



# OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

## Human Resources Division

<b>Title:</b>	<b>Alcohol and Controlled Substance Testing of Employees Having A Commercial Driver license</b>	<b>HR_480_07</b>
<b>Supersedes:</b>	<b>HR_480_07, dated September 1, 2004</b>	
<b>Applicability:</b>	Management service employees and volunteers. Classified represented employees where not in conflict with the labor agreement.	
<b>Reference:</b>	49 CFR Part 382 , 49 CFR Part 40	
<b>Effective Date:</b>	November 1, 2011	<b>Approved:</b> 

### I. PURPOSE

To promote public and employee health, safety and productivity, and to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances by drivers of commercial motor vehicles and/or heavy equipment.

### II. POLICY

The use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on the department premises, engaged in department business, operating department equipment, or while under the authority of the Oregon Department of Fish and Wildlife is strictly prohibited.

Employees who are required to have a Commercial Driver license (CDL) in the performance of their duties are subject to the provisions of this policy.

A. The Director of the Department of Fish and Wildlife shall apply the following regulations to management service employees required to have a Commercial Drivers License (CDL) in the performance of their duties:

1. Federal Highway Administration rules stated in 49 CFR Part 382 requiring pre-employment, post-accident, reasonable suspicion, random, return-to-duty and follow-up testing for alcohol or controlled substances; and
2. National Highway Traffic Safety Administration rules stated in 49 CFR Part 40 which provide procedures for breath alcohol testing and urine specimen controlled substance testing.

B. The director shall be subject to the Alcohol and Drug Testing Contract between the Department of Administrative Services and the vendor for the performance of alcohol and controlled substance testing, Substance Abuse Professional Services, Medical Review Officer Services, record keeping and other related service.

- C. The director shall provide or contract for training and educational materials as required by 49 CFR Part 382.601, 382.603 and 382.605.
- D. Except as otherwise provided in 49 CFR Part 382.505 regarding alcohol test results of 0.02 to 0.039, an employee who violates alcohol misuse or controlled substance use rules may be terminated by the director or, if not terminated, shall be removed from duties requiring a CDL and shall be evaluated by a substance abuse professional to assess any need for rehabilitation or treatment and, as determined to be appropriate by the director, may be assigned to duties not requiring a CDL, granted leave with or without pay at employee request, and disciplined as provided by State Policy 70.000.01, and HR Policy 470-01, Management Service Discipline.
- E. Any employee rehabilitation or treatment shall be at the employee's expense except as it may be covered by insurance. Leave with or without pay may be granted at the employee's request during the period of treatment or rehabilitation.
- F. Except as otherwise provided in 49 CFR Part 382.505 regarding alcohol test results of 0.02 to 0.039, the director may return an employee, who violates alcohol misuse or controlled substance use rules, to the former duties requiring a CDL if the employee:
  - 1. Has been evaluated by a substance abuse professional;
  - 2. Has complied with the recommended treatment or rehabilitation;
  - 3. Has taken an observed return-to-duty alcohol or controlled substance test and has a negative result; and
  - 4. Is subject to unannounced observed follow-up alcohol or controlled substance tests.
- G. Any employee taking prescription and/or non-prescription medications which might impair the employee's ability to perform the duties of his/her position in a safe and efficient manner shall notify his/her supervisor of that fact and receive prior authorization to work before engaging in safety-sensitive work tasks

Attachment A Drug and Alcohol Testing Program  
Attachment B CDL Driver Packet  
Attachment C CDL Supervisor Packet