West Virginia University

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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 methylenedioxyamphetamine 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

• 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
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

Click here to 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
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 methylenedioxyethylamphetaime (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