVII. Definitions

PERSONAL PROTECTIVE EQUIPMENT POLICY

- I. Purpose
- II. General Overview
- III. Discipline
- IV. Hazard Assessment
- V. PPE Selection Guidelines
- VI. Employee Training
- VII. Cleaning and Maintenance
- VIII. PPE Specific Information
- IX. Miscellaneous Information

ATTACHMENTS

ATTACHMENT

Drug Free Workplace Program Policy Statement	1
Notice to Employees and Job Applicants	2
Nassau County Special Risk/Safety Sensitive/Mandatory Testing Positions	3
Licensed Laboratories Authorized to Perform Drug Free Workplace Testing	4
Over the Counter & Prescription Drugs Which Can Alter or Affect Drug Test Results	5
Drugs Tested For	6
Drug & Alcohol Free Policy Statement for CDL Drivers	7

FORMS

FORM

Acknowledgement of Receipt of Safety Orientation	S-1
Safety Committee Agenda	S-2

NASSAU COUNTY SAFETY POLICY

Job Hazard Notification	S-3
Supervisor's Accident Investigation Report	CLM-1
Incident Report	CLM-2
Vehicle Incident/Accident Report	CLM-3
Incident Diagram	CLM-4
Windshield Damage	CLM-5
First Report of Injury or Illness (DWC-1)	WC-1
Wage Statement (DWC-1a)	WC-2
Supervisor's Report of Job Injury	WC-3
Authorization for Medical Treatment	WC-4
Authorization for Release of Medical Information	WC-5
Notice of Referral for Testing	WC-6
Consent to Drug and/or Alcohol Testing	WC-7
Drug / Alcohol Testing: History of Recent Medication	WC-8
Modified Duty Assignment	WC-9
Vehicle Daily Inspection Log	V-1
Notice of Referral for Testing	DF-1
Consent to Drug and/or Alcohol Testing	DF-2
Drug/Alcohol Testing: History of Recent Medication	DF-3
Release of Information Form 49 CFR Part 40	DF-4
Drug-Free Workplace Policy Summary	DF-5
Notice of Positive Drug Test Results	DF-6
Positive Drug Test Result	
Unacceptable/Unsatisfactory Explanation and/or Challenge	DF-7
Investigation Report Suspected use of Drugs or Alcohol for CDL Driver	DF-8
Investigation Report Suspected Use of Drugs or Alcohol For Non CDL Driver	DF-9
Acknowledgement of Personal Protective Equipment (PPE) Training	PPE-1

ADMINISTRATION

Nassau County Safety Policy

ADMINISTRATION

I. PURPOSE

The employees of Nassau County are the organization's most valuable resource, and for that reason their health and safety are of paramount concern. It is the policy of Nassau County to establish a safe and healthy work environment for all of its employees by administering the Nassau County Safety Policy (NCSP). The purpose of this manual is to establish standards for a safety program and establishment of safety rules that govern Nassau County employees. The NCSP has been developed by the Risk Management Division with voluntary input from Nassau County employees, workers' compensation carriers, labor organizations, trade associations and other industry leaders.

The NCSP is designed to comply with the Occupational Safety and Health Act of Florida and all other applicable Federal, State and local laws and regulations, and applicable union agreements. The policy is designed to provide not only a safe physical working environment, but also an atmosphere of safety awareness through safety education, training, and employee involvement. The participation and earnest cooperation of all employees of Nassau County is imperative.

II. GENERAL OVERVIEW

- A. The Nassau County Risk Management Division under the direct supervision of the Nassau County Human Resources Department in conjunction with the County Manager will govern the NCSP. The NCSP is both a planning and an operations-based document that provides guidance for all aspects of safety.
- B. It is intended that this safety manual will be a "living" document which should be enhanced and continuously improved by Nassau County. The Nassau County Risk Management Division will periodically conduct a review of this policy with the departments and agencies involved and will coordinate necessary revisions. Any section of this plan may be modified to accommodate actual operations and work practices.
- C. Furthermore, the NCSP is intended to serve as the primary safety program for Nassau County. However, where appropriate by individual departments, safety programs may be created to address specific exposures and risks that are unique to that department. Any such departmental safety programs must not conflict with the policies and principles of the NCSP and acknowledge that the NCSP is the primary safety program for Nassau County. Departmental safety programs must be reviewed and discussed with the Nassau County Risk Management

Nassau County Safety Policy

Division and the Nassau County Human Resources Department.

- D. The NCSP is divided into the following six (6) sections:
1. **Administration** – outlines management's commitment to safety; identifies responsibilities of all personnel to assist in overall safety initiatives; outlines the role of the safety committee; reviews safety training procedures; and outlines potential disciplinary actions.
 2. **Claim Reporting Procedures** – details the procedures used by all employees to investigate and report claims for Workers' Compensation, Vehicle Accidents, General Liability Accidents, Incidents, and Property Claims to Risk Management.
 3. **Return to Work** – establishes transitional employment standards allowing for workers injured on the job to return to work following a disabling event and to ultimately resume permanent employment within their restrictions and limitations.
 4. **Vehicle Use** – outlines the general policies and procedures established to reduce the chance of vehicle accidents, create a safer working environment, and to control losses and liabilities.
 5. **Drug Free Workplace** – outlines the County's primary concern to protect the health and safety of its employees and the general public through the management of a drug free workplace.
 6. **Personal Protective Equipment** – documents steps Nassau County has taken to minimize injury resulting from various occupational hazards present at our construction/work sites by protecting workers through the use of Personal Protective Equipment (PPE).

III. MANAGEMENT COMMITMENT AND INVOLVEMENT

- A. The management of the Nassau County Board of County Commissioners (BOCC) is committed to providing employees with a safe and healthy workplace. It is the policy of this organization that employees report unsafe conditions and do not perform work tasks if the work is considered unsafe. Employees must immediately report all accidents, injuries, and unsafe conditions to their Supervisors.
- B. Employee recommendations to improve safety and health conditions will be given thorough consideration by Nassau County management. Management will give top priority to and provide the financial resources for

Nassau County Safety Policy

the correction of unsafe conditions. Similarly, management will take disciplinary action against an employee who willfully or repeatedly violates workplace safety rules. This action may include verbal counseling, written reprimand, remedial training, suspension without pay, reimbursement of damages to County vehicles or property, and/or dismissal.

- C. Management will be actively involved with employees in establishing and maintaining an effective safety program. Risk Management and/or other members of the County's management team will participate with the employees in ongoing safety program activities, which include:
1. Promoting NCSC participation;
 2. Providing safety and health education and training; and
 3. Reviewing and updating workplace safety rules.

IV. RESPONSIBILITIES

- A. Department Heads and Constitutional Officers – Department Heads and Constitutional Officers shall be responsible for establishing a safety culture within their department to promote safe and healthy working conditions and practices for employees under their supervision. (Note: References to Department Heads throughout this policy also include Constitutional Officers.)

Duties Include:

1. Ensure that safety procedures pertinent to their department's activities are developed and enforced.
2. Ensure the department's representation on the Nassau County Safety Committee (NCSC).
3. Ensure that safety training is provided to all employees in their department.
4. Promote a positive safety culture within their department by actively following safe practices and encouraging others to do so.
5. Periodically review accident records to determine if the loss control plan is effective.
6. Periodically review progress and re-emphasize your support of the program.

Nassau County Safety Policy

7. Establish written departmental safety guidelines, as needed.
 8. Maintain Vehicle Inspection Logs.
 9. Call upon Risk Management for needed assistance.
- B. **Supervisors** – Due to their constant contact with employees, Supervisors must take a primary role in the prevention of accidents and the safety of employees under their supervision.
Duties Include:
1. Provide adequate job training and instructions for their employees.
 2. Provide continuing safety instructions while issuing daily work assignments.
 3. Observe and evaluate working conditions and procedures for unsafe conditions or practices and report or correct any found.
 4. Promptly investigate all accidents.
 5. Encourage employees to report all unsafe conditions and practices.
 6. Check and ensure that tools, equipment and protective devices are in place, properly maintained and used.
 7. Be familiar with and enforce all safety procedures and practices applicable to their work.
 8. Understand all claim reporting procedures; complete required forms; and report them within twenty-four (24) hours to their Department Head and Risk Management.
 9. Transport injured workers to an approved medical facility for non-emergency treatment. If the injury requires emergency care, call 911 and accompany the injured worker to the hospital.
 10. Communicate with Risk Management, Human Resources, and the Department Head on serious events.
- C. **Employees** - All employees are responsible for exercising care and good judgment in preventing accidents. Employees shall adhere to and follow all safety rules and practices as set forth in this plan as well as their departmental guidelines.
Duties Include:

Nassau County Safety Policy

1. Become familiar with and observe established safe working procedures and practices for their work activities.
2. Where prescribed by Risk Management or departmentally, employees will properly wear and/or use all safety equipment.
3. Immediately report all work related accidents and injuries to their supervisor. Failure to do so may result in disciplinary action and/or loss of workers' compensation benefits.
4. Report all unsafe conditions and practices to their supervisors or in writing to Risk Management (S-3) in such circumstances where unsafe practices or conditions exist.
5. Support the safety culture by encouraging co-workers to work safely.
6. Complete and review all safety training materials provided upon hire and throughout employment.

D. Risk Management - Will establish, maintain and promote the NCSP.

Duties Include:

1. Ensure that Federal, State and local laws, regulations, codes and ordinances are followed.
2. Develop accident prevention methods, procedures and programs.
3. Review investigations of accidents and hazardous conditions and make recommendations for corrective actions.
4. Coordinate safety inspections on all Nassau County facilities as needed by the insurance carrier loss control.
5. Conduct or coordinate initial safety training for all new hires.
6. Assist in the formation and activities of safety committees.
7. Assist in the maintenance of records and reports concerning safety issues.
8. Periodically audit departmental Vehicle Inspection Logs.

V. NASSAU COUNTY SAFETY COMMITTEE (NCSC)

- A.** The NCSC is established to identify and review factors related to all

Nassau County Safety Policy

accidents and job injuries with an emphasis on the implementation of necessary corrective action to promote safety and well-being in the workplace.

- B. The NCSC shall review recent accident history and recommend improvements that will enhance workplace safety and health programs. The committee will identify corrective measures needed to eliminate or control hazards to safety and health. Risk Management will oversee the management aspect of the NCSC.
- C. All Department Heads are required to send, at a minimum, one (1) representative from their department to serve as a NCSC member. This individual should be someone who has the experience and knowledge to offer insight into specific job hazards for that department. The representative should be someone with the skills and leadership qualities that allow them to communicate and enact safety recommendations to the department's employees.
- D. An Agenda (S-2) shall be prepared by Risk Management prior to each meeting for the NCSC meeting which will contain the date, time and location of the meeting; names of persons attending; actions/items from the previous meeting; review of accidents since the previous meeting; recommendations to correct and prevent re-occurrence, and methods of subsequent training. Agendas and meeting notes from the meetings must be kept on file in the Risk Management Division for three (3) years.
- E. Meetings will be held at least quarterly during the calendar year or at such other times as Risk Management deems necessary.
- F. Primary functions of the NCSC:
 - 1. Implement loss control schedule to aid in evaluating the effectiveness of measures used to protect employees from workplace hazards.
 - 2. Assist management in reviewing and updating workplace safety based on accident investigations/inspections, employee reports of unsafe conditions or work practices (S-3) and accepting and addressing anonymous complaints and suggestions from employees as they are provided to Risk Management and/or Supervisors.
 - 3. Assist management in updating the workplace safety program by evaluating employee injuries and accident records. Identify trends, and formulate corrective measures to prevent reoccurrences.

Nassau County Safety Policy

4. Promote safety and health awareness, and co-worker participation through on-site monitoring of workplace activities.

VI. SAFETY TRAINING

Workplace safety training will be provided for all employees as part of the new hire process. An orientation of the NCSP will be provided to each new employee by a representative of Risk Management. All employees will sign an acknowledgment form after receiving the safety orientation (S-1). The signed acknowledgment will then become a part of the official employee file. Each employee will have access to a copy of the NCSP through their department. Specific job site safety training will be provided by the department in which the employee works.

- A. Supervisors will initially train employees on how to perform assigned tasks in their department in a safe manner. Supervisors will carefully review with each employee all applicable safety rules, policies and procedures that are described in the NCSP. Supervisors will observe employee's performance to assure that work is performed safely. If necessary, the Supervisor will provide a demonstration of safe work practices and remedial instruction to correct training deficiencies before employees are permitted to work without supervision. All employees will receive familiarization training on seldom-used or new equipment before placing it in operation. Supervisors will review safe work practices with all affected employees before permitting any new, non-routine, or specialized procedures to be performed.
- B. Supervisors will require all employees to participate in refresher classes regarding policies and procedures as changes are made to the NCSP. All employees will receive refresher training after a work related injury is caused by an unsafe act or condition or when a Supervisor observes employees engaged in unsafe behavior or acts.
- C. Supervisors will require all employees to sign an acknowledgment form after receiving safety training. The signed acknowledgment will then become a part of the official employee file.
- D. Safety meetings will be held periodically during which all assigned employees will be present. A roster of attendees will be maintained for record by the department, as well as a brief synopsis of the subject matter presented.

VII. DISCIPLINE

- A. Disciplinary Action:

Nassau County Safety Policy

1. In the event disciplinary action is required, the case will be reviewed by the Department Head, Risk Management, Human Resources, and submitted to the County Manager for a final decision. Disciplinary action taken as a result of an accident or incident shall be administered in accordance with current bargaining unit agreements or as follows.
2. The Department Head and Human Resources may recommend any of the following courses of action or a combination thereof as disciplinary action;
 - a. Verbal Counseling
 - b. Written Reprimand
 - c. Remedial Training
 - d. Suspension without pay
 - e. Reimbursement of damages to private or County vehicles, property or equipment
 - f. Dismissal

B. Recommendation for Disciplinary Action:

Disciplinary action shall be based on the following criteria:

1. Type and seriousness of violation of the County policies and procedures or violation of established traffic or civil law.
2. Monetary amount of damage to vehicle, loss of property, or physical injury.
3. Past driving history.
4. Past accident or injury history.
5. The determination that drugs or alcohol was involved.

CLAIM REPORTING PROCEDURES

Nassau County Safety Policy

CLAIM REPORTING PROCEDURES

I. PURPOSE

The purpose of this section is to establish standard claim reporting procedures for Department Heads, Supervisors, and employees of Nassau County for the following types of claims: Vehicle Accidents, General Liability, Workers' Compensation, Property, and Incidents. The objective of this section is to ensure prompt reporting of claims to the Risk Management Division, so that claims can be investigated and processed with the insurance carrier for proper adjustment and payment.

These procedures are intended to act as a procedural guide, and are not intended to establish blame. This manual also provides a systematic approach to accident investigation that leads to identification of causal factors and implementation of corrective action that will assure a safe work environment.

II. VEHICLE INCIDENT/ACCIDENT REPORTING

The purpose for this section is to establish procedures for the investigation and timely reporting of vehicular incidents/accidents involving vehicles owned by Nassau County and operated by Nassau County employees and/or other authorized operators.

A. Forms needed to file a Vehicle Accident are:

1. Vehicle Incident/Accident Report (CLM-3)
[Note: For windshield damage claims, only complete the Windshield Damage Form (CLM-5).]
2. Supervisor's Accident Investigation Report (CLM-1)
3. Incident Diagram (CLM-4)

B. Field Procedures Governing Vehicular Accidents:

1. Vehicular accidents are defined as a Nassau County vehicle having a collision with any of the following:
 - a. Civilian vehicles
 - b. Non-vehicular property (i.e. mailbox)
 - c. County vehicles
2. Employee Driver actions/responsibilities:

Nassau County Safety Policy

- a. Dial 911 and report the matter to the Nassau County Sheriff Office or Florida Highway Patrol and request medical assistance if needed by any of the parties involved. A police report must be filed for all vehicle vs. vehicle accidents, regardless of severity.

(Note): For vehicular accidents involving minor, non-vehicular property (i.e. mailboxes), a police report does not need to be filed.

(Note): If an accident occurs outside Nassau County jurisdiction, report to the proper authorities.

- b. Notify their Supervisor or department immediately.
- c. Obtain a copy of the law enforcement crash report or exchange of information.
- d. Complete the Vehicle Incident/Accident Report (CLM-3) within twenty-four (24) hours of the accident occurring and provide to Supervisor. If an employee is unable to complete the Vehicle Incident/Accident Report (CLM-3) the supervisor will complete it on behalf of the employee.

3. Supervisor actions/responsibilities:

- a. Upon arrival, re-assess damages/injuries to County and/or civilian personnel/property. Dial 911, and advise dispatcher of known damages if not already done.
- b. Obtain pictures of the scene, point of impact on each vehicle, tag numbers, property damage, and intersection if applicable.
- c. Determine status of the County vehicle and initiate towing if necessary.
- d. Complete the Supervisor's Accident Investigation Report (CLM-1) and the Incident Diagram (CLM-4) within twenty-four (24) hours of the accident occurring.
- e. Coordinate with the Risk Management/Human Resources Department to ensure that injured employees are sent for a post-accident drug test in compliance with the Nassau County Drug Free Workplace Policy.

Nassau County Safety Policy

- f. If the employee driver is unable to complete the Vehicle Incident/Accident Report (CLM-3) complete it on behalf of the employee.
- g. Email or hand deliver the completed Vehicle Incident/Accident Report (CLM-3), the Supervisor's Accident Investigation Report (CLM-1), the Incident Diagram (CLM-4), the Vehicle Incident/Accident Report (CLM-3) and any pictures taken to the Risk Management Division at riskmanagement@nassaucountyfl.com within twenty-four (24) hours of the accident occurring. If the accident occurs during other than normal business hours (8:00 A.M. to 5:00 P.M., Monday through Friday) reports are to be emailed or hand delivered on the next business day.

4. Risk Management actions/responsibilities:

- a. Review the Vehicle Incident/Accident Report (CLM-3), the Incident Diagram (CLM-4), the Supervisor's Accident Investigation Report (CLM-1), the police report and any pictures taken with the Human Resources Department and file the claim with the appropriate insurance carrier.
- b. Evaluate claims involving minor, non-vehicular damage (i.e. mailboxes), and where the value is under the insurance policy deductible, process claims for internal payments by departments.
- c. Communicate with the Human Resources Director and the County Manager regarding any serious claims.
- d. If the injury/illness results in an employee death or involves the hospitalization of more than three personnel, Risk Management will notify the Florida Department of Labor within twenty-four (24) hours per the Florida Statute 440.185(3)(2). The phone number for the Florida Department of Labor is: 1-800-219-8953.

C. Circumstances Requiring Drug Testing:

In accordance with the Nassau County Drug Free Workplace Policy, drug testing will be required for the following circumstances:

- 1. A fatality.

Nassau County Safety Policy

2. Bodily injury to any involved party requiring immediate medical treatment or treatment away from the scene.
3. All workers' compensation claims.
4. Disabling damage to any motor vehicle requiring tow away or the driver received a citation. Disabling damage is defined as damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. Included is damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Exclusions are damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or taillight damage, or damage to turn signals, horn or windshield wipers which make them inoperative.
5. Property damage totaling \$1,000 or more, i.e. damage to buildings, fences, transformers, guardrails, etc.
6. Reasonable suspicion.

III. WORKERS' COMPENSATION PROCEDURES

The objective of this section is to provide administrative procedures that enable timely reporting of incidents/accidents, the provisions of necessary medical treatment, and prompt investigation of accidents of injuries/illnesses that occur as a result of on-the-job incidents/accidents.

A. Claim Reporting Procedures:

1. Employee actions/responsibilities:
 - a. In the event of a workplace incident/accident, (regardless of severity) employees must report the incident/accident immediately to their supervisor. Failure to timely report the claim may result in disciplinary action and/or a loss of workers' compensation indemnity benefits or claim denial per Florida Statute 440.
 - b. Complete a First Report of Injury or Illness (WC-1) and provide a copy of the form with their signature to their Supervisor within twenty-four (24) hours of the accident.
 - c. After the initial appointment/diagnosis from an approved medical facility, the employee shall immediately inform Risk

Nassau County Safety Policy

Management by phone at 904-491-7385 as to their work status, i.e., off work, light duty, etc. Risk Management will immediately contact the employee's Supervisor to advise of the return to work status.

- d. Hand deliver or email to Risk Management at riskmanagement@nassaucountyfl.com the doctors' return to work slip/restrictions on the date received or at the start of business the next day.
 - e. Employees are required to provide regular communication to Risk Management and Supervisors regarding their medical and work status.
2. Supervisor actions/responsibilities:
- a. Upon notice of an accident, Supervisors must conduct an initial investigation of the accident, accompany the injured worker to the medical provider (See Section C below), facilitate post-accident drug testing in accordance with Nassau County's Drug Free Workplace Policy, and complete the Supervisor's Report of Job Injury (WC-3).
 - b. Notify Risk Management via email at riskmanagement@nassaucountyfl.com of the employee's on-the-job injury and provide the Employee's First Report of Injury or Illness (WC-1) and Supervisor's Report of Job Injury (WC-3) to Risk Management via email or hand deliver within twenty-four (24) hours of the injury. If the accident occurs during other than normal business hours (8:00 A.M. to 5:00 P.M., Monday through Friday) reports are to be emailed or hand delivered on the next business day.
 - c. Provide signed copies of the following additional forms to Risk Management via email at riskmanagement@nassaucountyfl.com or hand deliver.
 - 1) Authorization for Release of Medical Information (WC-5)
 - 2) Authorization for Medical Treatment (WC-4)
 - 3) Consent for Drug and/or Alcohol Testing (WC-7)
 - 4) Notice of Referral for Testing (WC-6)

Nassau County Safety Policy

- 5) Drug/Alcohol Testing: History of Recent Medication (WC-8) *Optional for Physician
 - d. Provide the initial treating physician with the Authorization for Medical Treatment (WC-4) and the Drug/Alcohol Testing: History of recent Medication (WC-8).
 - e. Maintain a copy of the Supervisor's Report of Job Injury (WC-3) within the department.
 3. Risk Management actions/responsibilities:
 - a. Email the Employees First Report of Injury or Illness (WC-1) and the Supervisor's Report of Job Injury (WC-3) to the carrier at: clahatte@bituminousinsurance.com within twenty-four (24) hours of receipt from the injured employee's department.
 - b. If the injury/illness results in an employee death or involves the hospitalization of more than three (3) personnel, Risk Management will notify the Florida Department of Labor within twenty-four (24) hours per Florida Statute 440.185(3)(2). The phone number for the Florida Department of Labor is: 1-800-219-8953.
 - c. After verification of the return to work status from the employee and/or attending physician, Risk Management will immediately contact the employee's supervisor as to the employee's return to work status.
- B. Medical Treatment:
1. Emergency Treatment - If the injured worker has severe injuries and is in need of emergency medical attention, dial 911 and have the employee transported to an appropriate medical facility for emergency treatment. Authorization from Risk Management is not needed for persons with severe injuries or injuries requiring emergency room care; medical care should be the first priority.
 2. Non-Emergency Treatment - Employees with non-emergency injuries will be transported, using Nassau County provided transportation if available, to an approved medical clinic and will be accompanied by their Supervisor. The Supervisor will ensure that necessary drug testing is completed.

Nassau County Safety Policy

3. Approved Clinics - Medical treatment will be provided by a physician or medical facility authorized by the current workers' compensation carrier for Nassau County, as follows:

(Note: Failure to use an approved facility may result in denial)

(Note: Injuries occurring outside of Nassau County should be seen by the closest emergency facility. Notification must be made to Risk Management as soon as possible.)

Amelia Urgent Care
96279 Brady Point Road
Fernandina Beach, FL 32034
904-321-0088

Business Hours
M-F: 8:00 a.m. - 8:00 p.m.
Saturday 9:00 a.m. - 5:00 p.m.
Sunday 9:00 a.m. - 2:00 p.m.

Emergency Room
Baptist Medical Center Nassau
1250 S. 18th Street
Fernandina Beach, FL 32034
904-321-3500

Holidays/After-Hours

4. Medical Authorization: During normal business hours (8:00 a.m. to 5:00 p.m. Monday - Friday), Risk Management will coordinate medical treatment. If an injury occurs after business hours, weekends or holidays, employees do not need prior approval to seek medical treatment. Notification must be made to Risk Management at riskmanagement@nassaucountyfl.com on the next business day and they will contact the appropriate managed care doctor and schedule/reschedule all additional appointments and follow ups.
5. Follow-up Medical Treatment: All medical treatment beyond the initial visit must be authorized by the Workers' Compensation carrier through Risk Management. Supervisors and Risk Management do not have authority to authorize additional medical treatment.
- a. After an appointment/diagnosis from a medical facility the employee shall immediately inform Risk Management by phone at 904-491-7385 as to their work status, i.e., off work, light duty, etc. Risk Management will immediately contact the Employee's supervisor to advise of the return to work status.

Nassau County Safety Policy

C. Return-To-Work / Light Duty Program

1. Supervisors and Risk Management will coordinate all efforts to comply with Nassau County's Return to Work Program by placing injured employees in alternate work environments in order to accommodate their work-related restrictions.

D. Post-Accident Drug Testing:

1. In accordance with the Nassau County Drug Free Workplace Policy, drug testing will be required for the following circumstances:
 - a. Fatality.
 - b. Bodily injury to any involved party requiring immediate medical treatment or treatment away from the scene.
 - c. All workers' compensation claims.
 - d. Disabling damage to any motor vehicle requiring tow away or the driver received a citation. Disabling damage is defined as damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. Included is damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Exclusions are damages which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or taillight damage, or damage to turn signals, horn or windshield wipers which make them inoperative.
 - e. Property damage totaling \$1,000 or more, i.e. damage to buildings, fences, transformers, guardrails, etc.
 - f. Reasonable suspicion.

E. Workers' Compensation Supplemental Wage Benefits

1. When an employee is absent from work due to a job related injury for a period greater than seven (7) days, his/her wages are paid by the workers' compensation insurance carrier at a rate equal to sixty-six and two-thirds percent (66 2/3%) of his/her average weekly wage based on the thirteen (13) weeks preceding his/her injury, up to the maximum wage permitted by Florida Statute 440. These paid benefits are exempt from taxation.

Nassau County Safety Policy

2. The average weekly wage is based on the wages the employee received during the thirteen (13) week pay period prior to the date of injury. Risk Management will request a thirteen (13) week Wage Statement (WC-2) from finance, once an employee has been advised he/she will be absent from work due to an on the job injury. Risk Management will forward this document to the insurance adjuster for review.
3. Nassau County supplements the remaining thirty-three and one-third percent (33 1/3%) of benefits, so that injured employees are compensated at one hundred percent (100%) of their regular straight-time wage prior to the date of injury. The County will supplement the indemnity benefit by paying the remaining thirty-three and one-third percent (33 1/3%) of the employee's wages concurrent with receipt of workers' compensation benefits paid by the insurance carrier as follows:
 - a. Employees represented under the current agreement between Northeast Florida Public Employees' Local 630 and the Nassau County BOCC: During the first seven hundred and twenty (720) hours of such disability, said employee shall receive pay based upon one hundred percent (100%) of regular straight-time wages reduced by the Workers' Compensation Indemnity Payable.
 - b. Employees represented under the current agreement between Nassau County Fire Rescue Professionals Local 3101, International Association of Firefighters and the Nassau County BOCC: During the first one hundred eighty (180) calendar days of such disability, said Employee shall receive pay based upon one hundred percent, (100%) of regular straight-time wages reduced by the Worker's Compensation Indemnity payable.
 - c. Nassau County BOCC employees not represented by a collective bargaining unit: Ninety (90) cumulative working days from the date of the injury based upon one hundred percent (100%) of his/her regular straight-time wages.
4. In the event the job related injury occurs as a result of the employee's failure to wear the appropriate County provided safety appliance or Personal Protective Equipment (PPE) there may be a reduction of twenty five percent (25%) of the lost wage benefit per the Florida Workers' Compensation Statute 440.

Nassau County Safety Policy

5. FMLA runs concurrent with Workers' Compensation in accordance with Nassau County's FMLA policy.
- F. Supervisors should refer to the Nassau County Drug Free Workplace Policy for further procedural instructions.

IV. GENERAL LIABILITY REPORTING

The purpose for this section is to establish procedures and guidelines for the investigation and timely reporting of general liability incidents. These incidents/accidents arise out of the County's operations, premises, products or services in which either "bodily injury" or "property damage" occurs to third (3rd) parties.

- A. The following forms need to be completed when filing an incident report:
1. Incident Report (CLM-2)
 2. Supervisor's Accident Investigation Report (CLM-1)
 3. Incident Diagram, if applicable (CLM-4)
- B. Employee actions/responsibilities:
1. Employees involved in a general liability event must report the situation immediately to their Supervisor and Complete an Incident Report (CLM-2).
- C. Supervisor actions/responsibilities:
1. Upon receipt of notice of a general liability incident, Supervisors should take immediate action to investigate the report to ensure the reported condition/incident does not pose a hazard to public safety until remedial action can be taken to correct/eliminate the hazard.
 2. Supervisors should ensure completion of the Incident Report (CLM-2), Supervisor's Accident Investigation Report (CLM-1) and Incident Diagram (CLM-4) if applicable. Supervisors should go to the site of the incident and take any pictures if applicable.
 3. Supervisors will email or hand deliver the Incident Report (CLM-2), Supervisor's Accident Investigation Report (CLM-1), Incident Diagram (CLM-4) if applicable and any applicable pictures to Risk Management at riskmanagement@nassaucountyfl.com within twenty-four (24) hours of the incident/accident occurring. If the

Nassau County Safety Policy

incident occurs during other than normal business hours (8:00 a.m. to 5:00 p.m. Monday-Friday), reports are to be emailed or hand delivered on the next business day.

D. Risk Management actions/responsibilities:

1. Risk Management will email the Incident Report (CLM-2), Supervisor's Accident Investigation Report (CLM-1), Incident Diagram (CLM-4) if applicable and any pictures if taken to the agent/broker within twenty-four (24) hours of receipt of information.
2. Risk Management will notify the Human Resources Director and the County Manager regarding any serious claims.
3. Risk Management will serve as the liaison between the broker/insurance carrier and the County regarding future information and communication needed to resolve the claim.

V. PROPERTY CLAIM REPORTING

The purpose for this section is to establish procedures and guidelines for the investigation and timely reporting of Property claims. These incidents arise out of damage to County property (non-vehicular).

A. The following forms need to be completed when filing an incident report:

1. Incident Report (CLM-2)
2. Supervisor's Accident Investigation Report (CLM-1)
3. Incident Diagram, if applicable (CLM-4)

B. Employee actions/responsibilities:

1. Employees involved in or with knowledge of an event causing damage to County property (non-vehicular) must report the situation immediately to their Supervisor and complete an Incident Report (CLM-2).

C. Supervisor actions/responsibilities:

1. Upon receipt of notice of property damage, Supervisors should take immediate action to investigate the report to ensure the reported condition/incident does not pose a hazard to public safety until remedial action can be taken to correct/eliminate the hazard.

Nassau County Safety Policy

2. Supervisors should ensure completion of the Incident Report (CLM-2), Supervisor's Accident Investigation Report (CLM-1) and Incident Diagram (CLM-4) if applicable. Supervisors should go to the site of the incident and take any pictures if applicable. Pictures of the damaged property should be taken, including the potential cause of damage. If the damaged condition does pose a hazard, contact the appropriate department to assist with remediation and appropriate safety warnings.
3. Supervisors will email or hand deliver the Incident Report (CLM-2), Supervisor's Accident Investigation Report (CLM-1), Incident Diagram (CLM-4) if applicable and any applicable pictures to Risk Management at riskmanagement@nassaucountyfl.com within twenty-four (24) hours of the incident/accident occurring. If the incident occurs during other than normal business hours (8:00 a.m. to 5:00 p.m. Monday–Friday), reports are to be emailed or hand delivered on the next business day.

D. Risk Management actions/responsibilities:

1. Risk Management will email the Incident Report (CLM-2), Supervisor's Accident Investigation Report (CLM-1), Incident Diagram (CLM-4) if applicable and any pictures if taken to the agent/broker within twenty-four (24) hours of receipt of information.
2. Risk Management will notify the Human Resources Director and County Manager of any serious claims.
3. Risk Management will serve as the liaison between the broker/insurance carrier and the County regarding future information and communication needed to resolve the claim.

VI. INCIDENT REPORTING

The purpose for this section is to establish procedures and guidelines for events that incur potential liability, or near misses to the County. Incidents could include situations that endanger personnel or cause damage to property (private or public). Incidents do not involve actual property damage or bodily injury.

- A. Incidents must be reported and investigated in the same timely manner as accidents. The prompt report of incidents will result in action taken to prevent an accident, injury to personnel, or liability to the County.
- B. The department receiving the report should take immediate action to investigate the report to ensure the reported condition/incident does not

Nassau County Safety Policy

pose a hazard to public safety until remedial action can be taken to correct/eliminate the hazard.

- C. The department that has responsibility should conduct periodic inspections for maintenance of grounds/facilities/roadways/right-of-ways to ensure safe use by the public and/or Nassau County employees.
- D. Copies of incident reports should be emailed to Risk Management at riskmanagement@nassaucountyfl.com.

VII. ACCIDENT/INCIDENT INVESTIGATION PROCEDURES

The purpose of this section is to supplement the claim reporting sections listed above by providing specific guidance to Supervisors in conducting incident/accident investigation techniques to ensure a complete evaluation of the events involving vehicle accidents, workers compensation, general liability and property damage. The Supervisor at the site of the incident/accident will perform the initial investigation and is responsible for seeing that the incident or accident reports are properly completed and forwarded to Risk Management. The Supervisors will investigate all incidents, accidents, injuries, and occupational diseases using the following investigative procedures:

- A. Implement temporary control measures to prevent any further occurrences.
- B. Review the equipment, operation and procedures to gain an understanding of the situation.
- C. Identify and interview each witness and any other person who might provide clues to the cause of the incident/accident.
- D. Investigate causal conditions and unsafe acts; make conclusions based on existing facts.
- E. Obtain pictures of the vehicle accident site, intersections, point of impact, tag numbers and property damage (if applicable).
- F. In the event the incident/accident involves a county-owned vehicle or item of construction equipment, obtain the maintenance record file for review.
- G. Attach investigation reports prepared by attending law enforcement officials.
- H. Provide recommendations for corrective actions.

Nassau County Safety Policy

- I. Indicate the need for additional or remedial safety training.
- J. Supervisor's Accident Investigation Reports (CLM-1) must be submitted to Risk Management at riskmanagement@nassaucountyfl.com or hand delivered within twenty-four (24) hours of the incident/accident. If the incident/accident occurs during other than normal business hours (8:00 a.m. to 5:00 p.m. Monday–Friday), reports are to be emailed or hand delivered on the next business day.

RETURN TO WORK POLICY

Nassau County Safety Policy

RETURN TO WORK POLICY

I. PURPOSE

The goal of Nassau County's Return to Work Program is to provide a temporary light duty job to employees who are unable to perform the essential functions of their regular job due to physical restrictions resulting from a compensable workers compensation injury. Efforts to place an injured employee in a temporary light duty job will be made by all departments of Nassau County, assuming a light duty job is available within the physical restrictions provided by the authorized treating physician.

II. GENERAL OVERVIEW

- A. Temporary light duty jobs may be offered to injured employees who possess written documentation of physical restrictions from an authorized workers' compensation medical physician. Employees must obtain from the authorized treating physician an update of physical limitations in order to continue light duty every thirty (30) days.
- B. Temporary light duty may be provided until the authorized workers' compensation medical doctor releases the employee to full duty or the employee reaches Maximum Medical Improvement (MMI).
- C. All offers of temporary light duty must be made in writing to the employee. The Modified Duty Assignment Form (WC-9) will provide a description of the job duties being offered, approved physician physical restrictions, work schedule, job location and the supervisor information.
- D. Overtime is not permitted for injured employees while performing temporary light duty jobs.
- E. Temporary light duty jobs may be provided in any department within the County.
- F. Employee's refusal of a temporary light duty job offer, allows for possible denial of lost wage benefits by the insurance carrier per the Florida Workers' Compensation Statute 440. Employees refusing temporary light duty may be required to use their accrued leave.
- G. Temporary light duty jobs will be offered for up to one hundred eighty (180) calendar days unless one of the conditions noted in letter B above is met. No less than thirty (30) days prior to the end of the one hundred eighty (180) calendar days any request for an extension of temporary light

Nassau County Safety Policy

duty must be submitted in writing by the employee to Risk Management. The extension must be accompanied by medical documentation and will be reviewed by Risk Management and/or the Department Head and/or the County Manager.

III. RESPONSIBILITIES

A. Department Heads and Constitutional Officers actions/responsibilities:

1. Communicate with Risk Management and Human Resources to identify opportunities for temporary light duty work within his/her department.

B. Supervisors actions/responsibilities:

1. Review the Return to Work information with Risk Management and the injured employee after each appointment.
2. Communicate with the injured employee regularly to confirm that they are working within the physical restrictions provided by the authorized treating physician.

C. Employees actions/responsibilities:

1. Provide documentation received from the authorized treating physician to Risk Management immediately following medical appointments.
2. Communicate regularly with Supervisor and Risk Management any concerns regarding your temporary light duty job.

D. Risk Management actions/responsibilities:

1. Work closely with Department Heads, Supervisors and Human Resources to identify temporary light duty jobs within Nassau County.
2. Ensure that approved physicians are aware of Nassau County's Return to Work Program. Provide copies of job descriptions and possible temporary light duty jobs available.
3. Review with injured employees and Supervisors the physical restrictions provided by the authorized treating physician. Determine if injured employees will be allowed to remain in his/her original job with accommodations.

Nassau County Safety Policy

4. Provide verbal offer to injured employee of the temporary light duty job. Complete a written Modified Duty Assignment Form (WC-9) to the injured employee on the same day of the verbal offer. Request injured employee to sign the form accepting the job. Provide a copy to the employee, Supervisor, Human Resources and the insurance carrier. Risk Management will notify the insurance carrier if an injured employee refuses a temporary light duty job.
5. Risk Management will serve as a liaison between the insurance carriers, authorized treating physician's, the injured employee and the Supervisor regarding future medical appointments and communication needed to assist the injured employee in his/her recuperation.
6. Review the work status with the injured employee and the Supervisor after each authorized physician appointment.
7. Physician appointments will be scheduled by Risk Management in conjunction with the carrier at the beginning of the day, late in the afternoon or on a scheduled day off when possible.

VEHICLE USE POLICY

Nassau County Safety Policy

VEHICLE USE POLICY

I. PURPOSE

Relationships with the public while operating Nassau County vehicles can influence opinion or perceptions in a positive or negative way. Drivers exhibiting courteous, considerate and safe driving habits can enhance and help develop a positive relationship between the County and its citizens. The following policies and procedures have been established to reduce the chance of vehicle accidents, create a safer working environment and to control losses and liabilities.

II. GENERAL RULES

- A. Vehicle drivers/operators must possess a valid driver's license and must pass a Motor Vehicle Record (MVR) check pursuant to the guidelines of this policy. Only Nassau County employees shall operate a vehicle purchased by or assigned to Nassau County. Only individuals having official business with Nassau County, such as contractors/clients/volunteers, shall be permitted to be a passenger in the vehicle. Family members are not authorized to ride in County vehicles unless in an official capacity. (Note: Departments requiring the use of volunteer drivers may make a request in accordance with section 3 below).
- B. Only individuals listed/recorded in the Nassau County Driver's List are authorized to operate a County vehicle. Risk Management will keep a list of individuals authorized to operate a County vehicle. This list will be updated annually by each department as requested by Risk Management.
- C. The Department Head is responsible for ensuring that all vehicles maintain an official license plate, Nassau County emblem or identification, current insurance card, and vehicle registration papers.
- D. Pursuant to State law and for the health of employees and members of the public, all Nassau County vehicles are designated as "smoke free" work areas. No passenger or employee is allowed to smoke in any County vehicle.
- E. Safety belts/seat belts shall be worn at all times by the driver and all passengers. Violators will be subject to disciplinary action.
- F. At no time will employees ride in the bed of a truck or any other vehicle or movable equipment for which a seatbelt is not provided.

Nassau County Safety Policy

- G. Employees shall note that the Florida's Workers' Compensation Law, Section 440.09 (5) Florida Statutes, provides for a reduction of normal compensation by twenty-five (25%) percent if an employee is injured as a result of his/her refusal to use safety appliances or to observe a lawful safety rule.

III. VOLUNTEER DRIVERS

- A. On rare occasions when volunteers need to operate a vehicle owned by Nassau County a request in writing must be made by the Department Head to Risk Management which will be reviewed for consideration by Risk Management and/or the County Manager.

IV. DRIVER SELECTION

- A. Human Resources will run a MVR annually. Risk Management will review annually all MVRs, checking for driver's license validity and driving citation history.
- B. All drivers are required to report all moving violations whether on or off duty to their Department Head/Supervisor within twenty-four (24) hours of the violation occurring. If the violation occurs during other than normal business hours (8:00 A.M. to 5:00 P.M., Monday through Friday) violation must be reported the next business day.
- C. Drivers will report any changes in status of their driver's license (valid vs invalid) immediately to their Department Head or Supervisor. (Department Head will report same to Risk Management).
- D. Class "A" Violations: Nassau County may suspend the driving privileges for anyone receiving a Class "A" Violation. Additionally, these individuals will be required to attend applicable driver improvement program courses from the Northeast Florida Safety Council, at their own expense, before being permitted to resume driving on behalf of Nassau County.
 - 1. Class "A" Violations Include:
 - a. DUI (Driving Under the Influence of Alcoholic Beverages, Chemical Substances or Controlled Substances)
 - b. Refusal to submit to a breath/urine test
 - c. Negligent homicide arising out of the use of a motor vehicle (gross negligence)

Nassau County Safety Policy

- d. Operating a vehicle during a period of suspension or revocation
- e. Using a motor vehicle for the commission of a felony
- f. Aggravated assault with a motor vehicle
- g. Operating a motor vehicle without owner's authority
- h. Permitting an unlicensed person to drive
- i. Reckless driving
- j. Hit and run driving

E. Class "B" Violations

1. Any individual who has a combination of two (2) Class "B" moving violation and/or chargeable accidents in a three (3) year period will be counseled verbally by their Supervisor.
2. Any individual who has a combination of three (3) moving violations and/or chargeable accidents in a three (3) year period will be counseled verbally by their Supervisor and must complete the **Basic Driver Improvement** course through the Northeast Florida Safety Council (either by physical attendance or through the on-line course) at the drivers expense including showing proof of course completion within thirty (30) days of notice. Failure to show proof of attendance with a passing grade may result in the employee being suspended from driving County vehicles until proof of course completion is received by Risk Management.
3. Any individual who has more than three (3) moving violations or three (3) chargeable accidents or any combination of more than three (3) of the formerly stated violations in a three (3) year period will have a written counseling by their Supervisor and will complete the **Basic Driver Improvement** course and the **Traffic Collision Avoidance Course** through the Northeast Florida Safety Council (either by physical attendance or through the on-line course) at the drivers expense including showing proof of course completions within thirty (30) days of notice. Failure to show proof of attendance with passing grades may result in the employee being suspended from driving on behalf of Nassau County until proof of course completions are received by Risk Management.

Nassau County Safety Policy

4. Nassau County may suspend the driving privileges for anyone convicted of five (5) or more Class "B" Violations in a three (3) year period.
5. Class "B" Violations Include:
 - a. All moving violations not listed in the Class "A" Violations, including exceeding the posted speed limit.

F. Disciplinary Action

1. In the event disciplinary action is necessary, the case will be reviewed by the Department Head, Human Resources, and Risk Management and submitted to the County Manager for a final decision if necessary. Disciplinary action taken shall be administered in accordance with current bargaining unit agreements or as outlined in number 2 below.
2. The Department Head and Human Resources may recommend any of the following courses of action or a combination thereof as disciplinary action.
 - a. Verbal Counseling
 - b. Written Reprimand
 - c. Remedial Training
 - d. Suspension of driving privileges
 - e. Suspension without pay
 - f. Reimbursement of damages to County vehicles, equipment or property
 - g. Dismissal
3. If the County discovers that an employee has lost their valid driver's license privileges for any reason, failed to inform their Supervisor, and continued to drive a Nassau County vehicle, County vehicle driving privileges will be suspended immediately, and the County may terminate employment.

G. New Hires/Promotions

Nassau County Safety Policy

1. All applicants that apply with the County who are interested in a position which requires driving a County vehicle will have an official Motor Vehicle Records check by the Human Resources Department during their conditional offer phase of employment.
2. Applicants applying for a job which requires driving County vehicles that have a Class A violation conviction within the past three (3) years and/or that have four (4) or more Class B violation convictions with the past three (3) years may not be eligible for employment with the County.

V. RESPONSIBILITIES FOR EMPLOYEES DRIVING COUNTY VEHICLES

Operating a Nassau County vehicle is a privilege. All drivers will be responsible and accountable to/for the following:

- A. Possessing a valid motor vehicle driver's license issued in the state of their residency in the United States. This license must have the appropriate classification and any required endorsements needed for operating the vehicle(s) assigned to the operator.
- B. Operating motor vehicles in a safe manner at all times.
- C. Complying with all applicable State laws and regulations.
- D. Maintaining vehicles in a safe operating condition.
- E. Maintaining vehicles in accordance with departmental internal procedures.
- F. Participating in required drivers' safety education and training programs.
- G. Requiring all occupants to wear safety belts/seat belts.
- H. Paying all moving/parking violation fines and fees within the allotted timeframe stipulated on the violation.
- I. Refraining from towing any personal recreational equipment (boats, campers, etc).
- J. Never conducting unauthorized alterations to vehicles leased, owned or rented by the County.
- K. Never deactivating air bags.
- L. Never operating a computer while the vehicle is moving.

Nassau County Safety Policy

- M. Adhering to all cell phone guidelines. (Section VI)

VI. CELL PHONE GUIDELINES

- A. Only use hands-free cell phone devices while driving, if there is no hands-free device available, pull off the road to complete work-related phone calls.
- B. Suspend conversations during hazardous driving conditions or situations such as rainstorms or during heavy traffic.
- C. Do not take notes, look up phone numbers or take photos while driving.
- D. Only place calls while you are not moving or before you begin driving.
- E. Do not send or read text messages or emails on your cell phone while driving.
- F. When possible, the driver should let calls roll over to voicemail until their destination is reached.

* Note: Failing to abide by the above guidelines may result in disciplinary action.

VII. EMPLOYEE OWNED VEHICLES USED FOR NASSAU COUNTY PURPOSES

There are situations where drivers use their personal vehicles for Nassau County business. For drivers utilizing their personal vehicles on County business, the following rules apply:

- A. Employees must comply with driver selection criteria, have a valid driver's license in their state of residence and meet the same MVR and accident criteria as drivers of County owned vehicles.
- B. Automobile liability and property damage insurance coverage must be maintained by the driver.
- C. The understanding that in case of an accident and subsequent claim, the coverage provided by the employee's personal insurance will be primary.
- D. The vehicle must be maintained in accordance with the same requirements as County vehicles.
- E. Drivers must comply with all applicable State laws and regulations.

Nassau County Safety Policy

* Note: Failing to abide by the above guidelines may result in disciplinary action.

VIII. RENTED VEHICLES

- A. Vehicles may be rented for Nassau County business in certain circumstances, such as:
1. Out of town travel,
 2. Replacement vehicle for a vehicle being repaired,
 3. Special events, or
 4. Unexpected shortages of transportation resources
- B. While operating a rental vehicle for County business, all requirements of the vehicle safety program apply. This includes but is not limited to the following:
1. Employees must have a valid driver's license and meet the same MVR and accident criteria as all other drivers of County vehicles.
 2. Drivers must comply with all applicable State laws and regulations.
 3. Only authorized drivers may operate the vehicle.

IX. ALCOHOL AND DRUGS

The use of any Nassau County equipment, including vehicles, is prohibited from any employee who has consumed alcoholic beverages, illegal substances, or taken medication that causes impairment of normal functions or reflexes. Violations of this section may result in disciplinary action up to and including termination.

X. GENERAL VEHICLE SAFETY PROCEDURES

- A. When behind the wheel of any vehicle, drivers shall maintain a safe following distance. If someone tailgates a Nassau County vehicle, the driver should slow down, pull over to the right, and let the vehicle pass.
- B. Drivers shall signal intentions of lane changing or change of direction at least one hundred (100) feet before the change occurs.
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Nassau County Safety Policy

- C. When a trailer is in tow, there shall be safety chains of sufficient strength and appropriate security connections to maintain connection of the trailer to the pulling vehicle under all conditions while the vehicle is towing the trailer.
- D. Drivers shall not cross any railroad crossing when the crossing warning lights are activated.
- E. When necessary, drivers shall enlist the assistance of the passenger or another employee to guide them while backing. If the driver is alone, he/she shall exit the vehicle and inspect the area before backing up.
- F. Getting on or off a vehicle is prohibited while the vehicle is in motion.
- G. No more than three (3) persons shall ride in the front seat of any vehicle. In vehicles with only two (2) single front seats, there shall be only one (1) person per seat.
- H. Tailgates shall be up and locked when vehicles so equipped are in motion. If the situation requires the tailgate to remain open, red flags shall be attached to the outward corners of the gate.
- I. All items to be transported shall be secured. Any cargo extending beyond the boundaries of the vehicle shall be clearly marked with a red flag.
- J. Roll covers shall be used and in place when hauling loads.
- K. Loads shall not exceed the limits stipulated by the manufacturer for that specific vehicle or piece of equipment.

XI. DRIVING IN HAZARDOUS WEATHER CONDITIONS

- A. During periods of limited visibility or anytime windshield wipers are required to be used, vehicle headlights shall be turned on.
 - B. Drivers should exercise extra caution when driving in the rain, especially during the first (1st) hour of rainfall. There is a greasy residue on the road that when combined with water forms a slippery surface causing tires to lose contact with the road, which results in the driver losing control of the vehicle.
 - C. During a rainstorm or while on wet roads, drivers should slow their speed by at least ten (10) mph below the posted speed limit.
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Nassau County Safety Policy

- D. During stormy weather, drivers should allow more distance than usual from the vehicle in front.
- E. When entering fog, driver should use their low beams, reduce speed, and keep to the right side of the road as much as possible.

XII. SKID CONTROL

Skids, spins, and slides can occur on wet or dry surfaces when the vehicle is in motion and the driver changes direction too quickly. Most of the time when a car goes into a slide or skid, it's because the vehicle is going around a corner or changing its forward direction. Some basic rules for keeping control include the following:

- A. Recognize the type of situations that cause skidding such as wet or icy roads, oil slicks, sand or gravel roads, bald tires and excessive speed.
- B. Ease off the accelerator and avoid heavy breaking. If the vehicle does not have ABS (antilock brake system) brakes, pump the brakes so that there is a momentary application and then release. Hard, heavy applications of brakes usually make the vehicle skid. If the vehicle has ABS brakes, apply firm, constant pressure.
- C. Turn the front wheels in the same direction the rear wheels are sliding. The resistance felt is the skid coming under control; turn the front wheels back into the opposite direction and then into a straight line.

XIII. PARKING SAFETY

- A. Employees shall not park vehicles in "No Parking" zones except in an emergency or in the required performance of official duties. When a situation requires a vehicle to be parked in a "No Parking" zone, the driver shall activate emergency blinkers.
 - B. No vehicle shall be left unattended with the key in the ignition.
 - C. Employees shall park County vehicles in well-lighted areas whenever possible.
 - D. Vehicles shall be locked when not in use.
 - E. Drivers parking a vehicle must stop the motor, set the emergency brake, and leave the vehicle in park for automatic transmissions and in gear for manual transmissions except when the situation requires otherwise (i.e. emergency vehicles, vehicles with heat and cold sensitive equipment).
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Nassau County Safety Policy

- F. To brace your car when parking downhill, turn your wheels toward the curb and drive forward slowly until the wheel is against the curb.
- G. To brace your car when parking uphill, turn your wheels sharply away from the curb and back up slowly until the rear of the tire is against the curb.
- H. Employees shall not park County vehicles facing traffic except in the case of an emergency.
- I. Before leaving the curb, employees should signal their intentions and look to see that no cars are approaching from either direction.
- J. When exiting or entering a vehicle parked on a curb, employees should take care not to open the car door or step into traffic.
- K. In the daily operation of a County vehicle, the employee shall survey the area when approaching to determine if parking can be accomplished without backing.
- L. After parking the vehicle, the employee shall place an orange traffic cone (min 28") behind the vehicle at the driver side rear bumper. Before departing the location, the employees shall perform a walk-a-round inspection (referred to as a Circle of Safety) to identify any potential hazards. The employee shall return the cone to the vehicle for storage before leaving. This procedure will not be appropriate for each and every circumstance.

XIV. LARGE MOBILE EQUIPMENT SAFETY

- A. All persons operating or riding in/on County-owned vehicles/equipment are to be positioned properly in a seat belt/safety belt or safety harness fastened.
- B. If possible or necessary, equipment operators shall enlist the assistance of another employee to guide them when backing up. If the driver is alone, he/she shall exit the vehicle and inspect the area before backing up.
- C. Construction type equipment shall travel at no more than twenty (20) mph and use the right lane except when a left turn is required. Operators of such equipment shall give the right-of-way to all other motor vehicles. Equipment headlights will be on at all times when traveling. This type of equipment shall display the orange triangular slow moving vehicle sign on the rear of the vehicle.

Nassau County Safety Policy

- D. Use of special equipment without authorization and training of record will result in disciplinary action against the operator.
- E. Construction equipment should be trailered and towed for any distance over five (5) miles.

XV. AGGRESSIVE DRIVING

At no time shall any Nassau County employee engage in aggressive driving while operating a County owned vehicle or operating a motor vehicle for official County business. Aggressive driving can include but is not limited to:

- A. speeding,
- B. tailgating,
- C. failure to signal a lane change,
- D. running red lights and stop signs,
- E. weaving in traffic,
- F. yelling,
- G. making obscene gestures, or
- H. excessive use of the horn

XVI. VEHICLE PREVENTATIVE MAINTENANCE AND INSPECTION

Through the maintenance of Nassau County vehicles accidents and excessive repair expenses can be avoided.

- A. Employees assigned a vehicle or given the responsibility of driving a piece of equipment shall be responsible for conducting a safety check of the vehicle/equipment prior to its use, each day they are assigned the vehicle.
- B. Equipment inspections should be conducted according to the manufacturers or equipment manual guidelines specific to the equipment. Risk Management has created a Vehicle Daily Inspection Log (V-1); however the Fleet Manager along with the Department Heads of each department may develop equipment specific daily inspection logs.

Nassau County Safety Policy

- C. The Vehicle Daily Inspection Log (V-1) shall be completed and kept in the vehicle logbook for that week. At the end of the week, supervisors shall collect the Vehicle Daily Inspection Logs (V-1) and file them with the vehicle maintenance records.
- D. Any items requiring maintenance should be immediately reported to the supervisor who shall make arrangements for necessary repairs to be completed by the County maintenance crew or if applicable, the contracted maintenance company.
- E. All vehicles are placed on a rotating schedule for preventative maintenance inspections to be completed every ninety (90) days.
- F. Any vehicle found to have unsafe conditions shall be tagged-out until such time as the necessary repairs are complete and the vehicle passes inspection.
- G. At a minimum, the following items should be checked on a monthly basis.
 - 1. Brakes and brake fluid
 - 2. Power steering and fluid reservoir
 - 3. Tires
 - 4. Windshield washer fluid and wipers
 - 5. Motor oil
 - 6. Lights and signals
 - 7. Horn
 - 8. Safety belts/Seat belts

XVII. DRIVER'S SAFETY COURSES

Northeast Florida Safety Council
1725 Art Museum Drive, Jacksonville, FL 32207
904-399-3119
<http://www.nefsc.org>

*Costs are subject to change.

Basic Driver Improvement (BDI)

Nassau County Safety Policy

\$40.00 BDI Online Course
\$35.00 Classroom Paid Registration (Day of Class)
\$30.00 Prepaid

Basic Driver Improvement (BDI)

Florida Statute (F.S) 318.14(9)-(10) (a) – allows for attendance in a Department-approved basic driver improvement course in lieu of a court appearance for most non-criminal traffic infractions. In such cases, adjudication must be withheld and points may not be assessed, as provided by F.S. 322.27.

Traffic Collision Avoidance Course (TCAC)

\$40.00 Internet Course
\$35.00 Registration at the Time of Course
\$30.00 Prepaid Registration

Traffic Collision Avoidance Course (TCAC)

Reference: Florida Statute (F.S) 322.0261 – mandatory driver improvement course required for traffic accidents involving death or a bodily injury requiring transport to a medical facility; or a second accident by the same operator within the previous 2 year period involving property damage in an apparent amount of at least \$500.

DRUG FREE WORKPLACE POLICY AND PROCEDURE

DRUG FREE WORKPLACE POLICY & PROCEDURE

I. GENERAL

- A. Nassau County, Florida ("the County") is implementing this policy pursuant to the Florida's Drug Free Workplace Act, Chapter 440.101, Florida Statutes; Drug-Free Workplace Program Requirements and applicable administrative rules.
- B. In implementing this policy, the County's primary concern is to protect the health and safety of its employees and the general public. The County will not tolerate any risk to our employees' safety, the safety of the general public and/or the services provided to our citizens that may be compromised by the impaired actions of persons who insist on using drugs illegally and/or reporting to work under the influence of alcohol. In addition, the County wishes to qualify for the workers' compensation premium discount provided under Fla. Stat. 627.0915 and the irrefutable presumption of intoxication provided under Fla. Statute 440.09 and 440.101 with respect to employees who test positive for alcohol or illegal drug use following an on-the-job injury.
- C. A driver or other employee who retains a Commercial Driver's License (CDL) is covered by the Federal Motor Carrier Safety Administration's regulations (hereinafter collectively referred to as "driver") and is subject to the provisions outlined in the "Drug & Alcohol Free Workplace Policy for Commercial Vehicle Drivers" section of the NCSP.

II. PRELIMINARY STEPS

- A. The County will develop and post a "Policy Statement" (Attachment 1) and a "Notice to Employees and Applicants" (Attachment 2). The notice will contain all information required by Fla. Statute 440.102 (3). Applicants and/or employees will be given a copy of this notice prior to any required drug/alcohol testing. A copy will also be posted in a conspicuous place at all work locations of the County and a copy will be provided to all employees at the time of hire. Finally, the County's Risk Management Division will be responsible for maintaining a copy of this notice on file. This policy statement and notice shall be available for review at all locations.
- B. Effective immediately, any job postings for position openings will include the following language:

"Nassau County maintains and enforces a drug-free workplace program. As part of this program, applicants for special risk and mandatory testing positions may be required to submit to a drug and/or alcohol screening test."

Nassau County Safety Policy

In appropriate circumstances, current employees may also be required to submit to drug and/or alcohol testing."

- C. For job listings placed in classified/outside advertisements, the advertisements should state that Nassau County is a drug-free workplace.
- D. The County may enter into a contractual relationship with a laboratory and collection site for the collection and testing of blood and urine specimens; in accordance with requirements of applicable law. The laboratory must be certified by the U.S. Department of Health and Human Services.
- E. The County may designate and enter into a contractual relationship with a Medical Review Officer (MRO). The MRO must be a licensed physician with knowledge of substance abuse disorders who meets the requirements under applicable law to act as an MRO for purposes of drug and alcohol testing.
- F. In addition to procedures required under applicable law, the following procedures shall apply with respect to the MRO:
 - 1. The County promptly shall forward to the MRO any forms completed by the tested individual showing any information that may be relevant to the drug/alcohol test. The Drug/Alcohol Testing: History of Recent Medication form (DF-3), if the individual to be tested chooses to complete such form either before or after being tested, should be promptly forwarded to the MRO by the employee. The MRO will consider this information in interpreting any positive confirmed test results.
 - 2. The MRO shall be responsible for receiving test results from the laboratory, interpreting the results of those tests in accordance with applicable law and reporting test results to the County.
 - 3. In carrying out the role of reviewing and interpreting confirmed positive test results, the MRO shall examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history, or review of any medical records made available by the tested individual when a confirmed positive could have resulted from legally prescribed medication.
 - 4. Prior to making a decision to verify a positive test result for an individual, the MRO shall give the individual an opportunity to discuss the test result with him/her. If the MRO is unable to contact the individual directly, the MRO shall contact Risk Management who shall direct the individual to contact the MRO as soon as possible. Risk Management shall take all necessary steps to maintain the confidentiality of the MRO's request that he/she be contacted by the individual.

Nassau County Safety Policy

5. The MRO shall be responsible for ensuring the confidentiality of data transmissions and restricting access to any data transmission, storage or retrieval system relating to drug/alcohol testing of County employees.
6. The MRO shall agree to be responsible for full compliance with the current regulations applicable to drug/alcohol testing under the Florida Worker's Compensation Act.

III. NOTICES TO EMPLOYEES AND JOB APPLICANTS

- A. Within five (5) working days after receiving notice of a positive confirmed test result, the County will issue a Notice of Positive Drug/Alcohol Test Results (DF-6) to the tested individual. This notice will notify the applicant/employee of the positive test result and the identity of the controlled substance for which the test was positive.

This notice will also:

1. Advise all applicants/employees that he/she will have five (5) working days after receiving the notice from the MRO to explain the test results to the MRO and to submit information to the employer explaining or contesting the test result and explaining why the result does not constitute a violation of the employer's policy;
 2. Contain for all applicants/employees, an additional copy of the Drug/Alcohol Testing: History of Recent Medication (DF-3) to provide the individual with an opportunity, after being tested, to identify for the MRO any prescription or over-the-counter medication taken;
 3. Advise every applicant/employee of his/her rights to have the split specimen retested, at the individual's expense.
 4. Advise all applicants/employees that they must make any requests for retesting within 180 days of the written notice of a positive test result.
- B. If the individual desires to have the specimen re-tested, the County will ask the MRO to have the laboratory transfer the specimen to a second laboratory. County personnel will not make this transfer or otherwise handle specimens.
 - C. At this stage, the applicant or employee will be provided a copy of the test results, upon request.
 - D. If the individual's explanation, provided in response to the notice is unsatisfactory, the County must advise the applicant/employee of this fact in writing using the Positive Drug/Alcohol Test Result Unacceptable/Unsatisfactory Explanation and/or Challenge Form (DF-7). This

Nassau County Safety Policy

letter must be mailed to the individual within fifteen (15) calendar days of the receipt of the individual's explanation. This letter will include a copy of the positive test result. Prior to this time, the test results should be provided to the individual only upon the individual's request. The letter will also advise of the following action:

1. Applicants will be advised that they are no longer being considered for employment; or
2. Employees who test positive for drugs or alcohol are subject to immediate termination.

IV. CIRCUMSTANCES REQUIRING TESTING

A. Job Applicants - all finalists for special risk and/or mandatory testing positions (Attachment 3) both internal or external with the County must be drug tested and refusal to submit to a drug test or a positive confirmed drug test can be used as a basis for refusing to hire or promote a job applicant.

1. Prior to ANY drug or alcohol testing, Risk Management will provide the applicant or employee with each of the following:
 - a) Notice of Referral for Testing (DF-1),
 - b) Consent to Drug and/or Alcohol Testing (DF-2),
 - c) Drug-Free Workplace Policy Summary (DF-5),
 - d) Notice to Employees and Job Applicants (Attachment 2), and
 - e) Drug/Alcohol Testing: History of Recent Medication (DF-3).

NOTE: Risk Management will be responsible for obtaining the individual's signature on all of the above forms.

B. Current Employees - Drug and/or alcohol testing may be required under the following circumstances:

1. Post Injury/Accident: Employees will be tested following involvement in an on-the-job injury/accident which results in:
 - a) A fatality.
 - b) Bodily injury to any involved party requiring immediate medical treatment or treatment away from the scene.

Nassau County Safety Policy

- c) All workers' compensation claims.
- d) Disabling damage to any motor vehicle requiring tow away or the driver received a citation. Disabling damage is defined as damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. Included is damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Exclusions are damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or taillight damage, or damage to turn signals, horn or windshield wipers which make them inoperative.
- e) Property damage totaling \$1,000 or more, i.e. damage to buildings, fences, transformers, guardrails, etc.

If testing is to be performed following an injury at the workplace, the employee should first be taken to Amelia Urgent Care or for life threatening injuries the nearest Emergency Room. No specimen should be obtained prior to the administration of emergency care. Once the test has been taken, an injured employee must release to the employer the result of any test conducted for the presence of drugs. If the employee is not at a designated collection site, the employee should be transported to such a site if this is medically feasible. If it is not medically feasible to move the employee, a specimen should be obtained at the treating facility and transported to the laboratory by the treating facility. County personnel should not transport the specimen.

Note: The department referring the employee for testing will be responsible for obtaining the employee's signature on all required forms.

2. Routine Fitness for Duty Examinations: The County may require an employee to submit to a drug/alcohol test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the established policy or that is scheduled routinely for all members of an employment classification group.

Note: Risk Management will be responsible for obtaining the employee's signature on all required forms.

3. Reasonable Suspicion Testing: Reasonable suspicion testing will be performed on employees when the County has an articulable belief that an employee possesses, is using, or has used illegal drugs or is impaired or intoxicated by alcohol use in violation of the County's policy. This articulable belief must be supported by specific and particularized facts and reasonable inferences drawn from those facts. Among other things, those facts and inferences may be based upon:

Nassau County Safety Policy

- a) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug;
- b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
- c) A report of drug use, provided by a reliable and credible source;
- d) Evidence that an individual has tampered with a drug test during his/her employment with the County;
- e) Information that an employee has caused, or contributed to, or been involved in an accident while at work; or
- f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

If testing is requested based on reasonable suspicion, the department requiring the testing must complete an Investigation Report Suspected Use of Drugs or Alcohol (DF-8 or DF-9), which details in writing the basis of the determination that reasonable suspicion existed to warrant the testing. The appropriate (Risk Management, Human Resource or other Supervisory capacity position) County official referring the individual for testing should complete the form as soon as possible; and contact Risk Management and/or Human Resources for further instructions on transporting the driver to a testing facility.

If drug/alcohol testing is conducted based on reasonable suspicion, the County shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential and retained by the employer for at least 1 year.

Note: Risk Management will be responsible for obtaining the employee's signature on all required forms.

4. Follow-up Testing: If the County requires an employee to enter an employee assistance program, or a drug rehabilitation program, as a condition of continued employment after a confirmed, positive drug/alcohol test, the County will require the employee to submit to random drug/alcohol tests, at least once per year for a two (2) year period after completion of the program. Advance notice of the testing dates must not be given to the employee being tested. If the employee voluntarily enters the program, the employer has the option to not require follow-up testing.

Nassau County Safety Policy

NOTE: Risk Management will be responsible for obtaining the employee's signature on all required forms.

5. Additional Information: Additional testing may also be conducted as required by State or federal law, or pursuant to County policy.
 - a) The Drug/Alcohol Testing: History of Recent Medication Form (DF-3) gives the applicant or employee the option of providing information to the MRO on a confidential basis regarding any prescription or over-the-counter medication which the individual may have taken in the past thirty (30) days. This form should always be presented to the individual before testing. If the individual declines to provide this information, the individual should be required to sign the waiver language contained in the form, and a copy of the form should be retained by the MRO. If, however, an individual completes and returns a copy of the Drug/Alcohol Testing: History of Recent Medication Form (DF-3), the individual should submit the form promptly to the MRO. Any copies received by the County should be retained in the individual's separate and confidential medical file.

In addition, the form will be presented to the individual for completion after testing if the test result is positive.

- b) After obtaining the applicant's or employee's signature on the Notice of Referral For Testing Form (DF-1) and Consent to Drug and/or Alcohol Testing Form (DF-2), and the Drug/Alcohol Testing: History of Recent Medication Form (DF-3), the applicant or employee should be referred to the collection site to provide a blood, breath or urine sample for testing. For post injury/accident and reasonable suspicion the employee should not be allowed to drive to the collection site. Rather, the County will provide transportation.

V. PROCEDURES FOR COLLECTING SPECIMENS

- A. A sample shall be collected with due regard to the privacy of the individual providing the sample and in a manner reasonably calculated to prevent substitution or contamination of the sample.
- B. Specimen collection must be documented and the documentation procedures shall include:
 1. Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results.
 2. A Drug/Alcohol Testing: History of Recent Medication Form (DF-3) will be provided to the employee or job applicant to provide any information he or

Nassau County Safety Policy

she considers relevant to the test, including identification of currently or recently used prescription or nonprescription medication taken within the previous thirty (30) days or other relevant medical information.

- C. Specimen collection, storage, and transportation to the testing site shall be performed in a manner that reasonably precludes contamination or adulteration of specimens.
- D. Each initial drug/alcohol test and confirmation test conducted under this section, not including the taking or collecting of a specimen to be tested, shall be conducted by a licensed or certified laboratory.
- E. A specimen for a drug/alcohol test may be taken or collected by any of the following persons:
 - 1. A physician, a physician assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment.
 - 2. A qualified person employed by a licensed or certified laboratory.
- F. A person who collects or takes a specimen for a drug/alcohol test shall collect an amount sufficient for two (2) drug tests as determined by the Agency for Health Care Administration.
- G. Collection sites and laboratories shall use chain of custody procedures as established by the Agency for Health Care Administration to ensure proper record keeping, handling, labeling, and identification of all specimens tested.
- H. The County will pay for all drug/alcohol tests, initial and confirmation, which the County requires. An employee/job applicant must pay for any additional drug/alcohol tests not required by the County.

VI. POSITIVE TEST RESULTS AND CONFIRMATION TESTING

- A. If an initial drug/alcohol test is negative, the County may in its sole discretion seek a confirmation test.
- B. Only licensed or certified laboratories may conduct confirmation drug/alcohol tests.
- C. Every specimen that produces a positive, confirmed test result must be preserved by the licensed or certified laboratory that conducted the test for a period of at least two hundred and ten (210) days after the result of the test was mailed or otherwise delivered to the MRO. If the employee/job applicant

Nassau County Safety Policy

- challenges the test result, the laboratory is to retain the sample until the case is settled.
- D. It is the responsibility of the employee/job applicant to notify the laboratory of any administrative or civil action pursuant to the law.
 - E. The employee/job applicant has one hundred eighty (180) days after receiving written notification of a positive test result to have the sample retested at his/her expense at another licensed or certified laboratory chosen by the employee/job applicant. The first laboratory that performed the test for the employer is responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.
 - F. Within five (5) working days after receipt of a positive confirmed test result from the MRO, the County must inform the employee/job applicant in writing of the positive test result, the consequences of the positive test result, and the employee's available options. A copy of the positive test results must be produced to the employee, upon request.
 - G. Within five (5) working days after receiving notice of a positive confirmed test result, an employee/job applicant may submit information to the employer explaining or contesting the test result, and explaining why the result does not constitute a violation of the policy.
 - H. If the employee's/job applicant's explanation for the positive test result is unsatisfactory to the employer, the employer must provide a written statement to the employee/job applicant as to why the explanation was not satisfactory, along with the report of the positive test result. The confidential information must be kept by the employer for at least one (1) year.
 - I. The County cannot discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee/job applicant on the sole basis of a positive test result that has not been verified by a confirmation test and by a MRO.
 - J. All positive initial tests shall be confirmed using gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the United States Food and Drug Administration as such technology becomes available in a cost-effective form.
 - K. If an initial drug/alcohol test of an employee or job applicant is confirmed as positive, the employer's MRO shall provide technical assistance to the employer and to the employee/job applicant for the purpose of interpreting the test result to determine whether the result could have been caused by prescription or non-prescription medication taken by the employee/job applicant.

Nassau County Safety Policy

VII. EMPLOYEE PROTECTION

- A. The County will not discipline, discharge, or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employment of the County, for a drug or alcohol related problem if the employee has not previously tested positive for drug or alcohol use, entered an employee assistance program for drug or alcohol related problems, or entered a drug or alcohol rehabilitation program. Unless otherwise provided by a collective bargaining agreement, an employer may select the employee assistance program or drug or alcohol rehabilitation program if the employer pays the cost of the employee's participation in the program.
- B. An employee/job applicant who has been disciplined or who has not been hired pursuant to this section must exhaust either the administrative appeals process or collective bargaining grievance-arbitration process pursuant to County policy.

VIII. EMPLOYER PROTECTION

- A. No employee/job applicant whose drug/alcohol test result is confirmed as positive in accordance with the provisions of Chapter 440.102 shall, by virtue of the result alone, be defined as a person with a "handicap" or "disability" as defined under federal, State, or local handicap and disability discrimination laws.
- B. If the County disciplines or discharges an employee or refuses to hire a job applicant under this policy it shall be considered to have disciplined, discharged, or refused to hire for cause.
- C. No physician-patient relationship is created between an employee/job applicant and the County or any person performing or evaluating a drug/alcohol test, solely by the establishment, implementation, or administration of a drug/alcohol-testing program.
- D. Nothing in this policy shall be construed to prevent the County from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules. An employee convicted of a drug-related crime must notify his/her supervisor within five (5) working days of the conviction.
- E. If an employee or job applicant refuses to submit to a drug/alcohol test, the County may discipline or discharge the employee, or refuse to hire the job

Nassau County Safety Policy

applicant. An employee's refusal to test for alcohol or controlled substances will be considered a positive test result. Adulteration or tampering with a urine or other sample is considered conduct that obstructs the testing process and is considered a refusal to test. An employee whose conduct is considered a refusal to test will be subject to immediate termination.

- F. If the County refuses to hire a job applicant based on a positive confirmed drug test result it is not required to hold the employment position vacant while the job applicant pursues administrative action.
- G. Nothing in this policy shall be construed to prohibit the County from conducting medical screening or other tests required by any statute, rule, or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities. Such screening or tests shall be limited to the specific substances expressly identified in the applicable statute, rule, or regulation, unless prior written consent of the employee is obtained for other tests.
- H. The County is not required to allow an individual to submit a new sample for retesting

IX. PUBLIC EMPLOYEES IN MANDATORY TESTING AND/OR SPECIAL RISK POSITIONS

- A. A "special risk" or "mandatory testing" position means, with respect to Nassau County, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, work closely with an employee who carries a firearm, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, work with controlled substances; a position subject to s. 110.1127; or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

(Note: For a complete list of positions designated as special risk and/or mandatory testing please reference Nassau County Special Risk & Mandatory Testing Positions, Attachment 3.)

- B. If an employee in a special risk or mandatory testing position enters an employee assistance program or drug/alcohol rehabilitation program, the County must assign the employee to a position other than a special risk or mandatory testing position or, if such position is not available, place the employee on leave while the employee is participating in the program. The employee shall be permitted to use any accumulated leave before leave may be ordered without pay.

Nassau County Safety Policy

X. CONFIDENTIALITY

- A. Drug/alcohol test results and any information obtained as part of post accident drug/alcohol testing are to be treated as confidential medical records. All records will be maintained in Risk Management and will be separated from personnel files. Improper disclosure could subject the County to liability.
- B. Except as otherwise provided and permitted by law, all information, interviews, reports, statements, memoranda, and drug/alcohol test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of s. 119.07 (1) and s. 24 (a), Art I of the Florida State Constitution, and generally may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings.
- C. Employers, laboratories, medical review officers, employee assistance programs, drug/alcohol rehabilitation programs, and their agents may not release any information concerning drug/alcohol test results obtained pursuant to this section without a written consent form signed voluntarily by the person tested, unless such release is compelled by an administrative law judge, a hearing officer, or a court of competent jurisdiction pursuant to an appeal taken under this section or is deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:
1. The name of the person who is authorized to obtain the information.
 2. The purpose of the disclosure.
 3. The precise information to be disclosed.
 4. The duration of the consent.
 5. The signature of the person authorizing release of the information.
- D. Information on drug test results shall not be used in any criminal proceeding against the employee or job applicant. Information released contrary to this section is inadmissible as evidence in any such criminal proceeding.
- E. This section does not prohibit the County, agent of the County, or laboratory conducting a drug test from having access to employee drug test information or using such information when consulting with legal counsel in connection with actions brought under or related to this section or when the information is relevant to its defense in a civil or administrative matter.

XI. RECORDKEEPING

Nassau County Safety Policy

- A. The Florida Workers' Compensation Act requires that all documentation created as part of any drug/alcohol test will be retained for at least one (1) year.
- B. As a matter of policy, however, the County will retain all drug/alcohol testing records for the longest of the following time periods:
 - 1. One (1) year from the date the records were created.
 - 2. The duration of an individual's employment with the County, plus one year; or
 - 3. The duration of any legal challenge concerning the employee's employment, separation from employment, workers' compensation claims or drug/alcohol test results.
 - 4. Longer retention periods may apply to specimens and documentation prepared by the laboratory, collection site, or the MRO. The MRO shall be responsible for maintaining all records required of it by the Florida Workers' Compensation Act.

XII. EMPLOYEE ASSISTANCE PROGRAM AND EDUCATION

- A. The Nassau County Human Resources Department will provide Employee Assistance Program (EAP) information to all employees. Nassau County utilizes Horizon Health EAP Services to manage and administer its EAP. This is a completely separate, confidential counseling service that is available to all employees at anytime. More information on Horizon Health EAP Services can be obtained by contacting the Nassau County Human Resources Department at (904) 491-7332. Horizon Health EAP Services can be reached by phone at (800) 272-7252.
- B. Local Rehabilitation Programs: below is a list of local treatment facilities in the Nassau County area. This list is not exhaustive but meant to be a reference.
 - 1. Island Professional Plaza Nassau County: (904) 491-2011
 - 2. Alcoholics Anonymous Serving Callahan, Fernandina Beach and Yulee: (904) 389-8535
 - 3. AA Alcohol Rehab & Drug Rehab: (904) 277-8995
 - 4. McPherson Training Concepts, Inc: (904) 548-0160
 - 5. Sutton Place Behavioral Health: (904) 225-8280

Nassau County Safety Policy

6. Ten Broeck Hospital: (800) 749-3967
 7. Transformations: (877) 443-6838
- C. The County is not required to pay the cost of treatment for an employee with a drug/alcohol related problem, unless it chooses to do so. However, the County may choose the EAP or rehabilitation center if the County is paying the costs for the employee's participation.
- D. The County may not discipline, discharge, or discriminate against an employee because the employee has voluntarily come forth to seek treatment for a drug/alcohol related problem if the employee has not previously tested positive for drug/alcohol use, entered an EAP for drug/alcohol use or drug/alcohol-related problems, or entered a drug/alcohol rehabilitation program while employed with Nassau County.
- E. If an employee tests positive for a controlled substance or alcohol (and the result is confirmed), the County may immediately discharge the employee. If an employee tests positive for a controlled substance or alcohol and the County, in its sole discretion, does not immediately discharge the employee, the County may discharge the employee if he/she either refuses to participate in the EAP or the alcohol and drug rehabilitation program or has failed to successfully complete such program, as evidenced by withdrawal from the program before its completion or a report from the program indicating unsatisfactory compliance, or by a positive test result on a confirmation test after completion of the program. The County, in its sole discretion, may choose to discipline or discharge the employee for a positive confirmed test result. The County is not required to allow an employee to enter a rehabilitation program or EAP following a positive confirmed test result.

XIII. DRUGS TO BE TESTED FOR

The following is a list of drugs, along with their brand and common names, that the Nassau County BOCC may routinely test for. This list is not all inclusive and the County reserves the right to test for any illegal substance:

1. Alcohol (including a distilled spirit, wine, a malt beverage or an intoxicating liquor)
2. Amphetamines (Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Lonamine, Fastin)
3. Cannabinoids (Marijuana, THC, Pot)
4. Heroin
5. Cocaine
6. Phencyclidine (PCP)
7. Opiates (Paregoric, Parapectolin, Donnigel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine Expectorant, Dilaudid (Hysdromophone), M-S Contine and Roxanol (morphine sulfate), Percodan, Vicodin, Tuss-Organidin, etc.)

Nassau County Safety Policy

8. Methamphetamine
9. Hallucinogens
10. Methaqualone
11. Methadone
12. Propoxyphene (Darvocet, Darvon N, Dolene, etc.)
13. Barbiturates (Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phreninlin, Triad, etc.)
14. Benzodiazepines (Avitan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Halcion, Paxipam, Restoril, Centrax)
15. Synthetic Narcotics
16. Designer Drugs
17. Or a Metabolite of any of the Substances Listed Herein

For CDL Drivers, in accordance with FMCSA rules, urinalyses will be conducted to detect the presence of the following substances:

1. Marijuana
2. Cocaine
3. Opiates
4. Amphetamines
5. Phencyclidine (PCP)

DRUG AND ALCOHOL FREE POLICY FOR COMMERCIAL VEHICLE DRIVERS

Nassau County Safety Policy

DRUG & ALCOHOL FREE POLICY FOR COMMERCIAL VEHICLE DRIVERS

I. GENERAL

- A. The serious impact of drug use and alcohol abuse has been recognized by the federal government. The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations which require the County to implement an alcohol and controlled substance testing program for safety sensitive employees who operate a commercial motor vehicle requiring a commercial driver's license (CDL).
- B. The purpose of the FMCSA issued regulations is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles.
- C. The County will comply with these regulations and is committed to maintaining a drug-free workplace.
- D. It is the policy of the Nassau County BOCC that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on the County premises, engaged in County business, operating County equipment, or while under the authority of Nassau County BOCC is strictly prohibited. Disciplinary action will be taken as necessary.
- E. Neither this policy nor any of its terms are intended to create a contract of employment or contain the terms of any contract of employment. The County retains the sole right to change, amend, or modify any term or provision of this policy without notice.
- F. The County will develop a Drug & Alcohol Free Policy Statement for CDL Drivers (Attachment 7). Applicants and/or employees will be given a copy of this notice prior to any required drug/alcohol testing. A copy will also be provided to all applicable employees at the time of hire. Finally, the County's Risk Management Division will be responsible for maintaining a copy of this notice on file. This policy statement shall be available for review at all locations.

II. REGULATORY REQUIREMENTS

All safety sensitive employees who operate commercial motor vehicles that require a CDL under 49 CFR Part 383 are subject to the FMCSA's drug and alcohol regulations, 49 CFR Part 382 and the Department of Transportation's 49 CFR Part 40.

III. NON-REGULATORY REQUIREMENTS

Nassau County Safety Policy

The Federal Motor Carrier Safety Regulations (FMCSRs) and the Department of Transportation (DOT) set the minimum requirements for testing. The County's policy in certain instances may be more stringent. This policy will clearly define what is mandated by the FMCSRs and what County procedure is.

IV. WHO IS RESPONSIBLE

- A. It is the County's responsibility to provide testing for the driver that is in compliance with all federal and state laws and regulations, and within the provisions of this policy. The County will retain all records related to testing and the testing procedures in a secure and confidential matter.
- B. The driver is responsible for complying with the requirements set forth in this policy. The driver will not use, have possession of, abuse, or have the presence of alcohol or any controlled substance in excess of regulation-established threshold levels while on duty. The driver will not use alcohol within four (4) hours of performing a "safety-sensitive" function or while performing a "safety-sensitive" function. The driver must submit to alcohol and controlled substances tests administered under Part 382.
- C. All supervisors must make every effort to be aware of a driver's condition at all times the driver is in service of the County. The supervisor must be able to make reasonable suspicion observations to determine if the driver is impaired in some way, and be prepared to implement the requirements of this policy if necessary. No supervisor having actual knowledge that a driver has used alcohol within four (4) hours shall permit a driver to perform or continue to perform safety sensitive functions.
- D. Nassau County Risk Management will be designated to answer driver questions about this policy and will provide materials to drivers upon request. Risk Management can be reached at (904) 491-7385.

V. ALCOHOL PROHIBITIONS

- A. Part 382, Subpart B, prohibits any alcohol misuse that could affect performance of safety-sensitive functions.
 - 1. This alcohol prohibition includes:
 - a) Use while performing safety-sensitive functions;
 - b) Use during the four (4) hours before performing safety-sensitive functions;
 - c) Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of point zero four (0.04) or greater;

Nassau County Safety Policy

- d) Use of alcohol for up to eight (8) hours following an accident or until the driver undergoes a post-accident test; or
 - e) Refusal to take a required test, adulteration of a test specimen or test results.
- B. Drivers who have engaged in alcohol misuse cannot return to safety sensitive duties until they have been evaluated by a substance abuse professional, complied with any treatment recommendations to assist them with an alcohol problem, and passed any required return to duty test. Per FMCSA regulation (Sec. 382.505), a driver found to have an alcohol concentration of point zero two (0.02) or greater but less than point zero four (0.04) shall not perform, nor be permitted to perform, safety sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than twenty four (24) hours following administration of the test.

VI. DRUG PROHIBITIONS

- A. Part 382, Subpart B, prohibits any drug use that could affect the performance of safety-sensitive functions. This drug prohibition includes:
- 1. Use of any drug, except when administered to a driver by, or under the instructions of, a licensed medical practitioner, who has advised the driver that the substance will not affect the driver's ability to safely operate a commercial motor vehicle. (The use of marijuana under California Proposition 215 or the use of any Schedule I drug under Arizona Proposition 200 is not a legitimate medical explanation. Under federal law, the use of marijuana or any Schedule I drug does not have a legitimate medical use in the United States.);
 - 2. Testing positive for drugs; or
 - 3. Refusing to take a required test.
- B. All drivers will inform Risk Management of any therapeutic drug use prior to performing a safety-sensitive function. He/She may be required to present written evidence from a health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

VII. CONDITIONS FOR PRE-EMPLOYMENT – ALOCHOL & DRUG TESTING

A. Refusal to Test:

A driver applicant, who has refused a drug or alcohol test required or permitted by the regulations; will not be considered for employment with the Nassau

Nassau County Safety Policy

County BOCC.

B. Positive Test:

A driver applicant who has tested positive for drugs or alcohol during a pre-employment test will be not be considered for employment with the Nassau County BOCC.

VIII. CIRCUMSTANCES REQUIRING TESTING

A. *Pre-Employment or Transfer Alcohol & Drug Testing*

1. A pre-employment alcohol test and drug test will be conducted after the County has made a contingent offer of employment.
2. An employee of the County transferring to a CDL driving position is subject to and must pass an alcohol and drug test as a condition of the transfer.

Required Pre-Employment Testing Information:

1. Each driver applicant will complete the Release of Information Form (DF-4).
2. The County must contact the previous employers prior to using the driver and obtain the following information:
 - a) The name and address of the program (usually the driver's prior and/or current employer);
 - b) Verification that the driver participates or participated in the program;
 - c) Verification that the program conforms with the required procedures set forth in 49 CFR Part 40;
 - d) Verification that the driver is qualified under this rule, including that the driver has not refused to submit to an alcohol or drug test;
 - e) The date the driver was last tested for alcohol or drugs; and
 - f) The results of any drug or alcohol test administered in the previous 6 months, and any violations of the alcohol misuse or drug use rules.

B. *Post-Accident Testing:*

Drivers are to notify their supervisors and Risk Management as soon as possible if they are involved in an accident.

1. According to FMCSA regulations, testing will occur if:

Nassau County Safety Policy

- a) The driver was performing safety-sensitive functions and the accident involved a fatality,
 - b) The driver received a citation under state or local law for a moving traffic violation arising from the accident, and the accident involved either bodily injury requiring immediate medical treatment away from the scene, or
 - c) Disabling damage to any motor vehicle requiring tow away.
2. The driver will be tested for drugs and alcohol as soon as possible following the accident. The driver must remain readily available for testing. If the driver isn't readily available for alcohol and drug testing, he/she may be deemed as refusing to submit to testing. A driver involved in an accident may not consume alcohol for eight (8) hours or until testing is completed.
 3. If the alcohol test is not administered within two (2) hours following the accident the supervisor will prepare a report and maintain a record stating why the test was not administered within two (2) hours.
 4. If the alcohol test is not administered within eight (8) hours following the accident, all attempts to administer the test will cease. A report and record of why the test was not administered will be prepared and maintained.
 5. The drug test must be administered within thirty two (32) hours of the accident. If the test could not be administered within thirty two (32) hours, all attempts to test the driver will cease. The supervisor will prepare and maintain a record stating the reasons why the test was not administered within the allotted time frame.

C. Reasonable Suspicion Testing:

If the driver's supervisor or another appropriate (Risk Management, Human Resource or other Supervisory capacity position) County employee believes a driver is under the influence of alcohol or drugs, the driver will be required to undergo a drug and/or alcohol test.

1. The basis for this decision will be specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.
2. The driver's supervisor or another appropriate County employee will immediately remove the driver from any and all safety sensitive functions; and contact Risk Management and/or Human Resources for further instructions on transporting the driver to a testing facility.
3. The person who makes the determination that reasonable suspicion exists to

Nassau County Safety Policy

conduct an alcohol test may not administer the alcohol test.

4. Per FMCSA regulation, reasonable suspicion alcohol testing is only authorized if the observations are made during, just preceding, or just after the driver is performing a safety sensitive function.
5. Per FMCSA regulation, if the driver tests point zero two (0.02) or greater, but less than point zero four (0.04) for alcohol the driver will be removed from all safety sensitive functions, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty period, but not less than twenty four (24) hours following administration of the test.
6. If an alcohol test is not administered within two (2) hours following a reasonable suspicion determination, the program administrator will prepare and maintain a record stating the reasons why the test was not administered within two (2) hours.
7. If the alcohol test was not administered within eight (8) hours after a reasonable suspicion determination, all attempts to administer the test shall cease. A record of why the test was not administered must be prepared and maintained.
8. A written record of the observations leading to an alcohol or controlled substance reasonable suspicion test, signed by the supervisor or County official who made the observation, will be completed within twenty four (24) hours of the observed behavior or before the results of the alcohol or controlled substances test are released, whichever is first.
9. A driver awaiting the results of a reasonable suspicion test will be prohibited from performing safety sensitive duties.

D. Random Testing:

Nassau County BOCC will conduct random testing for all drivers as follows:

1. The Nassau County BOCC will use a consortium. The consortium will use a selection process based on a scientifically valid method, prescribed by FMCSA regulations.
2. At least ten percent (10%) of the consortium's average number of driver positions will be tested for alcohol each year. At least fifty percent (50%) of the consortium's average number of driver positions will be tested for drugs each year.
3. When possible, the random testing will be spread reasonably throughout the calendar year. All random alcohol and drug tests will be unannounced, with each driver having an equal chance of being tested each time selections are made.

Nassau County Safety Policy

4. A driver may only be tested for alcohol while he/she is performing a safety-sensitive function, just before performing a safety-sensitive function, or just after completing a safety-sensitive function.
5. Once notified that he/she has been randomly selected for testing, the driver must proceed immediately to Risk Management.

E. Return to Duty Testing

After failing an alcohol test, a driver must undergo an SAP evaluation, and complete any necessary referral, education/treatment process. The driver must also undergo a return-to-duty test prior to performing a safety-sensitive function. The test result must indicate a breath alcohol concentration of less than point zero two (0.02).

After testing positive for a controlled substance, a driver must undergo an SAP evaluation, and complete any necessary referral, education/treatment process. The driver must also undergo a return-to-duty test prior to performing a safety-sensitive function. The test must indicate a verified negative result for drug use.

F. Follow-Up Testing

Following the driver's violation of Part 382, Subpart B, the driver will be subject to follow-up testing. Follow-up testing will be unannounced. The number and frequency of such follow-up testing may be directed by the Substance Abuse Professional (SAP), and consist of at least six (6) tests in the first twelve (12) months. Follow-up testing may be done for up to sixty (60) months following the employee's return to duty.

IX. REFUSAL TO SUBMIT

- A. A driver may not refuse to submit to a post-accident, random, reasonable suspicion, pre-employment, return to duty, or follow-up alcohol or controlled substances test required by the regulations. A driver who refuses to submit to such tests may not perform or continue to perform safety sensitive functions and must be evaluated by a SAP as if the driver tested positive for drugs or failed an alcohol test. Refusals to submit as outlined in this policy may result in the termination of employment.
- B. As defined herein, refusal to submit includes, but is not limited to, failing to appear for any test within a reasonable period time after being directed to do so, failing to provide adequate breath or urine sample for alcohol or drug testing, and any conduct that obstructs the testing process. This includes adulteration or substitution of a urine sample.

Nassau County Safety Policy

X. DILUTED SPECIMENS

- A. If the MRO informs the County that a positive drug test was dilute, the Nassau County BOCC will simply treat the test as a verified positive test. The County will not direct the employee to take another test based on the fact that the specimen was dilute. This is in accordance with §40.197.
- B. If the MRO directs the County to conduct a recollection under direct observation (i.e., because the creatinine concentration of the specimen was equal to or greater than two (2) mg/dL, but less than or equal to five (5) mg/dL (see §40.155(c)), the County will do so immediately.
- C. Otherwise, such recollections will not be collected under direct observation, unless there is another basis for use of direct observation. The following provisions apply to all tests that Nassau County BOCC sends the driver for under the directive of the MRO:
 - 1. The employee is given the minimum possible advance notice that he or she must go to the collection site;
 - 2. The result of the retest taken under §40.197(b), and not a prior test, is accepted as the test result of record;
 - 3. If the result of the retest is also negative and dilute, Nassau County BOCC will not make the employee take an additional test because the result was dilute. Provided, however, that if the MRO directs Nassau County BOCC to conduct a recollection under direct observation, the County must immediately do so.
 - 4. If the employee declines to take a test as directed, the employee has refused the test for purposes of this part and DOT agency regulations.
- D. If the creatinine concentration of the dilute specimen is greater than five (5) mg/dL, the County will direct the employee to take another test immediately under County policy.

XI. ALCOHOL TESTING PROCEDURES

- A. Alcohol testing will be conducted by a qualified breath alcohol technician (BAT) or screening test technician (STT), according to 49 CFR Part 40 procedures. Only products on the conforming products list (approved by the National Highway Traffic Safety Administration (NHTSA)) and Part 40 requirements will be utilized for testing under this policy.
- B. The testing will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results.

Nassau County Safety Policy

- C. When the driver arrives at the testing site, the BAT or STT will ask for identification.
- D. The driver may ask the BAT or STT for identification.
- E. The BAT or STT will then explain the testing procedure to the driver. The BAT or STT may only supervise one test at a time, and may not leave the testing site while the test is in progress.
- F. A screening test is performed first. When a breath testing device is used, the mouthpiece of the breath testing device must be sealed before use, and opened in the driver's presence. Then the mouthpiece is inserted into the breath testing device.
- G. The driver must blow forcefully into the mouthpiece of the testing device for at least six (6) seconds or until an adequate amount of breath has been obtained.
- H. Once the test is completed, the BAT must show the driver the results. The results may be printed on a form generated by the breath testing device or may be displayed on the breath testing device. If the breath testing device does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the alcohol testing form (ATF). If the breath testing device prints results, but not directly onto the form, the BAT must affix the printout to the alcohol testing form in the designated space.
- I. When an alcohol screening device (ASD) is used, the STT must check the device's expiration date and show it to the driver. A device may not be used after its expiration date.
- J. The STT will open an individually wrapped or sealed package containing the device in front of the driver and he/she will be asked to place the device in his/her mouth and use it in the manner described by the device's manufacturer.
- K. If the driver declines to use the device, or in a case where the device doesn't activate, the STT must insert the device in the driver's mouth and use it in the manner described by the device's manufacturer. The STT must wear single-use examination gloves and must change the gloves following each test.
- L. When the device is removed from the driver's mouth, the STT must follow the manufacturer's instructions to ensure the device is activated.
- M. If the procedures listed above can't be successfully completed, the device must be discarded and new test must be conducted using a new device. Again, the driver will be offered the choice of using the new device or having the STT use the device for the test.

Nassau County Safety Policy

- N. If the new test can't be successfully completed, the driver will be directed to immediately take a screening test using an evidential breath testing device (EBT).
- O. The result displayed on the device must be read within fifteen (15) minutes of the test. The STT must show the driver the device and its reading and enter the result on the ATF.
- P. If the reading on the EBT or ASD is less than point zero two (0.02), both the driver and the BAT or STT must sign and date the result form. The form will then be confidentially forwarded to the County's designated employer representative (DER).
- Q. If the reading on the EBT or ASD is point zero two (0.02) or more, a confirmation test must be performed. An EBT must be used for all confirmation tests.
- R. The test must be performed after fifteen (15) minutes have elapsed, but within thirty (30) minutes of the first test. The BAT will ask the driver not to eat, drink, belch, or put anything into his/her mouth. These steps are intended to prevent the buildup of mouth alcohol, which could lead to an artificially high result.
- S. A new, sealed mouthpiece must be used for the new test. The calibration of the EBT must be checked. All of this must be done in the driver's presence.
- T. If the results of the confirmation test and screening test are not the same the confirmation test will be used.
- U. Refusal to complete and sign the ATF or refusal to provide breath or saliva will be considered a failed test, and the driver will be removed from all safety sensitive functions until the matter is resolved.

XII. DRUG TESTING PROCEDURES

- A. Drug testing will be conducted by the Nassau County MRO or other qualified testing center. Specimen collection will be conducted in accordance with 49 CFR Part 40 and any applicable state law. The collection procedures have been designed to ensure the security and integrity of the specimen provided by each driver. The procedures will strictly follow federal chain of custody guidelines.
- B. A drug testing custody and control form (CCF) will be used to document the chain of custody from the time the specimen is collected at the testing facility until it is tested at the laboratory.
- C. A collection kit meeting the requirements of Part 40, Appendix A must be used for the drug test.

Nassau County Safety Policy

- D. The collection of specimen must be conducted in a suitable location and must contain all necessary personnel, materials, equipment, facilities, and supervision to provide for collection, security, and temporary storage and transportation of the specimen to a certified laboratory.
- E. When the driver arrives at the collection site, the collection site employee will ask for identification. The driver may ask the collection site employee for identification.
- F. The driver will be asked to remove all unnecessary outer garments (coat, jacket) and secure all personal belongings. The driver may keep his/her wallet.
- G. The driver should then wash and dry his/her hands. After washing hands, the driver must remain in the presence of the collection site employee and may not have access to fountains, faucets, soap dispensers, or other materials that could adulterate the specimen.
- H. The collection site employee will select, or allow the driver to select, an individually wrapped or sealed container from the collection kit materials. Either the collection site employee or the driver, with both individuals present, must unwrap or break the seal of the collection container. The seal on the specimen bottle may not be broken at this time. Only the collection container may be taken into the room used for urination.
- I. The driver is then instructed to provide his/her specimen in a room that allows for privacy.
- J. The specimen must consist of at least forty five (45) mL of urine. Within four (4) minutes after obtaining the specimen, the collection site employee will measure its temperature. The acceptable temperature range is ninety (90) to one hundred (100) degrees Fahrenheit. If the specimen temperature is outside the acceptable range, the collector must note this on the CCF and must immediately conduct a new collection using direct observation procedures outlined in Sec. 40.67. Both specimens must be sent to the lab for testing. The collector must notify both the DER and collection site supervisor that the collection took place under direct observation and the reason for doing so.
- K. The collection site employee will also inspect the specimen for color and look for signs of contamination or tampering. If there are signs of contamination or tampering, the collector must immediately conduct a new collection using direct observation procedures outlines in Sec. 40.67. Both specimens must be sent to the lab for testing. The collector must notify both the DER and collection site supervisor that the collection took place under direct observation and the reason for doing so.
- L. The forty five (45) mL sample provided must be split into a primary specimen of thirty (30) mL and a second specimen (used as the split) of fifteen (15) mL. The

Nassau County Safety Policy

collection site employee must place and secure the lids on the bottles, place tamper-evident bottle seals over the lids and down the sides of the bottles, and write the date on the tamper-evident seals. The driver then initials the tamper-evident bottle seals to certify that the bottles contain specimens he/she provided. All of this must be done in front of the driver.

- M. All identifying information must be entered on the CCF by the collection site employee.
- N. The CCF must be signed by the collection site employee, certifying collection was accomplished in accordance with the instructions provided. The driver must also sign this form indicating the specimen was his/hers.
- O. The collector is responsible for placing and securing the specimen bottles and a copy of the CCF into an appropriate pouch or plastic bag.
- P. At this point, the driver may leave the collection site.
- Q. The collection site must forward the specimens to the lab as quickly as possible, within twenty four (24) hours or during the next business day.
- R. *Laboratory analysis:* As required by FMCSA regulations, only a laboratory certified by the Department of Health and Human Services (DHSS) to perform urinalysis for the presence of controlled substances will be retained by Nassau County BOCC. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance, and scientific analytical methodologies.

All specimens are required to undergo an initial screen followed by confirmation of all positive screen results.

- S. *Results:* According to FMCSA regulation, the laboratory must report all test results directly to Nassau County BOCC's MRO. All test results must be transmitted to the MRO in a timely manner, preferably the same day that the review by the certifying scientist is completed. All results must be reported.
 - 1. The MRO is responsible for reviewing and interpreting all confirmed positive, adulterated, substituted, or invalid drug test results. The MRO must determine whether alternate medical explanations could account for the test results. The MRO must also give the driver who has a positive, adulterated, substituted, or invalid drug test an opportunity to discuss the results prior to making a final determination. After the decision is made, the MRO must notify the DER.
 - 2. If the MRO, after making and documenting all reasonable efforts, is unable to contact a tested driver, the MRO shall contact the DER instructing him/her to contact the driver. The DER will arrange for the driver to contact the MRO

Nassau County Safety Policy

- before going on duty.
3. The MRO may verify a positive, adulterated, substituted, or invalid drug test without having communicated with the driver about the test results if:
 - a) The driver expressly declines the opportunity to discuss the results of the test;
 - b) Neither the MRO or DER has been able to make contact with the driver for ten (10) days from the date on which the MRO received the confirmed test result; or
 - c) Within seventy two (72) hours after a documented contact by the DER instructing the driver to contact the MRO, the driver has not done so.
- T. *Split Sample*: As required by FMCSA regulations, the MRO must notify each driver who has a positive, adulterated, substituted, or invalid drug test result that he/she has seventy two (72) hours to request the test of the split specimen. If the driver requests the testing of the split, the MRO must direct (in writing) the lab to provide the split specimen to another certified laboratory for analysis and must provide the driver with all information required by Part 40.

If the analysis of the split specimen fails to reconfirm the results of the primary specimen, or if the split specimen is unavailable, inadequate for testing, or unstable, the MRO must cancel the test and report the cancellation and the reasons for it to the DER and the driver.

XIII. CONFIDENTIALITY/RECORDKEEPING

- A. All driver alcohol and controlled substance test records are considered confidential. For the purpose of this policy/procedure, confidential recordkeeping is defined as records maintained in a secure manner, under lock and key, accessible only to the program administrator.
- B. Driver alcohol and controlled substance test records will only be released in the following situations:
 1. To the driver, upon his/her written request;
 2. Upon request of a DOT agency with regulatory authority over Nassau County BOCC;
 3. Upon request of state or local officials with regulatory authority over Nassau County BOCC;
 4. Upon request by the United States Secretary of Transportation;

Nassau County Safety Policy

5. Upon request by the National Transportation Safety Board (NTSB) as part of an accident investigation;
 6. Upon request by subsequent employers upon receipt of a written request by a covered driver;
 7. In a lawsuit, grievance, or other proceeding if it was initiated by or on behalf of the complainant and arising from results of the tests; or
 8. Upon written consent by the driver authorizing the release to a specified individual.
- C. All records will be retained for the time period required in Sec. 382.401.

XIV. DRIVER ASSISTANCE

- A. *Driver Education and Training:* All drivers will be given information regarding the requirements of Part 382 and this policy by their supervisor.
- B. *Supervisor Training:* According to FMCSA regulation, all employees of the County designated to supervise drivers will receive training on this program. The training will include at least one (1) hour on alcohol misuse and one (1) hour on drug use. The training content will include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use. The training allows supervisors to determine reasonable suspicion that a driver is under the influence of alcohol or drugs.
- C. *Referral, Evaluation, and Treatment:* According to FMCSA regulation, a list of EAP resources will be provided to all drivers who fail an alcohol test or test positive for drugs.
- D. The County EAP administrator will be responsible for designating the appropriate SAP who, in conjunction with the driver's physician, will provide a diagnosis and recommend treatment.
- E. According to FMCSA regulations, prior to returning to duty for the County, a driver must be evaluated by a SAP and must complete the treatment recommended by the SAP. Successful completion of a return to duty test and all follow-up tests is mandatory.
- F. A driver who fails to complete an evaluation by the SAP, treatment recommended by the SAP, a return to duty test, or a follow-up test will not be considered suitable for employment with the Nassau County BOCC.

Nassau County Safety Policy

XV. SELF-IDENTIFICATION

- A. Nassau County BOCC will not take disciplinary action against a driver who makes a voluntary admission of alcohol misuse or controlled substance use if:
1. The admission is in accordance with the County's voluntary self-identification program;
 2. The driver does not self-identify in order to avoid Part 382 testing;
 3. The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function; and
 4. The driver does not perform a safety-sensitive function until the County is satisfied that the driver has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.
- B. The driver will be allowed to return to safety-sensitive duties upon successful completion of an education or treatment program, as determined by a drug and alcohol abuse evaluation expert. Also, the driver must undergo:
1. A return-to-duty test with a result indicating an alcohol concentration of less than point zero two (0.02); and/or
 2. A return-to-duty controlled substances test with a verified negative test result.
 3. Follow-up testing as provided for under "Random Drug Testing."

XVI. VERIFIED POSITIVE TEST RESULTS AND DISCIPLINE

- A. The County may not stand-down a driver before the MRO has completed his/her verification process unless the County has applied for and has received an FMCSA issued waiver.
- B. According to FMCSA regulation, no person who has failed an alcohol or drug test, or refused to test, will be allowed to perform safety-sensitive functions until the referral, evaluation, and treatment requirements have been complied with. The following County disciplinary measures apply to all reasonable suspicion, post-accident, and random tests.
1. *Controlled Substance Positive Test Result:* Upon notification that a driver has a drug test result of positive, adulterated, substituted, or invalid, the driver will be given the option of requesting a test of the split sample within seventy two (72) hours. If the split sample testing disputed the initial test results or if the initial test results are designated invalid, the driver will be reinstated. If the

Nassau County Safety Policy

retest is verified as a positive result, the driver will be subject to termination.

2. *Refusal to Test:* As described above, a driver's refusal to test for alcohol or controlled substances will be considered a positive test result. Adulteration or tampering with a urine or breath sample is considered conduct that obstructs the testing process and is considered a refusal to test. A driver whose conduct is considered a refusal to test will be subject to immediate termination.
3. *Failed Alcohol Test Result:* Upon notification that a driver has failed an alcohol test, point zero four percent (0.04%) BAC or greater, the driver will be subject to termination.
4. Upon notification that a driver tested point zero two percent (0.02%) BAC or greater, but less than point zero four percent (0.04%) BAC in initial and confirmatory tests for alcohol, the driver will not be allowed to perform safety sensitive functions and will be subjected to formal reprimand policies up to and including termination.

XVII. DEFINITIONS

- A. When implementing and interpreting the drug and alcohol policies and procedures required by the FMCSA as well as the policies and procedures required by the County, the following definitions apply:
 1. Actual knowledge means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the driver, information provided by the driver's previous employer(s), a traffic citation for driving a commercial motor vehicle while under the influence of alcohol or a controlled substance, or a driver's admission of alcohol or controlled substance use.
 2. Direct observation as used in this definition means observation of alcohol or controlled substance use and does not include observation of driver behavior or physical characteristics sufficient to warrant reasonable suspicion testing under Sec. 382.307.
 3. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
 4. Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred and ten (210) liters of breath as indicated by an evidential breath test.
 5. Alcohol screening device (ASD). A breath or saliva device, other than an evidential breath testing device (EBT) that is approved by the National

Nassau County Safety Policy

Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

6. Alcohol use means the consumption of any beverage, liquid mixture, or preparation, including any medication, containing alcohol.
7. Breath Alcohol Technician (or BAT). An individual who instructs and assists individuals in the alcohol testing process, and operates an evidential breath testing device (EBT).
8. Collection site. A place designated by the County, where individuals present themselves for the purpose of providing a urine specimen for a drug test.
9. Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a) Has a gross combination weight rating of twenty six thousand one (26,001) or more pounds [eleven thousand seven hundred ninety four (11,794) or more kilograms] inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand (10,000) pounds [four thousand five hundred thirty six (4,536) kilograms]; or
 - b) Has a gross vehicle weight rating of eleven thousand seven hundred ninety four (11,794) or more kilograms [twenty six thousand one (26,001) or more pounds]; or
 - c) Is designed to transport sixteen (16) or more passengers, including the driver; or
 - d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).
10. Confirmation (or confirmatory) drug test means a second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.
11. Confirmation (or confirmatory) validity test means a second test performed on a urine specimen to further support a validity test result. Confirmed drug test means a confirmation test result received by an MRO from a laboratory.
12. Consortium/Third-party administrator (C/TPA) is a service agent that provides or coordinates the provision of a variety of drug and alcohol testing services for the County. C/TPAs typically perform administrative tasks concerning the operation of the company's drug and alcohol testing programs. This term

Nassau County Safety Policy

includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not "employers."

13. Controlled substances mean those substances identified in 49 CFR, Section 40.85.

a) In accordance with FMCSA rules, urinalyses will be conducted to detect the presence of the following substances:

- i. Marijuana
- ii. Cocaine
- iii. Opiates
- iv. Amphetamines
- v. Phencyclidine (PCP).

14. Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FMCSA in accordance with the requirements established in 49 CFR, Section 40.87.

15. Designated employer representative (DER) is an individual identified by the County as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove drivers from safety sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the County. Service agents cannot serve as DERs.

16. Disabling damage means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

a) Inclusions:

- I. Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

b) Exclusions:

- I. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.
- II. Tire disablement without other damage even if no spare tire is available.

Nassau County Safety Policy

III. Headlight or taillight damage.

IV. Damage to turn signals, horn, or windshield wipers which make them inoperative.

17. Driver means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer.
18. Drug means any substance (other than alcohol) that is a controlled substance as defined in this policy and 49 CFR Part 40.
19. Evidential breath testing device (EBT). A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath at the point zero two (0.02) and point zero four (0.04) alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming with the model specifications available from NHTSA's Traffic Safety Program.
20. FMCSA means Federal Motor Carrier Safety Administration, U.S. Department of Transportation.
21. Licensed medical practitioner means a person who is licensed, certified, and/or registered, in accordance with applicable federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.
22. Medical Review Officer (MRO). A person who is a licensed physician (Doctor of Medicine or Osteopathy) and who is responsible for receiving and reviewing laboratory results generated by the County's drug testing program and evaluating medical explanations for certain drug test results.
23. Performing (a safety sensitive function) means a driver is considered to be performing a safety sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.
24. Prescription Medications means the use (by a driver) of legally prescribed medications issued by a licensed health care professional familiar with the driver's work related responsibilities.
25. Refusal to submit (to an alcohol or controlled substances test) means that a

Nassau County Safety Policy

driver:

- a) Fails to appear for any test (except pre-employment) within a reasonable time, as determined by the County, consistent with applicable DOT regulations, after being directed to do so by the County. This includes the failure of a driver (including an owner-operator) to appear for a test when called by a C/TPA;
- b) Fails to remain at the testing site until the testing is complete (except pre-employment if the driver leaves before the testing process begins);
- c) Fails to provide a urine specimen for any DOT required drug test (except pre-employment if the driver leaves before the testing process begins);
- d) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of the specimen;
- e) Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- f) Fails or declines to take a second test the employer or collector has directed the driver to take;
- g) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER (In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment);
- h) Fails to cooperate with any part of the testing process; or
- i) Is reported by the MRO as having a verified adulterated or substituted test result.

26. Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- a) All time at a County or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the County;
- b) All time inspecting equipment as required by Secs. 392.7 and 392.8 or

Nassau County Safety Policy

otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

- c) All time spent at the driving controls of a commercial motor vehicle in operation;
 - d) All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a sleeper berth (a berth conforming to the requirements of Sec. 393.76);
 - e) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
 - f) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
27. Screening test technician (STT). A person who instructs and assists employees in the alcohol testing process and operates an alcohol screening device (ASD).
28. Stand-down means the practice of temporarily removing a driver from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive drug test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test results.
29. Substance abuse professional (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 aftercare. A SAP must be:
- a) A licensed physician (Doctor of Medicine or Osteopathy);
 - b) A licensed or certified social worker;
 - c) A licensed or certified psychologist;
 - d) A licensed or certified employee assistance professional; or
 - e) A drug and alcohol counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC), or by the National Board for Certified Counselors, Inc and Affiliates/Master Addictions Counselor (NBCC).