

## **Controlled Substances Testing of Employees with a Commercial Driver's License**

**Summary/Purpose:** In compliance with the Omnibus Transportation Employee Testing Act of 1991 (OTETA), The University of Mississippi will conduct substances testing of all applicants for employment in positions requiring a commercial driver's license and current employees whose University employment requires them to possess a commercial driver's license.

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Employees whose test results confirm prohibited alcohol concentration levels or the presence of a controlled substance as defined by OTETA will be subject to disciplinary action. Any such disciplinary action shall, at a minimum, conform to those penalties proscribed by the applicable federal regulations, but may also include other disciplinary action, up to and including termination of employment. The University will provide affected employees and their supervisors with alcohol and controlled substances information and train supervisors to determine reasonable suspicion of alcohol misuse/controlled substance use. University supervisors will also refer affected employees to the Employee Assistance Program. Any costs for treatment, other than those covered by the State Employees' Health Insurance Plan, must be borne by the employee.

Records of required test results and annual reports to the U. S. Department of Transportation will be submitted and maintained in the Department of Human Resources. All records will be retained in a secure location with controlled access, as required by federal regulations.

No centralized funding is provided for expenses related to required substance testing. The departments employing the affected individuals are responsible for ensuring related invoices are paid. The Department of Human Resources serves as the liaison between University departments and the testing provider.

### Procedure

1. Prior to beginning work in positions requiring a commercial driver's license, employees will be tested for controlled substance use. Offer letters to affected new employees shall indicate that the offer is contingent upon completion of drug tests which indicate an absence of drug use. Hiring departments will coordinate with the Department of Human Resources to schedule required tests. Any employee who tests positive for drugs will not be allowed to begin work and the offer of employment will be withdrawn unless documentation is provided by the employee to the University's Medical Review Officer to convince the Medical Review

Officer that the presence of the drug is justified. The individual will be informed by the Department of Human Resources of the positive drug screen. Individuals may reapply for employment in a position requiring a commercial driver's license at the University after a reasonable time but additional drug screening will be administered at the individual's expense. In addition, if employed, those individuals will be administered follow-up tests, at their own expense, a minimum of six times over the first 12 months following their employment.

2. After employment, and as a condition of University employment, employees required to have a commercial driver's license will be tested randomly; when there is reasonable suspicion; postaccident involving the loss of human life or the issuance of a citation for a moving traffic violation arising out of the accident; upon return to work after a violation of this policy; and, as a follow-up to ensure that the policy has not been violated again. The Department of Human Resources will coordinate testing of employees.
  - Random tests for alcohol misuse/controlled substances use will be conducted utilizing a scientifically valid method to select employees for testing. A minimum of 25 percent of the drivers will be tested each calendar year for alcohol misuse and 50 percent of the drivers will be tested each calendar year for controlled substances use.
  - Employees will be tested for alcohol/drug use when there is reasonable suspicion of their alcohol misuse/controlled substances use. When reasonable suspicion exists, a written record must be made by the individual who made the observations and submitted to the Director of Human Resources. Supervisors of employees subject to alcohol/drug testing are required to participate in at least one hour of training on alcohol misuse symptoms and indicators used in making determinations for reasonable suspicion testing and one hour training on the signs and symptoms of drug use. Training efforts will be coordinated by the Department of Human Resources.
  - Postaccident alcohol tests will be conducted within two hours following an accident involving loss of human life or resulting in a citation for a moving traffic violation. Drug tests will be conducted within 32 hours following an accident.
  - Employees who violate alcohol misuse/drug use rules will be tested and must be found in compliance with the rules prior to returning to work. In addition, those employees will be administered follow-up tests a minimum of six times over the first 12 months following his/her return to work.
3. Positive test results will be reviewed by the University's Medical Review Officer who will notify the Department of Human Resources after all confirmation tests are complete. The Director of Human Resources will review the individual circumstances with the employee's unit head and recommend disciplinary action to the appropriate administrator.
4. Employees who refuse to submit to testing procedures when required will be forbidden to drive a University vehicle and will be subject to other appropriate disciplinary actions, up to and including termination of employment. The employee's unit head and the Director of Human Resources will review the individual circumstances and recommend disciplinary action to the appropriate administrator(s).

5. If an employee is required to participate in a counseling/treatment program, the employee may utilize accrued Major Medical Leave, Personal Leave, or leave without pay to reasonably accommodate such participation.
6. Employees subject to testing required by this policy will be provided detailed information about alcohol misuse/drug use, the University's testing policy, and how and where they can get help for alcohol misuse/drug use.