

**HUMBOLDT STATE UNIVERSITY**  
Arcata, California 95521

**ALCOHOL AND DRUG TESTING ADMINISTRATIVE PROCEDURES**

**Background**

The federal Omnibus Transportation Employee Testing Act, enacted into law on October 28, 1991, requires employers to conduct alcohol and controlled substance testing of all individuals assigned to positions requiring either a Commercial Drivers License or an Endorsement to a Class C license. This law was expanded to cover colleges and universities in regulations published by the Federal Highway Administration and the U.S. Department of Transportation (DOT) in Federal Register Rules and Regulations – Part 382 – Controlled Substances and Alcohol Use and Testing (February 15, 1994).

**Policy Statement**

In keeping with the above regulations, Humboldt State University (HSU) conducts pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up alcohol and controlled substance testing for covered employees. HSU also provides training, education and other assistance to employees to help them understand their responsibilities in achieving a drug-free environment.

Non-compliance with this policy or violation of the regulations may result in severe disciplinary action including suspension or dismissal.

**Contacts**

The following individuals have been designated to answer questions about this program:

Tim Moxon  
Title: Senior Director, Facilities Management  
Phone: (707) 826-3646

Tammy Curtis  
Title: Director, Human Resources  
Phone: (707) 826-3626

**Covered Employees**

Employees who must be tested are those assigned to safety-sensitive positions or those requiring a Commercial Driver's License who drive a motor vehicle.

- with a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,000 pounds; or
- with a gross vehicle weight rating of 26,001 or more pounds; or
- designed to transport 16 or more passengers, including the driver; or
- of any size that is used to transport hazardous material which requires the vehicle to be placarded.

## **Prohibited Activities**

Covered employees are prohibited from doing any of the following:

- operating a commercial vehicle while using or under the influence of alcohol or controlled substances.
- Performing safety-sensitive functions while using alcohol or within 4 hours of consuming alcohol;
- Reporting for or remaining on duty requiring safety-sensitive functions with a blood alcohol content (BAC) of .04 or greater while using a controlled substance;
- Operating a commercial vehicle while in possession of alcohol which is not manifested and transported as part of a shipment;
- Reporting for duty, remaining on duty, or performing safety-sensitive function after testing positive for controlled substances;
- If required to take a post-accident alcohol test, consuming alcohol within eight hours following the accident and before the test is taken;
- Refusing to submit to an alcohol or controlled substance test.

## **Safety-Sensitive Functions**

A covered employee is performing a safety-sensitive function when:

- waiting at a terminal, facility or other property to be dispatched, unless relieved from duty;
- inspecting, servicing or conditioning the motor vehicle;
- driving the motor vehicle;
- on the vehicle, except when resting in the sleeper berth;
- loading or unloading the vehicle, supervising the loading or unloading, giving receipts for the load, or remaining in readiness to operate the motor vehicle.
- performing duties and services at an accident scene;
- repairing, getting help or staying with a disabled vehicle; or
- providing a breath sample or urine specimen, including travel time to and from the collection site, when directed by HSU.

## **When Tests Are Conducted**

### 1. Pre-employment

All applicants for driving positions must take a urine drug test which shows a verified negative result.

This test is not necessary if the applicant participated in a valid drug testing program within the preceding 30 days and while participating in that program, was either tested within the past six months or participated in a random selection program for the previous 12 months. In this event, HSU will verify that no prior employer has records indicating a violation of any DOT rule pertaining to controlled substance use within the previous six months.

This is a pre-qualification condition of employment.

### 2. Post-Accident

The covered employee must submit to drug and alcohol tests if involved in an accident where:

- a fatality is involved; or
- s/he received a citation for a moving traffic violation arising from the accident.

Testing will take place as soon as possible following the accident. An alcohol test should be performed within two hours, but in no event more than eight hours, after the accident. A controlled substance test must be performed within 32 hours of the accident.

Instructions pertaining to post-accident testing are provided to each covered employee.

3. At Random

HSU conducts random drug and alcohol tests for covered employees at unannounced times reasonably spread throughout the year. The random selection system provides an equal chance for each driver to be selected each time random selection occurs.

Each year, a minimum of 50% of the average number of covered employees will be tested for drug use and minimum of 10% for alcohol use. When notified of selection, an employee must proceed immediately to the facilities designated for such testing.

4. Reasonable Suspicion

Drug and alcohol tests will be conducted when a designated supervisor or administrator observes behavior or appearance that is characteristic of drug or alcohol misuse. These designated individuals are required to receive training on alcohol misuse and controlled substance use.

5. Return-to-duty and Follow-up

Drug and alcohol tests will be conducted when an individual who has violated the prohibited activities standards returns to performing safety-sensitive duties. At least six tests must be conducted in the first twelve months after the return to duty. The individual may be subject to follow-up testing for up to five years if a substance abuse professional determines that the employee is in need of assistance in resolving problems with alcohol misuse and/or controlled substance use.

### **Collection and Testing Procedures**

#### **Drug Urinalysis**

Drug testing is conducted by analyzing the employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services. All urine specimens are analyzed for the following drugs:

1. Marijuana (THC metabolite)
2. Cocaine
3. Amphetamines
4. Opiates (including heroin)
5. Phencyclidine (PCP)

Upon notification to submit a urine specimen, the employee must:

1. report to the designated collection site immediately and show photo identification to the collector;
2. provide a urine specimen in a location that affords privacy and help complete the custody and control form. Specific instructions will be provided by the collector.

The collector will:

1. split the specimen into two bottles, then seal and label the bottles as primary and secondary samples;
2. complete a chain of custody document;
3. ship the specimen and accompanying documentation to a certified drug testing laboratory.

The laboratory will:

1. perform an initial screening on the primary sample;
2. if the specimen tests positive, perform a confirmation test of the specimen;
3. report all laboratory results, both positive and negative, to a designated Medical Review Officer (MRO).

The Medical Review Officer will:

1. report negative results to the designated HSU administrator;
2. if the test result is positive, contact the employee to determine if there is an alternative medical explanation for the result;
3. after talking to the employee, release the positive result to the designated HSU administrator.

An individual testing positive may make a request of the MRO to have the secondary sample tested – at another certified laboratory if desired. This request must be made within 72 hours of being notified of the positive result.

### **Drug Testing Safeguards**

The following procedure will protect the employee and the integrity of the testing process, will safeguard the validity of the test results, and will ensure that those results are attributed to the correct employee.

1. The designated collector will:
  - a. Confirm the employee's identification before starting the collection.
  - b. Provide a clean, securely wrapped specimen bottle or collection container.
  - c. Ensure that all specimen bottles are properly sealed, identified and initialed and that the custody and control form is accurately completed before sending the package to the laboratory.
  - d. Give copies of the custody and control form to the employee, HSU and the Medical Review Officer.
2. The laboratory will:
  - a. Check the package for tampering, validate the identification numbers and check the documentation for errors or omissions. The process will stop if problems are discovered.
  - b. Document all handling of the specimens on the custody and control form and forward the form to the Medical Review Officer.

3. The Medical Review Officer will:
  - a. Verify the specimen numbers on the custody and control forms sent from the laboratory and the collector.
  - b. Ensure that the same procedures are followed if a retest is requested.

### **Alcohol Tests**

Alcohol testing is performed by using an approved evidential breath testing device operated by a breath alcohol technician. Alcohol tests will be performed just prior to, during, or just after duty. Upon notification to submit to a breath alcohol test, the employee must report to the designated breath alcohol technician immediately and show photo identification to the technician.

The breath alcohol technician will:

1. provide instructions for completing the breath alcohol testing form and the screening test;
2. conduct the breath alcohol screening test;
3. if the result is negative (lower than 0.02 blood alcohol content), complete the alcohol testing form to ensure that the results are properly recorded;
4. if the alcohol concentration is 0.02 or greater, conduct a second confirmation test;
5. ensure that the test results are properly documented and report the results to HSU.

### **Alcohol Testing Safeguards**

To protect the employee and the integrity of the testing process, the breath alcohol technician will:

1. confirm the employee's identification before starting the test;
2. provide the employee to be tested with an individually-sealed mouthpiece;
3. ensure that the evidential breath testing device is approved and that specified calibration checks are completed at regular intervals;
4. meet all certification and training requirements;
5. implement testing procedures that ensure accuracy, reliability and confidentiality of test results as outlined in Federal Register 49 CFT Part 40.

### **Consequences of Positive Tests**

Employees whose alcohol test result is .02 BAC or above but less than .04 cannot perform safety-sensitive functions for 24 hours following the test.

Employees who test positive for drugs or alcohol (.04 BAC or above) are removed immediately from safety-sensitive functions, and cannot perform a safety-sensitive function until they:

- undergo an evaluation by a substance abuse professional;
- comply with and successfully complete treatment recommendations; and
- undergo return-to-duty tests with negative test results.

At least six tests must be conducted in the first twelve months after the return to duty. Employees may also be subject to follow-up drug and/or alcohol testing for up to five years, depending on the evaluation of the substance abuse professional. Disciplinary action as prescribed by the Education Code could also be implemented.

## **Refusal to Test**

Refusal to take a drug or alcohol test as required by the cited federal regulations will result in the same consequences stated for positive test results. A refusal to test includes the following conduct which would obstruct the proper administration of a test:

- a delay in providing a urine or breath specimen; or
- failure to provide adequate breath for alcohol testing or urine for drug testing without a valid medical explanation; or
- refusal to complete the required sections of the testing form; or
- attempts by an employee to submit a urine specimen other than his/her own.

## **Education, Training and Assistance**

All covered employees are given educational materials that explain the alcohol and drug testing requirements, HSU's policies and procedures regarding these requirements, consequences of violating the regulation, and information about drug and alcohol misuse and sources of help. Each covered employee is required to sign a statement certifying that s/he has received a copy of these materials.

Drug and alcohol misuse can affect an individual's health, work and personal life in many ways.

- Long-term alcohol use can cause cirrhosis of the liver, cardiovascular disease, cancer, malnutrition and can lead to fetal alcohol syndrome when used by a pregnant woman.
- Drug and alcohol impaired employees are unsafe and unproductive in the workplace, causing accidents which endanger themselves and others, and costing employers in overuse of sick leave benefits, increased worker's compensation claims, and poor quality work.
- Effects of drugs and alcohol use on one's personal life can include lack of motivation or ambition, financial difficulties, and marriage and relationship problems.

All individuals designated to determine whether reasonable suspicion exists to require a covered employee to undergo testing receive a minimum of one hour of training on alcohol misuse and an additional hour of training on controlled substance use. This training covers the physical, behavioral, speech and performance indicators of probable misuse and use of controlled substances. These indicators may include initial signs of excessive absenteeism, low productivity, poor quality work, increase accidents or near misses. Anxiety, depression, loss of concentration, and random quality judgment could follow, along with specific signs of changes in speech, intoxicated behavior, or odor of alcohol or marijuana. Behavioral signs include a sudden change in behavior, an "I don't care attitude", changes in personal appearance and hygiene, and erratic or deteriorating performance. Signs and symptoms of specific drugs vary, and are covered in the afore-mentioned training sessions.

If an employee appears to be under the influence of drugs or alcohol, methods of intervening may include the following:

- removing the employee from the work assignment;
- securing a management witness, if possible, or a bargaining unit steward;
- talking with the employee, stating the observed facts, and asking for an explanation of the behavior (Could a medication or physical ailment be causing a reaction?)

Guidelines for requesting an employee to have an alcohol or drug test administered should then be followed. In all cases of confrontation or intervention, it is important to record observations as soon as possible, being objective, factual and specific. An incident should always be treated discreetly and confidentially.

Covered employees who have violated the prohibitions regarding alcohol and/or controlled substance use will be:

- evaluated by a substance abuse professional who will determine what assistance, if any, the employee needs in resolving problems from alcohol misuse and/or controlled substance use;
- advised of the resources available in evaluating and resolving problems associated with the misuses of alcohol and the use of controlled substances, including the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs.

Some of the resources available to the HSU community include:

On Campus:

Counseling & Psychological Services  
826-3236  
Davis House Counseling Clinic  
826-3921  
Student Health Center  
826-3146

Employee Assistance Program

Paula Nedelcoff  
Humboldt Family Service Center  
1802 California  
Eureka, CA 95501  
(707) 443-7358

Alcoholics Anonymous: 442-0711; Narcotics Anonymous: 444-8645; Al-Anon: 443-1419

**Records and Reports**

HSU will maintain all legally required statistical records and reports in a secure location with controlled access. This information is used to monitor compliance with the regulations and to assess the effectiveness of the alcohol and drug testing program.

**Confidentiality of Information**

All alcohol and drug testing results and records are maintained under strict confidentiality by HSU, the breath alcohol technician, the drug testing laboratory, the medical review officer and the substance abuse professional. Any other release of information is only with the written consent of the covered employee.

## **Service Providers**

### **Breath Alcohol Technician/Specimen Collection Services**

Occupational Health Services of Mad River  
3800 Janes Road  
Arcata, CA 95521  
707-825-4907

### **Certified Laboratory**

QUEST  
7600 Tyrone Avenue  
Van Nuys, CA 91405  
1-800-877-7484

### **Medical Review Officers**

Mark V. Anderson, M.D.  
Deborah L. Teynor, M.D.  
Letitia Archuleta, M.D.

### **Training Services**

Occupational Health Services of Mad River  
3800 Janes Road  
Arcata, CA 95521  
707-825-4907

### **Employee Assistance Program**

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