

CDL Drug and Alcohol Policies

Setting Policies Should Precede Decisions About Procedures and Before Positive Results Occur

On January 1, 1996, municipalities will no longer be exempt from the Federal Motor Carrier Safety Regulations requirements for drug and alcohol testing of large trucks operators. The testing requirements are summarized in Figure 1 and have been discussed in previous issues of Road Business. Also, see the "Calendar" for upcoming training activities.

Drug and Alcohol Testing Requirements For Drivers of GVW > 26,000 lb Vehicles

	<u>Drugs</u>	<u>Alcohol</u>
Pre-employment	Yes	No
Random	50% drivers	25% drivers
Reasonable Cause	Yes	Yes
Post Reportable Accident w/in 32 hours(1)		
Return to Duty	By Plan	By Plan

(1) Within 2 hours or record why not; within 8 hours or cease attempt to test and record why not

Positive for Drugs: Any evidence above minimums for particular substances; cannot perform safety-sensitive functions until retested.

Positive for Alcohol:

0.02-0.039 -- Cannot perform safety-sensitive function for 24 hours

0.04 or greater -- Cannot perform safety-sensitive functions until retested.

Refusal to take test is considered a positive.

Figure 1. Summary of drug and alcohol testing requirements which will affect municipalities after January 1, 1996.

Federal regulations require employers to furnish employees with some of its written policies, but the scope is minimal. Because policies influence selection of testing and related services, clear policies should be established before making other decisions. The policy issues facing municipal officials center on (1) the testing procedures themselves and (2) disciplinary and/or treatment actions in cases of positive results.

Testing Procedure Policies

In addition to federally required written policies, others are essential to developing workable procedures. For example, whether a city or town joins a consortium or engages a service provider is influenced by a number of policy decisions. These include

- ◆ Will the town itself be a testing unit or will it join a consortium?
- ◆ How will employees be selected for testing?

- ◆ How will selected employees be notified?
- ◆ Will temporary employees be treated as permanent members of the pool or tested as new employees each time they are "rehired"?
- ◆ Who will conduct the training required in the regulations?
- ◆ Who will keep the records required by the regulations?

Most service providers can assist in formulating policies. They can also offer information about the questions below, but town officials will have many more internal considerations when formulating hiring and disciplinary policies.

Disciplinary Policies

Commercial drivers have been tested for over three years, and many in New Hampshire have tested positive during that period. In other words, town officials are faced with more than merely setting up a testing program. They must also consider what they will do if their employees test positive. Policy issues which should be addressed include

- ◆ Will an individual who fails a pre-employment test be considered for employment later; if so, how much later?
- ◆ Will employees who test positive receive the same discipline regardless of drug type or alcohol, or will discipline for certain positives be of greater degree?
- ◆ Will employees who test positive be disciplined the same across all testing circumstances; i.e., random, reasonable cause, and post-accident?
- ◆ Will employees who refuse to take a test be disciplined the same as those who test positive after giving a sample?
- ◆ If employees who test positive are allowed to remain employed, what duties will they perform and what will they be paid?
- ◆ Will employees be offered treatment after they test positive the first time?
 - If so, who will pay for the treatment and the retesting?
 - If so, how about the second positive, etc.?
- ◆ What will be the grievance procedure?

Many officials will find some of these policies difficult to establish now. Cities and towns with unions representing their employees will have additional considerations. It should be noted, however, that policies difficult to set now will be even more difficult after an event forces a decision.

Note: The UNH T² Center has a list of service providers which it will mail upon request.