



# Procedure 240.1A Drug & Alcohol Testing for Positions Requiring a Commercial Driver's License

## *Policy 240 - Alcohol & Drug Free Workplace*

### **Purpose**

This procedure is to ensure compliance with the drug and alcohol testing requirements for positions that are covered by the federal Omnibus Transportation Employee Testing Act and the U.S. Department of Transportation regulations. This procedure includes the primary elements of the College's testing program.

Goals of the procedure include:

- Ensure workplace safety; comply with federal regulations related to drug and alcohol testing of applicable employees
- Comply with federal and state regulations related to positions requiring a Commercial Driver's License (CDL)
- Protect the rights, confidentiality, and privacy of those individuals subject to testing
- Provide referral to rehabilitation services to individuals who are experiencing an alcohol or chemical dependency problem
- Take appropriate action when the test of a covered employee shows the presence of alcohol or a controlled substance

The procedure applies to all College employees that hold positions that require possession of a Commercial Driver's License as well as anyone in a contractual relationship with the College. Applicable provisions also apply to applicants for employment in covered positions.

## **Testing**

The College will conduct pre-employment, post-accident, random, reasonable suspicion, return to duty, and follow-up testing of drivers for the misuses of alcohol or use of controlled substances in compliance with federal regulations.

Except for return-to-duty testing, drivers shall be subject to drug and alcohol testing only while the driver is performing a safety-sensitive function, just before the driver is to perform a safety-sensitive function, or just after the driver has ceased performing a safety-sensitive function.

Controlled substances tests required to be administered to drivers may be administered at any time while the driver is employed by the College.

### **Testing Contractor**

All pre-employment, post-accident, reasonable suspicion, and random testing will be conducted by the testing contractor, WorkSAFE.

### **Pre-employment Requirements**

1. Upon a conditional offer of a position covered by federal regulations requiring a CDL, and prior to performing any safety-sensitive functions, the prospective employee will be scheduled for controlled substance testing. The job offer is contingent upon results of the drug test.

Satisfactory test results (negative on controlled substances) are required as a condition of employment (documentation of satisfactory results within the last six months from a previous employer is acceptable if the conditions of #2 below are met as well). The term prospective employee includes applicants for positions requiring a CDL and current College employees who move from a position not requiring a CDL to one that does require a CDL. Employees who return to work after a layoff period during which they are not subject to random

testing will also be required to undergo controlled substances testing before beginning work.

Additionally, the driver must consent to allow the College to run queries through the Federal Motor Carrier Safety Administration (FMSCA) Drug and Alcohol Clearinghouse. Information received from former employers and/or the Clearinghouse that indicates a positive test, refusal to test will disqualify the individual for employment.

2. As a condition of employment, an individual applying for a position requiring a CDL shall sign a written authorization for previous employers to release records to the College from the previous two years. This shall include positive controlled substance abuse test results and records of the individual's refusal to test, administered in accordance with the Federal Highway Administration regulations regarding alcohol use and drug testing. Information received from former employers that indicates a positive test, refusal to test will disqualify the individual for employment. If the College does not receive this information within 14 days following the first time the driver performs a safety-sensitive function for the College, the driver shall be prohibited from performing safety-sensitive functions and released if hired.

## Post-Accident Testing

All drivers will be provided with the post-accident information, procedures, and instructions prior to commencing job responsibilities.

As soon as possible following an accident involving a commercial motor vehicle, each surviving driver shall undergo alcohol and controlled testing if:

1. The driver was performing a safety-sensitive function with respect to the vehicle and if the accident involved the loss of human life; or
2. The driver receives a citation under state or local law for a moving traffic violation arising from the accident; and
  - a. A person is injured and as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

- b. One or more vehicles received disabling damage as a result of the accident, requiring the vehicle(s) to be towed from the scene of the accident
3. The supervisor determines that the use of alcohol or controlled substances may have contributed to the accident and requests the driver to undergo testing based on “reasonable suspicion”

An employee may request to undergo voluntary controlled substance/alcohol testing following an accident. Following such an accident, the employee must be readily available to submit post-accident testing as soon as possible—ideally, within two hours after the accident. Testing is secondary to the employee’s need for medical treatment, or public safety considerations from the accident. If the alcohol testing is not done within 8 hours following an accident, the College will cease attempts to have the employee test for alcohol. Controlled substance testing must be done within 32 hours after the accident. The College will do its best to assist with transportation to the testing facility.

Employees who leave the scene of an accident inappropriately will be considered to have refused the test and will be subject to appropriate disciplinary action, up to and including dismissal. No employee required to take a post-accident alcohol test shall use alcohol for 8 hours following the accident, or until they undergo the post-accident alcohol test, whichever occurs first.

### Reasonable Suspicion Testing

Reasonable suspicion testing must be based on specific, 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. A written record will be made that includes the observations that initiated the test. To the extent reasonably possible and in accordance with the Collective Bargaining Agreement, requests for union representation will be honored during this process.

## Random Testing

Covered employees are subject to random, unannounced drug and alcohol testing spread reasonably throughout the year. The basis for determining those employees to be tested will be upon a random sampling of those within the testing pool as established by WorkSAFE. Random tests will be determined solely by WorkSAFE using a scientifically valid method to ensure randomness.

WorkSAFE will notify Human Resources or designee who has been selected for a random drug and/or alcohol test. Human Resources will then notify the driver. Drivers who are notified of selection for random alcohol and/or controlled substances testing shall be required to proceed to the test site after receiving notification. Alcohol tests must be administered right before, during, or immediately following the scheduled work shift.

## Return to Duty & Follow-up Testing

All employees who have a positive drug and/or alcohol test result must have a negative test before returning to safety-sensitive work. Such employees will also be required to undergo follow-up drug and alcohol testing that shall include at least six unannounced, follow-up tests during the first twelve months after returning to work, in addition to any ongoing random testing. At the discretion of the Substance Abuse Professional and the College, 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 are at the employee's expense.

## Testing Compliance

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 procedure. 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 immediate disciplinary action up to and including dismissal.

When insufficient volume or breath provides an inadequate sample, or when 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 immediate disciplinary action up to and including dismissal.

## Annual Limited Queries

Effective January 6, 2020 the College will run annual limited queries through the FMSCA Drug & Alcohol Clearing House on all active CDL drivers. Active CDL drivers must provide consent to run these queries on an annual basis for the duration of their employment as a driver with Lower Columbia College. Limited queries will be conducted in June of each year.

## Responsibilities

Compliance with this procedure involves several parties. The responsibilities of each party are identified below.

### Supervisor

- Promote drug and alcohol-free workplace
- Trained on how to recognize behaviors that may indicate substance abuse
- Enforce and comply with provisions of this procedure
- Serve as positive role model
- Remove employees from safety-sensitive work and take appropriate corrective action as warranted by positive test results and in accordance with this procedure as well as federal and state regulations
- Notify Human Resources promptly when CDL drivers separate

## Human Resources

- Promote drug and alcohol-free workplace by informing new employees and candidates about the testing program
- Maintain an accurate list of employees who hold CDL licenses
- Provide referral for substance abuse professional services
- Assist supervisors and/or designees in planning and implementing corrective action plans for employees who have positive test results
- Correspond with WorkSAFE
- Run queries through FMSCA Drug & Alcohol Clearinghouse

## Employee

- Comply with the College's policy and federal regulations that prohibit being under the influence of drugs and/or alcohol while on the job or in a paid standby capacity
- Report any impairment that affects the ability to perform safety-sensitive functions to supervisor, including the effect of prescribed medication
- Report promptly to drug and alcohol testing when required to do so in accordance with federal regulations
- Consent to the College running annual limited queries through FMSCA Drug & Alcohol Clearinghouse
- Participate in an evaluation with a substance abuse professional if a drug test is positive or a breath or alcohol test indicates an alcohol concentration of .02 or above
- Immediately notify supervisor of any criminal conviction involving drugs or alcohol in the workplace
- Immediately notify supervisor of any conviction for driving under the influence of drugs or alcohol

- Immediately notify supervisor of any accidents, regardless of who may be at fault, that occur while operating a vehicle that requires possession of a CDL

## Candidates

- Submit to pre-employment drug testing in accordance with federal regulations
- Authorize release of information from previous employer regarding positive test results from a drug and/or alcohol test
- Consent to the College running a query through FMSCA Drug & Alcohol Clearinghouse prior to employment
- Authorize other pre-employment inquiries as required

## Testing Contractor: WorkSAFE

- Carry out random, pre-employment, post-accident, reasonable suspicion, return to duty, and follow-up testing while protecting personal privacy in accordance with federal regulations
- Determine random testing to be accomplished
- Exercise confidentiality when reporting test results
- Maintain all dated records and notifications in compliance with federal regulations