

## **2.4(2): Drug and Alcohol Testing for Individuals Holding a Commercial Driver's License (CDL)**

This policy applies to all employees with a required Commercial Driver's License (CDL).

### **POLICIES AND PROCEDURES**

This policy addresses the requirements of the U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA), the Omnibus Transportation Employee Testing Act of 1991 and Colorado Revised Statute Section 42-4-234 for employers to conduct drug and alcohol testing of employees or volunteer CDL drivers in safety-sensitive positions.

No driver shall report for duty or remain on duty requiring the performance of a safety sensitive function when the driver possesses or uses any controlled substance, except when 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 or other safety sensitive activity. No driver shall report for duty or remain on duty while possessing alcohol, or having an alcohol concentration level of 0.02 percent or greater, or having consumed alcohol within the previous four (4) hour period. No individual having actual knowledge of a driver possessing alcohol, having an alcohol concentration level above 0.02 percent or using controlled substances shall permit the driver to perform or continue to perform safety sensitive functions. No driver shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by this policy and/or DOT regulations.

Following an accident, a driver who is required to take a post-accident alcohol test shall not use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

### **Testing Requirements**

All urine specimens shall be analyzed.

- A. Pre-employment (49 CFR 382.301). Pre-employment testing is conducted as a pre-qualification condition before applicants are hired and/or after an offer to hire is made, but before safety-sensitive function(s) are performed for the first time. It is also required when an individual transfers to a safety-sensitive (driver) position that requires a CDL.

## **2.4(2): Drug and Alcohol Testing for Individuals with CDL (continued)**

- B. Post-accident (49 CFR 382.303). Post-accident testing shall be conducted as soon as practicable following a qualifying occurrence, as defined by applicable regulations, involving a commercial motor vehicle.
- C. Random (49 CFR 382.305). Random testing is conducted on a random, unannounced basis just before, during or just after performance of safety sensitive functions. Once selected drivers are notified, they must proceed immediately to the collection site. Any activity that does not directly lead to being tested must be deferred. This does not apply to those employees who are on transitional duty and are not driving.
- D. Return-to-duty and Follow-up (49 CFR 382.300, 382.311). Return-to-duty and follow-up testing is conducted when individuals who have violated the prohibited drug/alcohol conduct standards return to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after the driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty.

### **Refusal to Submit to a Required Alcohol or Controlled Substance Test**

No driver shall refuse to submit to a post-accident, random, reasonable suspicion/cause, return-to-duty or follow-up test. No individual shall permit a driver who refuses to submit to such test(s) to perform or continue to perform safety-sensitive functions. Drivers who refuse to submit to a post-accident, random, reasonable suspicion/cause, return-to-duty or follow-up test shall be subject to disciplinary action, up to and including, termination of employment under the Discipline and Appeal Policy 1.8. Applicants who refuse to submit to a pre-employment test shall not be hired.

Drivers, who test positive for alcohol and/or drug tests as determined by a Medical Review Officer (MRO) or refuse to take alcohol and/or drug tests required by this policy, or voluntarily admit to prohibited drug use as defined by 49 CFR 40 *et. seq.*, shall immediately be placed on paid administrative leave and will be subject to the disciplinary process.

Positive test results from the laboratory are referred to an MRO who is a licensed physician responsible for receiving laboratory results from the Adams County drug and alcohol testing program.

### **Referral to a Substance Abuse Professional (49 CFR 40.287)**

Employees who have violated DOT drug and alcohol regulations (by a positive drug and/or alcohol test result(s), voluntary admission of prohibited substance use, or any

## **2.4(2): Drug and Alcohol Testing for Individuals with CDL (continued)**

drug- and/or alcohol-related prohibited activity) will be provided with a list of Substance Abuse Professionals (“SAP”). Adams County will not charge an employee for the provision of this list. Treatment by a SAP is at the employee’s expense and is not a guarantee of continued employment.