

Federal Motor Carrier Safety Administration Mandated Drug and Alcohol Testing Program

The Board of Directors recognizes that drug abuse and alcohol misuse in today's society is a very serious problem that impacts the workplace. The Board of Directors also recognizes the significant threat that a drug or alcohol impaired driver working in the ESD can pose to children, employees, and to the general public.

In order to address the safety threat presented by the problem of drug abuse and alcohol misuse in the transportation industry, the Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) have established extensive regulations requiring drug ("drugs and "controlled substances" mean the same thing in this policy) and alcohol testing under certain circumstances.

The Board of Directors directs the Superintendent to establish programs and procedures as mandated by and in accordance with the Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) controlled substances and alcohol testing rules.

Prohibited Alcohol And Controlled Substance-Related Conduct

The following alcohol and controlled substance-related activities are prohibited by the ESD for drivers required to possess a commercial driver's license (CDL) as part of their job responsibilities. Violations shall result in appropriate corrective action ranging from removal from the performance of safety-sensitive functions up to and including discharge:

- A. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the FMCSA.
- B. Being on duty or operating a vehicle while the driver possesses alcohol or controlled substances in any amount. (Note: this is not a DOT requirement, but is required under ESD authority. If a driver possesses alcohol pursuant to this section, a reasonable suspicion non-DOT alcohol test will be conducted).
- C. Using alcohol while performing safety-sensitive functions.
- D. When required to take a post-accident alcohol test, using alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- E. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.
- F. Reporting for duty or remaining on duty when using any controlled substance.
Prescription Medications: No driver may possess any prescription medication or report to work while using any prescription, except when he/she is under a doctor's care and the doctor has advised the driver that the substance does not affect his/her ability to operate a commercial motor vehicle. The use of medication that could affect a driver's safe job performance is prohibited while working. The driver shall

report to the ESD human resources representative (responsible for maintaining confidential medical files), the use of any prescribed medication and, without identifying the medication, shall provide a certificate from the driver's doctor that the use of the medication will not impair the driver's ability to safely perform his/her duties. If, as a result of testing under this policy, the driver is found to have the presence of controlled substances in the body which is a result of the use of his/her legally prescribed medication that has not been reported, the driver shall be removed from service without pay until it is determined that the use of medication will not impair the driver's ability to safely perform assigned duties. This is an ESD requirement; not a DOT mandated requirement

- G. Reporting for duty, remaining on duty or driving if the driver tests positive or would test positive for controlled substances.

No employer/supervisor having actual knowledge of the above violations shall permit a driver to perform or continue to perform safety-sensitive functions.

Legal References: *49 CFR Parts 382.101 through 382.605.*
 49 CFR Part 40.

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