

Controlled Substance and Alcohol Policy



**Stover Transportation, Inc.
3710 Lacon Road
Hilliard, Ohio 43026**

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Controlled Substance and Alcohol Policy

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1 Policy Overview

1.1

Abuse of controlled substances and/or alcohol, while at work or otherwise, seriously endangers the safety of drivers, employees, and members of the general public. Moreover, abuse of controlled substances and/or alcohol creates a variety of workplace problems including: injury on the job, absenteeism, increased incidence of theft, decreased morale, decreased productivity, and a decline in service quality.

1.2

As a part of its commitment to safeguard the health and safety of its drivers and employees, and to provide a safe working environment, Stover Transportation, Inc. has established a zero-tolerance policy that prohibits the use of controlled substances and alcohol abuse by its drivers and employees.

1.3

While this policy has been written in accordance with the Department of Transportation and Federal Motor Carrier Administration's Controlled Substance and Alcohol Use Testing Regulations, Stover Transportation, Inc. has a number of company policies that are more restrictive than the minimum criteria required by 49 CFR.

1.4

The purpose of this policy is to provide drivers and employees with the following information:

1. Circumstances under which a driver or employee will be required to submit to a controlled substance and/or alcohol test.
2. Categories of individuals that are subject to controlled substance and alcohol testing.
3. Conduct that is prohibited by the company and that will result in controlled substance and/or alcohol testing.
4. Federal Regulations governing testing for the use of controlled substances and alcohol.
5. Consequences for engaging in conduct prohibited by the policy or failing a controlled substance or alcohol test.

1.5

This policy is not intended to be, nor should it be construed as, a contract between the company and any driver or employee. This policy may be changed, amended, modified, revised, or updated at any time at the sole discretion of Stover Transportation, Inc. in order to comply with all Federal, State, and local mandates, laws, and regulations.

2 Provider

2.1

Stover Transportation, Inc. will use MedColumbus , LLC – a provider in compliance with all requirements set forth in 49 CFR 40 and 49 CFR 382 – as their provider for drug and alcohol testing.

2.2

MedColumbus, LLC
Karen Clemency, MD
1020 Dennison Avenue – Suite 200
Columbus, Ohio 43210-3497

Phone: 1-614-564-9067

Web: www.medcolumbus.com

Hours: Monday – Friday 8:00a-6:00p

2.3

Directions from Stover Transportation, Inc. (map available on request):

1. Leave lot and head to Lacon Road
2. Turn Right onto Lacon Road
3. Turn Right onto Cemetery Road
4. Use the right lane to take the ramp to I-270 South towards Grove City
5. Merge onto I-270 South
6. Use the Right two lanes to take Exit 8 for I-70 towards Columbus / Indianapolis
7. Keep Left at the fork and merge onto I-70 East
8. In approximately 3mi, keep Left at the fork to continue onto I-670 East towards the Airport
9. Take Exit 3 for Neil Avenue
10. Turn Left onto Neil Avenue
11. Turn Right onto West 1st Avenue
12. Turn Left onto Dennison Avenue
13. Destination will be on the right (parking lot behind building on the East side)

3 Distribution of Policy

3.1

In order to ensure that all applicants, drivers and employees are notified of this policy, Operations and the Safety and Personnel Department will post a copy of this policy in an appropriate location in the Hilliard, Ohio office and will ensure that each individual employee is issued a copy of this policy.

3.2

Upon receipt of this policy, drivers and employees will be required to sign a statement stating that they have received this policy and that it is their

responsibility to read, understand, and comply with the all governing Federal Regulations, as well as the procedures and provisions in this policy. Furthermore, any questions about this policy must be directed to Operations and/or the Safety and Personnel Department.

4 Scope

4.1

From the FMCSA:

“The United States Congress recognized the need for a drug and alcohol free transportation industry, and in 1991 passed the Omnibus Transportation Employee Testing Act, requiring DOT agencies to implement drug and alcohol testing of safety-sensitive transportation employees. 49 CFR Part 40, or Part 40 as we call it, is a DOT-wide regulation that states how to conduct testing and how to return employees to safety-sensitive duties after they violate a DOT drug and alcohol regulation. Part 40 applies to all DOT-required testing, regardless of mode of transportation. For example, whether you are an airline employee covered by FAA rules or a trucking company driver covered by FMCSA rules, Part 40 procedures for collecting and testing specimens and reporting of test results apply to you. Each DOT Agency-specific regulation spells out who is subject to testing, when, and in what situations for a particular transportation industry.

Since the early 1990s, the Federal Motor Carrier Safety Administration (FMCSA) and its predecessor agency has defined drug and alcohol testing rules and regulations for employees who drive commercial trucks and buses that require a commercial driver's license (CDL). These regulations identify who is subject to testing, when they are tested and in what situations. The regulations also impose privacy protections and restrictions on employers and service agents against the use and release of sensitive drug and alcohol testing information. The FMCSA controlled substances and alcohol use and testing regulations can be found at 49 CFR Part 382.”

4.2

The following categories of individuals are subject to this controlled substance and alcohol abuse policy:

1. All drivers who operate a commercial motor vehicle in interstate and/or intrastate commerce.
2. All applicants applying for a position involving the operation of a commercial motor vehicle in interstate and/or intrastate commerce.
3. All employees involved directly or indirectly with the operation or control of the movement of any commercial motor vehicle.

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4. All Applicants who apply for a position that would involve directly or indirectly the operation or control of any movement of a commercial motor vehicle in interstate and/or intrastate commerce.

5 Federal Regulations / References

References drivers and employees are encouraged to read and be familiar with:

5.1

FMCSA Drug and Alcohol rules overview:

<http://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/overview-drug-and-alcohol-rules> (link current as of 15 October 2015)

5.2

49 CFR 40 – Procedures for Transportation Workplace Drug and Alcohol Testing Programs (updated 13 April 2015):

https://www.transportation.gov/sites/dot.dev/files/docs/PART40_2012.pdf (link current as of 15 October 2015. Hard copy available for review in the Hilliard, Ohio office.)

5.3

49 CFR 382 – Controlled Substances and Alcohol Use and Testing (original date 01 October 2011):

<http://www.gpo.gov/fdsys/pkg/CFR-2011-title49-vol5/xml/CFR-2011-title49-vol5-part382.xml> (link current as of 15 October 2015. Hard copy available for review in the Hilliard, Ohio office.)

6 Prohibited Conduct

The following shall be considered “Prohibited Conduct” for the purpose of this policy:

6.1

1. Reporting for duty or remaining on duty while having an alcohol concentration above 0.00 as defined by law.
 1. 49 CFR 382.201 reads as follows:
 - **§ 382.201: Alcohol Concentration**
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. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.
 2. Stover Transportation, Inc., as a zero-tolerance company, has adopted the more restrictive limit of 0.00 concentration as a matter of policy.
2. Possessing alcohol while operating a commercial motor vehicle or being on duty, unless such alcohol is manifested and transported by the driver as part of or all of the shipment.

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3. Using alcohol within eight hours after an accident or until the driver has undergone the required post accident alcohol test, whichever is first, in accordance with 49 CFR 382.209.
4. Using alcohol immediately prior to, or during, the period a driver is operating a commercial motor vehicle or is on standby to perform his duties as a driver and/or motor carrier employee.
 1. 49 CFR 382.207 reads as follows:
 - **§ 382.207: Pre-duty use**
No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.
 2. Stover Transportation, Inc. has adopted the more restrictive minimum of eight (8) hours prior to performing safety-sensitive functions.
5. Refusing to submit to the required controlled substance or alcohol testing (examples include: refusing to provide an adequate breath, urine and/or saliva sample for controlled substance or alcohol testing).
6. Engaging in any conduct that could obstruct or alter the results of any controlled substance or alcohol test.
7. Reporting for duty or remaining on work duty while under the influence of any controlled substance, unless the driver meets ALL of the following requirements:
 1. The driver submits written proof that:
 1. A physician prescribed the controlled substance AND
 2. Said substance does not or will not adversely affect his ability to safely perform their duties
 2. The driver reports the use of such substance has been prescribed by a physician to Operations and the Safety and Personnel Department AND
 1. The driver obtains written permission from Operations and the Safety and Personnel Department to perform their assigned normal duties.
8. Using, selling, purchasing, manufacturing, distributing, dispensing, or possessing any controlled substance while on duty and/or on work properties.
9. Failing to notify Operations and the Safety and Personnel Department of any and all arrests for drug and/or alcohol-related conduct.

6.2

If Stover Transportation, Inc. has reason to believe that a driver or employee has engaged in prohibited conduct, the driver or employee will be required to submit to a controlled substance and/or alcohol test AND the driver or employee will be placed Out of Service (OOS). In addition, Operations and/or the Safety and Personnel Department will begin disciplinary action (up to / and including termination) as outlined in Section 4 of the Employee Handbook: Disciplinary Policy for Employees.

7 Marijuana: “Medical” or “Legal Recreational”

7.1

A Medical Review Officer (MRO) must verify positive any test results that test positive for a drug listed on Schedule I of the Controlled Substances Act.

49 CFR 40.151(e) – 40.151(f) reads as follows:

(e) You must not verify a test negative based on information that a physician recommended that the employee use a drug listed in Schedule I of the Controlled Substances Act. (e.g., under a state law that purports to authorize such recommendations, such as the “medical marijuana” laws that some states have adopted).

(f) You must not accept an assertion of consumption or other use of a hemp or other non-prescription marijuana-related product as a basis for verifying a marijuana test negative. You also must not accept such an explanation related to consumption of coca teas as a basis for verifying a cocaine test result as negative. Consuming or using such a product is not a legitimate medical explanation.

7.2

That is to say, even in states that allow for marijuana use with a physician's prescription, 49 CFR 40 states that it is not a legitimate medical explanation, and any test returning a positive result for marijuana must not be verified as negative.

7.3

Additionally, consuming marijuana “legally” in a state that allows recreational use will not be considered “legal” by the definition of 49 CFR 40 – as no Schedule I drug has a legitimate medical purpose, no positive test for a drug on Schedule I can be verified as negative.

8 Consequences for Prohibited Conduct

8.1

Drivers and/or employees who engage in conduct prohibited by this policy shall be removed from duty and shall not be permitted to work in any capacity with Stover Transportation, Inc. until the individual has been evaluated by a Substance Abuse Professional and completed a controlled substance and alcohol abuse treatment program in accordance with the Federal Motor Carrier Safety Regulations from the Department of Transportation, and this policy.

8.2

All information related to the qualifications for a SAP (Substance Abuse Professional) and the return to duty process can be found in 49 CFR 40 Subpart O

8.3

At any and all times, the company has the right to exercise disciplinary action, up to and including termination as outlined in the Driver's Orientation Handbook, against the driver and/or employee who engages in prohibited conduct as described in this policy.

9 Required Testing

The following tests are required by 49 CFR 382 Subpart C:

9.1

Pre-employment testing (49 CFR 382.301):

1. All applicants who are considered final candidates for positions requiring the operation of a commercial motor vehicle or are involved in the operations of the company will be required to submit to controlled substance and alcohol testing.
2. The company will pay for all negative pre-employment testing.
 1. Any questionable or positive drug and/or alcohol tests will be billed to the applicant.
 1. If any billed questionable or positive test remains unpaid by the driver or employee within 30 days; court garnishments will be sought and notifications will be made with the credit bureau.
 2. If an applicant / new employee quits, resigns, or is terminated within 30 days, the cost of the pre-employment test will be deducted from their final paycheck.
 3. All positive pre-employment tests will be reported to the FMCSA as soon as confirmation from the Medical Review Officer is received by Operations or the Safety and Personnel Department.

9.2

Post-accident testing (49 CFR 382.303):

1. A driver or employee involved in an accident while operating a commercial motor vehicle must submit to a post accident test, if the accident involves:
 1. Human fatality – with or without a citation to the driver or employee [(49 CFR 382.303(a)(1)].
 2. Bodily injury with immediate medical treatment away from the scene:
 1. With citation issued to the driver [(49 CFR 382.303(b)(2)].
 2. Without citation issued to the driver (Stover Transportation, Inc. policy).
 3. Disabling damage to any motor vehicle requiring tow away:
 1. With citation issued to the driver [49 CFR 382.303(b)(2)]
 2. Without citation issued to the driver (Stover Transportation, Inc. policy).

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2. Immediately after the accident, the driver or employee must report the accident to Operations and the Safety and Personnel Department and follow their instructions for post-accident testing.
 1. Should a driver or employee fail to report the accident to Operations and the Safety and Personnel Department and/or follow their instructions concerning the post-accident testing procedure: it will be considered a refusal to submit to testing and will be treated as a positive test result.
 1. Such test results will bring forth disciplinary action up to and/or including termination.
3. Post accident alcohol testing as soon as possible, but no later than eight (8) hours after the accident.
4. Post-accident controlled substance testing will be conducted as soon as possible, but no later than thirty-two (32) hours after the accident.
5. In the event that the driver or employee is so seriously injured that they cannot provide a urine or breath specimen at the time of the accident:
 1. The driver may give the medical team treating them, post-accident, consent to complete a blood test to ascertain any levels of controlled substance and/or alcohol in the individual's bloodstream.
 2. The driver or employee will then be required to provide the necessary authorization to the Safety and Personnel Department to obtain medical records or other documents indicating whether the driver was or was not under the influence of alcohol or a controlled substance at the time of the accident.

9.3

Random testing (49 CFR 382.305):

1. All drivers and employees will be required to submit to controlled substance and alcohol testing on a random basis.
2. Individuals will be selected for random testing by MedColumbus, LLC using a random selection system that will insure all employees have an equal chance of being tested.
3. Random testing will be unannounced and will occur throughout the calendar year with the pool being reset every quarter.
4. Procedure for a random test:
 1. At the beginning of every quarter, Operations or the Safety and Personnel Department will submit a list of all active drivers and employees to MedColumbus, LLC.
 2. MedColumbus, LLC will randomly draw from the pool according to the procedure they are authorized to use by the Department of Transportation.
 3. MedColumbus, LLC will notify Operations and/or the Safety and Personnel Department when a driver or employee is selected for a random test.
 4. Operations and/or the Safety and Personnel Department will notify the driver or employee that they have been selected for random controlled substance and/or alcohol testing.

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1. Once notified, the driver or employee must proceed to, and arrive at, the designated testing site within thirty (30) minutes of notification.
2. If the driver or employee does not proceed to the testing site within the time limit prescribed in this policy, or otherwise impedes the collection process, such conduct will be considered as a refusal to submit to testing and be treated as a positive result.
 1. Such test results will bring forth disciplinary action up to and/or including termination.
 2. All positive random tests will be reported to the FMCSA as soon as confirmation from the Medical Review Officer is received by Operations or the Safety and Personnel Department.
5. Operations and/or the Safety and Personnel Department will then fax an authorization to test form to MedColumbus, LLC.
5. The company will pay for all negative random testing.
 1. Any questionable or positive drug and/or alcohol tests will be billed to the driver or employee.
 1. If any billed questionable or positive test remains unpaid by the driver or employee within 30 days; court garnishments will be sought and notifications will be made with the credit bureau.

9.4

Reasonable suspicion testing (49 CFR 382.307)

1. A driver or employee may be required to submit to testing if there is reasonable suspicion to believe that the individual could be under the influence of a controlled substance and/or alcohol
 1. Reasonable suspicion may be based on observation of the driver's or employee's:
 1. Appearance
 2. Behavior
 3. Speech
 4. Body odor
2. Refusal to submit to a reasonable suspicion test procedure will be treated as a positive test result.
 1. Such test results will bring forth disciplinary action up to and/or including termination.
 2. All positive reasonable suspicion tests will be reported to the FMCSA as soon as confirmation from the Medical Review Officer is received by Operations or the Safety and Personnel Department.

9.5

Return-to-duty testing (49 CFR 382.309)

1. A driver or employee who has engaged in prohibited controlled substance or alcohol abuse must submit to testing prior to being allowed to return to work.

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1. All tests for controlled substance must have a negative test result certified by the Medical Review Officer
2. All alcohol tests must show a 0.00% alcohol concentration and be certified by a Breath Alcohol Technician (BAT) or Saliva Alcohol Technician (SAT) prior to being allowed to return to work.
 1. 49 CFR 40.305(a) allows for a reading under 0.02%, however, in accordance with Stover Transportation, Inc. zero-tolerance policy, the more restrictive 0.00% alcohol concentration will be used before a driver or employee is allowed to return to work.
2. Return to work tests are done only if there has been a previous positive test and will only be done after full release to return to work is certified by the Substance Abuse Professional (SAP) in accordance with the requirements outlined in 49 CFR 40, Subpart O.
 1. The SAP must also mandate no less than six (6) follow-up tests in the twelve (12) months immediately following a driver's or employee's return to performing safety-sensitive functions.

9.6

Follow-up testing (49 CFR 382.311)

1. The driver and/or employee can return to work when:
 1. They have completed counseling from a Substance Abuse Professional certified in accordance with the requirements of 49 CFR 40, Subpart O.
 2. They have completed a return-to-work test AND
 3. The Safety and Personnel Department has received written document from the SAP mandating the number of follow up tests required and outlines the time frame and conditions under which they must be completed.
 1. As of this revision, the Substance Abuse Professional must mandate a minimum of six (6) follow up tests within the twelve (12) month period immediately following a driver's or employee's return to performing safety-sensitive functions.
 2. The SAP may mandate as many follow-up tests as they deem necessary, so long as it exceeds the minimum in the previous point.
 3. Should the Department of Transportation minimum number of required tests change, this policy will automatically conform to at least those guidelines and requirements immediately and without suspending this revision of the Controlled Substance and Alcohol Policy.

10 Substances for Which a Driver or Employee Will be Tested

10.1

MedColumbus, LLC, as a provider complying with all DOT requirements, will collect samples from drivers and employees to be tested to determine

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if the driver or employee has engaged in the prohibited use of the following substances (in accordance with 49 CFR 40.85):

1. Alcohol – for alcohol tests only
2. Marijuana
3. Cocaine
4. Amphetamines
5. Opiates
6. Phencyclidine (PCP)

11 General Testing Procedures

11.1

In order to ensure the reliability and integrity of the controlled substance and alcohol testing process, Stover Transportation, Inc., MedColumbus, LLC, and any laboratories used will conform to all regulations and guidance outlined in 49 CFR 40 and 49 CFR 382.

11.2

The following overview is intended for driver and employee information only and is NOT the complete text of the referenced sections of Codified Federal Regulations.

11.3

The outlines below in sections 12 – 16 do not, and are not intended to, address the wide range of variables, conditions, and/or outcomes associated with controlled substance and/or alcohol testing. The driver or employee is strongly encouraged to read the Codified Federal Regulations below to understand the intricacies of the processes.

11.4

The full text of the regulations can be found at the links in section 5 above (or can be reviewed in hard copy in the Hilliard, Ohio office).

12 Controlled Substance Testing Regulations

12.1

At the collection site:

1. 49 CFR 40 Subpart C (49 CFR 40.31 – 49 CFR 40.37) – Urine collection personnel
 1. 40.31: Who may collect urine specimens for DOT drug testing?
 2. 40.33: What training requirements must a collector meet?
 3. 40.35: What information about the DER (Designated Employer Representative) must employers provide to collectors?
 4. 40.37: Where is other information on the role of collectors found in this regulation?
2. 49 CFR 40 Subpart D (49 CFR 40.41 – 49 CFR 40.51) – Collection sites, forms, equipment and supplies used in DOT urine collections

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1. 40.41: Where does a urine collection for a DOT drug test take place?
2. 40.43: What steps must operators of collection sites take to protect the security and integrity of urine collections?
3. 40.45: What form is used to document a DOT urine collection?
4. 40.47: May employers use the CCF (Federal Drug Testing Custody and Control Form) for non-Federal collections or non-Federal forms for DOT collections?
5. 40.49: What materials are used to collect urine specimens?
6. 40.51: What materials are used to send urine specimens to the laboratory?
3. 49 CFR 40 Subpart E (49 CFR 40.61 – 49 CFR 40.73) – Urine specimen collections
 1. 40.61: What are the preliminary steps in the collection process?
 2. 40.63: What steps does the collector take in the collection process before the employee provides a urine specimen?
 3. 40.65: What does the collector check for when the employee presents a specimen?
 4. 40.67: When and how is a direct observation collection conducted?
 5. 40.69: How is a monitored collection conducted?
 6. 40.71: How does the collector prepare the specimens?
 7. 40.73: How is the collection process completed?

12.2

At the laboratory:

1. 49 CFR 40 Subpart F (49 CFR 40.81 – 49 CFR 40.113) – Drug testing laboratories
 1. 40.81: What laboratories may be used for DOT drug testing?
 2. 40.83: How do laboratories process incoming specimens?
 3. 40.85: What drugs do laboratories test for?
 4. 40.87: What are the cutoff concentrations for drug tests?
 5. 40.89: What is validity testing, and are laboratories required to conduct it?
 6. 40.91: What validity tests must laboratories conduct on primary specimens?
 7. 40.93: What criteria do laboratories use to establish that a specimen is dilute or substituted?
 8. 40.95: What are the adulterant cutoff concentrations for initial and confirmation tests?
 9. 40.96: What criteria do laboratories use to establish that a specimen is invalid?
 10. 40.97: What do laboratories report and how do they report it?
 11. 40.99: How long does the laboratory retain specimens after testing?
 12. 40.101: What relationship may a laboratory have with an MRO?
 13. 40.103: What are the requirements for submitting blind specimens to a laboratory?

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- 14.40.105: What happens if the laboratory reports a result different from that expected for a blind specimen?
- 15.40.107: Who may inspect laboratories?
- 16.40.109: What documentation must the laboratory keep, and for how long?
- 17.40.111: When and how must a laboratory disclose statistical summaries and other information it maintains?
- 18.40.113: Where is other information concerning laboratories found in this regulation?

12.3

Medical Review Officers:

1. 49 CFR 40 Subpart G (49 CFR 40.121 – 49 CFR 40.169) – Medical Review Officers and the Verification Process
 1. 40.121: Who is qualified to act as an MRO?
 2. 40.123: What are the MRO's responsibilities in the DOT drug testing program?
 3. 40.125: What relationship may an MRO have with a laboratory?
 4. 40.127: What are the MRO's functions in reviewing negative test results?
 5. 40.129: What are the MRO's functions in reviewing laboratory confirmed non-negative drug test results?
 6. 40.131: How does the MRO or DER (Designated Employer Representative) notify an employee of the verification process after receiving laboratory confirmed non-negative drug test results?
 7. 40.133: Without interviewing the employee, under what circumstances may the MRO verify a test result as positive, or as a refusal to test because of adulteration or substitution, or as canceled because the test was invalid?
 8. 40.135: What does the MRO tell the employee at the beginning of the verification interview?
 9. 40.137: On what basis does the MRO verify test results involving marijuana, cocaine, amphetamines, or PCP?
 10. 40.139: On what basis does the MRO verify test results involving opiates?
 11. 40.141: How does MRO obtain information for the verification decision?
 12. 40.145: On what basis does the MRO verify test results involving adulteration or substitution?
 13. 40.149: May the MRO change a verified drug test result?
 14. 40.151: What are MROs prohibited from doing as part of the verification process?
 15. 40.153: How does the MRO notify employees of their right to a test of the split specimen?
 16. 40.155: What does the MRO do when a negative or positive test result is also dilute?
 17. 40.159: What does the MRO do when a drug test result is invalid?

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- 18.40.160: What does the MRO do when a valid result cannot be produced and a negative result is required?
- 19.40.161: What does the MRO do when a drug test specimen is rejected for testing?
- 20.40.162: What must the MRO do with multiple verified results for the same testing event?
- 21.40.163: How does the MRO report drug test results?
- 22.40.165: To whom does the MRO transmit reports of drug test results?
- 23.40.167: How are the MRO reports of drug results transmitted to the employee?
- 24.40.169: Where is other information concerning the role of MROs and the verification process found in this regulation?
- 25.49 CFR Subpart I – Problems in Drug Tests
- 26.49 CFR 40.191 – 49 CFR 40.209
- 27.40.191: What is a refusal to take a DOT drug test, and what are the consequences?
- 28.40.193: What happens when an employee does not provide a sufficient amount of urine for a drug test?
- 29.40.195: What happens when an individual is unable to provide a sufficient amount of urine for a pre-employment, followup, or return-to-duty test because of a permanent or long-term medical condition?
- 30.40.197: What happens when an employer receives a report of a dilute specimen?
- 31.40.199: What problems always cause a drug test to be canceled?
- 32.40.201: What problems always cause a drug test to be canceled and may result in a requirement for another collection?
- 33.40.203: What problems cause a drug test to be canceled unless they are corrected?
- 34.40.205: How are drug test problems corrected?
- 35.40.207: What is the effect of a canceled drug test?
- 36.40.208: What problem requires corrective action but does not result in the cancellation of a test?
- 37.40.209: What procedural problems do not result in the cancellation of a test and do not require corrective action?

12.4

Split Specimen Testing:

1. 49 CFR 40 Subpart H – Split Specimen Testing
2. 49 CFR 40.171 – 49 CFR 40.189
3. 40.171: How does an employee request a test of a split specimen?
4. 40.173: Who is responsible for paying for the test of a split specimen?
5. 40.175: What steps does the first laboratory take with a split specimen?

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6. 40.177: What does the second laboratory do with the split specimen when it is tested to reconfirm the presence of a drug or drug metabolite?
7. 40.179: What does the second laboratory do with the split specimen when it is tested to reconfirm an adulterated test result?
8. 40.181: What does the second laboratory do with the split specimen when it is tested to reconfirm a substituted test result?
9. 40.183: What information do laboratories report to MROs regarding split specimen results?
10. 40.185: Through what methods and to whom must a laboratory report split specimen result?
11. 40.187: What does the MRO do with split specimen laboratory results?
12. 40.189: Where is other information concerning split specimens found in this regulation?

13 Brief Overview of Controlled Substance Regulations From Section 12 of This Manual

13.1

Brief overview of the notification process and collection site procedure – the collection site will follow all regulations as required in 49 CFR 40 Subparts C, D, and E.

1. Drivers and employees subject to controlled substance testing will be directed by the Company to report to a secure collection site in order to provide a urine sample or specimen.
2. At the collection site, a trained and certified collection person will escort the individual to a room or partitioned area allowing reasonable privacy (unless a directly observed collection is required), where the driver or employee will urinate into a clean, single use specimen container.
3. After the individual has provided the urine specimen or sample in a sufficient amount, the collection technician will split and seal the sample in accordance with 49 CFR 40.71.
4. The two containers or vials and the Laboratory Copy of the Chain of Custody Form will be placed in a bag.
5. The collection technician will deliver the specimen to the laboratory either personally or by the use of an approved courier.

13.2

Brief overview of the procedure at the laboratory – the laboratory will follow all regulations as required in 49 CFR 40 Subpart F.

1. See 49 CFR 40.83 for the process by which laboratories are required to process specimens.
2. Specimens will then be tested for the following drugs / classes of drugs:
 1. Marijuana metabolites
 2. Cocaine metabolites
 3. Amphetamines

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4. Opiate metabolites
5. Phencyclidine (PCP)
3. The laboratory will conduct validity tests on the sample and test for adulterants and record the results.
4. Based on the results of III, the laboratory will report the results ONLY to the MRO in accordance with the guidelines in 49 CFR 40.97.
5. Samples reported positive, adulterated, substituted, or invalid will be retained for a minimum of one (1) year.
6. Records will be maintained by the laboratory for a minimum of two (2) years.

13.3

Brief overview of the roll of the Medical Review Officer and verification process – the MRO will follow all regulations as required in 49 CFR 40 Subpart G

1. Negative results will be processed in accordance with 49 CFR 40.127.
2. Any result of positive, adulterated, substituted, or invalid:
 1. will be reported to the employer immediately IF that employer has a stand-down policy as outlined in 49 CFR 40.21
 2. must not be reported to the employer until the result is verified IF the employer does not have a stand-down policy as outlined in 49 CFR 40.21
 3. will be put through a verification process: this process will occur in accordance with 49 CFR 40.131 – 40.162
 4. Briefly, this process will involve:
 1. Three (3) attempts to contact the employee over a twenty-four (24) hour period to discuss the results of the test.
 1. The refusal of an employee to discuss the results will result in the test being verified as positive.
 2. If the employee cannot be reached within the time frame given in (1), the MRO will contact the DER (Designated Employer Representative) and instruct them to have the employee call the MRO.
 1. The DER is required to make at least three (3) attempts in a twenty-four (24) hour period and leave messages (if able to do so via voice-mail, e-mail, or letter) to instruct the employee to call the MRO.
 1. If the DER can not reach the employee within twenty-four (24) hours, the employee may be placed on temporary medically unqualified status or on medical leave
 2. If the DER can reach the employee, the employee must contact the MRO within seventy-two (72) hours.
 3. Upon contacting the employee, the MRO is required to disclose the information required in 49 CFR 40.135, including:
 1. The determination of the laboratory, including substances tested positive for or the basis for findings of adulterated or substitution.

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2. Explain the verification process and that the MRO's decision will be based on information the employee provides.
3. That if further medical evaluation is required, the employee's failure to comply is equivalent to expressly declining to discuss the test result.
4. That the MRO is required to provide third parties (including the employer, the DOT, other Federal safety agencies such as NTSB, or any state safety agency required by law) drug test and medical information without the employee's consent.
5. That the employee has seventy-two (72) hours to request a test of the split specimen and how to request that test.
4. The burden of proof rests on the employee to provide legitimate medical explanations in all cases.
5. Neither the MRO nor the employer is responsible for finding or paying for a referral physician, though the MRO or employer must provide reasonable assistance to the employee's efforts to find a physician that is acceptable to the MRO.
6. The MRO has sole authority to make medical determinations leading to a verified test (an arbitrator is not permitted to overturn the medical judgment of the MRO)
7. The MRO will then report the drug test results in accordance with 49 CFR 40.163 – 40.167.

13.4

Brief overview of the split specimen test procedure – all split specimen tests will follow all regulations as required in 49 CFR 40 Subpart H

1. The employee must notify the MRO within seventy-two (72) hours after notification of a verified positive test and/or refusal to test because of adulteration or substitution.
2. The employer is responsible for ensuring that the MRO, first laboratory and second laboratory perform their functions as required once the employee has made a timely request for a test of the split specimen.
 1. This testing can not be conditioned upon the employee's direct payment or agreement to reimburse the employer [49 CFR 40.173 (b)]
 2. However, the employee may seek reimbursement for all or part of the cost of testing the split specimen from the employee [49 CFR 40.173 (c)]
3. The first laboratory must comply with the requirements set forth in 49 CFR 40.175.
4. The second laboratory must comply with the requirements set forth in 49 CFR 40.177.
5. All reporting from the second laboratory must comply with the requirements of 49 CFR 40.179 – 40.189.

13.5

Brief overview of problems in drug tests – all problems in drug tests will be handled in accordance with the regulations as required in 49 CFR 40 Subpart I

1. Refusal to take a DOT drug test / consequences – 49 CFR 40.191 contains the definitions as to what constitutes a “refusal” and outlines the consequences for doing so.
2. Issues surrounding an insufficient quantity of urine are outlined in 49 CFR 40.193 – 40.195.
3. Other issues including cancellation of tests, correcting problems, and corrective actions are outlined in 49 CFR 40.197 – 40.209.

14 Alcohol Testing Regulations

14.1

49 CFR 40 Subpart J (49 CFR 40.211 – 40.217) – Alcohol Testing Personnel

1. 40.211: Who conducts alcohol tests?
2. What training requirements must STTs (Screening Test Technicians) and BATs (Breath Alcohol Technicians) meet?
3. 40.215: What information about the DER do employers have to provide to the BATs and STTs?
4. Where is other information about the role of STTs and BATs found in this regulation?

14.2

40 CFR 40 Subpart K (49 CFR 40.211 – 40.235) – Testing Sites, Forms, Equipment and Supplies Used in Alcohol Testing

1. 40.221: Where does an alcohol test take place?
2. 40.223: What steps must be taken to protect the security of the alcohol testing sites?
3. 40.225: What form is used for an alcohol test?
4. 40.227: May employers use the ATF for non-DOT tests or non-DOT forms for DOT tests?
5. 40.229: What devices are used to conduct alcohol screening tests?
6. 40.231: What devices are used to conduct alcohol confirmation tests?
7. What are the requirements for proper use and care of EBTs (Evidential Breath Testing Devices)?
8. What are the requirements for proper use and care of ASDs (Alcohol Screening Devices)?

14.3

49 CFR 40 Subpart L (49 CFR 40.241 – 40.247) – Alcohol Screening Tests

1. 40.241: What are the first steps in any alcohol screening test?

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2. 40.243: What is the procedure for an alcohol screening test using an EBT or non-evidential breath ASD?
3. 40.245: What is the procedure for an alcohol screening test using a saliva ASD or a breath tube ASD?
4. What procedures does the BAT or STT follow after a screening test result?

14.4

49 CFR 40 Subpart M (49 CFR 40.251 – 40.255) – Alcohol Confirmation Tests

1. 40.251: What are the first steps in an alcohol confirmation test?
2. 40.253: What are the procedures for conducting an alcohol confirmation test?
3. 40.255: What happens next after the alcohol confirmation test result?

14.5

49 CFR 40 Subpart N (49 CFR 40.261 – 40.277) – Problems in Alcohol Testing

1. 40.261: What is a refusal to take an alcohol test and what are the consequences?
2. 40.263: What happens if an employee is unable to provide a sufficient amount of saliva for an alcohol screening test?
3. 40.265: What happens when an employee is unable to provide a sufficient amount of breath for an alcohol test?
4. 40.267: What problems always cause an alcohol test to be canceled?
5. 40.269: What problems cause an alcohol test to be canceled unless they are corrected?
6. 40.271: How are alcohol testing problems corrected?
7. 40.273: What is the effect of a canceled alcohol test?
8. 40.275: What is the effect of procedural problems that are not sufficient to cancel an alcohol test?
9. 40.277: Are alcohol tests other than saliva or breath permitted under these regulations?

15 Brief Overview of Alcohol Testing Regulations From Section 14 of This Manual

15.1

Brief overview of the first step procedures for any alcohol test – 49 CFR 40.241

1. The employee must arrive at the testing site within the allotted time or they will be reported as having refused the test.
2. The testing process is to begin without undue delay.
 1. Alcohol tests should be done before a urine test if scheduled for the same time.
 2. If the employee needs medical attention (example: an injured employee required to take a post-accident test), do not delay treatment to conduct the test.

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3. The employee is to provide positive identification.
4. The tester is required to have an identification with their name and employer's name, but not required to have a photo, address, or telephone number.
5. The testing procedure is to be explained to the employee and they are to be shown the directions on the back of the ATF (Alcohol Testing Form).
 1. The tester completes Step 1 of the ATF.
 2. The employee completes Step 2 of the ATF.
 1. Employee refusal to sign is a refusal to test and must be reported to the DER immediately.

15.2

Brief overview of the screening test procedures 49 CFR 40.243 – 40.40.27:

1. The employee is to provide a sample (breath or saliva) in accordance with the directions from the collection technician.
2. If there are any errors with the equipment or collection, the employee will be required to submit a new sample, possibly using a different piece of equipment.
3. The technician will record the results in Step 3 of the ATF.
4. Results from the screening test:
 1. If the result is under 0.02 – the technician will sign the ATF and report the results to the DER
 2. If the result is 0.02 or higher – the technician will direct the employee of the necessary steps to complete a confirmation test.
 1. The employee will have to wait at least 15 minutes, but no more than 30 minutes [49 CFR 40.251 (a)(1)] after the screening test before the confirmation test can be conducted
 3. If the screening test is invalid, the test will be canceled and the problem noted in the “Remarks” line on the ATF
 1. The testing process is to be repeated, if practical.

15.3

Brief overview of the alcohol confirmation test process – 49 CFR 40.251 – 40.255

1. First steps:
 1. The employee will be directed to wait at least 15 minutes, but no more than 30 minutes, following the completion of the screening test to begin the confirmation test.
 1. The employee is instructed to not eat, drink, put anything (e.g. cigarette, chewing gum) into his or her mouth, or belch.
 2. Failure to follow these directions will be noted in the “Remarks” line on the ATF.
 2. The employee is to complete Step 2 on the ATF and sign the certification.

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1. Failure to do so will be considered a refusal to test and will be reported to the DER.
3. Even if more than 30 minutes have elapsed, the test will still be conducted.
 1. The reason for the delay will be noted in the "Remarks" line on the ATF.
 2. The delay does not invalidate the screening or confirmation tests.
2. The confirmation test will be conducted on an EBT.
 1. The technician will conduct an air blank test in the presence of the employee.
 1. The test is to show a reading of 0.00.
 1. If the reading is not 0.00, the technician is to repeat the air blank test.
 1. If the reading is still not 0.00, the EBT must be removed from service.
 2. The test will continue using another EBT, if one is available.
 2. If the reading is 0.00, the confirmation test will continue.
 2. After the air blank test / confirmation test basic procedure:
 1. The confirmation test is to use a new, individually wrapped or sealed mouthpiece.
 2. The employee and technician must confirm the unique test number on the EBT
 3. The employee is to blow into the mouthpiece for at least six (6) seconds or until the device indicates it has obtained an adequate amount of breath.
 4. The results displayed on the EBT will be shown to the employee.
 1. The result and unique test number from the EBT printout (either on the ATF or on a separate printout) must be shown to the employee as well.
 5. Separate printouts will be attached to the ATF with tamper-evident tape or labels.
 3. After the confirmation test:
 1. The technician signs and dates Step 3 of the ATF
 1. If the result is less than 0.02:
 1. Nothing further is required of the employee.
 2. If the result is 0.02 or higher:
 1. The employee is to sign Step 4 of the ATF
 1. Refusal to do so will be noted in the "Remarks" line of the ATF
 2. However, this is not considered a refusal to test.
 2. In accordance with 49 CFR 382.201:
 1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. No

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employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

2. However – as Stover Transportation, Inc. is a zero-tolerance company, no driver or employee shall report for duty or remain on duty while having an alcohol concentration higher than 0.00.
3. If the test is invalid:
 1. The reason is to be noted in the “Remarks” line of the ATF
 2. The technician is to conduct a re-test, if practical.
4. The technician is to notify the DER of the results in all cases immediately – via phone, electronic means, or secure fax.
5. The employer is to:
 1. Establish a mechanism to identify the BAT for any results not received in writing.
 2. Store all test results to protect confidentiality.

15.4

Brief overview of problems with alcohol testing

1. All issues with alcohol testing will be handled by in accordance with 49 CFR 40 Subpart N
2. The following will be considered refusal to test:
 1. Failing to appear for a test within a reasonable time.
 2. Failure to remain at the testing site until the test is complete.
 3. Failure to provide an adequate amount of breath or saliva.
 4. Failure to provide an adequate breath specimen if there is no adequate medical explanation for doing so.
 1. Failure to undergo a medical exam if required as part of a failure to provide an adequate breath sample.
 5. Failure to sign the certification in Step 2.
 6. Failure to cooperate with any part of the testing process.
3. The following are not considered refusals to test:
 1. An employee that leaves the testing site PRIOR TO the start of a pre-employment test is not deemed to have refused a test.
 2. If you refuse to take a NON-DOT test or sign a NON-DOT form.
4. Refusal to test will incur any penalties specified in 49 CFR.
5. The handling of other issues relating to test cancellation or corrected problems can be found in 49 CFR 40.263 – 40.277.

16 Access to Results and Laboratory Certification Information

16.1

§ 49 CFR 382.405 – Access to facilities and records:

(a) Except as required by law or expressly authorized or required in this section, no employer shall release driver information that is contained in records required to be maintained under § 382.401.

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(b) A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The employer shall promptly provide the records requested by the driver. Access to a driver's records shall not be contingent upon payment for records other than those specifically requested.

(c) Each employer shall permit access to all facilities utilized in complying with the requirements of this part to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers.

(d) Each employer shall make available copies of all results for employer alcohol and/or controlled substances testing conducted under this part and any other information pertaining to the employer's alcohol misuse and/or controlled substances use prevention program, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers.

(e) When requested by the National Transportation Safety Board as part of an accident investigation, employers shall disclose information related to the employer's administration of a post-accident alcohol and/or controlled substance test administered following the accident under investigation.

(f) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

(g) An employer may disclose information required to be maintained under this part pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) of this part (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver). Additionally, an employer may disclose information in criminal or civil actions in accordance with § 40.323(a)(2) of this title.

(h) An employer shall release information regarding a driver's records as directed by the specific written consent of the driver authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in § 40.321(b) of this title.

16.2

§ 49 CFR 40.107 – Who may inspect laboratories?

As a laboratory, you must permit an inspection, with or without notice, by ODAPC, a DOT agency, or a DOT-regulated employer that contracts with the laboratory for drug testing under the DOT drug test program, or the designee of such an employer.

17 Employee Admission of Alcohol Misuse or Controlled Substance Use

17.1

§49 CFR 382.121 – Employee admission of alcohol and controlled substances use.

(a) Employees who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation and treatment requirements of this part and part 40 of this title, provided that:

(1) The admission is in accordance with a written employer-established voluntary self-identification program or policy that meets the requirements of paragraph (b) of this section;

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- (2) The driver does not self-identify in order to avoid testing under the requirements of this part;
- (3) The driver makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); AND
- (4) The driver does not perform a safety sensitive function until the employer is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

(b) A qualified voluntary self-identification program or policy must contain the following elements:

- (1) It must prohibit the employer from taking adverse action against an employee making a voluntary admission of alcohol misuse or controlled substances use within the parameters of the program or policy and paragraph (a) of this section;
- (2) It must allow the employee sufficient opportunity to seek evaluation, education or treatment to establish control over the employee's drug or alcohol problem;
- (3) It must permit the employee to return to safety sensitive duties only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor;
- (4) It must ensure that:
 - (i) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or
 - (ii) Prior to the employee participating in a safety sensitive function, the employee shall undergo a return to duty controlled substance test with a verified negative test result for controlled substances use; and
- (5) It may incorporate employee monitoring and include non-DOT follow-up testing.

17.2

Drivers or employees that admit to the abuse of alcohol or use of controlled substances in accordance with 49 CFR 382.121(a):

1. Drivers or employees that admit to alcohol or controlled substances in accordance with 49 CFR 382.121(a):
 1. Will be given the opportunity to make an appointment with a Substance Abuse Professional from the list that follows or a certified drug and/or alcohol abuse counselor within three (3) days after self-disclosure.
 2. Will be given the opportunity to obtain a drug and/or alcohol use assessment from the professional selected in the above point.
 1. The driver or employee will provide the Safety and Personnel Department with a written authorization for the release of:
 1. The results of the assessment
 2. All subsequent reports related to the assessment including, but not limited to:

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1. Progress of treatment
2. Release from treatment
3. Any required testing / monitoring following the completion of the treatment program.
3. The driver or employee will be required to satisfactorily comply with the Substance Abuse Professional's assessment and recommendations for treatment / education programs.
4. The driver or employee will only be permitted to return to work to resume their safety-sensitive function after completing a return-to-duty test that confirms both:
 1. A verified negative test result for prohibited drugs / controlled substances.
 2. An alcohol concentration of 0.00%.
5. A driver or employee must meet all three (3) of the following requirements to avoid being subject to disciplinary actions:
 1. Self-discloses within the required guidelines of 49 CFR 382.121(a), and
 2. Fully complies with the assessment, and
 3. Fully complies with the recommendations for treatment / education from the Substance Abuse Professional
6. A driver or employee that fails to meet any of the three (3) criteria above will be subject to disciplinary action in accordance with the policies in the Driver's Orientation Handbook.
7. A driver or employee may be required to submit to continued monitoring on the advice of the Substance Abuse Professional.
 1. This monitoring may include non-DOT drug / controlled substances and/or alcohol testing.
8. All counseling, return to work testing, and follow up testing will be done at the driver's or employee's expense.
 1. The company will not be responsible for any of these cost accrued.
 2. Some health insurance policies cover substance abuse treatment – examine your policy carefully to determine if such coverage is part of your plan.

17.3

With input from MedColumbus and the Ohio Bureau of Workers' Compensation, Stover Transportation, Inc. has compiled the lists that follow in sections 19 and 20. These are providers and resources for the driver or employee to use for the evaluation and resolution of controlled substance and alcohol abuse problems.

18 Testing Positive on a Controlled Substance or Alcohol Test

18.1

49 CFR 40.285 states that a driver can not perform ANY DOT safety-sensitive duties for ANY employer until fulfilling the requirements outlined in 49 CFR 40 Subpart O:

49 CFR 40.285: When is a SAP Evaluation Required?

(a) As an employee, when you have violated DOT drug and alcohol regulations, you cannot again perform any DOT safety-sensitive duties for any employer until and unless you complete the SAP evaluation, referral, and education/treatment process set forth in this subpart and in applicable DOT agency regulations. The first step in this process is a SAP evaluation.

(b) For purposes of this subpart, a verified positive DOT drug test result, a DOT alcohol test with a result indicating an alcohol concentration of 0.04 or greater, a refusal to test (including by adulterating or substituting a urine specimen) or any other violation of the prohibition on the use of alcohol or drugs under a DOT agency regulation constitutes a DOT drug and alcohol regulation violation.

18.2

Under 49 CFR 40 Subpart O, the requirements for the employer when an employee tests positive are as follows:

§ 49 CFR 40.287: What information is an employer required to provide concerning SAP services to an employee who has a DOT drug and alcohol regulation violation?

As an employer, you must provide to each employee (including an applicant or new employee) who violates a DOT drug and alcohol regulation a listing of SAPs readily available to the employee and acceptable to you, with names, addresses, and telephone numbers. You cannot charge the employee any fee for compiling or providing this list. You may provide this list yourself or through a C/TPA or other service agent.

§ 49 CFR 40.289: Are employers required to provide SAP and treatment services to employees?

(a) As an employer, you are not required to provide a SAP evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and alcohol regulation.

(b) However, if you offer that employee an opportunity to return to a DOT safety-sensitive duty following a violation, you must, before the employee again performs that duty, ensure that the employee receives an evaluation by a SAP meeting the requirements of § 40.281 and that the employee successfully complies with the SAP's evaluation recommendations.

(c) Payment for SAP evaluations and services is left for employers and employees to decide and may be governed by existing management-labor agreements and health care benefits.

18.3

1. According to 49 CFR 40.287, Stover Transportation, Inc. is only required to provide a driver or employee that tests positive with a list of SAPs.
2. Generally, a verified positive result on a drug / controlled substances and/or alcohol test will be evaluated on a case-by-case basis.
 1. Applicants that fail a pre-employment test will automatically be disqualified from employment and will be given a list of SAPs.

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2. Any disciplinary action for veteran employees will be taken at the discretion of the Safety and Personnel Department and may consider factors including, but not limited to:
 1. Length of service.
 2. Employee safety record.
 3. Willingness to participate in an evaluation and treatment program with a SAP in accordance with the guidelines in 49 CFR 40 Subpart O.
3. All counseling, return to work testing, and follow up testing will be done at the driver's or employee's expense.
 1. Under certain circumstances, at the discretion of the Safety and Personnel Department, Stover Transportation, Inc. may be able to use payroll deductions to help the driver or employee to pay the costs over an extended time frame.
4. It is important to note that DOT does not certify, license, or approve individual SAPs. However, for the purposes of the regulations in 49 CFR 40 Subpart O, a SAP must be able to demonstrate the qualifications necessary to meet the DOT rule requirements.
 1. It is the responsibility of any individual using the services of a SAP to ensure that the SAP meets the requirements set forth in 49 CFR 40 Subpart O.
5. Any driver or Employee that goes through an evaluation and treatment program with a SAP must have the SAP and facility contact the Safety and Personnel Department to keep them advised of progression of treatment, release from treatment, and the prescribed and mandated followup testing required.
6. For a driver or employee to return to safety-sensitive duties:
 1. The SAP must certify that the driver or employee has successfully complied with prescribed education and/or treatment.
 2. The driver or employee must comply with any and all SAP recommendations for additional treatment, aftercare, or support group services even after the driver or employee returns to safety-sensitive duties.
 3. The driver or employee will be required to take a return-to-duty test in accordance with 49 CFR 40.303.
 1. The return-to-duty test must:
 1. Have a verified negative drug test result and
 2. Have an alcohol concentration of 0.00% (Stover Transportation, Inc. policy that is more restrictive than Federal Regulations).
7. The SAP must mandate, at a minimum six (6) follow-up tests in the twelve (12) months following the driver's or employee's return to safety-sensitive functions in accordance with 49 CFR 40.307
 1. The employer is to see that the follow-up tests are conducted in accordance with 49 CFR 40.309.
 2. An employee subject to follow-up testing will continue to be subject to the Stover Transportation, Inc. random testing program as well [49 CFR 40.309(c)].

8. The final decision to determine “fitness for duty” lies with Stover Transportation, Inc. through the Safety and Personnel Department.

19 Substance Abuse Professionals in the Columbus, Ohio Area

19.1

Brian T. Davis
6797 North High Street
Suite 350
Columbus, Ohio 43085
1-614-888-9200

19.2

John Lear & Associates
941 Chatham Lane #103
Columbus, Ohio 43221
1-614-451-9401

19.3

Barbara Zoog
PO Box 616
Pickerington, Ohio 43147
1-614-205-9714

20 Additional Resources for Substance Abuse

20.1

Alcohol, Drug and Mental Health Board of Franklin County (ADAMH – Franklin County) is a resource that can provide support groups and additional provider lists.

1. ADAMH – Franklin County contact information:
ADAMH Board of Franklin County
447 East Broad Street
Columbus, Ohio 43215
1-614-224-1057
www.adamhfranklin.org
2. List of ADAMH – Franklin County partners / providers can also be found at:
www.adamhfranklin.org/find-help/our-network

20.2

Ohio Mental Health & Addiction Services is a state resource with provider lists, drug / alcohol prevention / evaluation tools, and other resources.

1. For information or referral:
1-877-275-6364
<http://mha.ohio.gov/>
2. To search for providers in Ohio by county:
<https://prod.ada.ohio.gov/directory/>