

Safety and Health Policy and Procedure Manual

**COMMERCIAL DRIVER'S LICENSE PROGRAM
Section 0180**

Table of Contents

[I. INTRODUCTION](#)

[II. STANDARD](#)

[III. EMPLOYEES AND JOB FUNCTIONS COVERED BY THIS POLICY](#)

[IV. RESPONSIBILITIES](#)

[V. PROHIBITED CDL DRIVER CONDUCT](#)

[VI. TESTING](#)

- A. New Applicants
- B. Random Testing
- C. Post Accident
- D. Reasonable Suspicion
- E. Prior to Return to Duty

[VII. REFUSAL TO BE TESTED](#)

[VIII. POSITIVE TEST RESULTS](#)

[IX. RECORDKEEPING](#)

[X. RESOURCES AVAILABLE FOR ASSISTANCE](#)

SECTION 0180

I. INTRODUCTION

The purpose of this policy is to prohibit employees performing safety sensitive functions (driving requiring a commercial drivers license, CDL) from possessing alcohol or controlled substances at work, using alcohol four hours before work, and having alcohol or controlled substances in the body or bloodstream while at work. The provisions of this policy outline the procedures to be used by employees and their supervisors, subject to this act.

II. STANDARD

U.S. Department of Transportation, Omnibus Transportation Employee Testing Act of 1991.
49 CFR Part 40

III. EMPLOYEES AND JOB FUNCTIONS COVERED BY THIS POLICY

Drivers required to maintain a Commercial Drivers License (CDL) as part of their job are subject to this policy and required testing for alcohol and controlled substances. A CDL is required for driving vehicles with a gross weight rating of 26,001 or more pounds, or for those designed to transport 16 or more passengers, including the driver. A CDL is also required for driving vehicles used to transport hazardous materials and require placarding in accordance with the Hazardous Materials Transportation Act.

Safety sensitive functions covered by this policy include the following functions for employees covered: waiting to be dispatched; inspecting equipment or servicing a commercial motor vehicle; driving a commercial motor vehicle; associated loading or unloading of a vehicle; and /or repairing, obtaining assistance, or remaining in attendance with a disabled vehicle or after being in an accident.

IV. RESPONSIBILITIES

Department heads shall be responsible for determining which, if any of their employees are covered by this policy and contacting the Office of Safety to allow these employees to be trained and enrolled in a testing and screening program. The cost of testing and screening will be the responsibility of the employee's department. The supervisor of employees covered by this policy must ensure that it is adhered to and that they perform their responsibilities as described. Employees covered by this policy must perform their responsibilities as described, or be subject to disciplinary action.

The Office of Safety shall be responsible for coordinating an outside contractor to perform testing and screening activities in accordance with the requirements. Test results and records will be kept within the Office of Safety and be kept confidential in accordance with the Act. The Office of Safety will coordinate training for supervisors of employees covered by this policy. Supervisors will in turn train their employees and provide documentation of the training to the Office of Safety.

V. PROHIBITED CDL DRIVER CONDUCT

Drivers covered by this policy are prohibited from engaging in conduct that would impair their ability to perform their job functions safely. The following types of conduct are specifically prohibited by this policy:

Alcohol Concentration -- No driver will report to work or remain at work requiring performance of safety sensitive functions while having an alcohol concentration of 0.04 or greater.

Alcohol Possession -- No driver will be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is being transported as part of the shipment.

On-Duty Alcohol Use -- No driver will use alcohol while performing safety sensitive job functions.

Pre-Duty Alcohol Use -- No driver shall perform safety sensitive functions within four hours after using alcohol.

Alcohol Use Following an Accident -- No driver required to take a post-accident alcohol test, required by this policy, will consume alcohol eight hours following the accident, or until required post-accident testing occurs.

Positive Test Results for Controlled Substances -- No driver shall report to work, remain at work, or perform safety sensitive functions if the driver tests positive for controlled substances.

Controlled Substance Use -- No driver shall report to work or remain at work when required to perform safety sensitive functions when the driver uses any controlled substance. An exception is permitted, if the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Refusal to Submit to a Required Alcohol or Controlled Substance Test -- Any driver who refuses to submit to any test required by this policy shall be subject to disciplinary action up to, and including dismissal.

VI. TESTING

Testing shall be conducted in accordance with the 49 CFR Part 382 and 49 CFR Part 40 and may include breath alcohol testing and DOT Panel 5 drug panel testing for controlled substances. The five drugs (controlled substances) tested for will include: marijuana, cocaine, amphetamines, opiates, and phencyclidine. Employees covered by this policy will only be subject to alcohol testing, while they are performing, about to perform, or immediately after they have performed covered functions. Employees covered by this policy are subject to testing for controlled substances at all times while at work.

A. New Applicants

Applicants for positions which require a CDL will be tested for controlled substances, post offer and prior to assuming safety sensitive duties covered by this policy. Human Resource Services will secure applicant's prior testing results from former employers. Applicants who test positive and are removed from consideration, may reapply after six months.

B. Random Testing

Random testing of employees covered by this policy may be tested before, during, or after performing work covered by this policy. Twenty-five percent of all covered employees must be tested for alcohol and fifty percent must be tested for controlled substances each year. The outside contractor providing testing services will perform the random selection of employees from a pool of covered employees within various state agencies. When possible, UNCG employees will be tested in a consortium arrangement in order to increase the randomness of the testing, control costs, and support the intent of the law.

C. Post Accident

After an accident involving a fatality, or when the employee received a moving violation, or where bodily injury occurs requiring medical treatment, or where a vehicle incurred disabling damage, the covered employee must be tested for alcohol and controlled substances. The supervisor will contact the Office of Safety and the outside contractor to arrange for immediate testing. The covered employee may not use alcohol within eight hours after an accident or until tested.

D. Reasonable Suspicion

If a **trained** supervisor reasonably suspects alcohol misuse or controlled substance use by a covered employee before, during or after driving, then the supervisor must arrange for the employee to be tested. The supervisor must also arrange

for the safe transportation of the employee to the testing site or home. The employee may not return to safety sensitive duties until test results are received.

E. Prior to Return to Duty

Covered employees who have previously violated the alcohol rules and tested positive, must be tested before returning to work. This employee is also subject to six unannounced follow-up tests in the next six months.

VII. REFUSAL TO BE TESTED

Refusal to be tested when required by this policy will be considered improper conduct and the employee's supervisor must not allow the employee to continue performance of safety sensitive functions, and must take appropriate disciplinary action, up to and including dismissal.

VIII. POSITIVE TEST RESULTS

If a test were to come back from the laboratory positive, the employee will be contacted by the testing contractor and informed of the result. The testing contractor will request that the employee provide any relevant medical information that could show why the test was positive, other than illegal drug or alcohol use. In accordance with the law, all samples when taken will be split into two samples in the presence of the employee. If a test were to report back positive on the primary sample, and after being given the period for medical explanation, the employee may choose to have the split sample tested, at his or her cost. If the results of the split sample are negative, there will be no cost to the employee.

If a test is positive and there is no medical explanation, and the employee has been given the opportunity for a split test, and if it is positive, the employee's supervisor will be notified by the testing contractor that the test was positive. Prior to this point, the employer and supervisor will have no knowledge of test results. This is done to protect the employee from being wrongly accused before medical explanations are provided or retesting can be performed.

When the supervisor is contacted by the testing contractor and notified that a test was positive, appropriate action must be taken immediately. The supervisor must ensure that the employee is removed from the job which requires performing safety sensitive duties. Appropriate disciplinary actions must be taken by the supervisor, including, but not limited to suspension or dismissal. In addition, the supervisor should refer the employee to the Employee Assistance Program (EAP), who will act as the substance abuse professional and make any recommendation for treatments that may allow the employee to return to work. An employee may not return to safety sensitive work until an evaluation by the substance abuse professional is complete and any recommendation or required treatments are completed to the satisfaction of the substance abuse professional. When making this referral, the supervisor is to inform EAP that the employee is being referred in accordance with this policy. The university is not required to pay for any treatment for the employee, nor does the employee's job have to be held for the employee.

IX. RECORDKEEPING

Confidential records will be maintained within the Office of Safety and will only be released outside of the university by written approval of the employee. They will only be made available to persons within the university as required to carry out the provisions of this policy. These records will be maintained for employee's length of employment, plus ten years.

X. RESOURCE AVAILABLE FOR ASSISTANCE

The Employee Assistance Program is available to all university employees. This program provides confidential counseling and referral services for employees who have personal problems associated with alcohol misuse and controlled substance which may be affecting their work. Their office is located in the State Employees Credit Union Building at the corner of Tate and Market Streets.
