

# West Virginia University

## Department of Transportation Drug & Alcohol Testing Program

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# QUESTIONS TO BE ANSWERED

- WHY?
- WHO?
- WHAT?
- WHEN?
- WHERE?

# WHY?



WVU receives Federal assistance  
from the Federal Transit  
Administration (FTA)

**49 U.S.C. 5337**

## West Virginia University:

- Values a safe and efficient working environment
- Will not tolerate any risk to safety, quality or productivity

# WHO?

# Federal Motor Carrier Safety Administration (FMCSA)

Safety-Sensitive (SS) Positions:

## FMCSA, Safety-Sensitive (SS) Positions:

- all time at an employer or shipper plant, terminal, facility;
- all time inspecting equipment or otherwise inspecting, servicing, or conditioning;

# FMCSA, Safety-Sensitive Positions:

- all time spent at the driving controls of a commercial motor vehicle (CMV) in operation;
- all time loading or unloading a vehicle, supervising, or assisting
- all time repairing

# FMCSA, Safety-Sensitive Functions:

- Drivers with Commercial Drivers License (CDL) operating CMVs on public roads when they are:
  - Driving or required to be ready to drive
  - Waiting to be dispatched

# FMCSA, Safety-Sensitive Functions:

- CDL drivers operating CMVs on public roads when they are:
  - Inspecting, repairing, securing assistance, loading or unloading the CMV
- Covers mechanics, dispatchers, etc. if they may be required to drive a CMV at any time

# Volunteers

A volunteer is a covered employee if:

- he/she is required to hold a commercial driver's license
- he/she performs a safety-sensitive function

# Affected Departments:

- Transportation Services
- Mechanical & Aerospace Engineering
- Facilities Management
- Athletics
- Agriculture & Forestry

# WHAT?

## Drugs Tested:

- Marijuana
- Cocaine
- Amphetamines, Methamphetamine, and

## Drugs Tested:

- Opioids [Codeine, Morphine, and Heroin.]
- Phencyclidine (PCP)

Use of these substances are prohibited at all times

Prohibitions may be added (and include certain over-the-counter medications)

# Regulation updates

- DOT amendments include –
  - add methlenedioxyamphetamine as an initial test analyte; and remove methylenedioxyethylamphetamine as a confirmatory test analyte.

# Regulation updates

- DOT amended its drug-testing program regulations to add the following to the drug testing panel –
  - Hydrocodone
  - Hydromorphone
  - Oxymorphone
  - Oxycodone

- Alcohol Testing

# WHEN?

# Types of Testing:

- Pre-employment
- Random
- Post Accident
- Reasonable Suspicion

# Types of Testing:

Under certain circumstances, testing is conducted for:

- Return to Duty
- Follow-up

Both are subject to testing under direct observation

## Pre-Employment:

- Occurs prior to hire or transfer into a safety-sensitive function
- Requires negative test result

## Pre-Employment:

- Negative test results must be received prior to performance of safety sensitive functions

## Pre-Employment:

- Must be conducted when an employee has been absent from work 30+ days, when removed from pool

*WVU has a Third Party  
Administrator to manage the  
random selection process*

## Random Testing:

- Unannounced and unpredictable
- Reasonably spread through calendar year
- At all times of day

## Random Testing:

- Use of a scientifically valid method in which each covered employee has an equal chance of being selected for testing

# Random Testing Policy Provisions:

- Random testing rate\*
  - 50% drugs
  - 10% alcohol

\*subject to change

# Random Testing Policy Provisions

- Availability for Testing:
  - Random **drug** testing must occur anytime an employee is on duty
  - Random **alcohol** testing must only be conducted just before, during, just after performance

# Random Testing

- Availability for Testing:
  - Testing time counts against Hours of Service





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## Post-Accident Testing:

Covered employees will be tested when:

- performance either contributed to an accident or
- cannot be completely discounted as a contributing factor to the accident

# Post-Accident Testing: *(Decision Maker is Key)*

- Fatality – REQUIRED

# Post-Accident Testing:

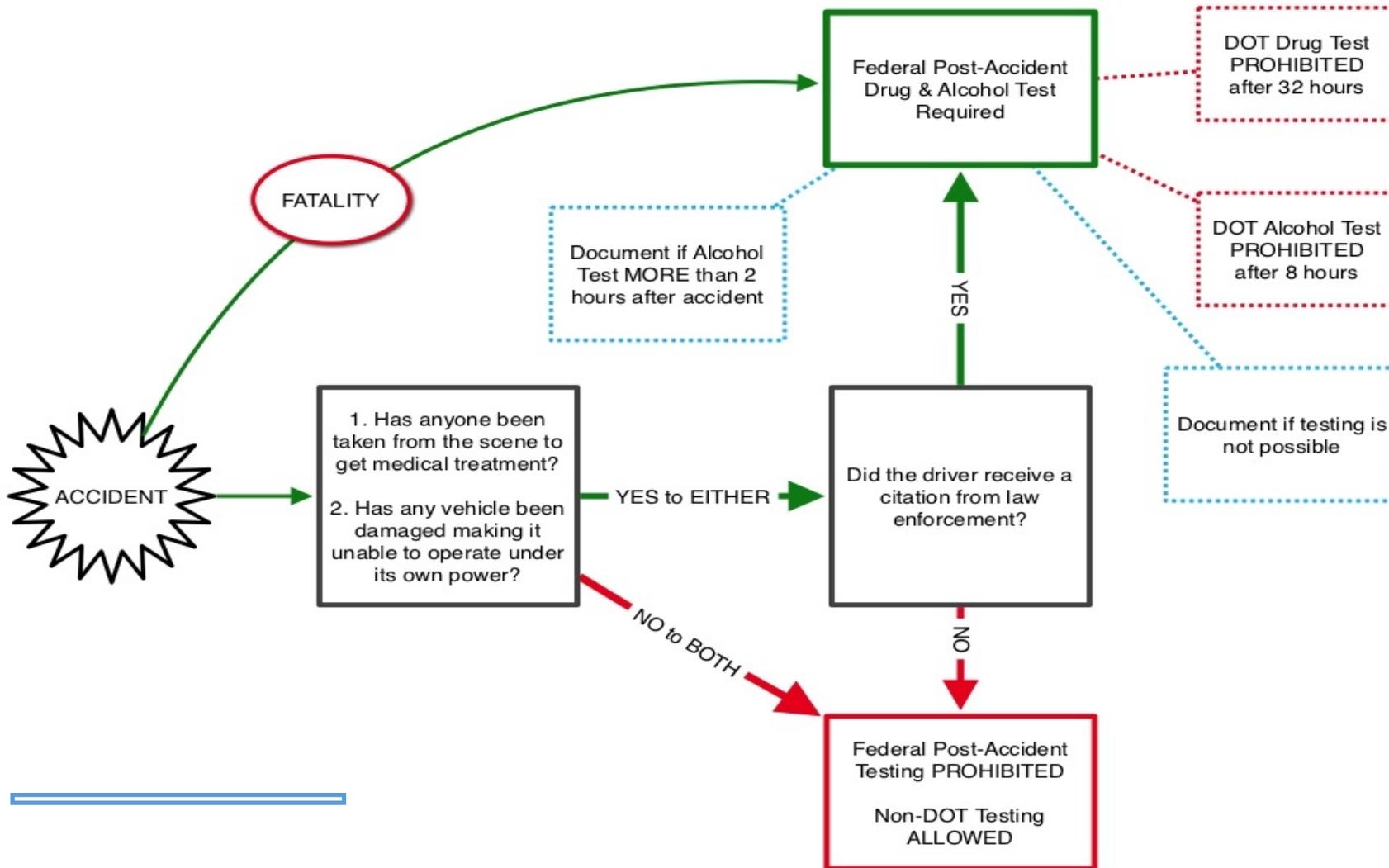
- Non-Fatal:
  - Operator receives moving traffic citation and the following occurs,
    - medical attention away from scene
    - vehicle w/disabling damage, causing towing

# Post-Accident: Time Requirement

- As soon as practicable following an occurrence, operator dismissed and medical attention provided
- AND Citation issued

# Post-Accident: Time Requirement

- Documentation required:
  - If 8 hours elapse (e.g. the citation is not promptly issued), no alcohol testing
  - If 32 hours elapse, no drug testing



# Reasonable Suspicion Testing

Occurs when a company official, based on their training, believes the employee shows signs of drug abuse and/or alcohol misuse.

# Reasonable Suspicion

- For both drugs and alcohol, decision made ONLY on specific, contemporaneous, articulable observations concerning appearance, behavior, speech or body odors

# Reasonable Suspicion

- Written report w/in 24 hours of observed behavior or before results of test are released if earlier than 24 hrs

# A key tool is the Check list



Review the Reasonable Suspicion  
Determination Checklist

# Zero Tolerance

- The University has a zero tolerance policy
- Return to duty and follow-up testing
- 2.5.5.2 The University does allow for self-disclosure, this is also outlined in section 2.10 of policy

# Self Disclosure

2.10.3 - A covered employee's self-disclosure to the DER shall:

- occur prior to the covered employee reporting for duty
- not be made in an attempt to avoid a required drug or alcohol test

# Self-Disclosure

(continued)

- require covered employee to initiate an assessment through the FSAP within three (3) business days
- require the University to remove from safety-sensitive functions

# Return-to-duty and Follow up Testing

If WVU hires employee who is under a Substance Abuse Professionals (SAP) plan-

- employee must take a DOT return-to-duty test prior to returning to safety-sensitive functions
- employee will be subject to a minimum of 6 unannounced follow-up tests in the first 12 months

# Return-to-duty and Follow up Testing

- Follow-up testing may occur for up to 60 months
- All testing must be conducted under direct observation

# WHERE?

## Collection Sites:

- MedExpress
- LabCorp
- Wedgwood Family Practice
- Whitehall Medical

# ADDITIONAL INFORMATION

# Employment Requirements

- Position description must include safety sensitive functions
- Position must be posted with drug testing (DT) requirement indicated
- Previous employer release is required and reviewed
- DOT Background check completed

# Employment Requirements

- Contingent offer made
- Employees meet with Talent Strategy, DER or Program Manager
- Pre-employment drug testing is conducted, negative result is required
- Onboarding, required training programs completed, etc.

# Pre-Employment D&A Test History

- 3 year review of history for interstate drivers
- 49 CFR Section 391.23  
Investigations & Inquiries
  - 3-yr state driving records
  - 3-yr safety performance from all employers

# Pre-Employment D&A Test History

- 49 CFR Section 391.23 Investigations & Inquiries
  - 3-yr alcohol and controlled substance violations from all employers
  - Same information as Part 40 requirements
- 2-year requirements for intra-state drivers (Section 40.25)

# Alcohol Standards

- No performing covered activity if BAC 0.04 or greater
- No drinking 4 hours before SS duties
- **24-hour** mandatory off-duty after BAC between 0.02 and 0.039

# Prescription Medications

- Drivers cannot operate unless advised by licensed medical practitioner that Rx/OTC prescription will not impact ability to safely operate 382.213(a)
- Employers may require drivers to inform the employer of any therapeutic drug use 382.213(c) – Include in policy

# Prescription Medications:

- Have conversation with your physician regarding medications listed for DOT drug testing
- FTA *Prescription and Over-the-Counter Medications Toolkit*, well-regarded by MROs

# Medical Examiners Certificate

- Must be physically qualified to drive a CMV
- Maintain CDL license and certification
- Medical examinations (Long Form) completed by DOT certified physician on National Registry
- Maintain current medical card and renewals, as required
- Contact DER with questions or concerns

# Final Rule in Federal Register (82 FR 52229)

- Effective January 1, 2018
- Key Changes: Adds 4 semi-synthetic opioids (hydrocodone, oxycodone, hydromorphone, oxymorphone)
- Adds methylenedioxyamphetamine (MDA)
- Removes methylenedioxyethylamphetamine (MDEA)
- Modifies timing for Medical Review Officers (MROs) to communicate a significant safety risk or medically unqualified decision

# DOT Medical Examiners Certificate

- WVU Occupational Medicine conducts –
  - DOT Medical examinations for renewals on medical cards
  - DOT evaluations for release to return to work
  - Phone: 304-293-3693
  - Location: CPASS Building