

**TENNESSEE
DEPARTMENT OF TRANSPORTATION
Supervisor's Guide for
ALCOHOL AND DRUG TESTING PROCEDURES**

The information contained in this guide is for supervisors of the Tennessee Department of Transportation (TDOT) who supervise employees covered under Federal DOT Drug and Alcohol testing regulations and all Safety-Sensitive Personnel. The policy and procedures are based upon the most accurate information available at the time it was prepared.

TDOT's designated employer representative (DER) who is designated to monitor, facilitate, and answer questions pertaining to these procedures is Amy Earheart, 615-253-6162 (office). Supervisors may also contact National Toxicology Specialist (NTS) at 866-534-1888, Option #1.

Under all circumstances, when a safety-sensitive or CDL-holding employee is directed to provide either a breath test or urine sample, he/she must immediately comply as instructed. Refusal will constitute a positive result, and the employee will be immediately removed from duties and will be subject to further discipline or termination as appropriate.

APPLICANT AND CURRENT SAFETY-SENSITIVE OR CDL EMPLOYEE TESTING, AWARENESS, & FORMS

A. ***Pre-employment Applicant Testing:*** All applicants applying for a title listed in Appendix A of the CDL and Safety-Sensitive Employees Alcohol & Drug Testing policy will be required to submit to and pass a urine drug test as a condition of employment. Offers of employment are made contingent upon passing the drug test. When possible, the supervisor should take the prospective applicant to testing site for pre-employment test. Official job offers are not made until test results come back to the DER.

B. ***Reasonable Suspicion Drug Testing:*** If a safety-sensitive or CDL-holding employee is having work performance problems or displaying behavior that may be alcohol or drug related, or is otherwise demonstrating conduct that may be in violation of policy where immediate action is necessary, a supervisor (trained in reasonable suspicion determination) will require the employee to submit to a breath test and/or urinalysis. TDOT's determination that reasonable suspicion exists to require the covered employee to undergo an alcohol or drug test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and/or body odors of the employee. The required observations shall be made by a supervisor ***and one witness*** trained in detecting the symptoms of drug and alcohol misuse.

Please refer to Appendix A for required form. If you have any questions on the process or need assistance with filling out the forms, please call NTS at 615-353-1888 or 866-534-1888 (option 1).

- 1) The supervisor shall, as soon as practicable within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to TDOT's designated employer representative (DER).
- 2) The DER will remove or cause the removal of the safety-sensitive employee from any TDOT-owned vehicle or safety-sensitive job and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence or, where appropriate, to a place of lodging. Under no circumstances will that employee be allowed to continue to operate a TDOT vehicle or his/her own vehicle until a confirmed negative test result is received.
- 3) Employees referred for reasonable suspicion testing shall be considered to be on duty during the time they are being tested, including travel time to and from the testing site, and shall be compensated accordingly.

Any safety-sensitive employee who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for duty by a trained supervisor shall be suspended from job duties pending verification of condition. Employee shall use accumulated leave for this time away from work or be placed on leave without pay.

Employees found to be under the influence of prohibited substances as a result of a positive drug or alcohol test shall be removed from duty and subject to disciplinary action per policy, up to and including dismissal.

C. **Post-Accident or Critical Incident Testing:** Safety sensitive and CDL-holding employees are required to provide a breath test and a urine specimen to be tested for the use of alcohol and controlled substances ***as soon as practicable*** after any critical incident. The safety-sensitive or CDL-holding employee shall remain readily available for such testing or may be deemed by the DER to have refused to submit to testing. No alcohol may be consumed for eight hours after the critical incident or until a test is conducted. No drug should be administered to the employee for up to thirty-two (32) hours after the critical incident or until a test is conducted; however, necessary medical treatment should not be delayed. If the employee is seriously injured and cannot provide a specimen at the time of the critical incident, he/she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate that the donor was unable to provide a specimen.

Please refer to Appendix B for required forms. If you have any questions on the process, need help locating the nearest collection site, or need assistance with filling out the forms, please call NTS at 615-353-1888 or 866-534-1888 (option 1). The supervisor may also contact NTS if collection needs to take place and it is not practicable to transport the employee to an approved testing site.

A critical incident is defined in TDOT policy as one that 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.)

Adherence to post-critical incident specimen collection requirements is a condition of continued employment.

Under the Federal Aviation Administration (FAA) regulations, accident means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and the time all such persons have disembarked, and in which

1. any person suffers death or serious injury; or
2. in which the aircraft receives substantial damage.

D. **Random Testing:** TDOT will conduct random testing for all covered employees as follows:

- 1) Upon notification an employee must be accompanied by a supervisor and proceed immediately to the assigned collection site.
- 2) In the event an employee, who is selected for a random drug and/or alcohol test, is on vacation or an extended medical absence, TDOT can either select another employee for testing or keep the original notification confidential until the employee who is absent returns to duty.

Safety-sensitive and CDL-holding employees referred for random testing shall be considered to be on duty during the time period they are being tested, including travel time to and from the testing site, and shall be compensated accordingly.

Please refer to Appendix B for required forms. If you have any questions pertaining to these procedures please contact the DER or NTS.

E. ***TDOT Fitness for Duty Medication Reporting Form:*** 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 or those who hold a CDL 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. The employee further is required to provide a written release from his/her doctor indicating that the employee can perform his/her safety-sensitive functions ***Please refer to Appendix C for required form.***

G. ***Voluntary CDL Awareness:*** When employees in non-Operations titles volunteer to get a CDL to operate TDOT equipment the below process must be followed.

- 1) Employee will complete the voluntary awareness memo and submit it to the Regional Training Safety Coordinator. The form then should be scanned to the DER. ***Please refer to Appendix D for required form..***
- 2) The DER will review the form and respond to the Regional Training Safety Coordinator and request additional information or direct them to send the employee for pre-employment drug testing. The employee should not be sent for drug testing until the DER provides direction.
- 3) Standard procedure should be followed to send the employee for pre-employment drug test. ***Please refer to Appendix B for required forms.***
- 4) The DER will process the test results when received and communicate the results to the Regional Training Safety Coordinator. The employee should not begin training in TDOT equipment until the DER has communicated that we have a negative drug testing result on file.

CONSEQUENCES

Any employee who violates the prohibited conduct will be subject to the following consequences:

- Employees shall not be permitted to perform safety-sensitive functions. First time offenses will result in a five-day suspension without pay. Second time offenses will result in dismissal.
- Employees shall be advised by their supervisor of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of controlled substances including a referral to the state Employee Assistance Program (EAP).
- Before an employee returns to duty requiring performance of a safety-sensitive function, he or she shall undergo a return-to-duty alcohol test or controlled substance test that results in a verified negative result. Supervisor must hear from the DER before an employee can return to work.
- Under certain circumstances, employees may be required to undergo treatment for substance abuse. Any safety-sensitive employee who refuses or fails to comply with state government requirements for treatment, after care, or return to duty shall be subject to disciplinary action, up to and including dismissal.
- Employees removed from safety-sensitive functions as a result of tests that indicate the misuse of alcohol and/or the use of controlled substances may, at the discretion of the appointing authority, be allowed to take annual and/or compensatory leave or be placed on leave without pay, including leave allowed under the FMLA and the ADA, for the removal periods required under the rules for such employees.

CONFIDENTIALITY

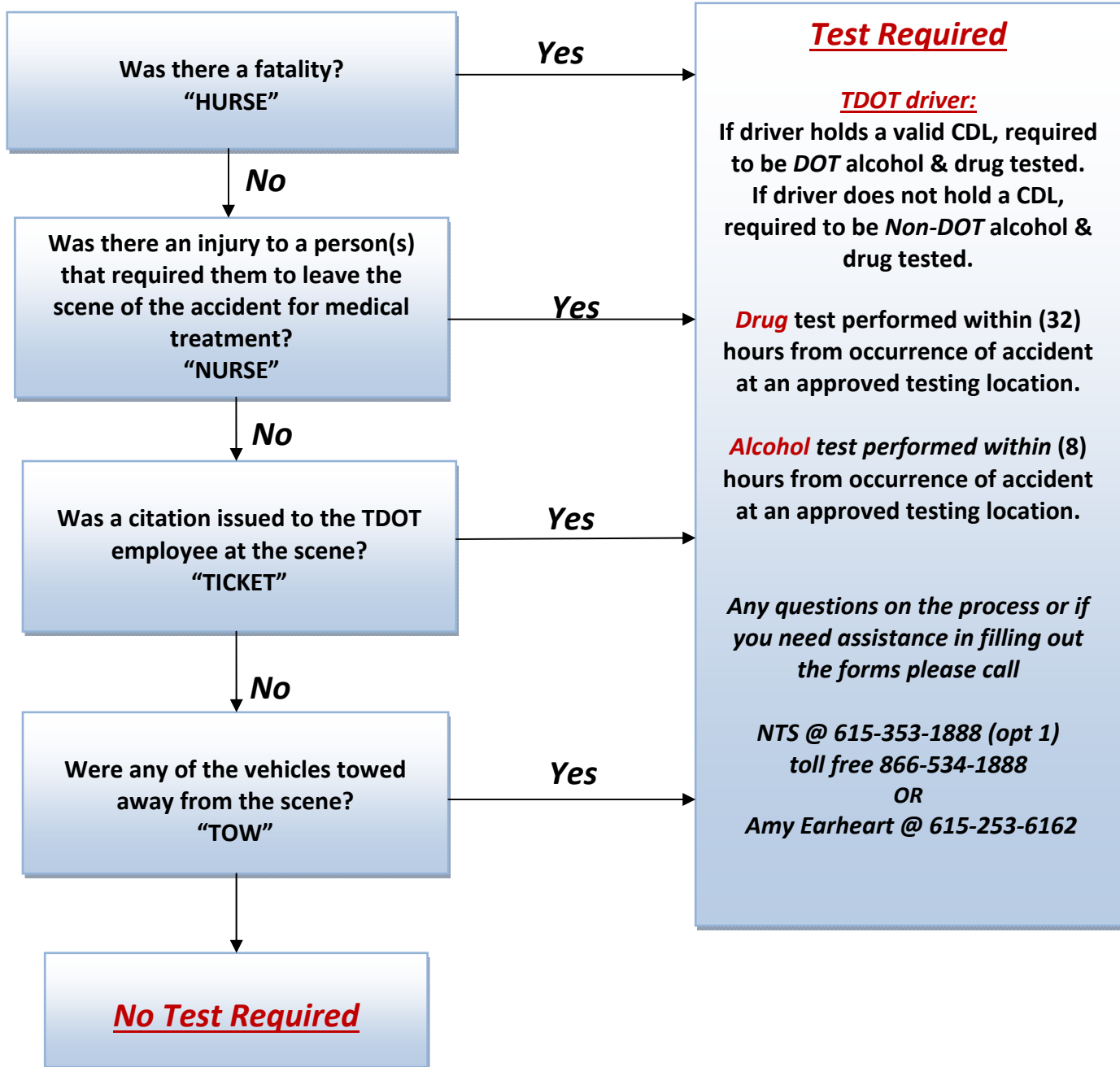
Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee. Alcohol test results will be reported directly to the DER by the BAT for confidential record keeping.

PROPER APPLICATION OF THE POLICY

Any supervisor or manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action up to and including dismissal.

Post Accident Decision Tree

If a safety sensitive or CDL holding employee is in an accident is he/she tested?



Reasonable Suspicion Decision Tree

