
DRUG AND ALCOHOL POLICY
for DOT-covered employees of
CARNEGIE MELLON UNIVERSITY

I. PURPOSE

Carnegie Mellon University (“Carnegie Mellon”, “the University”) is committed to maintaining a safe, healthful and efficient working environment for all its employees. The University recognizes that safety problems may be created when employees use controlled substances and/or abuse alcohol. The presence of alcohol and drugs in the workplace, and the influence of those substances on employees during working hours has the potential to pose serious safety and health risks to both the user and to all those who work with him/her. Impairment caused by drugs and alcohol threatens everyone’s safety and the success of University operations.

Carnegie Mellon University will not accept any risk to safety, quality or productivity that may be caused by an employee who uses drugs and/or misuses alcohol. Because even a small amount of such substances may be capable of impairing the user to some degree, it is Carnegie Mellon University’s goal, through this Drug and Alcohol policy, to achieve a workplace that is free of drugs and alcohol.

Carnegie Mellon University has established this alcohol and controlled substances testing program for its employees who are drivers of Carnegie Mellon’s Commercial Motor Vehicles (CMVs) and who require Commercial Drivers Licenses (CDLs), to meet requirements of the Federal Motor Carrier Safety Administration (FMCSA) and the U.S. Department of Transportation (DOT). The overall goals of this testing program are to ensure a safe and drug-free transportation environment, to reduce the potential for accidents and casualties related to accidents involving University-owned vehicles, and to cooperate with the U.S. Department of Transportation and the transportation industry in efforts to eliminate the misuse of alcohol and the illegal use of controlled substances by our drivers.

With these objectives in mind, Carnegie Mellon has established the following policy and procedures for DOT-covered employees. Full compliance with this policy is a condition of employment with Carnegie Mellon University

II. SCOPE

Carnegie Mellon University’s Drug and Alcohol Policy for DOT-Covered Employees applies to all full-time, part-time, and temporary employees who are “covered drivers” as defined in Section VII [A]. In addition, this policy covers all applicants for positions that require Commercial Drivers Licenses (CDL) for the operating of Commercial Motor Vehicles as described in Section VII [A].

In circumstances not addressed by DOT regulations or in this policy, DOT-covered employees are also subject to Carnegie Mellon’s Drug and Alcohol Policy for all employees.

III. REFERENCES

Title 49 CFR Part 382, et al., Federal Motor Carrier Safety Administration (FMCSA) Regulations on Controlled Substances and Alcohol Use and Testing

Title 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs

Note: Should there be conflicts between federal regulations and this policy, attributed in part to revisions to the law or changes in interpretations, and when those changes have not been updated or accurately reflected in this policy, the federal law shall prevail.

IV. DEFINITIONS

- **Accident** means an occurrence involving a commercial motor vehicle operating on a public road, and/or campus roads, in which:
 - a. There is the loss of human life; or
 - b. The driver receives a citation under State or local law for a moving traffic violation arising from the accident; **and**
 - (1) Any involved vehicle sustains disabling damage as defined in this policy; and/or
 - (2) Anyone receives bodily injury that requires immediate medical treatment away from the accident scene.
- **Actual knowledge** means actual knowledge by an employer that a driver has used alcohol or controlled substances based on the employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance use. Because our non-DOT testing is conducted under the same strict collection and laboratory standards as our DOT tests, we also consider a positive drug test result to be actual knowledge that an employee is using a controlled substance without authorization.
- **Adulterated specimen** means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.
- **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- **Alcohol concentration (or content)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test (BrAC).
- **Alcohol screening test** means an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
- **Alcohol use** means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.
- **Breath Alcohol Technician (BAT)** is an individual who is certified as trained to operate an Evidential Breath Testing device (EBT) and who is proficient in breath-testing procedures.
- **Canceled test** means a drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is otherwise required, by Part 40, to be canceled. A canceled test is neither a positive nor a negative test. Carnegie Mellon will not take adverse job action based on a canceled test.
- **Collection site** means a place designated by Carnegie Mellon where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of controlled substances, or for purposes of providing a or breath sample to be analyzed for alcohol concentration.
- **Confirmatory test**
 - a. For alcohol testing, a confirmatory test is a second test following a screening test with a result of 0.02 or greater, conducted 15-30 minutes later, that provides quantitative data of alcohol concentration. This test is performed on an Evidential Breath Testing device (EBT), and is conducted by a Breath Alcohol Technician (BAT).
 - b. For controlled substances testing, a confirmatory test is a second analytical procedure to identify the presence of a specific drug or metabolite. This confirmatory test is independent of the initial test and uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy.

- **Consortium** means an entity, including a group or association of employers or contractors, that provides services related to alcohol and controlled substances testing as required by the DOT rules and regulations, and that acts on behalf of the employer.
- **Controlled substances** means marijuana (THC), cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines.)
- **DER (designated employer representative)** means an employee(s) authorized by Carnegie Mellon to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. A DER also receives test results, SAP reports, and other communications on behalf of Carnegie Mellon. (Carnegie Mellon's primary DER is the Director, Human Resources Services, but the University may, if needed, designate additional personnel to server as DERs.)
- **DHHS-approved laboratory** means a laboratory that is certified under the U.S. Department of Health and Human Services Mandatory Guidelines for federal workplace drug testing programs. Drug tests for Carnegie Mellon University drivers will be performed by a DHHS-certified laboratory.
- **Dilute specimen** means a specimen with creatinine and specific gravity values that are lower than expected for human urine.
- **Disabling damage** means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.
Inclusions.
Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.
Exclusions.
 - Damage that can be remedied temporarily at the scene of the accident without special tools or parts.
 - Tire disablement without other damage even if no spare tire is available.
 - Headlight or taillight damage.
 - Damage to turn signals, horn, or windshield wipers that make them inoperative.
- **DOT rules and regulations** includes rules and regulations established by U.S. Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA).
- **Driver** means any person who operates a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to Carnegie Mellon, or who operate a commercial motor vehicle at the direction of or with the consent of Carnegie Mellon.
- **Employer** means any person who owns or leases a commercial motor vehicle or who assigns persons to operate such a vehicle. In this policy, employer means Carnegie Mellon University, including Carnegie Mellon's agents, officers and representatives.
- **Employee Assistance Program (EAP)** means the University-sponsored/-supported service that provides free and confidential assessment and referral services for employees and family members who are experiencing personal problems, including problems with drugs and alcohol.
- **FMCSA** means Federal Motor Carrier Safety Administration, an Operating Administration of the U.S. Department of Transportation (DOT).
- **Initial test** (for drugs) means an immunoassay screen to eliminate "negative" urine specimens from further consideration.
- **Injury** (for post-accident testing) excludes (i) an occurrence involving only boarding or alighting from a stationary motor vehicle; or (ii) an occurrence involving only the loading or unloading of cargo; or (iii) an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle by an employee, unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be placarded.
- **Invalid drug test** means a result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

- **Job applicant** means a person, independent contractor, or person working for an independent contractor, who applies to become a driver/employee of Carnegie Mellon University, and includes a person who has received a job offer made contingent on the person passing a drug test.
- **Medical Review Officer** means a licensed physician responsible for receiving laboratory results generated by Carnegie Mellon University's drug testing program who has knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his/her medical history and any other relevant biomedical information.
- **Positive Test (alcohol)** occurs when a driver's confirmatory test result reads 0.04% BrAC or higher.
- **Positive Test (drug)** occurs when a driver's confirmatory test or retest result is at or above cutoff levels specified by DHHS in DOT rules and regulations, and has been verified by the MRO to be a positive test.
- **Random selection** means a scientifically valid method for selection of drivers to be tested that results in an equal probability that any driver from a group of drivers subject to the selection mechanism will be selected, and does not give an employer discretion to waive the selection of any employee under the mechanism. Thus, a driver might be selected more than once during a year.
- **Reasonable suspicion** means a belief that a driver has violated alcohol or controlled substances prohibitions, based on specific, contemporaneous, documentable observations concerning the appearance, behavior, speech, or body odors of that driver. In the case of controlled substances, the observations may include indicators of the chronic and withdrawal effects of controlled substances.
- **Refusal to submit to a required alcohol test** includes failure to appear for any test, failure to provide a breath or saliva specimen for a required test, failure to remain at the testing site until the testing process is complete, failure to provide a sufficient breath specimen without a medical explanation, failure to undergo a medical examination following inability to provide a sufficient breath specimen, refusal to sign Step 2 of the Alcohol Testing Form, and failure to cooperate with the testing process.
- **Refusal to submit to a required drug test** includes failure to appear for any test within a reasonable time, failure to remain at the collection site until the testing process is complete, refusal to provide a urine specimen for a required drug test, failure to permit a directly observed or monitored collection when required, failure to provide a sufficient amount of urine without a medical explanation, failure to take a second test when required by a collector or this employer, failure to undergo a medical examination following inability to provide a sufficient urine sample, and failure to cooperate with the collection/testing process (including refusing to empty pockets at the collection site).

(Under Carnegie Mellon University's independent authority, an employee/driver who refuses to submit to required alcohol and controlled substances testing will be considered to have voluntarily resigned.)
- **Safety-sensitive function** means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include: a) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer; b) All time inspecting equipment as required by Parts 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; c) All time spent at the driving controls of a commercial motor vehicle in operation; d) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of Part 393.76); e) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and f) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. A driver is considered to be performing a safety-sensitive functions during any period in which he/she is actually performing, ready to perform, or immediately available to perform safety-sensitive functions.
- **Screening test** (for alcohol) means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath specimen.
- **Substance Abuse Professional (SAP)** means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or

addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission [NAADAC] or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse [ICRC]), with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders. A SAP evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

- **Substituted specimen** means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.
- **Testing levels** means levels established by the U.S. DHHS, at which a specimen or sample is determined to be either negative or positive, according to 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
- **University property** means all Carnegie Mellon-owned and/or -leased property, including but not limited to owned and/or leased buildings and other real estate, parking lots and vehicles located on parking lots, University roads, driveways and right-of-ways, and University-owned and/or -leased vehicles, lockers, and desks.

V. **POLICY / RULES OF CONDUCT**

A driver who violates the FMCSA prohibitions of this policy (Section VII[B]), including a refusal to be tested, must be immediately removed from all FMCSA safety-sensitive functions, including driving, in accordance with 49 CFR Part 382.501, FMCSA rules and regulations. Under Carnegie Mellon's independent authority, the driver will be immediately terminated from employment.

Carnegie Mellon also reserves the right to take action against an employee, where appropriate, for violation of other general University policies, procedures and/or rules, established separately from this policy.

- A. A covered driver may not engage in any of the conduct(s) prohibited in Section VII [B].
- B. An employee/driver who refuses to submit to required testing (see definition of *refusal*), under Carnegie Mellon's independent authority, will be considered to have voluntarily resigned.
- C. Under independent authority, Carnegie Mellon prohibits the possession of alcohol, or the sale, purchase, manufacture, possession or transfer of an illegal drug, or being under the influence of alcohol or of an illegal drug, during all work time, including meals and breaks, or at any time while on University property, while performing service on behalf of the University, at a passenger-pickup or drop-off site, at a rest area, or in a University-owned or -leased vehicle.
- D. Under independent authority, Carnegie Mellon prohibits the use of any over-the-counter medication by an employee during working time if such use may detrimentally affect or impair the safety of coworkers, customers or members of the public, or the employee's job performance, or the safe or efficient operation of the University, or its property.
- E. A driver who uses prescribed medication(s) will not be permitted or required to operate a Commercial Motor Vehicle until and unless Carnegie Mellon University is provided with appropriate authorization from the prescribing licensed medical professional. [See Section VI, Authorized Use of Controlled Substances.]
- F. If a driver is called to duty during the driver's typical "off-duty" time, the driver may report to work only if he/she has not consumed alcohol at any time during the previous four (4) hours. When a driver has used alcohol during four (4) hours prior to his/her providing safety-sensitive duty, he/she will be expected to acknowledge such use at the time he/she is called. If it is not possible for the supervisor to delay the requested start time so as to accommodate FMCSA's pre-duty requirement, the employee will not report to work. If an on-call employee acknowledges the use of alcohol, he/she will be permitted to determine a start time that will comply with the 4-hour prohibition. Under Carnegie Mellon's independent authority, no discipline will be taken against an employee who acknowledges his/her use of alcohol during the four (4) hours prior to being called

to duty, unless such conduct has the effect of making that employee repeatedly unavailable for duty.

- G. If an employee is concerned about drug and alcohol use by a coworker at work, or of drug trafficking, or of safety or job performance as it relates to another employee's drug and alcohol use, including managers and supervisors, under independent authority such concern may be reported confidentially to Carnegie Mellon's DER.
- H. Carnegie Mellon University reserves the right to test a FMCSA-covered employee for alcohol or controlled substance use under its independent authority when FMCSA regulations do not apply. These circumstances would include suspected impairment, violation of a University rule as stated in this policy, and causing or being involved in an accident or injury of self or another employee. These testing levels would be identical to DOT levels, but the test would be conducted as a non-DOT test, and would use non-DOT forms.

VI. AUTHORIZED USE OF CONTROLLED SUBSTANCES

If a driver undergoes prescribed medical treatment with a controlled substance, the driver is required to report this treatment to Carnegie Mellon's DER, who will take steps to investigate whether the driver's job assignment could be temporarily changed during the period of treatment or whether other accommodations may be appropriate. Further, Carnegie Mellon University reserves the right to place any driver taking medication(s) on a leave without pay, pending a decision as to whether the driver may continue to perform his/her regular job duties while taking the medication(s).

Carnegie Mellon University requires a driver to make such notification as soon as possible, and prior to performing a safety-sensitive function, and to provide written documentation from the prescribing licensed medical practitioner that the medication(s) will not affect the driver's ability to safely operate a commercial motor vehicle. The University reserves the right to obtain an independent medical opinion regarding the potential effects of a prescription or over-the-counter drug on a driver's ability to perform safety-sensitive functions or other aspects of his/her job.

VII. TESTING FOR CONTROLLED SUBSTANCES AND ALCOHOL

Carnegie Mellon University will conduct controlled substance and alcohol testing of driver/applicants and its driver/employees (including mechanics and management drivers) in compliance with regulations established by the U.S. Department of Transportation (DOT), 49 CFR Part 40 and the Federal Motor Carrier Safety Administration (FMCSA), 49 CFR Part 382.

A. COVERED DRIVERS

In accord with U.S. Department of Transportation FMCSA Regulations, drivers subject to drug and alcohol testing are those employees of Carnegie Mellon who are required to hold a Commercial Driver's License (CDL) and who operate a commercial motor vehicle (CMV), when that vehicle:

- has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- has a gross vehicle weight rating of 26,001 or more pounds; or
- is designed to transport 16 or more persons including a driver; or
- *is a vehicle of any size* that transports materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103[b]) and which requires the motor vehicle to be placarded under the Hazardous Materials Regulations (40 CFR Part 172, Subpart F).

B. FMCSA PROHIBITED CONDUCT:

A driver shall not:

- Report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- Use alcohol, including medications containing alcohol, while performing safety-sensitive functions.
- Perform safety-sensitive functions within four (4) hours after using alcohol, including the use of medications that contain alcohol.
- Use alcohol for eight (8) hours following an accident, or until the driver has undergone a post-accident test, whichever occurs first.
- Refuse to submit to a pre-employment, post-accident, random, reasonable suspicion, or follow-up alcohol or drug test.
- Report for duty or remain on duty requiring the performance of safety-sensitive functions when he/she uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the substance does not adversely affect the driver's ability to operate a commercial motor vehicle safely.
- Report for duty, remain on duty, or perform safety-sensitive functions if he/she tests positive for controlled substances.

If a driver engages in any of the conduct(s) prohibited in (B) above, the driver is not qualified, under FMCSA regulations, to drive a commercial motor vehicle. He/she shall be immediately removed from all safety-sensitive functions including driving, and under Carnegie Mellon University's independent authority will be terminated from employment.

Under FMCSA regulations, a driver who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, may not operate or continue to operate a commercial motor vehicle or provide other safety-sensitive functions for a twenty-four (24) hour period. Such driver will, under independent authority, be on leave without pay for any hours not worked.

In this regard, under independent authority, Carnegie Mellon University will terminate a driver whose alcohol test result is greater than 0.02 but below 0.04 on a third incident in any twelve-month period.

A driver who violates the requirements of 49 CFR Part 382 or the requirements of 49 CFR Part 40 is subject to the civil and/or criminal penalty provisions of 49 U.S.C. 521(b).

C. REQUIRED TESTING

As provided in FMCSA rules and regulations, a driver who must possess a CDL shall be subject to pre-employment/pre-placement testing (drug only), and random, reasonable suspicion, post-accident, return-to-duty and follow-up testing for alcohol and controlled substances.

1. **Pre-employment / Pre-placement Testing**

Every applicant for a driving position who receives a job offer from Carnegie Mellon University must submit to a urine drug test. The offer is contingent on the applicant's providing a negative test result.

Each applicant will be asked whether he/she has tested positive, or refused to be tested, on a DOT pre-employment drug or alcohol test for any DOT employer during the previous two years. An applicant who has previously tested positive, or refused to be tested, will not be considered for employment until or unless he/she successfully completes DOT's return to duty process. (See Section IX, Consequences of Prohibited Conduct).

If the applicant is a new hire, the testing must be completed, and a negative test result must be received, before the driver will be permitted to provide safety-sensitive function. If the pre-employment test result is positive, the job offer will be immediately withdrawn, and the applicant will be provided with names, addresses and phone numbers of qualified SAPs. Costs related to SAP services and treatment recommendations will be the responsibility of the applicant. The applicant cannot be reconsidered unless and until

he/she completes a SAP assessment and recommended assistance (Section IX, Consequences of Prohibited Conduct).

An applicant who has previously refused to be tested or who provided a positive test result on a DOT pre-employment drug test for any other employer will be expected to report those test results at the time of application. Under Carnegie Mellon's independent authority, failure to do so will constitute falsification of application information, and when discovered, will result in removal from consideration for employment, or, if already hired, immediate termination of employment.

If an applicant has recently complied with a SAP's recommendations as the result of a violation while working for a previous employer, the applicant's pre-employment test will be considered to also be a Return-to-Duty test.

An applicant is required to sign a form authorizing Carnegie Mellon to obtain from all previous employers (in the previous two [2] years) a report of all DOT violations, including positive test results and refusals to be tested. Carnegie Mellon will also request copies of Substance Abuse Professional (SAP) reports related to any of these violations. An applicant with a violation cannot be hired until Carnegie Mellon has received a SAP's report of compliance, including a follow-up testing requirement.

If the applicant is a current employee who is promoted or transferred to a position or assignment that requires the driver to possess a CDL, a negative pre-employment drug test result must be received before the employee assumes the new position or assignment. If the test result is positive, the offer of promotion or transfer will be immediately withdrawn, and the employee will be subject to Carnegie Mellon University's drug and alcohol policy for non-DOT employees.

When Carnegie Mellon University uses but does not employ a driver to operate a Commercial Motor Vehicle more than once a year, the driver will be required to provide authorization for Carnegie Mellon to obtain verification at least once every six (6) months that the driver is participating in a qualified drug and alcohol testing program, that there have been no refusals to be tested for alcohol or controlled substances, the dates the driver was last tested for alcohol and/or controlled substances, the results of any tests within the previous six (6) months, and, under Carnegie Mellon's independent authority, any *other* violation of prohibited conduct as defined in Section VII(B) above. If Carnegie Mellon is unable to satisfactorily obtain this information, the driver will be required to submit to a pre-employment drug test with a negative test result prior to being permitted to or requested to provide safety-sensitive functions on Carnegie Mellon's behalf, and will then be included in Carnegie Mellon's random testing pool.

2. **Post-accident Testing**

As soon as possible following an accident involving a commercial motor vehicle on a public highway, (See Section IV, Definitions), the surviving FMCSA driver(s) involved in the accident must be tested for alcohol and controlled substances.

- a. A post-accident alcohol test, when required, must be administered as soon as possible, but within eight (8) hours following the accident.

If testing is required but is not conducted within two (2) hours, the reasons the test was not conducted must be documented. If testing is required but is not able to be conducted within the next six (6) hours, the reasons the test was not conducted must again be documented. After eight (8) hours, there will be no more attempts to conduct an alcohol test.

- b. A post-accident drug test, when required, must be administered as soon as possible, but within thirty-two (32) hours following the accident. If testing is required but is not able to be conducted within thirty-two (32) hours, the reasons the test was not conducted must be documented. After thirty-two (32) hours, there will be no more attempts to conduct a drug test.

A driver who is subject to post-accident testing shall remain readily available for such testing. If the driver is not available for any reason, except for leaving the accident scene for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care, Carnegie Mellon will consider the driver to have refused to submit to testing, and to have voluntarily resigned.

After a driver has submitted to a post-accident test, he/she will be permitted to return immediately to safety-sensitive functions only if a negative test result is received. If the test result is positive, under independent authority the driver will be immediately terminated from employment.

Even if highway enforcement or other officials conduct a drug or alcohol test following an accident, drivers are still subject to DOT testing under these employer rules. In the event that federal, state, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, and a DOT test is required but is not able to be conducted, the tests conducted by law enforcement may meet the requirement of this section, provided those tests conform to applicable federal, state, or local requirements. The University will request test results and other pertinent documentation from such agencies or law enforcement authorities, and will require the driver to sign a release allowing Carnegie Mellon University to obtain such information. Under Carnegie Mellon's independent authority, refusal to sign such a release will be grounds for termination of employment.

In the event that a driver is so seriously injured that the driver cannot provide a sample of urine or breath at the time of the accident, Carnegie Mellon requires that the driver provide necessary authorization for Carnegie Mellon University to obtain hospital records or other documents that would indicate whether controlled substances or alcohol were present (and the resulting levels) in the driver's body at the time of the accident. Under Carnegie Mellon's independent authority, refusal to sign such a release will be grounds for termination of employment.

3. **Random Testing**

A percentage of drivers will be subject to random alcohol and drug testing each year. The percentage of drivers to be tested will be as determined annually by FMCSA and published in the Federal Register every January. (At the effective date of this policy, the minimum annual percentages are ten [10] percent of the average number of driver positions for alcohol testing, and fifty [50] percent of the average number of driver positions for drug testing.) Selections of drivers to be tested shall be done by a scientifically valid method that provides that each driver will have an equal chance of being selected each time that selections are made. Thus, a driver might be selected more than once during a year.

- a. Random tests will be unannounced; the dates for random tests will be spread throughout the year.
- b. A driver who is selected for random testing will be required to report to the collection site immediately upon notification. If the driver engages in conduct that does not lead to a collection as soon as possible after notification, such conduct may be considered as a refusal to submit to a test. The driver will be in a duty status (paid) from the time he/she leaves to go to the collection site until the time he/she returns from the collection site.
- c. A random test for alcohol shall be scheduled to occur only just prior to, during, or just after performing a safety-sensitive function, or at any time that the driver is in readiness to provide safety-sensitive function.
- d. A random test for controlled substances can be scheduled at any time the driver is on duty, and is not related to when the driver is performing safety-sensitive function.

- e. An employee who has been selected for random testing must be tested in that testing period. FMCSA regulations do not permit a replacement to be named if the selected employee is unavailable for testing.
- f. Carnegie Mellon University will maintain participation in a qualified consortium for its random selection process.

4. **Reasonable Suspicion Testing**

Carnegie Mellon University shall require an employee to submit to drug and/or alcohol testing for reasonable suspicion when a supervisor has reason to believe that an employee has engaged in prohibited conduct (See Section VII[B], Prohibited Conduct), based on observation of the employee's appearance, behavior, speech, and/or body odor. Such employee conduct must be witnessed and documented by a supervisor who has been trained in compliance with FMCSA rules and regulations. Should a supervisor determine that an employee might have violated a prohibition of these regulations, the employee must submit to testing. Documentation is required for both drug and alcohol reasonable suspicion. Documentation for a drug test must be signed and submitted to the DER within 24 hours, and for an alcohol test, prior to the conducting of the alcohol test.

An employee who is represented by a bargaining unit and who is requested by a supervisor to submit to reasonable suspicion testing may request to have a union representative present, provided the employee signs a consent for the supervisor to notify the union representative of the request for testing. When the suspicion involves drugs only, the University will allow a maximum of one-half hour for the union representative to arrive and accompany the employee through the collection process. When the suspicion involves alcohol only, or alcohol and drugs, the union representative may be notified, but because FMCSA requires alcohol testing to occur in a timely manner, the half-hour time allowance will not apply. If the union representative is not immediately available, he/she may have to arrange independent transportation to the collection site, as regulations do not allow for delay of the collection process.

Observation and testing for reasonable suspicion for controlled substances use can occur at anytime the employee is on duty, and is not related to when he/she performs safety-sensitive functions. A trained supervisor's determination will be based on an employee's appearance, behavior, speech and/or body odor, and on chronic and withdrawal effects of drug use. An employee who is suspected of controlled substances use must be immediately withdrawn from safety-sensitive functions and is required to undergo drug testing.

Observation and testing for reasonable suspicion for alcohol use can occur only just prior to, during, or just after the employee's performance of safety-sensitive function, or at any time that the employee is in readiness to provide safety-sensitive function. A trained supervisor's determination of suspected alcohol use will be based on an employee's appearance, behavior, speech and/or body odor. An employee who is suspected of alcohol misuse must be immediately withdrawn from safety-sensitive functions and cannot return unless an alcohol test has been conducted with an alcohol concentration that measures less than 0.02, or (if no test is conducted) twenty-four (24) hours have elapsed since the reasonable suspicion determination occurred.

An alcohol test for reasonable suspicion should be administered within the first two (2) hours, or within the next six (6) hours, but no more than eight (8) hours after the initial observation occurred

If alcohol testing is not conducted within two (2) hours, the reasons the test was not conducted must be documented. If alcohol testing then is not conducted within the next six (6) hours, the reasons the test was not conducted must again be documented. After eight (8) hours, there will be no more attempts to conduct an alcohol test. If no alcohol test is conducted at all, the driver cannot perform safety-sensitive functions until twenty-four (24) hours have elapsed following the original determination of reasonable suspicion

of alcohol use. If this employee must return to safety-sensitive functions before 24 hours have passed, he/she may do so only after taking another alcohol test and receiving a test result below 0.02.

5. **Return-to-Duty Testing**

DOT and FMCSA regulations require an employee to provide a negative result on a return-to-duty test. But because Carnegie Mellon will immediately terminate an employee for a violation of DOT and FMCSA regulations, there will be no need to conduct return-to-duty testing.

6. **Follow-up Testing**

A driver who returns to duty after complying with the recommendation(s) of a Substance Abuse Professional, and after providing a negative result on a Return-to-Duty test, is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the Substance Abuse Professional. Follow-up testing may be scheduled for a period of up to sixty (60) months, and must include no fewer than six (6) tests to be conducted in the first twelve (12) months after the employee's return-to-duty date. Follow-up alcohol testing shall be conducted only just prior to, during, or just after the driver's performance of safety-sensitive functions, or when the driver is in readiness to perform safety-sensitive function.

Under independent authority, Carnegie Mellon requires that the cost of all follow-up tests will be borne by the driver.

When Carnegie Mellon University, under independent authority, has terminated a driver from employment, the responsibility for any remaining follow-up tests recommended by a SAP must be assumed by the driver's gaining employer, provided the driver is offered employment as a DOT-covered employee with a new employer.

If a newly-hired driver is subject to follow-up testing from a previous violation while working for a previous employer, that driver will, under independent authority, be responsible for the cost of any remaining follow-up tests as required by the Substance Abuse Professional, and such costs, if not paid by cash or personal check, will be deducted from the driver's next paycheck.

D. **GENERAL TESTING INFORMATION (STANDARDS AND INTEGRITY OF THE TESTING PROCESS)**

1. All tests shall be conducted as specified in U. S. Department of Transportation's 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
2. An applicant or driver has the right to request and receive from a copy of the test result report on any drug or alcohol test for which he/she provided a urine or breath sample. The request, in writing, should be addressed to the DER for alcohol test results, and to the MRO for drug test results.
3. Collection and testing procedures will be such as to protect the driver and the integrity of the testing process, safeguard the validity of the test results, and ensure that test results are attributed to the correct driver.
4. When an employee is required to obtain a medical examination by a medical specialist (related to inability to provide a sufficient breath or urine specimen), the University will not be responsible for any costs associated with that examination.

E. **ALCOHOL TESTING AND THE REPORTING OF TEST RESULTS**

1. Alcohol tests (screening and confirmatory) will be performed on a device that appears on the National Highway Traffic Safety Administration's (NHTSA) Conforming Products List (CPL) and that meets the DOT's testing requirements.

2. When a specific time for an employee's test has been scheduled, and the employee does not appear at the collection site at the scheduled time, the BAT will contact our DER, who may determine that the employee has refused to be tested.
3. For alcohol testing (screening and confirmatory), a breath sample will be collected and analyzed by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing device (EBT).
4. If the result of the screening test indicates an alcohol concentration of 0.02 or greater, a Breath Alcohol Technician (BAT) will perform a confirmatory test, no less than fifteen (15) and no more than thirty (30) minutes after the completion of the screening test.
5. If the confirmatory test is positive (0.04 and above, BrAC), the Breath Alcohol Technician (BAT) shall immediately notify Carnegie Mellon's DER.
6. Random, reasonable suspicion and follow-up alcohol testing must be done just before, during, or just after a driver performs safety-sensitive function, or at anytime the driver is in readiness to perform safety-sensitive function.
7. Results of additional tests arranged by an employee, or requested by a medical practitioner, will not be considered. This includes testing of blood samples, hair samples, DNA, or any other testing methods or protocols.

F. CONTROLLED SUBSTANCES TESTING, THE MRO PROCESS AND THE REPORTING OF TEST RESULTS

1. All controlled substances testing specimens shall be analyzed by a laboratory that is approved by the U. S. Department of Health and Human Services (DHHS), and that observes applicable chain-of-custody procedures.
2. When a specific time for an employee's test has been scheduled, and the employee does not appear at the collection site at the scheduled time, the collection site personnel will contact our DER, who may determine that the employee has refused to be tested.
3. At the collection site, the employee will be required to empty his/her pockets and display the items in them. A refusal to empty all pockets as directed by the collector will be a refusal to be tested.
4. If a urine specimen temperature is outside the acceptable range (90 – 100 degrees F.), the collector must immediately require a new collection, under direct observation. An employee who refuses to provide a second specimen, or who refuses to permit a direct observation collection, will be determined to have refused to be tested.
5. The DHHS-approved testing laboratory shall forward the results of every drug test to a University-designated Medical Review Officer (MRO) for review.
6. If the test result is negative, the result will be reported by the MRO to Carnegie Mellon's DER.
7. If the test result is confirmed positive, adulterated, substituted or invalid, the employee will be given an opportunity to discuss the test result with the MRO.
8. If the test result is verified as positive, or as a refusal to test because of adulteration or substitution, the MRO shall inform the employee of his/her right to request a retest of the same specimen at a different DHHS-approved laboratory, and of the process for doing so. Such request must be made by the employee within seventy-two (72) hours of the employee having been informed of a verified positive test result.
9. Carnegie Mellon, under independent authority, requires that the cost of a retest shall be borne by the driver, and will be deducted from the driver's subsequent paycheck.
10. If, after making 3 attempts in a 24-hour period, the MRO is not able to contact the driver, the MRO shall report to Carnegie Mellon's DER that all reasonable efforts have been made to contact the driver, without success. The DER shall then, as soon as practicable, ask the driver to contact the MRO within the next seventy-two (72) hours, and shall apprise the MRO that the driver has been so notified.
11. The MRO may verify a test as positive without communicating with the driver if:
 - a. The driver expressly declines the opportunity to discuss the test result; or
 - b. Carnegie Mellon's DER has successfully made and documented a contact with the driver and instructed the driver to contact the MRO and more than 72 hours have passed since the time the employee was successfully contacted by the DER; or
 - c. Neither the MRO nor the DER, after making all reasonable efforts, has been able to contact the employee within 10 days of the date on which the MRO receives the confirmed positive test result from the laboratory.
12. If a test is verified positive under the circumstances specified in #11 (b,c) above, the employee may, within 60 days, present to the MRO information documenting that serious illness, injury or other circumstances unavoidably prevented the employee from being contacted by the MRO or Carnegie Mellon's DER, or from contacting the MRO, as applicable, within the times provided. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed

positive test. If the MRO concludes that there is a legitimate explanation, the MRO will declare the test to be negative.

13. When a required drug test (pre-employment, return-to-duty, or follow-up) is canceled, the employee will be required to immediately take another test, with minimum advance notice.
14. Results of additional tests that are arranged by an employee, or requested by a medical practitioner, will not be considered. This includes testing of blood samples, hair samples, DNA, or any other testing methods or protocols.
15. A negative dilute drug test result, or the report of an invalid specimen, will result in the employee's being required to immediately take another test, with minimum advance notice.
16. If, in the MRO's opinion, the employee provides information that medically disqualifies the employee from providing safety-sensitive functions, or that causes the MRO to have concern about the employee's ability to safely perform his/her safety-sensitive duties, the MRO is required to give that information to our DER.
17. After verifying the test results, the MRO shall report the test results in a confidential manner to Carnegie Mellon's DER. The MRO's report will include:
 - a. The driver's name and Social Security # or employee ID #;
 - b. The date of the collection;
 - c. The reason for the test (e.g., random, post-accident, etc.);
 - d. The test results will be reported as either positive (with the identity of the specific controlled substance), negative, dilute, refusal to test, or canceled, and the date the result was verified by the MRO.
18. A required Return-to-Duty drug test must be completed, with a negative test result, prior to a driver returning to performing any safety-sensitive function.

VIII. TEST RECORDS

Records pertaining to the alcohol and controlled substances testing program shall be maintained in secured and locked confidential files in Human Resources. Access to these records shall be limited to management officials on a need-to-know basis, as determined by Human Resources.

Records and report data shall be maintained as specified in FMCSA's rules and regulations.

Except as required by law or expressly authorized or required by FMCSA's rules and regulations, driver testing information maintained under the alcohol and controlled substances testing program will be released only to the driver (on written request), or to an identified person as directed by the specific, written consent of the driver authorizing the release of the information.

IX. CONSEQUENCES OF PROHIBITED CONDUCT

When a DER receives notice of a driver's verified positive drug or alcohol test result, or of a verified refusal to be tested, or of any other violation of DOT rules (See Section VII[B], Prohibited Conduct), the driver will be immediately removed from all FMCSA safety-sensitive functions (see definition), including driving, and will be immediately terminated from employment.

The terminated employee will receive, from the DER, the name, address and phone number of a qualified SAP.

If a driver refuses to submit to testing, Carnegie Mellon will, under independent authority, consider the driver to have voluntarily resigned.

X. EDUCATION AND TRAINING

Any employee who has questions or concerns regarding this policy may seek clarification and further details from Carnegie Mellon's Director, Human Resources Services.

Educational materials, including a copy of this policy, and information concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life, signs and symptoms of an alcohol or controlled substances problem (the driver's or a coworker's) and available methods for intervening when an alcohol or controlled substances problem is suspected, will be provided to each driver. Additional materials may be requested and answers to questions about the materials may be obtained by contacting Carnegie Mellon's Director, Human Resources Services.

Attendance at training programs will be mandatory for supervisors and other employees involved in administering the controlled substances/alcohol testing program.

Supervisors who are designated to determine whether or not reasonable suspicion exists and who then order a DOT FMCSA-driver to undergo testing under FMCSA rules and regulations, will receive at least 60 minutes of training on recognizing alcohol misuse, and at least 60 minutes of training on recognizing controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

All supervisors who participate in training will be given a certificate of completion of such training. The original certificate will be kept in University records, and a copy will be provided to each supervisor for his/her own records, when requested.

XI. OTHER CONSEQUENCES

The following consequences (any other consequences described in this policy that differ from the minimum requirements of FMCSA rules and regulations) are imposed by Carnegie Mellon University under independent authority, and are not required by FMCSA regulations.

A. Termination of Employment

1. Carnegie Mellon University will immediately terminate an employee on a first violation of FMCSA regulations (Section VII[B]).
2. A driver who is convicted of driving under the influence of controlled substances and/or alcohol while on duty will be immediately terminated from employment.
3. An employee/driver who refuses to submit to required testing for alcohol and/or controlled substances will be considered to have voluntarily resigned.
4. The services of any non-employee driver (a student, a contract driver, or an independent owner-operator) who engages in prohibited conduct will be immediately discontinued.
5. A driver who, in any twelve-month period, provides three alcohol test results that are greater than 0.02 but below 0.04, will be terminated from employment.
6. When it is discovered that an employee provided false information regarding previous test results on pre-employment tests, the employee will be immediately terminated.

B. Suspended Status

1. When a driver's alcohol test result is above 0.02 but less than 0.04, FMCSA regulations require that the driver be removed from safety-sensitive functions for twenty-four (24) hours. Under independent authority, Carnegie Mellon considers this to be leave without pay.
2. When a driver is using a prescription medication and provides no written notice or authorization from a licensed medical practitioner advising that the driver may continue to safely operate a Commercial Motor Vehicle while using the medication, Carnegie Mellon University reserves the right to place the driver on leave without pay until such information is

received by Carnegie Mellon's DER or until the medication is no longer required. (See Section V[E] and Section VI.)

3. A driver who is charged by any governmental authority with driving under the influence of controlled substances and/or alcohol while on duty will be placed on leave without pay, pending resolution of the charge.

C. Additional Testing for Drugs and Alcohol

1. A driver will be required to submit to a non-DOT test for reasonable suspicion in those circumstances when the driver is suspected of drug or alcohol use, or has violated a work rule as stated elsewhere in this policy, or is involved in or may have contributed to the causing of an accident, or causes injury to him/herself or to another person, when the circumstances related to that incident do not meet the requirements of a DOT test. (See Section V[J, K]).

***THIS DRUG AND ALCOHOL POLICY IS NOT AN EMPLOYMENT CONTRACT,
OR AN OFFER OF AN EMPLOYMENT CONTRACT.***

Carnegie Mellon University may change, alter, or eliminate any or all portions of this policy as it deems appropriate, or as mandated or permitted by applicable laws, and may interpret it in response to any particular circumstance. An up-to-date copy of the policy is kept in Human Resources. Employees may request to see the policy at any time during normal business hours.

8-26-02

Carnegie Mellon DOT