

**Subject: Drug, Alcohol, and Medical Testing Guidelines for Commercial Driver's License Holders and Other Identified Positions**

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**1. Purpose**

Virginia Polytechnic Institute and State University (Virginia Tech) strives to maintain a safe, healthy, efficient workplace free from drug and alcohol abuse. In compliance with state and university policies, the *Omnibus Transportation Employee Testing Act of 1991*, and Department of Transportation (DOT) and Federal Aviation Administration (FAA) regulations, Virginia Tech, hereafter referred to as the "university," will maintain a program for testing certain employees for alcohol and controlled substances. This program will include pre-employment/pre-duty, reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing of applicants for employment or current employees who are (1) required to obtain/possess a Commercial Driver’s License (CDL), (2) identified positions within the Police Department, and/or (3) pilots.

Positions requiring a drug/alcohol test will be identified in the position description. Questions related to this policy or its implementation should be directed to the Department of Human Resources.

## **2. Policy**

In accordance with University Policy 1020, *Policy on a Drug-Free University*, employees of the university are prohibited from the unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of alcohol or other controlled substance in university workplaces. In addition to the general prohibition, employees whose jobs require the possession of a commercial driver's license, a pilot's license, and certain positions within the Police Department are subject to drug and alcohol testing. An exception to this policy applies if an employee is using a controlled substance as instructed by a health care provider who has advised the employee the substance will not adversely affect their ability to do their job. Employees are required to notify their supervisor at once if a medical condition or prescribed drug will adversely impact his/her ability to perform their job duties. Anyone required to obtain/possess a commercial driver's license must also obtain/possess a DOT approved medical certificate.

### **2.1 Covered Positions**

The specific employee/position categories covered by this policy and the type(s) and frequency of testing applicable to each category is defined in the following sub-sections.

#### **2.1.1 Commercial Driver's License**

In accordance with the *Omnibus Transportation Employee Testing Act of 1991*, hereafter referred to as the "Act", candidates for employment and employees in positions requiring a commercial driver's license are subject to:

- verification of a DOT approved medical certificate,
- pre-employment/pre-duty drug testing,
- random drug and/or alcohol testing,
- post-accident drug and alcohol testing,
- reasonable suspicion drug and/or alcohol testing, and
- the return-to-work and follow-up testing provisions of this policy

Employees who do not maintain the required commercial driver's license can be terminated.

##### **2.1.1.1 Medical Certification**

To further ensure the safety of drivers and the safety of faculty, staff, students, and visitors, anyone required to obtain/possess a commercial driver's license must also obtain/possess a DOT approved medical certificate. Initial job offer and continuation of employment are contingent upon maintaining a valid license and active medical certificate. The department supervisor is responsible for initial verification and ongoing confirmation of a valid CDL and medical certification.

If medical conditions arise that prevent an employee from performing his/her job duties, the employee and supervisor should work with senior management, the university ADA Coordinator and/or the Return to Work Coordinator in the Department of Human Resources, and the health care provider to determine if accommodations can be made.

##### **2.1.1.2 Drug and Alcohol**

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

No supervisor having actual knowledge that an employee has used alcohol or controlled substances within the four hours prior to reporting to work, knowledge of on-duty possession of alcohol or controlled substances, knowledge

of on-duty alcohol or drug use, or knowledge of employee impairment shall permit a driver to operate a state owned/leased vehicle.

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

Urine will be analyzed for the presence of Schedule 1 controlled substances and illegal or prohibited substances such as marijuana, cocaine, heroin, etc.

### 2.1.1.3 Contractors and Occasional Hires

Contractors who operate university/state owned/leased vehicles (where a CDL is required) at the direction of or with the consent from the university are subject to pre-duty drug and alcohol testing as well as the required medical certification.

### 2.1.1.4 Exceptions

A driver who is hired on an occasional basis, but more than once a year to operate a state owned/leased 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 he/she has participated in an alcohol and drug testing program which satisfies the regulations of the Act. Supervisors are responsible for notifying the Department of Human Resources of employees hired on an occasional basis. All of 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.

### 2.1.2 Pilots

In accordance with the *Federal Aviation Administration*, hereafter referred to as the “FAA”, candidates for employment and employees in positions requiring a pilot’s license are subject to:

- pre-employment/pre-duty drug testing,
- random drug and/or alcohol testing,
- post-accident drug and alcohol testing,
- reasonable suspicion drug and/or alcohol testing, and
- the return-to-work and follow-up testing provisions of this policy.

The use of alcoholic beverages is prohibited during the eight hours prior to operating an aircraft.

No supervisor having actual knowledge that an employee has used alcohol or controlled substances within the eight hours prior to reporting to work, knowledge of on-duty possession of alcohol or controlled substances, knowledge of on-duty alcohol or drug use, or knowledge of employee impairment shall not permit a pilot to operate an aircraft.

Random testing shall be performed throughout the year for alcohol (at a rate of 25 percent of the average number of positions requiring a pilot's license each calendar year) and controlled substances (at a rate of 50 percent of the average number of positions requiring a pilot's license each calendar year.)

Urine will be analyzed for the presence of Schedule 1 controlled substances and illegal or prohibited substances such as marijuana, cocaine, heroin, etc.

### **2.1.3 Police**

In accordance with the Virginia Tech Police Department Directives Manual, candidates for employment in identified positions and employees in identified positions are subject to:

- pre-employment/pre-duty drug testing,
- random drug and/or alcohol testing,
- post-accident drug and alcohol testing
- reasonable suspicion drug and/or alcohol testing, and
- the return-to-work and follow-up testing provisions of this policy.

The use of alcoholic beverages is prohibited during the four hours prior to performing job duties. An employee whose alcohol concentration is greater than 0.02 may not perform the duties of his/her job.

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

Urine will be analyzed for the presence of Schedule 1 controlled substances and illegal or prohibited substances as defined by the Virginia Tech Police Department Directives Manual.

## **2.2 Testing Methods**

The testing vendor will conduct drug and alcohol testing in accordance with applicable federal guidelines. A urine test for controlled substances will be analyzed for the presence of controlled substances defined by the appropriate employment type (CDL, police, or pilot.) 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.

## **2.3 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 continuing basis shall be required to pass a drug test prior to assuming the duties of the position.

Contractors who operate university owned/leased commercial vehicles or aircraft at the direction of or with the consent of the university must certify compliance with a DOT or FAA testing program. Certification should be made to the university department authorizing use.

Employees using a CDL must also possess and provide a valid license and DOT medical certification. The hiring official will review and document verification prior to the employee driving a state owned/leased vehicle and will obtain employee's signature on the [Proper Use of State Vehicle form \(FS-2CDL\)](#). The form will be maintained in the departmental file and a copy given to the employee.

## 2.4 Random Testing

Those covered by this policy are subject to random testing performed throughout the year for alcohol and controlled substances. Three separate testing pools will be maintained: commercial driver's license (CDL), pilots, and police.

The Department of Human Resources will maintain position pools for each group subject to random testing. Pools will be sampled separately at the designated rates. Employees who fall into two or more categories subject to random testing will be placed into multiple appropriate pools based on their positions. For instance, an employee whose position requires a commercial driver's license and is also designated as a police officer will be placed into both the CDL pool and the police pool.

Supervisors are responsible for notifying the Department of Human Resources when an employee needs to be added or removed from a testing pool.

## 2.5 Post-Accident Testing

As soon as practicable following a work related and/or state owned/leased motor vehicle accident involving a covered employee, the employee(s) involved will be tested for controlled substances and alcohol if: (1) the employee was performing a job-related function and the accident involved the loss of human life. and/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 non-prescribed controlled substances until testing is performed or the above time frames have expired.

Employees involved in an accident while operating a state owned/leased vehicle or involved in a work related accident must notify their immediate supervisor as soon as possible. Failure to report an accident will result in disciplinary action under the Department of Human Resources Management [Standards of Conduct](#), the *Virginia Tech Staff Handbook*, or the [Virginia Tech Faculty Handbook](#).

## 2.6 Reasonable Suspicion

Covered employees who display physical, behavioral or performance indicators reflecting the appearance of being under the influence of controlled substances or alcohol may be subject to drug and/or alcohol testing.

No supervisor having actual knowledge or a reasonable suspicion of pre-duty use, on-duty possession, on-duty use, or impairment shall permit a covered employee to work under the influence of controlled substances and/or alcohol.

## 2.7 Return-to-Duty Testing

Employees who have violated the drug or alcohol rules must be re-tested before returning to work. A negative drug test and an alcohol concentration of less than 0.02 are required. Supervisors should work with the Department of Human Resources to coordinate a re-test, and to confirm the test results.

## 2.8 Follow-up Testing

Employees subject to the provisions of this policy who have tested positive for controlled substances 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. The Department of Human Resources will coordinate the dates and times of these follow-up tests with the department.

## 2.9 Notification of Results

For alcohol testing, the testing site will only notify Human Resources if the test results are positive. Employees will be informed of alcohol breath test results immediately upon completion at the testing site. For drug testing, Human Resources will be notified via phone or electronically of the results, whether positive or negative, as soon as received from the lab. The Department of Human Resources will relay the results of the testing to the appropriate supervisor or manager, who will inform the employee.

## 2.10 Record Keeping

Medical testing records will be maintained in a secured file with the testing vendor. All files will be maintained in accordance with federal/state guidelines.

## 2.11 Disciplinary and Corrective Action

Any covered employee who commits a violation of this policy shall be subject to the full range of disciplinary actions up to and including termination of employment. Refusal to submit to required testing (random, reasonable suspicion, post-accident, return-to-duty, or follow-up) is cause for disciplinary action up to and including termination of employment.

Covered employees are required to notify their supervisor at once if they receive any traffic violation, driving conviction, or have a revocation, suspension, or restriction of their license. Failure to notify is cause for disciplinary action up to and including termination of employment.

Covered employees are required to notify their supervisor at once if they are taking any medication or have any medical condition that may impact their ability to perform their job duties (drive, pilot). Notification is also required at once if employees experience any change in their medical certification. Failure to notify is cause for disciplinary action up to and including termination of employment.

## 2.12 Referrals

An employee subject to provisions in the policy who tests positive for alcohol or controlled substances and is allowed to continue employment with the university must be evaluated by a substance abuse professional within the timeframe established by their supervisor. First time offenders who test positive for alcohol or controlled substances may be referred to the Employee Assistance Program (or other appropriate program) for evaluation by a substance abuse professional and referral to an appropriate counseling center and/or treatment program. Employees

who are referred to a counseling or treatment program must be re-evaluated by a substance abuse professional following completion of the program.

The supervisor and employee must work with the Department of Human Resources to initiate a signed release by the employee authorizing the Department of Human Resources to receive information regarding the employee's attendance and progress in a counseling and/or treatment program.

### **3. Procedures**

#### **3.1 Pre-employment**

Employment into a position requiring a pre-employment drug test is contingent upon passing the screening test.

- a) The hiring official is responsible for scheduling the pre-employment drug screening and for notifying the Department of Human Resources of the appointment date and time.
- b) The results of the drug testing must be received in the Department of Human Resources before the individual can begin employment at the University or (if transferring) be placed into the covered position.
- c) If the individual tests positive for illegal use of controlled substances, the conditional offer of employment will be rescinded.

#### **3.2 Random Testing**

The testing vendor will select employees for random testing using a scientifically valid random method.

- a) Supervisors will be notified by the Department of Human Resources of the upcoming test.
- b) The supervisor will schedule the appointment for a date and time that the selected employee is available.
- c) The supervisor will notify the employee of the appointment no more than two hours prior to the scheduled time.
- d) The employee must report for testing within two hours.
- e) 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; and, therefore are not acceptable reasons for failing to report to the testing site on time.
- f) The testing facility will report test results to the Department of Human Resources, who will notify the appropriate supervisor or management contact.
- g) If results are positive, the Department of Human Resources' Employee Relations staff will work with the supervisor and senior management to determine appropriate course of action (referral, disciplinary actions, suspension, termination, etc.).
- h) If an employee with a positive result is allowed to continue employment, return to work and continuation of appointment are contingent upon compliance with Sections 2.7, 2.8 and 2.12.

#### **3.3 Post-Accident**

The employee is responsible for notifying the supervisor immediately following a qualifying accident as defined in Section 2.5, above.

- a) The supervisor should contact the testing facility to schedule the drug/alcohol test as soon as possible.
- b) In most cases, the employee should be transported by the supervisor or someone else to the testing facility.
- c) If the employee refuses to be transported but decides to drive her/himself, the supervisor must notify the Police Department and the Department of Human Resources' Employee Relations team.
- d) Employees may not return to work on the day of the test unless the results are negative.
- e) Employees who are tested are typically placed on paid administrative leave pending receipt of the test results.

- f) The testing facility will report test results to the Department of Human Resources, who will notify the appropriate supervisor or manager.
- g) If results are positive, Employee Relations will work with the supervisor and senior management to determine appropriate course of action (referral, disciplinary actions, suspension, termination, etc.).
- h) If an employee with a positive result is allowed to continue employment, return to work and continuation of appointment are contingent upon compliance with Sections 2.7, 2.8 and 2.12.

### 3.4 Reasonable Suspicion

The supervisor should document observed behavior and, if possible, have at least one other supervisor confirm behavior.

- a) During regular business hours, supervisor should contact the Department of Human Resources' Employee Relations team to seek approval to take the employee for testing.
- b) If after business hours, the supervisor should contact a department head or other designee for approval to take the employee for testing.
- c) The supervisor coordinates the testing appointment and arranges for transportation of employee to the testing facility.
- d) No employee suspected of being under the influence of controlled substances or alcohol will be allowed to transport himself/herself to the testing facility.
- e) If the employee refuses to be transported but decides to drive himself/herself, the supervisor must notify the Police Department and the Department of Human Resources' Employee Relations team.
- f) After testing, the supervisor should arrange for transport of the employee to his/her home.
- g) Employees tested for reasonable suspicion may not return to work on the day of the test unless the results are negative.
- h) Employees who are tested are typically placed on paid administrative leave pending the outcome of the test results.
- i) The testing facility will report test results to the Department of Human Resources, who will notify the appropriate supervisor or manager.
- j) If results are positive, Employee Relations will work with the supervisor and senior management to determine appropriate course of action (referral, disciplinary actions, suspension, termination, etc.).
- k) If an employee with a positive result is allowed to continue employment, return to work and continuation of appointment are contingent upon compliance with Sections 2.7, 2.8 and 2.12.

### 3.5 Drug & Alcohol Testing Facility

The Department of Human Resources works with other departments on campus (such as Environmental Health and Safety and Procurement) to establish contracted vendors for drug and alcohol testing in compliance with this Policy. Please refer to the [Department of Human Resources](http://www.hr.vt.edu) website (www.hr.vt.edu) for the most current contact information and detailed instructions.

University locations outside of Blacksburg should contact the local site director for testing facility information. The Department of Human Resources in Blacksburg may also be reached at 540-231-9331 or [HRServiceCenter@vt.edu](mailto:HRServiceCenter@vt.edu).

## 4. Definitions

CDL – Commercial Driver's License

DOT/VDOT – [United States or Virginia, respectively] Department of Transportation.



**DOT Medical Certification** – A Department of Transportation (DOT) physical examination conducted by a licensed "medical examiner" to determine if a driver is medically able to perform the functions of driving.

**FAA** – Federal Aviation Administration

**Schedule 1 Substance** – a drug, substance, or chemical defined as controlled substances by the United States Department of Justice Drug Enforcement Administration (U.S. DoJ, DEA) with no currently accepted medical use and a high potential for abuse. A list of qualifying substances and additional information can be found at: <http://www.dea.gov/druginfo/ds.shtml> or <http://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

**Testing vendor** - 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

Faculty Handbook

<http://www.provost.vt.edu/facultyhandbooks.php>

Staff Handbook

[http://www.hr.vt.edu/files/file\\_hr\\_emp\\_hndbk\\_reg.pdf](http://www.hr.vt.edu/files/file_hr_emp_hndbk_reg.pdf)

United States Department of Transportation, *Omnibus Transportation Employee Testing Act of 1991*

[http://www.dot.gov/sites/dot.gov/files/docs/199111028\\_Omnibus\\_Act.pdf](http://www.dot.gov/sites/dot.gov/files/docs/199111028_Omnibus_Act.pdf)

United States Department of Transportation, Title 49 - Code of Federal Regulations, Part 40: *Procedures for Transportation Workplace Drug and Alcohol Testing.*

[http://www.dot.gov/sites/dot.gov/files/docs/PART40\\_20150413.pdf](http://www.dot.gov/sites/dot.gov/files/docs/PART40_20150413.pdf) or

<http://www.ecfr.gov/cgi-bin/text-idx?SID=d20d317e0d65a42f31d949f649cc7c67&mc=true&node=pt49.1.40&rgn=div5>

United States Department of Transportation, Title 49 - Code of Federal Regulations, Part 382: *Controlled Substances and Alcohol Use and Testing*

<http://www.ecfr.gov/cgi-bin/text-idx?SID=d20d317e0d65a42f31d949f649cc7c67&mc=true&node=pt49.5.382&rgn=div5>

University Policy 1020, *Policy on a Drug-Free University*

<http://www.policies.vt.edu/1020.pdf>

Virginia Department of Human Resource Management, Policy 1.05, *Alcohol and Other Drugs*

[http://web1.dhrm.virginia.gov/itech/hrpolicy/pol1\\_05.html](http://web1.dhrm.virginia.gov/itech/hrpolicy/pol1_05.html)

Virginia Department of Human Resource Management, Policy 1.60, *Employee Standards of Conduct and Performance*

[http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1\\_60.pdf?sfvrsn=2](http://www.dhrm.virginia.gov/docs/default-source/hrpolicy/pol1_60.pdf?sfvrsn=2)

## 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).

- Revision 3

Updated throughout to include requirement for medical certification of individuals whose jobs require use of a CDL.

Added pilots and certain Police Department positions to the drug/alcohol testing requirements, in accordance with existing practice and industry standards.

Reordered sections for clarity.

Approved June 2, 2015 by the University Safety and Security Policy Committee.

Approved June 30, 2015 by University President, Timothy D. Sands