

MONTANA BOARD OF REGENTS OF HIGHER EDUCATION
Policy and Procedures Manual

SUBJECT: PERSONNEL

Policy 740 – Drug and Alcohol Testing; Montana University System

Effective: September 19, 1996; Issued October 4, 1996

Policy:

1. This policy is adopted to comply with federally mandated drug and alcohol testing for certain employees. The overall goal for this policy is to ensure a drug free work environment and to ensure employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner which in turn will reduce accidents and injuries in the workplace.

2. To the extent possible, drug and alcohol testing will be conducted in a manner that respects employee privacy, dignity, and confidentiality.

3. Employees covered by this policy are those whose job duties require a commercial drivers license. Covered employees will be subject to the following types of urine drug and breath alcohol testing: pre-employment (for controlled substances only), post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing, as defined in 49 CFR Part 382.

4. In order to protect employees from inaccurate test results, reliable testing procedures will be used. Any employee who desires to review the results of any positive test will be allowed to do so. An employee who questions the results of a confirmed positive drug test may request an additional test be conducted using a split sample provided at the time of the original sample. The request must be made within 72 hours of initial test results. All costs for a retest on the split sample will be paid by the employee unless the second test invalidates the original test.

5. An employee who refuses to submit to a drug and/or alcohol test will be considered to have failed the test.

6. Drug testing: No employee covered by this policy shall report for duty or remain on duty when the employee uses any controlled substances as defined in 49 CFR Part 382, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect his/her ability to safely operate a commercial motor vehicle.

a) The first occurrence of a confirmed positive drug test will result in removal of the employee from performing safety sensitive functions, referral to a Substance Abuse Professional (SAP) for evaluation, completion of a return-to-duty test with a verified negative result, and a written warning letter.

b) Any subsequent confirmed positive drug test may result in more serious disciplinary actions, up to and including discharge. However, following a preventable accident in which an employee's drug test is confirmed positive (even if it is the first occurrence) more serious disciplinary action may result, up to and including discharge.

7. Alcohol testing: No employee covered by this policy shall perform safety-sensitive functions with an alcohol concentration of 0.04 or greater, possess alcohol while on duty, use alcohol while performing safety sensitive functions, or use alcohol four hours before performing safety sensitive functions.

a) Covered employees whose alcohol test indicates a blood alcohol concentration of 0.02 up to 0.04 will be immediately removed from performing safety-sensitive functions for a period of at least 24

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hours.

b) The first occurrence of an alcohol test resulting in a blood alcohol concentration of 0.04 or higher will result in immediate removal of the employee from performing safety-sensitive functions for a period of at least 24 hours, referral to an SAP for evaluation, completion of a return-to-duty alcohol test indicating an alcohol concentration of less than 0.02, and a written warning letter.

c) Any subsequent alcohol test with a blood alcohol concentration of 0.04 or higher may result in more serious disciplinary actions, up to and including discharge. However, following a preventable accident in which an employee's blood alcohol concentration is 0.04 or greater (even if it is the first occurrence) more serious disciplinary action may result, up to and including discharge.

Procedures:

Each campus that is subject to federally mandated drug and alcohol testing shall develop procedures to implement a drug and alcohol testing program for covered employees. Each campus that uses, but does not employ, a driver who performs duties requiring a commercial drivers license more than once a year must ensure that the driver participates in a drug and alcohol testing program which is consistent with 49 CFR Part 382.

Reference:

49 CFR Part 384, 49 CFR Part 40, and 39-2-304, MCA.

History:

Item 92-002-R0796, Drug and Alcohol Testing, Montana University System, September 19, 1996.