



# Alcohol and Drug Testing Procedure For CDL

December 2020

# Alcohol and Drug Testing Procedure For CDL

## Table of Contents

- I. Purpose
- II. Definitions
- III. Application of this Procedure

II.

## Alcohol and Drug Testing for Commercial Drivers

### I. Purpose

This procedure has been developed so that the University of Northern Colorado (UNC) may meet the requirements of the Omnibus Transportation Employees Testing Act of 1991 and the supporting regulations in Title 49 of the Code of Federal Regulations (49 CFR) concerning alcohol and drug testing for employees who drive commercial vehicles.



**Driving Time** – all time spent at the driving controls of a commercial motor vehicle. (49 CFR 395.2)

**Drugs** – the same as controlled substances above.

**Employer** – any person (including the United States, a State, District of Columbia, or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle. The term employer includes an employer's agents, officers, and representatives. (49 CFR 382.107)

**Medical Review Officer (MRO)** – a licensed physician (Medical Doctor or Doctor of Osteopathy); or a licensed or certified psychologist, social worker, or employee assistance professional; or an addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse) that is responsible for receiving laboratory results generated by an employer's drug-testing program who has knowledge of substance abuse disorders and has the appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information. The MRO is selected by the University. (49 CFR 40.3)

**On Duty Time** – all time from the time a driver begins to work or is required to be in readiness to work until he or she is released from work and all respon

isreB5ndfcom(m)47 and all respon(d)3(n)2.2 (t)004 Tw 0 8nt-2580 1 p(r)11 ( @)330( )TJ-0.00ante(c)80 E



This procedure covers all University personnel who are required to drive commercial motor vehicles as part of their job. (See definitions of 'driver', 'commercial motor vehicle', and other terms used in this document.)

#### IV. Drug and Alcohol Use and Testing

- A. Compliance with this procedure as a condition of employment for employees that are designated to be driving a CMV or may need to drive a CMV during employment

Compliance and participation in this procedure is a condition of employment or appointment as a volunteer in any position that requires a UNC

4. Pre-duty Use: No driver shall perform safety-sensitive functions within four hours after using alcohol. (49 CFR 382.207)
5. Use following an Accident: No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

afteor reqhall p hde9 (o t)-2.9p( f)10.6 (o)-6.r(n)2.2 (h)2.2 (t)- e:-g(y)]TJ0a (c)-1.9urs



information to the University.

c c p ( r ) 1 1 6 ( r ) 1 1 a t - 9 3 f [ r n c a d e 1 f u r r [

A CMV driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. [49 CFR 382.305(m)]

( ( 3 5 ( e ) - 3 c r a 7 8 c d ) ) 2 2 ( ( i v - 9 . 6 5 - 6 T J

The minimum annual percentage rate for random alcohol testing currently is 10 percent of the average number of driver positions. The minimum annual percentage rate for random controlled substanc9on3ubucon7.9 ( fo)-6.6 (r(t5.3 (s)17 (l)2.-3.4 (b 22.12 -d(c)-1.(o)-3.7 (n)5.3))2.2 (al p)2-(o

department/supervisor cannot permit the driver to perform safety-sensitive functions until an alcohol test is administered and the driver's alcohol concentration measures less than 0.02, or twenty-



requirements of F.5. below before again being permitted to perform safety-sensitive functions, including driving a commercial motor vehicle (49 CFR 382.503).

3. Other alcohol-related conduct

A driver tested under the provisions of D. above who is found to have an alcohol concentration between 0.02 and 0.039 is not permitted to perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle, for at least 24 hours following administration of the test (49 CFR 382.505).

4. Federal penalties

If a driver, a supervisor, or the University violates the requirements of F.1., 2. or 3. above, they are subject to the civil and/or criminal penalty provision of Title 49 United States Code 521 (b).

5. Referral, evaluation, and treatment

Follow-up testing shall not exceed 60 months from the date of the driver's return to duty.  
The substance abuse professional may terminate the requirement for follow-up testing at  
any time after the first six tests have been administered (e)1 (v8Tw 11.04 14xc)1.1 (ea)2.8enev (e f)2 .6 (th)5.38



The University/supervisor may obtain, pursuant to a driver's written consent, any of the information concerning the driver which is maintained under 49 CFR 382.401 by the driver's previous employers (49 CFR 40.25).

The University/supervisor has to obtain, pursuant to a driver's consent, information on the driver's alcohol tests with concentration results of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years, which



## I. Supervisor Responsibilities

The responsibilities of the supervisor of a covered driver include:

1. Notifying the driver to report to the test site for random, reasonable suspicion, post-accident, return-to-work or follow-up alcohol and/or controlled substances testing
2. Making appropriate observations when reasonable suspicion of alcohol abuse and/or controlled substances use seems evident
3. Documenting the observations leading to a reasonable suspicion of alcohol and/or controlled substances test for a driver
4. Documenting the reason why reasonable suspicion of alcohol and/or controlled substances test was not promptly administered to a driver
5. Documenting the reason why required post-accident alcohol and/or controlled substances test was not promptly administered to a driver
6. Making certain that a driver has met all return-to-work requirements and stipulations after engaging in conduct prohibited in C. above
7. Refusing to allow a driver to perform any safety-l

2 ( s ) - 1 . 3 ( i t ) 7 .

Supervisors of drivers are designated to determine whether reasonable suspicion exists to require a driver to undergo reasonable suspicion testing. Those supervisors shall receive at least 60 minutes of training on alcohol misuse and at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavior, speech and performance indicators of probable alcohol misuse and use of controlled substances (49 CFR 382.603).

K. Cost Responsibility

The employing University department pays all testing and processing costs except for the

- a. Notifying the Environmental Health and Safety Department about each open position to be filled that requires a new hire or transfer to possess a commercial driver's license;
- b. Informing applicants for such positions that they will be subject to alcohol and controlled substances testing (including pre-employment-controlled substances testing) and will be required to authorize release of testing information by previous employers;
- c. Decision-making about a driver's request for leave under the Family Medical Leave Act to undergo treatment, including a review of the recommendation made by the driver's employing department.
- d. Overseeing positive drug and alcohol test follow-ups.
- e. Obtaining alcohol and controlled substance test results for new hire and transfer drivers from previous employers;

### 3. Disability and Support Services

Program responsibilities include:

- a. Evaluation of driver requests for accommodation under the Americans with Disabilities Act (ADA),
- b. Decision-making about whether or not the driver qualifies under the ADA, and
- c. When the driver does qualify under the ADA, coordination of efforts to determine whether a reasonable accommodation can be made for the driver.

### 4. Departments / Supervisors

Program responsibility consists of informing the Environmental Health and Safety Department about UNC drivers before they first report for duty as a driver and must not allow an employee to drive who has not been cleared by EHS and must follow all directions from EHS as to commercial motor vehicles and drivers.

### M. Employee Self-Identification Program

- c. The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety-sensitive function (i.e., prior to reporting to duty)
  - d. The driver does not perform a safety-sensitive function until the University is satisfied that the employee has been evaluated and has completed education or treatment requirements in accordance with the self-identification program guidelines outlined below.
2. The University qualified voluntary self-identification program contains the following elements:
- a. It prohibits the University from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of this program and paragraph (1) of this section,
  - b. It allows the employee enough opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem,
  - c. It permits the employee to return to safety-