

**Alcohol**

No covered employee will:

- Report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- Be on duty or operate a commercial motor vehicle while in the possession of alcohol.
- Use alcohol while performing safety-sensitive functions.
- Perform safety-sensitive functions within four hours after using alcohol.
- Use alcohol for eight hours following an accident, if post-accident testing is required, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

No supervisor having actual knowledge that a covered employee:

- Has an alcohol concentration of 0.02 or greater will permit the employee to perform or continue to perform safety-sensitive functions.
- Is in possession of alcohol will permit the employee to operate or continue to operate a commercial motor vehicle.
- Is using alcohol while performing safety-sensitive functions will permit the employee to perform or continue to perform safety-sensitive functions.
- Has used alcohol within four hours will permit the employee to perform or continue to perform safety-sensitive functions.

**Prohibited Controlled Substances – “Drugs”**

No covered employee will report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any prohibited drug, except when the use is pursuant to the instructions of a physician who has advised the employee that the prescribed substance does not adversely affect the employee's ability to safely perform safety-sensitive functions. Written verification of this from the physician must be provided to the employee's supervisor. No supervisor having actual knowledge that a covered employee has used a drug, except as addressed above, will permit the employee to perform or continue to perform a safety-sensitive function. No covered employee will report for duty, remain on duty, or perform a safety-sensitive function if the employee has a positive test for drugs. No supervisor having actual knowledge that a covered employee has a positive test for drugs will permit the employee to perform or continue to perform safety-sensitive functions.

**Medication**

A covered employee must inform his/her supervisor of use of any medication (prescription or non-prescription) that could potentially adversely affect the employee's ability to safely perform safety-sensitive functions. Potential side effects of such use include, but are not limited to, blurred vision, altered hearing, drowsiness/sleepiness, nausea, vomiting, diarrhea, unconsciousness, incoherence, impaired judgment, and lack of focus/attention. Upon request, the employee must provide his/her supervisor with written verification from a physician that the medication being used does not adversely affect the employee's ability to safely perform safety-sensitive functions.

**Refusal to Test for Alcohol or Drugs**

No covered employee shall refuse to submit to random, reasonable suspicion, or post-accident alcohol and drug testing. No covered employee subject to post-accident testing shall leave the scene of an accident before a test is administered (except to obtain assistance or emergency medical care) or fail to remain readily available for testing.

No supervisor will permit a covered employee who refuses to submit to such test to perform or continue to perform safety-sensitive functions.

**Positive Test**

Any test that reveals a breath alcohol content of 0.02 or greater or the existence of prohibited drugs is considered a positive test. Refusal to test, failure to sign testing forms, failure to provide adequate test samples without a valid medical explanation, failure to meet scheduled appointment times, failure to remain readily available for post-accident testing (if required), or conduct that clearly obstructs the testing process is considered a positive test.

- A positive test for a job applicant will result in refusal to hire.
- A covered employee, including a student employee, who has a positive test for any of the reasons described above, will be terminated, in accordance with standard procedures. Student employees will also be referred to Student Affairs for possible academic disciplinary action.
- Prior to termination, an appointment will be made for the employee with the USF Counseling Center for assessment and referral to a substance abuse professional. The cost(s) associated with this referral will be the responsibility of the employee.

**Notice and Education/Training Requirements**

A job will be identified as requiring alcohol and drug testing in accordance with these procedures when it is advertised to be filled. The requirement to be tested for alcohol and drugs in accordance with these procedures must be documented in a covered employee's position description, when applicable. Covered employees and their supervisors will receive information from HR concerning the effects of alcohol and drug use and the university's policy and procedures on alcohol and drug testing for jobs requiring a CDL.

- Each covered employee will sign a receipt verifying that he/she has received a copy of the program materials. The original of the signed receipt will be maintained in the employee's official personnel file and a copy will be provided to the employee.
- Supervisors who are authorized to make reasonable suspicion determinations will receive at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug misuse covering the physical, behavioral, speech, and performance indicators of probable misuse.

**Testing Process****Testing Circumstances**

**Pre-Employment** - Final applicants for jobs requiring a CDL will be tested for drugs before they are employed. Employment is contingent upon a negative test result.

**Random** - Covered employees will be randomly selected at various times throughout the year for unannounced alcohol and/or drug testing. Random alcohol testing is authorized only during, just preceding, or just after the period of the workday when the covered employee is performing a safety-sensitive function (see Definitions of Terms).

**Reasonable Suspicion** - A covered employee will be tested for alcohol and/or drugs when there is reasonable suspicion the employee has violated the prohibitions. A determination that reasonable suspicion exists will be based on specific observations concerning the appearance, behavior, speech, or body odors of the employee for which there are no other reasonable explanations.

- The observation and determination may only be made by a supervisor trained in detecting the symptoms of alcohol or drug misuse. It is recommended that reasonable suspicion observations also be witnessed by a second trained supervisor.
- Reasonable suspicion alcohol testing is authorized only if the required observations are made during, just preceding, or just after the period of the workday when the covered employee is performing a safety-

sensitive function (see Definitions of Terms).

- Reasonable suspicion determination(s) must be documented. Supervisors are to use the Reasonable Suspicion Document - CDL form to assist them in documenting their observations and the grounds for a reasonable suspicion determination. The form must be completed and signed by the supervisor within two hours of the observed behavior or before the results of the test are released, whichever is later, and forwarded to HR.
- Alcohol testing should be conducted within two hours following the determination of reasonable suspicion. If not administered within two hours, the reason should be documented and attempts to conduct the test should continue for up to eight hours. If testing is not conducted within eight hours after the determination of reasonable suspicion, the supervisor must cease attempts to conduct the test. All attempts to administer the test including reasons for failure should be documented and forwarded to HR.
- Covered employees may not be returned to the performance of safety-sensitive functions until cleared by a negative reasonable suspicion test.

**Post Accident** - As soon as practicable following an accident in a commercial motor vehicle in which there is a fatality or the driver receives a moving vehicle citation arising from the accident, the covered employee will be tested for both alcohol and drugs.

- As soon as practicable following the accident, the covered employee must contact his/her supervisor to explain that he/she was involved in an accident. The employee must inform his/her supervisor if any type of alcohol/drug tests were administered. The supervisor must contact the testing facility immediately upon the employee's return to schedule an appointment for the employee to be tested for whichever test(s) had not already been administered.
- A covered employee subject to post-accident testing must not use alcohol for eight hours following the accident, or until he/she undergoes an alcohol test, whichever occurs first.
- Alcohol testing should be conducted within two hours following an accident. If not administered within two hours, the reason should be documented and attempts to conduct the test should continue for up to eight hours. If testing is not conducted within eight hours after an accident, the supervisor must cease attempts to conduct the test. All attempts to administer the test including reasons for failure should be documented and forwarded to HR.
- If a drug test is not administered within 32 hours following the accident, attempts to administer the test must cease, the department must document in writing why the test was not administered and forward to HR.
- A covered employee subject to post-accident testing shall remain readily available for testing or will be deemed by the university to have refused to submit to testing. Such refusal is treated as if the employee received a positive test result.

### **Testing Facility**

All specimen samples for required tests will be collected at an approved testing facility. For post-accident testing, a breath alcohol test and a urine drug test performed by local officials may be substituted, if the university obtains the test results from the local jurisdiction or the driver.

### **Test Protocols**

**Alcohol** - The alcohol test will be conducted using an evidential breath testing device (EBTD). The test is generally a two-part process; a screening test and a confirmation test. If the screening test results in a negative reading, no further tests are required. However, a positive result on a screening test will require a confirmation test 15-20 minutes later. No adverse action will be taken against an employee without a positive confirmation test.

**Drugs** - The drug test will be a urine test for the following drugs: amphetamines, cannabinoids (marijuana), phencyclidine (PCP), cocaine, and opiates. Split-sample collection techniques will be used. When the test of the primary specimen is negative, the laboratory disposes of the split sample. When the test of the primary specimen

is confirmed positive, the laboratory continues to hold the split sample for a year to ensure that it remains available for a second test. The Medical Review Officer (MRO) will notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split sample. If the MRO is unable to contact the employee, the MRO will contact an HR representative who will, in turn, contact the employee and direct him/her to contact the MRO within 24 hours. If the employee requests a test of the split sample, the first laboratory is required to ship the unopened split sample to a second Department of Health and Human Services (DHHS)-approved laboratory for testing. If the test of the split sample fails to confirm the presence of a drug, the entire test is canceled. The employee will pay the cost of a split sample testing and will be reimbursed if the test of the split sample fails to confirm the presence of a drug.

**Test Results**

Alcohol tests are read at the testing facility and are immediately available to the employee. Supervisors will be notified by telephone of the test results. If the alcohol test is positive, the supervisor will make transportation arrangements for the employee. The results of drug tests will not be available until the completion of the testing and evaluation process. The testing facility will forward the follow-up test result written confirmation to HR. The MRO will work directly with the employee to ascertain if there was a legitimate reason for the positive test prior to the test results being considered and reported to the supervisor as positive.

**Record Keeping**

HR maintains records of the alcohol/drug testing program; access to these records will be controlled. To preserve employee confidentiality, HR does not release information pertaining to alcohol/drug testing of a covered employee, except as required by law or expressly authorized in writing. A covered or previously covered employee is entitled, upon written request, to obtain copies of or have distributed any records pertaining to the alcohol/drug testing program, including provided to a subsequent employer.

HR may disclose information required to be maintained under Department of Transportation (DOT) regulations to the decision-maker in lawsuits, complaints, grievances, or other proceedings initiated by or on behalf of a covered or previously covered employee arising from the results of an alcohol/drug test.