



**Drug-Free Workplace Plan for Positions
Requiring a Commercial Drivers'
License (CDL)**

January 2020

**Central Michigan University
CDL Drug-Free Workplace Plan
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CMU CDL Drug-Free Workplace Plan

SECTION I: INTRODUCTION

A. CMU Drug-Free Workplace Policy

1. CMU is committed to providing a workplace which is free from the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance. The unlawful manufacture, distribution, dispensation, possession or use of controlled substances is prohibited on any CMU-owned or controlled property.
2. It is the intent of CMU to provide a drug-free, healthful, safe, and secure work environment.
3. No employee will report to work evidencing any effects of illegal drug use.

B. Implementation

1. In addition to the policies stated above, CMU is also required by the Department of Transportation, to implement drug and alcohol testing and the specific procedures for testing for all employees with a Commercial Driver's License, as set forth in 49 CFR Parts 40, 382 and 391.
2. This plan was put into effect January 1, 1996.

C. History

1. This plan has been implemented as a result of Title 49 Code of Federal Regulations (CFR) Parts 382 and 391, which requires drivers of commercial motor vehicles, as defined in Part 383, to submit to drug and alcohol testing under the following work-related conditions:
 - a. Pre-employment (drugs only)
 - b. Post-accident
 - c. Random
 - d. Reasonable suspicion
 - e. Return-to-duty
 - f. Follow-up
2. Title 49 CFR Part 40 specifies procedures which must be followed by CMU when conducting drug and alcohol testing in accordance with regulations issued by the Department of Transportation and it's agencies.

D. Definitions

(Please refer to Appendix A for more definitions.)

Actual knowledge: means actual knowledge by an employer that a driver has used alcohol or controlled substances 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 substance use, except as provided in §382.121. Direct observation as used in this definition means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing under §382.307.

Adulterated specimen: A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content): 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.

Alcohol use: The drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Breath Alcohol Technician (BAT): An individual who instructs and assists individuals in the alcohol testing process and operates the evidential breath testing (EBT) device.

Commercial motor vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle

(1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

(2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 or more pounds), whichever is greater; or

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) 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 (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

Confirmation (or confirmatory) drug test: A second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmed drug test: A confirmation test result received by an MRO from a laboratory.

Controlled Substances: In the DOT regulations and this CMU drug plan, the terms "drugs" and "controlled substances" are interchangeable and have the same meaning. Unless otherwise specified, these terms refer to:

1. Marijuana metabolites
2. Cocaine metabolite
3. Opioids - codeine, heroin (6-MA), morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone
4. Phencyclidine (PCP)
5. Amphetamines, including methamphetamine, MDMA

Evidential Breath Testing (EBT) Device: A device used for alcohol breath testing that has been approved by the National Highway Safety Administration.

Dilute Specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Driver: 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. Appendix B contains the specific job titles subject to testing

Drugs: The drugs for which tests are required under this plan and DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

Negative return-to-duty test result: A return-to-duty test with a negative drug result and/or an alcohol test with an alcohol concentration of less than 0.02.

Safety-Sensitive Function: For the purposes of this drug plan, performing a safety-sensitive function applies to both on-duty time and actual driving time. On-duty time is defined as, all time from the time a driver begins work or is required to be in readiness for work, until the time he/she is relieved from work and all responsibility for performing work. Driving time is defined as all time spent at the driving controls of a commercial motor vehicle in operation.

Screening Test (initial test):

(1) In drug testing, a test to eliminate “negative” urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs.

(2) In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Substance Abuse: Refers to patterns of use that result in health consequences or impairment in social, psychological, and occupational functioning.

E. Key Personnel & Responsibilities

(Appendix C contains names, addresses and telephone numbers for key personnel)

Designated employer representative (DER): An individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of the company.

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

This individual is responsible for evaluating any employee who tests positive for alcohol and/or controlled substances to determine the severity of the problem before the employee is eligible to return to work.

Employee Relations: Employee(s) responsible for preparation of the drug-free workplace plan and for reviewing all discipline applied under this plan for consistency and conformance to Human Resources policies and procedures.

Supervisors: For the purposes of this document, supervisors are defined as CMU employees responsible for observing the performance and behavior of CDL employees; observation/documentation of events suggestive of reasonable cause; responsible for requests of second supervisor or medical personnel for substantiation and concurrence

for reasonable cause testing, if feasible.

Employees: Each employee has the responsibility to be knowledgeable of the CMU CDL Drug-Free Workplace Plan and to fully comply with the provisions of the plan.

SECTION II: SCOPE

A. Individuals Subject to Drug and Alcohol Testing

Any applicant/employee whose position requires the operation of a commercial motor vehicle and is subject to the commercial driver's license requirements of 49 CFR Part 383. Refer to Appendix B for specific job titles subject to testing.

B. Procedure for Notifying Employees

All employees subject to testing will receive access to a complete copy of the CMU CDL Drug-Free Workplace Plan and will verify by signing a receipt, which will be placed in the Driver's Qualification File. Supervisors will provide a paper copy of the complete plan that will be maintained in the work area and made readily accessible to all covered employees.

C. Controlled Substance Use

A controlled substance is a drug that has been declared by the federal or state law to be illegal for sale or use but may be dispensed under a physician's prescription. The basis for control and regulation is the danger of addiction, abuse, physical and mental harm (including death), the trafficking by illegal means, and the dangers from actions of those who have used the substances. Controlled substances are divided into five schedules based on whether they have a currently accepted medical use in treatment, their relative abuse potential and likelihood of causing dependence when abused.

DOT regulations mandate that all employees who drive commercial motor vehicles as identified in Appendix B must be tested for the following substances:

1. Marijuana metabolites
2. Cocaine metabolites
3. Opioids – codeine, heroin (6-MA), morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone
4. Phencyclidine (PCP)
5. Amphetamines, including methamphetamine, MDMA

D. Alcohol

No covered employee shall report to work or remain on duty in a safety-sensitive position with an alcohol concentration of or greater. Employees with alcohol concentrations of 0.02-0.39 will be removed immediately from performing safety sensitive duties until their next regularly scheduled shift, but not less than 24 hours after the administration of the test.

DOT regulations mandate that all employees who drive a commercial motor vehicle as identified in Appendix B shall be tested for alcohol concentration.

E. Prescribed Medications

A driver cannot take a controlled substance or prescription medication without a prescription from a licensed practitioner. If a driver uses a drug identified in Appendix D or any other substance such as amphetamine, a narcotic, or any other habit-forming drug, the driver is medically unqualified.

There is an exception: the prescribing doctor can write that the driver is safe to be a commercial driver while taking the medication. In this case, the Medical Examiner may, but does not have to certify the driver.

SECTION III: QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT

The following is a summary of the Controlled Substances and Alcohol Testing Regulations [49 CFR Part 382](#)

A. Prohibited Conduct

1. Alcohol Prohibitions:

- a. A driver may not report for duty or remain on duty requiring the performance of safety-sensitive duties:
 1. with an alcohol concentration of 0.04 or greater. Drivers with alcohol concentrations of 0.02-0.39 will be removed immediately from performing safety sensitive duties until their next regularly scheduled shift, but not less than 24 hours after the administration of the test.
 2. if in possession of alcohol (includes any product containing alcohol, regardless of alcohol content), unless it is being transported as cargo.
 3. if using alcohol.
 4. within four (4) hours of using alcohol.
- b. A driver who has an accident may not use alcohol until post-accident testing is done or for a period of eight (8) hours, whichever comes first.
- c. Drivers cannot refuse to submit to alcohol testing.
- d. Employers who know about any of the above acts cannot permit the driver to perform a safety-sensitive function.

2. Drug Prohibitions

- a. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug or substance identified in 21 CFR 1308.11 Schedule I. See Appendix D.
- b. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other Schedules in 21 CFR part 1308 except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §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.

c. No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.

d. An employer may require a driver to inform the employer of any therapeutic drug use.

B. Disqualification

1. Refusal to submit:

a. *Applicants:* Any applicant (including current employees wishing to transfer into CDL positions) who refuses to be tested or fails to provide an adequate urine sample without valid medical explanation will not be hired for the safety-sensitive position.

b. *Employees:* Any covered employee who refuses to be tested or fails to provide an adequate breath or urine sample without valid medical explanation, will be prohibited from performing any safety-sensitive function and will be considered the same as a positive test and subject to discipline as such.

2. Positive test results:

a. *Applicants:* Any applicant (including transfers) testing positive for drugs will be ineligible for employment and must wait 12 months before re-applying for a safety-sensitive position at Central Michigan University.

b. *Employees:* Any covered employee testing positive for alcohol or drugs (after confirmation) will be immediately removed from performing safety-sensitive functions and will be sent home without pay, if not already on leave. The employee must be evaluated by a Substance Abuse Professional (SAP) to determine the severity of the problem and what assistance, if any, is needed to resolve the problem. Upon evaluation by the SAP, the discipline process will range from returning the employee back to work upon passing return-to-work testing, to suspension without pay, up to and including termination.

Employees with alcohol levels between 0.02 and 0.039 will be removed immediately from performing safety-sensitive duties until the start of the employees next regularly scheduled shift, but not less than 24 hours following the administration of the test.

SECTION IV: TESTING CIRCUMSTANCES

Alcohol testing and urine collection and testing will be done at a CMU designated collection site and laboratory. Names and locations of the sites and testing times are identified in Appendix E.

A. Pre-employment Testing

Any applicant upon receiving an offer of employment for a position requiring a Commercial Driver's License, shall submit to a urine drug test within 48 hours of receiving the offer of employment, which will test for the presence of the following controlled substances:

1. Marijuana metabolites
2. Cocaine metabolites
3. Opioids
4. Phencyclidine (PCP)
5. Amphetamines

The applicant must pass the test before proceeding with the employment process.

Exception: Any applicant that can present proof that he/she participated in a drug testing program that meets DOT regulations within the previous 30 days. While in the testing program the applicant must have either 1) been tested for controlled substances within 6 months of application date or 2) participated in a random drug testing program for the previous 12 months from application date. A CMU Drug & Alcohol Testing Program Coordinator will follow-up and verify the following information:

- 1. The name(s) and address(es) of the program(s).***
- 2. That applicant participates or participated in the program***
- 3. That program is in compliance with DOT regulations***
- 4. That applicant is qualified under the regulations and that he/she did not refuse testing at any time.***
- 5. The date the applicant was last tested for drugs and/or alcohol.***
- 6. The results of any tests taken within the previous 6 months.***

Applicants who are denied employment due to a positive drug test must wait 12 months before re-applying for a safety-sensitive position at CMU.

B. Post-Accident Testing

As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers:

- a. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
- b. Who receives a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:
 - (i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - (ii) 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.

2. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:

a. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or

b. Who receives a citation within thirty-two hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved:

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

(ii) 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.

3. The following table notes when a post-accident test is required to be conducted by paragraphs 1a, 1b, 2a, and 2b of this section:

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
i. Human fatality	YES NO	YES YES
ii. Bodily injury with immediate medical treatment away from the scene	YES NO	YES NO
iii. Disabling damage to any motor vehicle requiring tow away	YES NO	YES NO

4. a. *Alcohol tests.* If a test required by this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request.

b. *Controlled substance tests.* If a test required by this section is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request.

5. A driver who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the employer to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

6. An employer shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating a commercial motor vehicle, so that drivers will be able to comply with the requirements of this section.
7.
 - a. The results of a breath or blood test for the use of alcohol, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local alcohol testing requirements, and that the results of the tests are obtained by the employer.
 - b. The results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to the applicable Federal, State or local controlled substances testing requirements, and that the results of the tests are obtained by the employer.
8. *Exception.* This section does not apply to:
 - a. An occurrence involving only boarding or alighting from a stationary motor vehicle; or
 - b. An occurrence involving only the loading or unloading of cargo; or
 - c. An occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle (as defined in §571.3 of this title) by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with §177.823 of this title.

A CMU driver involved in an accident that requires a DOT post-accident testing will remain on duty pending the outcomes of the testing. Positive results will be addressed as specified in Section III B.2.b of this plan.

C. Random Testing

Unannounced random testing is required on a certain percentage of drivers each year. Each covered driver's name will be registered with the designated collection site to be entered into a computer which will randomly select names for testing on a periodic basis. The collection site will notify the CMU Designated Employer Representative (DER) as to the names that are selected for testing. The CMU DER will notify the employees' supervisor(s) and the employee will be notified by his/her supervisor immediately. Upon notification by the supervisor, all selected employees must report immediately (within 30 minutes) to the designated collection site for testing. Failure to do so, will be considered by CMU as refusal to submit and treated as a positive test.

Random testing will be done as follows:

1. **10%** of drivers must be randomly tested for **alcohol** during each year of the testing program.
2. **50%** of drivers must be randomly tested for **controlled substances** during each year of the testing program.

D. Reasonable Suspicion Testing

A driver must submit to alcohol and /or drug testing if a supervisor has reason to believe that the driver's behavior or appearance may indicate alcohol or drug use. Testing for reasonable suspicion must be based on:

1. the observations of a trained supervisor.
2. specific, clearly stated observations concerning the driver's appearance, behavior, speech or body odor.
3. observations for alcohol testing must be made just before, during, or just after the performance of a safety-sensitive function.

The observations may include indications of the chronic and withdrawal effects of controlled substances.

Alcohol Testing: Testing for reasonable suspicion must be done ***within 2 hours of observation***. If testing is not conducted within 8 hours of observation, testing efforts will cease and the reasons for why the test was not administered in a timely fashion will be documented.

Controlled Substances Testing: If a trained supervisor has reasonable suspicion under this section, he/she must document observations on provided form (see Appendix F for Supervisor's Observed Reasonable Suspicion Form) ***within 24 hours of observation***.

It is preferred whenever feasible that at least 2 trained supervisors witness the behaviors, however one trained supervisor's observations are acceptable.

Any employee required to submit to reasonable suspicion testing shall be transported immediately by the supervisor to the collection site. If the employee tests positive for alcohol (greater than 0.02), the supervisor must not allow the employee to return to safety-sensitive duties and must arrange for the employee to be transported to his/her home.

Any employee required to submit to reasonable testing for controlled substances will be immediately removed from performing safety-sensitive duties and placed on administrative leave without pay pending the results of their testing. An employee may use available paid time off. Positive results will be addressed as specified in Section III B.2.b of this plan.

Any employee refusing to submit to alcohol testing shall be immediately removed from his/her safety-sensitive functions and cannot return to work until:

1. an alcohol test shows a concentration of less than 0.02; or
2. 24 hours have passed from the time of initial observation; and
3. Refusal to submit is considered the same as a positive test and the employee will be subject to discipline ranging from returning to work after 24 hours without pay, to suspension without pay, up to and including termination.

Any employee refusing to submit to drug testing shall be immediately removed from his/her safety functions and will be considered the same as a positive test and subject to discipline as such.

E. Return-To-Duty Testing

Return-to-duty testing is required for any driver who violates the prohibitions of this plan regarding alcohol misuse and controlled substance use and is returning to his/her safety-sensitive position. In order to return to work, it is required that the driver has an alcohol concentration less than 0.02 and/or a negative drug test. Before undergoing return-to-duty testing, the driver must be evaluated by the Substance Abuse Professional (SAP) to determine the severity of the problem, whether or not additional assistance is necessary and what tests need to be performed. CMU may require that the employee submit to testing for both alcohol and controlled substances, if the SAP determines that this is warranted for this particular employee.

F. Follow-up Testing

Follow-up testing is required for drivers returning to safety-sensitive positions and have been identified by a Substance Abuse Professional to be in need of assistance in resolving problems associated with alcohol misuse and/or the use of controlled substances. Follow-up tests will be unannounced, and the type, number and frequency will be determined by the evaluating SAP and consist of at least 6 tests in the first 12 months following the driver's return-to-duty. Testing can continue for up to 5 years if warranted.

G. Compensation

The Federal Highway Administration (FHWA) considers all time spent providing breath and urine samples for testing (with the exception of pre-employment testing) and the time spent traveling to and from the collection site to be "on-duty time." Employees required to submit for testing will not be required to use sick, personal or lost time for the time away from duties due to participating in the testing program.

SECTION V: ALCOHOL TESTING METHODOLOGY

McLaren - Central Michigan, CMU's designated alcohol testing site follows the methodology and procedures as specified in [49 CFR Part 40 Subparts J & K](#).

SECTION VI: ALCOHOL TESTING PROCEDURES

McLaren - Central Michigan, CMU's designated alcohol testing site follows the steps and procedures for administering breath alcohol testing as specified in [49 CFR Part 40 Subparts L, M & N](#)

SECTION VII: SPECIMEN COLLECTION PROCEDURES

A. Urine Specimen Collection

Drug testing will be conducted using a split urine sample (original sample will be divided into 30 ml and 15 ml samples) provided by the applicant or covered employee. The DOT requires that the urine is tested for the presence of marijuana, cocaine, opioids, amphetamines and phencyclidine. Urine specimens collected for the purposes of compliance with DOT regulations can only be used to test for these designated controlled substances and shall not be used to conduct any other analysis or test unless otherwise specifically authorized by DOT agency regulations.

Applicants/Employees will be required to present photo identification for verification purposes. In the absence of photo identification, a supervisor accompanying the employee can provide verbal verification or a Polaroid picture can be taken and must be signed by the employee.

B. Collection Procedures

McLaren - Central Michigan, CMU's designated collection site follows the collection procedures as specified in 49 CFR Part 40 [Subpart E](#)

SECTION VIII: DRUG TESTING METHODOLOGY

A. Appropriate Laboratory

All drug testing will be performed by a NIDA (National Institute on Drug Abuse) certified laboratory as required by the DOT (See Appendix E for the CMU designated laboratory).

B. Initial Screen

The initial test is performed on the 30 ml portion of the split sample. Immunoassay is used to determine the levels of the 5 drugs or classes of drugs.

C. Confirmatory Tests

All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. The second part of the split sample (at least 15 ml) is used for confirmatory testing purposes.

The initial and confirmatory test cutoff levels are listed below.

Initial test analyte	Initial test cutoff ¹	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites (THCA) ²	50 ng/mL ³	THCA	15 ng/mL.
Cocaine metabolite (Benzoylecgonine)	150 ng/mL ³	Benzoylecgonine	100 ng/mL.
Codeine/	2000 ng/mL	Codeine	2000 ng/mL.

Morphine		Morphine	2000 ng/mL.
Hydrocodone/ Hydromorphone	300 ng/mL	Hydrocodone Hydromorphone	100 ng/mL. 100 ng/mL.
Oxycodone/ Oxymorphone	100 ng/mL	Oxycodone Oxymorphone	100 ng/mL. 100 ng/mL.
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamine/ Methamphetamine	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL. 250 ng/mL.
MDMA ⁴ /MDA ⁵	500 ng/mL	MDMA MDA	250 ng/mL. 250 ng/mL.

¹For grouped analytes (i.e., two or more analytes that are in the same drug class and have the same initial test cutoff):

Immunoassay: The test must be calibrated with one analyte from the group identified as the target analyte. The cross-reactivity of the immunoassay to the other analyte(s) within the group must be 80 percent or greater; if not, separate immunoassays must be used for the analytes within the group.

Alternate technology: Either one analyte or all analytes from the group must be used for calibration, depending on the technology. At least one analyte within the group must have a concentration equal to or greater than the initial test cutoff or, alternatively, the sum of the analytes present (i.e., equal to or greater than the laboratory's validated limit of quantification) must be equal to or greater than the initial test cutoff.

²An immunoassay must be calibrated with the target analyte, Δ -9-tetrahydrocannabinol-9-carboxylic acid (THCA).

³*Alternate technology (THCA and Benzoylcegonine):* When using an alternate technology initial test for the specific target analytes of THCA and Benzoylcegonine, the laboratory must use the same cutoff for the initial and confirmatory tests (i.e., 15 ng/mL for THCA and 100ng/mL for Benzoylcegonine).

⁴Methylenedioxyamphetamine (MDMA).

⁵Methylenedioxyamphetamine (MDA).

D. Adulteration

The precautions taken by the CMU designated collection site are in compliance with the DOT adulteration guidelines ([49 CFR Part §40.63](#)).

E. Reporting Test Results

The laboratory shall report test results to the employer's Medical Review Officer (MRO) within an average of 5 working days after receipt of the specimen by the laboratory. Before any test result is reported (the results of initial tests, confirmatory tests, or quality control data), it shall be reviewed by the responsible individual. The report shall identify the drugs/metabolites tested for, whether positive or negative, the specimen number assigned by the employer, and the drug testing laboratory specimen identification number (accession number).

The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens

confirmed positive shall be reported positive for a specific drug.

The MRO may request and receive quantitative data from the lab. The MRO shall report whether test was positive or negative and may report for which drug(s) it was positive but shall not disclose quantities.

F. Specimen Retention

The laboratory testing the primary specimen, must retain a specimen that was reported with positive, adulterated, substituted, or invalid results for a minimum of one year. See Appendix E for the current NIDA certified laboratory conducting the drug testing for CMU employees.

SECTION IX: TEST RESULTS

A. Medical Review Officer

The Medical Review Officer shall be a licensed physician with knowledge of substance abuse disorders and may be an employee of a transportation employer or a private physician retained for this purpose. The role of the MRO is to review and interpret confirmed positive test results. The MRO will examine alternate medical explanations for any positive test result. This action may include conducting a medical interview and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication.

(See Appendix E for the CMU designated Medical Review Officer (MRO)).

B. Positive Test Result

The MRO will follow the procedures below in the event of a positive test result:

1. Prior to making a final decision to verify a positive test result for an individual, the MRO will give the individual the opportunity to discuss the test result with him/her.
2. The MRO will contact the employee directly, on a confidential basis, to determine whether the employee wishes to discuss the test result. The employee may be initially contacted by a certified member of the MRO's staff and except for circumstances described in paragraph 5 of this section, the MRO will talk directly with the employee before verifying the test as positive.
3. If, after making all reasonable efforts (minimum of three attempts over a 24-hour period) and documenting them, the MRO is unable to reach the individual directly, the MRO will contact the CMU Designated Employer Representative (DER), who will direct the employee to call the MRO as soon as possible. If it becomes necessary to reach the employee through the CMU DER, the information will be passed directly to the employee by the CMU DER to assure and maintain confidentiality.
4. If, after making all reasonable efforts (minimum of three attempts over a 24-hour period), the CMU DER is unable to contact the employee, CMU may place the employee on temporary medically unqualified status or medical leave without pay.

5. The MRO may verify a test as positive without having communicated directly with the employee about the test in three circumstances:
 - a. The employee expressly declines the opportunity to discuss the test;
 - b. Neither the MRO nor the CMU DER, after making all reasonable efforts, has been able to contact the employee within 10 days of the date on which the MRO receives the confirmed positive test result from the laboratory;
 - c. The CMU DER has successfully made and documented a contact with the employee and instructed the employee to contact the MRO and more than 72 hours have passed since the date the employee was successfully contacted by the CMU DER.
6. The MRO, after verifying a test result under this section and reporting the result to the CMU DER, must allow the employee to present information within 60 days of the verification to document that serious illness, injury, or other circumstances unavoidably precluded contact with the MRO and/or DER in the times provided. On the basis of such information, the MRO may reopen the verification, allowing the employee to present information concerning whether there is a legitimate medical explanation of the confirmed test result.
7. Following the verification of a positive test result, the MRO will refer the employee to the Substance Abuse Professional for evaluation.

C. Disclosure of Information

Except as provided in this section, the MRO shall not disclose to any third-party medical information provided by the employee to the MRO as a part of the testing verification process without the employee's permission.

1. The MRO must report drug test results and medical information learned as part of the verification process to third parties without the employee's consent if it is determined, in the MRO's reasonable medical judgment, that:
 - a. The information is likely to result in the employee being determined to be medically unqualified under an applicable DOT agency regulation; or
 - b. The information indicates that continued performance by the employee of his or her safety-sensitive function is likely to pose a significant safety risk.
 - c. The third parties to whom the MRO is authorized to provide information by this section include the employer, a physician or other health care provider responsible for determining the medical qualifications of the employee under an applicable DOT agency safety regulation, a SAP evaluating the employee as part of the return to duty process (see §40.293(g)), a DOT agency, or the National Transportation Safety Board in the course of an accident investigation.
 - d. If the law of a foreign country (e.g., Canada) prohibits you from providing medical information to the employer, you may comply with that prohibition.

2. Before obtaining medical information from the employee as part of the verification process, the MRO shall inform the employee that information may be disclosed to third parties as provided in this section and the identity of any parties to whom information may be disclosed.

D. Notification of Test Results

The MRO will report all negative test results immediately to a CMU DER. A hard copy of the results will be mailed to the CMU DER within 3 to 5 working days. The CMU DER will directly notify the employee and the supervisor of the results.

If test results are determined to be positive after verification process with the employee is complete, the MRO will contact a CMU DER immediately. The MRO will disclose only that the test is positive and identify the substance(s) for which test was positive. The CMU DER will immediately notify the employee, the employee's supervisor and Employee Relations of the circumstances. The employee will be immediately removed from performing safety-sensitive functions and the appropriate discipline process will commence.

E. Retest Procedures

If the test results of the primary specimen (30 ml) is positive, the employee may request that the split specimen (at least 15 ml) be tested by another NIDA-certified laboratory for the drug(s) that were positive in the primary specimen. The employee must notify the MRO of such request within 72 hours of receiving notification of positive test results.

SECTION X: CONFIDENTIALITY

A. Confidentiality and Access to Records

All drug and alcohol test results and all information regarding the results are maintained by the testing laboratory and the MRO and are completely confidential. The results (negative or positive and what substances the employee tested positive for) will be sent (verbal and/or written) to a CMU Designated Employer Representative (DER). The CMU DER will maintain all results in a secured and confidential location. Employees will be directly contacted by a CMU DER of test results (positive and negative). In the event there is a positive test result, the CMU DER will also contact the employee's supervisor and Employee Relations disclosing only that a test result was positive. This is required in order to proceed with removing the employee from all safety-sensitive functions and to initiate the discipline process.

Any employee can obtain access to all of his/her testing information (laboratory, MRO and CMU Driver Qualification Files) by submitting a written request to the appropriate site. Access will be limited to the employee, the CMU DER for filing and recordkeeping purposes and the FHWA. The FHWA requires that all records be maintained confidentially and made available for inspection within 2 days upon request.

B. Maintenance and Disclosure of Records Concerning EBT's and BAT's

The CMU designated collection/testing site will maintain the following records for two years and provide to CMU upon request:

1. Records of the inspection and maintenance of each EBT used in testing employees.

2. Documentation of the Quality Assurance Plan on each EBT used by CMCH.
3. Records of the training and proficiency testing of each BAT.
4. The log books required by these regulations.
 - a. McLaren – Central Michigan shall maintain for 5 years records pertaining to the calibration of each EBT used in alcohol testing under this part, including records of the results of external calibration checks.

C. Record Retention

CMU will maintain all records according to the following schedule:

- 1. Five Years:** The following records will be maintained for a minimum of 5 years:
 - a. All alcohol test results with levels of 0.02 or greater;
 - b. All positive drug tests;
 - c. All documentation of refusal to submit to testing;
 - d. Driver evaluation and referrals;
 - e. A copy of each annual calendar year summary.
- 2. Two Years:** Records related to the alcohol and controlled substances collection process (except calibration of EBT's) and training will be maintained for a minimum of two years.
- 3. One Year:** Records of negative or canceled controlled substances test results (as defined in part 40 of the DOT regulations) and alcohol test results with a concentration of less than 0.02 will be maintained for a minimum of one year.

SECTION XI: EMPLOYEE ASSISTANCE PROGRAM (EAP)

The DOT regulations require that CMU provide an Employee Assistance Program for all CDL employees that includes at minimum the following components:

A. Employee Education and Training

All CDL employees must receive a copy of the CMU CDL Drug-Free Workplace plan and verify in writing that the document has been received. The signed document will be filed in each employee's Driver Qualification File. All employees will also receive 1.5 - 2 hours of education on alcohol and substance abuse with regards to health issues and effects on job performance. Training will be conducted by the CMU Employee Assistance Program personnel and provided when necessary to train new employees and/or serve as a refresher for all current employees. Each employee will be provided with educational materials and available resources. Additional alcohol and substance abuse information can be obtained any time by contacting 3198.

B. Supervisor Training

All CMU employees in charge of supervising CDL employees will receive 6-8 hours of training. This training will include:

1. One 2-hour session on alcohol abuse, including signs, symptoms, health effects, effects on job performance and intervention techniques.

2. One 1-2-hour session on substance abuse with content similar to the alcohol session.
3. 2-3 hours of training and discussion of CMU policies and procedures with special emphasis on reasonable suspicion documentation.

C. Referral, Evaluation and Treatment

Each employee will receive a list of local resources that provide substance abuse services. Any employee who tests positive for alcohol and/or drugs must be evaluated by the CMU designated Substance Abuse Professional to determine the severity of the problem and whether or not additional treatment is necessary. Employees will be responsible for any charges associated with treatment beyond the initial evaluation conducted by the Substance Abuse Professional. Before an employee returns to work he/she must submit to return-to-work testing and results must be negative. In addition, if the employee was identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use, the employee shall be evaluated by the CMU Substance Abuse Professional to determine that the driver has properly followed any rehabilitation program as determined by the initial evaluation. The employee will also be subject to unannounced follow-up testing for at least 12 months following his/her return to work.

D. Substance Abuse Evaluation

Any employee testing positive for alcohol and/or drugs must be evaluated by the CMU Substance Abuse Professional to determine the severity of the problem and to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substance use. If additional treatment is required, the employee must complete at his/her own expense the recommended treatment program in order to return to duty. The employee will only be allowed to return to work after he/she has submitted to return-to-work testing with negative results and can show proof that he/she is or has received appropriate treatment.

SECTION XII: DISCIPLINE

A. Pre-Employment

Any applicant or current employee transferring into a CDL position who tests positive for drugs, will be ineligible for employment and must wait 12 months before re-applying for a safety-sensitive position at Central Michigan University.

B. Post-Accident

A CMU driver involved in an accident that requires a DOT post-accident testing may continue to perform safety-sensitive duties following testing until receipt of their testing results.

Any employee testing positive in post-accident situations will be immediately removed from all safety-sensitive functions. CMU discipline process may range from return to work, to suspension without pay, up to and including termination. Federal regulations mandate that if a driver is driving under the influence (alcohol or controlled substances), or the driver leaves the scene of an accident or commits a felony, the driver will be disqualified from operating a commercial motor vehicle for 1 year for a first offense and disqualified for life for subsequent offenses. Drivers convicted of using a commercial

motor vehicle involving the manufacturing, distribution or dispensation of controlled substances will be disqualified for life.

C. Random

The discipline process for any employee with a positive test under the random testing program, will range from return to work (after testing), to suspension without pay, up to and including termination.

D. Reasonable Suspicion

Any driver required to submit to reasonable testing for controlled substances will be immediately removed from performing safety-sensitive duties and placed on administrative leave without pay pending the results of their testing. An employee may use available paid time off.

The reasonable suspicion discipline process is the same as the Random Testing.

E. Return to Duty

Any employee with a positive return-to-work test will be terminated.

F. Insubordination

Any applicant who refuses to submit to testing or attempts adulteration or tampers with the testing process will be considered to have a positive test and will not be hired.

Employees who refuse to submit to testing or attempt adulteration or tamper with the testing process, will be considered to have a positive test and discipline will range from return to work (after testing), to suspension without pay, up to and including termination.

G. Invalid Test Results

Any test that is deemed invalid will result in making the employee whole and the removal of all records of the invalid test from the employee's Driver Qualification File.

SECTION XIII: RECORDKEEPING AND REPORTING

A. Recordkeeping and Retention of Records

CMU shall maintain records of its alcohol misuse and controlled substances use prevention programs as specified in [49 CFR Part §392.401](#). The records shall be maintained in a secure location with controlled access.

B. Annual Reporting

The CMU designated collection and testing site shall provide annual reports as required by the DOT. The reports and annual summaries will be maintained by the CMU Designated Employer Representative (DER).

Appendix A

Glossary of Terms

A complete glossary of terms can be found as follows:

[49 CFR Part §40.3](#)

https://www.ecfr.gov/cgi-bin/text-idx?SID=44edbc0e557a4cc5ff03365810ee5b1c&mc=true&node=pt49.1.40&rgn=div5#se49.1.40_13

[49 CFR Part §382.107](#)

https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&=PART&n=pt49.5.382#se49.5.382_1107

Appendix B

CMU CDL Job Titles

The following positions have been identified by CMU as requiring a Commercial Drivers License (CDL) and are thereby subject to the regulations as described in this document:

Auto & Equipment Mechanic	SM-8
Landscape Maintenance Operator	SM-6
Landscape Maintenance Operator/Recycling	SM-6
Landscape Maintenance Crew Leader	SM-8
Operations Supervisor	BR

Appendix C

Key Personnel

The following people have been designated by CMU to assume the functions of the specified position as described in Section I, Part E of the CMU CDL Drug-Free Workplace Plan:

1. CMU Designated Employer Representative (DER):

Tammy Griffin
CHIP/WC
South Grounds Building
774-3198/7177

2. Substance Abuse Professionals:

Encompass (CMU Employee Assistance Program provider)
648 Monroe NW, Suite B4
Grand Rapids, MI 49503
1-800-788-8630
www.encompass.com.us (click on "Sign Up" to create an account. Use company code: cmuni)

3. Employee Relations:

Kevin Smart
Rowe 114
774-6447

Appendix D

Table of Disqualifying Drugs and Other Substances

Title 21 Code of Federal Regulations §1308.11 Schedule I contains a complete list of disqualifying drugs and other substances that are prohibited under this plan unless a physician familiar with the employee's condition and job duties determines that the prescribed drug/substance will not impair the driver's ability to safely operate a commercial motor vehicle.

https://www.deadiversion.usdoj.gov/21cfr/cfr/1308/1308_11.htm

Appendix E

Collection and Testing Sites

- 1. CMU Designated Alcohol Testing and Urine Collection Site:** Alcohol testing and urine collection will be done between the hours of 8a.m. and 8p.m. at:

McLaren Central Michigan - Occupational Medicine Program/Ready Care
1523 S. Mission
Mt. Pleasant, MI 48858
779-5600

After hour testing and urine collection will be done at:

McLaren – Central Michigan
1221 South Drive
Mt. Pleasant, MI 48858
772-6700

Please go to Admitting and let the staff know that you are a CMU employee and you are there for DOT alcohol and/or drug testing.

- 2. Drug Testing NIDA Certified Laboratory:** All drug testing/analysis will be done by:

Quest Diagnostics - Lenexa
10101 Ronner Blvd
Lenexa, KS 66219

- 3. Medical Review Officer:** McLaren – Central Michigan Occupational Medicine/Ready Care has appointed **Dr. Douglas Mikols** as the Medical Review Officer for the drug testing program.

Appendix F

Sample Forms



PRE-EMPLOYMENT DRUG TESTING NOTIFICATION

The Federal Highway Administration regulations, Title 49 CFR, Part 382.301, requires pre-employment drug testing of all applicants for positions requiring the operation of a commercial motor vehicle. Driver-applicants will be tested for the following 5 controlled substances:

- Marijuana metabolites
- Cocaine metabolites
- Opioids - codeine, heroin (6-MA), morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone
- Phencyclidine (PCP)
- Amphetamines, including methamphetamine, MDMA

Central Michigan University (CMU) requires that any applicant upon receiving an offer of employment for a position requiring a Commercial Drivers License to submit to urine drug testing within 48 hours of receiving the offer of employment.

As a condition of my employment, I agree to the urine sample collection and drug testing.

I understand a positive test for controlled substances based on the urinalysis test will medically disqualify me from the operation of a commercial motor vehicle for Central Michigan University. I further understand that CMU will withdraw the job offer and that I must wait 12 months after the positive test results to re-apply for a safety sensitive position at CMU.

The Medical Review Officer (MRO) will maintain the results of the urinalysis test. Negative and positive results will be reported to the CMU Designated Employer Representative (DER).

My written authorization is required for the urinalysis test results to be given to other parties.

I have read and understand the above conditions for the Pre-Employment Drug Testing.

APPLICANT’S NAME (PRINT)

APPLICANT’S SIGNATURE

DATE

WITNESSED BY:

CMU REPRESENTATIVE’S SIGNATURE

DATE

Request/Consent Form for Controlled Substances Testing Records from Previous Employer(s)



2BE77A1C.pdf

**McLaren – Central Michigan Occupational Medicine Program/Ready Care
Authorization for Treatment Form**



4F0A97D0.pdf

Central Michigan University

OBSERVED BEHAVIOR – REASONABLE SUSPICION RECORD

Employee Name: _____ Observation Date:

Time from: _____ a.m. p.m. to _____ a.m. p.m.

Location:

Cause for Suspicion:

1. Presence of drugs and/or drug paraphernalia (specify):

2. Appearance: normal flushed puncture marks tremors
disheveled bloodshot eyes runny nose/sores profuse sweating
inappropriate wearing of sunglasses dry mouth symptoms dilated/constricted pupils
other: _____

3. Behavior:

a. Speech - normal incoherent slurred silent
confused slowed whispering
other:

b. Awareness - normal incoherent mood swings euphoria
lethargic lack of coordination paranoid disoriented
other:

4. Motor Skills:

a. Balance - normal swaying falling staggering
other:

b. Walking and turning - normal arms raised for balance stumbling
falling reaching for support swaying
other:

5. Other observed actions or behaviors (specify):

Witnessed by

Signature: _____ Title: _____ Date: _____ Time: _____
 a.m. p.m.

Signature: _____ Title: _____ Date: _____ Time: _____
 a.m. p.m.

This document must be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier (49 CFR 391.99[d])²

Appendix G

DOT Alcohol and Drug Testing Regulations

This plan provides the information required be furnished to an employee covered under the plan. Please refer to 49 CFR Part 382 for the complete regulations.

[49 CFR Part 382](#)

https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&=PART&n=pt49.5.382#se49.5.382_1107

Appendix H

CMU Alcohol and Drug Policies and Guidelines

Central Michigan University has other policies and guidelines addressing the use of alcohol and other drugs in the workplace.

Alcohol Use Guidelines

https://www.cmich.edu/office_president/general_counsel/Documents/p03017.pdf

CMU Drug-free Workplace Policy

https://www.cmich.edu/office_president/general_counsel/Documents/p03025.pdf

Drug-Free Schools and Communities Act Amendments of 1989

https://www.cmich.edu/office_president/general_counsel/Documents/p03026.pdf