

## **Controlled Substances and Alcohol Testing procedures and policy**

It is the intent of company to comply with Title 49, code of Federal Regulations, Part 382, pertaining to Controlled Substance abuse and Alcohol misuse testing requirements.

### **DESIGNATED COMPANY EMPLOYEE**

" \_\_\_\_\_ " has been designated by the company to answer questions about controlled substances and alcohol testing. 382.601(b)(1).

### **DRIVERS SUBJECT TO TESTING**

Drivers required to maintain a class A or B drivers license, class C with a hazardous material endorsement, transports 16 or more passengers, or operates a combination of vehicles with a GVWR or 26,001 pounds or more inclusive of a towed vehicle with a GVWR or 10,001 pounds or more. 382.107

### **SAFETY SENSITIVE FUNCTIONS**

This means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. 382.107

- 1) All time at an employer of shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- 2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- 3) All time spent at the driving controls of a commercial motor vehicle in operation;
- 4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- 5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipment loaded or unloaded;
- 6) All time repairing, obtaining assistance, or remaining in attendance upon a disable vehicle.

### **TEST REQUIRED**

**PRE-EMPLOYMENT:** Before the first time you perform a safety sensitive function for the employer, you must take a test for controlled substances. 382.301(a)

**RANDOM:** Random testing is based on the fact that each employed commercial motor vehicle driver has an equal chance to be selected for such testing. 382.305

**REASONABLE SUSPICION:** The company shall require you to submit to an alcohol and/or controlled substances test when they have reasonable suspicion to believe that you have violated the prohibitions concerning alcohol or controlled substances. 382.307

**POST-ACCIDENT:** Following an accident involving a commercial motor vehicle, the company shall test for alcohol and controlled substances each surviving driver: If the accident involved the loss of human life; or the driver receives a citation for a moving traffic violation arising from the accident and a vehicle from the accident was towed or a person was taken away from the scene for immediate medical attention. 382.303

**FOLLOW-UP:** Following the company's determination that you are in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, you are subject to at least six unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional. 382.811

**RETURN TO DUTY:** As your employer we must ensure that before you can return to duty following any positive test, you take a return to duty alcohol and/or controlled substances test with a result indicating an alcohol concentration of less than 0.02 percent and/or a verified negative result for controlled substances use. 382.309.

# TESTING PROCEDURES

This company sends drivers to labs which follow all procedures for drug and alcohol testing as described in Title 49CFR, Part 40. Alcohol testing will be given by specially trained B.A.T. (breath alcohol technicians) using approved testing devices. All controlled substance urine samples will be collected and analyzed by DHHS certified laboratories.

## PROHIBITIONS

**ALCOHOL CONCENTRATION:** You cannot report for duty or remain on duty requiring the performance of safety sensitive functions if you have an alcohol concentration of 0.04 or greater.

**ON DUTY USE:** You cannot use alcohol while performing safety sensitive functions.

**USE FOLLOWING AN ACCIDENT:** If you are required to take a post accident alcohol test, you cannot use alcohol for eight hours following the accident, or until after you take the test.

**DRIVERS FOUND TO HAVE AN ALCOHOL CONCENTRATION OF 0.02 OR GREATER BUT LESS THAN 0.04:** If you are tested and found to have an alcohol concentration of 0.02 or greater but less than 0.04, you will not be allowed to perform or continue to perform safety sensitive functions for the next twenty four hours. (Out of service for twenty four hours)

**CONTROLLED SUBSTANCES USE:** You cannot report for duty or remain on duty requiring the performance of safety sensitive functions when you use any controlled substance, except when the use is following the instructions of a physician who has advised you that the substance does not adversely affect you ability to safely operate a commercial motor vehicle.

**POSITIVE CONTROLLED SUBSTANCE TEST:** You cannot report for duty, remain on duty or perform a safety sensitive function if you test positive.

**REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL OR CONTROLLED SUBSTANCE TEST:** If you refuse to submit to a required alcohol or controlled substances test, the refusal will be considered a "positive" test. Refusal to submit to an alcohol or controlled substances test includes; No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under 382.303, a random alcohol or controlled substances test required under 382.305, a reasonable suspicion alcohol or controlled substances test required under 382.307, or a follow-up alcohol or controlled substances test required under 382.311.

## CONSEQUENCES

**VIOLATION OF ALCOHOL AND/OR CONTROLLED SUBSTANCES RULES:** If you are found to have a breath alcohol level of 0.04 or greater or any positive urine test for controlled substances you will immediately be removed from performing any safety sensitive functions. You will:

- 1) Be referred to a Substance Abuse Professional (SAP);
- 2) Be evaluated by a SAP; 382.605(b)
- 3) Complete the rehabilitation program prescribed by SAP; 382.605(c)(2)(I)
- 4) Be reevaluated by a SAP;
- 5) Submit to a return to duty test before you can return to a safety sensitive function (return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02 or a controlled substances test with a verified negative result); 382.605(c)(2)
- 6) You shall be subject to at least six unannounced follow up tests (or the number of tests prescribed by the SAP) in the next twelve months.

## REFERRAL, EVALUATION, AND TREATMENT

- 1) Each driver who has engaged in prohibited conduct will be advised of the resources available in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances. 382.605(a)
- 2) Each driver who has engaged in prohibited conduct shall be initially evaluated by a Substance Abuse Professional (SAP) who shall determine what assistance is needed in resolving problems associated with alcohol misuse and/or controlled substance use. After completion of the course recommended by the SAP, the driver shall have an exit interview with the SAP. 382.605(b)
- 3) The driver shall be sent for a return to duty test and await the negative results prior to being allowed to drive.
- 4) Each driver is subject to a minimum of six unannounced follow up test in the next twelve months.

# EFFECTS OF ALCOHOL AND CONTROLLED SUBSTANCES

**ALCOHOL:** Alcohol, a central nervous system depressant, is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse. Alcohol first acts on those parts of the brain that affect self-control and other learned behaviors. Each one-half ounce of alcohol takes the average body about one hour to process and eliminate. On the average, heavy drinkers shorten their life span by about ten years.

**MARIJUANA:** Alters sense of time and reduces the ability to perform tasks requiring concentration, swift reactions and coordination. The drug has a significant effect on judgment, caution, and sensory/motor abilities. While alcohol dissipates in a matter of hours, marijuana stays in the body for 23 days.

**COCAINE:** A stimulant drug, which increases the heart rate and blood pressure. As a powder, cocaine is inhaled, ingested or injected. It is also used as a free-base cocaine known as "crack" or "rock", which is smoked. The most dangerous effects of crack is that it can cause vomiting, rapid heart beat, tremors and convulsive movements. Many people think that because crack is smoked, it is "safer" than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive substances known today.

**AMPHETAMINES:** Drugs that stimulate the central nervous system and promote a feeling of alertness and an increase in speech and general physical activity. Restlessness, anxiety, mood swings, panic, and coma have been reported. People with a history of sustained low-dose use quite often become dependent and believe they need the drug to get by. These users frequently keep taking amphetamines to avoid the "down" mood they experience when the "high" wears off.

**OPIATES:** Opiates, including heroin, morphine, and codeine are narcotics used to relieve pain and induce sleep. Other effects include short-lived state of euphoria, impaired driving ability, drowsiness followed by sleep, constipation, decreased physical activity, reduced vision, change in sleeping habits, and possible death. Common street names are "horse", "hard stuff", "morpho", "M", "brown sugar", "Harry", and "Mr.H". Heroin accounts for 90% of the narcotic abuse in this country.

**PCP:** Phencyclidine, also called "angel dust", "rocket fuel", "super kools", and "killer weed" was developed as a surgical anesthetic in the late 1950's. Today it has no lawful use and is no longer legally manufactured. PCP scrambles the brain's internal stimuli and alters how users see and deal with their environment. It is a very dangerous drug. It can produce violent and bizarre behavior even in people not otherwise prone to such behavior. More people die from accidents caused by the erratic and unpredictable behavior produced by the drug than from the drug's direct effect on the body.

# ALCOHOL & DRUG TESTING POLICY

Use of prescription medication by a commercial licensed driver shall be immediately brought to the attention of the company manager.

## **Option # 1**

### **Termination**

This company reserves the right to terminate any employee who tests positive and violates Subpart B.

## **Option #2**

### **Rehabilitation**

You will be removed from all safety sensitive job functions until you have been released by the SAP and we have a negative return to duty test result. All costs of the Substance Abuse Professional (SAP) counseling, initial and exit evaluation, required education and rehabilitation, and associated return to duty and all follow up tests shall be paid by the disqualified driver. You are allowed 31 days to become requalified. If you fail to become requalified within 31 days of violating Subpart B, this company reserves the right to terminate your employment.

## **Certificate of Receipt for Driver Educational Materials**

I hereby certify that I have received educational materials explaining the alcohol and controlled substances testing requirements of the Federal Motor Carrier Safety Regulations contained in CFR 49, Part 382 and information explaining company policy and procedures with respect to these regulations.

I further certify that I have never tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which I have applied for, but did not obtain, or safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years.

Inaccurate or false information will be grounds for immediate termination of employment.

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**PRINTED DRIVER'S NAME**

\_\_\_\_\_  
**DRIVER'S SIGNATURE**