

Driving and Motor Vehicles Policy

Appendix B – Vehicles Requiring Commercial Driver’s License (CDL)

Vehicles requiring a CDL are defined as:

- Combination of vehicles with Gross Combination Weight Rating (GCWR) of 26,001 or more pounds provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds.
- Single vehicle with GVWR of 26,001 or more pounds, or any such vehicle towing a vehicle not in excess of 10,000 pounds.
- Single vehicle less than 26,001 pounds GVWR, or any such vehicle towing a vehicle not in excess of 10,000 pounds GVWR, comprising of vehicles required to be placarded for hazardous materials or any bus designed to transport 16 or more passengers including the driver.

Effective May 1, 2007, driving records will be checked annually for all drivers holding commercial driver’s licenses.

CDL (Commercial Driver License) holders must meet [Authorized Driver Requirements](#).

Testing for Alcohol and Controlled Substances for Employees Required to Hold a Commercial Driver’s License

The Federal Motor Carrier Safety Administration (FMCSA), along with the Department of Transportation (DOT), requires that persons subject to the CDL requirements and their employers follow alcohol and drug testing rules. These rules include procedures for testing, frequency of tests, and substances tested for.

This applies to all employees of UNO who are required to hold a CDL as a condition of employment. For purposes of this policy covered employees will be referred to as "drivers". This applies to applicants selected for a position, current employees, and current employees applying to move into a position requiring a CDL as a condition of employment.

Drivers must submit to testing for alcohol and controlled substances, including but not limited to urinalysis and breath testing. Upon instructing a driver to report for such testing, the supervisor must notify the driver that testing is being performed as required by DOT regulations. Drivers will be tested under the following circumstances:

Circumstances for Testing

Pre-employment

- A driver-applicant must be tested for controlled substance use as a condition of employment. Employment offers will be conditional until two requirements are met: 1) the applicant must sign consent forms for testing as required by policy, and 2) the applicant must have negative results from required testing.
- Exception: Drivers who can document previous participation in testing for alcohol and controlled substances have possibly fulfilled pre-employment testing requirements. Questions should be directed to Human Resources.

Reasonable Suspicion

- Drivers must be tested when conduct or appearance gives reasonable suspicion of alcohol or controlled substance use. The driver's behavior must be witnessed by a supervisor or other unit manager (two if reasonably possible) trained in the detection of alcohol and controlled substance use. The supervisor must escort the driver to the testing site.
- Reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The supervisor observing such behavior must make a written record of the behavior within 24 hours of the observed behavior or before results of tests are released, whichever is earlier.

Random

- Under a scientifically valid selection method, drivers must be chosen at random for unannounced testing. Random testing must be reasonably spaced throughout the year and must result in alcohol-testing of at least 25% of the total number of the average number of UNO driver positions. Random testing for controlled substances must result in testing of at least 50% of the average number of the UNO driver positions.

Post-accident

- Tests for alcohol and controlled substances must be administered to any driver who is involved in an accident if the accident results in loss of human life or if the driver receives a citation under state or local law for a moving traffic violation. At the discretion of the driver's supervisor and Human Resources, tests may be administered to a driver involved in any accident. Drivers must report the accident immediately, and they must immediately thereafter report for testing to a previously identified laboratory approved by the Department of Health and Human Services. Drivers must be provided necessary post-accident information, procedures, and instructions prior to beginning employment duties.
- Tests must be administered as soon as practicable. An alcohol test must be administered within two hours (and no later than eight hours) following the accident. A controlled substance test must be administered within 32 hours following the accident. If tests are not administered within established time frames, efforts to test must stop, and a report must be filed with the DOT to explain why tests were not promptly administered. A driver who is subject to post-accident testing must remain readily available for the testing or may be deemed to have refused to submit to testing.

Return-to-duty

- A driver who has positive results from a test for alcohol or controlled substances must submit to retesting and test negative prior to resuming driving responsibilities.

Follow-up

- A driver who has positive results from a test for alcohol or controlled substances and who is identified by a substance abuse professional as needing assistance in resolving problems with alcohol abuse or controlled substances must submit to a minimum of six follow-up tests within the first twelve months following return to duty.

Testing Procedures

Testing procedures at UNO will comply in every respect with DOT requirements. Careful attention will be given to ensuring the integrity of the process with a high priority placed on the confidentiality of the employee.

- *For controlled substances:* Collection sites will be designated by UNO. Sites will have all necessary equipment and supervision to provide for the completion of split samples, security, temporary storage, and shipping of the specimens to a drug testing laboratory certified by the Department of Health and Human Services. The split sample method of collection will be used. Collection of the urine samples will allow privacy unless there is reason to believe that a particular employee may alter or substitute the specimen. Test results will be sent to UNO in a manner that will protect the confidentiality of the employee.
- *For alcohol:* Testing sites will be designated by UNO, where tests will be conducted by a certified Breath Alcohol Technician. After the employee provides an adequate amount of breath for testing, the results will be attached to and recorded on the breath alcohol test form and shown to the employee. The form will then be signed by both the technician and the employee. If the result is negative, no further testing will be required, and the results will be transmitted to UNO in a confidential manner. If the result is positive, a confirmation test will be performed. Results of the confirmation test will then be attached to and recorded on test forms. Forms will be signed by both the technician and the employee and will then be sent to UNO in a manner that protects the confidentiality of the employee.
- Blood alcohol testing is authorized only: 1) when a post-accident or reasonable suspicion test is required, and an evidential breath testing device is not readily available; 2) when a post-accident or reasonable suspicion test is required and an evidential breath testing device suitable for confirmation testing is not readily available; or 3) when the covered employee attempts and fails to provide an adequate amount of breath.

Driver Refusal to Submit to Testing

- Drivers who refuse to submit to testing or otherwise fail to cooperate in the testing for alcohol and/or controlled substances will be subject to corrective action up to and including dismissal.

Positive Test Results

- Drivers who have a positive result from an alcohol and/or a controlled substance test will be subject to corrective action up to and including dismissal.
- Drivers who have a positive result from an alcohol and/or a controlled substance test must be referred to UNO's Faculty and Staff Employee Assistance Program (FSEAP). Drivers must complete any treatment recommended by the FSEAP, subsequently test negative for alcohol and/or controlled substances, and submit to follow-up testing.
- Referral to FSEAP does not necessarily mean that the driver will retain the position. The supervisor, working with the Department of Human Resources, will determine appropriate corrective action.

Other Requirements

Drivers may not perform driving responsibilities if they:

- report or return to work within four hours after using alcohol
- use or possess alcohol on the job, including during breaks and/or lunch
- have a positive result from a test for alcohol
- use alcohol during the eight hours following an accident if their involvement has not been discounted as a contributing factor in the accident or until they are tested, whichever occurs first
- report for duty or remain on duty after using or while using any controlled substance (except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle; drivers should inform supervisors of any therapeutic drug use)
- have a positive result from a test for controlled substances
- refuse to submit to or fail to otherwise cooperate in a test for alcohol or controlled substances as requested

A driver who engages in any conduct described above may not operate a UNO commercial vehicle. The driver will be subject to corrective action up to and including dismissal.

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