

West Virginia University

Department of Transportation Drug & Alcohol Testing Program

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Risk Management

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QUESTIONS TO BE ANSWERED

- WHY?
- WHO?
- WHAT?
- WHEN?
- WHERE?

WHY?

WVU Personal Rapid Transit (PRT)



WVU receives Federal assistance
from the Federal Transit
Administration (FTA)

49 U.S.C. Section 5337

West Virginia University:

- Values a safe and efficient working environment
- Will not tolerate any risk to safety, quality or productivity

WHO?

Federal Transit Administration (FTA), Safety-Sensitive (SS) Positions:

FTA, Safety Sensitive (SS) positions:

- operation of a revenue service vehicle (RSV)
- operation of a non-revenue vehicle requiring a CDL;

FTA, Safety Sensitive positions:

- controlling movement or dispatch of a RSV
- maintenance of a RSV or equipment used on revenue service
- security personnel who carry firearms

FTA, Safety Sensitive Functions:

- Operators, Dispatchers, Mechanics, CDL/Non Revenue, Armed Security, Supervisors if they may perform SS
- Includes trainees when driving, even if not in revenue service

Includes volunteers –

A volunteer is a covered employee if:

- required to hold a commercial driver's license
- performs a safety-sensitive function

Affected Department:

- Personal Rapid Transit (PRT)

WHAT?

Drugs Tested:

- Marijuana
- Cocaine
- Amphetamines, Methamphetamine, and

Drugs Tested:

- Opioids [Codeine, Morphine, and Heroin.]
- Phencyclidine (PCP)

Use of these substances are prohibited at all times

Prohibitions may be added (and include certain over-the-counter medications)

Regulation updates

- DOT amendments include –
 - add methylenedioxyamphetamine as an initial test analyte; and remove methylenedioxyethylamphetamine as a confirmatory test analyte

Regulation updates

- DOT amended its drug-testing program regulations to add the following to the drug testing panel –
 - Hydrocodone
 - Hydromorphone
 - Oxymorphone
 - Oxycodone

- Alcohol Testing

WHEN?

Types of Testing:

- Pre-employment
- Random
- Post Accident
- Reasonable Suspicion

Types of Testing:

Under certain circumstances, testing is conducted for:

- Return to Duty
- Follow-up

Both are subject to testing under direct observation

Pre-Employment:

- Occurs prior to hire or before transferring into a safety-sensitive function
- Requires negative test result

Pre-Employment:

- Negative test result must be received prior to performance of safety sensitive functions

Pre-Employment:

- Must be conducted when an employee has been absent from work 90+ days, when removed from pool

WVU does not conduct pre-employment alcohol testing

*WVU has a Third Party
Administrator to manage the
random selection process*

Random Testing:

- Unannounced and unpredictable
- Reasonably spread throughout the calendar year
- At all times of day

Random Testing:

- Use of a scientifically valid method in which each covered employee has an equal chance of being selected for testing

Random Testing Policy Provision:

- Random testing rate* (per pool)
 - 50% drugs
 - 10% alcohol

*subject to change

Random Testing Policy Provisions:

Availability for Testing-

- Random **drug** testing must occur anytime an employee is on duty
- Random **alcohol** testing must only be conducted just before, during, just after performance



Post-Accident Testing:

Covered employees will be tested:

- performance either contributed to an accident or
- cannot be completely discounted as a contributing factor to the accident

Post-Accident Testing:

(Decision Maker is Key) –

- Fatality – REQUIRED

Post Accident:

- Non-Fatal:
 - medical attention away from scene
 - vehicle with disabling damage

Testing required unless:

- Employee's performance can be completely discounted as contributing

Post-Accident Time Requirement:

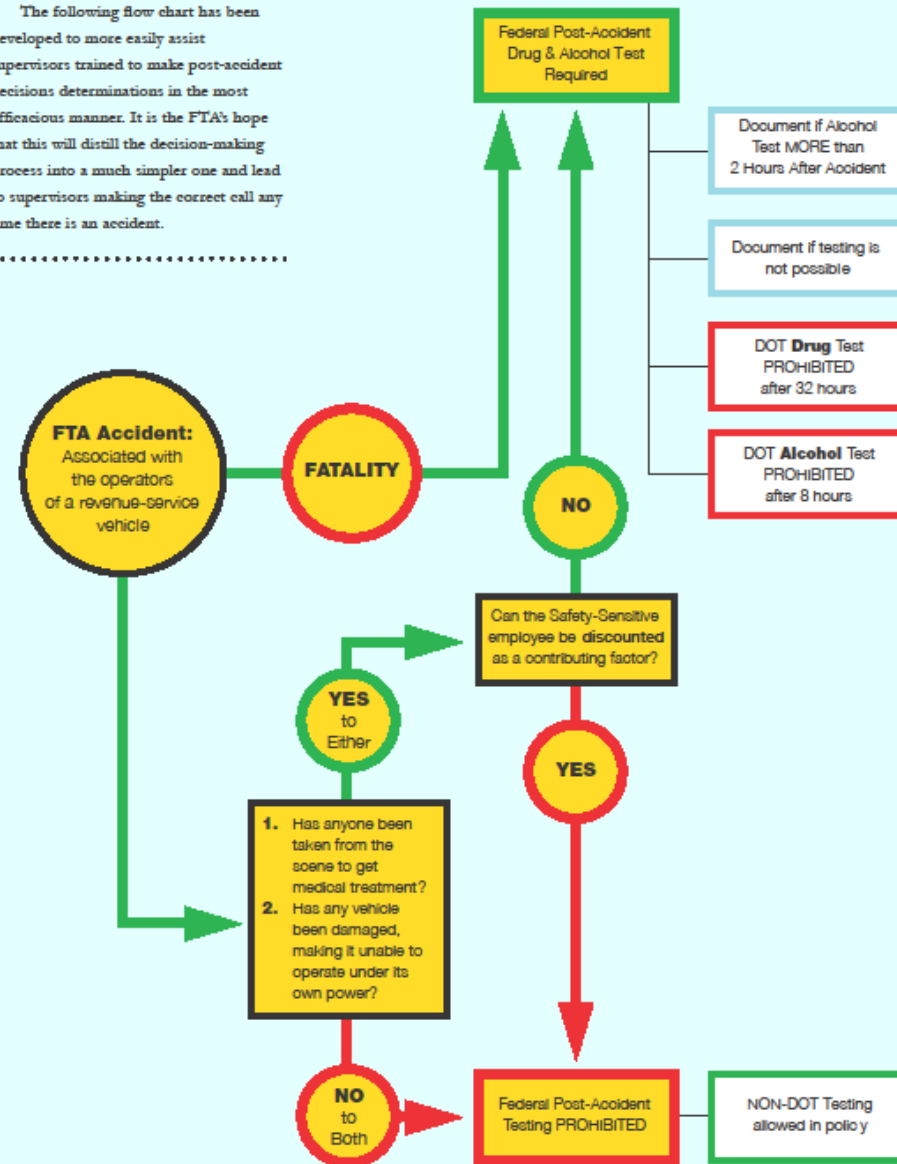
As soon as practicable after SS employee dismissed from scene and medical attention provided

- Testing delayed until decision is made, documentation required
- Alcohol 2/8 hour rule
- Drugs 32 hour rule

Post-Accident Flow Chart

The following flow chart has been developed to more easily assist supervisors trained to make post-accident decisions determinations in the most efficacious manner. It is the FTA's hope that this will distill the decision-making process into a much simpler one and lead to supervisors making the correct call any time there is an accident.

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Reasonable Suspicion Testing:

Occurs when a company official believes the employee shows signs of drug abuse and/or alcohol misuse

Reasonable Suspicion

- For both drugs and alcohol, decision made ONLY on specific, contemporaneous, articulable observations concerning appearance, behavior, speech or body odors

Reasonable Suspicion

- Written report within 24 hours of observed behavior or before results of test are released if earlier than 24 hrs

A key tool is the Check list



Click [here](#) to review the Reasonable Suspicion
Determination Checklist

Zero Tolerance

- The University has a zero tolerance policy, as outlined in 2.5.5.1 of WVU Rule 3.4
- In 2.5.5.2, the University does allow for self-disclosure, this is also outlined in section 2.10 of policy

Self-Disclosure

2.10.3 A covered employee's self disclosure to the DER shall:

- occur prior to the covered employee reporting for duty
- not be made in an attempt to avoid a required drug or alcohol test;

Self Disclosure

- require covered employee to initiate an assessment through the FSAP within three (3) business days
- require the University to remove from safety-sensitive functions

Return-to-duty and Follow up Testing

If WVU hires employee who is under a Substance Abuse Professionals (SAP) return to duty process -

- The employee must take a DOT return-to-duty test prior to returning to safety-sensitive functions
- The employee will be subject to a minimum of 6 unannounced follow-up tests in the first 12 months

Return-to-duty and Follow up Testing

- Follow-up testing may occur for up to 60 months
- All testing must be conducted under direct observation

WHERE?

Collection Sites:

- Waterfront Urgent Care

ADDITIONAL INFORMATION

Employment Requirements

- Position description must include safety sensitive functions
- Position must be posted with drug testing (DT) requirement indicated
- Previous employer release is required and investigation pursued
- DOT Background check completed

Employment Requirements

- Contingent offer made
- Employees meet with Talent Strategy, DER and/or Program Manager
- Pre-employment drug testing is conducted, negative result is required
- During onboarding, required training programs must be completed

Pre-Employment D&A Test History

- Employers must review DOT testing history from applicants previous DOT regulated employers, during prior two years
- Information required under 49 CFR Section 40.25
 - Alcohol tests of ≥ 0.04
 - Verified positive drug tests
 - Refusals
 - Other violations of DOT agency drug/alcohol regs
 - Documentation of successful completion of SAP-required RTD/follow-up process

Alcohol Standards

- No performing covered activity if BAC 0.04 or greater
- No drinking 4 hrs before SS duties
- No drinking while on-call
- 8 hours off-duty after BAC between 0.02 and 0.039, or until <0.02

Prescription Medications:

- Have conversation with your physician regarding medications listed for DOT drug testing
- FTA *Prescription and Over-the-Counter Medications Toolkit* well-regarded by MROs
- Employer form is required when prescription or over-the-counter medications are necessary

Final Rule in Federal Register (82 FR 52229)

- Effective January 1, 2018
- Key Changes: Adds 4 semi-synthetic opioids (hydrocodone, oxycodone, hydromorphone, oxymorphone)
- Adds methylenedioxyamphetamine (MDA)
- Removes methylenedioxyethylamphetamine (MDEA)
- Modifies timing for Medical Review Officers (MROs) to communicate a significant safety risk or medically unqualified decision

DOT Medical Examiners

- WVU Occupational Medicine conducts –
 - DOT evaluations for release to return to work
 - Phone: 304-293-3693
 - Location: CPASS Building