
Subject: Drug & Alcohol Testing Guidelines for Commercial Drivers License Holders

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1. Purpose

Virginia Polytechnic Institute and State University strives to maintain a safe, healthy, efficient workplace free from drug and alcohol abuse. The following provides guidelines for the drug and alcohol testing of employees in safety-sensitive positions and drug testing of candidates selected for employment who are required to obtain a commercial drivers license.

1.1 Background

In compliance with the *Omnibus Transportation Employee Testing Act of 1991*, Virginia Polytechnic Institute and State University, hereafter referred to as the "University," will maintain a program for testing alcohol and controlled substances. This program will include pre-employment/pre-duty, reasonable suspicion, random and post-accident alcohol and controlled substances testing of applicants for employment or current employees who are required to obtain a Commercial Drivers License (CDL).

2. Guidelines

The use of alcoholic beverages is prohibited during the four hours prior to operating a commercial vehicle. An employee with an alcohol concentration greater than 0.02 may not operate a commercial vehicle.

Employees of the University are prohibited from the use, possession, or manufacture of any unlawful drug or controlled substance. An exception to this rule applies if an employee is using a controlled substance as instructed by a physician who has advised the employee the substance will not adversely affect their ability to safely operate a commercial motor vehicle. Employees will be required to notify the University in the event these circumstances are applicable.

2.1 Pre-employment/Pre-duty Testing

Every individual offered employment in a position covered by this policy shall pass a drug test as a condition of employment.

Employees promoted, demoted, or transferred from a position not covered by this policy to a position covered by this policy on a temporary or permanent basis shall be required to pass a drug test prior to assuming the duties of the position.

Employees of contractors or other employers who operate University owned commercial vehicles at the direction of or with the consent of the University are subject to pre-duty testing.

Exception: A driver, who is hired on an occasional basis, but more than once a year, to operate a commercial vehicle (ex: bus drivers for special trips) and who is covered by the testing program of another employer, must provide evidence once every six months that they have participated in an alcohol and controlled substance testing program which satisfies the regulations of the Act. Supervisors are responsible for notifying Human Resources of employees hired on occasional basis. The following information must be obtained from the program in which the driver is a participant:

- name and address of the testing program,
- verification that the employee is a participant,
- verification that the program conforms to the regulations,
- verification that the driver is qualified under the regulations including documentation that the driver has not refused to be tested,
- verification of the date the driver was last tested, and the results of any tests taken and/or violations within the previous six months.

2.2 Random Testing

Random testing shall be performed throughout the year for alcohol (at a rate of 10 percent of the average number of driver positions each calendar year) and controlled substances (at a rate of 50 percent of the average number of driver positions each calendar year).

2.3 Post-Accident Testing

As soon as practicable following an accident involving a commercial vehicle, each employee will be tested for drugs and alcohol if:

1. the employee was performing a safety-sensitive function with respect to the vehicle and the accident involved the loss of human life, or
2. the employee receives a citation under state or local law for a moving traffic violation arising out of the accident.

Post accident tests for alcohol should be administered within two hours and no later than eight hours following the accident.

Drug tests should be administered no later than 32 hours following the accident.

Employees are prohibited from using alcohol or controlled substances until testing is performed or the above time frames have expired.

Employees involved in an accident while operating a commercial vehicle must notify their immediate supervisor as soon as practicable, failure to report an accident will result in disciplinary action under the Department of Human Resource Management, [Employee Standards of Conduct and Performance](#).

2.4 Reasonable Suspicion

Employees who display physical, behavioral or performance indicators of probable use of drugs or alcohol may be subject to a test for drugs or alcohol.

No supervisor having actual knowledge of pre-duty use, on-duty possession, on-duty use, or impairment shall permit a driver to operate a commercial vehicle.

2.5 Return to Duty Testing

Employees who have violated the drug or alcohol rules must be re-tested before operating a commercial vehicle. A negative drug test and an alcohol concentration of less than 0.02 is required. Supervisors should work with Human Resources to coordinate re-testing.

2.6 Disciplinary Action

The following are recommended disciplinary actions under the Department of Human Resource Management, [Employee Standards of Conduct and Performance](#), which are consistent with the federal guidelines.

1. Employees found to have a blood alcohol concentration of 0.02 but less than 0.04 are subject to a Group II Notice and will be placed on leave-without-pay status for a minimum of 24 hours following the test. Employees with a blood alcohol content of 0.02 or greater who are involved in an accident resulting in fatalities are subject to a Group III Written Notice and dismissal.
2. Employees found with an alcohol level of 0.04 or greater will be placed on leave-without-pay status for a minimum of 24 hours following the test, and are subject to a Group III Written Notice and dismissal.
3. Employees with a confirmed positive drug test are subject to a Group II Written Notice, restricted from operating a commercial vehicle until re-tested with a negative result, and given a referral to a substance abuse professional as a condition of their continued employment. Employees who commit a second offense are subject to a Group III Written Notice and dismissal.
4. Employees who refuse a referral to a substance abuse professional as a condition of their continued employment or who do not successfully complete a treatment program will be issued a Group III Written Notice and dismissed.
5. Employees who refuse to submit to the required testing are subject to a Group III Written Notice and, if not dismissed, may not operate a commercial vehicle until tested.

Employees who fail to report an accident to their supervisor and subsequently fail to be tested (see 2.3 Post Accident Testing) or who use alcohol or controlled substances within the proscribed time period following an accident prior to being tested are subject to a Group III Written Notice. The federal regulations contain penalties for a positive test for alcohol or controlled substances requiring suspension from operating a commercial vehicle from 24 hours to one year.

2.7 Referrals

An employee who tests positive for alcohol or controlled substances and is allowed continued employment with the University is required to be evaluated by a substance abuse professional. Employees who are referred to a treatment program must be re-evaluated following completion of the program to determine if the rehabilitation program was

successful. Employees who test positive for alcohol or controlled substances will be provided with a list of referral sources for substance abuse professionals, counseling centers, and treatment programs.

The supervisor and employee should work with Human Resources to initiate a signed release by the employee authorizing Human Resources to receive information regarding the employee's attendance and progress in a treatment program.

2.8 Follow-up Testing

Employees who have tested positive for drugs or alcohol will also be subject to a minimum of six unannounced follow-up tests over the twelve months following their positive test result. The return-to-duty test does not serve as a follow-up test. Human Resources will coordinate the dates and times of these follow-up tests.

3. Procedures

3.1 Random Testing

The testing contractor will select employees for random testing using a scientifically valid random method. Supervisors will be notified on the morning of the random testing of CDL holders who must report for testing within two hours. Reasons for not reporting for testing, such as, *employee is too busy* or *cannot be reached by phone because they are en route to another work location* are **not considered emergency situations**. Therefore are not acceptable reasons for not reporting to the testing site within two hours.

3.2 Pre-employment

Employment into a position requiring a commercial driver's license is contingent upon passing a pre-employment drug test. The results of the drug testing must be received in Human Resources before the individual can begin employment at the University. If the individual tests positive for controlled substances, the conditional offer of employment will be rescinded.

3.3 Notification of Results

For alcohol testing, the testing site will only notify Human Resources if the test results are positive. Employees will be informed at the testing site of the results of their alcohol breath test immediately upon completion of the test. For controlled substance testing, Human Resources will be notified via phone of the results, whether positive or negative, as soon as received from the lab. Personnel Services will relay the results of the controlled substance testing to the appropriate supervisor who will inform the employee. Medical results will be forwarded by mail to Environmental Health & Safety Services, Occupational Health Programs.

3.4 Record Keeping

Occupational Health Programs, Environmental Health & Safety Services will maintain medical testing records in a confidential file in accordance with federal guidelines. Employees may review their own record.

The testing contractor will maintain a list of University CDL holders and records of instrument calibration and quality control.

3.5 Testing Methods

The testing contractor will conduct controlled substance and alcohol testing in accordance with federal guidelines. A urine test for controlled substances will be analyzed for the presence of marijuana, cocaine, opiates, amphetamines, and phencyclidine. Confirmation testing will be provided via gas chromatography/mass spectrometry.

Alcohol testing will be performed using an evidential breath test operated by a trained breath alcohol technician.

4. Definitions

Safety-Sensitive Position - transportation related positions that require a commercial drivers license.

Testing Contractor - a contracted source to administer alcohol and controlled substance testing in accordance with the regulations issued by the Department of Transportation (49 CFR Parts 40 and 382).

5. References

1. 49 Code of Federal Regulations, Part 40: *Procedures for Workplace Drug and Alcohol Testing*
2. 40 Code of Federal Regulations, Part 382: *Controlled Substances and Alcohol Use and Testing*.
3. *Omnibus Transportation Employee Testing Act of 1991*, Department of Transportation
4. [Policy 1020, Policy on a Drug-Free University](#), Virginia Polytechnic Institute and State University
5. *Employee Standards of Conduct and Performance*, Commonwealth of Virginia, Department of Human Resource Management.

6. Approval and Revisions

- Revision 1

Section 2.1. *Pre-Employment/Pre-Duty Testing* - Changes made to reflect that Pre-employment alcohol testing is no longer required.

Section 2.8.. *Follow-up Testing* was added for employees who previously tested positive for drugs or alcohol.

Section 2.6. *Disciplinary Action* to provide clarification and insure consistency.

Section 3.3. *Notification of Results* was expanded to provide more information and clarification.

Approved October 25, 1996, by Associate Vice President for Administrative and Personnel Services, Ann Spencer.

- Revision 2

Section 2.2. Random testing for alcohol was changed from 25 percent to a rate of 10 percent of the average number of driver positions each calendar year. This coincides with the new random alcohol-testing rate established by the Department of Transportation Federal Highway Administration in 1998.

Approved February 3, 1999, by Director of Personnel Services, Linda Woodard.

October 10, 2001: Technical corrections to update policy links and name change for the Commonwealth of Virginia's Department of Human Resource Management (formerly Department of Personnel and Training).

February 29, 2008: Technical correct to update name change for the Virginia Tech Human Resources Office (formerly Personnel Services).