

Salt Lake County Human Resources Policy 3-700: CDL and Safety Sensitive Alcohol and Drug Screening, Testing, and Treatment

Purpose

This policy establishes alcohol and drug screening, testing and treatment procedures for CDL holders and Safety Sensitive designated positions.

I. Policy

Salt Lake County has determined that the use of alcohol or illegal drugs by employees who hold a Commercial Driver's License (CDL) or perform safety sensitive duties may create a significant harm to the public, employees or county property and may be in violation of the criminal laws of the state of Utah. Employees who are required to hold a CDL License or perform safety sensitive duties and violate this policy will be subject to discipline in accordance with this policy.

II. Procedures

- A. Unless exempted under federal regulations, prospective employees who will drive a vehicle requiring a Commercial Driver's License (CDL) while on duty will undergo pre-employment drug testing before starting work.
- B. Job announcements published to recruit for CDL holders or safety sensitive positions will state that applicants selected for hire will be required to consent to drug testing.
- C. Applicants subject to pre-employment drug testing may request a copy of the test results within sixty calendar days of hire.
- D. Applicants must provide a release to allow the County to obtain alcohol and drug testing records from DOT-regulated employers for a period two years prior to the date of application as required by the [Release of Information Form](#)-49 CFR, Part 40, Alcohol and Drug Testing.
- E. Applicants who refuse to consent to testing or test positive for drugs in violation of this policy will not be hired.
- F. Random Alcohol And Drug Testing (CDL and Safety Sensitive)
 1. A minimum of 50% of all CDL holders must be tested for drugs and a minimum of 10% must be tested for alcohol misuse or abuse on a random basis every calendar year using a computerized random selection procedure generated by an independent laboratory that:
 - a. will give all CDL employees an equal chance of being selected for testing
 - b. is unannounced
 - c. is evenly spaced throughout the year
 2. Alcohol and drug tests may be performed just prior, during or just after performing a safety sensitive driving function.
 3. The employee's supervisor or designee will escort the employee to the independent laboratory for testing.
 4. If an employee is selected for random testing is off duty a written record must be prepared by the employee's supervisor or designee and kept on file stating the reasons the test was not administered.

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5. A positive test will be reported immediately to the administrator or designee or the immediate supervisor or designee who will temporarily remove, with pay, the employee from all driving and safety sensitive functions pending results of a confirming test.
- G. Post-accident Alcohol and Drug Testing (Department of Transportation) (CDL)
1. CDL holders who operate a vehicle for the purpose of conducting county business will be tested for alcohol and drugs when one or more of the following occur:
 - a. The CDL holder is involved in an accident resulting in major physical (immediately receives medical treatment away from the scene of the accident) or the loss of human life
 - b. The CDL holder is involved in an accident resulting in a citation as well as disabling damage to the vehicle (meaning that the vehicle must be towed from the scene of the accident)
 - c. There is reasonable suspicion that the CDL holder is under the influence of alcohol or drugs
 - d. The accident results in loss of human life
 2. CDL holders may also be tested as a result of reasonable suspicion in the manner outlined in [HR Policy 3-600 Alcohol and Drug Screening, Testing and Treatment](#).
 3. Following an accident, the onsite County Safety Officer or designee will:
 - a. inform the employee involved in an accident of the requirement for alcohol and drug testing
 - b. will escorted the employee to the independent laboratory for testing
 4. Time Limits
 - a. Alcohol tests must be conducted within two hours of an accident.
 - b. If the alcohol tests cannot be conducted within two hours, a written record must be prepared by the employee's supervisor or designee and kept on file stating the reasons the tests were not administered within the two hour time limit. If the alcohol test cannot be administered within eight hours, all attempts to test must cease and a written record must be prepared by the employee's supervisor or designee and kept on file stating the reasons the test was not administered within the eight hour time limit.
 - c. No driver required to take a post-accident alcohol test will use alcohol for eight hours or until post-accident testing has occurred whichever comes first.
 - d. Drug tests must be conducted immediately, but in no case beyond 32 hours of an accident.
 - e. Drug test must be conducted within 32 hours of an accident.
 - f. If drug tests cannot be conducted within 32 hours, a written record must be prepared by the employee's supervisor or designee and kept on file stating the reasons the tests were not administered within the allowed time limits.
 5. After testing and at the discretion of the administrator or designee, the employee may be released from duty and escorted to the employee's place of residence.
 6. An employee released from duty may be placed on paid administrative leave at the discretion of the administrator or designee in accordance with the procedures outlined in [HR Policy 4-200 Leave Practices](#).

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7. A CDL holder subject to post-accident testing who leaves the scene of an accident without authorization before a test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing and is subject to discipline.
- H. Testing Requirements DOT CDL
1. All testing under this policy must be performed by a National Institute on Drug Abuse (NIDA) certified laboratory for alcohol and the following drugs (DOT panel):
 - a. marijuana
 - b. cocaine
 - c. opiates
 - d. phencyclidine
 - e. amphetamines (including methamphetamines)
 2. A CDL holder or employee in a safety sensitive position is required to report on the County's Disclosure of Prescription Drugs form, the use of prescription drugs that may impact job performance.
 3. An employee may be allowed to perform job duties while using prescribed medications if the employee's health care provider advises, in writing to the administrator or designee, that the substance will not adversely affect the employee's ability to operate a vehicle requiring a CDL. Final approval is subject to review by the Medical Review Officer (MRO).
- I. Alcohol for Drug Test Results and Return to Duty Testing for Reasonable Suspicion, Post-accident and Random DOT, CDL and Safety Sensitive
1. Upon receipt of a verified positive alcohol or drug test result, the supervisor or designee must remove the CDL holder or employee from performing safety sensitive functions. This action must be taken upon receiving the initial report of the verified test result.
 2. The supervisor or designee will not wait to receive the written report or the result of a split specimen test. The employee will not be returned to duty until successful completion of the return-to-duty process.
 3. An employee who tests positive for alcohol or drugs as a result of the testing requirements under this policy who undergoes evaluation and treatment by a Substance Abuse Professional (SAP) may at the discretion of the administrator or designee be reassigned to alternate duties, excluding safety sensitive functions, provided the employee is qualified.
 4. An employee who tests positive for alcohol or drugs must be tested for alcohol and drugs as part of a counseling, education or treatment program recommended by a SAP prior to returning to the job or while continuing to perform in the same position as recommended by the SAP and approved by the administrator or designee.
 5. Prior to the employee returning to safety sensitive functions, the employee will undergo return to duty alcohol and drug testing with verified negative test results. Alcohol and drug testing must be administered under direct observation.
 6. The employee will be subject to follow-up testing pursuant to the recommendations of the SAP overseeing the employee's evaluation and treatment.
 7. Employees with negative test results will be informed by the administrator or designee and are not subject to further action under this policy.
 8. A revoked driver's license may be grounds for termination.

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- J. Voluntary Self-Identification of Alcohol Misuse and Drug Abuse (CDL or Safety Sensitive)
1. An employee who admits to alcohol misuse or drug abuse to the EAP Manager or the immediate supervisor, and who has not violated the testing requirements of this policy, is not subject to adverse action provided:
 - a. the admission is in accordance with this policy
 - b. the employee does not self-identify in order to avoid testing under the requirements of this policy
 - c. the employee makes the admission of alcohol misuse or drug abuse prior to performing a safety sensitive function (e.g. prior to reporting for duty)
 - d. the employee does not perform a safety sensitive function until the administrator or designee is satisfied the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program
 - e. the employee does not self-identify in order to avoid discipline for violation of other county policies (e.g. [HR Policy 3-300 Standards of Conduct](#))
 - f. the employee receives a referral to counseling or a drug rehabilitation program in accordance with this policy
 2. A supervisor or manager notified by an employee of an alcohol or drug problem may refer the employee to the EAP Manager
 3. The County EAP Manager will refer an employee who requests assistance to counseling or an alcohol or drug rehabilitation program.
 - a. An employee will be allowed reasonable opportunity to seek evaluation, education or treatment to establish control over the alcohol or drug problem.
 - b. An employee seeking evaluation or treatment may apply for leave under [Family and Medical Leave](#) policy or [HR Policy 4-200 Leave Practices](#).
 - c. The employee must be released by a Substance Abuse Professional (SAP), a licensed mental health professional or a health care provider before returning to work.
 4. An employee undergoing evaluation and treatment may at the discretion of the administrator or designee be temporarily reassigned to alternate duties, excluding safety sensitive functions, provided the employee is qualified.
 5. Prior to the employee returning to safety sensitive functions, the employee will undergo a return to duty alcohol and drug test with verified negative test results. Alcohol and drug testing must be administered under direct observation.
 6. Following a return to duty test, the employee is subject to follow-up testing pursuant to the recommendation of a SAP and must be administered under direct observation.
 7. The employee must be tested for alcohol and drugs a minimum of six times in the next 12 months or as many as thirty times in a total of 60 months pursuant to the recommendation of a SAP.
 8. Employees who fail to successfully complete such program may be subject to discipline including termination.
 9. All costs for counseling or rehabilitation will be paid by the employee.
- K. Training Requirements

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1. Supervisors designated to determine whether reasonable suspicion exists to require a CDL holder or an employee in a safety sensitive position to undergo testing, must receive 60 minutes of training on alcohol and 60 minutes of training on drug abuse. The training will include the physical, behavioral, speech and performance indicators of probable alcohol misuse and drug abuse. Training will also include a description of types of testing required and testing procedures.
 2. CDL holders or safety sensitive will receive 60 minutes of training on alcohol misuse and drug abuse use prior to participating in the alcohol and drug testing program. The training will include:
 - a. the affect and consequences of alcohol and drug use on personal life, health, safety and work environment
 - b. the behavioral changes that may indicate alcohol or drug use or abuse
 - c. testing policies and procedures
 3. Employees are required to sign a statement certifying they have received a copy of the training materials described in this section.
- L. Record Keeping (DOT) (CDL)
1. Records related to alcohol and drug testing must be maintained in a secured, confidential file by the agency and will not be kept in the employee's personnel file (official) unless the record is used as basis for disciplinary action.
 2. Records and references to false positive test results will be deleted from all files.
 3. Records relating to alcohol and drug testing are classified as "protected" under the [Government Records Access and Management Act \(GRAMA\)](#) and are available for review only by the administrator or designee on a need-to-know basis.
 4. Each agency will be responsible for providing and maintaining confidential records.
 5. The following records will be kept for a minimum of five years in a secured confidential file:
 - a. records of driver alcohol tests with an alcohol concentration of 0.02 Blood Alcohol Content (BAC) or higher;
 - b. records of verified positive drug test results;
 - c. documentation of refusals to take required alcohol or drug tests (including substituted or adulterated drug test results);
 - d. SAP reports
 - e. all follow up tests and schedules for follow up tests;
 - f. evaluations and referrals;
 - g. records related to the administration of alcohol and drug testing programs; and
 - h. a copy of the annual calendar year summary report for the agency for a period of five years.
 6. The following records will be maintained for two years in a secured confidential file:
 - a. records relating to the alcohol and drug collection process
 - b. records related to the education and training of supervisors and CDL holders two years after the employee ceases to perform those functions
 7. The following records will be maintained for one year in a secured confidential file:

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- a. records of negative and canceled drug test results
 - b. records of alcohol test results with an alcohol concentration of less than 0.02 BAC
- M. Random Alcohol and Drug Testing (Safety Sensitive Positions)
- 1. 25% of employees performing in safety sensitive positions will be tested for alcohol misuse and drug abuse on a random basis every calendar year using a computerized random selection procedure generated by the independent laboratory that:
 - a. will give all employees an equal chance of being selected for testing
 - b. is announced
 - c. is evenly spaced throughout the year
 - 2. The employee's supervisor or designee will escort the employee to the independent laboratory for testing.
 - 3. If an employee selected for random testing is off duty, a written record must be prepared by the employee's supervisor or designee and kept on file stating the reasons the test was not administered.
 - 4. Positive tests for safety sensitive employees will be reported immediately to the administrator or designee or supervisor or designee who will temporarily remove, with pay, the employee from all safety sensitive functions pending results of a confirmatory test.
- N. Testing Requirements (Safety Sensitive Positions)
- 1. Prior to performing an alcohol or drug test, all safety sensitive employees will be notified they are subject to these tests.
 - 2. Employees hired to perform in safety sensitive positions may be tested for alcohol and the following partial list of drugs (ten panel):
 - a. synthetic opiates (Oxycontin, Hydrocodone)
 - b. cocaine
 - c. opiates
 - d. phencyclidine (PCP)
 - e. benzodiazepine
 - f. amphetamines (including methamphetamines)
 - g. barbiturates
 - h. cannabinoids
 - i. methadone
 - j. propoxyphene
 - 3. Employees who hold safety sensitive positions must report to the supervisor or designee on the [Disclosure of Prescription Drugs form](#), the use of prescription drugs that may impact their job performance.
 - 4. An employee may be allowed to perform safety sensitive job duties while using prescribed medications if the employee's health care provider advises in writing to the administrator or designee, subject to review by the Medical Review Officer (MRO), that the substance will not adversely affect the employee's ability to perform safety sensitive functions.
- O. Sheriff's Office Sworn Employees - Rehabilitation and Examination

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1. Whether to proceed with discipline or rehabilitation for violations of this policy will be within the sole discretion of the Sheriff.
2. Sworn employees having confirmed positive tests and who have been evaluated as having alcohol or drug abuse problems may be referred to a substance abuse professional for counseling or treatment, but are not entitled to treatment in lieu of disciplinary action.

III. References

- A. Federal Motor Carriers Safety Regulation; 49 CFR, Part 40, Part 382
- B. Drug Free Workplace; 41 USC Chapter 10
- C. Local Government Entity Drug-Free Workplace Policies, Utah Code 34.41
- D. Salt Lake County Countywide Policy and Procedure:
 1. Discovery & Reporting of Non-Criminal Wrongdoing – No. 1304
 2. Vehicle – No. 1350
- E. Human Resources Policy:
 1. 1-200, General Definitions
 2. 3-300, Standards of Conduct
 3. 3-400, Discipline
 4. 3-900, Fitness for Duty
 5. 3-1000, Drug Free Workplace
 6. 4-200, Leave Practices
 7. 4-700, Employee Resource Program