

**COMMERCIAL DRIVER'S  
LICENSE DRUG & ALCOHOL  
POLICY REVISED 12/17/2018**

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**Purpose** The purpose of this policy is to protect employees, co-workers and the public from the risks posed by the misuse of drugs and/or alcohol by drivers of commercial vehicles and to comply with the federal Department of Transportation (DOT) drug and alcohol testing regulations for Commercial Drivers Licenses (CDL).

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**Scope** This policy applies to all employees who are required to have and maintain CDLs as part of their employment (CDL employees).

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- Required Tests**
1. Pre-employment – conducted for all applicants for positions that require or may require CDLs as a condition of employment.
  2. Post-accident – conducted after accidents on drivers whose performance could have contributed to the accident (as determined by a citation for a moving traffic violation and bodily injury or disabling damage to any motor vehicle) and for all fatal accidents even if the driver is not cited for a moving traffic violation.
  3. Reasonable suspicion – conducted when CDL employees exhibit behavior, appearance, speech or body odor, or when other relevant information exists to suspect drug use or alcohol misuse.
  4. Random – conducted on a random, unannounced basis while at work.
  5. Return-to-duty (RTD) – conducted **before** CDL employees return to work after engaging in certain prohibited conduct (e.g. positive drug test, alcohol test of .02 or above) if the CDL employees are not discharged.
  6. Follow-up tests – conducted **after** CDL employees return to work after engaging in certain prohibited conduct under this rule if the CDL employees are not discharged.

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**Testing Procedures and Results** **Alcohol Tests**  
All alcohol tests are done by breath analysis or such other methods as approved by the DOT.

**Drug Tests**  
All drug tests are done by urinalysis or such other methods as approved by the DOT.  
Urine specimens are analyzed for the following drugs:

Marijuana  
Cocaine  
Amphetamines  
Opioids (including  
heroin)  
Phencyclidine (PCP)

The following shall constitute positive drug tests under this policy:

<u>Drug</u>	<u>Confirmation Test Result</u>
Marijuana	15 ng/mL or above
Cocaine	150 ng/mL or above
Amphetamines	500 ng/mL or above
Opiates	2000 ng/mL or above
Phencyclidine (PCP)	25 ng/mL or above

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Hydrocodone/Hydromorphone	100 ng/mL or above
Oxycodone/Oxymorphone	100 ng/mL or above

**Prohibited  
Conduct**

**Alcohol**

1. Using, possessing, distributing or selling alcohol while at work, in City vehicles or while on City business.
2. Reporting for work or remaining on duty while having an alcohol concentration of .02 or greater.
3. Working within four hours after consuming alcohol.
4. Using alcohol within eight (8) hours following an accident, or until undergoing a post-accident alcohol test, whichever occurs first.
5. Refusing to submit to a required alcohol test.

**Drugs**

1. Using, possessing, distributing or selling illegal drugs or misusing legally prescribed drugs while at work, in City vehicles or while on City business.
2. Using prescription or nonprescription medication before reporting to work or while at work unless a physician has advised the CDL employee that the medication will not adversely affect the employee's ability to operate safely a commercial motor vehicle.
3. Reporting for work or remaining on duty if the employee tests positive for drugs.
4. Refusing to submit to a required drug test.

For purposes of this policy, refusing to submit to a drug or alcohol test means:

- Refusing a directive to take a required test;
- An inability to provide a specimen or breath sample without a valid medical reason (confirmed by a physician);
- Tampering, adulterating, or substituting a specimen or any other attempt to defeat or obstruct a drug or alcohol test;
- Delaying arrival at the designated collection site;
- Leaving the collection site before the drug or alcohol testing process is complete;
- Failing to permit an observed or monitored collection when required;
- Failing to take a second test when required;
- Failing to undergo a medical evaluation when required;
- Failing to cooperate with any part of the testing process;
- Failing to sign Step 2 of the alcohol test form; and
- Leaving the scene of an accident without cause before submitting to a drug or alcohol test.

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**Consequences**

**Alcohol**

CDL employees who refuse a directive to take a required alcohol test shall be discharged.

CDL employees who tamper with or use any other method to defeat or attempt to obstruct the breath testing process shall be discharged.

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CDL employees who test positive for alcohol at .02 or above on the Return to Duty test shall be discharged.

CDL employees who test positive for alcohol between .02 and .039 on other than a Return to Duty test will be removed immediately from duty, driven home and placed on unpaid leave. Those CDL employees may not return to work for 24 hours after the alcohol test.

CDL employees who test positive for alcohol at .04 on other than a Return to Duty test will be removed immediately from duty, driven home, placed on unpaid leave and will be required to comply with the referral, treatment and evaluation process described below. An employee will not be allowed to return to work in a regulated safety-sensitive capacity following a positive alcohol test until the employee has a Return to Duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

In addition, CDL employees shall be subject to discipline, up to and including discharge, for:

- Using, possessing, distributing or selling alcohol while at work, in City vehicles or on City business;
- Reporting for work or remaining on duty while having an alcohol concentration of .02 or above;
- Working within four hours after consuming alcohol;
- Using alcohol within eight (8) hours following an accident, or until undergoing a post-accident alcohol test, whichever occurs first;
- Failing to report prescription or non-prescription medication that could impair CDL employees' ability to do their jobs;
- Engaging in other conduct that constitutes refusing to submit to a required alcohol test;
- Failing to comply with the referral, treatment or evaluation process.

### **Drugs**

CDL employees who refuse a directive to take a required drug test shall be discharged.

CDL employees who tamper with, adulterate, substitute a urine sample or use any other method to defeat or attempt to obstruct the drug testing process shall be discharged.

CDL employees who test positive for drugs on the Return to Duty test shall be discharged.

CDL employees who test positive for drugs on other than a Return to Duty test will be removed immediately from duty, driven home, placed on unpaid leave, and will be required to comply with the referral, treatment and evaluation process described below. An employee will not be allowed to return to work in a regulated safety-sensitive capacity following a positive drug test until the employee has a Return to Duty drug test with a verified negative result.

In addition, CDL employees shall be subject to discipline, up to and including discharge, for:

- Using, possessing, distributing or selling illegal drugs or misusing legally prescribed drugs while at work, in City vehicles or while on City business;
- Using prescription or nonprescription medication unless a physician has advised the CDL employee that the medication will not adversely affect the employee's ability to operate safely a commercial motor vehicle;

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- Failing to report prescription or non-prescription medication that could impair CDL employees' ability to do their jobs;
  - Reporting for work or remaining on duty if the employee tests positive for drugs; Engaging in other conduct that constitutes refusing to submit to a required drug test; or
  - Failing to comply with the referral, treatment or evaluation process.
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**Transfer,  
Promotion, or  
Work-out-of-Class  
in CDL Positions**

Employees who seek a transfer, promotion, or working out of class assignment in a position that requires a CDL must first pass a pre-employment test.

An employee who tests positive or who refuses to take required drug and alcohol tests will not be appointed and will be removed from further consideration for permanent, temporary or working-out-of classification assignments within the classification for which the assignment or promotion was sought for a period of no less than twelve (12) months. Disciplinary action may also result.

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**Referral,  
Evaluation and  
Treatment**

CDL employees who test positive for drugs or for alcohol at .04 or above (or who refuse to take a drug or alcohol test) shall be evaluated by a Substance Abuse Professional (SAP). The SAP will determine what assistance, if any, the CDL employee needs in resolving problems associated with alcohol or drug abuse. CDL employees shall be required to participate in and successfully complete any treatment recommendations by the SAP. The SAP may direct the employee to undergo unannounced, follow-up drug and/or alcohol testing following the employee's return to duty.

CDL employees must take and pass successfully a Return to Duty (RTD) drug and/or alcohol test before they may return to work. For purposes of this subpart, successfully passing an RTD alcohol test means a test result of lower than .02. See the section above entitled "Consequences" for failing an RTD test.

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**Record Retention  
and  
Confidentiality**

Drug and alcohol test results are confidential. The City will not release CDL employees' drug and alcohol test results unless required or permitted by law or the CDL employee authorizes the release in writing.

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**Self Recognized  
Drug and/or  
Alcohol Abuse**

The City encourages all employees to seek assistance and to use the City's Employee Assistance Program (EAP) in dealing with personal drug or alcohol problems. The EAP program is confidential and CDL employees' use of the EAP will not be reported to the City unless the employee voluntarily chooses to share that information or the EAP perceives the employee as a threat to themselves or to others.

Timely self disclosure of drug or alcohol problems and successful treatment will be viewed positively. CDL employees who timely self disclose drug or alcohol abuse shall not be subject to the DOT referral, evaluation and treatment requirements. Nonetheless, such CDL employees must still be evaluated by a qualified drug and alcohol abuse expert, successfully complete any drug or alcohol treatment prescribed and pass a Return to Duty drug and/or alcohol test before returning to duty. CDL employees who self disclose drug or alcohol problems may be subject to non-DOT follow-up testing as determined by the qualified drug and alcohol abuse expert.

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CDL employees who timely self disclose drug or alcohol abuse shall not be subject to discipline for their drug or alcohol misuse. For purposes of this policy, timely self disclosure means an admission that is not made to avoid the testing requirements of the DOT regulations and is made before the CDL employee has engaged in prohibited conduct under this policy. For purposes of illustration, CDL employee A took methamphetamine two hours before reporting to duty at 7:30 a.m. His shift started at 7:00 a.m. When his supervisor called the employee into the office to talk to him about arriving late to work, the employee stated he had a problem with drugs and had taken methamphetamine before work. The disclosure is not “timely.”

However, timely self disclosure, participation in the EAP or other acceptable treatment program will not prevent the City from imposing discipline for conduct that violates other City or Bureau work rules and will not relieve CDL employees from performing assigned duties safely, efficiently and effectively. For purposes of illustration, changing the example above slightly, employee A did not take methamphetamine before work, but still arrived late to work. When his supervisor began to question him about his tardiness, employee A self disclosed his drug or alcohol problem. Employee A would not receive discipline for using or abusing drugs or alcohol, but he still may be subject to discipline for coming to work late.

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**Medication**

Medication may present a danger to CDL employees, their co-workers and the public due to the medication’s effects on alertness and job performance. CDL employees must report to their immediate supervisors the use of prescription or nonprescription medication that could impair the employees’ ability to perform their jobs. CDL employees are responsible to have their physicians determine whether the medication could reasonably impair their ability to perform their jobs. CDL employees taking medication as prescribed that could impair their ability to perform their jobs will be relieved from duty, driven home and placed on accrued leave, if available.

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**Recreational  
& Medical  
Marijuana**

Marijuana is a Class 1 controlled substance. Its use, possession, distribution or sale is illegal under federal law. Although the State of Oregon permits possession and use of both recreational and medicinal marijuana, CDL regulations do not recognize the use of recreational or medicinal marijuana as a legitimate medical reason for a positive drug test. CDL employees using marijuana for recreational or medicinal purposes shall be subject to the same consequences as a positive drug test.

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