

**Drug and Alcohol Testing for Positions
Requiring a Commercial Driver's License**

Table of Contents

1. Overview 2

2. Goals 2-3

3. Policy..... 3

4. Responsibilities..... 3-5

 a. Management..... 3

 b. Supervisors 3-4

 c. Employees..... 4

 d. Human Resources Department 4

 e. Testing Contractor 5

5. Education and Training 5

6. Testing for Alcohol and Controlled Substances 5-11

 a. Confidentiality and Privacy 5

 b. Types of Testing 5-7

 c. Compliance With Testing 7

 d. Retests and Observed Tests 7

 e. Methodology of Testing 8-10

 f. Reporting and Recording of Test Results 10-11

7. Corrective Action 11-13

 a. Counseling and Rehabilitation Services 11

 b. Controlled Substance Testing 11-12

 c. Alcohol Testing..... 12-13

8. Additional Interpretation 14

9. Alternate Formats 14

10. Additional Information..... 14

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

(Approved by the Executive Vice President by authority of Executive Order No. 5)

1. Overview

This policy is based on the University's Alcohol and Drug Abuse Policy (Administrative Policy Statement 13.7) and addresses the drug and alcohol testing requirements for positions which are covered by the federal Omnibus Transportation Employee Testing Act and U.S. Department of Transportation regulations. This policy describes the primary elements of the University's testing program. The following are references to federal and state laws and University policies:

- The federal Commercial Motor Vehicle Safety Act of 1986.
- The federal Drug-Free Workplace Act of 1988.
- The federal Omnibus Transportation Employee Testing Act of 1991.
- The state of Washington Chapter 46.25 RCW, Uniform Commercial Driver's License Act.
- The state of Washington Chapter 69.50 RCW, Uniform Controlled Substances Act.
- The state of Washington Executive Order 92-01, establishing Governor's Policy on a Drug-Free Work Place.
- Applicable sections of the state of Washington Titles 251 and 359 WAC, and labor contracts, addressing corrective action processes.
- The University of Washington's Alcohol and Drug Abuse Policy (Administrative Policy Statement 13.7).

2. Goals

The goals of the University's testing program are as follows:

- To enhance safety in the workplace;
- To comply with the federal regulations related to alcohol and drug testing of staff covered by the federal Omnibus Transportation Employee Testing Act and U.S. Department of Transportation regulations;
- To comply with federal and state regulations related to positions requiring a Commercial Driver's License (CDL);
- To appropriately protect the rights, confidentiality, and privacy of those individuals subject to testing;
- To provide referral to rehabilitation services to those who are experiencing an alcohol or chemical dependency problem; and

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

- To take appropriate corrective action when the test of a covered employee shows the presence of alcohol or controlled substances.

3. Policy

Covered employees must not report for work if they are impaired and/or under the influence of drugs of abuse. Being impaired and/or under the influence of controlled substances while on duty, or any activity involving use, possession, distribution, or sale of alcohol, unauthorized prescription drugs, controlled substances or drug paraphernalia at University facilities is strictly prohibited. The appropriate use of legally prescribed drugs and nonprescription medication is not prohibited. However, it is the responsibility of covered employees to remove themselves from vehicle and equipment operation and report the situation to their supervisor if they are experiencing any adverse effects from medication or prescribed drugs. Employees who are found to be in violation of this policy shall be subject to appropriate corrective action.

4. Responsibilities

a. Management

Management's responsibilities are as follows:

- Promote a work environment free from drugs and alcohol;
- Provide the resources necessary to carry out this policy;
- Ensure the contents of this policy are communicated to affected staff;
- Ensure that supervisors receive training to understand the provisions of this policy and to recognize behaviors which may indicate substance abuse; and
- Remove employees from safety sensitive work and take appropriate corrective action as warranted by positive test results and in accordance with this policy, and with federal and state regulations.

b. Supervisors

Supervisors' responsibilities are as follows:

- Attend training explaining the provisions of this policy and how to recognize behaviors which may indicate substance abuse;
- Inform all current and future covered employees about the University's drug and alcohol abuse policy, educational materials, and information on rehabilitation services available;
- Enforce and comply with the provisions of this policy;
- Serve as a positive role model; and

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

- Remove employees from safety sensitive work and take appropriate corrective action as warranted by positive test results and in accordance with this policy, and with federal and state regulations.

c. Employees

Employees' responsibilities are as follows:

- To comply with University policy and federal regulations which prohibit being under the influence of drugs and/or alcohol while on the job or in a paid standby capacity;
- To report any impairment that affects the ability to perform safety sensitive work to the supervisor, including the effect of prescribed drugs;
- Submit to alcohol and drug testing when required to do so in accordance with federal regulations;
- Participate in an evaluation with a substance abuse professional (SAP) if a drug test is positive or a breath or alcohol test indicates an alcohol concentration of 0.02 or above;
- Immediately notify their supervisor of any criminal conviction involving drugs or alcohol in the workplace;
- Immediately notify their supervisor of any conviction for driving under the influence of drugs or alcohol; and
- Immediately notify their supervisor of any accidents, regardless of who may be at fault, that occur while operating a vehicle for which possession of a Commercial Driver's License is required.

d. Human Resources Department

The Human Resources Department's responsibilities are as follows:

- Promote a drug- and alcohol-free workplace by informing applicants for employment of the University's policy and testing program;
- Implement a training program for supervisors and managers of covered employees subject to drug and/or alcohol testing which covers this policy, the effects of drugs and/or alcohol in the workplace and behavioral symptoms of impairment;
- Provide caregiver referral services to employees who may need assistance to overcome drug or alcohol dependency;
- Provide referral for substance abuse professional services; and
- Assist supervisors and/or appointing authorities in planning and implementing corrective action plans for employees who have positive test results.

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

e. Testing Contractor

The testing contractor's responsibilities are as follows:

- Determine random testing to be accomplished;
- Carry out random, preemployment, postaccident, reasonable suspicion, and follow-up sample collection and testing, while protecting personal privacy in accordance with federal regulations;
- Establish and maintain chain of custody, transport, and test samples;
- Provide Medical Review Officer (MRO) services meeting the separation of function requirements pursuant to 49 CFR §40.33 (b)(1) and (2);
- Exercise confidentiality when reporting test results;
- Maintain all dated records and notifications pursuant to 49 CFR §382.409;
- Develop and implement a record keeping and reporting system meeting the requirements of the U.S. Department of Transportation pursuant to 49 CFR §382.401; and
- Provide Management Information System (MIS) reports and other reports as required by federal regulations.

5. Education and Training

All supervisors of covered workers and first level managers will attend a training course which covers this policy, the effects of controlled substances and alcohol in the workplace, behavioral symptoms of being under the influence of drugs and/or alcohol, and rehabilitation services available. Refresher courses will be periodically scheduled.

All covered employees will receive a copy of this policy and informational materials about the effects of controlled substances and alcohol in the workplace and rehabilitation services available.

6. Testing for Alcohol and Controlled Substances

a. Confidentiality and Privacy

Confidentiality and privacy will be maintained to the greatest extent possible throughout all stages of the testing process as well as the reporting of test results.

b. Types of Testing

- 1) Preduty Testing**—Candidates offered positions performing work covered by federal regulations will undergo urine drug testing prior to performing CDL driving duties. The job offer shall be conditioned on the

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

results of this drug test. Arrangements for this testing will be made by the University. Satisfactory test results (negative on controlled substances) are required as a condition of employment (documentation of satisfactory test results within the last six months from a previous employer is acceptable).

Temporary employees will undergo such testing prior to each term of employment when more than six months has elapsed since a previous satisfactory test. Failure to pass will disqualify an applicant.

- 2) **Reasonable Suspicion Testing**—Reasonable suspicion must be based on specific contemporaneous, describable observations concerning the appearance, behavior, speech, or body odors of the employee. Referral for such testing will be made on the basis of facts and circumstances documented by a supervisor who has attended required training, or by a higher level supervisor or manager who also has attended the required training. A written record will be made of the observations used as the foundation for such a test. To the extent reasonably possible, requests for union representation will be honored during this process.

- 3) **Postaccident Testing**—Covered employees are required by federal regulations to be tested for drugs and alcohol if they are involved in an accident on a public road that results in:
 - A fatality; or
 - An injury which requires treatment away from the scene and the covered employee receives a citation under state or local law; or
 - A vehicle that is not drivable after making simple repairs during daylight, and the covered employee receives a citation under state or local law.

Following such an accident, the University will arrange for testing the employee as soon as possible (ideally within two hours, but not to exceed eight hours for alcohol testing and 32 hours for drug testing). Employees involved in accidents must remain available for testing and must refrain from alcohol and drug use following the accident until a drug and alcohol test is administered. However, this does not require the delay of necessary medical attention for injuries or prohibit a covered employee from leaving the scene of an accident if necessary to obtain assistance to respond to the accident or to obtain emergency medical care. In such instances, the employee will be transported to the testing site. Employees who leave the scene of an accident inappropriately will be considered to have refused the test and will be subject to appropriate corrective action, up to and including dismissal.

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

- 4) **Random Testing**—Covered employees are subject to random, unannounced drug and alcohol testing spread reasonably throughout the calendar year. Random controlled substance testing will be conducted at an annualized rate of 50 percent of covered employees and random alcohol testing will be conducted at an annualized rate of ten percent of covered employees. The base for determining these percentages will be the number of full-time equivalents (FTEs) assigned to covered work. Random tests of employees will be determined solely by the testing contractor using a scientifically valid method to ensure randomness. The random testing rate is based on standards of the federal Highway Administration and may be adjusted from time to time.
- 5) **Return-To-Duty and Follow-Up Testing**—All employees who test positive on a drug or alcohol test must test negative prior to returning to safety sensitive work. Such employees will also be required to undergo follow-up drug and alcohol testing which shall include at least six unannounced, follow-up tests during the first 12 months after returning to work, in addition to any ongoing random testing. At the discretion of the substance abuse professional and the University, such follow-up testing may be extended for up to 60 months after the employee's return to work. Return-to-duty and follow-up testing will be at the employee's expense.

c. Compliance With Testing

Any covered employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be in violation of this policy. Refusal to comply may include an inability to provide a specimen or breath sample without a valid medical reason or failure to proceed immediately to the collection site (unless dispatched by the supervisor for an emergency). Such refusals will be treated as insubordination, a willful violation of policy, and as grounds for corrective action.

d. Retests and Observed Tests

When insufficient volume or breath provides an inadequate sample or the collection technician has reason to suspect tampering with the sample, another urine or breath sample may be required. If tampering is suspected, the second collection may be under observed conditions. Documented instances of tampering will be treated as insubordination, a willful violation of policy, and as grounds for corrective action.

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

e. Methodology of Testing

Testing will be conducted in such a way as to ensure maximum accuracy and reliability by using the techniques, chain of custody procedures, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services as specified in the federal regulations (49 CFR Part 40). Both alcohol and drug testing will be conducted in an environment which affords personal privacy to the maximum extent practicable.

1) Controlled Substance Testing Methodology—

- a) Initial Testing—Analytical urine testing will be conducted for controlled substances including marijuana, cocaine, opiates, amphetamines, and phencyclidine at a laboratory that the U.S. Department of Health and Human Services has certified for DOT drug testing. An initial drug screen will be conducted on each specimen (after a split sample is segregated by the collector). Negative tests are reported confidentially and in a timely manner to the University.
- b) Confirmation Testing—For those specimens that screen positive, a confirmation test using gas chromatography/mass spectrometry will be performed. If the confirmation test is negative, the results will be reported confidentially and in a timely manner to the University. If the confirmation test is also positive, the test results will be provided to the MRO.
- c) The Medical Review Officer's Procedures—The MRO will complete the following steps:
 - Review the chain of custody to ensure proper handling and identification of the sample.
 - Review the initial screening test and confirmation test to ensure the accuracy of the reported testing results.
 - Contact the employee to notify him or her of the confirmed, positive test result and provide him or her an opportunity (in person or over the telephone) to discuss the result and provide possible explanations of the test result.

In carrying out these duties, the MRO may become aware of sensitive medical information such as an individual's medical condition, medications, medical diagnosis, and medical history. This information will be kept confidential by the MRO and will not be released for any purpose not related to the MRO's primary duty to determine if unauthorized drug use has occurred except as follows: The MRO may disclose such information to the

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

employer, the Department of Transportation (DOT) or other federal agency, or a physician responsible for determining the medical qualification of the employee under an applicable DOT agency regulation, only if:

- The DOT regulation permits or requires such disclosure;
- In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable DOT agency rule; or
- In the MRO's reasonable medical judgment, in a situation in which there is no DOT agency rule establishing physical qualification standards applicable to the employee, the information indicates that continued performance by the employee of his or her safety sensitive function could pose a significant safety risk.

Before obtaining medical information from the employee as part of the verification process, the MRO shall inform the employee that information may be disclosed to third parties as provided above and the identity of any parties to whom information may be disclosed.

If the individual declines the opportunity for a discussion with the MRO, the MRO will conclude the evaluation and report to the University.

If the individual engages in discussion with the MRO, the MRO will inform the individual of the opportunity for a test of the split sample. If the employee requests testing of the split sample, the results must be released to the MRO for review. The MRO will report the test results of the split sample to the individual and the University.

- The MRO will complete the evaluation and report the test results to the University. A positive test will be considered to be a violation of this policy and corrective action will take place in accordance with procedures herein.

- 2) **Alcohol Testing Methodology**—Tests for alcohol concentration will be conducted using National Highway Traffic Safety Administration-approved, evidential breath-testing devices operated by trained technicians provided by the testing contractor, or by approved screening devices. Negative test results will be known immediately and communicated to the employee by the testing technician at that time. An employee who tests at an alcohol concentration of 0.02 or above will be retested in not less than 15 minutes, nor more than 30 minutes, after the first test. This is considered a confirmation test. All detectable

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

levels of alcohol will be reported to the University. A confirmed alcohol concentration above 0.02 is in violation of this policy and corrective action will take place in accordance with procedures herein.

f. Reporting and Recording of Test Results

1) Controlled Substance Testing Results—

- a) Negative Test Results—Negative results will be reported confidentially and in a timely manner by the testing contractor to the designated University official. Negative results arising from such testing will be confidentially maintained by the University in locked files not associated with any particular individual. Individuals may request a copy of their personal test result form.
- b) Verified Positive Test Results—Verified positive results will be reported confidentially and in a timely manner by the MRO to the designated University official, who will immediately contact the Human Resources Consultant in order to initiate the corrective action process. Positive results will only be shared with staff having a legitimate business-related reason to know.
- c) Testing Contractor Reports—The testing contractor will submit controlled substance MIS reports to the University in a timely manner.

2) Alcohol Testing Results—

- a) Negative Test Results—Negative test results will be known immediately and communicated to the employee by the testing technician at that time. In addition, the testing contractor will report negative results confidentially and in a timely manner to the University which will confidentially maintain this information in locked files not associated with any particular individual. Individuals may request a copy of their personal test result form.
- b) Confirmed Positive Test Results—Confirmed positive test results will be confidentially reported by the testing technician to the employee and the designated University official who will immediately contact the responsible unit manager and the Human Resources Consultant in order to initiate the corrective action process. Positive results will only be shared with staff having a legitimate business-related reason to know.

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

- c) Testing Contractor Reports—The testing contractor will submit alcohol MIS reports to the University in a timely manner.

7. Corrective Action

a. Counseling and Rehabilitation Services

The University cares about its employees and encourages employees to voluntarily participate in treatment for alcohol or drug abuse. Alcoholism and drug dependency are viewed as treatable illnesses which may be successfully managed. The University encourages employees to seek treatment voluntarily and will arrange for referral to an appropriate professional through its employee assistance program. Any employee who voluntarily notifies the employer of alcohol and/or controlled substance abuse problems will be given the same opportunity to seek assistance that is extended to employees with any other illness. Sick leave, vacation leave, compensatory time, or reasonable leave of absence without pay may be granted for substance abuse treatment.

Employees are also encouraged to contact the University's Benefits Office for help in understanding insurance benefits, when participating in treatment. Confidentiality will be maintained to the greatest extent possible at all times.

b. Controlled Substance Testing

A positive test result indicating the presence of a controlled substance constitutes a violation of this policy, of RCW 46.25.120, and the Omnibus Transportation Employee Testing Act of 1991. When the University is made aware of such a violation, the following corrective action will be taken:

- The employee will be immediately relieved from all safety sensitive duties. At the University's discretion, and based on the availability of alternate work assignments, the University may direct the employee to return home. Arrangements will be made to safely transport the individual home.
- For any time the employee is required to be off the job, he or she may request and be granted accrued paid leave (i.e., sick leave, vacation leave, or compensatory time). If the employee does not specify the type of paid leave to be taken, or if the employee does not have paid leave accrued, he or she will be placed on leave without pay.
- The employee will be referred by the University to an appropriate professional through its employee assistance program for evaluation and for development of a return-to-work agreement, and a treatment plan, if necessary. The employee is required to pass a return-to-duty drug test and receive clearance from the substance abuse professional prior to returning to duty. Initial assessment, case management, and follow-up services with a substance abuse professional will be at no cost to the employee.

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

The University will take appropriate corrective action if the employee fails to meet with the substance abuse professional and/or does not successfully complete all elements of the return-to-work plan.

- The University will evaluate the need for and take the appropriate corrective action up to and including dismissal.
- Upon return to duty, the employee will undergo follow-up testing (in addition to any ongoing random testing) which will include at least six follow-up tests during the first 12 months. At the discretion of the substance abuse professional and the University, such random testing may continue for up to 60 months after the employee's return to safety sensitive work.

c. Alcohol Testing

1) **Alcohol Concentration of 0.02 to 0.039**—Alcohol concentration of 0.02 to 0.039 constitutes a violation of this policy and the Uniform Commercial Driver's Act, RCW 46.25.110(1) which reads in part, "a person may not drive, operate, or be in physical control of a commercial motor vehicle while having alcohol in his or her system." When the University is made aware of such a concentration by the testing contractor, the following correction action will be taken:

- The employee will be immediately relieved from all safety sensitive duties for 24 hours. Arrangements will be made to safely transport the individual home.
- For any time the employee is required to be off the job, he or she may request and be granted accrued paid leave (i.e., sick leave, vacation leave, or compensatory time). If the employee does not specify the type of paid leave to be taken, or if the employee does not have paid leave accrued, he or she will be placed on leave without pay.
- The employee will be referred to a substance abuse professional for evaluation and for development of a return-to-work agreement, and a treatment plan, if necessary. The employee is required to pass a return-to-duty alcohol test prior to returning to duty. The employee will be referred to a substance abuse professional through the University's employee assistance program. Initial assessment, case management, and follow-up services with a substance abuse professional provided through the University's employee assistance program will be at no cost to the employee.

The University will take appropriate corrective action if the employee fails to meet with the substance abuse professional and/or does not successfully complete all elements of the return-to-work plan.

- The University will evaluate the need for and take the appropriate corrective action up to and including dismissal.

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

- 2) **Alcohol Concentration of 0.04 or Greater**—Alcohol concentration of 0.04 or greater constitutes a violation of this policy, of RCW 46.25.120, and the Omnibus Transportation Employee Testing Act of 1991. When the University is made aware of such a violation by the testing contractor, the following corrective action will be taken:
- The employee will be immediately relieved from all safety sensitive duties. At the University's discretion, and based on the availability of alternate work assignments, the University may direct the employee to return home. Arrangements will be made to safely transport the individual home.
 - For any time the employee is required to be off the job, he or she may request and be granted accrued paid leave (i.e., sick leave, vacation leave, or compensatory time). If the employee does not specify the type of paid leave to be taken, or if the employee does not have paid leave accrued, he or she will be placed on leave without pay.
 - The employee will be referred to a substance abuse professional for evaluation and for development of a return-to-work agreement, and a treatment plan, if necessary. The employee is required to pass a return-to-duty alcohol test prior to returning to duty. The employee will be referred to a substance abuse professional through University's employee assistance program. Initial assessment, case management, and follow-up services with a substance abuse professional provided through the University's employee assistance program will be at no cost to the employee.

The University will take appropriate corrective action if the employee fails to meet with the substance abuse professional and/or does not successfully complete all elements of the return-to-work plan.
 - The University will evaluate the need for and take the appropriate corrective action up to and including dismissal.
 - If the employee is returned to duty, the employee will undergo follow-up testing (in addition to any ongoing random testing) which will include at least six follow-up tests during the first 12 months. At the discretion of the substance abuse professional and the University, such random testing may continue for up to 60 months after the employee's return to safety sensitive work.

8. Additional Interpretation

Nothing in this policy, including references to the possibility of a return to work following a positive test, shall preclude termination from employment for violation of the policy.

Drug and Alcohol Testing for Positions Requiring a Commercial Driver's License

9. Alternate Formats

People with disabilities may request that this information be prepared and supplied in an alternate format by calling collect 206-664-9009; people who are deaf or hearing impaired may call 1-800-833-6388 (TTY relay service).

10. Additional Information

For further information, contact the appropriate Human Resources Service Team Member listed on the Human Resources Service Team Assignments Web page:

- Location: 4045 Brooklyn Avenue NE, Seattle, WA 98105
- Phone: 206-543-2333
- Fax: 206-685-0636
- Campus mail: Box 354561
- Email: uwhr@u.washington.edu
- Web site: <http://www.washington.edu/admin/hr/contacts/servicetms/index.html>