DRUG AND ALCOHOL TESTING PROGRAM PROCEDURES

for FTA-covered safety-sensitive employees of the

UNIVERSITY OF MINNESOTA

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I. PURPOSE

The following procedures have been established to implement the requirements of the Federal Transit Administration (FTA) and the U.S. Department of Transportation (DOT) related to alcohol and controlled substances for employees of the University of Minnesota (U of M) who are drivers, dispatchers, mechanics and/or supervisors performing safety-sensitive functions for the University’s paratransit system. The overall goals of this testing program are to ensure a safe and drug-free transportation environment, to reduce the potential for accidents and casualties related to accidents involving University-owned /-leased vehicles, and to cooperate with the U.S. Department of Transportation and the transportation industry in efforts to eliminate the misuse of alcohol and the illegal use of controlled substances by University employees who are subject to FTA drug and alcohol testing laws.

With these objectives in mind, the following policy and procedures have been established for FTA-covered employees. Full compliance with the Drug Free University Policy and this DOT Drug and Alcohol Testing Program is a condition of employment with the University of Minnesota.

II. SCOPE

This Drug and Alcohol Testing Program Procedures for FTA-covered safety-sensitive employees applies to all full-time and part-time employees who are “covered employees” as defined in Section VI [A]. In addition, these procedures cover all applicants for positions as described in Section VI [A].

III. VIOLATIONS

A covered employee who violates the FTA prohibitions of these procedures (Section VI [B]), must be immediately removed from all FTA safety-sensitive functions (as defined in Section VI [C] of these Procedures). Under the University’s independent authority, violation of these procedures will also result in disciplinary action as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines.

The University also reserves the right to take action against a covered employee, where appropriate, for violation of other general University policies, procedures and/or rules, defined in rules that are separate from this policy.

IV. RULES OF CONDUCT

A. A covered employee may not engage in any of the conduct(s) prohibited in Section VI [B].

B. A covered employee who refuses to submit to required testing (see definition of refusal under section XII), under the University’s independent authority, will be considered to have voluntarily resigned.

C. Under independent authority as established by the Drug Free Workplace Policy, the University prohibits the possession of alcohol, or the sale, purchase, manufacture, possession or transfer of an illegal drug, or being under the influence of alcohol or of an illegal drug, during all work time, including meals and breaks, or at any time while on University property, at a job site, shipper/receiver site, truck stop, rest area, on University business, or in a University-owned /-leased vehicle.

D. Under independent authority, the University prohibits the use of any over-the-counter medication by a covered employee during working time if such use may detrimentally affect or endanger the safety of coworkers, customers or members of the public, or the employee’s job performance, or the safe or efficient operation of the University, or its property.

E. An employee who uses prescribed medication(s) for a controlled substance will not be permitted or required to perform covered service until and unless the primary Designated Employer Representative (DER) is provided with appropriate authorization from the prescribing licensed medical professional. [See explanation in Section V, Authorized Use of Controlled Substances.]
F. A covered employee who uses prescribed medication(s) for a controlled substance will not be permitted or required to operate a paratransit vehicle. [See explanation in Section V, Prescription Drugs Containing Controlled Substances.]

G. Cases of suspected trafficking, possession or use of illegal substances or drug paraphernalia on University property, in or on University vehicles will, under independent authority, be subject to disciplinary action as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines.

H. The University encourages employees who wish to voluntarily seek assistance for questions or problems related to drugs and alcohol to contact the University’s contracted service provider. FTA-covered safety-sensitive employees who seek assistance under the provisions of the Self-Identification (Section X) will be removed from safety-sensitive functions during the time of assessment and rehabilitation, but their admission of use will not be considered a FTA Drug and Alcohol Testing Program procedures violation.

I. If a covered employee is concerned about drug and alcohol use by a coworker at work, or of drug trafficking, or of safety or job performance as it relates to another employee’s drug and alcohol use, including managers and supervisors, such concern may be reported confidentially to the Designated Employer Representative (DER).

V. PRESCRIPTION DRUGS CONTAINING CONTROLLED SUBSTANCES

If a covered employee undergoes prescribed medical treatment with a controlled substance, he/she cannot drive a paratransit vehicle or perform other safety sensitive functions. The covered employee is required to report this treatment to the DER, who will take steps to investigate whether the covered employee’s job assignment can be temporarily changed during the period of treatment or whether other accommodations may be appropriate.

The University requires a covered employee to provide written documentation from the prescribing licensed medical practitioner that the covered employee no longer takes the medication(s) before being allowed to resume driving a paratransit vehicle or performing other safety sensitive functions. The University reserves the right to obtain an independent medical opinion regarding the potential effects of a prescription or over-the-counter drug on a covered employee’s ability to perform safety-sensitive functions or other aspects of his/her job. Further, the University reserves the right to place any covered employee taking medication(s) on non-safety-sensitive duty, when possible, pending a decision as to whether the covered employee may continue to perform his/her regular job duties while taking the medication(s).

The University may, as it determines necessary, and when possible, temporarily reassign the covered employee to non-safety-sensitive functions for the duration of his/her use of such drug(s). However, due to the safety-sensitive nature of most of the jobs that involve safety-sensitive work, the University can make no guarantee that these accommodations can always be made.

If a covered employee engages in illegal use of prescription medications for controlled substances, such as exceeding the recommended dosage, the illegal use by the covered employee will result in disciplinary action as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines.

VI. TESTING FOR CONTROLLED SUBSTANCES AND ALCOHOL

University Health and Safety—Biosafety and Occupational Health Department (UHS-BOHD) will conduct controlled substance and alcohol testing of all FTA-covered safety-sensitive employees and applicants in compliance with regulations established by the U.S. Department of Transportation (DOT), 49 CFR Part 40 and the Federal Transit Administration (FTA), 49 CFR Part 655.

A. COVERED EMPLOYEES

In accordance with U.S. Department of Transportation FTA Regulations, employees subject to drug and alcohol testing are those employees who:
• Drive a paratransit vehicle
• Dispatch or control movement of a paratransit vehicle
• Maintain a paratransit vehicle
• Security personnel who carry firearms

B. DOT PROHIBITED CONDUCT:

A covered employee shall not:
• Report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
• Use alcohol, including medications containing alcohol, while performing safety-sensitive functions.
• Perform safety-sensitive functions within four (4) hours after using alcohol, including the use of medications that contain alcohol.
• Use alcohol for eight (8) hours following an accident, or until the covered employee has undergone a post-accident test, whichever occurs first.
• Use alcohol for the specified on-call hours of each covered employee who is on-call.
• Use controlled substances at any time unless legally prescribed (See V. Authorized Use of Controlled Substances (Prescription Drugs). Controlled substances include: marijuana (THC), cocaine, opiates, phencyclidine (PCP), amphetamines (including methamphetamines), and any of their metabolites.
• Refuse to submit to a pre-employment, post-accident, random, reasonable suspicion, or follow-up alcohol or drug test.
• Report for duty or remain on duty requiring the performance of safety-sensitive functions when he/she uses any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has given written authorization for the use of a controlled substance that does not adversely affect the covered employee’s ability to safely perform their duties.

If a covered employee engages in any of the conduct(s) prohibited in (B) above, the covered employee will not be allowed to continue to perform safety-sensitive functions. He/she shall be immediately removed from all safety-sensitive work (See definition: safety-sensitive in section XII) and will be referred to a Substance Abuse Professional (SAP) for evaluation. The covered employee will also be subject to disciplinary action as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines.

A covered employee who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, may not perform safety-sensitive functions (See definition: safety-sensitive) until the employee’s alcohol concentration measures less than 0.02 on a subsequent test, or until the start of the employee’s next regularly scheduled duty period, but not less than eight (8) hours following administration of the test.

The University will require a covered employee whose alcohol test result is greater than 0.02 but below 0.04 on a third incident to submit to an evaluation by the University’s contracted service provider, to release the results of that assessment to the University, and to follow completely the recommendations made by that contracted service provider. A covered employee who fails to follow these requirements will be subject to disciplinary action, as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines.

C. REQUIRED TESTING

As provided in FTA rules and regulations, a covered employee or applicant shall be subject to pre-employment/pre-placement testing for controlled substances, and random, reasonable suspicion, post-accident, return-to-duty, and follow-up testing for alcohol and controlled substances.
1. **Pre-employment / Pre-placement Testing**

Every applicant for a safety-sensitive position who receives a job offer from the University must submit to a urine drug test. The offer is contingent on the applicant providing a negative test result.

Each applicant will be asked whether he/she has tested positive, or refused to be tested, on a DOT pre-employment drug or alcohol test for any DOT employer during the previous two (2) years. An applicant who has previously tested positive, or refused to be tested, will not be considered for employment until or unless he/she successfully completes DOT’s return to duty process. (See Section VIII, Consequences of Prohibited Conduct).

If the applicant is a new hire, the testing must be completed, and a negative test result must be received, before the covered employee will be permitted to perform safety-sensitive functions. If the pre-employment test result is positive, the job offer will be immediately withdrawn, and the applicant will be provided with names, addresses and phone numbers of qualified SAPs. Costs related to SAP services and treatment recommendations will be the responsibility of the applicant. The applicant cannot be reconsidered unless and until he/she completes a SAP assessment and recommended assistance (Section VIII, Consequences of Prohibited Conduct).

An applicant who has previously refused to be tested or who provided a positive test result on a DOT pre-employment drug test for any other employer will be expected to report those test results at the time of application. Under the University’s independent authority, failure to do so will constitute falsification of application information, and when discovered, will result in removal from consideration for employment. If the individual is already working when this is discovered, the employee will be immediately removed from safety-sensitive functions, and will be considered for return to safety-sensitive functions only after successfully completing a SAP assessment, the SAP’s recommendations, and providing a negative Return-to-Duty test.

If an applicant has recently successfully complied with a SAP’s recommendations as the result of a violation while working for a previous employer, the applicant’s pre-employment test will be considered to also be a Return-to-Duty test. When significant time has lapsed since the SAP’s report of compliance, the University also reserves the right to require an additional, second follow-up evaluation to be conducted by a SAP, designated by the University’s contracted service provider, to verify that the applicant is currently free of drug use, prior to being hired.

An applicant is required to sign a form authorizing the DER to obtain from all previous employers (in the previous two [2] years) a report of all DOT violations, including positive test results and refusals to be tested. The DER will also request copies of Substance Abuse Professional (SAP) reports related to any of these violations. An applicant with a violation cannot be hired until the DER has received a SAP's report of successful compliance, including a follow-up testing plan requirement.

If the applicant is a current employee who is promoted or transferred to a position or assignment, a negative pre-employment drug test result must be received before the employee assumes the new position or assignment. If the test result is positive, the offer of promotion or transfer will be immediately withdrawn, and the employee will return to his/her previous position. If the employee intends to re-apply for a DOT-covered position, he/she must complete a SAP return-to-duty process, with a SAP's report of compliance with the SAP's recommendation for treatment and education.

If a covered employee or applicant has not performed a safety-sensitive function for ninety (90) consecutive calendar days regardless of the reason, and the employee has not been in the University’s random selection pool, a negative pre-employment drug test result must be received before the employee returns to performing safety-sensitive functions.
2. **Post-accident Testing**

A post-accident drug and alcohol test must be conducted as soon as possible when the following conditions occur:

1. **If an individual dies (Fatal Accident):** As soon as possible following an accident, (See Section XII, Definitions), the surviving FTA-covered safety-sensitive employee(s) involved in the accident and other covered employees who could have contributed to the accident must be tested for alcohol and controlled substances.

2. **If an individual suffers bodily injury and immediately receives medical attention away from the scene of the accident; or if one or more vehicles incurs disabling damage as the result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle (Non-Fatal Accident):**

   As soon as possible following an accident, (See Section XII, Definitions), the surviving FTA-covered safety-sensitive employee(s) involved in the accident and other covered employees who could have contributed to the accident must be tested for alcohol and controlled substances unless the covered employee’s performance can be completely discounted as a contributing factor to the accident.

   The decision not to administer a drug and/or alcohol test shall be based on the University’s determination, using the best available information at the time of the determination that the employee’s performance could not have contributed to the accident. Such a decision must be documented in detail, including the decision-making process used to reach the decision not to test.

   a. A post-accident alcohol test, when required, must be administered as soon as possible, but within eight (8) hours following the accident.

      If testing is required but is not conducted within two (2) hours, the reasons the test was not conducted within two hours must be documented. After eight (8) hours, there will be no more attempts to conduct an alcohol test. If the test is not conducted, the reasons the test was not conducted must be documented.

   b. A post-accident drug test, when required, must be administered as soon as possible, but within thirty-two (32) hours following the accident.

      If testing is required but is not conducted within two (2) hours, the reasons the test was not conducted within two hours must be documented. After thirty-two (32) hours, there will be no more attempts to conduct a drug test. If testing is required but is not able to be conducted within thirty-two (32) hours, the reasons the test was not conducted must be documented.

A covered employee who is subject to post-accident testing shall remain readily available for such testing. If the covered employee is not available for any reason, except for leaving the accident scene for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care, the University will consider the covered employee to have refused to submit to testing.

After a covered employee has submitted to a post-accident test, he/she will be not permitted to drive any University vehicles until negative results for alcohol and controlled substances tests have been confirmed.

Even if highway enforcement or other officials conduct a drug or alcohol test following an accident, covered employees are still subject to DOT testing under these employer rules. In the event that Federal, state, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, and a DOT test is required but is not able to be conducted, the tests conducted by law enforcement may meet the requirement of this section, provided those tests conform to applicable Federal, state, or local requirements. The University will request test results and other pertinent documentation from such agencies or law enforcement authorities, and
will require the covered employee to sign a release allowing the DER to obtain such
information. Under the University’s independent authority, a covered employee who
refuses to sign such a release will be subject to disciplinary action as established by
University Human Resources Policies and Procedures, bargaining unit agreements, Civil

In the event that a covered employee is so seriously injured that the covered employee
cannot provide a sample of urine or breath at the time of the accident, the University
requires that the covered employee provide necessary authorization for the DER to obtain
hospital records or other documents that would indicate whether controlled substances or
alcohol were present (and the resulting levels) in the covered employee’s body at the time
of the accident. Under the University’s independent authority, a covered employee who
refuses to sign such a release will be subject to disciplinary action as established by
University Human Resources Policies and Procedures, bargaining unit agreements, Civil

3. Random Testing

A percentage of covered employees will be subject to random alcohol and drug testing
each year. The percentage of covered employees to be tested will be as determined
annually by FTA and published in the Federal Register every January. (At the effective
date of these procedures, the minimum annual percentages are ten [10] percent of the
average number of covered employee positions for alcohol testing, and twenty five [25]
percent of the average number of covered employee positions for drug testing.)
Selections of covered employees to be tested shall be done by a scientifically valid
method that provides that each covered employee will have an equal chance of being
selected each time that selections are made. Thus, a covered employee might be selected
more than once during a year.

a. Random tests will be unannounced; the dates for random tests will be spread
throughout the year. The random tests will also be spread throughout all hours of
operations.

b. A covered employee who is selected for random testing will be required to report
to the collection site immediately upon notification. If the covered employee
engages in conduct that does not lead to a collection as soon as possible after
notification, such conduct may be considered as a refusal to submit to a test. The
covered employee will be in a duty status (paid) from the time he/she leaves to
go to the collection site until the time he/she returns from the collection site.

c. A random test for alcohol shall be scheduled to occur only just prior to, during,
or just after performing a safety-sensitive function, or at any time that the
covered employee is in readiness to perform a safety-sensitive function. Under
independent authority, the University considers all covered employees to be in
readiness at all times when they are on duty. If on-call hours have been specified,
the employee is considered to be in readiness for those on-call (4) hours and for
the four hours prior.


d. A random test for controlled substances can be scheduled at any time the
covered employee is on duty, and is not related to when the covered employee is
performing a safety-sensitive function.

e. A covered employee who has been selected for random testing must be tested in
that testing period. FTA regulations do not permit a replacement to be named if
the selected employee is unavailable for testing.

f. The DER will maintain participation in a qualified consortium for its random
selection process.

4. Reasonable Suspicion Testing
The University shall require a covered employee to submit to drug and/or alcohol testing for reasonable suspicion when a supervisor has reason to believe that a covered employee has engaged in prohibited conduct (See Section VI[B], Prohibited Conduct), based on direct observation of the covered employee’s appearance, behavior, speech, and/or body odor. Such covered employee conduct must be witnessed and documented by a supervisor or other University official who has been trained in compliance with FTA rules and regulations. Should a supervisor determine that a covered employee might have violated a prohibition of these regulations, the covered employee must be removed from safety-sensitive duties and the covered employee must promptly submit to testing. Documentation is required for both drug and alcohol reasonable suspicion. Documentation for a drug test must be signed and submitted to the DER within 24 hours, and for an alcohol test, prior to the alcohol test. Submission of the documentation to DER will not constitute a reason to delay such testing.

A covered employee who is represented by a bargaining unit and who is requested by a supervisor to submit to reasonable suspicion testing may request to have a union representative present, provided the covered employee signs a consent letter for the supervisor to notify the union representative of the request for testing. When the suspicion involves drugs only, the University will allow a maximum of one-half hour for the union representative to arrive and accompany the employee through the collection process. When the suspicion involves alcohol only, or alcohol and drugs, the union representative may be notified, but because FTA requires alcohol testing to occur in a timely manner, the half-hour time allowance will not apply. If the union representative is not immediately available, he/she may have to arrange independent transportation to the collection site, as regulations do not allow for delay of the collection process.

Observation and testing for reasonable suspicion for controlled substances use can occur at any time the employee is on duty, and is not related to when he/she performs safety-sensitive functions. A trained supervisor’s determination will be based on a covered employee’s appearance, behavior, speech and/or body odor, and on chronic and withdrawal effects of drug use when combined with other factors listed. A covered employee who is suspected of controlled substances use must be immediately withdrawn from safety-sensitive functions and is required to undergo drug testing.

Observation and testing for reasonable suspicion for alcohol use can occur only just prior to, during, or just after the employee’s performance of safety-sensitive function, or at any time that the employee is in readiness to perform safety-sensitive function. A trained supervisor’s determination of suspected alcohol use will be based on a covered employee’s appearance, behavior, speech and/or body odor. A covered employee who is suspected of alcohol misuse must be immediately withdrawn from safety-sensitive functions and cannot return unless an alcohol test has been conducted with an alcohol concentration that measures less than 0.02.

An alcohol test for reasonable suspicion should be administered within the first two (2) hours. If alcohol testing is not conducted within two (2) hours, the reasons the test was not conducted must be documented. If alcohol testing then is not conducted within the next eight (8) hours, the reasons the test was not conducted must again be documented. After eight (8) hours, there will be no more attempts to conduct an alcohol test.

If no alcohol test is conducted at all, the covered employee cannot perform safety-sensitive functions until eight (8) hours have elapsed following the original determination of reasonable suspicion of alcohol use. If this covered employee must return to safety-sensitive functions before 8 hours have passed, he/she may do so only after taking an alcohol test and receiving a test result below 0.02.

5. **Return-to-Duty Testing**

Under FTA regulations, before a covered employee can be considered for reinstatement a refusal to submit to a test, a verified positive drug test result and/or a positive alcohol test, the covered employee must provide a negative Return-to-Duty drug and/or alcohol test,
depending on the substance(s) involved in the prohibited conduct. A Substance Abuse Professional (SAP) may, however, order testing for both alcohol and controlled substances.

The University reserves the right to withhold a final decision regarding reinstatement of a covered employee until after a negative result of a Return-to-Duty test has been received.

A positive Return-to-Duty test result is another DOT violation, and a covered employee will be subject to disciplinary action as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines. A covered employee with a positive Return-to-Duty test will be required to complete an entirely new SAP process. A covered employee will not be returned to safety-sensitive functions until a negative result is obtained.

In accordance with DOT rules, a return-to-duty test must be an observed collection.

Under independent authority, the employee’s department will pay for the Return-to-Duty test.

6. **Follow-up Testing**

A covered employee, who returns to duty after complying with the recommendation of a Substance Abuse Professional, and after providing a negative result on a Return-to-Duty test, is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the Substance Abuse Professional. Follow-up testing may be scheduled for a period of up to sixty (60) months, and must include no fewer than six (6) tests to be conducted in the first twelve (12) months after the employee’s return-to-duty date.

Follow-up alcohol testing shall be conducted only just prior to, during, or just after the covered employee’s performance of safety-sensitive functions, or when the covered employee is in readiness to perform safety-sensitive function. Follow-up drug tests may occur any time a covered employee is on duty.

Under independent authority, the employee’s department will pay for the cost of all follow-up tests and may retroactively collect the cost of tests from the covered employee.

When the employee’s department, under independent authority, has terminated a covered employee from employment, the responsibility for any remaining follow-up tests recommended by a SAP must be assumed by the covered employee’s gaining employer, provided the covered employee is offered employment as a DOT-covered employee with a new employer.

If a newly hired covered employee is subject to follow-up testing from a previous violation while working for a previous employer, under independent authority of the covered employee’s department will pay the costs of any remaining follow-up tests as required by a Substance Abuse Professional and may retroactively collect the cost of follow-up tests from the covered employee.

D. **GENERAL TESTING INFORMATION (STANDARDS AND INTEGRITY OF THE TESTING PROCESS)**

1. All tests shall be conducted as specified in U. S. Department of Transportation’s 49 CFR Part 40, *Procedures for Transportation Workplace Drug and Alcohol Testing Programs*.

2. An applicant or covered employee has the right to request and receive a copy of the test result report on any drug or alcohol test for which he/she provided a urine or breath sample. For alcohol test results, the request should be made in writing to the DER. For drug test results, the request can be either verbal or in writing, and addressed to the Medical Review Officer (MRO).

3. Collection and testing procedures will be such as to protect the covered employee and the integrity of the testing process, safeguard the validity of the test results, and ensure that test results are attributed to the correct covered employee.
4. When a covered employee is required to obtain a medical examination by a medical specialist (related to inability to provide a sufficient breath or urine specimen), the University will not be responsible for any costs associated with that examination.

5. Results of additional tests arranged by an employee, or requested by a medical practitioner, will not be considered. This includes testing of blood samples, hair samples, DNA, or any other testing methods or protocols.

E. ALCOHOL TESTING AND THE REPORTING OF ALCOHOL TEST RESULTS

1. Alcohol tests (screening and confirmatory) will be performed on a device that appears on the National Highway Traffic Safety Administration’s (NHTSA) Conforming Products List (CPL) and that meets the DOT’s testing requirements.

2. When a specific time for a covered employee’s test has been scheduled, and the employee does not appear at the collection site at the scheduled time, the Breath Alcohol Technician (BAT) will contact our DER, who may determine that the employee has refused to be tested.

3. For alcohol testing (screening and confirmatory), a breath sample will be collected and analyzed by a BAT using an Evidential Breath Testing device (EBT).

4. If the result of the screening test indicates an alcohol concentration of 0.02 or greater, a BAT will perform a confirmatory test, no less than fifteen (15) and no more than thirty (30) minutes after the completion of the screening test.

5. If the confirmatory test is positive (0.04 and above), the BAT shall immediately notify the DER.

6. Random, reasonable suspicion and follow-up alcohol testing must be done just before, during, or just after a covered employee performs safety-sensitive function, or at any time the covered employee is in readiness to perform safety-sensitive function.

7. A required Return-to-Duty alcohol test must be completed, with a negative test result, prior to a covered employee returning to performing any safety-sensitive-function.

8. An employee with an alcohol test result of 0.02 or greater but less than 0.04 may be returned to safety-sensitive functions before 8 hours have passed as soon as a subsequent alcohol test result is less than 0.02.

F. CONTROLLED SUBSTANCES TESTING, THE MRO PROCESS AND THE REPORTING OF DRUG TEST RESULTS

1. All controlled substances testing specimens shall be analyzed by a laboratory that is approved by the U. S. Department of Health and Human Services (DHHS), and that observes applicable chain-of-custody procedures.

2. When a specific time for a covered employee’s test has been scheduled, and the covered employee does not appear at the collection site at the scheduled time, the collection site personnel will contact our DER, who may determine that the covered employee has refused to be tested.

3. At the collection site, the covered employee will be required to empty his/her pockets and display the items in them. A refusal to empty all pockets as directed by the collector will be a refusal to be tested.

4. If a urine specimen temperature is outside the acceptable range (90 – 100 degrees F.), the collector must immediately require a new collection, under direct observation.

5. A covered employee who refuses to provide a second specimen, or who refuses to permit a direct observation collection, will be determined to have refused to be tested.

6. When a specimen for a drug test is collected under observed conditions, the observer must request the employee to raise his/her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the observer that the employee does not
have a prosthetic device. The employee may then return clothing to its proper position for observed urination.

7. The DHHS-approved testing laboratory shall forward the results of every drug test to a University-designated Medical Review Officer (MRO) for review.

8. If the test result is negative, the result will be reported by the MRO to the DER.

9. If the test result is confirmed positive, adulterated, substituted or invalid, the covered employee will be given an opportunity to discuss the test result with the MRO.

10. If the test result is verified as positive, or as a refusal to test because of adulteration or substitution, the MRO shall inform the covered employee of his/her right to request a retest of the same specimen at a different DHHS-approved laboratory, and of the process for doing so. Such request must be made by the covered employee, verbally or in writing to the MRO, within seventy-two (72) hours of the covered employee having been informed of a verified positive test result.

11. The covered employee’s department, under independent authority, will pay for the cost of a retest and may retroactively collect the cost of tests from the covered employee.

12. If, after making 3 attempts in a 24-hour period, the MRO is not able to contact the covered employee, the MRO shall report to the DER that all reasonable efforts have been made to contact the covered employee, without success. The DER shall then, as soon as practicable, ask the covered employee to contact the MRO within the next seventy-two (72) hours, and shall apprise the MRO that the covered employee has been so notified.

13. The MRO may verify a test as positive without communicating with the covered employee if:
   a. The covered employee expressly declines the opportunity to discuss the test result; or
   b. The DER has successfully made and documented a contact with the covered employee and instructed the covered employee to contact the MRO and more than 72 hours have passed since the time the employee was successfully contacted by the DER; or
   c. Neither the MRO nor the DER, after making all reasonable efforts, has been able to contact the employee within 10 days of the date on which the MRO receives the confirmed positive test result from the laboratory.

14. If a test is verified positive under the circumstances specified in #13 (b c) above, the covered employee may, within 60 days, present to the MRO information documenting that serious illness, injury or other circumstances unavoidably prevented the covered employee from being contacted by the MRO or the DER, or from contacting the MRO, as applicable, within the times provided. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the confirmed positive test. If the MRO concludes that there is a legitimate explanation, the MRO will declare the test to be negative.

15. When a required drug test (pre-employment, return-to-duty, or follow-up) is canceled, the covered employee will be required to immediately take another test, with minimum advance notice.

16. A positive dilute drug test will be considered to be a positive test.

17. When the MRO reports a negative dilute test result with creatinine level greater than or equal to 2 mg/dL but equal to or less than 5 mg/dL, DOT regulations require the employee to submit to an immediate recollection under direct observation, with minimum advance notice. (A refusal to provide this second specimen will be a refusal to be tested.)

18. A negative dilute drug test (or the report of an invalid specimen) will result in the employee being required to immediately take another test, unobserved, with minimum advance notice. (A refusal to provide this second specimen will be a refusal to be tested.)
19. If, in the MRO's opinion, the covered employee provides information that medically disqualifies the employee from performing safety-sensitive functions, or that causes the MRO to have concern about the employee’s ability to safely perform his/her safety-sensitive duties, the MRO is required to give that information to the DER.

20. After verifying the test results, the MRO shall report the test results in a confidential manner to the DER. The MRO's report will include:
   a. The covered employee’s name and Social Security # or employee ID #;
   b. The date of the collection;
   c. The reason for the test (e.g., random, post-accident, etc.);
   d. The test results will be reported as either positive (with the identity of the specific controlled substance), negative, dilute, refusal to test, or canceled, and the date the result was verified by the MRO.

21. A required Return-to-Duty drug test must be completed, with a negative test result, prior to a covered employee returning to performing any safety-sensitive function.

VII. TEST RECORDS

Records pertaining to the alcohol and controlled substances testing program shall be maintained in secured and locked confidential files within University Health and Safety’s offices. Access to these records shall be limited to the DER.

Records and report data shall be maintained as specified in FTA’s rules and regulations.

Except as required by law or expressly authorized or required by FTA’s rules and regulations, covered employee testing information maintained under the alcohol and controlled substances testing program will be released only to the covered employee (on written request), or to an identified person as directed by the specific, written consent of the covered employee authorizing the release of the information.

VIII. CONSEQUENCES OF PROHIBITED CONDUCT

If an applicant who has tested positive, or who refused to be tested, intends to reapply to the University, or to another transportation industry employer, he/she must first successfully complete a SAP assessment and recommended treatment or education.

When the DER receives notice of a covered employee’s verified positive drug or alcohol test result, or of a verified refusal to be tested, the covered employee will be immediately removed from all FTA safety-sensitive functions (see definition: safety-sensitive function), and will not be permitted or required to return to performing safety-sensitive functions until or unless the covered employee successfully completes the return-to-duty process that is required by FTA under this regulation.

The covered employee will receive, from the DER, the phone number of the University’s contracted service provider. Under independent authority, the DER will accept an evaluation conducted only by SAPs recommended/approved by the University’s contracted service provider. Additionally, DOT regulations do not permit a covered employee to obtain a second SAP's evaluation. If a covered employee does obtain a second SAP's opinion, DOT regulations do not permit UHS-BOHD to accept or acknowledge that second opinion.

If the covered employee wants his/her position to be held open, the University requires the covered employee (within three [3] working days) to notify the DER of a scheduled SAP appointment for assessment and evaluation. If no such notification is made, the University will assume the covered employee has voluntarily resigned.

If a covered employee refuses to submit to testing, under the University’s independent authority, the covered employee will be considered to have a positive test result and will be immediately removed from safety-sensitive work, referred to a SAP and will also result in disciplinary action as established by
University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines.

DOT rules and regulations do not permit the University to consider a covered employee for return to safety-sensitive functions until the covered employee has been evaluated by a qualified SAP, and has successfully complied with the SAP’s recommendation(s) for rehabilitation and/or education.

If and when possible, the University will reassign a covered employee to non-safety-sensitive functions while he/she is following the SAP’s recommended program of assistance and/or education. However, due to the safety-sensitive nature of most of the jobs that involve the University’s paratransit system, the University can make no guarantee that these accommodations can or will be made.

Under independent authority, the employee’s department will temporarily hold a covered employee’s position open when that covered employee has been removed from safety-sensitive functions as a consequence of engaging in prohibited conduct. The University will require the Substance Abuse Professional (SAP) to report weekly by phone to the DER regarding the covered employee’s continued participation in the SAP’s recommended program. If it is reported by the SAP that the covered employee is not fully cooperating with the recommendation, or that the covered employee has dropped out of the recommended program, the University may at that time consider the covered employee to have voluntarily resigned, and may take steps to fill the position with another covered employee or applicant.

A covered employee who is following a SAP’s recommendation of treatment may access benefits under Family and Medical Leave Act (FMLA), provided he/she is eligible for such benefits. The University will permit a covered employee who has been removed from safety-sensitive functions under these regulations to request leave during the assessment and/or treatment phase.

Upon receiving a SAP’s report of compliance with recommendations, The DER will arrange for the covered employee to take a return-to-duty test. In order for the employee to return to safety-sensitive functions, this return-to-duty test must have a negative test result.

The University, under independent authority, requires that any costs incurred in regard to services provided by a SAP, or of treatment and/or education recommended by the SAP, which are not covered by a covered employee’s insurance plan, will be the responsibility of the covered employee.

When a SAP requires a covered employee to participate in a program of aftercare, the covered employee’s compliance with that requirement will be monitored by the contracted service provider or the SAP. Under independent authority, any costs related to this monitoring will be the responsibility of the covered employee. The aftercare requirement will be included in a Return-to-Duty Agreement, which must be signed by the covered employee. Failure to sign such agreement, or failure to adhere to the terms of a signed agreement, will result in termination of employment.

IX. EDUCATION AND TRAINING

Any covered employee who has questions or concerns regarding these procedures may seek clarification and further details from the DER.

A copy of this policy will be provided to each covered employee. Educational materials concerning the effects of alcohol and controlled substances use on an individual’s health, work and personal life, signs and symptoms of an alcohol or controlled substances problem (the covered employee’s or a coworker’s) and available methods for intervening when an alcohol or controlled substances problem is suspected, will be provided to each covered employee. Answers to questions about these materials may be addressed to the DER.

The most current version of these procedures is an appendix to: http://policy.umn.edu/finance/vehicles.

Attendance at training programs will be mandatory for covered employees, supervisors and other employees involved in administering the controlled substances/alcohol testing program.

Covered employees will receive at least 60 minutes of training on the effects and consequences of prohibited drug use on health, safety and the work environment and on the signs and symptoms that may indicate prohibited drug use.
Supervisors who are designated to determine whether or not reasonable suspicion exists and who then order a FTA covered employee to undergo testing under FTA rules and regulations, will receive at least 60 minutes of training on recognizing alcohol misuse, and at least 60 minutes of training on recognizing controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

All covered employees and supervisors who participate in training will be given a certificate of completion of such training. The original certificate will be kept in the Office of the DER, and a copy will be provided to each covered employee and supervisor for his/her own records, when requested.

X. SELF-IDENTIFICATION

The University encourages covered employees who recognize that they may have a problem with drugs and/or alcohol to seek assistance for resolving that problem before they have a FTA violation due to a positive test result or because they engaged in other FTA prohibited conduct.

A covered employee who admits to a drug and/or alcohol problem will not be assumed to have a FTA violation. He/she will be given an opportunity to obtain a chemical use assessment from the University’s contracted service provider.

The University will adhere to the following terms;

• The University will take no adverse action against a covered employee who admits to drug and/or alcohol use under the terms above, provided he/she cooperates with the assessment and recommendations for treatment.

• A covered employee who self-identifies under this program will be given reasonable time to obtain the required assessment and assistance.

• A covered employee who complies with all requirements, and who complies satisfactorily with the contracted service provider's recommendations for assistance, will be permitted to return to safety-sensitive functions.

• A covered employee who cooperates and successfully complies with this program will not be considered to have had a FTA violation.

XI. OTHER CONSEQUENCES

The following consequences (any other consequences described in these procedures that differ from the minimum requirements of FTA rules and regulations) are imposed by the University under independent authority as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines, and are not required by FTA regulations.

A. Termination of Employment

1. The University will not guarantee reinstatement of a covered employee who has been removed from safety-sensitive functions after engaging in prohibited conduct, even when that employee is involved and cooperating in DOT's return-to-duty process. The University reserves the right to withhold a final decision regarding reinstatement until after results of a return-to-duty test have been received.

2. A covered employee who engages in prohibited conduct (Section VI[B]) a second time will be subject to disciplinary action as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines.

3. A covered employee who tests positive for controlled substance or whose test indicates alcohol concentration of 0.04 or greater following a fatal accident will, under FTA rules, be immediately removed from service and under the University’s independent authority, will be subject to disciplinary action as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines.
4. A covered employee who is convicted of driving under the influence of controlled substances and/or alcohol while on duty will be subject to disciplinary action up to and including termination of employment as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines.

5. A covered employee who refuses to submit to required testing for alcohol and/or controlled substances will be subject to disciplinary action as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines.

6. A covered employee who provides three alcohol test results that are greater than 0.02 but below 0.04, and whose employment is not terminated as provided herein, will be terminated from employment if he/she refuses to be assessed by a University-approved assessor, or refuses to sign a release of information for the University to receive assessment results, or refuses to participate in or complete a program of rehabilitation or treatment recommended by the assessor.

7. When a covered employee has not reported a scheduled SAP appointment within three (3) working days after receiving the SAP’s name and phone number, the University will no longer continue to hold the covered employee’s position open, and will consider the covered employee to have voluntarily resigned and no longer eligible for rehire by the University’s paratransit system.

8. If a SAP reports that a covered employee is not cooperating, or has dropped out of the program, the covered employee subject to disciplinary action as established by University Human Resources Policies and Procedures, bargaining unit agreements, Civil Service Rules, and P&A Guidelines and will take steps to replace the covered employee.

9. When it is discovered that a covered employee provided false information regarding previous test results on pre-employment tests, or when other information on the application has been falsified, the employee will be immediately removed from safety-sensitive functions, and required to complete a SAP assessment and return-to-duty test before being considered for return to safety-sensitive functions.

B. Suspended Status

1. When a covered employee’s alcohol test result is above 0.02 but less than 0.04, FTA regulations require that the covered employee be removed from safety-sensitive functions (See definition: safety-sensitive) for eight (8) hours. Under independent authority, the covered employee’s department may consider this to be unpaid leave.

2. When a covered employee is using a prescription medication for a controlled substance and provides no written notice or authorization from a licensed medical practitioner advising that the covered employee may continue to perform safety-sensitive functions while using the medication, the covered employee’s department reserves the right to place the covered employee on unpaid leave until such information is received by the DER or until the medication is no longer required.

3. A covered employee who is charged by any governmental authority with driving under the influence of controlled substances and/or alcohol while on duty will be placed on unpaid leave, pending resolution of the charge.

XII. DEFINITIONS

- **Accident** means an occurrence involving a vehicle in which:
  a. There is the loss of human life, or;
  b. anyone receives bodily injury and immediately receives medical treatment away from the accident scene, or;
c. Any involved vehicle sustains disabling damage as defined in these procedures as the result of this occurrence and a vehicle is transported away from the scene by a tow truck or other vehicle.

- **Actual knowledge** means actual knowledge by a supervisor or manager that a covered employee has used alcohol on duty based on the supervisor’s or manager’s direct observation of the covered employee or, a covered employee’s admission of alcohol use.

- **Adulterated specimen** means a specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that it is not a normal physiological concentration.

- **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

- **Alcohol concentration (or content)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

- **Alcohol use** means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

- **Aliquot** mean a fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

- **Breath Alcohol Technician (BAT)** is person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

- **Canceled test** means a drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is otherwise required, by 49 CFR Part 40, to be canceled. A canceled test is neither a positive nor a negative test. The University will not take adverse job action based on a canceled test.

- **Collection site** means a place designated by University Health and Safety—Biosafety and Occupational Health Department where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of controlled substances, or for purposes of providing a breath sample to be analyzed for alcohol concentration.

- **Confirmatory test**
  
a. For alcohol testing, a confirmatory test is a second test following a screening test with a result of 0.02 or greater, conducted 15-30 minutes later, that provides quantitative data of alcohol concentration. This test is performed on an Evidential Breath Testing device (EBT), and is conducted by a Breath Alcohol Technician (BAT).
  
b. For controlled substances testing, a confirmatory test is a second analytical procedure to identify the presence of a specific drug or metabolite. This confirmatory test is independent of the initial test and uses a different technique and chemical principle from that of the screening test in order to ensure reliability and accuracy.

- **Consortium** means a service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to University Health and Safety—Biosafety and Occupational Health Department.

- **Controlled substances tested for** means marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamines.)

- **Covered employee** means a person, including an applicant or transferee, who performs or will perform a safety-sensitive function for an entity subject to 49 CFR Part 655. Any person who operates a revenue service vehicle. This includes, but is not limited to: full time, regularly employed employees; casual, intermittent or occasional employees who are employed by the University, or who operate a revenue service vehicle at the direction of or with the consent of the University.

  A volunteer is a covered employee if:

  1. The volunteer is required to hold a commercial driver’s license to operate the vehicle; or
  2. The volunteer performs a safety-sensitive function for an entity subject to CFR Part 655 and receives remuneration in excess of his or her actual expenses incurred while engaged in the volunteer activity.
• **DER (Designated Employer Representative)** means an employee(s) authorized by the University to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results, schedule tests, communicate test results and maintain test records, SAP reports and other communications on behalf of the University, consistent with the requirements of 49 CFR Part 40 and is the primary resource for questions related to these Procedures, works in conjunction with the Human Resources Representative (HRR) when there is a violation under these Procedures. (The University’s DER is an appointed employee in University Health and Safety—Biosafety and Occupational Health Department.)

• **DHHS-approved laboratory** means a laboratory that is certified under the U.S. Department of Health and Human Services Mandatory Guidelines for Federal workplace drug testing programs. Drug tests for the University’s covered employees will be performed by a DHHS-certified laboratory.

• **Dilute specimen** means a urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

• **Disabling damage** means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.
  
  **Inclusions**
  o Damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

  **Exclusions**
  i. Damage that can be remedied temporarily at the scene of the accident without special tools or parts.
  ii. Tire disablement without other damage even if no spare tire is available.
  iii. Headlight or taillight damage.
  iv. Damage to turn signals, horn, or windshield wipers that make them inoperative.

• **DOT rules and regulations** include rules and regulations established by U.S. Department of Transportation (DOT) and Federal Transit Administration (FTA).

• **Employer** means any person who owns or leases a revenue service vehicle or who assigns persons to operate such a vehicle. In these procedures, Employer means the University, including its agents, officers, and representatives.

• **FTA** means Federal Transit Administration, an Operating Administration of the U.S. Department of Transportation (DOT).

• **Human Resources Representative (HRR)** means a Human Resources employee from an FTA-covered employee’s administrative unit, department, or campus who will be involved in deciding what disciplinary action to take against the FTA-covered employee when there is a violation under these procedures.

• **Initial drug test** means an immunoassay test to eliminate “negative” urine specimens from further consideration and to identify the presumptively positive specimens that require confirmation or further testing.

• **Initial validity test** means the first test used to determine if a urine specimen is adulterated, diluted, or substituted.

• **Invalid result** means the result reported by a laboratory for a urine specimen that contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

• **Job applicant** means a person, independent contractor, or person working for an independent contractor, who applies to become an employee of the University, and includes a person who has received a job offer made contingent on the person passing a drug test.

• **Medical Review Officer** means a licensed physician responsible for receiving laboratory results generated by University Health and Safety’s drug testing program who has knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his/her medical history and any other relevant biomedical information.
• **Non-negative specimen** means a urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s), and/or invalid.

• **Oxidizing adulterant** means a substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

• **Positive Test (alcohol)** occurs when a covered employee’s confirmatory test result reads 0.04% or higher.

• **Positive Test (drug)** occurs when a covered employee’s confirmatory test or retest result is at or above cutoff levels specified by DHHS in DOT rules and regulations, and has been verified by the MRO to be a positive test.

• **Random selection** means a scientifically valid method for selection of covered employees to be tested that results in an equal probability that any covered employee from a group of covered employees subject to the selection mechanism will be selected, and does not give an employer discretion to waive the selection of any employee under the mechanism. Thus, a covered employee might be selected more than once during a year.

• **Reasonable suspicion** means a belief that a covered employee has violated alcohol or controlled substances prohibitions, based on specific, contemporaneous, documentable observations concerning the appearance, behavior, speech, or body odors of that employee. In the case of controlled substances, the observations may include indicators of the chronic and withdrawal effects of controlled substances.

• **Refusal to submit to a required alcohol test** includes failure to appear for any alcohol test, or within a reasonable time, failure to provide a breath specimen for a required test, failure to remain at the testing site until the testing process is complete, failure to provide a sufficient breath specimen without a medical explanation, failure to undergo a medical examination following inability to provide a sufficient breath specimen, refusal to sign Step 2 of the Alcohol Testing Form, and failure to cooperate with the testing process.

• **Refusal to submit to a required drug test** includes failure to appear for any drug test, or within a reasonable time, failure to remain at the collection site until the testing process is complete, refusal to provide a urine specimen for a required drug test, failure to permit a directly observed or monitored collection when required, failure to provide a sufficient amount of urine without a medical explanation, failure to take a second test when required by a collector or this employer, failure to undergo a medical examination following inability to provide a sufficient urine sample, and failure to cooperate with the collection/testing process (including refusing to empty pockets at the collection site), and refusing to wash hands when instructed, behaving in a confrontational way that disrupts the collection process, possessing or wearing a prosthetic or other device that could be used to interfere with the collection process, or admitting to the collector or MRO that the specimen had been adulterated or substituted.

• **Safety-sensitive function** means all time from the time a covered employee begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include: a) All time spent at the driving a paratransit vehicle, even when the vehicle is not in revenue service; b) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a CDL, (c) Controlling dispatch or movement of a paratransit vehicle; d) Maintaining a paratransit vehicle (including repairs, overhaul, and rebuilding) and e) carrying a firearm for security purposes. An employee is considered to be performing a safety-sensitive functions during any period in which he/she is actually performing, ready to perform, or immediately available to perform safety-sensitive functions. (The University considers all on-duty time to be in readiness).

• **Screen drug test.** See Initial drug test definition above.

• **Screening test** (for alcohol) means an analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in a breath specimen.

• **Substance Abuse Professional (SAP)** means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, marriage and family therapist (MFT), or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission [NAADAC] or by the International Certification Reciprocity Consortium/Alcohol & Other Drug Abuse [ICRC]), or by the National Board of Certified Counselors, Inc. and Affiliates/MAC [NBCC], with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled
substances-related disorders. An SAP evaluates employees who have violated a FTA drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

- **Substituted specimen** means a specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.
- **Testing levels** means levels established by the U.S. DHHS, at which a specimen or sample is determined to be either negative or positive, according to 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs.
- **University property** means all owned and/or leased property, including but not limited to owned and/or leased buildings and other real estate, parking lots and vehicles located on parking lots, and University-owned and/or leased vehicles, lockers, and desks.

XIII. REFERENCES


Title 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs

University of Minnesota’s Human Resources Policies and Procedures including, but not limited to, governing bodies such as labor contracts, Civil Service Rules, and P&A Guidelines

Should there be conflicts between Federal regulations and these procedures, attributed in part to revisions to the law or changes in interpretations, and when those changes have not been updated or accurately reflected in these procedures, the Federal law shall prevail.

THESE DRUG AND ALCOHOL TESTING PROGRAM PROCEDURES ARE NOT AN EMPLOYMENT CONTRACT OR AN OFFER OF AN EMPLOYMENT CONTRACT

The University may change, alter, or eliminate any or all portions of these procedures as it deems appropriate, or as mandated or permitted by applicable laws, and may interpret it in response to any particular circumstance. An up-to-date copy of these procedures is kept in the office of the Drug and Alcohol Program Administrator, University Health and Safety—Biosafety and Occupational Health Department, as well as on the UHS website. Employees may request to see these procedures at any time during normal business hours. The most current version of these procedures is an appendix to: [http://policy.umn.edu/finance/vehicles](http://policy.umn.edu/finance/vehicles)

These procedures themselves are at: [https://ohs.umn.edu/drgalchltstgprgrm](https://ohs.umn.edu/drgalchltstgprgrm)

A link to the federal regulations governing these procedures is: [http://www.transportation.gov/odapc/part40](http://www.transportation.gov/odapc/part40)
## Appendix: Contact List

| DER (Designated Employer Representative) | Tricia Van Ee Molbert  
University Health and Safety—  
Biosafety and Occupational Health Department  
510 23rd Ave. SE  
Minneapolis, MN 55455  
(612) 626-5886 |
|------------------------------------------|--------------------------------------------------|
| DHHS-approved Laboratory | LabCorp.  
402 West County Road D  
New Brighton, MN 55113  
(651) 636-7466 |
| Human Resources Representative (HHR) | Ann Durushia  
University Services Human Resources  
300 Donhowe Building  
319-15th Avenue SE  
Minneapolis, MN 55455  
(612) 626-0291 |
| Medical Review Officer | Neil Dash, Linda Katz, Frantz Michel  
Doctors Review Service (D.R.S.)  
546 Franklin Ave.  
Massapequa, NY 11758  
(800) 526-9341 |
| Substance Abuse Professional (SAP) | [http://saplist.com/](http://saplist.com/) |
UNIVERSITY OF MINNESOTA

Notice of Drug and Alcohol Testing
Employees

Federal Transit Administration Regulations, 49 CFR Part 655, require testing for controlled substances and alcohol for specified FTA-covered safety-sensitive employees of the University of Minnesota. I acknowledge receipt of a copy of the Drug and Alcohol Testing Program Procedures for FTA-covered safety-sensitive employees of the University of Minnesota and the completion of training on associated regulations surrounding these procedures.

________________________________________
Employee Name (type or print)

________________________________________
Employee’s Signature                                      Month Day Year