

POLICY

Effective Date: January 29, 1996
Approved By: President's Council

Authority: 49 CFR 29, 40, 382, 653, and 654

See Also: POL U5950.01 Health, Safety and Environmental Protection

POL-U5410.04 **DRUG AND ALCOHOL TESTING FOR U.S. DEPARTMENT OF TRANSPORTATION COMPLIANCE**

This policy applies to employees and volunteers who are required to maintain a commercial drivers' license for their activities at Western. It also applies to all persons in transit-related, safety-sensitive positions as defined by the Department of Transportation, such as the employees and supervisor of the Facilities Management Maintenance Garage.

1. The University ensures that federal mandates are implemented regarding drug and alcohol testing relating to transportation safety.

Western Washington University is committed to the health and safety of its employees, as well as the safety of those traveling within our community. This policy is intended to comply with U.S. Department of Transportation regulations (DOT) (Title 49, Code of Federal Regulations, Parts 29, 40, 382, 653 and 654).

These regulations mandate drug and alcohol testing for commercial drivers' license holders, related "safety-sensitive" employees as defined in the above regulations, and others when so noted. The regulations prohibit performance of job functions when there is a positive test result.

2. Employees will be subject to testing as federal regulations require, including random, reasonable suspicion, and post-accident testing.

3. Contractors must provide written documentation of their programs upon request.

4. The University is dedicated to a fair and equitable application of this policy.

Supervisors and managers are to implement this policy in an unbiased and fair manner. Any person who knowingly disregards the requirements of this policy or who is found to misuse

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application of this policy regarding subordinates shall be subject to disciplinary action.

5. **Illegal substances are identified in Title 49, CFR, Part 40.21.**

Appropriate use of drugs taken with written approval or prescription from a physician is not prohibited. The taking of any substance with a warning label indicating that mental functions, motor skills or judgment may be adversely affected should be reported to the supervisor.

Use of alcohol or substances containing alcohol, e.g. mouth wash or food, is regulated under this policy.

6. **Some conduct is prohibited and subject to disciplinary action**

Prohibited conduct includes the following:

- Reporting for work or remaining at work to perform safety-sensitive functions while having an alcohol concentration exceeding DOT standards.
- Using alcohol while performing safety-sensitive functions.
- Operating a vehicle while possessing alcohol.
- Using alcohol within eight hours following an accident or prior to taking a post-accident test, whichever is first.
- Refusing to take a controlled substance or alcohol test as required: random, post-accident, reasonable suspicion, or follow-up.
- Using alcohol within four hours of reporting for work.
- Arriving or remaining at work when using a controlled substance, with the exception of when instructed by a physician with the understanding that the substance will not affect job performance and with the knowledge of the supervisor.
- Being in possession of alcohol of any type unless part of a manifested shipment.
- Altering or attempting to alter a urine specimen.

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- Possessing, using, selling or distributing prohibited substances on campus, in a University vehicle or while on University business.

7. **Urine drug testing and breath testing for alcohol are performed in compliance with DOT regulations.**

1. Pre-employment drug testing for prospective employees or current employees moving into positions requiring a valid commercial drivers' license or in a "safety-sensitive" function.
 - The University may use refusal to subject to testing and/or verified positive result as a basis for not hiring.
 - Discrimination will not occur on the basis of past drug or alcohol use.
 - Passing drug testing is a condition of employment for all new hires or current employees offered employment in positions covered by this policy.
2. Random, unannounced testing at an annual rate specified in the federal regulations (currently 10% for alcohol and 50% for controlled substances).
3. Reasonable suspicion testing if there is reasonable suspicion to believe the regulated employee has violated the alcohol or controlled substance prohibitions.
4. Post-accident testing when an accident results in a fatality, results in injuries requiring transportation to a medical facility or disables vehicles which require towing, or results in property damage exceeding \$5,000.
5. Return to duty testing prior to returning to work following an incident involving prohibited conduct.

Positive test results are reviewed by a Medical Review Officer who shall be a licensed physician.

8. **Employees may request that additional drug testing be conducted.**

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Additional testing may be requested using a split sample provided at the same time as an original sample. Costs for such additional testing are paid by the employee unless the second test invalidates the original.

9. **Employees who test positive for controlled substances or alcohol above the threshold in 49 CFR 40 shall be evaluated by a Substance Abuse Professional (SAP) and must follow SAP directives.**

A substance abuse professional is a licensed physical psychologist, social worker, employee assistance professional, or addiction counselor. Any employee who refuses to be tested or who has a positive result as described in 49 CFR 40 is referred to the SAP.

To return to work, such an employee must:

- Follow the rehabilitation program of the SAP
- Pass return-to-duty testing for drugs and alcohol
- Be subject to unannounced follow-up tests for a period of one to five years
- Pay for such treatment/rehabilitation services unless costs are institutionally covered by insurances

An employee who subsequently violates this policy, has another positive test, refuses testing, or refuses to work with the SAP as required by this policy may be subject to disciplinary action.

10. **Testing, rehabilitation and treatment information relating to this policy shall be protected as confidential medical information.**

Information relating to this policy shall be kept in separate files from the employee's personnel file. Access to these files is confidential, in accordance with regulation.

11. **The Environmental Health and Safety office coordinates drug and alcohol testing.**