



The
UNIVERSITY
of **VERMONT**

Policy V. 4.1.13.1

Responsible Official: Vice President for
Finance and Administration

Effective Date: August 21, 2006

Commercial Driver Testing for Alcohol and Controlled Substances

Policy Statement

The University of Vermont requires each employee who must have a Commercial Drivers License (CDL) for the performance of safety sensitive functions to be tested for alcohol and controlled substances. There will be penalties for positive alcohol and drug test results.

Reason for the Policy

To maintain a safe workplace and comply with the Omnibus Transportation Employee Testing Act of 1991.

Strategic Direction

This policy supports the following goal in the University's Strategic Plan

http://www.uvm.edu/president/?Page=strategic_planning/strategicplan.html:

- Focus the human, fiscal, environmental, technological and physical resources of the University on institutional values and priorities

Applicability of the Policy

This policy applies to all University of Vermont faculty, staff and students.

Policy Elaboration

The following information is important for you to know as a covered employee or as a prospective employee.

What Are the General Rules of the Act?

The act prohibits alcohol and controlled substance misuse that could affect your performance in a safety-related function. This includes:

- The use of alcohol on the job.
- The use of alcohol during the four hours before performance of a safety-sensitive function.
- Prohibitive concentrations of alcohol in the system while performing a safety-sensitive function.
- The use of alcohol following an accident.
- Exhibiting behavior and/or the appearance of alcohol misuse while performing a safety-sensitive function.

The Act also provides that a covered employee may not report for duty or remain on duty in performance of a safety-sensitive function while using any controlled substance unless a physician has advised him or her that the substance will not adversely affect the ability to safely operate a commercial motor vehicle.

When Are the Tests Conducted?

Tests will be given:

- As a *pre-duty* test before a new employee begins performing safety-sensitive functions.
- As soon as practical *following an accident* that results in loss of human life and/or results in a traffic citation under the law.
- When *randomly selected* at various times for unannounced testings.
- When there is a *reasonable suspicion* to believe that a covered employee has violated the rules.
- Prior *to returning to duty* to perform safety-sensitive functions after a violation of the rules.
- At a minimum, there will be six unannounced follow-up tests after a violation of the rules over the first year following a return to duty.

How Will I Be Tested?

Alcohol tests are taken by evidential breath test and blood alcohol tests, depending on the circumstances. Controlled substance abuse tests involve urinalysis. Tests are conducted by professionals affiliated with Mobile Testing Services in accordance with Department of Transportation requirements. You will be accompanied to the test site by your supervisor. Every reasonable effort will be made to ensure privacy and confidentiality.

Testing Locations:

Random testing and follow-up testing will be typically conducted at the employee's work site. Supervisors will be called by Mobile Testing Services and asked to accompany their employees directly to a specified location. It is a requirement that a supervisor accompany the employee to the testing site with no "pit stops" along the way.

Pre-Duty Testing will be conducted on site by Mobile Testing Services (MTS) by calling MTS at 656-3661 to make an appointment.

Following an Accident/Citation and Reasonable Suspicion Testing will be conducted as soon as possible:

After 4:30 p.m., at the accident scene or driver's workplace by calling Mobile Testing Services at 655-3661.

Between 8:00 a.m. and 4:30 p.m., at the accident site by calling MTS at 655-3661.

What Are the Federal Penalties According to the Omnibus Transportation Employee Testing Act?

The law requires that an employee be immediately removed from performing safety-sensitive functions and the following system of federally prescribed penalties be imposed:

If the Alcohol Concentration is:	The Federal Penalty is:
0.02 or greater but less than 0.04	Driving suspension until next scheduled duty but not less than 24 hours following test
0.02 or greater and involved in an accident with fatality resulting	Driving suspension for one year
0.04 or greater	Driving suspension for 60 consecutive days
0.04 or greater in two separate incidents in three years (as reported by UVM, local or state officials)	Driving suspension for 60 consecutive days
0.04 or greater in three separate incidents in three years (as reported by UVM, local or state officials)	Driving suspension for 120 consecutive days
<p>In addition to the driving suspension, a covered employee found to have an alcohol concentration of 0.04 or greater may not perform any safety-sensitive functions until he or she has been evaluated by a substance abuse professional, completed any required rehabilitation, and tests at less than 0.02 for the presence of alcohol.</p>	

For Controlled Substance Use:

First Offense	Referral to a substance abuse professional and submission of negative urine specimen
Second Offense in Three Years	Same as first offense with 60 days driving suspension
Third Offense in Three Years	Same as first offense with 120 day driving suspension
Refusal to Test	One year driving suspension and submission of negative urine specimen

Additional Penalties at the University of Vermont

Depending on a number of factors including your performance history, the severity of the violation, and the needs of your department, you may be temporarily assigned to another position. You may be subject to further corrective discipline including termination of employment.

Definitions

CDL: Commercial Drivers License

Procedures

See Policy Elaboration

Forms

None

Contacts

Questions related to the daily operational interpretation of this policy should be directed to:

Employee Relations Office
218 Waterman,
The University of Vermont, Burlington, VT 05405
(802)-656-4467, or

Risk Management Department
(802)-656-3242

The Vice President for Finance and Administration is the responsible official for interpretation and administration of this policy.

Related Documents/Policies

None

Effective Date

Approved by the President on August 21, 2006