

## **POLICY CHANGE**

### **1D-4 DRUG AND ALCOHOL-CDL EMPLOYEES**

**Strike paragraph 4 and replace with attached paragraphs.**

## **A. PURPOSE**

The purpose of this policy is to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by commercial motor vehicle drivers (“CDLs”). This policy complies with the drug and alcohol testing requirements mandated by the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. 31306, the relevant regulations promulgated by the Department of Transportation (49 C.F.R. Part 382), testing requirements required for CDLs by the Federal Motor Carrier Safety Administration 49 C. F. R. Part 40, as amended testing procedures for all DOT testing and the Texas Commercial Driver’s License Act, TEX. TRANSP. CODE ANN. 522.001-106, as amended. As used herein, the terms “County” or “Upshur County” means Upshur County, Texas.

## **B. PRE-EMPLOYMENT TEST**

The FMCSA mandates pre-employment drug and alcohol testing. Before a CDL driver can be hired to operate a Upshur County vehicle, they shall be drug and alcohol tested and receive a negative result.

## **C. RANDOM TESTING**

**CDL drivers shall undergo random drug and alcohol testing throughout the year. The driver will leave immediately to be tested after being informed that he has been randomly selected for testing. After the testing he shall return to his duties while waiting on the results of the test. If the test comes back positive, he or she will immediately be relieved of his driving of County vehicles and report to his supervisor. The supervisor with the aid of HR will determine what action needs to be taken.**

#### **D. REASONABLE SUSPICION TEST**

**CDL supervisors must complete a reasonable suspicion course to be qualified to determine to send a driver for reasonable suspicion testing.**

**Reasonable suspicion testing is a necessary step when a driver is suspected of being under the influence. This test shall be conducted without delay to promptly address the issue. The driver shall leave immediately to be tested. The driver will not be allowed to operate any County equipment until the test results are known. If the test results are positive the driver shall report immediately to their supervisor. The supervisor with aid of HR will determine what action needs to be taken.**

#### **E. POST ACCIDENT TEST**

**After an accident, the FMCSA mandates a drug and alcohol test with some exceptions. After an accident that causes equipment damage, with another vehicle, property damage, injuries to the operator or some other person, or questionable actions by the operator. It is the**

**policy of Upshur County to immediately send the operator to be drug and alcohol tested. The operator will only be allowed to operate Upshur County equipment at the discretion of his or her supervisor. If the test comes back positive, the operator shall immediately report to their supervisor. The supervisor with the aid of HR will determine what action needs to be taken.**

## **F. RETURN TO DUTY TEST**

**Return to duty testing is mandatory for drivers who have tested positive or refused testing. To begin the process, they must successfully complete a substance abuse program that meets USDOT standards. Once completed, a negative test result is necessary before the driver can resume work.**

## **G. FOLLOW-UP TEST**

**After completing the return to duty steps, a follow-up test is necessary. Upshur County Policy shall require at least 3 test within a span of 12 months.**