

Policy Section:	5 Conditions of Employment
Policy Number and Title:	5.1.7 Procedures: Controlled Substances and Alcohol Use and Testing
Applicable To:	Employees Required to Hold a Commercial Driver's License (CDL)
Effective Date:	May 3, 2004

PREFACE

These Procedures complement the [Policy on Controlled Substances and Alcohol Use and Testing](#) Regulations and provide guidance to supervisors and employees who have questions about alcohol and drug testing in the workplace.

CONFIDENTIALITY

Fundamental to Princeton's policy on alcohol and drug testing is the commitment to respect the privacy and reasonable concerns of employees who are required to be tested for alcohol and drug use. The University takes extensive measures to ensure that all records

BACKGROUND

Alcohol and drug use and misuse are serious problems affecting the lives of millions of workers and have been linked to accidents and deaths in the workplace, decreased worker productivity, increased health care costs and increased employee absences. The purpose of the regulations is to promote safety by detecting and deterring conduct which may jeopardize the individual health, safety and well-being of employees and the public.

The U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA) regulations, as well as the Drug-Free Workplace Act (see: Policy Number 5.22) mandate that the University take special measures to ensure that the health and safety of its employees and public safety are protected. Equally important, however, is the assurance to employees that personal dignity and privacy will be respected and to ensure that harassment, discrimination and defamation do not result from the testing.

COVERED EMPLOYEES

The policy applies to all Princeton University employees who are required to obtain a commercial driver's license (CDL) as a condition of employment. Individuals must have a CDL to operate in both interstate and intrastate commerce. A CDL is required for every employee who:

- drives a vehicle that has a gross weight of 26,001 pounds or more; or
- transports hazardous materials in an amount that requires placarding; or
- drives a vehicle designed to transport 16 or more passengers, including the driver, on public roads.

These positions are defined by federal regulations as "safety-sensitive" which, at the University, include but are not limited to Bus Drivers, Security Officers, Movers and Sanitation Equipment Operators. The law applies to new and current employees, as well as current employees applying to transfer to a safety-sensitive position.

Students, staff or faculty hired on a temporary basis to serve in safety-sensitive positions are also subject to these federal requirements.

**Covered
Employees Not
Allowed to Work**

Covered employees are not allowed to work if they...

- Report or return to work within four hours after consuming alcohol;
- Use or possess alcohol or controlled substances on the job, including during
- breaks/lunch;
- Have a test result indicating an alcohol concentration of 0.04 or greater;
- Use alcohol during the eight hours following an accident if their involvement has not been discounted as a contributing factor in the accident or until they test negative, whichever occurs first;
- Report for duty or remain on duty when they have used any controlled substance (except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle);
- Test positive for controlled substances;
- Refuse to submit to an alcohol or controlled substance test as requested.

REQUIRED TESTS

DOT regulations require testing for alcohol and the following controlled substances: marijuana, cocaine, opiates, amphetamines and phencyclidine. Employees are required to participate in alcohol and/or drug testing, including but not limited to, urine and breath screens as follows:

1. **Post-accident.** Immediately (or as soon as practical) following an accident involving a commercial motor vehicle, the driver of the vehicle must report the accident to his/her supervisor. The driver must be tested for alcohol and controlled substances:
 - a. for all fatal accidents, even if the driver is not cited for a moving traffic violation; or
 - b. after accidents by drivers who receive a citation for a moving traffic violation; or;
 - c. if as a result of the accident a person requires medical treatment away from the accident scene; or
 - d. if one or more vehicles require towing from the scene of the accident.
2. **Random.** Testing of drivers is conducted on an unannounced basis just before, during or after performance of safety-sensitive functions. Covered employees will be selected using a scientifically valid method; 50% of the average number of drivers

will be randomly tested every year for controlled substances, while 25% will be tested for alcohol. The percentage of employees tested may be periodically adjusted by the federal government.

3. **Reasonable Suspicion.** Testing of drivers is conducted when management has reasonable suspicion to believe that an employee is under the influence of alcohol or a prohibited substance while on duty. Management's determination that reasonable suspicion exists must be based on specific, contemporaneous, describable observations concerning the appearance, behavior, speech or body odors of the driver. The observation must be made during, just preceding, or just after the period of the workday that the driver is required to be in compliance.
4. **Return-to-duty and follow-up testing.** Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in prohibited behavior regarding alcohol or controlled substances, the driver must undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substance use.

Test Administration

Princeton University's alcohol and drug testing program is administered by the Office of Employee Health at McCosh Health Center by trained and certified health care professionals who follow quality assurance procedures and strict confidentiality requirements. All alcohol and drug testing will normally be conducted at McCosh Health Center.

Alcohol

The test for alcohol use is conducted by using a DOT approved breath testing instrument which measures alcohol concentrations through breath samples.

1. Employee reports to the certified health care professional at McCosh Health Center who conducts the breath alcohol test in an area that provides privacy to the individual being tested.
2. Test results are printed onto the breath alcohol test form, shown to the employee, and the form is signed by both the certified health care professional and the employee.
3. If the alcohol concentration level is less than 0.02, no further testing is required and the employee can return to the workplace.
4. Employees with an alcohol concentration level of 0.02 or greater are given a confirmation test within 20 minutes.
5. The results of the initial test and the confirmation test are printed on the breath alcohol test form and signed by both the certified health care professional and the employee.
6. The employee's HR Region Manager in the Office of Human Resources is notified by the health care professional whenever an employee fails the test (but not the actual results).
7. The HR Region Manager notifies the employee's supervisor and discusses appropriate disciplinary action to be taken.
8. Test results are filed in the Office of Employee Health in a confidential manner.

**Controlled
Substances**

Under DOT regulations, the only acceptable test for controlled substances is conducted by using a urine specimen that is provided at the time of the test.

1. Employee reports to the certified health care professional at McCosh Health Center who conducts the test in an area that provides privacy to the individual being tested.
2. An employee who is being tested for controlled substances is permitted to provide urine specimens in private so that the employee is not observed while providing the sample.
3. Health care professionals of the same gender as the individual tested may observe when such personnel have reason to believe the individual may attempt to alter or substitute the specimen.
4. The split specimen is shipped by McCosh Health Center to a certified laboratory following quality assurance procedures.
5. The laboratory conducts the appropriate tests and reports results to the Employee Health staff.
6. The employee's HR Region Manager in the Office of Human Resources is notified by the health care professional whenever an employee fails the test (but not the actual results).
7. The HR Region Manager notifies the employee's supervisor and discusses appropriate disciplinary action to be taken.
8. Test results are filed in the Office of Employee Health in a confidential manner.

**When There is
Reasonable
Suspicion**

When a supervisor has reasonable suspicion, he/she must record in writing the observations that led to this conclusion, and when possible, the supervisor must seek out another supervisor to corroborate the description in writing. The supervisor must then escort the employee to McCosh Health Center.

Supervisors who are unable to obtain a reasonable suspicion test because certified health care professionals are not available, must not permit an employee to remain on duty if the driver is thought to be under the influence of, or impaired by, alcohol or controlled substances (as indicated by the behavioral, speech, and/or performance indicators).

Post-accident

An alcohol test must be administered within two hours (and no later than eight hours) following the accident. A controlled substance test must be administered within 32 hours following the accident. If the tests are not administered within these time frames, a report must be prepared to explain why the test(s) were not promptly administered. A driver who is subject to post-accident testing must remain readily available for the testing or may be deemed to have refused to submit to testing.

**Return-to-duty
and Follow Up
Testing**

An alcohol test must be administered within two hours (and no later than eight hours) following the accident. A controlled substance test must be administered within 32 hours following the accident. If the tests are not administered within these time frames, a report must be prepared to

explain why the test(s) were not promptly administered. A driver who is subject to post-accident testing must remain readily available for the testing or may be deemed to have refused to submit to testing.

Random Testing Random testing is coordinated by the Office of Employee Health. Employees selected for random testing (and the individual's immediate supervisor), are notified the same day the test is scheduled, usually within two hours of the scheduled testing. Employees selected for random testing may obtain a deferral of testing if their immediate and higher level supervisor certify that they are: 1) on leave (sick, vacation, administrative or leave of absence without pay); or 2) in official travel status away from the test site or is about to embark on official travel scheduled prior to testing notification. Employees whose random test is deferred are subject to an unannounced test within the following 60 days.

EMPLOYEES WHO REFUSE TO TAKE A TEST

Employees who refuse to be tested when required are not permitted to operate a motor vehicle and are immediately removed from their safety-sensitive duties. The following conditions or circumstances constitute a refusal to submit to testing. Failure to:

- appear for a test without a deferral; or
- provide adequate breath for testing without a valid medical explanation; or
- remain available for post-accident testing; or
- provide adequate urine for testing without a valid medical explanation; or
- engaging in conduct that clearly obstructs the testing process or;
- failing to sign the alcohol testing form.

Such refusal will be treated as a positive test.

The University regards refusal to test as a serious offense and will take appropriate disciplinary action. Discipline is determined on a case-by-case basis and may range from suspension without pay to termination of employment. Any employee who refuses to be tested more than once during his or her employment may be terminated. Employees who test positive more than once within a five-year period will be terminated from employment with the University, unless there are compelling extenuating circumstances.

EMPLOYEES WHO TEST POSITIVE FOR ALCOHOL

The law requires the following actions if an employee tests positive for drugs:

- The employee is advised by the Medical Review Officer that he or she has failed the test; a determination is made by the Medical Review Officer whether there is a legitimate explanation for the results.
- Human Resources is notified by the Medical Review Officer that the employee has failed a test (but not of the results) and the HR Region Manager notifies the department supervisor.
- The driver must be immediately removed from safety-sensitive functions.
- Employee Health must advise the employee of available treatment programs for

substance abuse.

- Driver has 72 hours to request that the split specimen be sent to another laboratory for a second opinion.
- The driver must be evaluated by a substance abuse professional who is trained in substance abuse detection and rehabilitation to determine what treatment, if any, the driver needs.
- Upon completion of a recommended treatment plan, the substance abuse professional must re-evaluate the driver to ensure successful completion.
- In order to return to safety-sensitive functions following removal for a positive drug abuse test, the driver must pass a return-to-duty test by demonstrating a verified negative drug test result.
- Once returned to duty, the driver is subject to at least six follow-up drug tests over a 12-month period and may continue for up to five years at the discretion of the health care professional.
- Under University policy, employees who test positive for drugs more than once in a five-year period will be terminated from employment with the University, unless there are compelling extenuating circumstances.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The University's Employee Assistance Program (EAP), [Carebridge Corporation](#), can play an important role in preventing and resolving employee alcohol and drug use by providing employees an opportunity, with appropriate assistance, to discontinue their alcohol/drug use; providing educational materials to supervisors and employees on these issues; assisting supervisors in confronting employees who have performance and/or conduct problems and making referrals to appropriate treatment and rehabilitative facilities; and following up with individuals during the rehabilitation period to track their progress and encourage successful completion of the program.

REFERRAL AND AVAILABILITY

Any employee found to be using alcohol and/or drugs shall be referred to the EAP. The EAP shall provide referral for counseling or rehabilitation for all employees, as well as education and training regarding alcohol and illegal drug use.

LEAVE ALLOWANCE

Employees are allowed up to one hour (or more as necessitated by travel time) of excused absence for each counseling session, up to a maximum of six, during the assessment/referral phase of rehabilitation. All absences during work hours for rehabilitation or treatment must be charged, with supervisor approval, to vacation, compelling reasons, sporadic sick time, etc. in accordance with University policy.

EDUCATIONAL MATERIALS

Educational materials, including a copy of this and related policies, are provided to employees covered by these regulations. Union representatives of covered employees must also be advised of the availability of this information.

TRAINING FOR SUPERVISORS

Because supervisors play a key role in establishing and monitoring a drug-free workplace, the University provides and requires training to assist supervisors and managers in recognizing and addressing alcohol abuse and the use of controlled substances by employees. Supervisory training is provided as soon as possible after a person assumes responsibility for employees in safety-sensitive positions.

OTHER INFORMATION

Policy 5.1.7 [5.1.7 Controlled Substances and Alcohol Use and Testing](#)

EAP Carebridge Corporation
www.princeton.edu/hr/worklife/eap.htm
www.myliferesource.com
(800) 437-0911

CONTACTS

Office of Human Resources hr@princeton.edu
(609) 258-3300

Office of Employee Health www.princeton.edu/uhs/faculty-staff/
(609) 258-5035