

West Virginia University

Department of Transportation Drug & Alcohol Testing Program

Deanna Watts

Designated Employer
Representative (DER)

Deanna.Watts@mail.wvu.edu

Phone: (304) 293-8765

Cell: (304) 288-8650

Amanda Biddle

Program Manager

Amanda.Biddle@mail.wvu.edu

Phone: (304) 293-5577

WVU Division of Talent and Culture, Medical Management

PO Box 6640, One Waterfront Place

Morgantown, WV 26506-6640

QUESTIONS TO BE ANSWERED

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

WHY?



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

49 U.S.C. 5337

West Virginia University:

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

WHOM?

Federal Motor Carrier Sa Administration (FMCSA) Safety-Sensitive (SS) Positions

FMCSA, Safety-Sensitive (SS) Positions

- all time at an employer or shipper place of business, terminal, facility;
- all time inspecting equipment or other vehicles, inspecting, servicing, or conditioning

FMCSA, Safety-Sensitive Positions:

- all time spent at the driving controls of a commercial motor vehicle (CMV) in operation;
- all time loading or unloading a vehicle supervising, or assisting
- all time repairing

FMCSA, Safety-Sensitive Functions

- Drivers with Commercial Drivers License (CDL) operating CMVs on public roads when they are:
 - Driving or required to be ready to drive
 - Waiting to be dispatched

FMCSA, Safety-Sensitive Functions

- CDL drivers operating CMVs on public roads when they are:
 - Inspecting, repairing, securing, assistance, loading or unloading the CMV
- Covers mechanics, dispatchers, etc if they may be required to drive a CMV at any time

Volunteers

A volunteer is a covered employee if:

- he/she is required to hold a commercial driver's license
- he/she performs a safety-sensitive function

Affected Departments:

- Transportation Services
- Mechanical & Aerospace Engineering
- Facilities Management
- Athletics
- Agriculture & Forestry

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 regulation 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 observ

Pre-Employment:

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

Pre-Employment:

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

Pre-Employment:

- Must be conducted when an employee has been absent from work 30+ days, when removed from pool

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

Random Testing:

- Unannounced and unpredictable
- Reasonably spread through 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 Provisions:

- Random testing rate*
- 50% drugs
- 10% alcohol

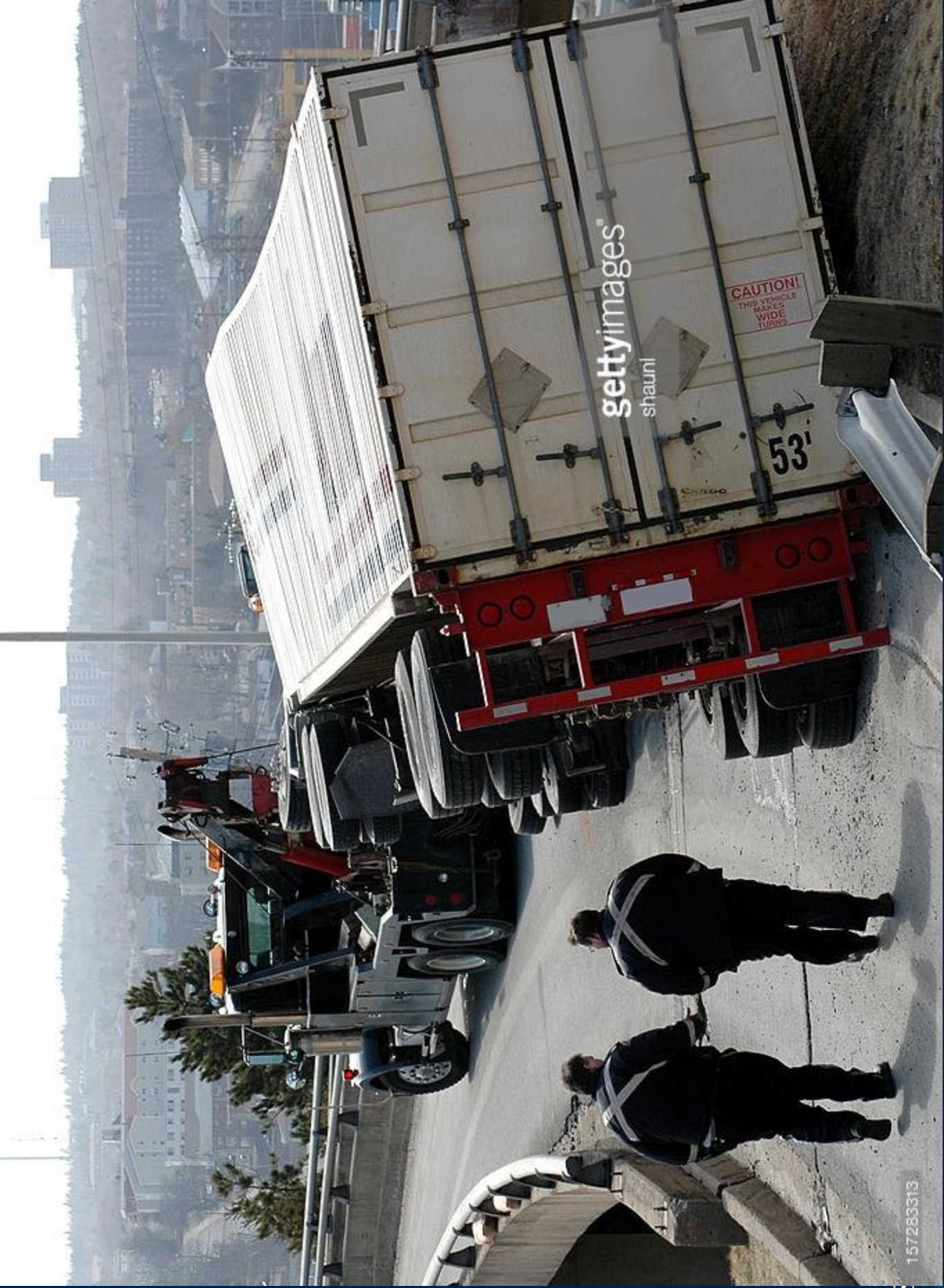
Random Testing Policy Provisions

- 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

Random Testing

- Availability for Testing:
- Testing time counts against Hours of Service





gettyimages®
shauni

157283313

Post-Accident Testing:

Covered employees will be tested when:

- 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 Testing:

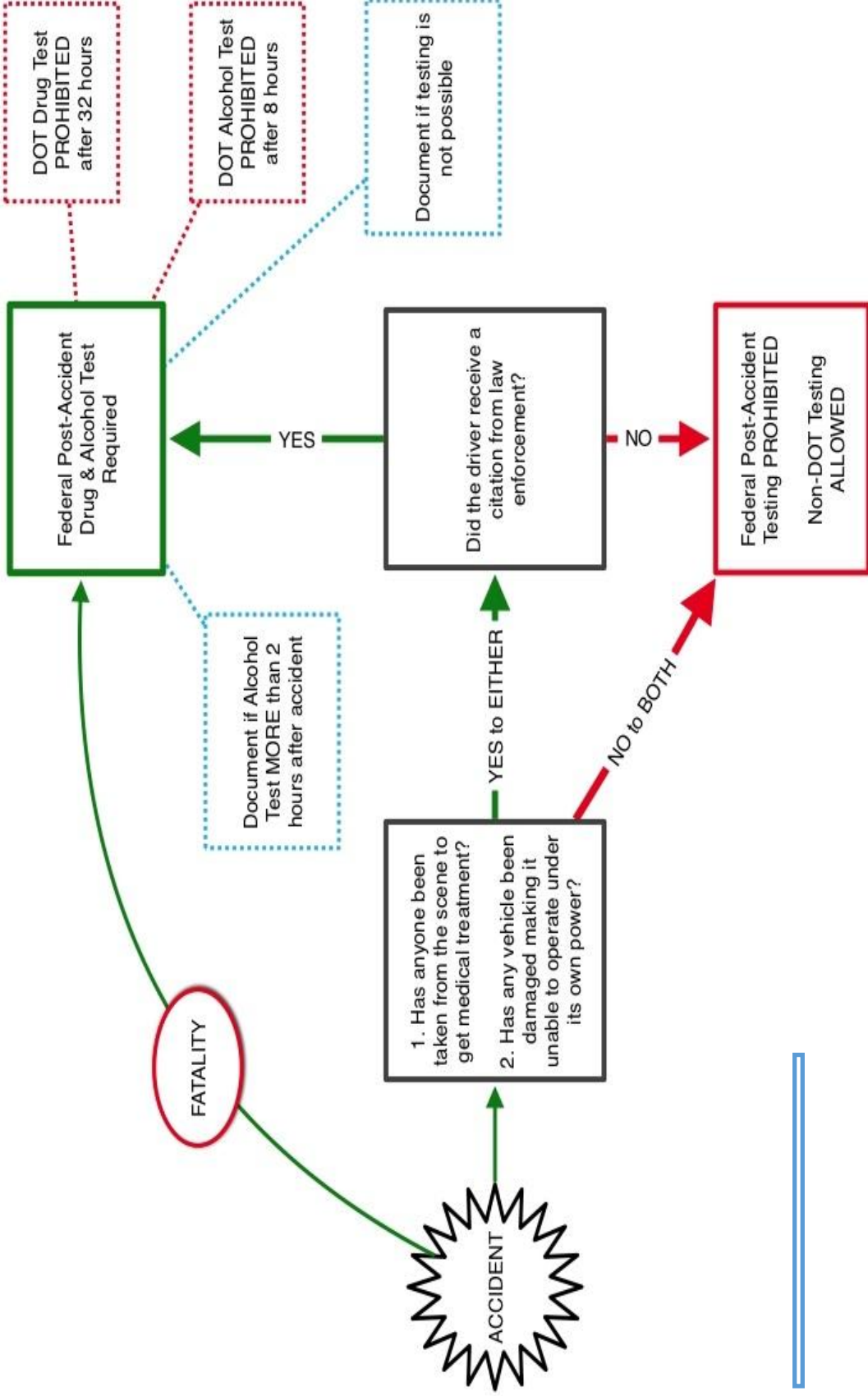
- Non-Fatal:
 - Operator receives moving traffic citation and the following occurs,
 - medical attention away from scene
 - vehicle w/disabling damage, causing towing

Post-Accident: Time Requirement

- As soon as practicable following an occurrence, operator dismissed and medical attention provided
- AND Citation issued

Post-Accident: Time Requirement

- Documentation required:
 - If 8 hours elapse (e.g. the citation is not promptly issued), no alcohol testing
 - If 32 hours elapse, no drug testing



Reasonable Suspicion Testing

Occurs when a company official, based on their training, 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 w/in 24 hours of observed behavior or before results of test are released if earlier than 24 hrs

A key tool is the Check list



Review the Reasonable Suspicion
Determination Checklist

Zero Tolerance

- The University has a zero tolerance
- Return to duty and follow-up testing
- 2.5.5.2 The University does allow for 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

(continued)

- require covered employee to initiate a 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) plan-

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

Return-to-duty and Follow up Testing

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

WHERE?

Collection Sites:

- MedExpress
- LabCorp
- Wedgwood Family Practice
- Whitehall Medical

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 reviewed
- DOT Background check completed

Employment Requirements

- Contingent offer made
- Employees meet with Talent Strategy, DEF Program Manager
- Pre-employment drug testing is conducted
negative result is required
- Onboarding, required training programs completed, etc.

Pre-Employment D&A Test History

- 3 year review of history for interstate drivers
- 49 CFR Section 391.23 Investigations & Inquiries
 - 3-yr state driving records
 - 3-yr safety performance from all employers

Pre-Employment D&A Test History

- 49 CFR Section 391.23 Investigations
Inquiries
 - 3-yr alcohol and controlled substance violations from all employers
 - Same information as Part 40 requirements
- 2-year requirements for intra-state drivers (Section 40.25)

Alcohol Standards

- No performing covered activity if BAC is 0.04 or greater
- No drinking 4 hours before SS duties
- 24-hour mandatory off-duty after BAC between 0.02 and 0.039

Prescription Medications

- Drivers cannot operate unless advised by licensed medical practitioner that Rx/OTC prescription will not impact ability to safely operate 382.213(a)
- Employers may require drivers to inform the employer of any therapeutic drug use 382.213(c) – Include in policy

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 MR

Medical Examiners Certificate

- Must be physically qualified to drive a CMV
- Maintain CDL license and certification
- Medical examinations (Long Form) completed by DOT certified physician on National Registry
- Maintain current medical card and renewals, as required
- Contact DER with questions or concerns

Final Rule in Federal Register (8252229)

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

DOT Medical Examiners Certificate

- WVU Occupational Medicine conducts –
 - DOT Medical examinations for renewals on m cards
 - DOT evaluations for release to return to work
 - Phone: 304-293-3693
 - Location: CPASS Building