



JOB AID

Reasonable Suspicion Training for Alcohol and Substance Abuse: DOT Requirements

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Company Responsibilities

According to DOT regulations, your company:

- Cannot hire or use people in safety-sensitive positions who have:
 - Drugs or alcohol in their systems
 - Failed or refused a drug test*
 - Failed or refused an alcohol test*
- Must respond to inquiries from prospective employers about an applicant's previous positive drug results (when required)
- Must educate employees and supervisors about substance abuse

**Without a return-to-duty test (negative result) and subject to follow-up testing by a substance abuse professional (SAP)*

Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Policies

FMCSA drug and alcohol policy violations occur when:

- An employee is impaired or under the influence of alcohol
 - Has a blood alcohol concentration (BAC) of 0.02
 - 0.02 to 0.039 BAC requires 24-hour removal
- Alcohol is used during certain prohibited time periods
 - Pre-duty (4 hours preceding the performance of a safety-sensitive function)
 - On-duty (while performing safety-sensitive functions)
 - On-call (throughout the employee's on-call hours if called in to work)
 - Post-accident (up to 8 hours following a DOT-recordable accident or testing, whichever occurs first)
- An individual who performs a safety-sensitive function tests positive for illegal drug use

Medications

Drivers CANNOT:

- Improperly use prescription medications, such as:
 - Taking someone else's prescription
 - Exceeding the dose of prescription medications
 - Using medication that causes the employee to be impaired or unfit while on duty
 - Using a specific medication that is prohibited by the DOT
- Use:
 - Controlled substances identified in 21 CFR 1308.11, Schedule I
 - Amphetamines
 - Narcotics
 - Habit-forming drugs
 - Over the counter (OTC) drugs that contain alcohol/controlled substances or impair driving ability (for example, cough syrup or cold medicine)

The only **exceptions** are medications prescribed by a licensed medical practitioner who:

- Is familiar with the driver's medical history and assigned duties

- Has advised that the drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle (CMV)

Note that exceptions do not apply to methadone. Methadone is never allowed.

For more information on medications and medical requirements, visit the Federal Motor Carrier Safety Administration's Medical Program website at: <http://www.fmcsa.dot.gov/medical>.

Additional information on what medications disqualify a CMV driver can be found at: <https://www.fmcsa.dot.gov/faq/what-medications-disqualify-cmv-driver>.

Reasonable Suspicion

Reasonable suspicion is:

- A legal standard of proof in United States law
- A suspicion based on specific facts or observations rather than "feelings" or "hunches"
- When facts can be put together to draw rational conclusions or inferences

When you think you have reasonable suspicion that an employee is using drugs or alcohol:

- Consider all variables (allergies, medications, personal stress, etc.)
- Use the "reasonable person" standard
 - Would a reasonable person look at the facts and have the same suspicion?
- Obtain witnesses
- Consult Human Resources, as needed

Conduct Testing

If testing is needed:

- Inform HR as soon as possible that an employee is being tested
- Call your company's designated collection site or testing center to arrange for a collection
- Transport and accompany the employee to the collection site
 - Don't coerce or use force
- If the employee declines testing:
 - Remind the employee of company and federal regulatory policies
 - Initiate the process of removing the employee from the safety-sensitive position

Alcohol Testing

- An alcohol test must be performed by a trained breath alcohol technician
- The technician conducts the test using federally approved evidential breath testing devices, commonly known as breathalyzers
- Breathalyzers determine blood alcohol concentration (BAC) by measuring alcohol on the breath
- Both negative and positive results are reported directly to the company contact person by a medical review officer (MRO)

Drug Testing Process

1. A technician collects a urine specimen.
2. A lab analyzes the specimen.
3. The medical review officer (MRO) verifies the test results.

4. The employee is given opportunity to provide valid medical reason for positive result to the MRO
 - Valid Reason – no further action necessary
 - No Valid Reason – company notified of result
5. If positive, employee has a right to a retest and a review

Follow Up and Document

- Follow up and document, even if no testing was performed
- Contact Human Resources after you receive any test results for the possible next steps
- Contact the employee with the approved action
- Complete and submit all documentation

Consequences

Employees in safety-sensitive positions are subject to disciplinary action (including termination) if they:

- Test positive for drugs
- Have a BAC level equal to or greater than 0.02 on an alcohol test
- Refuse to comply with the drug and alcohol policy
- Refuse to submit to a required drug or alcohol test

Employees in safety-sensitive positions also have safety performance histories that follow them from job to job. The histories include a list of:

- Drug and alcohol tests and results
- Instances of refusal to test
- Substance abuse professional (SAP) counseling completions

Return-to-Duty Testing

The DOT requires return-to-duty testing for employees in safety-sensitive positions who have:

- Previously tested positive for drugs (without retesting with a negative result)
- Previously had a BAC of 0.04 or higher on a breath alcohol test (without retesting with a negative result)
- Refused to submit to a drug or alcohol test

Drivers Returning to Work

The United States Department of Transportation (DOT) Federal Motor Carrier Safety Administration (FMCSA) **clearinghouse** is an electronic system for records of drivers' drug and alcohol violations.

- Employers or a selected third party must record drug and alcohol violations in the clearinghouse
- Employers check records before employment and then annually thereafter
- Drivers may check their own records at any time

Note: Drivers who do not register in the system or consent to releasing records may be prohibited from performing safety-sensitive functions, such as driving a commercial motor vehicle.

You can find more information about DOT's FMCSA clearinghouse at:

<https://clearinghouse.fmcsa.dot.gov>.

Your Responsibilities

There are certain roadblocks to an effective drug and alcohol policy. They include:

- Your personal attitudes and beliefs towards the use and abuse of drugs and alcohol
- Your personal experience with drugs and alcohol
- Your relationship with the employees you supervise – it's best to keep a professional relationship
- Your understanding of the various testing programs and how they are implemented

Be sure to:

- Know and abide by drug and alcohol policies
- Seek guidance from your Human Resources department when dealing with issues related to drug and alcohol policies
- Have DOT employees report immediately for drug and alcohol testing when instructed to do so
- Make sure employees receive your company's Drug and Alcohol Policy and have them sign an acknowledgment form
- Have all supervisors responsible for DOT safety-sensitive employees trained regarding how to spot and handle substance abuse in the workplace