SUBJECT: CDL and Safety-Sensitive Employees Alcohol & Drug Testing

RESPONSIBLE OFFICE: Human Resources Division.


PURPOSE: The purpose of this policy is to ensure employees' fitness for duty in positions requiring a commercial driver license (CDL) and other "Safety-Sensitive" positions; to protect our employees and the public from risks posed by the use of alcohol and prohibited drugs; and to comply with all applicable Federal and State statutes, regulations, and policies governing workplace anti-drug programs.

APPLICATION: All employees in the Tennessee Department of Transportation (TDOT) who are required to have a commercial driver license (CDL) and those who perform other Safety-Sensitive duties as defined by this Policy (See Appendix A).

DEFINITIONS:

Controlled Substance means a controlled substance subject to drug testing under United States Department of Transportation regulations as provided in 49 CFR § 40.85, including without limitation marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine. This also refers to any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. §812).

Detectable limits means, with respect to alcohol, an alcohol concentration of 0.02 or higher, and with respect to controlled drugs, a concentration in excess of the limits established in 49 C.F.R. § 40.87.

Dilute Specimen means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine. A dilute specimen does not provide adequate sensitivity to determine an accurate drug test result.

Reasonable suspicion means a belief based upon specific, objective, articulable facts and the reasonable inferences that may be drawn from those facts or knowledge sufficient under the circumstances to cause an ordinary reasonable person to believe that an employee has used or is using a controlled substance and/or alcohol.

Safety-Sensitive Position means a work position in which drug or alcohol impairment constitutes an immediate threat to public health or safety, or a position in which a momentary lapse of attention or
judgment could result in injury or death to another person. Safety-Sensitive work requirements apply from the time an employee 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.

A complete list of Safety-Sensitive positions at TDOT as of the effective date of this policy is listed in Appendix A.

**POLICY:** It is the policy of the Department that no TDOT employee will be allowed to work under the influence of or within detectable limits of alcohol or controlled drugs, nor manufacture, distribute, possess, or use such during work hours. Furthermore, no employee will be allowed to work under the influence of any controlled substance or other prescribed or other lawfully obtained drugs when the taking of these drugs impairs the employee's ability to perform his/her job.

CDL-holding employees and other employees in Safety-Sensitive positions are responsible for the safety and welfare of the general public and fellow employees. Employees in Safety-Sensitive positions are required to work free of impaired judgment or physical ability so as to avoid injury to themselves, other employees, and the public. The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, if a CDL-holding employee or other employee in a Safety-Sensitive position uses any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected, the employee must report the use to his/her supervisor and the employee is required to provide a written release from his/her doctor indicating that the employee can perform his/her Safety-Sensitive functions. This form can be found in Appendix B and can be sent directly to the agency Designated Employee Representative (DER) in Headquarters Human Resources.

In the event an employee voluntarily self-reports a prescribed medication that may cause impairment while using the medication, the employee will be taken off of safety-sensitive duties until the medical approval to return to performing those duties is obtained from a Medical Review Officer (MRO). The employee may remain at work without performing safety-sensitive duties and will not be required to use his or her own leave during the time awaiting medication approval.

The Department shall from time to time contract for services to ensure compliance with the law and this policy.

Appropriate disciplinary action, up to and including dismissal, will be taken for those employees not in compliance with this policy. Any employee who has a verified positive drug test for the use of controlled substances or a verified positive breath alcohol test will be subject to a five-day suspension without pay for the first offense and dismissal for the second offense. In addition, any employee who has a verified positive drug test for the use of controlled substances or a verified positive breath alcohol test must complete a Substance Abuse Professional (SAP) evaluation, referral and education/treatment process prior to again performing any Safety-Sensitive duties. Any employee who is out of work due to the testing and procedures outlined in this policy will be required to use his/her own accumulated annual or sick leave. This does not apply to an employee who voluntarily self-reports prescribed medications for approval. However, any employee whose medications are discovered as a result of that medication appearing in a drug test result is required to be off work, using his or her own leave, until medication approval can be obtained from the MRO, per testing procedures outlined in this policy.

Refusal to take an alcohol or drug test at the time it is requested shall be treated the same as a positive test and shall be subject to the same disciplinary action. Any employee on initial probation with TDOT will be dismissed from State service as a result of the first offense of a verified positive drug test for
the use of controlled substances or a verified positive breath alcohol test. Any supervisor who
compromises the integrity of the alcohol and drug testing policy or who fails to enforce it shall be
subject to disciplinary action up to and including dismissal from State service. Dismissal from State
service under this policy shall, at a minimum, include a designation that the employee is not
recommended for future employment with TDOT.

**REQUIRED TESTS AND TESTING PROCEDURES:** This policy will be administered in
accordance with applicable laws, rules, regulations and contract provisions. The Department's Human
Resources Division will administer this policy and any contract entered into for the purpose of
enforcing this policy. Additional information regarding the administration of the alcohol and drug
testing procedures under this policy is contained in TDOT's "Supervisor's Guide for Alcohol and Drug
Testing Procedures." Supervisors may seek technical assistance by calling the TDOT Human
Resources Division.

The below procedures will be followed when drug and/or alcohol tests need to be administered. For all
drug and/or alcohol tests employees must be escorted by a supervisor from work to the testing site. No
stops between the two locations are allowed. Tests for alcohol and controlled substances are required
for the following circumstances:

**Pre-Appointment:** Any applicant who has been offered employment to a position that requires
the employee to have a CDL or to any other Safety-Sensitive position must take a drug test as
prescribed by this policy. Failure to pass any portion of this testing requirement will result in
the job offer being withdrawn. Tests must also be completed before an employee is promoted,
transferred or assigned to a CDL or Safety-Sensitive position, or prior to returning to work
when an employee has been on leave or otherwise not performing the required duties of these
positions for a period of six months or longer.

**Critical Incident:** Alcohol and drug tests will be conducted after any critical incident involving
a CDL or Safety-Sensitive employee. A critical incident* is one which results in any or all of
the following:

1. An incident that results in death of a human being; or
2. An incident that results in bodily injury to a person who, as a result of the injury,
immediately receives medical treatment away from the scene of the accident; or
3. An incident where one of the vehicles is towed from the scene of the accident; or
4. An incident that results in the driver [TDOT employee] being issued a citation.

(*NOTE: This pertains to all incidents at work, not just incidents involving vehicles.)

Alcohol and drug tests should be done as soon as practical (within two hours) after a critical
incident, although there should be no delay in providing medical treatment. If circumstances
prevent adhering to the two-hour time limitation, the employee's supervisor must immediately
contact the Human Resources Division to request a time extension. In no case will a drug test
be performed after thirty-two (32) hours from the occurrence of the incident and in no case will
an alcohol test be performed after eight (8) hours from the occurrence of the incident.

**Reasonable Suspicion:** All CDL-holding employees and other employees in Safety-Sensitive
positions are subject to reasonable suspicion testing when, after review of the specific facts and
circumstances of a particular employee's case, a trained supervisor concludes that there exists a
reasonable suspicion that an employee has engaged or is engaging in conduct prohibited by
this policy. No employee shall be allowed to drive or perform any safety sensitive function
when suspected of being under the influence of drugs or alcohol until a test reports that the employee is qualified to work. The supervisor must document how this determination was made and how the conclusion was reached (e.g., the smell or sight of alcohol, a description of impaired or erratic behavior). Supervisors should document their observations on the Reasonable Suspicion Checklist in Appendix C. All reasonable suspicion actions are subject to review and approval by the Human Resources Division. There are no exceptions. Supervisors will receive required training as established and provided by TDOT's Human Resources Division.

**Random:** Employees in CDL and other Safety-Sensitive positions are subject to testing on a random, unannounced basis. TDOT HR, specifically the Designated Employer Representative (DER), will receive the list of employees who are subject to random testing from the contracted drug testing company. The DER will send the names to the Region Safety Coordinator on the day the drug/alcohol test must be administered. The Region Safety Coordinator will contact the selected employees' supervisors and instruct them to take the employee(s) for testing that day. If an employee is absent from work that day the Region Safety Coordinator will inform the DER and the employee will be rescheduled for drug/alcohol test. All employees selected for testing must be tested on the day of notification. Failure to test will be treated the same as a positive test and shall be subject to the same disciplinary action.

**Return-to-Duty and Follow-Up:** Any employee who has violated this policy, and who is allowed to return to work, shall present negative test result(s) prior to returning to work and shall be subject to applicable follow-up testing. Return-to-duty and follow-up tests will be collected under direct observation.

**Recollection Due to a Dilute Specimen:** In the case of a negative test based on a dilute specimen with a creatinine concentration of the specimen equal to or greater than 2mg/dL, but less than or equal to 5 mg/dL, a recollection under direct observation will be required immediately. If the creatinine concentration of the dilute specimen is greater than 5 mg/dL, the employee will be directed to take another test immediately but the recollections will not be collected under direct observation, unless there is another basis for use of direct observation as determined by the Medical Review Officer (MRO). The result of the recollected test will become the test result of record and not that of a prior test. If the result of the recollected test is also negative and dilute, no additional tests will be conducted because the result was dilute. If the employee declines to take a test that they have been directed to take under this section, such refusal shall be treated the same as a positive test and shall be subject to the same disciplinary action.

No employee or job applicant shall be excused from taking a test after receiving notice that such a test has been requested, absent some emergency or other compelling circumstance that renders the employee unable to take the test at that time. A conflicting appointment away from work that has not been previously disclosed to the employee's supervisor shall not be considered a legitimate excuse for failing to take a drug or alcohol test at the time it is requested. Refusal to take an alcohol or drug test at the time it is requested shall be treated the same as a positive test and shall be subject to the same disciplinary action.

**REFERENCE:**
Drug-Free Workplace Policy 230-02
TDOT Supervisor’s Guide for Alcohol and Drug Testing Procedures
### SAFETY SENSITIVE TITLES REQUIRING A CDL

<table>
<thead>
<tr>
<th>Title</th>
<th>DOT</th>
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<tbody>
<tr>
<td>EQUIPMENT MECHANIC 1</td>
<td>DOT</td>
</tr>
<tr>
<td>EQUIPMENT MECHANIC 2</td>
<td>DOT</td>
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<tr>
<td>EQUIPMENT MAINTENANCE SUPV 1</td>
<td>DOT</td>
</tr>
<tr>
<td>TDOT OPERATIONS TECHNICIAN</td>
<td>DOT</td>
</tr>
<tr>
<td>TDOT OPERATIONS TECHNICIAN SENIOR</td>
<td>DOT</td>
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<tr>
<td>TDOT OPERATIONS TECHNICIAN SUPV</td>
<td>DOT</td>
</tr>
<tr>
<td>AUTOMOTIVE MASTER MECHANIC</td>
<td>DOT</td>
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### SAFETY SENSITIVE TITLES NOT REQUIRING A CDL

<table>
<thead>
<tr>
<th>Title</th>
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</thead>
<tbody>
<tr>
<td>AIRCRAFT CHIEF PILOT</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>AIRCRAFT LEAD PILOT</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>AIRCRAFT MECHANIC 1</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>AIRCRAFT MECHANIC 2</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>EQUIPMENT SERVICE WORKER</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>HWY RESP OPERATOR 1*</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>HWY RESP OPERATOR 2*</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>HWY RESP OPERATOR SUPERVISOR 1</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>HWY RESP OPERATOR SUPERVISOR 2</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>MAINTENANCE CARPENTER 1</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>MAINTENANCE CARPENTER 2</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>TDOT TMC TECHNICIAN – TRAINEE</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>TDOT TMC TECHNICIAN</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>TDOT TMC TECHNICIAN SENIOR</td>
<td>Non-DOT</td>
</tr>
<tr>
<td>TDOT TMC TECHNICIAN SUPERVISOR</td>
<td>Non-DOT</td>
</tr>
</tbody>
</table>

### SAFETY SENSITIVE IF POSITIONS REQUIRE A CDL

<table>
<thead>
<tr>
<th>Title</th>
<th>DOT</th>
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</thead>
<tbody>
<tr>
<td>TDOT TECHNICIAN</td>
<td>DOT</td>
</tr>
<tr>
<td>TDOT TECHNICIAN SENIOR</td>
<td>DOT</td>
</tr>
<tr>
<td>TDOT TECHNICIAN SUPERVISOR</td>
<td>DOT</td>
</tr>
</tbody>
</table>
# TDOT MEDICATION APPROVAL FORM

**EMPLOYEE COMPLETES THIS SECTION:**

<table>
<thead>
<tr>
<th>EMPLOYEE NAME</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>EMPLOYEE ID #</td>
<td>JOB TITLE</td>
</tr>
<tr>
<td>JOB DESCRIPTION</td>
<td>WORK PHONE NUMBER:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Region</th>
<th>Name of Drug</th>
<th>Date Prescribed</th>
<th>Date Approval Expires</th>
<th>Restrictions/Instructions</th>
</tr>
</thead>
<tbody>
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The information provided in this Medication Approval Form is true and correct to the best of my knowledge. I understand and will comply with the prescribed use of these medications and their restrictions while working.

Employee Signature / Employee ID # / Phone Number Date

**EMPLOYEE’S HEALTH CARE PRACTITIONER COMPLETES THIS SECTION:**

Please complete this form so that your patient can work in his/her Tennessee Department of Transportation safety sensitive job. By signing below, you are acknowledging that you are aware of this employee’s job duty requirements and that the prescribed medication(s) currently being taken will not adversely impair performance or endanger the safety of this individual, co-worker, or the public. Please indicate below what, if any, restrictions should be placed upon the time between when the medication is taken and the time the individual can safely perform his/her job duties.

Medication Employee is Currently Taking:

<table>
<thead>
<tr>
<th>Name of Drug</th>
<th>Date Prescribed</th>
<th>Date Approval Expires</th>
<th>Restrictions/Instructions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

Signed Date

Please Print Name, Address and Phone Number Below:

____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
# REASONABLE SUSPICION TESTING CHECKLIST

<table>
<thead>
<tr>
<th>Employee Name:</th>
<th>Employee Job Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facility:</td>
<td>Location of Event:</td>
</tr>
<tr>
<td>Observation Date:</td>
<td>Time: a.m. / p.m.</td>
</tr>
<tr>
<td>Was employee performing a safety-sensitive duty?</td>
<td>Yes ___ No ___</td>
</tr>
</tbody>
</table>

The following observations were made of the employee identified above:
Check ALL specific and contemporaneous observations and document the following:

### BEHAVIOR
- Unsteady gait, stumbling
- Drowsy, sleepy, lethargic
- Agitated, anxious, restless
- Hostile, belligerent
- Irritable, moody
- Depressed, withdrawn
- Unfocused, blank stare
- Unresponsive, distracted
- Clumsy, uncoordinated
- Tremors, shakes
- Flu-like illness complaints
- Suspicious, paranoid
- Hyperactive, fidgety
- Inappropriate, uninhibited behavior
- Frequent use of mints, mouthwash, breath sprays, eye drops

### APPEARANCE
- Unsteady gait, stumbling
- Drowsy, sleepy, lethargic
- Agitated, anxious, restless
- Hostile, belligerent
- Irritable, moody
- Depressed, withdrawn
- Unfocused, blank stare
- Unresponsive, distracted
- Clumsy, uncoordinated
- Tremors, shakes
- Flu-like illness complaints
- Suspicious, paranoid
- Hyperactive, fidgety
- Inappropriate, uninhibited behavior
- Frequent use of mints, mouthwash, breath sprays, eye drops

### SPEECH
- Unsteady gait, stumbling
- Drowsy, sleepy, lethargic
- Agitated, anxious, restless
- Hostile, belligerent
- Irritable, moody
- Depressed, withdrawn
- Unfocused, blank stare
- Unresponsive, distracted
- Clumsy, uncoordinated
- Tremors, shakes
- Flu-like illness complaints
- Suspicious, paranoid
- Hyperactive, fidgety
- Inappropriate, uninhibited behavior
- Frequent use of mints, mouthwash, breath sprays, eye drops

### BODY ODORS
- Unsteady gait, stumbling
- Drowsy, sleepy, lethargic
- Agitated, anxious, restless
- Hostile, belligerent
- Irritable, moody
- Depressed, withdrawn
- Unfocused, blank stare
- Unresponsive, distracted
- Clumsy, uncoordinated
- Tremors, shakes
- Flu-like illness complaints
- Suspicious, paranoid
- Hyperactive, fidgety
- Inappropriate, uninhibited behavior
- Frequent use of mints, mouthwash, breath sprays, eye drops

Other observations: ____________________________

Supervisor Name (print or type): ____________________
Supervisors Signature: ____________________
Date: ____________________

Additional witnesses (optional)

Witness Name (print or type): ____________________
Witness Signature: ____________________
Date: ____________________

## TEST DETERMINATION

<table>
<thead>
<tr>
<th>DOT</th>
<th>NON-DOT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reasonable Suspicion Alcohol Test</td>
<td>Reasonable Suspicion Drug Test</td>
</tr>
<tr>
<td>No Test Required</td>
<td>Employee Refused Test</td>
</tr>
</tbody>
</table>

| Test Conducted | 8 hours elapsed for alcohol test | 32 hours elapsed for drug test | Employee transported for medical care | Other (explain): |

Employee transported to collection site by:

Time of Transport: ____________________ a.m. / p.m.
Collection Facility: ____________________

National Toxicology Specialists - 1425 Elm Hill Pike, Nashville TN 37210 - Phone: 615-353-1888 - Fax: 615-356-1890