



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

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DOT DRUG TESTING FOR TRUCK AND BUS DRIVERS

The Federal Motor Carriers Safety Administration (FMCSA) requires drug testing for Commercial Driver's License qualified commercial drivers who use public roads and highways to operate commercial motor vehicles that weigh 26,001 pounds or more; or can carry 16 or more persons, including the driver; or transport hazardous materials in sufficient quantities so as to require placarding. According to 49 CFR Part 382 of the Federal Motor Carrier Safety Regulations, covered drivers may be subject to six types of drug testing:

- ♦ Pre-employment
- ♦ Random
- ♦ Post-accident
- ♦ Reasonable Suspicion
- ♦ Return to Duty after a positive test; and
- ♦ Follow-up

The Drugs

Drug testing programs conducted pursuant to the FMCSA regulations are restricted to testing for the following substances:

- ♦ Marijuana metabolites
- ♦ Cocaine metabolites
- ♦ Codeine/Morphine
- ♦ Hydrocodone/Hydromorphone
- ♦ Oxycodone/Oxymorphone
- ♦ 6-Acetylmorphine
- ♦ Phencyclidine (PCP)
- ♦ Amphetamine/Methamphetamine

◆ MDMA¹/MDA²

Specimens are also tested for the presence of adulterants and to ensure that they are of human origin.

Pre-Employment Testing

Motor carrier employers must conduct pre-employment drug testing for all drivers prior to allowing them to perform safety-sensitive functions.

Random Testing

Motor carriers are required to randomly test 50% of the drivers each year. These tests must be unannounced, the process for selecting drivers must be scientifically valid and each driver must have an equal chance of being tested. After being notified that he/she has been selected for a random test, the driver must proceed directly to the testing site.

Post-Accident Testing

A driver must produce a urine specimen for drug testing as soon as possible, but no later than 32 hours after any reportable accident, if he/she has been cited for a moving violation in connection with that accident. Testing not performed within this time frame must be documented and kept on file as to the reasons why.

A reportable accident is one that: results in a fatality or a citation is issued to the driver within 32 hours; and, a person involved in the accident is injured and receives medical treatment away from the scene of the accident, or one or more vehicles incur disabling damage requiring tow away from the scene of the accident.

Leaving the scene of an accident is considered to be an automatic refusal to take the required drug test. However, the driver may leave the scene to seek assistance in responding to the accident, or to obtain emergency medical care.

Reasonable Suspicion Testing

Drivers can be tested for “reasonable suspicion” when the employer believes the driver's behavior, appearance, speech, or body odors are indicative of drug use. The observations must be made by at least one supervisor/company official, two if available, and must be conducted immediately before, during, or immediately after the driver performs a safety-sensitive function. The observer must have been trained per FMCSA requirements, in the detection of probable drug use by observing a person's behavior and other indicators. The observer must document the driver's conduct in writing within 24

¹ Methylenedioxymethamphetamine (MDMA)

² Methylenedioxyamphetamine (MDA)

hours. Suspicion is not probable and thus not a basis for testing if it is based solely on third party observation and reports.

Return to Duty Testing

When a driver tests positive for a controlled substance, the employer must ensure that before the driver returns to duty performing safety-sensitive functions, he/she shall undergo a return to duty controlled substances test with a result indicating a verified negative result.

Follow-Up Testing

Drivers who return to safety-sensitive functions after a positive drug test result must be subject to unannounced follow-up controlled substances testing. The follow-up testing shall consist of at least six tests during the first 12 months following the driver's return to duty. Based on the recommendations of the Substance Abuse Professional (SAP) who evaluated the driver, Follow-up testing may be extended up to 60 months from the date of the driver's return to duty. The number of tests that must be conducted during the follow-up testing period shall be determined by the SAP.

Related Testing Issues

Drivers are required to provide a urine specimen that has a volume of at least 45 milliliters. The urine specimen is then divided into two aliquots, i.e., "split sample". The primary specimen is analyzed by a certified laboratory and the split sample is stored and available for testing, if necessary.

Specimens are analyzed by utilizing a two-step process, a screen (immunoassay), and a confirmatory (gas chromatography/mass spectrometry) confirmatory analysis. If the initial analysis result is below the cutoff levels for the drugs screened, the test result is reported as negative and further analysis is not conducted. If the initial analysis result exceeds the cutoff levels for the drugs screened, a confirmatory test is conducted utilizing gas chromatography/mass spectrometry (GC/MS) to confirm the presence of drugs and/or their metabolites.

All urine specimens are analyzed to determine if the specimen is consistent with normal human urine. The specimens are also analyzed to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted.

Consequences of a Non-Negative Test Result

If it is determined that a drug test result is positive, adulterated, or substituted, or if a driver refuses to provide a urine specimen, the driver is deemed to have violated the drug testing regulations and the test result or refusal to test will be reported to the FMCSA Drug and Alcohol Clearinghouse. Employers are prohibited from allowing drivers who violate the drug testing regulations perform safety-sensitive job functions, i.e., operate a commercial motor vehicle, until the driver completes the process as detailed below.

The driver who violated the testing regulations must be evaluated by a Substance Abuse Professional (SAP) and comply with any recommended education and/or rehabilitation program. After completion of the education/rehabilitation program, the driver must provide a negative drug test result in a Return to Duty test. The driver will then have to submit to Follow-Up testing for a period of at least one year. During this one-year period, the driver must be tested at least 6 times. However, the SAP has the discretion to require additional tests and may extend the Follow-Up testing period for an additional 48 months. The requirement to submit to Follow-Up testing will follow a driver should he/she change motor carrier employers. If there is a break in the individual's employment as a commercial driver, the Follow-Up testing requirement is suspended until he/she resumes driving a commercial motor vehicle, and then he/she must fulfill the remaining recommended testing as per the SAP.

FMCSA Drug and Alcohol Clearinghouse

The Drug and Alcohol Clearinghouse is a secure database where employers, the FMCSA, State Driver's Licensing Agencies, and State law enforcement agencies with information about CDL qualified driver's drug and alcohol program violations.

Medical Review Officers, employers, Consortia/Third-Party Administrators, and Substance Abuse Professionals are required to report violations of the drug and alcohol regulations to the Clearinghouse.

Employers are required to register with the Clearinghouse and conduct pre-employment queries on all prospective drivers. Employers are also required to conduct annual, limited queries on all CDL qualified drivers the carrier employs. If an employer conducts the limited query and determines that the driver has data in the Clearinghouse, the driver must register with the Clearinghouse and provide the employer with electronic consent to conduct a full query.

Drivers who refuse to provide consent for either the limited or full Clearinghouse query are prohibited from operating a commercial motor vehicle. Data stored within the Clearinghouse, e.g., drug/alcohol testing results and the results regarding the participation and completion of drug and/or alcohol education and rehabilitation programs will be stored in the Clearinghouse for five years.