

UC Davis Policy and Procedure Manual

Chapter 380, Personnel--General

Section 22, Drug and Alcohol Testing of Drivers

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Responsible Department: Occupational Health Services

Source Document: U.S. Code, Title 49, Section 31306, Alcohol and Controlled Substances Testing; Code of Federal Regulations, Title 49

I. Purpose

- A. This section provides the policy and procedure for drug and alcohol testing of transportation employees at UC Davis, as is required by federal law.
- B. Unitrans employees are covered by Unitrans policy that implements a separate federal law.

II. Definitions

- A. Designated Employee Representative (DER)—an Occupational Health employee designated to receive communications and test results from service agents, and who is authorized to take immediate action to remove employees from safety-sensitive duties and make required decisions in the testing and evaluation processes.
- B. Drugs—illegal drugs and prescription and non-prescription drugs that can affect the ability to drive.
- C. Medical Review Officer (MRO)—a physician who has been retained by the University and meets the Department of Transportation requirements.
- D. Safety-sensitive function—all on-duty time that a transportation employee spends driving, available or waiting to drive, or working in or near a vehicle described in F, below.
- E. Substance Abuse Professional (SAP)—a consultant who has been retained by the University and meets the Department of Transportation requirements.
- F. Transportation employee—an employee, regardless of job title, who operates a vehicle that has a gross combined weight rating of more than 26,000 pounds or has 16 seats or more.
 1. Job applicants and occasional drivers are included.
 2. Firefighters or other persons who operate commercial motor vehicles which are necessary for the preservation of life or property or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulation are excluded. .

III. Policy

- A. Transportation employees must be tested for drugs and alcohol before employment; after an accident; randomly; when there is reasonable suspicion of failure to abide by the responsibilities listed in IV.A, below; following return to duty; and for follow-up testing following a positive result; as described in [49 CFR Part 382, Subpart C](#).
- B. All of a transportation employee's hours of work are considered a safety-sensitive function unless the employee has been restricted to non-safety-sensitive duties.
- C. A driver who is not employed by the University but is used more than once a year for safety-sensitive functions must be tested under this program or the University must verify every 6 months that the driver is being tested elsewhere.

IV. Roles and Responsibilities

A. Transportation employees:

1. Abide by the prohibitions described in [49 CFR Part 382 Subpart B](#).
2. Are subject to discipline, up to and including dismissal, as describe in the applicable personnel policy or collective bargaining agreement for violating the prohibitions described in [49 CFR Part 382 Subpart B](#).
3. May not return to duty until their next shift or 24 hours after the test, whichever is longer, following an alcohol test result between 0.02 and 0.04.
4. May not return to duty following an alcohol violation until a test indicates an alcohol level of less than 0.02, or following a drug violation until after a negative result on a drug test.
5. Pay the costs of any SAP-prescribed course of treatment and follow-up testing as required by the SAP.

B. Supervisors of transportation employees:

1. Provide the employee with the training materials required by law.
2. Complete at least 60 minutes of training on alcohol misuse and 60 minutes of training on drug abuse.
3. Immediately remove an employee from duty when there is a reasonable suspicion that the employee has violated the responsibilities in IV.A, above.
4. Contact Occupational Health Services to arrange for testing of an employee removed from duty and escort the employee to the testing site.
5. Prevent an employee from performing safety-sensitive functions when the supervisor has actual knowledge of a violation of IV.A, above.
6. Ensure that the employee has successfully completed the pre-employment drug test and that Occupational Health Services has put the employee in the random testing pool before the employee begins to perform any safety-sensitive duties.

V. Procedures

A. Pre-employment, reasonable suspicion, or post-accident testing

1. The supervisor calls Occupational Health Services to obtain the paperwork and start the process for testing.
2. The DER faxes a Clinic Passport to the supervisor, specifying instructions and location of the test site. If workload does not permit the employee to be away at the specified time, the supervisor contacts the DER to select an alternate time.
3. The supervisor sends the employee to the test site with the Clinic Passport. For reasonable suspicion or post-accident tests, the supervisor escorts the employee to the test site.
4. The employee returns the Clinic Passport receipt to the Supervisor following testing.

B. Handling of test results

1. The MRO receives and verifies the test results from the test site.
2. The MRO notifies the DER of all verified test results.

- a. The MRO advises employees of positive test results
- b. The employee has 72 hours to request a retest of a split sample.
3. The DER reports positive results to the supervisor.
 - a. The supervisor immediately removes the employee from all safety-sensitive functions.
 - b. The MRO refers the employee to the SAP.
 - c. The SAP performs an initial evaluation to determine the level of treatment and confers with the supervisor regarding recommended treatment and possible reasonable accommodation.
 - d. The supervisor confers with Employee and Labor Relations regarding reasonable accommodation and appropriate corrective action.
 - e. The SAP refers the employee for appropriate treatment and monitors the treatment program.

If the employee is dismissed, the SAP provides information on resources or treatment and recovery to the dismissed employee.
 - f. The SAP consults with the MRO after the employee successfully completes the treatment program and sets a follow-up test schedule.
 - g. The SAP advises the DER that the employee is eligible to return to work.
 - h. The DER provides the SAP findings to the department, schedules a return to work test, and initiates follow-up tests.
 - i. The department determines an appropriate job assignment for the employee's return to work.

C. Random testing

The supervisor of the employee or contractor selected for random drug or alcohol is contacted by the DER.

1. When an employee is selected for random drug testing, the supervisor contacts the employee immediately or as soon as the employee comes on duty.
2. When an employee is selected for random alcohol testing, the supervisor contacts the employee if the employee is performing, about to perform, or has just performed a safety-sensitive function.
3. When a driver who works for a contractor is selected for random testing, the contractor advises Occupational Health Services.

VI. Further Information

For additional information, contact Occupational Health Services (530-757-3249) or Employee and Labor Relations (530-754-8892, Davis campus/916-734-3362, Sacramento campus).

VII. References and Related Policies

- A. [United States Code, Title 49, Section 31306, Alcohol and Controlled Substance Testing.](#)
- B. Code of Federal Regulations, Title 49, Transportation.
 1. [Section 40](#), Procedures for Transportation Workplace Drug and Alcohol Testing Programs.

2. [Section 382](#), Controlled Substances and Alcohol Use and Testing.
- C. UCD Policy and Procedure Manual, [Section 380-18](#), Substance Abuse.
- D. Occupational Health Services Department of Transportation Program [Website](#).