

Supervisor Guidelines – Drug and Alcohol Testing for CDL Holders

No supervisor having actual knowledge that a driver has engaged in or is engaging in any conduct prohibited by the City's Alcohol and Drug policies may permit the driver to perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle.

Testing Standards

Reasonable Suspicion Testing

- a. The City will require a driver to submit to an alcohol or drug test any time the City has a reasonable suspicion to believe that the driver has violated this policy or the Federal regulations. The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol or drug test shall be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, and speech or body odor. For drug testing, the observations may include indications of the chronic and withdrawal effects of drugs.
- b. Alcohol testing will be conducted only if the City's observations are made during, just preceding, or just after the period of the workday that the driver is required to be in compliance with the applicable federal regulations governing alcohol use. A driver may be directed by the City to only undergo reasonable suspicion testing 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.
- c. If an alcohol test is not administered within two (2) hours following a reasonable suspicion determination, the City shall prepare and maintain a record stating the reasons the alcohol test was not promptly administered. If an alcohol test still has not been conducted within eight (8) hours following the reasonable suspicion determination, the City shall cease all attempts to administer the alcohol test and state in the record the reasons for not performing the test.
- d. The person who made the observations resulting in a reasonable suspicion test shall make a written record documenting the observations leading to the test within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.

Random Testing

- a. All drivers will be included in the group from which the City's Director of Human Resources will randomly select drivers to submit to alcohol and drug testing as required by 49 CFR Section 382.305. All drivers will remain in the random testing pool throughout the calendar year.
- b. The City must require a minimum annual percentage rate of drivers to submit to random alcohol and drug testing as determined by the Federal Motor Carrier Safety Administration. Currently, the minimum annual percentage rate for random testing is 10% of the average number of driver positions for alcohol testing and 50% of the average number of driver positions for drug testing. Drivers will be selected using a computer-based random number generator to ensure that each driver will have an equal chance of being tested each time

selections are made. This same process will be repeated on a sporadic, unannounced basis throughout the year.

- c. The drivers to be tested shall not be informed of the need to be tested until just prior to the actual test being performed. Drivers who are notified that they have been selected for random alcohol or drug testing must proceed to the test site immediately. However, if a driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the City will request that the driver cease performing the safety-sensitive function and proceed to the testing site as soon as possible.
- d. A driver may be directed by the City to only undergo random testing 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.

Post-Accident Testing

- a. Post accident drug and alcohol testing will be required of employees who were performing safety-sensitive functions following an accident involving a commercial motor vehicle operating on a public road if: (1) the accident involved the loss of human life; or (2) the driver receives a citation for a moving traffic violation arising from the accident and (i) the accident results in bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident or (ii) one or more vehicles incurs disabling damage as a result of the accident requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle. In the absence of a human fatality, an alcohol test will be conducted only if a citation is received within eight (8) hours of the accident. A drug test will be performed if a citation is received within thirty-two (32) hours of the accident.

Type of accident involved	Citation issued To the driver	Test must be Performed by the City
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

- b. A post-accident test must be conducted as soon as practicable. A post-accident drug test shall be conducted as soon as possible, but not later than thirty-two (32) hours after the accident. If the test is not administered within thirty-two (32) hours following an accident, the City shall cease attempts to administer a drug test and prepare and maintain on file a record stating the reasons the test was not promptly completed. If a post-accident alcohol test is not conducted within two (2) hours following an accident, a record shall be prepared and maintained by the City stating the reasons the test was not promptly administered. If within eight (8) hours following an accident an alcohol test still has not been conducted, all attempts to complete the test shall cease and the City shall prepare and maintain a record stating the reasons the test was not accomplished. In addition, the driver shall not consume any alcohol for at least eight (8) hours following an accident or until a breath alcohol test has been completed.

- c. Failure of a driver to be readily available to give a drug or alcohol test when the driver has been involved in an accident covered under this directive and/or the Federal regulations shall be considered a refusal to submit to testing. However, nothing in this subsection shall be construed to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Return-to-Duty and Follow-Up Testing

- a. A driver who engages in conduct prohibited by this policy or the Federal regulations, including having a verified positive drug test, an alcohol test with a result indicating an alcohol concentration of 0.04 or greater, or a refusal to test (including by adulterating or substituting a urine specimen) must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming the performance of safety-sensitive functions. Prior to being eligible for return-to-duty testing a driver must also be evaluated by an SAP, who shall set up any assistance needed, and comply with all of the SAP's prescribed education and/or treatment.
- b. The SAP shall set the requirements of the follow-up testing plan, including the number and frequency of follow-up tests and whether these tests will be for drugs, alcohol, or both. At a minimum, the SAP will direct that drivers be subject to at least six (6) unannounced follow-up tests in the first twelve (12) months of safety-sensitive duty after returning to safety-sensitive functions. Follow-up testing shall not extend beyond sixty (60) months.
- c. All records in reference to referrals, evaluations, return-to-duty and follow-up testing shall be retained for five (5) years.
- d. Submitting to a return-to-duty drug or alcohol test and following the recommendations of an SAP do not create any right to return to work, but are merely conditions to such return. In addition, even if a driver is permitted to return to the performance of safety-sensitive functions, if recommended by the SAP, the City may require the driver to participate in ongoing treatment, aftercare, or support group services (in addition to follow-up testing) as part of a return-to-duty agreement.

Obtaining Information From Previous Employers

The following information must be obtained on any employees (new drivers and drivers who transfer into CDL positions) seeking to begin performing safety-sensitive duties, including driving commercial motor vehicles, from all of the driver's previous DOT-regulated employers for the two (2) years preceding the employee's application or transfer: any verified positive drug test or alcohol test with a result of .04 or greater alcohol concentration, any refusal to be tested (including verified adulterated or substituted drug test results) and any other violations of Federal drug and alcohol testing regulations.

Every new driver shall provide to the City a written release which authorizes the City to obtain the driver's past drug and alcohol test results. The City should obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, the City must obtain and review the information as soon as possible. However, the City may not permit the employee to perform safety-sensitive functions if this information is not obtained and reviewed

within thirty (30) days after the date on which the employee first performed safety-sensitive functions, unless the City is unable to obtain the information after making and documenting a good faith effort to do so. If any driver is found to have violated a Federal drug and alcohol regulation in this two (2) year period, the City may not permit the employee to perform safety-sensitive functions unless the City also obtains information that the employee has subsequently complied with the return-to-duty requirements of the Federal regulations.

Training

All supervisors of drivers shall receive at least sixty (60) minutes of training on alcohol misuse and at least an additional sixty (60) minutes of training on drug use. All supervisors will also be trained as to the manner in which they should determine whether reasonable suspicion exists to require a driver to undergo reasonable suspicion testing. This training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of drugs.