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 Personal Rapid Transit (PRT)
WVU receives Federal assistance from the Federal Transit Administration (FTA)

49 U.S.C. Section 5337
West Virginia University:
• Values a safe and efficient working environment
• Will not tolerate any risk to safety, quality or productivity
WHO?
Federal Transit Administration (FTA), Safety-Sensitive (SS) Positions:
FTA, Safety Sensitive (SS) positions:

• operation of a revenue service vehicle (RSV)
• operation of a non-revenue vehicle requiring a CDL;
FTA, Safety Sensitive positions:

- controlling movement or dispatch of a RSV
- maintenance of a RSV or equipment used on revenue service
- security personnel who carry firearms
FTA, Safety Sensitive Functions:

• Operators, Dispatchers, Mechanics, CDL/Non Revenue, Armed Security, Supervisors if they may perform SS

• Includes trainees when driving, even if not in revenue service
Includes volunteers –

A volunteer is a covered employee if:

- required to hold a commercial driver’s license
- performs a safety-sensitive function
Affected Department:

- Personal Rapid Transit (PRT)
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 before transferring into a safety-sensitive function

• Requires negative test result
Pre-Employment:

• Negative test result must be received prior to performance of safety sensitive functions
Pre-Employment:
• Must be conducted when an employee has been absent from work 90+ days, when removed from pool

*WVU does not conduct pre-employment alcohol testing*
WVU has a Third Party Administrator to manage the random selection process
Random Testing:

• Unannounced and unpredictable
• Reasonably spread throughout the 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 Provision:
  • Random testing rate* (per pool)
    • 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
Post-Accident Testing:
Covered employees will be tested:
  • 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:

• Non-Fatal:
  • medical attention away from scene
  • vehicle w/disabling damage

Testing required unless:

• Employee’s performance can be completely discounted as contributing
Post-Accident Time Requirement:

As soon as practicable after SS employee dismissed from scene and medical attention provided

• Testing delayed until decision is made, documentation required
• Alcohol 2/8 hour rule
• Drugs 32 hour rule
1. Has anyone been taken from the scene to get medical treatment?
2. Has any vehicle been damaged making it unable to operate under its own power?

Document if Alcohol Test MORE than 2 hours after accident

Can the Safety-Sensitive employee be discounted as a contributing factor?

Federal Post-Accident Drug & Alcohol Test Required

DOT Drug Test PROHIBITED after 32 hours

DOT Alcohol Test PROHIBITED after 8 hours

Document if testing is not possible

Federal Post-Accident Testing PROHIBITED

NON-DOT Testing allowed
Reasonable Suspicion Testing:
Occurs when a company official 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 within 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, as outlined in 2.5.5.1 of WVU Rule 3.4

• In 2.5.5.2, the University does allow for self-disclosure, this is also outlined in section 2.10 of policy
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

• 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) return to duty process -

- The employee must take a DOT return-to-duty test prior to returning to safety-sensitive functions
- The 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

(continued)

• 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 investigation pursued
• DOT Background check completed
Employment Requirements

• Contingent offer made
• Employees meet with Talent Strategy, DER and/or Program Manager
• Pre-employment drug testing is conducted, negative result is required
• During onboarding, required training programs must be completed
Pre-Employment D&A Test History

- Employers must review DOT testing history from applicants previous DOT regulated employers, during prior two years

- Information required under 49 CFR Section 40.25
  - Alcohol tests of $\geq 0.04$
  - Verified positive drug tests
  - Refusals
  - Other violations of DOT agency drug/alcohol regs
  - Documentation of successful completion of SAP-required RTD/follow-up process
Alcohol Standards

• No performing covered activity if BAC 0.04 or greater
• No drinking 4 hrs before SS duties
• No drinking while on-call
• 8 hours off-duty after BAC between 0.02 and 0.039, or until <0.02
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
- Employer form is required when prescription or over-the-counter medications are necessary
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

• WVU Occupational Medicine conducts –
  • DOT evaluations for release to return to work
  • Phone: 304-293-3693
  • Location: CPASS Building