

PENSACOLA STATE COLLEGE
MANUAL OF PROCEDURES

Procedure Title:	Drug and Alcohol Testing for Commercial Drivers	<u>Number</u> 132
Related Policy:	Drug and Alcohol Testing Policy for Commercial Drivers – 6Hx20-4.028	<u>Page</u> Page 1 of 7

I. Purpose

To establish a procedure for Drug and Alcohol Testing for all full-time, part-time, and volunteer employees who are required by their job description or by specifically-assigned duties to perform in a safety-sensitive position in transportation and to drive a commercial motor vehicle in interstate or intrastate commerce or who are required to possess a Commercial Driver License (CDL).

II. Procedure

A. General

All full-time, part-time, and volunteer employees who are required by their job description or by specifically-assigned duties to perform in a safety-sensitive position in transportation and to drive a commercial motor vehicle in interstate or intrastate commerce or who are required to possess a CDL are required by Federal law to be drug and alcohol tested, including urine drug testing and breath alcohol testing. All employees in safety-sensitive positions requiring CDL licenses are prohibited from being under the influence of controlled substances or alcohol while performing their job.

B. Definitions

1. Safety-sensitive positions are positions that require employees to:
 - a. Operate, or be immediately available and in a state of readiness to operate, a commercial vehicle requiring a Class A, B, or C Florida CDL; or
 - b. Supervise employees who operate commercial vehicles and, due to the nature of such supervisory responsibilities, are required to maintain a CDL.
2. Note: Operation of a commercial vehicle includes, but is not limited to, waiting to be assigned to the operation of such a vehicle, actual operation of such a vehicle, inspection, loading, unloading, and repairing of such a vehicle, and performing the tasks required of drivers relating to accidents.

C. Prohibitions

1. No employee shall possess nor carry alcohol or controlled substances/drugs in a commercial vehicle or while at work or on duty.

2. No employee shall report for duty or remain on duty while under the influence of alcohol or controlled substances/drugs.
3. No employee shall use alcohol nor controlled substances while performing any work function.
4. No employee shall perform in any work function within four (4) hours of using alcohol.
5. No employee required to submit to a post-accident alcohol or controlled substance test shall use alcohol for eight hours following the accident, or until the driver undergoes the required post-accident test, whichever occurs first.
6. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substance test. The following constitute refusal to submit:
 - a. Failure to provide adequate breath for testing without a valid medical explanation by a medical doctor.
 - b. Failure to provide adequate urine for testing within a reasonable time without a valid medical explanation from a medical doctor.
 - c. Failure to sign the alcohol breath testing certification form and/or initial the log book entry for the screening and/or confirmation test.
7. No employee shall report for duty or remain on duty while using any controlled substances unless used in accordance with the prescription of a medical doctor who has advised that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. Employees shall be required to report any prescribed therapeutic drug use to their immediate supervisor.

D. Testing

1. All employees in, or applicants for, safety-sensitive positions or who are required to possess a CDL shall be tested for substance and/or alcohol use in accordance with the following:
 - a. Pre-employment testing. All applicants for safety-sensitive positions (as defined in Part B above) shall be tested for alcohol and controlled substance use prior to final consideration for hire.
 - b. Post-accident testing. An employee who is operating a commercial vehicle involved in an accident that results in a moving violation for the operator or the loss of life shall submit to an alcohol and controlled substance test as soon as practicable after the accident. It is then the responsibility of the supervisor to arrange testing.
 - i. If the alcohol and/or substance use tests are not administered within two (2) hours following the accident, the supervisor shall document the reasons the tests were not administered within that time. If the alcohol test is not administered within eight (8) hours following the accident or the controlled substance test is not administered within thirty-two (32) hours following the accident, no such tests shall be conducted. The supervisor shall document the reasons the tests were not conducted within the required time frames.

- ii. Drivers who are subject to this post-accident testing shall remain readily available for the test or may be deemed to have refused the tests. Drivers shall not be prohibited from leaving the scene of the accident for the period of time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.
- iii. The results of alcohol or controlled substance tests administered by federal, state, or local officials having independent authority for the test may be used to satisfy this section, provided the tests comply with applicable federal, state, or local requirements and the results of the test are obtained by Pensacola State College.
- c. Reasonable suspicion testing. It will be the responsibility of supervisors to monitor employees in safety-sensitive positions for alcohol and controlled substance use. When a supervisor has reasonable suspicion (based on the training provided and the Supervisor's Checklist for Reasonable Suspicion) that an employee in a safety-sensitive CDL driver's position is under the influence of alcohol or a controlled substance, the supervisor shall require reasonable suspicion testing of the employee. The required test(s) shall proceed as follows:
 - i. The supervisor will inform the employee of the suspicion of influence of alcohol and/or controlled substance.
 - ii. The employee shall immediately stop performance of the safety-sensitive position duties.
 - iii. The supervisor will contact the Public Safety Department to arrange testing of the employee during normal working hours (7:30 a.m. to 4:00 p.m., Monday through Friday). Outside normal working hours, the testing facility selected for hours other than normal working hours will be used.
 - iv. A person designated by the Public Safety Department shall transport the employee directly to the designated testing facility. After the appropriate testing has been completed, the employee shall be transported to his or her place of residence. The employee shall be required to use annual leave or compensatory time, or shall be in an unpaid status if the employee has no such leave available, to account for any time remaining on his or her shift. Such time shall be reimbursed if the results of the reasonable suspicion test are negative.
 - v. A Reasonable Suspicion Testing Report must be completed by the supervisor who made the determination of reasonable suspicion within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is later. Such report shall be forwarded to the Human Resources Department.
- d. Random Testing. On an annual basis, a minimum of 25% (or at least one position) of the average number of CDL required positions at Pensacola State College will be administered random alcohol tests.

Likewise, a minimum of 50% (or at least one position) of the average number of CDL driving positions at the College shall be administered random, controlled substances testing.

- i. The selection of drivers for this testing shall be made using a process that will randomly select CDL drivers from the College's authorized driver list. Under this selection process each driver shall have an equal chance of being tested each time selections are made.
 - ii. The random alcohol and controlled substances tests are unannounced and the dates and times of the testing shall be spread reasonably throughout the year. There shall be a sufficient number of these tests to meet the minimum number of tests required under the law.
 - iii. The Human Resources Department shall notify the supervisor of each driver selected for random testing. The supervisor shall be responsible for seeing that the driver is immediately relieved of any safety-sensitive functions and immediately sent or taken to the test site.
- e. Return-to-Duty. Return-to-duty testing is required for an employee who violated the rules and is returning to a safety-sensitive function. Supervisors must coordinate with Human Resources to arrange for return-to-work testing for employees.
- f. Follow up. Drivers who have been determined to be in need of assistance in resolving problems associated with alcohol misuse shall be subject to unannounced follow-up testing as directed by the Substance Abuse Professional.

E. Alcohol Testing

1. Employees required to submit to alcohol testing will report to the Public Safety Department for the administration of an alcohol breath test (except in the case of reasonable suspicion testing, wherein the employee shall be escorted to the testing site). A Public Safety Department employee who has been certified to administer evidential breath tests shall conduct the test. If the result of the alcohol screening test using the evidential breath testing device is .02% or greater, a confirmation test shall be conducted. The confirmation test shall be conducted within twenty (20) minutes of the screening test.
2. The alcohol test shall be conducted in a manner that affords visual and aural privacy to the employee being tested and the test location shall prevent unauthorized persons from seeing or hearing the test results. Employees will be required to produce their College ID card and driver's license to provide positive identification to the breath alcohol technician. Employees who have neither ID on their person shall have their identity confirmed by their supervisor.
3. At the start of the test, the technician shall open an individually-sealed mouthpiece in the presence of the employee to be tested. After the test, the technician shall show the employee the results of the test. The information about

the test and the test result shall be entered by the technician into the log book and the employee will initial the entry. The technician shall then confidentially notify the Human Resources Department of the results, and subsequently forward the confidential breath alcohol test report to the Human Resources Department.

4. If the results of the test show that the employee's blood-alcohol concentration is less than .02%, the employee will be instructed to return to duty. If the results show a concentration of greater than .02%, transportation will be provided to the employee's residence.
5. A Confirmation Breath Test must be completed within twenty (20) minutes of the alcohol screening test, if the result of the screening test is an alcohol concentration of .02% or greater.

F. Controlled Substances Testing

1. An employee required to undergo a controlled substances test during normal working hours shall report to the office of the designated testing facility (except in the case of reasonable suspicion testing, wherein the employee shall be escorted), to submit a urine specimen which shall be collected using the split sample method. The split samples shall be shipped together with the chain of custody form in a single shipping container.
2. If the test result of the primary specimen is positive, the employee may request that the Medical Review Officer (MRO) direct that the split specimen be tested in a different Department of Health and Human Services (DHHS) certified laboratory for presence of the drugs for which a positive result was obtained in the test of the primary specimen. The request shall be honored if made within seventy-two (72) hours of the employee having been notified of a verified positive test result.

G. Notification

1. The MRO may report test results to the employer using any method of communication; however, in all cases the MRO shall forward to the employer within three (3) work days of the completion of the review a signed, written notification containing the following:
 - a. That the test being reported was conducted in accordance with the requirement of this procedure and related policy.
 - b. The name of the individual tested.
 - c. The type of test conducted, i.e., random, post-accident, etc.
 - d. The date and location of the test collection.
 - e. The identity of the person taking the collection, conducting the analysis, and serving as the MRO.
 - f. The verified test results, and if positive for controlled substances, the identity of the controlled substance(s) for which the test verified positive.
2. The MRO shall make reasonable efforts to contact the employee to review the test results and shall notify the employer if efforts to contact the employee have

been unsuccessful. The employer shall instruct the employee to contact the MRO, prior to reporting to work, or within 24 hours, whichever is earlier.

3. The MRO shall notify an applicant of the results of a positive pre-employment alcohol misuse or controlled substance test.

H. Referral, Evaluation, and Treatment

1. Any employee who has been determined to have engaged in prohibited conduct shall be advised by the College of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.
2. Any employee who has been determined to have engaged in prohibited conduct shall be evaluated by the College's substance abuse professional. The substance abuse professional will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substance use. If the employee has been identified as needing such assistance, the employee shall be evaluated to determine that the employee has properly followed a rehabilitation program and shall be required to submit to unannounced follow-up testing in addition to the return-to-duty test. The testing shall consist of at least six tests in the first twelve (12) months following the employee's return to duty.
3. This section shall not apply to any employee who has refused to submit to pre-employment testing or who has a pre-employment alcohol test result indicating an alcohol concentration of .02% or greater or a controlled substances test with a verified positive test result.

I. Disciplinary Action

1. An employee who violates any of the alcohol misuse or controlled substances use prohibitions shall be removed immediately from performing in their safety-sensitive position. An employee whose test results indicate an alcohol concentration of .02% or greater but less than .04% shall be prohibited from returning to a safety-sensitive position until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following the administration of the test. An employee whose test results indicate an alcohol concentration of .04% or greater shall not return to work until a return-to-duty test has been administered with a result of .02% or lower alcohol concentration. When test results indicate the use of alcohol or controlled substances by the employee, disciplinary action shall be in accordance with the Board of Trustees policies and administrative procedures.
2. Supervisory personnel who administer this procedure in a manner inconsistent with procedural guidelines shall be subject to disciplinary action.

J. Policy and Procedural Dissemination

Written notice concerning policies and procedures and the availability of educational materials will be provided to each affected employee and affected departments by the Human Resources Department prior to the start of testing.

K. Records Retention

1. The Human Resources Department will keep the records related to drug and alcohol testing, including those records related to the collection process, test results, rules violations, evaluations, return to duty, and education and training, for the legally-required period.
2. Records are maintained on a confidential basis.

L. Annual Report

The Human Resources Department will coordinate, complete, and submit the required annual summary by March 15 of each year for the preceding calendar year on the specifically-required forms.

M. Training and Education

An employee-provided Employee Assistance Program (EAP) is an available resource to employees for assessment, counseling, and assistance.

N. For additional information on this policy contact the Pensacola State College Public Safety Department, the Human Resources Department, or the Vice President, Business Affairs.

Responsible Official: Director, Human Resources

President's Signature:

Date: 02/21/2017

