

Section: GENERAL INFORMATION
Subject: Drug and Alcohol Testing for Drivers
Number: HR 3310

I. Institutional Regulations:

- A. A written Drug and Alcohol Testing Plan shall be maintained as required by the Omnibus Transportation Employee Testing Act of 1991. The Plan shall be on file for public inspection in Human Resources and may be modified from time to time.
- B. The Plan shall only apply to covered College drivers. Covered drivers are those who operate a College vehicle which:
 - 1. Requires a commercial driver's license; AND
 - 2. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; OR
 - 3. Has a gross vehicle weight rating of 26,001 or more pounds; OR
 - 4. Is designed to transport 16 or more passengers, including the driver; OR
 - 5. Is used to transport hazardous materials for which placards are required.
- C. The Plan shall cover College drivers throughout the year, including when the College is not in session and when the driver is on leave. Covered drivers shall be subject to drug and alcohol testing under the following circumstances:
 - 1. Pre-employment drug testing
 - 2. Random testing
 - 3. Reasonable suspicion testing
 - 4. Post-accident testing
 - 5. Return to duty testing
 - 6. Follow-up testing

II. Procedure

- A Covered drivers include:
 - 1. Applicants seeking a position as a driver;
 - 2. Full time, regularly employed drivers;
 - 3. Casual, intermittent, occasional or substitute drivers;
 - 4. Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the College or who operate a College vehicle at the direction of or with the consent of a College;
 - 5. Coaches, teachers, administrators, mechanics who road test and others who drive a College vehicle meeting the criteria in I-B above;
 - 6. Substitute drivers who may or may not drive.
- B. Supervisors of covered drivers and employees who are responsible for determining reasonable suspicion shall receive training on alcohol misuse and drug use. They shall be responsible for:
 - 1. Providing drivers with information on the drug and alcohol testing requirements of the Plan and the law, including the driver's obligations;
 - 2. Providing drivers with instructions prior to the operation of a College vehicle to enable the driver to comply with the drug and alcohol testing requirements;
 - 3. Prohibiting drivers from reporting to work or performing a safety-sensitive function when the College has actual knowledge:
 - a. Of a driver's drug use whether or not a drug test was conducted;
 - b. Of a driver with 0.02 breath alcohol concentration or greater whether or not an alcohol test was conducted.

C. Prohibited Driver Conduct:

1. Drivers shall not report to duty or remain on duty with a 0.04 breath alcohol concentration or greater;
2. Drivers shall not report for duty or remain on duty when using any drug except when a physician has advised the driver that the drug does not adversely affect the driver's ability to safely operate a College vehicle;
3. Drivers shall not use alcohol at least four hours prior to or during the performance of a safety-sensitive function;
4. Drivers shall not possess alcohol while on duty; this includes possessing prescriptions and over-the-counter medicines containing alcohol unless the packaging seal is unbroken;
5. Drivers required to take a post-accident alcohol test shall not use alcohol within eight hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first;
6. Drivers shall not refuse to submit to a drug or alcohol test; a refusal to test is considered a positive test result requiring the driver to undergo a substance abuse evaluation and subjecting the driver to discipline up to and including termination;
7. Drivers shall not report for duty or remain on duty performing a safety-sensitive function if the driver has a positive drug test result.

D. Each violation of the provisions of this Procedure, the Plan, or the law shall be dealt with based on the circumstances surrounding the violation. The following consequences may result from a violation:

1. Drivers may be disciplined up to and including termination;
2. Drivers may not be permitted to perform safety-sensitive functions;
3. Drivers may be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs;
4. Drivers may be required to undergo a substance abuse evaluation to determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any recommended substance abuse treatment program;
5. Prior to returning to duty, the driver shall be required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or alcohol testing determined necessary based on the circumstances surrounding the incident;
6. Driver refusal to submit to drug and/or alcohol testing shall be considered insubordination and shall subject the driver to discipline, up to and including termination;
7. Drivers/applicants who refuse to submit to, or cooperate with, the drug and/or alcohol testing process and requirements shall be disqualified from further consideration.
8. The costs of a substance abuse evaluation and required treatment/education programs shall be the responsibility of the driver.

Nothing in the Drug and Alcohol policy, procedure, Plan, or law limits or restricts the right of the Board of Directors or the President or designee to discipline, up to and including termination, a driver for conduct which violates other College policies or procedures.

E. Drug and alcohol testing records shall be considered confidential documents and shall be maintained in Human Resources. Drivers may submit a written request to access and copy their drug and alcohol test records. The records shall be released to other parties only with the written consent of the driver, with the following exceptions:

1. Records may be released to appropriate government agencies;
2. Records may be released to appropriate College employees;
3. The College may make a driver's drug and alcohol test records available to a decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the driver and arising from the result of an alcohol or drug test under the drug and alcohol testing program policy, its supporting regulations or the law or from the College's determination that the driver violated the drug and alcohol testing program, its supporting regulations, or the law.

APPROVED:



Executive Director, Human Resources

Date: October 1, 2002
August 16, 2012