

Brazoria County Aftercare Plan and Follow-up Testing

I. Policy Statement

Brazoria County is committed to maintaining a safe, drug-free and alcohol-free workplace, consistent with FMCSA and DOT regulations (49 CFR Parts 40 and 382). Any employee who violates the company's drug and alcohol policy and wishes to return to a safety-sensitive position must successfully complete the return-to-duty (RTD) process, including a Substance Abuse Professional (SAP) recommended aftercare and follow-up testing plan.

II. Definitions

- **Substance Abuse Professional (SAP):** A qualified person who evaluates employees who have violated a DOT drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.
- **Safety-Sensitive Function:** Any duty described in 49 CFR 382.107, such as operating a commercial motor vehicle (CMV), that an employee is prohibited from performing while under the influence of drugs or alcohol.
- **Aftercare Plan/Follow-up Testing Plan:** The mandatory schedule of unannounced testing and potential treatment/education recommended by the SAP after an employee has returned to a safety-sensitive function.

III. Procedures for Employees in Aftercare

1. **Immediate Removal from Duty:** An employee with a drug or alcohol violation will be immediately removed from all safety-sensitive functions.
2. **SAP Evaluation and Program:** The employee must be evaluated by a qualified SAP and complete all education and/or treatment programs prescribed by the SAP. The employer will provide the employee with a list of qualified SAPs to choose from, though payment is generally the responsibility of the employee.
3. **Return-to-Duty (RTD) Test:** Before returning to a safety-sensitive function, the employee must undergo a "negative" RTD test (verified negative drug test and/or alcohol concentration less than 0.01) administered under direct observation.
4. **Aftercare and Follow-up Testing:**
 1. Upon a successful return-to-duty (RTD) test and the SAP determination that the employee is fit for duty, the employee will be placed on a mandatory follow-up testing

schedule. This schedule will consist of both breath alcohol testing and observed urinalysis. The employee will be responsible for the cost of the testing required in the aftercare plan.

2. The SAP will determine the frequency and duration of the follow-up testing plan, which must include a **minimum of six unannounced tests during the first 12 months** after returning to duty.
 3. The employee will not be given advance notice of follow-up tests, and the timing will have no discernible pattern.
 4. Follow-up tests cannot be substituted with any other type of testing (e.g., random testing).
 5. The SAP may recommend continued testing and/or additional treatment for up to 48 months following the initial 12-month period.
5. **Compliance:** The employee is obligated to comply with all SAP recommendations, including participation in recommended aftercare services and all follow-up testing.

IV. Consequences of Non-Compliance

Failure to comply with any part of the SAP's aftercare plan, including missing a test, refusing a test, or a positive result on a follow-up test, will result in immediate removal from safety-sensitive duties and may subject the employee to further disciplinary action, up to and including termination of employment.

V. Confidentiality and Documentation

All records related to the SAP process and follow-up testing will be kept confidential in separate files and maintained for a minimum of five years, as required by DOT regulations, and will be available for DOT audits. Information will be reported to the FMCSA Drug and Alcohol Clearinghouse.
