

Drug and Alcohol Testing Policy for Positions Requiring COMMERCIAL DRIVER'S LICENSE (CDL)

City of Urbandale, Iowa

City Council Approved October 1, 2013

Scope: This policy is written to comply with the Federal regulation found in 49 CFR part 382. It applies to each employee of the City of Urbandale (The City) who operates a commercial motor vehicle in interstate or intrastate commerce, and is subject to the commercial driver's license (CDL) requirements. This policy prohibits any alcohol misuse that could affect performance of driving a commercial motor vehicle including: using alcohol on the job, using alcohol four hours before driving on the job, having prohibited concentrations of alcohol in the body while driving on the job, using alcohol during the first 8 hours following an accident and refusal to take a required test. This policy also prohibits any use of controlled substances.

Purpose: The purpose of this policy is to establish a program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. This policy requires pre-employment, reasonable suspicion, random, postaccident, return to duty and follow-up testing.

I. Definitions

A. Commercial Motor Vehicle

1. A commercial motor vehicle has a gross combination weight of 26,001 or more pounds including a towed unit with a gross weight of more than 10,000 pounds.
2. A gross weight rating of 26,001 or more pounds.
3. Carries hazardous materials for the purposes of the Hazardous Materials Transportation Act (49 USC 5103(b)).

B. Drivers include those who operate a commercial motor vehicle. This includes: full time, regularly employed drivers, casual, intermittent, or occasional drivers who are directly employed by the City of Urbandale.

C. Refusal to submit means that the driver is non-compliant with the following:

1. Failure to appear for a test within a reasonable time, determined by the employer.
2. Failure to remain at the testing site until the testing process is complete.

3. Failure to comply with any part of the testing process.

D. **Violation Rate** is the number of 0.04 and above random positive confirmation test results, plus the number of drivers who refuse a random test, divided by the total drivers randomly tested.

E. **Performing a Safety Sensitive Function.** A driver is considered to be performing a safety sensitive function during any period when the driver is actually performing, ready to perform, or immediately available to perform any safety sensitive function.

F. **Confirmation test.** A confirmation test for alcohol means a second test, which immediately follows a screen test with a result of 0.02 percent or greater that provides quantitative data of alcohol concentration. For drug testing, a confirmation test is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

G. **Substance Abuse Professional (SAP).** A substance abuse professional is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor whose certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

II. Regulatory Requirements

A. No driver shall work or be allowed to work with an alcohol concentration of 0.04 percent or greater, or under the influence of controlled substances.

B. No driver shall possess or use alcohol while on duty, or use controlled substances at any time.

C. No driver shall work or be allowed to work within 4 hours of using alcohol, or under the influence of controlled substances.

D. No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until testing has occurred, whichever occurs first.

- E. A driver who refuses to be tested when required under this program will not be allowed to work and the refusal shall be considered a positive test.
- F. Employees shall immediately notify The City if they are taking any medication, which could impair their ability to work in any way.
- G. No driver shall work or be allowed to work if the driver tests positive for controlled substances.

III. Required Tests

- A. **Pre-employment testing.** Before a driver is hired or allowed to work for The City, the individual shall be drug tested and the test results shall be negative.
- B. **Post Accident Testing.** As soon as possible following an accident involving a commercial motor vehicle, The City shall arrange to have the driver tested for alcohol and controlled substances if:
 - 1. The accident resulted in loss of a human life.
 - 2. The driver received a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - a. Bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident
 - b. One of more of the motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
 - 1. The required time limits for post accident alcohol testing are:
 - a. If alcohol testing is not administered within 2 hours the reasons why this did not occur shall be documented.
 - b. If alcohol testing is not administered within 8 hours the reasons why this did not occur shall be documented. No post accident alcohol testing may be done once 8 hours has elapsed.
 - 2. If a post accident drug test is not administered within 32 hours after an accident the reasons why this did not occur shall be documented. No post accident drug testing may be done once 32 hours has elapsed.
 - 3. A driver subject to post accident testing shall remain readily available for testing, or it will be considered a refusal to submit to testing.
- C. **Random testing.**
 - 1. The minimum annual percentage rate for random alcohol testing shall

be 25% and random drug testing shall be 50% of the average number of employees who are required to possess a CDL.

2. The employer or vendor selected by the employer shall randomly select a sufficient number of drivers for drug and alcohol testing during each calendar year. The tests will be spread out over the year.
3. The total number of drivers tested shall meet or exceed the 25% and 50% amounts required by regulation.

D. Reasonable Suspicion Testing. The City will require a driver to submit to drug and alcohol testing if The City has reason to believe an employee is under the influence of controlled substances or alcohol during working hours. This may be due to the driver's behavior, speech, or body odors. Prior to any supervisor requesting a reasonable suspicion test, training will commence.

1. If alcohol testing is not administered within 2 hours the reasons why this did not occur shall be documented.
2. If alcohol testing is not administered within 8 hours the reasons why this did not occur shall be documented; no testing shall occur once 8 hours has elapsed.
3. If after testing, the employee is found to be over the limit for alcohol, the employee shall not return to work for 24 hours or until the employee's alcohol concentration is below 0.02%.
4. Any reasonable suspicion testing shall be documented within 24 hours. This shall include the observation leading to a reasonable suspicion test along with the signature of the observing supervisor.
5. If drug tests are not administered within 32 hours, the reason why it was not administered shall be documented.

E. Return to duty testing

1. A driver who has tested at or above 0.04% for alcohol may not return to work until another test has been performed and the results are below 0.02%.
2. A driver who has tested positive for controlled substances and is given the opportunity to return to work must be tested again and receive a negative test prior to returning to work.

F. Follow-up Testing

1. If a substance abuse counselor has determined an employee has either an alcohol or drug problem, and the employee has returned to work, then unannounced follow up testing shall occur in accordance to the substance abuse counselor's schedule.
2. Follow-up drug and alcohol testing shall be conducted when the employee has returned to a job requiring a CDL.

IV. Handling of Test Results, Record Retention and Confidentiality.

The City of Urbandale will keep records related to this policy.

A. Record Retention by The City

- a. The following records shall be maintained for a minimum of five years:
 - i. Records of driver alcohol test results indicating an alcohol concentration of 0.02 or greater
 - ii. Records of driver verified positive controlled substances test results
 - iii. Documentation of refusals to take required alcohol and/or controlled substances tests
 - iv. Driver evaluation and referrals
 - v. Calibration documentation
 - vi. Records related to the administration of the alcohol and controlled substances testing programs
 - vii. A copy of each annual calendar year summary required by § 382.403
- b. The following records shall be maintained for a minimum of two years:
 - i. Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices)
- c. The following records shall be maintained for a minimum of one year:
 - i. Records of negative and canceled controlled substances test results (as defined in part 40 of this title) and alcohol test results with a concentration of less than 0.02
- d. The following records shall be maintained for an indefinite period:
 - i. Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

5. Reporting of results.

- a. The Federal Highway Administration may request a copy of the annual summary. In anticipation of the request, the City will maintain an annual calendar year summary, which reports the results of its alcohol and drug testing program. The annual report will contain the following information:
 1. Number of employees subject to this policy.
 2. Number of employees subject to testing under the alcohol or

drug use rules of more than one DOT agency, identified by each agency.

3. Number of urine specimens collected by type of test e.g. pre-employment, random, reasonable suspicion, or post accident.
 4. Number of positives verified by the MRO by type of test, and type of drug.
 5. Number of negative controlled drug tests verified by the MRO by type of test.
 6. Number of persons denied employment as a driver because of a verified positive drug test.
 7. Number of drivers with tests verified positive by the MRO for multiple controlled substances.
 8. Number of drivers who refused to submit to an alcohol or drug test required by this policy.
 9. Number of supervisors who have received required drug and alcohol training during the reporting period.
 10. Number of screening alcohol tests by type of test.
 11. Number of confirmation alcohol tests, by type of test.
 12. Number of confirmation alcohol tests indicating an alcohol concentration of 0.02% or greater, but less than 0.04% and alcohol concentration of 0.04% or greater.
 13. Number of drivers who were returned to duty in this reporting period who had a verified positive drug test, or engaged in prohibited alcohol misuse under this program.
 14. Number of drivers who were administered alcohol and drug tests at the same time, with both a verified positive drug test and an alcohol concentration of 0.04% or greater.
 15. Number of drivers who were found to have violated any non-testing rules in this program (e.g. alcohol or drug possession, on duty use, pre-duty use, use following an accident) and any action taken in response to the violation.
- b. If the report contains only negative drug test results, alcohol screening test results of less than 0.02% and does not contain any other violations to this policy, the EZ annual report form may be used.
6. Access to facilities and records. All records are confidential and will only be released under the following conditions:
 - a. Employees shall be allowed a copy of any records pertaining to use of alcohol or controlled substances upon written request to The City.
 - b. All records of this program shall be made available to the Department of Transportation (DOT) upon request.
 7. The Medical Review Officer's (MRO) notifications to the employer
 - a. Written notification will be forwarded to The City within three business days of completion of the MRO's review. The following

information shall be reported:

1. Confirmation that the test being reported was taken in accordance with Part 40 of Chapter 49 of the Code of Federal Regulations.
 2. The name of the individual tested.
 3. The type of test performed, such as random, pre-employment, post accident or reasonable suspicion.
 4. The date and location of the test collection.
 5. The name of persons performing collection, analysis and acting as MRO.
 6. The verified results of the tests and identity of the drug.
 7. Whether the driver has been contacted by the MRO. The City will require the driver to contact the MRO prior to being dispatched or within 24 hours, whichever is earlier.
8. Employer Notifications
- a. The City shall notify a driver of pre-employment drug test results if a driver requests results within 60 calendar days of being tested.
 - b. The City will notify a driver of the results of random, reasonable suspicion, and post accident tests if the tests are positive as well as the drug that was verified positive.
 - c. The City will contact and request each driver who submitted a specimen to contact the MRO within 72 hours to discuss the results of the drug test, if the MRO has been unable to contact the driver.

V. Consequences for excessive alcohol misuse or drug use.

- A. Drivers with an alcohol concentration above 0.04%, or drivers who test positive for controlled substances shall not perform work for the City in a position which requires a CDL.
- B. No driver shall be allowed to work for the City in a position which requires a CDL until the driver has been referred, evaluated and treated as required by a Substance Abuse Professional.
- C. Any driver whose alcohol test is 0.02% or greater, but less than 0.04% shall not be allowed to work for the City in a position which requires a CDL for at least 24 hours after being tested.
- D. Any disciplinary action taken against the employee shall be consistent with the City's drug and alcohol policy.

VI. Alcohol Misuse and Drug Use Information, Training and Referral.

- A. The City will provide training to affected employees, which explains the requirements of this program.
- B. New or transferred employees will receive this training prior to being tested.
- C. Training will contain the following information:
 - 1. The person at the City who can answer questions relating to the program.
 - 2. The categories of drivers who are subject to the provisions of this program.
 - 3. Sufficient information about the safety sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this part.
 - 4. Circumstances under which a driver will be tested for alcohol and/or controlled substances.
 - 5. The procedures that will be used to: test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.
 - 6. The requirement that a driver submit to alcohol and drug tests administered in accordance with this program.
 - 7. An explanation of what constitutes a refusal to submit to an alcohol or drug test and the consequences.
 - 8. The consequences for drivers violating the rules, including the requirement that drivers be removed from safety sensitive functions.
 - 9. The consequences for drivers found to have an alcohol concentration of 0.02% or greater, but less than 0.04%.
 - 10. Information concerning the effects of alcohol and controlled substances on an individuals' health, work and personal life.
 - 11. Information on additional employer policies with respect to the use or possession of alcohol or controlled substances.
 - 12. Proof of training and a statement signed by the employee that indicates a copy of the materials was received.
- D. Training for supervisors
 - 1. The City shall ensure that persons designated to determine whether reasonable suspicion exists to require a driver to undergo testing receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.
- E. Referral, evaluation, and treatment
 - 1. Each employee violating this policy shall be provided with names,

addresses and telephone numbers of substance abuse professionals and counseling and treatment programs.

2. Each driver who violates this program shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse, or drug use.
3. Before a driver returns to a job at the City, which requires use of a CDL, the driver shall undergo return to duty tests with a result less than 0.02% for alcohol, if the violation related to alcohol misuse, and a negative drug test result if the violation related to drug use.
4. Each driver identified as needing assistance in resolving problems associated with alcohol misuse or drug use:
 - a. Shall be evaluated by a substance abuse professional to determine if the driver has properly followed any rehabilitation program prescribed.
 - b. Shall be subject to unannounced follow-up alcohol and drug tests following the driver's return to work. There shall be a minimum of 6 unannounced tests during the first 12 months the employee has returned to work. The substance abuse professional may increase the number of follow-up tests at their discretion.
 - c. Follow-up testing shall not exceed 60 months from the date of the driver returned to duty.
5. Evaluation and rehabilitation can be provided by a substance abuse professional who may be contracted by The City.
6. The referral, evaluation and rehabilitation requirements do not apply to job applicants.

**CERTIFICATE OF RECEIPT
DRUG AND ALCOHOL TESTING POLICY
for Positions Requiring a CDL - COMMERCIAL DRIVER'S LICENSE**

I, the undersigned, hereby certify that I have been informed of the City of Urbandale's **Commercial Driver's License Drug and Alcohol Testing Policy**, which explains how the City intends to handle controlled substance and alcohol abuse.

EMPLOYEE SIGNS

Employee Signature

Date

Print Name

PLEASE RETURN SIGNED RECEIPT TO HUMAN RESOURCES