

DOT Requirements for Drug and Alcohol Testing of CDL Drivers

Beginning in 1991, the U.S. Dept. of Transportation's Federal Motor Carrier Safety Administration (FMCSA) adopted regulations requiring commercial motor vehicle operators in "safety-sensitive" functions to be tested for alcohol and drugs in order to reach the goal of a safer transportation environment. A Commercial Drivers License (CDL) is required for any person performing a safety-sensitive function by reason of operating any one of the following three classes of commercial vehicles:

- (a) any vehicle with a GVWR/GCW of 26,001 lbs or greater;
- (b) vehicles that carry 16 passengers or more, including the driver; and
- (c) vehicles required to display a DOT placard in the transportation of a hazardous material.

(Some states allow waivers from these qualifications for operators of fire trucks and some farm equipment. Always check with your state's division of motor vehicles.)

The tasks that an operator performs, regardless of frequency, and regardless of job title, can qualify the position as safety-sensitive. For example, if a manager or supervisor might, on a rare occasion, have to operate one of the above vehicle classes on a public road, he/she would be subject to the testing regulations.

The regulations require testing for the following classes of controlled substances:

Marijuana metabolites – pot, grass, hashish;
Cocaine metabolites – coke, crack, flake, rock, crank;
Opiate metabolites – heroin, morphine, codeine, crank;
Amphetamines – meth (methamphetamine), crystal, speed, crank;
Phencyclidine – PCP, angel dust.

The following tests apply to all persons who are required to have a CDL:

Pre-Employment/Reassignment: A pre-employment test is required for controlled substances. Alcohol testing is permitted, but not mandatory. A drug test is required, and negative results must be received, before an employer may allow a driver to perform a safety-sensitive function. The requirement also applies to a current employee who is transferring from a non-safety-sensitive function to a safety-sensitive position (even if it is with the same employer).

Reasonable Suspicion: An alcohol and/or drug test is required when a trained supervisor/employer has reasonable suspicion to believe that the driver has used alcohol or a controlled substance.

Random Testing: Unannounced testing is based on a random selection of drivers. The selection must be based on a scientifically valid method, whereby all drivers have an equal chance of being selected for testing. The names of drivers selected must be kept confidential until such time as the employer notifies the driver to take the test. Once the driver is notified, he/she must immediately proceed to the testing site and undergo testing. Every driver's name so selected must be returned to the selection pool so that all drivers have an equal chance of being selected at any time.

Random controlled substances tests can be conducted at any time the driver is notified. However, random alcohol tests must be administered just prior to, while performing, or immediately after performing a safety-sensitive function. A driver who is selected and refuses to submit to a drug or alcohol test must follow the requirements outlined in the regulation, as must his/her employer.

Post Accident: Alcohol and drug testing applies to all CDL drivers who, while performing a safety-sensitive function, are involved in a fatal crash involving a commercial vehicle. A test for alcohol must be conducted on any CDL driver who is cited for a moving violation within 8 hours of an occurrence that requires any involved vehicle being towed, or any person to receive immediate medical attention away from the scene due to a bodily injury. A test for drugs applies when there is a fatality or the driver is cited for a moving violation, as above, within 32 hours of an occurrence. The alcohol test must be conducted within 8 hours of the crash and the controlled substances test within 32 hours. Drivers involved in the above listed types of accidents may not refuse testing.

Official testing procedures are based on protocols established by the U.S. Dept. of Health & Human Services. Only laboratories certified by HHS under the National Laboratory Certification Program may be used. These procedures exist to safeguard accuracy and to protect the privacy of drivers.

A driver who has tested positive for any regulated substance will be notified – and has the right to discuss positive test results with a qualified Medical Review Officer (MRO) – before the result is reported to the employer. The driver will have an opportunity to explain any special circumstances to the MRO. The MRO has the authority and responsibility to report the results to the employer’s management for action.

A driver who has violated DOT alcohol and/or drug regulations is prohibited from performing safety-sensitive duties for any motor carrier until he/she completes an evaluation, referral, education, and treatment process under the supervision of a “substance abuse professional,” as set forth in FMCSA’s regulations.

An employer may find it easier to comply with the regulations by:

- Forming a consortium of similar operators to administer a program;
- Contracting with a consulting or medical services company to run its program;
- Arranging for a union or trade association to set up a program;
- Arranging to participate in a larger employer’s compliance program.

The foregoing is a summary of the testing program. Additional research and detail on the program can be found at: www.fmcsa.dot.gov, (click on the link for Drugs and Alcohol). There is an excellent pamphlet entitled “What Employees Need To Know About DOT Drug & Alcohol Testing.” It can be found and reprinted at:

www.dot.gov/ost/dapc/testingpubs/Employee_handbook_200601.pdf

This bulletin is available for reprint at www.alterisus.com