



## POLICY

### **Title:** Commercial Driver and Coast Guard Employee Testing for Alcohol and Controlled Substances

#### Policy Statement

The University of Vermont requires each employee who must have a Commercial Drivers License (CDL) and Coast Guard employees with 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, as promulgated by the Department of Transportation 49CFR Part 40 ("the Act"). This policy shall also apply to chemical testing of Coast Guard licensed employees acting as a crewmember on board a Coast Guard regulated vessel, as required by U.S. Coast Guard regulation Title 46 CFR 16.230.

#### Applicability of the Policy

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

#### Definitions

CDL: Commercial Drivers License

Controlled Substances: Marijuana, Cocaine, Amphetamines, Opiates, Phencyclidine (PCP)

Safety Sensitive Equipment: Commercial vehicles requiring a CDL licensed driver

#### Procedures

The following is important information for covered employees and prospective employees.

##### **What Are the General Rules of the Act?**

The Act prohibits alcohol and controlled substance misuse that could affect performance in a safety-sensitive 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.
- Prohibited 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 them that the substance will not adversely affect the ability to safely operate a commercial motor vehicle.

### **When Are the Tests Conducted?**

Tests will be required:

- As a *pre-employment* test before a new employee begins his job performing safety-sensitive functions.
- Within two hours *following an accident with a university vehicle or vessel* that results in loss of human life or injury 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 of the Act.
- *Prior to returning to duty* to perform safety-sensitive functions after a violation of the rules of the Act.
- A minimum of six unannounced follow-up tests will be conducted after a violation of the rules of the Act over the first year and up to five years following a return to duty.

### **How Are Employees Tested?**

Alcohol tests are taken by evidential breath test or saliva, depending on the circumstances. Controlled substance abuse tests involve urinalysis. Tests are conducted by professionals affiliated with UVM's contracted occupational health provider, Concentra Medical Services, in accordance with Department of Transportation requirements. Employees will be accompanied to the test site by their 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 Concentra. Supervisors will be called by UVM Risk Management & Safety and asked to accompany their employees directly to a specified location. It is a requirement under this policy that a supervisor accompany the employee to the testing site with no "pit stops" along the way.
- Pre-Employment Testing will be conducted by Concentra Medical Services by calling (802) 658-5756 to make an appointment.
- Following a qualified accident/citation and/or reasonable suspicion, testing will be conducted within two hours either at Concentra or Hospital Emergency room.

**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 the University, local or state officials)	Driving suspension for 60 consecutive days
0.04 or greater in three separate incidents in three years (as reported by the University, local or state officials)	Driving suspension for 120 consecutive days
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 they have been evaluated by a substance abuse professional, completed any required rehabilitation, and tests at less than 0.02 for the presence of alcohol.	

**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 an employee’s performance history, the severity of the violation, and the needs of their department, they may be temporarily assigned to another position. Employees may be subject to further corrective discipline including termination of employment.

Further, a CDL-licensed driver convicted of driving under the influence will be subject to Vermont Department of Motor Vehicles rules and the University’s Driver Safety and Motor Vehicle Use Policy which includes suspension of University driving privileges for three years from date of conviction.

## Contacts

Questions concerning the daily operational interpretation of this policy should be directed to the following (in accordance with the policy elaboration and procedures):	
Title(s)/Department(s):	Contact Information:
Department of Risk Management & Safety	<a href="mailto:risk.management@uvm.edu">risk.management@uvm.edu</a> 284 East Avenue (802) 656-3242
Human Resource Services	<a href="mailto:HRSInfo@uvm.edu">HRSInfo@uvm.edu</a> 228 Waterman (802) 656-3150
Concentra Urgent Care	7 Fayette Drive South Burlington, VT 05403 (802) 658-5756

## Forms/Flowcharts/Diagrams

- None

## Related Documents/Policies

- [Driver Safety and Motor Vehicle Use Policy](#)

## Regulatory References/Citations

- None

## Training/Education

Training will be provided on an as-needed basis as determined by the Approval Authority or the Responsible Official.

## About this Policy

<b>Responsible Official:</b>	Chief Safety and Compliance Officer	<b>Approval Authority:</b>	President
<b>Policy Number:</b>	V.3.5.3	<b>Effective Date:</b>	May 7, 2016
<b>Revision History:</b>	<ul style="list-style-type: none"><li>• V. 4.1.13.1 effective August 21, 2006</li><li>• V. 4.1.13.2/V. 5.5.2 effective August 8, 2012</li><li>• May 8, 2020</li></ul>		

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