



TITLE: CDL Driver Policy – Driver Qualification and Drug & Alcohol Policy		POLICY: HR-722-2020
EFFECTIVE DATE: March 01, 2020	SUPERSEDES: Policy 722 CDL Drug Policy	PAGES: 27
MAYOR: <i>Nicola Smith</i> Nicola Smith	DEPARTMENT DIRECTOR: <i>Evan Chinn</i> Evan Chinn, Human Resources Director	

APPLICABLE TO: Any employee required to hold and maintain a Commercial Drivers License (CDL) per their job description.

POLICY STATEMENT: The City of Lynnwood has a significant interest in the health and safety of its employees and the citizens of Lynnwood. In furtherance of the interest, it is the policy of the City to take those steps necessary to ensure that its employees perform their duties and responsibilities free from the influence of drugs and alcohol. There will be mandatory drug and alcohol testing for employees and job applicants under the circumstances outlined in this policy.

PURPOSE: The purpose of this policy is to establish compliance with the Federal Motor Carrier Safety Administration (FMCSA) regulations requiring drug and alcohol testing for Commercial Driver's License holders. Regulations issued by the FMCSA mandate drug and alcohol testing for employees in safety sensitive positions, including those who are required to hold a CDL. Regulations also require certain qualifications for drivers and the City. This policy sets forth the City of Lynnwood driver qualifications and alcohol and drug testing program and the testing and reporting requirements as required by those regulations.

DEFINITIONS:

“Accident” as it used in this policy unless specifically defined elsewhere means –

(1) Except as provided in paragraph (2) of this definition, an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:

(i) A fatality;

CDL Driver Drug & Alcohol Policy

(ii) Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

(iii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

(2) The term accident does not include:

(i) An occurrence involving only boarding and alighting from a stationary motor vehicle; or

(ii) An occurrence involving only the loading or unloading of cargo.

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

"Alcohol concentration (or content), BAC" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under 49 CFR Part 382.

"Alcohol use" means the drinking or swallowing of any beverage, liquid mixture or preparation containing alcohol.

"Commercial motor-vehicle" (or "CMV") means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Has a gross vehicle weight rating of 26,001 or more pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

"Controlled substances" mean those substances identified in 49 CFR Part 40.85, as amended: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

"DOT Agency" means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, and 655), in accordance with 49 CFR Part 40.

CDL Driver Drug & Alcohol Policy

"Driver" means any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly-employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

"Drug" has the meaning of any controlled substances, prescription, or over-the-counter medication.

"EBT (or evidential breath testing device)" means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

"Employer" means an entity employing one or more employees (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with 49 CFR Part 382. The term refers to the entity responsible for overall implementation of DOT drug and alcohol program requirements, as well as those individuals employed by the entity who take personnel actions resulting from violations of 49 CFR Part 382 and any applicable DOT agency regulations. Service agents are not employers.

"Licensed medical practitioner" means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

"Medical Review Officer (MRO)" means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

"Performing (a safety-sensitive function)" means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

"Refuse to submit (to an alcohol or controlled substances test)" means that a covered employee:

- Failure to participate in any test (except a pre-employment test) within a reasonable time after being directed to do so by the Employer. This includes the failure of an employee to appear for a test when called by a Consortium/Third Party Administrator;

CDL Driver Drug & Alcohol Policy

- Fails to remain at the testing site until the testing process is complete; provided, that an applicant who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused a test. The testing process commences once the applicant has been provided the specimen collection cup;
- Fails to provide a urine specimen for any drug test or breath or saliva sample for an alcohol test required by 49 CFR Part 382, if the employee leaves after the testing process has commenced;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen;
- Fails to provide a sufficient amount of urine, breath or saliva when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure to provide;
- Fails or declines to take a second test the employer or collector has directed following a negative dilute result as required by 40.197(b);
- Fails to undergo an additional medical examination, as directed by the MRO as part of the verification process, or as directed by the Designated Employer Representative (DER) concerning the evaluation as part of the "shy bladder" procedures in 49 CFR Part 40, subpart I; or fails to undergo a medical examination or evaluation as directed by the employer as part of the insufficient breath procedures outlined in 40.265(c);
- Fails to cooperate (e.g. refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector) or otherwise interferes with any part of the testing process;
- Fails to sign the certification at Step 2 of the alcohol testing form (ATF);
- Is reported by the MRO as having a verified adulterated or substituted test result;
- For an observed collection, fails to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;
- Possesses or wears a prosthetic or other device that could be used to interfere with the collection process;
- Admits to the collector or MRO to having adulterated or substituted the specimen.

CDL Driver Drug & Alcohol Policy

"Safety-sensitive function" means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work.

This definition does not automatically preclude other work or assignments not considered to be safety sensitive (as defined by the Federal Motor Carrier Safety Administration).

Safety-sensitive functions shall include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
2. All time inspecting equipment as required by FMCSA regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

POLICIES:

For Commercial Motor Vehicle Drivers (CDL holders)

Federal regulations require that employers conduct alcohol and controlled substances testing of drivers who operate commercial motor vehicles, mechanics, and supervisors with a commercial driver's license who fill in on an occasional basis, or for emergencies.

Driver Qualification Files, verification and other federal requirements are addressed here.

For the purpose of this policy, the employee will be referred to as "driver" and the employer will be referred to as "Employer." This policy provides guidelines for circumstances under which the Federal Motor Carrier Safety Administration (FMCSA)

CDL Driver Drug & Alcohol Policy

and the United States Department of Transportation (DOT) mandated testing must be conducted. The details of every possible situation cannot be anticipated, so the Employer reserves the right to determine the appropriate application of this policy, collective bargaining agreements, and general employment policies to any particular case. When appropriate the Employer will bargain with the union when necessary.

Employees covered by this policy have been provided a copy of these FMCSA/DOT provisions and by signature verify that they have read and understand the policy. Drivers should note that in addition to the required DOT regulations, they are also subject to the Employer's drug and alcohol policy, applicable collective bargaining agreements, and all other policies and procedures applicable to all employees.

Training will be provided for all CDL drivers on the following topics; this policy, applicable federal regulations, drug and alcohol requirements, reasonable suspicion, and related topics. The training will occur for new hires with a CDL, and at least once every three years (3) for all drivers. Training records will be maintained in each driver's qualification file.

When there is a conflict between the terms of a collective bargaining agreement and City policy, the collective bargaining agreement shall prevail if it meets or exceeds the requirements of Washington State law and 49 CFR Parts 382, 383, 390, 391 and other applicable parts.

The driver will be given opportunity to rebut or address adverse history information to be considered by the City in any employment decision.

CDL Driver Qualifications

All employees requiring a Commercial Driver's License per their job description must have a current and valid Washington State Commercial Driver's License.

Endorsements and restrictions¹

All CDL drivers must have appropriate CDL endorsements for the Commercial Motor Vehicles (CMV's) assigned to drive.

All CDL drivers must not have CDL restrictions that disqualifies a driver from legally operating CMV's assigned to drive.

DOT Physical

CDL drivers will maintain a current Medical Examiners Certificate (DOT physical).

The City will pay for employee's routine DOT physical subject to the following conditions;

- Appointments for DOT physicals can be completed while on duty with prior approval of immediate supervisor
- Employee must obtain a completed authorization form from their immediate

¹ See Appendix A for Detailed endorsements and restrictions.

CDL Driver Drug & Alcohol Policy

supervisor, Human Resources, or Safety Officer, prior to scheduling DOT physical.

- If employee chooses to complete the DOT physical outside of scheduled work hours regular or overtime pay is not authorized.
- If medical examiner requires medical waiver, employee is responsible for all necessary appointments, evaluations, and tests. Responsibility for medical costs incurred shall be the responsibility of the employee and/or their insurance.
 - If an employee is required to obtain a medical waiver the employee is authorized up to eight (8) hours admin leave. If additional medical appointments or evaluations beyond eight hours are required, the employee must use available paid leave.
 - There is a six-month time limit to obtain the medical waiver. If more time is required, the driver must work with his or her supervisor to determine an appropriate extension.

Traffic Violations

Drivers must report traffic violations to supervisor, human resources, or Safety Officer within 30 days of conviction except parking and similar violations (i.e., Automated Traffic Cameras), including violations while driving any vehicle, including personal vehicles.

Suspension, Revocation, Cancellation, or Disqualification

Drivers must notify supervisor as soon as possible, but no later than two business days if driver's license is suspended, revoked, cancelled or are disqualified from driving for any reason. The employee will not be allowed to perform any safety sensitive functions until the commercial driver's license is restored.

Driver Qualification Files

Pursuant to federal regulations each driver who requires a CDL will have a Driver Qualification File maintained by the Safety Officer.

The file will be available for review by the driver upon written request within 3 business days of receipt of the request.

The driver qualification file will contain the following records¹;

- | | |
|---|---|
| • Application for employment | • Record of motor vehicle violations |
| • Motor vehicle record | • Medical examiners certificate |
| • Driver's road test certificate | • Medical variance (if applicable) |
| • Record of employer annual review | • Skill evaluation certification |
| • Record of medical examiners registry verification | • Drug and alcohol test related records (if tested) |

CDL Driver Drug & Alcohol Policy

Driver Qualification Verification

Beginning 90 days after implementation of this policy and annually thereafter all CDL drivers must list and certify the previous year's traffic violations to the Safety Officer. This is in addition to the requirement to inform supervisor of traffic violations per above requirement. The Driver's Certification of Violations (form attached) form will be provided to the driver.

In addition, the driver must provide a signed **Washington State Department of Licensing Driving Record Release of Interest (form attached)** to review driver's motor vehicle record when requested. The form will be provided to the driver.

¹ Record retention schedule will be followed

The driver's eligibility to drive a CMV will be confirmed annually per federal regulations and existing city policy (Policy # 760 Pre- and Post-Employment Driving Checks).

CDL Driver Eligibility Violation

If an employee's driver's license is suspended, revoked, cancelled, disqualified, or otherwise prohibits driver from legally operating a commercial motor vehicle the employee will be prohibited from performing any safety sensitive functions until license is restored.

See *safety sensitive [definition](#) this policy.*

If a driver does not provide signed authorization of the Washington State Department of Licensing Driving Record Release of Interest within ten (10) working days, the driver may lose eligibility to drive city vehicles or perform safety sensitive functions.

A driver is not authorized to perform safety sensitive functions if DOT physical exam has expired.

New CDL Licensee *Including commercial learners permit*

Employees who obtain a commercial driver's license while employed by the City must meet the following requirements:

- *Negative drug test results*
- *Inclusion in the random drug and alcohol eligibility roster.*

Upon negative test results the driver's name will be added to the random drug test pool before performing any safety sensitive functions.

CDL Driver Drug & Alcohol Policy

CDL Holder New Hire Policy

Any applicant applying for or offered a position requiring a CDL and holds a current license are subject to the following steps and conditions, per federal regulations;

- The applicant must provide additional employment application information satisfying federal requirements, usually through a supplemental application.
- The applicant must provide written consent for background checks that include up to seven years of previous employer adverse actions related to performance of duties impacting safety sensitive functions.
- The applicant must provide written consent for background checks that include up to three years of previous employer adverse drug test actions, including, but not limited to positive test results or refusal to test.
- If the applicant is hired before receipt of CDL background checks from previous employers and adverse information is subsequently reported that the driver knew or should have known about the City reserves the right to terminate the driver without recourse.
- The applicant will be given opportunity to rebut or address adverse history information to be considered by the City in hiring or retention decisions.

CDL Driver Drug & Alcohol Policy

Drug & Alcohol Policy

The Employer expects drivers to be free from impairment by drugs and/or alcohol. If you have any questions about this policy contact the Safety Officer or your supervisor

The following are expressly prohibited:

- The manufacture, or sale, or use or possession of alcohol, any controlled or illegal substance (except strictly in accordance with medical authorization) or any other substances which impair job performance or pose a hazard, when use or possession occurs on Employer premises or property, or during work time, or while representing the Employer in any work-related fashion.
- Reporting for work having consumed alcohol or used illegal drugs or controlled substances at a time, or in such quantities, or in a manner that may impair work performance. For purposes of this policy, having any detectable level of an illegal or controlled drug, or alcohol with an alcohol concentration of .02 or greater, in one's system while covered by this policy will be a violation.

Alcohol and Drug Problems

In some cases, alcohol and drug abuse can be a result of chemical dependency that can be successfully treated with professional help. Drivers who are having problems with alcohol or drug use are encouraged to seek voluntary counseling and treatment. It is the driver's responsibility to seek help when needed, and to do so before substance abuse causes problems on the job, results in a positive drug or alcohol test or results in disciplinary action.

Drivers who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation, and treatment requirements of 49 CFR Part 382 and 40, provided that:

1. The admission is in accordance with the Employer's written established voluntary self-identification policy;
2. The driver does not self-identify in order to avoid testing;
3. The driver makes the admission of alcohol misuse or controlled substances use before performing a safety-sensitive function;
4. The driver does not perform a safety-sensitive function until the Employer is satisfied that the driver has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

Normally, the Employer will:

1. Not take adverse action against a driver making a voluntary admission of alcohol misuse or controlled substances use provided that the admission

CDL Driver Drug & Alcohol Policy

- occurs before the employee has been subject to disciplinary action in accordance with the applicable collective bargaining agreement or the use/misuse has affected job performance;
2. Allow the driver enough opportunity to seek an evaluation, education or treatment to establish control over the employee's drug or alcohol problem;
 3. Permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a substance abuse professional.

The City's Employee Assistance Program can provide help and referrals:
Guidance Resources Online (click register to start)

www.guidanceresources.com

1-800-570-9315

24-hours per day, 7-days per week

Contact Human Resources for more information

Prohibited Conduct

The following is considered prohibited conduct under this policy and will be subject to discipline in accordance with the appropriate collective bargaining agreement, if applicable:

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
2. No driver shall use alcohol while performing safety-sensitive functions.
3. No driver shall perform safety-sensitive functions within four hours after using alcohol.
4. No driver required to take a post-accident alcohol test under 49 CFR 382.303 shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. No driver shall refuse to submit to a post-accident, random, reasonable suspicion, or follow-up-controlled substance and/or alcohol test required by 49 CFR Part 382.
6. No driver shall report for duty, remain on duty or perform a safety-sensitive function when there is a quantifiable level of a controlled substance in the driver's body above the minimum thresholds established in 49 CFR Part 40. Although the personal use of marijuana is permitted under Washington law, federal law still prohibits the use and possession of marijuana. Employees must be aware that having a detectible level of marijuana in their body, regardless of whether their use was for recreational or medical purposes, constitutes prohibited conduct.

CDL Driver Drug & Alcohol Policy

7. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any drug except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in CFR §382.107, who is familiar with the driver's medical history and has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. Notwithstanding the above, the medical use of marijuana that causes drug or drug metabolites to be present in the body above minimum thresholds established in 49 CFR Part 40 constitutes prohibited conduct regardless of whether the marijuana was used under the guidance of a medical practitioner and regardless of whether the medical practitioner advised that such use will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
8. The Employer shall not permit a driver to continue to perform safety sensitive functions if the Employer has actual knowledge of a driver violating any of the above prohibitions. Actual knowledge may be based on the Employer's direct observation of the employee, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substances use, except as discussed in the Employer's voluntary self- identification program.

Prescription and Other Medications

No driver may possess any prescription medication or report to work while using any prescription medication, except when he/she is under a doctor's care and the doctor has advised the driver that the substance does not affect his/her ability to safely operate a commercial motor vehicle.

The use of any medication, whether prescription or over the counter, that could affect a driver's safe job performance is prohibited while working.

The driver shall report to the Safety Officer or their supervisor the use of any medication, prescription or over the counter, that may impair their ability to safely perform his/her duties

If, as a result of testing under this policy, the driver is found to have the presence of controlled substances in the body which is a result of the use of his/her legally prescribed medication that has not been reported, the driver shall be removed from performing safety sensitive functions until it is determined that the use of medication will not impair his/her ability to safely perform assigned duties. Notwithstanding the above, a driver may not possess or report to work while using marijuana under any circumstances, even if the marijuana was prescribed by a doctor.

CDL Driver Drug & Alcohol Policy

Other Related Alcohol Conduct

A driver tested under the requirements of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall be removed immediately from performing safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following the test administration.

Driver's with alcohol concentration of 0.02 or greater may be subject to discipline.

Controlled Substances and Alcohol Testing

Submission to the controlled substance and alcohol testing described in this policy is a condition of employment with the Employer for those drivers covered by DOT and FMCSA regulations. A refusal to submit (as described above) will constitute a violation of this policy and may be grounds for termination of employment in accordance with the relevant collective bargaining agreement. A driver may be tested for controlled substances at any time during his/her workday, except pre-employment, and alcohol testing will be conducted just before, during or after performing safety sensitive functions.

Drivers will be subject to testing as follows:

Pre-Employment:

Drivers will be tested for controlled substances unless:

1. The driver participated in a DOT testing program within the past 30 days and:
2. While participating in that program, either:
 - a. Was tested for controlled substances within the past 6 months (from the date of application with the City of Lynnwood), or
 - b. Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the City of Lynnwood); and
3. No prior employer of the driver has knowledge or has records of a violation of DOT controlled substances regulations within the previous six months.

A driver/applicant who tests positive on a pre-employment test will not be hired but may be eligible to reapply for employment with the Employer after six (6) months from the date of the positive test. In addition, an applicant who tested positive on any DOT mandated pre-employment drug test after August 1, 2001, must provide documentation of his/her successful completion of DOT return-to-duty requirements (i.e., an evaluation by a substance abuse professional, education and/or treatment, and a negative DOT pre-employment test, all of which meet the requirements of 49 CFR Part 40).

CDL Driver Drug & Alcohol Policy

Post-Accident:

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each surviving driver shall be tested for controlled substances and alcohol if:

1. the driver was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life (fatality); or
2. the driver received a citation for a moving violation and the accident involved bodily injury to any person who, as a result of the accident, immediately receives medical treatment away from the scene of the accident; or
3. the driver received a citation for a moving violation and the accident involved one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A driver may not consume alcohol for eight (8) hours following an accident that requires the DOT alcohol test. The alcohol test must be completed within two (2) hours of the accident; if not, the supervisor must document the reasons for the delay, and shall continue to have the test conducted up to eight (8) hours following the accident. After eight (8) hours the attempt to test will be ceased, and the supervisor must again provide the reasons for the test not being administered.

A controlled substances test shall be administered as soon as practicable up to 32 hours following the accident. After 32 hours the attempt to test will be ceased, and the supervisor must provide the reasons for the test not being administered promptly. A driver must remain readily available for testing or may be deemed by the Employer to have refused to submit to testing.

Nothing in this policy should be construed to require the delay of necessary medical attention for the injured.

In addition, any driver involved in any commercial motor vehicle accident involving an injury requiring immediate medical attention or any vehicle towed away because of disabling damage, may be required to submit to testing, based on reasonable suspicion of a trained supervisor, even if the driver is not issued a citation. Testing will be to determine the presence, use, or any involvement with alcohol or drugs unless the Employer determines, in its discretion, that the accident could not have been caused by alcohol or drug use.

The driver will submit to an alcohol test within eight (8) hours and a controlled substances test within 32 hours of the accident. The Employer/driver must advise the collection site and alcohol testing personnel that the test being required is an Employer-required test, and not a mandated DOT test.

CDL Driver Drug & Alcohol Policy

Random:

The Employer is using a consortium/third party administrator to facilitate the random selection of drivers and notification to the employer of the driver(s) selected for testing. The consortium/third party administrator is:

**A WorkSAFE service, Inc. 1696 Capitol St NE
Salem OR 97301
(503) 391-9363**

Drivers will be subject to random alcohol and controlled substance testing under the following program:

1. Random selection of drivers will be made by a scientifically valid method using a computer-based random number generator that is matched with drivers' social security numbers.
2. Each driver shall have an equal chance of being drawn each time selections are made.
3. Selections for testing are unannounced and reasonably spread throughout the calendar year.
4. Random selections are made to ensure testing for controlled substances is conducted at not less than the minimum annual 25% rate and alcohol is conducted at not less than the minimum annual 10% rate, or the rates as established by the FMCSA.
5. A driver shall only be tested for alcohol just before, during, or after performing safety-sensitive functions; however, he/she may be tested for controlled substances any time while performing work for the Employer.
6. Once a driver is notified of selection for random alcohol and/or controlled substances testing, he/she shall be escorted to the test site by a supervisor or Safety Officer immediately upon notification

Reasonable Suspicion:

Drivers will be tested for alcohol and/or controlled substances whenever the employer has reasonable suspicion that the individual is under the influence of alcohol or a controlled substance. Reasonable suspicion will be based on specific, contemporaneous, articulable observations concerning the behavior, speech, appearance or body odors of the driver, including any indicators of the chronic and withdrawal effects of controlled substances.

Drivers required to be tested under reasonable suspicion testing will be removed from performing safety-sensitive functions pending the outcome of the test result(s) and be transported to the testing facility by the Employer.

Reasonable suspicion drug testing is authorized when the supervisor's observation of the driver's behavior occurs any time during the workday. Reasonable suspicion alcohol

CDL Driver Drug & Alcohol Policy

testing is authorized only if the supervisor's observation of the driver's behavior has been made during, just preceding, or just after performing any safety-sensitive function.

The alcohol test must be completed within two (2) hours of the observation; if not, the Employer must document the reasons for the delay, and shall continue to have the test conducted up to eight (8) hours following the observation. After eight (8) hours, the attempt to test will cease. If an alcohol test is not completed within the two (2) or eight (8) hour time periods, the employer shall prepare and maintain on file a record stating the reasons the test was not administered within the appropriate time frames.

The Employer shall not permit a driver to report for duty, remain on duty, perform, or continue to perform any safety-sensitive functions while the driver is impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, until:

An alcohol test is administered and the driver's alcohol concentration measures less than 0.02 percent; or

1. The start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following the supervisor's determination that reasonable suspicion exists.

Supervisors and any Employer representative that may be expected to serve in a supervisory capacity, and who may be required to make a reasonable suspicion determination, must have received at least 60 minutes of training on the indications of probable drug use and an additional 60 minutes training on the indicators of probable alcohol misuse. Only those individuals who have received this training are qualified to make these decisions.

Return-to-Duty:

No driver found to be in violation of the Employer drug and alcohol policy will be permitted to return to duty involving safety-sensitive functions until the driver has undergone an assessment with a Substance Abuse Professional as required by 49 CFR Part 40 and has a verified negative controlled substances test and/or an alcohol test with a result less than 0.02 alcohol concentration. All controlled substances return-to-duty tests will be conducted by same-gender direct observation. Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive.

Follow-Up:

Any driver in need of assistance in resolving problems associated with alcohol misuse and/or controlled substances use as identified through the evaluation by the Substance Abuse Professional will, if still employed, be required to enter into a Last Chance Agreement, or as provided in the collective bargaining agreement as a condition of continued employment and to submit to unannounced follow-up testing for controlled substances and/or alcohol as directed by the Substance Abuse Professional. The

CDL Driver Drug & Alcohol Policy

Employer may perform follow-up testing for five years. All controlled substances return-to-duty tests will be conducted by same-gender direct observation.

Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive.

Failure to Cooperate

Employees who are subject to this policy are expected to comply fully with any required testing. Failure to do so (including, for example, refusing to sign consent or refusing to test, obstructing the testing process, failing to make themselves available for a required test, failing to provide an adequate sample for testing, attempting to adulterate or substitute a specimen, or in any way tampering with a required test, failure to empty pockets or wash hands as requested by collection site personnel, refusing to permit an observed collection, possessing or wearing a prosthetic or other device that could be used to interfere with the collection process) will cause the driver to be immediately relieved from performing safety-sensitive functions, and will also be considered a violation of Employer policy that will subject the employee to discipline, up to and including termination of employment. The Employer also reserves the right to involve law enforcement officials for any conduct that it believes might be in violation of state or federal law.

CDL Driver Drug & Alcohol Policy

RESPONSIBILITIES:

The City's Human Resources Director and Safety Officer are responsible for developing, updating, and maintaining this policy. Including ensuring compliance with all local, state, and federal regulations.

PROCEDURES:

Testing Procedures

Urine Specimen Collection: Specimen collections will be conducted in accordance with the procedures of 49 CFR Part 40, as amended.

All negative dilute specimen test results will be considered a negative test result.

Breath Alcohol: Testing will be conducted by a qualified technician according to 49 CFR Part 40 procedures.

Medical Review

All controlled substances test results will be reviewed by a Medical Review Officer (MRO) before results are reported to the Employer. The MRO will attempt to contact the driver to discuss the test results before reporting positive results to the Employer.

Contact information for the Medical Review Officer will be maintained by Human Resources, the Safety Officer, or designee.

Notification of Results

The Employer will notify the affected driver of any controlled substances test that is reported as positive by the MRO. The Employer will notify driver-applicants of the results of pre-employment-controlled substances testing if the applicant requests that information in writing within 60 days after the Employer notifies the applicant that he/she has or has not been hired.

All applicants/drivers have a right to request testing of the split sample. The applicant/driver will be responsible for the cost of testing the split sample.

Confidentiality

Records required under this policy, including test results, will be maintained in a secure location with controlled access. Each driver shall, upon written request, be entitled to receive copies of his/her own records, and to have copies of his/her records made available to any subsequent employer. Information may also be disclosed to the relevant state or federal agencies, or in connection with judicial, administrative or related proceedings (e.g., grievances and arbitration) initiated by or on behalf of the driver, or where otherwise required by law.

CDL Driver Drug & Alcohol Policy

Evaluation and Referral

DOT regulations require that any driver who violates the alcohol and controlled substances rules of 49 CFR Part 382 be advised of available evaluation resources and be evaluated by a Substance Abuse Professional. The driver must complete an appropriate education and/or treatment program before being eligible to return to safety sensitive duty.

Before returning to performing safety-sensitive functions for any DOT employer, a driver must be tested for controlled substances with a verified negative controlled substances test result and/or alcohol with a test result less than 0.02 alcohol concentration. The driver will be subject to follow-up testing of at least six tests in the first 12 months of returning to duty, and follow-up testing may continue for five years.

Information on Effects and Signs of Alcohol and Controlled Substance Use

DOT regulations require employers to furnish information regarding the effects of alcohol and controlled substance use, as well as the signs and symptoms of such use. Included in an appendix to this policy are fact sheets regarding alcohol and various controlled substances. Any employee who suspects a co-worker has an alcohol or drug problem may refer the co-worker to contact information for the Substance Abuse Professional identified in this policy, the City's Employee Assistance Program, or to management.

Personnel responsible for supervising and managing employees subject to testing under this policy must attend at least two hours of training on alcohol and drug misuse symptoms and indicator used in making determinations for reasonable suspicion testing.

Consequences

Under normal circumstances, employees violating this policy or federal regulations will be suspended from performing any safety sensitive functions with a commercial motor vehicle and may be subject to disciplinary action up to and including termination of employment. Under some circumstances, however, the Employer may agree to return an employee to performing these functions following treatment and rehabilitation.

When that occurs, the employee must pay the cost of any treatment. The Employer medical plan, if available to the employee, may cover a portion of the costs associated with the pre-treatment evaluation and treatment. Uncovered costs of treatment are the employee's responsibility to pay.

When, at the Employer's discretion, an employee is returned to work, the driver will be required to enter into a "Last Chance Agreement," the general terms of which will include:

- Completion of a bona fide alcohol/drug inpatient or outpatient rehabilitation program as directed by the substance abuse professional;

CDL Driver Drug & Alcohol Policy

- Participation and completion of an 'aftercare' program as defined by substance abuse professional;
- Periodic, unannounced, unscheduled drug and alcohol testing by the employer for a period of 60 months with a minimum of six such unscheduled tests within the first twelve (12) months of returning to work;
- Acknowledgement that any further violation of either the last chance agreement or of the drug and alcohol policy will be grounds for termination;
- Acknowledgement that disciplinary action under the last chance agreement is not grievable.

Other provisions of the last chance agreement will be determined by the Employer, based on specific circumstances of the violation the employee's work record and other circumstances and factors relevant to the Employer's determination that absent the "last chance agreement", the termination of the employee's employment is warranted. If permitted to remain in employment with the Employer, the employee will submit to unannounced follow-up testing for controlled substances and/or alcohol as directed by the Substance Abuse Professional in order to continue to perform safety-sensitive functions and operate a commercial motor vehicle requiring a CDL.

CDL Driver Drug & Alcohol Policy

Appendix A Endorsements & Restrictions

Washington State Department of Licensing Commercial Driver's License

Source: <https://www.dol.wa.gov/driverslicense/cdlspecial.html>

Endorsements and restrictions

The following information and more is noted in the [CDL Guide](#) section 1 pages 5-10.

Effective January 2017 CLPs will contain the following Endorsements and Restrictions.

CLP Endorsements

Endorsement or restriction	Description
P	Passenger Endorsement Required for drivers of passenger vehicles designed to carry 16 or more passengers including the driver and school buses.
S	School Bus Endorsement Required for drivers who drive any size of school bus. A school bus is a vehicle regularly used to transport children to and from school or in conjunction with school activities, which meets the school bus specifications established by the Superintendent of Public Instruction.
N	Tank Vehicle Endorsement Required for any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis.

CLP Restrictions

Endorsement or restriction	Description
P	No passengers in CMV bus
X	No cargo in CMV tank vehicle
L	No air brake equipped CMV
V	Medical variance
M	No Class A passenger vehicle
N	No Class A and B passenger vehicle
K	Intrastate only

CDL Driver Drug & Alcohol Policy

CDL Issuances prior to January 2017

Endorsements

Endorsement or restriction	Description
P1	Class B passenger vehicle Required for drivers of vehicles 26,001 lbs. or more designed to carry 16 or more passengers including the driver.
P2	Class C passenger vehicle Required for drivers of vehicles 26,000 lbs. or less, designed to carry 16 or more passengers including the driver.
S	School bus endorsement Required for drivers who drive any size of school bus. A school bus is a vehicle regularly used to transport children to and from school or in conjunction with school activities, which meets the school bus specifications established by the Superintendent of Public Instruction.
T	Double and triple trailers endorsement Required for drivers pulling sets of double or triple trailers
N	Tank Vehicle Endorsement Required for any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis.
H	Hazardous materials endorsement Required for drivers of any size vehicle that is used to transport any material that requires hazardous material placards or any quantity of a material listed as a select agent or toxin in 42 CFR 73.
X	Combination of tank vehicle endorsement and hazardous materials endorsement

CDL Driver Drug & Alcohol Policy

New CDL Issuances effective January 2017

Endorsements

Endorsement or restriction	Description
P	<p>Passenger Endorsement Required for drivers of passenger vehicles designed to carry 16 or more passengers including the driver and school buses.</p> <p>Note: New M & N restrictions have replaced P1 and P2 on the previous P Endorsement.</p>
S	<p>School bus endorsement Required for drivers who drive any size of school bus. A school bus is a vehicle regularly used to transport children to and from school or in conjunction with school activities, which meets the school bus specifications established by the Superintendent of Public Instruction.</p>
T	<p>Double and triple trailers endorsement Required for drivers pulling sets of double or triple trailers</p>
N	<p>Tank Vehicle Endorsement Required for any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis.</p>
H	<p>Hazardous materials endorsement Required for drivers of any size vehicle that is used to transport any material that requires hazardous material placards or any quantity of a material listed as a select agent or toxin in 42 CFR 73.</p>
X	<p>Combination of tank vehicle endorsement and hazardous materials endorsement</p>

CDL Issuances prior to January 2017

Restrictions

Endorsement or restriction	Description
K	<p>Air brakes restriction Drivers of CDL vehicles with air brakes must pass the required tests for air brakes. Drivers who don't pass these tests are restricted on the CDL to non-air brake vehicles.</p>
U	<p>CDL Intrastate Only Restriction Drivers of CDL vehicles who are restricted to driving only within Washington, either because of medical self-certification or the driver is under the age of 21.</p>
V	<p>CDL Medical Variance (Waiver)</p>

CDL Driver Drug & Alcohol Policy

New CDL Issuances effective January 2017

Restrictions

Endorsement or restriction	Description
L	No Air Brake equipped CMV Skills test taken in a vehicle not equipped with air brakes and/or air brake knowledge test not taken.
Z	No Full air brake equipped CMV Skills test taken in a vehicle equipped with air over hydraulic brakes.
E	No Manual transmission equipped CMV Skills test taken in a vehicle equipped with an automatic transmission.
O	No Tractor-trailer CMV Skills test taken in a combination vehicle for a Group A CDL with the power unit and towed unit connected with a pintle hook or other non-fifth wheel connection.
M	No Class A passenger vehicle Skills test taken in a Class B bus.
N	No Class A and B passenger vehicle Skills test taken in a Class C bus.
K	Intrastate only Applicant self-certified as Non-excepted Intrastate or is under 21 years old
V	Medical Variance Applicant has either a Federal or State medical waiver

CDL Driver Drug & Alcohol Policy

CERTIFICATE OF RECEIPT

I hereby certify that on the date shown below, I received and read a copy of the City of Lynnwood's Drug and Alcohol Policy for Use With FMCSA/DOT-Regulated Employees, consisting of twenty-eight (28) pages including these Certificates of Receipt, and a copy of drug and alcohol awareness training materials. I understand and agree to comply with this policy, including any required alcohol or controlled substance testing.

Employee – Print name

Employee – Signature

Date: _____

CDL Driver Drug & Alcohol Policy

CERTIFICATE OF RECEIPT

I hereby certify that on the date shown below, I received and read a copy of the City of Lynnwood's Drug and Alcohol Policy for Use With FMCSA/DOT-Regulated Employees, consisting of twenty-eight (28) pages including these Certificates of Receipt, and a copy of drug and alcohol awareness training materials. I understand and agree to comply with this policy, including any required alcohol or controlled substance testing.

Employee – Print name

Employee – Signature

Date: _____

(Employee to receive duplicate copy.)