

DRUG AND ALCOHOL TESTING... **FOR CDL DRIVERS**

COURSE OUTLINE

- **Everyone knows that alcohol, drugs and driving don't mix**
 - Yet drivers who have substance use disorders are still a major cause of accidents.
- **To help ensure that drivers of commercial vehicles stay drug and alcohol-free behind the wheel, the Federal Transportation Employee Testing Act requires motor carriers to establish rigorous drug and alcohol testing programs.**
- **In the United States in 2022, more than 42,000 people died in motor vehicle accidents.**
 - Another 1.5 million people were injured in accidents.
 - To reduce these numbers, it is especially important for professional drivers who transport people and materials on public roads every day, to drive safely.
- **The government has established special regulations for transportation employers and employees who hold "commercial driver's licenses" (CDL's).**
- **Standards that have been created by the Department of Transportation (DOT) and its "sub-agency" the Federal Motor Carrier Safety Administration (FMCSA) focus on drug and alcohol use by employees who have "safety sensitive" jobs.**
 - This includes drivers who operate trucks or buses on public roads.
- **These rules say that commercial drivers must not use or possess alcohol, or any illicit drug while they are driving, or if they are "on call" for assignment and may eventually be driving. They also cannot report for work or remain on duty:**
 - When they are impaired by alcohol or any drug.
 - If they have used alcohol within four hours prior to reporting for work or receiving a notice to report.
- **Drivers are also forbidden to report for duty or remain on duty while using a prescription medication that is prohibited by FMCSA regulations or motor carrier policy unless the physician has determined that the employee can perform their duties safely while taking it.**
 - Use of certain over-the-counter medications can be prohibited as well.

- **These regulations apply to all CDL drivers who operate commercial motor vehicles that...**
 - Have a Gross Vehicle Weight Rating greater than 26,000 pounds.
 - Are transporting more than 16 passengers (including the driver).
 - Are carrying hazardous materials.
- **They can also apply to mechanics, dispatchers, warehouse workers or other employees who act as "occasional" or "fill-in" drivers.**
- **To help enforce these regulations, motor carriers are required to set up drug and alcohol testing programs for their "safety-sensitive" employees.**
 - If an employee fails a test for any reason they must be removed from their driving activities immediately.
 - The DOT also prescribes a minimum set of requirements that violators must complete in order to return to duty.
- **It's important to understand that all "return-to-work" decisions will ultimately be made by a driver's employer, based upon their own policies.**
 - For instance, there is no guarantee that an employee's old job will still be waiting for them even if they fulfill the DOT's return-to-duty requirements.
- **Since the FMCSA maintains a database of violators that is available to all employers, other motor carriers will know if a driver has a history of drug or alcohol violations.**
 - So for the sake of their current jobs, as well as future livelihood, drivers of commercial motor vehicles should keep their name out of that database.
- **Federal law requires that all motor carriers who are regulated by the Department of Transportation (DOT) implement drug and alcohol testing programs for employees who perform "safety-sensitive duties".**
 - This includes all professional drivers who operate trucks or buses on public roads, mechanics, warehouse workers and others.
- **The drug and alcohol tests themselves fall into three broad categories.**
 - Urinalysis
 - Breath testing
 - ...and the testing of "oral fluids".
- **Which type of test is used is chosen by the employer, subject to the restriction that transgender and non-binary employees may not be subject to providing urine.**

- **Any use of illegal drugs is a violation of the DOT and Federal Motor Carrier Safety Administration (FMCSA) regulations.**
 - Having some types of legal drugs in your system without a valid medical reason can be a violation of the regulations as well.
- **While drinking alcohol is not illegal, the regulations do limit how much alcohol a driver can have in their system while they're on duty.**
 - This "blood alcohol concentration" ("BAC") is determined by means of saliva and breath tests.
 - A BAC of 0.04 or higher will result in a driver being pulled from their job.
 - Depending on local regulations, a driver whose BAC reads from .02 to .039 can be removed from duty temporarily, until their next scheduled shift.
- **The FMCSA regulations describe six specific situations in which commercial drivers are required to submit to drug or alcohol testing.**
 - Newly hired drivers must test negative for drugs before their employer allows them to operate a commercial motor vehicle on public roads (pre-employment testing is not required for alcohol).
 - Drivers must be tested after they are involved in a fatal accident, or they receive a traffic citation resulting from an incident that results in an injury or disables a vehicle.
 - Drivers are subject to unannounced testing at random.
- **Other situations that require testing include:**
 - If a driver shows any signs of being under the influence of drugs or alcohol while on duty, a manager can send them for testing based on this "reasonable suspicion".
 - An employee who has tested "positive" and been relieved of their driving responsibilities must pass a "return-to-duty" test before they can come back to work.
 - An employee who has had a drug or alcohol violation and passed a return-to-duty test must take a minimum of six unannounced "follow-up" tests during the first 12 months following their return.
- **It's important to note that under DOT rules, urine samples taken for return-to-duty and follow-up drug testing must be provided under the "direct observation" of testing personnel.**

- **For a commercial driver, there is nothing particularly complicated about taking a drug or alcohol test.**
 - But since the results of these tests can have a significant personal and professional impact, drivers need to understand what's expected of them during the testing process.
 - To begin with, they need to take the program seriously, and be cooperative.
- **Under the Federal Motor Carrier Safety Administration regulations, drivers who refuse to be tested face the same consequences as if they had tested positive for drugs or alcohol.**
- **When a driver is notified to report for drug testing, they must go to the collection site immediately.**
 - Showing up late for a test, or not showing up at all, can be considered a refusal to take the test.
 - Leaving the testing location before the test is completed can also be considered to be a "refusal".
- **If a driver is being tested for drugs, once they're at the testing site, they are allowed three hours to produce a urine specimen.**
- **A "five panel" urinalysis is used to test the sample for traces of five types of drugs.**
 - Marijuana
 - Cocaine
 - Opiates such as heroin, as well as opioids
 - Amphetamines and Methamphetamines
 - Phencyclidine, better known as "PCP"
- **A driver who is unable to provide a urine specimen within the allotted three hours will be evaluated by a licensed physician, known as the Medical Review Officer ("MRO").**
 - If no medical condition is found to explain the driver's "inability" to provide a specimen, it will be deemed a refusal to take the test.
- **If a urine sample indicates that it may have been tampered with or is otherwise fraudulent, the driver may be required to provide another one under the direct observation of testing personnel.**

- **Once analysis of the sample is complete, the laboratory will report the results to an MRO, who:**
 - Reviews the findings.
 - Evaluates any medical issues that may be involved.
 - Passes the results on to the driver's employer.
- **In general, the procedures involved in alcohol testing are similar to those for drug testing.**
 - The driver who is being tested is expected to report promptly to the test site and complete the testing process within the allotted time.
 - Their breath or saliva is sampled and analyzed to determine the employee's blood alcohol content ("BAC").
 - A Screening Test Technician or Breath Alcohol Technician will perform an initial assessment, using a "breathalyzer" or saliva swab.
- **If the driver's BAC reads lower than 0.02, the testing is complete and no further action is required.**
 - If the results are 0.02 or higher, the technician will next perform a confirmation test using an Evidential Breath Testing Device ("EBT").
 - If the EBT confirms a BAC of 0.02 or higher, the results will be reported to the driver's employer.
- **The drug and alcohol testing programs that motor carriers implement for their employees help to accomplish several important goals.**
 - By giving commercial drivers a strong incentive to stay unimpaired behind the wheel, the tests help keep the roads safer for everyone who uses them.
 - By identifying drivers who have substance use disorders, testing helps to get them off the road before someone gets hurt.
- **The testing program also allows those drivers to do what's necessary to get their life and career back on track.**
 - The Department of Transportation calls this process "return-to-duty".
 - It begins as soon as a driver is informed that their test shows a drug or alcohol violation.
- **At that time they are provided with a list of Substance Abuse Professionals ("SAPs") that has been compiled by the agency.**
 - They can then select a SAP from the list and meet with them.

- **The SAP will evaluate the driver's substance use disorder and create a treatment plan to address it.**
 - The plan will usually include education and counseling to help the driver understand their problem and get it under control.
 - When the treatment plan has been completed, and the SAP believes the driver is ready, they will be given the appropriate "return-to-duty" drug or alcohol test.
- **A driver who tests as negative is again allowed to drive a commercial motor vehicle on public roads.**
 - But the driver will continue to receive treatment and guidance for their substance use disorder as recommended by the SAP.
 - They will also be subject to no fewer than six unannounced drug and alcohol tests in the first twelve months after they return to service.
 - In some cases, an SAP can recommend that this testing continue for up to 60 months.
- **When a transportation employee has a substance use disorder, it can have serious consequences for them, their employer and everyone else on the roads.**
 - But they don't have to wait for an accident or a positive result on a drug or alcohol test before they start dealing with their situation.
 - They can use resources within their company, union and community to help themselves before a catastrophe occurs.
- **Many employers and unions offer voluntary referral programs or Employee Assistance Programs ("EAPs") for employees who need help with substance use disorders.**
- **"Self-reporting" can not only help a driver get on track for assistance and treatment, it can also help to secure their job by demonstrating to their employer that they are responsible and professional enough to take the initiative in getting help.**
- **Whether they focus on substance use disorders specifically or address employee wellness in general, these programs can provide valuable resources for dealing with a drug or alcohol problem.**

- **Even an employee who has a friend with a drinking or drug problem can help them get the support they need through their employer's peer reporting program.**
 - Most communities offer a range of support service for people with substance use disorders, and information about local resources can easily be found online.

*** * * SUMMARY * * ***

- **As we've seen, by encouraging commercial drivers to stay drug and alcohol-free behind the wheel, drug and alcohol testing programs can help to make the roadways safer for everyone who uses them.**
- **Transportation employers are required to implement drug and alcohol testing programs for their employees who hold commercial driver's licenses.**
- **These tests can be administered to drivers as a result of specific situations, such as a fatal accident, as well as at random.**
- **If a test shows that a driver has violated federal drug and alcohol regulations, they will immediately be relieved of their duties.**
- **Now that you understand the drug and alcohol testing requirements for commercial drivers, and know what you need to do to avoid problem situations, you can help make the roadways safe for all drivers... every day!**