



TEAMSTERS **Safety & Health** **FACTS**

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DOT-MANDATED ALCOHOL TESTING RULES

The DOT Alcohol Testing rules were promulgated as a result of the Omnibus Transportation Employee Testing Act of 1991. This legislation requires that employees who perform safety-sensitive jobs in the aviation, motor carrier, railroad, and mass transit industries be tested for drug and alcohol misuse.

The alcohol testing rules are intended to protect the safety of the general public by ensuring that workers in safety-sensitive positions in the transportation industries do not misuse alcohol.

Who is covered by these rules?

Federal Motor Carrier Safety Administration

Drivers holding a Commercial Driver's License (CDL) who:

- ♦ drive vehicles that have a gross vehicle weight rating of over 26,001 pounds; or
- ♦ drive placarded vehicles under DOT hazardous material regulations; or
- ♦ drive vehicles designed to transport 16 or more persons, including the driver.

Federal Aviation Administration

Flight crew, attendants and instructors, air traffic controllers, aircraft dispatchers, maintenance, screening and ground security coordinator personnel.

Federal Transit Authority

Vehicle operators, controllers, mechanics, and armed security personnel.

Research and Special Projects Agency (Pipeline)

Operations, maintenance and emergency response personnel.

What type of alcohol use is prohibited?

Covered employees are prohibited from performing safety-sensitive functions, such as driving a commercial motor vehicle, if any of the following conditions exist:

Alcohol Concentration

Employees must not report for duty to perform safety-sensitive functions while having a blood alcohol concentration (BAC) of 0.04% or greater.

Alcohol Possession

No employee shall be on duty or operate a commercial motor vehicle while the employee possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

On-Duty Use

No employee shall use alcohol while performing safety-sensitive functions.

Pre-Duty Use

Employees shall not perform safety-sensitive functions within four hours after using alcohol.

Use Following an Accident

Employees shall not use alcohol for eight hours following a reportable accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

What are the consequences of alcohol misuse?

The DOT has established 0.02% BAC as the level which is positive for covered employees. Covered employees who engage in prohibited alcohol use must be immediately removed from safety-sensitive functions. A CDL-qualified driver who tests at 0.02% BAC or higher must be removed from service for 24 hours. Any covered employee who has tested at 0.04% BAC or higher must be evaluated by a Substance Abuse Professional (SAP). The employee must also complete any recommended treatment. In addition, the employee who has engaged in alcohol misuse cannot return to work to perform safety-sensitive functions until he/she has tested at below 0.02% BAC. Employees who test positive at 0.04%

BAC or higher are subject to follow-up alcohol tests.

How will alcohol testing be conducted?

The approved testing procedure requires an initial screening test to determine if alcohol is present in the bloodstream. If the screening test is positive (0.02% BAC or higher), a confirmatory test must be conducted.

The alcohol-screening test can be conducted using any of the following devices that have been approved by the National Highway Traffic Safety Administration:

- ♦ Evidential Breath Testing device;
- ♦ Non-evidential Breath Testing device; or
- ♦ Saliva Testing device.

In the event of a positive screening test, an approved evidential breath-testing device must be used for the confirmatory test.

The DOT requires that the confirmatory test be conducted no sooner than 15 minutes after the screening test. However the confirmatory test must be conducted no more than 30 minutes after the screening test.

Individuals who are responsible for conducting alcohol testing must be properly trained to use the device that is being used for testing.

What types of alcohol tests are required?

Employees covered by the DOT-mandated alcohol testing rules will be subject to the following types of tests:

- ♦ Random Testing;
- ♦ Post-Accident Testing;
- ♦ Reasonable Suspicion Testing;
- ♦ Return-to-Duty Testing after a positive test; and/or,
- ♦ Follow-up Testing.

Random Testing

Employees subject to random alcohol testing shall be selected using a method that is scientifically valid. The selection process must ensure that each covered employee has an equal chance of being tested each time selections are made. The current random testing rate is a minimum of 25% of the employees in the selection pool.

Post-Accident Testing

Covered employees are subject to post-accident testing if they are in an accident involving:

- ♦ the loss of human life;
- ♦ citation of the driver under state or local law for a moving traffic violation arising from the accident; and
- ♦ persons involved in the accident are injured and as a result of the injury must receive medical treatment away from the scene of the accident; or
- ♦ when one or more motor vehicles, incurring disabling damage as a result of the accident, must be transported away from the scene by a tow truck or other vehicle.

According to the DOT rules, post-accident testing should be conducted within two hours of the accident. If a test is not administered within this time period, the employer must document the cause of the delay. Under no circumstances should post-accident testing be conducted beyond eight hours after the accident.

A driver who is subject to post-accident testing must remain available for testing. However, the driver is not prohibited from leaving the scene of the accident for the time period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Reasonable Suspicion Testing

An employer must require a covered employee to submit to reasonable suspicion testing if the employer has reasonable suspicion to believe that the employee violated the provisions of the DOT rules.

The employer's determination must be based on specific, explainable observations concerning the employee's appearance, behavior, speech, or body odors. The employer's observations must occur immediately before the driver performs safety sensitive functions, while he/she is performing the job functions, or immediately after performing such functions. In addition, supervisors or other company representatives who are responsible for determining whether reasonable suspicion testing is necessary must have completed training on how to detect the indicators of alcohol abuse.

Return-To-Duty Testing

Employees who tested positive on a breath alcohol test must undergo a return-to-duty alcohol test prior to returning to perform safety-sensitive job functions. The result of the alcohol test must be lower than 0.02% BAC.

Follow-up Testing

Employees who test positive for alcohol at 0.04% BAC or higher are subject to unannounced Follow-up testing. These employees must submit to a minimum of six alcohol and/or drug tests during the first 12 months after returning to duty. The SAP may require additional tests and extend the period up to 60 months.