**DOT Controlled Substances and Alcohol Testing Policy**

**CSI Freight LLC**

**4402 Nixon Lane, Austin, TX 78725**

**Ph# 512-736-9600**

This policy follows Department of Transportation and Federal Motor Carrier Safety Administration regulations, definitions, and procedures found in 49 CFR Parts 40 and 382, as given on their website at <https://www.fmcsa.dot.gov/>**.** Please refer to the specific section of the regulations given below under the regulations menu at the above website.

If you have any questions about controlled substance and alcohol testing regulations and policies, please contact **DER John Zenkovich** **(PH# 512-736-9600**), the designated employer representative to answer questions. These policies are in place to ensure our company has a healthy, safe, and productive work environment.

All drivers who drive Commercial Motor Vehicles which require a **Commercial Drivers License (CDL)** are subject to controlled substances and alcohol testing.

A CDL driver will be **subject to** controlled substances and alcohol testing if he is assigned to perform a *safety sensitive function*, as defined in CFR Part 382.107:

**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.

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 §§ 392.7 and 392.8 of this subchapter 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 § 393.76 of this subchapter);

(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 repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Driver conduct that is prohibited**

Found in 49 CFR Part 382 Subpart B. pertaining to alcohol use or controlled substances use:

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

**Alcohol use means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.**

**Controlled substances means those substances identified in 40.85: marijuana metabolites, cocaine metabolites, amphetamines, opiods, and phencyclidine (PCP)**

***382, Subpart B Regulations on prohibited behavior:***

382.201: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

382.205: No driver shall use alcohol while performing safety-sensitive functions.

382.207: No driver shall perform safety-sensitive functions within four hours after using alcohol.

382.209: No driver required to take a post-accident alcohol test under § 382.303 shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

382.211: No driver shall refuse to submit to a pre-employment controlled substance test required under § 382.301, a post-accident alcohol or controlled substance test required under § 382.303, a random alcohol or controlled substances test required under § 382.305, a reasonable suspicion alcohol or controlled substance test required under § 382.307, a return-to-duty alcohol or controlled substances test required under § 382.309, or a follow-up alcohol or controlled substance test required under § 382.311.

382.213:(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.

(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.

382.215: No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances.

**Prescriptions:**

In addition to alcohol and controlled substances, prescription medications can affect an employee’s ability to perform safety-sensitive functions. Employees taking legally-prescribed medications issued by a licensed health care professional familiar with the employee’s responsibilities must report such use to their immediate supervisor, and may be required to provide written evidence from the health care professional which describes the effects the medications may have on the employee’s ability to perform tasks.

CSI FREIGHT LLC may deem it appropriate to remove an employee on prescription medication from a safety-sensitive function.

**In possession of, or under the influence of alcohol or a controlled substance**: Drivers may not be in possession of, or under the influence of drugs or alcohol on company premises, at customer sites, or in commercial vehicles. CSI FREIGHT LLC may take the following actions if this prohibited behavior is discovered: investigation on circumstances of violations, suspension or termination of employment.

The **circumstances** in which the driver will be tested

Incorporated and found in 49 CFR Part 382, Subpart C.

382.301 **Pre-employment** testing (Negative results must be obtained before the DOT employee may perform safety sensitive functions.)

382.303 **Post Accident** Alcohol and Controlled Substances testing. (Must be done by employer -do not rely on hospital or law enforcement tests. Must be done as soon as possible as time restraints are imposed.)

382.305 **Random** Testing (done by annual calendar and includes alcohol and controlled substances testing). The required random percentage rates for alcohol and drug testing will be reviewed each calendar year to determine correct percentile for testing, so to stay in compliance with agency rules.

382.307 **Reasonable suspicion** testing, based on specific, contemporaneous, articulable observations concerning observations of appearance, behavior, speech, or body odors.

382.309 **Return to duty** testing (used for positive test results or refusals to test, when the DOT employee is under the treatment of a Substance Abuse Professional {SAP} and wishes to return to safety sensitive function duties). CSI FREIGHT LLC reserves the right to terminate a driver who has violated the drug use or alcohol misuse prohibitions in the FMCSA regulations; therefore, the return to duty test may be administered by a subsequent employer. In order to be reinstated in any DOT-regulated position, the return to duty test must be conducted.

382.311 **Follow up** testing (used for positive test results or refusals to test, when the DOT employee is under the treatment of a Substance Abuse Professional {SAP} and wishes to return to safety sensitive function duties). CSI FREIGHT LLC reserves the right to terminate a driver who has violated the drug use or alcohol misuse prohibitions in the FMCSA regulations; therefore, the follow up tests may be administered by a subsequent employer. In order to be reinstated in any DOT-regulated position, the follow up tests must be conducted, a minimum of six unannounced tests in the first 12 months following return to duty, per the regulations, but as prescribed by a Substance Abuse Professional.

Note: All *alcohol* tests must be conducted just before, or while the driver/employee is performing a safety-sensitive function.

**ALL CDL DRIVERS WHO DRIVE COMMERCIAL MOTOR VEHICLES REQUIRING A CDL ARE REQUIRED TO SUBMIT TO ALCOHOL AND CONTROLLED SUBSTANCES TESTING. A REFUSAL TO SUBMIT IS DEFINED IN 382.107 AND WILL HAVE THE SAME CONSEQUENCES AS A POSITIVE TEST RESULT.**

**Refuse to submit (to an alcohol or controlled substances test)** means that a driver:

(1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see § 40.61(a) of this title);

(2) Fail to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see § 40.63(c) of this title) a pre-employment test is not deemed to have refused to test;

(3) Fail to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see § 40.63(c) of this title) for a pre-employment test is not deemed to have refused to test;

(4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see §§ 40.67(l) and 40.69(g) of this title);

(5) Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see § 40.193(d)(2) of this title);

(6) Fail or declines to take a second test the employer or collector has directed the driver to take;

(7) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under § 40.193(d) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;

(8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or

(9) Is reported by the MRO as having a verified adulterated or substituted test result.

The **consequences** for violations of Subpart B

Found in 49 CFR Part 382 Subpart E. They are paraphrased below:

1. All CDL drivers will be removed from any safety sensitive positions (including driving a commercial motor vehicle). This includes not signing an electronic release to allow a query be performed in the National Clearinghouse, as well as engaging in prohibited conduct as given above.
2. The driver will be required to meet the requirements of Part 40, Subpart O (Substance Abuse Professionals and the Return to Duty Process). In order to perform safety sensitive functions for this company or another motor carrier, a violator of Part 382, Subpart E, must undergo required evaluation and testing by a Substance Abuse Professional.
3. The driver must take a Return to Duty test with negative results and/or an Alcohol test with results of below .02 before resuming safety sensitive functions.

Note: The consequences for CDL drivers tested for Alcohol with results at .02 but below .04 are the driver will be removed from any safety sensitive position for 24 hours, per 49 CFR 382.505(a), but is not required a Substance Abuse Professional evaluation or referral.

In addition to removal from safety sensitive functions, which is required by DOT regulation for violation of DOT rules, CSI FREIGHT LLC. may take more stringent measures against an employee, such as suspension or termination of employment including immediate dismissal. Testing positive, refusal to test, possession or under the influence of drugs or alcohol, are examples of prohibited behavior that will have consequences.

1. **Both positives and refusals for Texas CDL holders will be reported to the Motor Carrier Bureau, as required in 37 Texas Administrative Code 4.21, and will affect subsequent employment with DOT employers.**
2. **In accordance with 382.601(b)(12) of the Federal Motor Carrier Safety regulations, the following will be reported to the National Clearinghouse: a verified positive, adulterated, or substituted drug test result; an alcohol confirmation test of .04 or higher, a refusal to submit to any required test; an employer’s actual knowledge of alcohol use on-duty, pre-duty, or following an accident; actual knowledge of prohibited alcohol or controlled substance use. Medical Review Officers will report test results or refusals. Substance abuse professionals will also report on completion of the return-to-duty process. Motor carriers will report the completion of follow up testing, as well as any of the above 382.601(b)(12) that is applicable to the motor carrier’s drug/alcohol program.**

**Procedures for testing** for the presence of alcohol and controlled substances will be followed.

As defined in 49 CFR Part 40. These measures will be followed to protect the driver and the integrity of the testing process, to safeguard the validity of the test results, and to ensure that the results are attributed to the correct driver. Reference the handout “What Employees Need to Know about DOT Drug & Alcohol Testing” for easy-to follow information regarding the requirements for urine and alcohol testing personnel, the Medical Review Officer, and the testing policies and procedures at the following address: <https://www.transportation.gov/odapc/employee-handbook-english>

***CSI FREIGHT LLC uses Kress Employment Screening, as their alcohol and drug testing consortium located at 13105 Northwest Freeway, Houston, TX 77040. Phone # 713-880-3693. Fax# 713-880-3694. Website: www.kressinc.com***

***Kress Employment Screening*** will administer all aspects of our alcohol and controlled substances program, including collection, testing, reporting, and record-keeping, in accordance with procedures in Part 40. They will also administer our random alcohol and controlled substances testing program, which will use a computerized random selection process using a scientifically-valid method, according to Part 40 procedures.

In the case where you may need on-site or a closer facility (such as in instance of post-accident testing), ***Kress Employment Screening*** will direct you to a closer collection site that they are affiliated with, so to help you meet DOT deadlines**. TK Nickleberry (tnickleberry@kressinc.com**) can be contacted for questions about procedures or facilities for testing. For **after-hours questions** regarding which facilities to go to for testing, call the after-hours phone number at PH#, or use the Quest Diagnostics Collection Site locator at [http@//www.questzip.com/](mailto:http@//www.questzip.com/)

***Substance Abuse Professional referral:***

Should you test positive or have a refusal to test, you will need to utilize the services of a Substance Abuse Professional, to be able to return to duty at CSI FREIGHT LLC., or any other regulated DOT employer.

The National Clearing house at <https://clearinghouse.fmcsa.dot.gov> can be utilized to find a SAP beginning 1/6/2020. Saplist.com at <http://www.saplist.com> is a resource to find a substance abuse professional in your area.

**Educational materials on testing requirements and procedures**, **including Information concerning the** **effects and consequences of drug use and alcohol abuse**

Will be given in printed handouts provided, and upon request, to your designated employer representative.

Refer to the following websites for phone numbers and electronic information:

1. Office of Drug and Alcohol Policy and Compliance: <https://www.transportation.gov/odapc/employee>

and <https://www.transportation.gov/odapc/employee-handbook-english>

1. Common Drugs of Abuse. National Institute for Drug Abuse (NIDA) [www.nida.nih.gov](http://www.nida.nih.gov).
2. Substance Abuse. Substance Abuse and Mental Health Administration (SAMHSA) <https://www.samhsa.gov/workplace>.

National Clearing House at <https://clearinghouse.fmcsa.dot.gov/> (800-325-3784).

Drug-free Workplace Helpline, Center for Substance Abuse Prevention (800-843-4971). See link to Drugs of Abuse for specific information on drugs at following link:

<http://drugfreeworkplace.com/>

Partnership for a Drug-Free America, 405 Lexington Avenue, New York, NY 10174-0002. 212-922-1560. No charge, but a donation will be requested. See website link below.

<http://www.drugfree.org/>

See the following websites for free materials and information:

<http://www.samhsa.gov/>, and <http://www.helpguide.org/articles/addiction/drug-abuse-and-addiction.htm>

**Information is also available in Spanish at the following websites:**

<https://www.transportation.gov/partners/drug-and-alcohol-testing/what-employees-need-know-about-dot-drug-alcohol-testing-spanish>

National Clearing House for Alcohol and Drug Information (NCADI), PO Box 2345, Rockville, MD 20852; Spanish line (877) 767-8432. See website below.

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

<http://www.drugfree.org/es/parent-toolkit/>

Receipt of Written Policy and Educational Materials for Alcohol and Controlled Substances

CDL Driver printed name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I certify that I have read and received a copy of the DOT Controlled Substances and Alcohol Policy. I also understand that I am required to sign a written and an electronic release to query the National Clearinghouse and a paper release to query the Motor Carrier Bureau Texas database. If I do not allow these queries to be done, I will be removed from safety sensitive functions.

CDL Driver Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_