



FMCSA Drug & Alcohol Policy Requirements

Clearinghouse - 382.601(b)

According to the Federal Motor Carrier Safety Administration (FMCSA) regulation 49 CFR § 382.601, every employer must provide educational materials explaining the rules for controlled substance and alcohol use to every driver who operates a commercial motor vehicle. This policy includes all the requirements under § 382.601(b). This policy also serves to inform all drivers of the requirements, prohibitions, and consequences related to controlled substance use and alcohol misuse as set forth in 49 CFR Part 382. This policy applies to all drivers required to hold a Commercial Driver's License (CDL) and who perform safety-sensitive functions for our Company.

1. The name or title of the individual who can answer driver questions about the materials;
2. The categories of drivers subject to the testing regulations;
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver will be required to be in compliance;
4. Detailed information on drug and alcohol prohibitions, such as:
 - o Alcohol consumption before and during on-duty time;
 - o Drugs that will be included in the testing panel;
 - o Thresholds that are considered a positive drug or alcohol test.
5. The different DOT test types under which a driver will be tested for alcohol and/or drugs and the circumstances for each, including the criteria for DOT post-accident testing;
6. The procedures that will be used to:
 - o Test for the presence of alcohol and controlled substances,
 - o Protect the driver and the integrity of the testing processes,
 - o Safeguard the severity of the test results, and
 - o Ensure that the test results are attributed to the correct driver;
7. The requirement that a driver must submit to alcohol and controlled substance tests required by the regulations;
8. An explanation of what constitutes a refusal to submit to an alcohol or controlled substance test, and the consequences of refusal;
9. The consequences for drivers who have violated the specific prohibitions of the policy, including:
 - o The requirement that drivers be removed immediately from safety-sensitive functions, and
 - o The substance abuse evaluation, return-to-duty procedures and follow-up testing program;
10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;
11. Information concerning the effects of alcohol and controlled substance use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem; and available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management; and
12. Information alerting drivers that the following personal information (collected and maintained under Part 382) will be reported to the CDL Drug and Alcohol Clearinghouse beginning January 6, 2020:
 - o A verified positive, adulterated, or substituted drug test result;
 - o An alcohol confirmation test with a concentration of 0.04 or higher;
 - o A refusal to submit to any test required by Subpart C of Part 382;
 - o The employer's report of actual knowledge, as defined at §382.107, of:
 - On-duty alcohol use (pursuant to §382.205);
 - Pre-duty alcohol use (pursuant to §382.207);
 - Alcohol use following an accident (pursuant to §382.209); and
 - Controlled substance use (pursuant to §382.213);
 - o A report from a substance abuse professional of the successful completion of the return-to-duty process;
 - o A negative return-to-duty test; and
 - o The employer's report of completion of follow-up testing.

The regulations (382.601(d)) also require that drivers sign a statement certifying they have received the information. A copy of this signed receipt must be saved.