



**Minnesota**  
STATE COLLEGES  
& UNIVERSITIES

# Human Resources Guideline & Interpretation

## Commercial Drivers' License Drug & Alcohol Testing FSR0001

**Purpose:** To establish guidelines for the MnSCU commercial drivers' license holder drug and alcohol testing program.

**Affects:** All system colleges, universities, and the office of the chancellor that employ commercial drivers' license holders

### Authoritative References:

Omnibus Transportation Employee Testing Act of 1991  
49 CFR 382 Controlled Substances and Alcohol Use and Testing  
MN Statute 171.02 Licenses: types, endorsements, restrictions.  
MN Statute 181.957 Federal preemption.  
State of Minnesota Drug and Alcohol Testing Plan  
State of Minnesota Policy on Alcohol and Other Drug Use by State Employees  
Bargaining Unit Agreements

### Required Forms:

[Federal Drug Control and Custody Form](#) (PDF)  
[Commercial Vehicle Driver Consent and Acknowledgment Form \(CDL-1\)](#) (PDF)  
[Request/Consent for Information from Previous Employer Form \(CDL-2\)](#) (PDF)  
[Supervisor's Reasonable Suspicion Evaluation Checklist \(CDL-3\)](#) (PDF)

**Responsibility for Implementation:** It is the responsibility of the college president, in concert with the human resources director, to ensure that MnSCU campuses meet the requirements of the Act and *State Plan*.

### Attachments:

[State of Minnesota Drug and Alcohol Testing Plan](#)  
[Attachment A: State of Minnesota Policy on Alcohol and Other Drug Use by State Employees](#)  
Attachment B: Drug and Alcohol Testing Project Managers, [page 42](#)

## [Substance Abuse Professional Referral Contact](#)

State Contract Vendor Work Agreement (PDF)

Minnesota Collection Sites List ([Excel](#)) ([PDF](#))

### **Introduction:**

All State of Minnesota employees who drive a vehicle that requires a commercial drivers' license (CDL) must be included in a drug and alcohol testing program. This procedure summarizes the law, and the *State Plan* covering the application of CDL drug and alcohol testing. A CDL is required for employees who drive:

- A motor vehicle over 26,000 pounds gross vehicle weight (total combination weight if towing another unit),
- A vehicle that requires hazardous material placarding, or
- A vehicle originally configured for carrying 16 or more persons including the driver.

The Omnibus Transportation Employee Testing Act requires that all employers with more than 50 employees, implement a drug and alcohol testing program, for their employees who must maintain a CDL. The Act requires that the testing program include:

- Pre-employment/pre-placement testing,
- Random testing,
- Post accident testing,
- Reasonable suspicion testing,
- Return to duty testing, and
- Follow-up testing.

**Training:** All CDL employees and their supervisors must be trained before beginning drug and alcohol testing. Training must include information on drug and alcohol use, and how testing must be performed according to the Act and the *State Plan*. Training may be obtained from the state vendor or from other sources. In addition, the MnSCU System HR office can provide a training tape that covers the required supervisor training topics. Trained supervisors may then train their employees.

**Records Retention & Confidentiality:** All employee drug and alcohol test results are confidential. The records must be maintained under lock and key. Access to the records must be restricted to the campus program manager (HR director or designee).

Positive drug or alcohol testing records must be retained for five years. All negative drug or alcohol testing records must be retained for one year. Supervisor and employee training records must be maintained for three years. All other records (employees requesting split sample testing, all forms, etc.) must be retained for three years.

**Required Testing procedures:** Campuses which employ CDL drivers are required to include them in the Concorde (the state contract vendor) drug and alcohol testing CDL drivers' pool. Campuses must complete the attached Work Agreement and send it to Concorde Campuses must then submit the

names and social security numbers of their CDL drivers to ensure that they are included in the state random drug and alcohol testing pool.

### **I. Pre-employment/pre-placement testing**

1. No one (including current employees) may be hired or assigned to a position that requires a Commercial Drivers License (CDL) until they pass a CDL pre-employment/pre-placement drug test.
2. CDL position applicants must be notified in writing that passing a drug test is a condition for employment. The notice may be included in job postings, etc.
3. After selecting a CDL position candidate, give them a copy of the *State of Minnesota Policy on Alcohol and other Drug Use*, and the *State of Minnesota Drug and Alcohol Testing Plan*.
4. Instruct the candidate to complete the MnSCU Commercial Vehicle Driver Consent and Acknowledgment form (CDL-1) and a MnSCU Request/Consent For Information From a Previous Employer form (CDL-2), for each of the candidate's employers from the previous two years. FAX or send a copy of the CDL-2 form to the previous employer(s).
5. Schedule the candidate at a local collection site for drug testing. Only a limited amount of test notification may be provided to the candidate. Give the candidate a preprinted Federal Drug Testing Custody and Control Form to bring to the collection site.
6. The collection site will administer the urine drug test and process the sample according to the US Department of Transportation requirements.
7. The test result will be sent to the campus program manager. **The candidate may be hired (or assigned) to a CDL position only after the program manager receives a negative test result notification.** The candidate may be hired and begin driving immediately after receiving the negative test confirmation.
  - If a candidate tests positive, they may not be hired for a CDL position. They must, however, be provided with the name of a Substance Abuse Professional (SAP). Giving them a copy of the state contract SAP referral service contact will suffice.
8. The previous employer is required to return the completed Request/Consent For Information From a Previous Employer form (CDL-2) within 14 days. New MnSCU campus CDL employees may continue to drive only if the previous employer certifies that the employee has not tested positive to drugs or alcohol, or refused a drug or alcohol test, within the past two years.
  - If the candidate tested positive for drugs or alcohol at a previous employer, they may continue to drive **only if their SAP has cleared them to resume driving duties.**

- If the previous employer has not supplied the drug and alcohol testing information within 14 days, the new employee must be removed from CDL driving responsibilities until the information is received.

## II. Random testing

1. Federal regulations require that each year, 50% of an employer's CDL holders are randomly tested for drugs. In addition, half the employees selected for drug testing must also be tested for alcohol. Random scheduling of the state pool of CDL employees is at the discretion of the contract vendor.
2. When the vendor decides to conduct a random drug and alcohol test, they will send the campus program manager a list of the selected employees and each selected employees' specific testing requirement (i.e., drugs only, or drugs and alcohol).
3. After receiving selection notification, campuses have 45 days to complete the testing. The campus program manager must schedule the selected employee(s) at a collection site for testing. **Selected employees must not be informed of the impending test until the day of the testing appointment.** Any or all of the campus employee notifications may be held if a selected employee is on vacation, etc. The selection list, however, may not be shared with anyone before notifying the selected employee(s).
4. When the employee is notified of their selection, they must immediately go to the collection site to provide a urine specimen for testing. When notifying the employee of the testing selection, give them a preprinted Federal Drug Testing Custody and Control Form to bring to the collection site. If the employee must also complete an alcohol breath test, it may be administered at the collection site.
5. The employee may return to work after the drug test. Employees who test positive for alcohol cannot return to work. In fact, collection site employees may not permit them to leave the site without an escort.
  - If an employee's blood alcohol is between .02 and .039, the employee must be removed from CDL responsibilities for 24 hours. If an employee's blood alcohol level is above .40 they must be removed from work and be evaluated by a SAP (see 8) before being permitted to drive.
6. Collection site employees will conduct the test(s) and send the sample to their laboratory. The laboratory will send the result to the vendor. The vendor will inform the campus program manager of the result.
7. If the drug result is negative, the campus program manager must notify the employee.

Note: Although the employee may test negative, the vendor's Medical Review Officer (MRO) may, for any medical reason, decide not to release the employee for work, but must notify the campus program manager of the reason for the decision.

8. If the drug test result is positive, the MRO will notify the employee and then the campus program manager. **The employee must then be immediately removed from their CDL driving responsibilities.** The employee must be placed on leave without pay until they are evaluated by a Substance Abuse Professional (SAP)

- The SAP will decide what actions (such as rehabilitation) the employee must take. The employee may not be discharged for the first random positive drug or alcohol test result, if the employee satisfactorily participates with the SAP recommendations.
- If an employee refuses to submit to the test, or participate with the SAP recommendation after testing positive, they may be subjected to disciplinary action, according to contract language and the *State of Minnesota Policy on Alcohol and Other Drug Use by State Employees*.

### III. Post accident testing

1. All CDL drivers who are in a "reportable accident" must be tested for alcohol within eight hours of the accident and for drugs within 32 hours of the accident. A "reportable accident" is one in which:

- there was a fatality, or
- the driver received a moving violation, **and** treatment for an injured person away from the site was required, or an involved motor vehicle was towed from the site.

2. The program manager or supervisor must notify the CDL employee of the requirement to submit to a drug and alcohol test.

3. The employee may not drive to the collection site. A campus supervisor must escort the employee to the collection site. Give the employee a preprinted Federal Drug Testing Custody and Control Form to bring to the collection site.

4. At the completion of the tests **the employee may not drive home.** The employee must be escorted home by a campus supervisor.

5. The vendor will provide the test results to the campus program manager.

6. If the results are negative, the campus program manager must notify the employee.

Note: Although the employee may test negative, the vendor's Medical Review Officer (MRO) may, for any medical reason, decide not to release the employee for work, but must notify the campus program manager of the reason for the decision.

7. If the results are positive, the MRO will notify the employee and then the campus program manager. The employee must then be immediately removed from their CDL driving responsibilities. The employee must be placed on investigatory leave.

- An employee who tests positive for drugs or alcohol must be referred to a Substance Abuse Professional (SAP). The SAP will decide what actions (such as rehabilitation) the employee must take.
- If an employee refuses to submit to the test, or participate with the SAP recommendation after testing positive, they may be subjected to disciplinary action, according to contract language and the *State of Minnesota Policy on Alcohol and Other Drug Use by State Employees*.

#### **IV. Reasonable suspicion testing**

1. When a supervisor (two preferred) who is trained in the detection of drug and alcohol use, suspects that a CDL employee is under the influence of a drug or alcohol they must document the indicators on the Supervisor's Reasonable Suspicion Evaluation Checklist (CDL-3). The completed form must be brought to the campus program manager.

2. The CDL employee must be immediately notified of the supervisor's suspicion and of the requirement to submit to a drug and alcohol test. The employee may contact a union representative before being tested.

3. The employee must be escorted to the collection site by a campus supervisor. The employee may not drive to the collection site. Give the employee a preprinted Federal Drug Testing Custody and Control Form to bring to the collection site.

4. At the completion of the test the employee must be escorted home by a campus supervisor. **The employee may not drive home.**

5. The vendor will provide the results to the campus program manager.

6. If the results are negative, the campus program manager must notify the employee.

Note: Although the employee may test negative, the vendor's Medical Review Officer (MRO) may, for any medical reason, decide not to release the employee for work, but must notify the campus program manager of the reason for the decision.

7. If the results are positive, the MRO will notify the employee and then the campus program manager. The employee must then be immediately removed from their CDL driving responsibilities. The employee must be placed on investigatory leave.


- An employee who tests positive for drugs or alcohol must be referred to a Substance Abuse Professional (SAP). The SAP will decide what actions (such as rehabilitation) the employee must take.

- If an employee refuses to submit to the test, or participate with the SAP recommendation after testing positive, they may be subjected to disciplinary action, according to contract language and the *State of Minnesota Policy on Alcohol and Other Drug Use by State Employees*.

**V. Return-to-duty and Follow-up testing**

1. All employees who fail a drug or an alcohol test must pass a return-to-duty test before returning to CDL duties. They may then be subjected to follow-up testing.
2. If the employee tests positive on a return-to-duty test they may be discharged, but they must also be referred to a SAP.
3. Employees that test negative may return to CDL duties, and will be subject to follow-up testing. The MRO and SAP will determine the follow-up testing schedule and the length of the monitoring period. At a minimum the employee will be tested at least six times during a 12 month period. They may be included in the follow-up testing pool for up to 60 months.
4. If the employee tests positive on a follow-up test they may be discharged, but they must also be referred to a SAP.

**Approved: February 18, 1997**

  
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**Vice Chancellor, Human Resources**

February 18, 1997  
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**Date**