

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

Table of Contents

- A. Purpose**
- B. Policy**
- C. Federal Drug & Alcohol Clearinghouse Requirements**
- D. Background Check**
- E. Collection & Testing Procedures**
- F. Alcohol Test Results**
- G. Drug Test Results**
- H. Administrative Action Following a Positive Drug or Alcohol Test Result**
- I. Split Specimen Testing for Drugs**
- J. Prescription Medication / Controlled Substance Use**
- K. Loss of License**
- L. Prohibited Conduct**
- M. Consequences of Violating the State of Alaska Policy for CDL Holders**
- N. Policy Acknowledgment**

Appendix A: Definitions

Appendix B: Types of Drug & Alcohol Tests

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

A. Purpose

The State of Alaska complies with U.S. Department of Transportation, Federal Highway Administration, regulations detailed in 49 CFR 40 for employees required to obtain, hold, or use a Commercial Driver’s License (CDL) as a condition of employment. This policy sets forth the State of Alaska’s (hereafter, “the employer”) policy surrounding compliance with 49 CFR 40, testing types and protocols, and drug and alcohol related prohibited conduct for CDL holders.

B. Policy

Employees who are required to obtain, hold, or use a CDL as a condition of their employment will not engage in the prohibited conduct identified in this policy and will comply with all drug and alcohol testing procedures identified herein. An employee who violates this policy is subject to disciplinary action up to and including dismissal.

C. Federal Drug & Alcohol Clearinghouse Requirements

What is the Clearinghouse?

The Clearinghouse is a secure online database maintained by the Federal Motor Carrier Safety Administration (FMCSA), intended to give employers, licensing agencies, law-enforcement, and the FMCSA real-time information about CDL driver drug and alcohol program violations. It will contain information (from January 6, 2020 onward) about all CDL drivers who are covered by the FMCSA’s drug and alcohol testing program requirements. Information may be reported to the Clearinghouse by employers (and third-party administrators acting on an employer’s behalf), Medical Review Officers, and Substance Abuse Professionals. The intent of the Clearinghouse is to provide streamlined and efficient access to information which ensures that employers and employees are complying with relevant laws.

Using the Clearinghouse

Clearinghouse information is accessed by employers through a **query**. There are two types of queries: limited and full. A limited query checks the Clearinghouse to see if a driver is prohibited from performing safety sensitive functions; if the query reveals the driver is prohibited, the employer must proceed to a full query. A full query provides all information in the Clearinghouse regarding an employee’s record of drug and alcohol program violations. Queries may not be performed without a driver’s consent; however, if a driver refuses to consent to a query, that driver cannot be employed in a position that requires the incumbent hold a CDL.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

Employee Responsibilities

Employees in positions requiring a CDL must register with the Clearinghouse; this will enable them to view their own records, contest errors, provide electronic consent for the employer to view details about drug or alcohol testing program violations, and (if needed) select a Substance Abuse Professional. Employees will also be required to provide a written consent to remain on file, authorizing the employer to make limited queries on an annual basis (in compliance with Federal law). This consent is given in the State of Alaska CDL Acknowledgement Form.

Registration with the Clearinghouse requires a CDL; for employees in positions wherein their hire is conditional upon obtaining the CDL within a limited amount of time after their start date, the employee must register within 14 days of obtaining the CDL.

An employee who does not provide consent to a query in accordance with the law cannot be allowed to perform safety-sensitive functions and will not be able to remain employed in a position requiring a CDL.

Employer Responsibilities

The employer is required to report to the Clearinghouse any drug and alcohol program violations, including positive tests, refusals to test, or actual knowledge of use of alcohol or controlled substances on the job. The State will perform a limited query annually of all employees in positions requiring a CDL. The State will conduct a full query prior to employing any new employee in a position requiring a CDL, or if a limited query turns up relevant information in the Clearinghouse.

D. Background Check

Prior to hire, the employer will access the Clearinghouse to perform a limited query of the individual using their CDL number. The Clearinghouse will request electronic consent from the individual by email. The limited query will return an answer indicating whether the driver has any record of drug and alcohol violations. If any record(s) is found, this will result in a full query. This will provide important information for determining if an applicant is eligible to be employed by the State of Alaska in a position that requires a CDL.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

E. Collection & Testing Procedures

The State of Alaska requires drug and/or alcohol testing in the following circumstances:

- a. Pre-Employment
- b. Before returning to duty after a violation of this policy
- c. Follow-up tests as required following a return to duty after a violation of this policy
- d. When selected for a random test
- e. When reasonable suspicion indicates the need for a test
- f. After an accident involving a commercial motor vehicle (see Appendix B)

Testing protocols are described herein. The costs for all drug and alcohol tests are paid for by the employee’s department, except a split specimen test (described below in the “Drug Test Results” section), if requested, will be the responsibility of the employee. The testing program for each department is administered by a Human Resource Consultant, who serves as the primary contact for the testing program. This individual is referred to as a Designated Employer Representative (DER).

F. Alcohol Test Results

An alcohol test is a breath test. The testing device produces immediate results.

Negative alcohol test result

If the test results in a breath alcohol content (BAC) of less than .02, the test is considered negative and is reported as such to the DER.

If a **post-accident alcohol** test result is positive, the employee may not be returned to safety-sensitive duties until a negative drug test result is received.

Positive alcohol test result

If the test results of a BAC is at least .02, a positive result is issued. See: Administrative Steps Following a Positive Drug or Alcohol Test Result for next steps.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

Drug Test Results

A drug test is a urine or oral fluid test. After a specimen is collected, it is forwarded to a certified laboratory where an initial test is performed.

If the test result shows the specimen is below the cutoff levels for marijuana, cocaine, opiates, opioids, phencyclidine (PCP), or amphetamines, the test is reported as negative. Please note: the use of Cannabidiol (CBD) may cause a positive test result subject to the protocol for a violation of the federal regulations and this policy.

If the specimen is above cutoff levels for these drugs or drug classes, a second procedure is performed. If the initial readings are confirmed by the second procedure, the test is reported as positive.

If the test result shows creatinine and specific gravity values lower than expected for human urine, the test is reported as a negative-dilute. A negative-dilute result may occur when the individual has consumed a large volume of water before providing the specimen.

Negative drug test result

If the result of the drug test is negative, there is no further action under this policy.

Negative dilute drug test result

If the result of the drug test is negative-dilute, the DER will notify the supervisor and direct them to dispatch the employee immediately for a negative-dilute follow-up test at the same collection site. The reason for the test will be “Other: Negative-dilute follow-up” and will not require direct observation. If a second test also results in a negative-dilute, it will be treated as a negative result and no further action is necessary.

Positive drug test result

If the result of the drug test is positive, the laboratory refers the result to a Medical Review Officer (MRO). The MRO attempts to verify the positive result by (1) reviewing the specimen’s Chain of Custody document to ensure it is complete and sufficient and (2) discussing the result with the employee to determine whether there is an alternate medical explanation for the positive test.

The MRO immediately attempts to contact the employee and continues attempts for 48 hours or until the employee is contacted. The DER and the employee’s supervisor may be required to assist the MRO in reaching the employee. The supervisor will ensure, to the maximum extent possible, the requirement that the employee contact the MRO is handled as confidential information.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

Upon successfully contacting the employee, the MRO will discuss the test and tell the employee which drug(s) were found. The MRO will query the employee for relevant information. For example, the positive result may be due to prescription drug use for which the employee has a current, valid prescription. If the MRO determines there is an acceptable explanation for the presence of the drug(s) found in the sample, the test result will be reported as negative.

If the MRO is unable to contact the employee within 24 hours, the result is put on hold. The MRO will notify the DER that they are unable to reach the employee and direct the DER to attempt contact with the employee three times within the next 24 hour period. If the DER is successful in contacting the employee they will instruct them to contact the MRO within the next 72 hours. If the employee fails to contact the MRO within 72 hours, the results will be released. If the DER is unsuccessful in reaching the employee, the results will be released 10 days after the laboratory received the results. If the MRO does not hear from the employee during this time, the test result is reported as a non-medically verified positive. The department will proceed with the same appropriate action as for a verified positive. If the employee comes forward later with a valid explanation (documented serious illness, injury, or other circumstances unavoidably preventing the employee from contacting the MRO), the MRO will discuss the result with the employee. The MRO may still change the test result to negative if presented with a valid medical explanation for the positive result.

As a result of discussing with the employee, the MRO may reach an immediate determination or may require access to the employee’s medical records. If the employee does not permit access to their medical records, the test result is reported as a non-medically verified positive.

If the MRO determines there is no acceptable explanation for the presence of the drug(s) found in the sample, the test result will be reported as positive. The MRO will inform the employee of their rights to request a test of the split specimen. Split specimens are discussed below.

Upon receiving a positive drug test result, see Administrative Steps Following a Positive Drug or Alcohol Test Result for next steps.

Reasonable Suspicion Testing

Reasonable Suspicion testing is described in Appendix B of this policy. In the case of reasonable suspicion testing, even if the drug and/or alcohol test result was negative, the employee may be subject to disciplinary action in accordance with the applicable bargaining agreement.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

Direct Observation Testing

There are some circumstances that require collection personnel to directly observe the employee during the drug test. Employees undergoing directly observed collections will be required to raise clothing just above the navel, lower clothing to mid-thigh, then turn around to show a same-gender observer they do not have any inappropriate devices, prosthetics, or other unapproved materials or items. Situations that may require direct observation include, but are not limited to the following: the temperature of the original specimen was out of range or the original specimen appeared to have been tampered with, return-to-duty or follow-up test after a violation, or the collection personnel observed devices or employee conduct indicating an attempt to tamper with the sample or testing process. Oral fluid collection may be conducted in some situations as an alternative to direct observation.

H. Administrative Action Following a Positive Drug or Alcohol Test Result

Upon receipt of a positive drug or alcohol test result, the DER contacts the employee’s supervisor and instructs them notify the employee of the result and remove the employee from performing safety-sensitive duties immediately. In some cases, removal from performing safety-sensitive duties means the employee no longer has work to perform; in such circumstances the employee will be placed on leave without pay. The DER will coordinate all administrative processes and ensure the employee is afforded due process prior to administrative action being taken.

I. Split Specimen Testing for Drugs

What is a Split Specimen?

The Federal Highway Administration CDL drug testing program uses a split specimen collection method. A split specimen collection is one in which the single specimen collected is divided into two separate specimen bottles. In drug testing, the specimen that is sent to a first laboratory and stored with its original seal intact, and which is transported to a second laboratory for retesting at the employee’s request following MRO verification of the primary specimen as positive, adulterated or substituted.

Testing the Split Specimen

If the test result of a primary specimen is positive, the employee may ask that the split specimen be tested. This request must normally be made within 72 hours of the MRO notifying the employee of a verified positive test result. If the employee does not contact the MRO within 72 hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances prevented the employee from

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

contacting the MRO within 72 hours. If the MRO concludes that there is a legitimate explanation for the employee’s failure to contact the MRO within 72 hours, the MRO must honor the request.

The contractor informs the DER that an employee has requested a split specimen test. The contractor monitors the retesting and ensures the DER is promptly informed of the results.

The second laboratory transmits the result of the split specimen test directly to the MRO. If the split specimen test fails to confirm the original positive result, or if the split specimen is unavailable, inadequate for testing, or untestable, the MRO cancels the test and reports cancellation and the reason for it to the DER and the employee. The employee will be returned to duty at the start of the next regularly assigned shift.

An employee who has tested positive for drugs may not remain in a safety-sensitive function while awaiting the result of a split specimen test.

Payment Responsibility

The employee pays for the split specimen test. However, federal regulations prohibit MROs, laboratories, or employers from holding the split test conditional on prepayment by the employee. As a result, the contractor guarantees payment to the MRO, and the State of Alaska guarantees payment to the contractor. If the employee refuses to pay “up front,” the State pays. The DER will advise Payroll Services to take action to withhold the payment from the employee’s payroll warrant.

J. Prescription Medications / Controlled Substances Use

An employee shall inform their supervisor of any controlled substance use that could impact their performance at work. If a drug test confirms the presence of a controlled substance that can be legally prescribed, and for which the employee has a valid prescription, the MRO will release a Negative result, but with a note to the employer that the employee disclosed use of a medication that may potentially impact them at work. In such occurrences, the employer may require the employee to provide a statement from a licensed medical practitioner to verify the employee’s need to use a controlled substance and that the use of the controlled substance does not affect the employee’s ability to perform their duties.

If the employee’s practitioner provides written clearance that the employee’s prescription will not prevent them from safely performing their essential duties, no further action is needed. If the employee cannot provide clearance from a health care provider or fails to return the requested information within the established timeframe, the employee may be subject to separation. The DER will coordinate this process should the need arise.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

Unless otherwise indicated by the DER, employees may continue to work while this process is underway.

K. Loss of License

All employees whose position requires a CDL are required to notify management immediately upon loss of license or any time they are issued a citation which may lead to loss of license. Operation of a state vehicle without possession of the required license is grounds for discipline up to and including dismissal.

L. Prohibited Conduct

The following conduct is prohibited for all employees who are in positions that require a CDL:

1. **Under the influence of alcohol when reporting for duty or while on duty.** Reporting for duty or remaining on duty while having an alcohol concentration of 0.02 or greater.
2. **On-Duty Use of Alcohol.** Use of alcohol while performing safety-sensitive functions.
3. **Pre-Duty Use of Alcohol.** Reporting to duty within four (4) hours after using alcohol. If a CDL holder has consumed alcohol within four (4) hours they are to notify their supervisor before performing State work of any kind.
4. **Alcohol Use Following an Accident.** Use of alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, whichever occurs first (see Appendix B for guidance on when a test is required).
5. **Refusal to Submit to a Required Alcohol or Controlled Substance Test.**
 - a. No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or controlled substance testing.
 - b. In the event an applicant or driver refuses to submit to required alcohol or drug testing, no test will be conducted. Refusal to submit to drug or alcohol testing will be considered a positive test result. If an applicant refuses to submit to pre-employment testing, any applicable conditional offer will be withdrawn.
 - c. **A driver is considered to have refused to submit to an alcohol or drug test when the CDL holder:**
 - i. Fails to provide adequate breath for alcohol testing without a valid medical explanation after he/she has received notice of the requirement for breath testing;

S
O
A

S
T
A
T
E

W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

- ii. Fails to provide adequate urine for drug testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he/she has received notice of the requirement for urine testing;
 - iii. Fails to comply with tester instructions to produce an oral fluid sample;
 - iv. Fails to report for testing after being directed to do so;
 - v. Fails to remain at a testing site until testing is complete;
 - vi. In the case of directly observed or monitored collection, fails to permit observation or monitoring;
 - vii. Fails or declines to take a second test as required by the employer and/or collector;
 - viii. Fails to undergo a medical examination as directed by the employer pursuant to Federal Law;
 - ix. Refuses to cooperate in any way that prevents the completion of the testing process or engages in conduct that clearly obstructs the test process.
- d. **Altering or Attempting to Alter a Test.** A CDL holder altering or attempting to alter the result of a test, or substituting or attempting to substitute a urine sample, will be subject to direct observation or oral fluid collection. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to discipline up to and including dismissal and any conditional job offer made to an applicant will be immediately withdrawn.
- e. **Drug / Controlled Substance Use.**
- i. No CDL holder may report for duty or remain on duty when the employee uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee, in writing, the substance does not adversely affect the employee’s ability to safely operate a commercial motor vehicle.
 - ii. Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the State of Alaska workplace. The Federal government classifies cannabis as an illegal drug. There is no acceptable concentration of marijuana metabolites for an employee who performs safety-sensitive (CDL) duties.
- f. **Drug / Controlled Substance Testing.** No driver may report for duty, remain on duty, or perform a safety-sensitive function if the driver tests positive for controlled substances. In addition to the conduct prohibited by applicable DOT and FMCSA regulations, the State also maintains other applicable policies regarding drugs and

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

Policy for Employees Required to Hold a Commercial Driver’s License as a Condition of Employment

alcohol that are applicable to all employees. For specifics, refer to the [State of Alaska Drug & Alcohol Free Workplace Policy](#).

- g. **Reporting Arrest or Convictions.** Failing to notify the supervisor of any arrest or conviction under any federal, state, or local drug or alcohol law or statute the next workday following the arrest or conviction. See also [2 AAC 07.416](#) (Effects of violations of federal or state law).

M. Consequences for Violating the State of Alaska Policy for CDL Holders

Employees who violate this policy are subject to disciplinary action up to and including dismissal. Nothing in this policy requires the State of Alaska to return an employee to performing safety-sensitive functions following a violation. The employer retains discretion to administer disciplinary action and authorize the return-to-duty process in compliance with its practices, collective bargaining agreements, and subject to the just cause standard.

N. Policy Acknowledgement

All State of Alaska employees hired into a position that requires a CDL are required to sign the CDL Acknowledgment Form as a condition of employment. The form is included with the new hire paperwork and affirms the CDL holder has read the State of Alaska CDL policy and understands the consequence of any violations. The signed form is retained in the employee’s personnel file.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

APPENDIX A: DEFINITIONS

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

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

Collection site - Local medical clinics, hospitals, or other locations staffed by people who have been trained in the testing and collection procedures required under this program. The employer’s contractor has arrangements with local collection facilities in as many duty stations as possible. Some of these facilities are equipped both to perform breath alcohol testing and collect urine specimens.

Controlled substances and drugs – The drugs for which chemical tests are required to detect use under the federal regulations are marijuana, cocaine, opiates, opioids, amphetamines, phencyclidine, and other metabolites. The terms "controlled substance" and "drugs" include legal substances obtained illegally, legal substances used in an unauthorized manner, and legal substances that affect job safety or performance when used as authorized. They terms do not refer to the proper use of controlled substances authorized by law which do not affect job safety or performance. The use of Cannabidiol (CBD) may cause a positive test result, subject to federal and department policy actions.

Designated Employer Representative (DER) - The Human Resource Consultant or designee assigned to receive test results and coordinate CDL drug and alcohol testing for the employer.

Dilute specimen - A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage – As applied to a commercial motor vehicle when a driver is involved in an accident covered by the testing regulations, 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.

Disabling damage includes damage to motor vehicles that could have been driven, but would have been further damaged if so driven.

Disabling damage does not include

- (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 makes them inoperative.

Drug test – An oral fluid or chemical test of an individual’s urine for evidence of prohibited drug use.

Intoxicant - Any form of alcohol, drug (controlled substance), or combination thereof.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

Policy for Employees Required to Hold a Commercial Driver’s License as a Condition of Employment

Medical review officer (MRO) - A licensed physician responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.

Negative chemical test for drugs- The result of a chemical test conducted is reported as negative in accordance with 49 CFR 40.

Positive chemical test for drugs - The result of a chemical test conducted in accordance with 49 CFR 40 is reported as positive for the presence of prohibited drugs or drug metabolites in an individual’s system in accordance with 49 CFR 40.

Safety-sensitive functions - All positions requiring a CDL perform safety-sensitive functions. Briefly, 49 CFR Section 382.107 defines safety-sensitive functions to include driving, loading, repairing, or servicing commercial motor vehicles, supervising these activities, or getting ready to do these activities. The employer considers all CDL holders to be performing safety-sensitive functions, or about to perform safety-sensitive functions, anytime they are on duty, regardless of whether they use their CDLs on a daily basis or sporadically.

Substance abuse professional (SAP) - A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

Under the influence - The employee is affected by a drug or combination of drugs and alcohol, in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by a professional opinion, a valid test, and in some cases, by a layperson’s opinion.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

APPENDIX B: TYPES OF DRUG & ALCOHOL TESTS

Pre-employment

Pre-employment testing applies to individuals being hired into State of Alaska CDL positions, current employees not in CDL positions who are being promoted, transferred, or demoted into CDL positions, and employees returning from layoff and seasonal layoff.

All such employment actions are conditional on the individual meeting the requirements of the drug and alcohol testing program. Conditional means that an offer of employment or return to work may be made only with the condition that the individual meet the requirements of the drug and alcohol testing program before reporting to work.

The requirements include:

Employee returning from layoff: An employee returning from layoff must have a limited query performed in the Federal Clearinghouse. An employee returning from layoff who has been out of the random testing pool for more than 30 days must take a drug test and achieve a negative result unless the employee submits evidence of being included in another employer's drug testing program under 49 CFR 382 and has not been out of that random testing pool for more than 30 days.

Employees hired on the condition they obtain a CDL within a defined timeframe: An employee who is hired and begins work with the condition that they obtain a CDL within a defined time period must produce a negative drug test result within 30 days of obtaining a CDL and prior to performing any safety-sensitive duties that require the use of a CDL.

Random Test

Employees who are required to possess a CDL are subject to random, unannounced alcohol and controlled substance testing throughout the year. Employees should receive no prior notice before being directed to report for testing. Random testing shall be conducted in accordance with and as mandated by 49 CFR 382.305. Rates of testing shall be in accordance with and as mandated by Federal Motor Carrier Safety Administration guidelines published on a yearly basis. Random lists are generated by a 3rd party contractor and employees may be subject to more than one test per calendar year.

Return to duty after a violation of the State of Alaska’s CDL program

Before being returned to a safety-sensitive position, an employee who had a positive drug or alcohol test must be evaluated by a DOT certified substance abuse professional (SAP) to determine whether the employee needs assistance with a drug or alcohol problem. The employee must complete any treatment recommended by the SAP and must have a follow-up evaluation after completing treatment to determine whether the employee has successfully met the treatment recommendations.

The employee must also take and pass a return-to-duty test (which must be reported to the Federal Clearinghouse) and a number of unannounced follow-up drug and/or alcohol tests as recommended by the SAP (the minimum requirement is six such tests within a twelve-month period). These tests are in addition to random testing. In all first violation cases where a covered employee tests at or above .02 but less than .04 breath alcohol content, the employee must pass a return-to-duty breath alcohol test with a result less than .02 before being returned to safety-sensitive duties.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

All costs associated with evaluations and treatment described in this section are the responsibility of the employee.

Reasonable Suspicion

A CDL holder shall submit to an alcohol test and/or a controlled substance test when a trained supervisor and/or agency official has reasonable suspicion to believe that the driver has violated the prohibitions listed in the “Prohibited Behavior” section of this policy. The employer's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

All employees who are required to obtain, hold, or use CDLs as a condition of employment are considered to be performing safety-sensitive functions, or about to perform safety-sensitive functions, any time they are on duty. This means they are subject to reasonable suspicion testing for alcohol or drugs any time they are on duty; additionally, an employee may be directed by the employer to undergo reasonable suspicion testing just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

Post-Accident

A driver of a commercial motor vehicle is required to undergo post-accident testing for drugs and alcohol as soon as possible following any accident that meets the following conditions:

1. The driver was performing safety-sensitive functions with respect to the vehicle, and the accident involved the loss of human life; or
2. The driver receives a citation within eight hours (for alcohol testing) or 32 hours (for drug testing) of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

If the accident occurred on a nonpublic roadway or at a state-owned airport, where citations are not issued, and the accident involved bodily injury or disabling vehicle damage as described here, the driver is subject to post-accident testing.

The State does not consider routine occurrences such as pulling a stuck vehicle from a ditch or snow berm to be accidents for purposes of determining when post-accident testing is required.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
 DEPARTMENT OF ADMINISTRATION
 DIVISION OF PERSONNEL
 STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
 Condition of Employment**

Testable Accident Quick Reference Table

| Type of accident involved | Citation issued to the CMV driver | Test must be performed by employer |
|---|--|---|
| Human fatality. | YES NO | YES YES |
| Bodily injury with immediate medical treatment away from the scene. | YES NO | YES NO |
| Disabling damage to any motor vehicle requiring tow away. | YES NO | YES NO |
| Occurred on nonpublic roadway or state-owned airport. Bodily injury with immediate medical treatment away from the scene. | NO | YES |
| Occurred on nonpublic roadway or state-owned airport. Disabling damage to any motor vehicle requiring tow away. | NO | YES |

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL
STANDARD OPERATING PROCEDURE

**Policy for Employees Required to Hold a Commercial Driver’s License as a
Condition of Employment**

POLICY ACKNOWLEDGEMENT FORM

By signing this form, I acknowledge I have received and read the State of Alaska’s Policy for Employee’s Required to Hold a Commercial Driver License (CDL) as a condition of employment.

Drug and Alcohol Testing, Prohibited Conduct, and Requirements

The intent of the federal requirement for drug and alcohol testing is to protect employees, their coworkers, and the traveling public by discouraging the use of prohibited substances. Employees are obligated to cooperate in testing pursuant to this policy. Once directed to test, refusing to do so will be considered a positive result. There are circumstances that may require you to remain at the testing site and you may not refuse to do so; if the tester instructs you that you required to remain at the collection site until you are able to provide another sample, you must do so until you are specifically released by the tester. Refusal to comply will be considered a positive test result.

Employees whose use of alcohol and/or drugs may impact them at work are strongly encouraged to talk with a counselor, the Employee Assistance Program (EAP), a supervisor, or Human Resources. The department is committed to supporting your health and wellbeing and will help you to locate appropriate assistance from a health care organization or professional.

ACKNOWLEDGEMENTS

I understand the State of Alaska requires participation in the drug and alcohol testing program as described herein. Furthermore, I understand any violation of the drug and alcohol testing program will result in disciplinary action up to and including dismissal.

I understand the rules and requirements as described in the State of Alaska Policy for Employees Required to Hold a Commercial Driver’s License as a Condition of Employment and agree to them. I provide consent to the State of Alaska (as my employer) to conduct queries of the FMCSA CDL Drug & Alcohol Clearinghouse as necessary for the duration of my employment to determine whether any information regarding a drug or alcohol violation about me exists in the Clearinghouse.

S
O
A

S
T
A
T
E
W
I
D
E

C
D
L

P
O
L
I
C
Y

Employee Signature

Date

Employee Printed Name

Employee ID Number