

Management Instruction

Alcohol and Drug Testing of Employees With a Commercial Driver's License

This management instruction describes Postal Service policies for compliance with the Omnibus Transportation Employee Testing Act of 1991 and implementing regulations issued by the Federal Highway Administration (FHWA).

BACKGROUND

The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety-sensitive employees in the motor industry. The Department of Transportation (DOT) published rules mandating anti-drug and alcohol misuse prevention programs in February 1994. The February 1994 rules required that implementation begin on January 1, 1995, for employers of fifty or more safety-sensitive employees. A safety-sensitive employee, for the purpose of these regulations, may be defined as one who holds a Commercial Driver's License (CDL) and who drives a vehicle in excess of 26,000 pounds Gross Vehicle Weight Rating (GVWR).

Employers are responsible for implementing and conducting the testing programs. They may do this by using their own employees, by using contract services, or by joining together in a consortium that provides services to all member companies. Law enforcement officers will not conduct the tests as part of roadside or other inspections. Under certain circumstances, however, post-accident tests conducted by law enforcement will be acceptable. Any individual who conducts the testing must be trained to operate the evidential breath testing (EBT) device and be proficient in the breath testing procedures. The National Medical Director of the Postal Service will administer the testing program.

SCOPE

The DOT regulations cover approximately 10,000 Postal Service employees who are required to operate commercial motor vehicles (vehicles in excess weight of 26,000 GVWR) during the performance of their jobs. To operate such a motor vehicle, the driver must possess a valid state CDL. Employees who are required to maintain a CDL as part of their responsibilities with the Postal Service are covered by this law

Date	9/29/95
Effective	9/29/95
Number	PO-720-95-2
Obsoletes	PO-720-95-1



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and these regulations. The DOT regulations will most often include motor vehicle operators and tractor trailer operators. Also included are many vehicle mechanics, certain plant maintenance mechanics, and a smaller number of city carriers, clerks, and mailhandlers.

PROHIBITIONS ON DRUG AND ALCOHOL USE AND POSSESSION

The FHWA regulations provide that no covered employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 BAC (blood-alcohol concentration) or greater. Safety-sensitive functions are defined as those functions listed in 49 CFR 395.2(1) through (7), including time spent driving, loading and unloading, performing vehicle inspections, waiting to be dispatched, etc. In addition, no management official having actual knowledge that a covered employee has a BAC of 0.02 or greater shall permit the covered employee to perform any safety-sensitive functions. Further, a driver may not possess alcohol while on duty or while operating a commercial motor vehicle. This includes possession of any medication containing alcohol.

The regulations prohibit a covered employee from using alcohol while performing safety-sensitive functions or within four hours prior to performing safety-sensitive functions. A driver may not use alcohol within eight hours following an accident, or until the driver takes an alcohol test, whichever comes first. The use of overtime is authorized to ensure compliance if necessary.

A covered employee may not report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any controlled substance, except when he or she is under a doctor's care and the doctor advises the employee in writing that the substance does not adversely affect the driver's ability to operate a commercial motor vehicle safely. This documentation must be retained in the driver's medical folder for five years.

REQUIRED TESTING

Pre-employment Testing

Pre-employment testing is confined to drug testing only and is conducted before applicants are hired or after an offer to hire, but before the employee actually performs safety-sensitive functions for the first time. Drug testing is also required when an employee transfers to a safety-sensitive position from a non-safety-sensitive position.

Post-employment Testing

The regulations also require drug and alcohol testing in the areas of post-accident, reasonable suspicion, random, return-to-duty and follow-up testing according to the following guidelines:

Post-accident

Testing is conducted after certain vehicular accidents as specified by FHWA regulations.

Reasonable Suspicion

Reasonable Suspicion testing is conducted when a trained supervisor or trained management official observes behavior or appearance that is characteristic of alcohol and/or drug use.

Random

Random testing is conducted on a random unannounced basis just before, during, or just after performance of safety-sensitive functions.

Return-to-duty and follow-up

Return-to-duty and follow-up testing is conducted when an individual who has violated the prohibited alcohol and/or drug standards returns to duty and performs safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

ALCOHOL AND DRUG TESTING PROCEDURES

Alcohol Testing

The DOT regulations require breath testing using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). The NHTSA periodically publishes a list of approved devices in the *Federal Register*. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a “negative” test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The covered employee and the individual conducting the breath test (called a breath alcohol technician) complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT. The confirmation test results determine any actions taken. The

DOT regulations include training and proficiency requirements for the breath alcohol technicians (BAT), quality assurance plans for the breath testing devices (including calibration requirements for a suitable test location), and protection for driver test records.

Drug Testing

Drug testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy. Medical personnel (Postal Service employees or contract services) seal and label the specimen, complete a chain-of-custody document, and prepare the specimen and accompanying paperwork for shipment to a drug testing laboratory. The specimen collection procedures and chain-of-custody document ensure that the specimen's security, proper identification, and integrity are not compromised. The Omnibus Act requires that drug testing procedures for commercial motor vehicle drivers include split specimen procedures. Each urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has seventy-two hours to request the split specimen be sent to another DHHS certified laboratory for analysis. This split specimen procedure essentially provides the employee with an opportunity for a "second opinion".

SANCTIONS FOR VIOLATION OF THE RULES

Alcohol

Covered employees who violate alcohol prohibitions must, under the law and implementing regulations, be immediately removed from safety-sensitive functions. Covered employees who have a positive alcohol test in excess of 0.04 BAC cannot return to safety-sensitive duties until they have been evaluated by a substance abuse professional (SAP), have complied with any recommended treatment, have passed a re-evaluation by the SAP, have passed an evaluation by the Medical Review Officer (MRO), and have passed a return-to-duty alcohol test. Follow-up testing to monitor the employee's abstinence from alcohol use will be required. Covered employees who have any alcohol concentration (defined as 0.02 – 0.039) when tested just before, during, or just after performing safety-sensitive functions must also be removed from performing such duties for twenty-four hours. The employee may return to duty at the beginning of his or her next shift after the twenty-four hours have elapsed. Before beginning the next work shift after the twenty-four hours have elapsed, the employee must pass an alcohol test (defined

as less than 0.02 BAC). If the employee is referred for a SAP evaluation, the employee must give permission to the MRO for the release of alcohol test results to the SAP. Discipline, if any, shall be administered in accordance with Article 16 of the National Agreement (see Appendices A, B, C, and D).

Drugs/Controlled Substances

As with an alcohol misuse violation, a covered employee must be removed from safety-sensitive duty if he or she has a positive drug test result. An employee cannot return to safety-sensitive duties until he or she has been evaluated by a substance abuse professional (SAP) and the MRO, complied with recommended rehabilitation, and has a negative result on a return-to-duty drug test. Follow-up testing to monitor the employee's continued abstinence from drug use will be required. If the employee is referred for a SAP evaluation, the employee must give permission to the MRO for the release of the drug testing results to the SAP. Discipline, if any, shall be administered in accordance with Article 16 of the National Agreement (see Appendices E and F).

NOTICES AND RECORDKEEPING

Notification

Before performing an alcohol or drug test under the new regulations, the employer must notify the driver in writing that the test is being conducted under the Federal Highway Administration (FHWA) regulations. The random selection document generated by the contractor will serve as the required notice.

Records

Types of Records Retained

Employers (or other contracted designees) are also required, as under the current drug testing rules, to retain certain records on their testing programs. The following records must be kept for a period of five years:

1. Records of all driver alcohol tests resulting in a concentration of 0.02 or greater, and all verified, positive drug tests.
2. Documentation of refusals to take drug or alcohol tests.
3. Documentation on calibration of EBT devices.
4. Driver evaluations and referrals.
5. A copy of each annual calendar year summary of testing.

Records Concerning Collection Process

Employers must also maintain for two years all records related to the alcohol and drug collection process (for breath and urine testing) and records related to required training. Records regarding negative drug and alcohol tests must be maintained for a period of one year. Records must be available for inspection on two business days notice at the employer's principal place of business upon request by an FHWA representative. Access to records must be controlled so that the information in the records is not released to any unauthorized person.

Annual Summary

If an employer is notified in January by the FHWA, the employer must submit the annual summary to the FHWA by March 15. Otherwise, a carrier is not required to report its testing results to the FHWA. The report generally will include the following information:

1. The number and types of tests conducted.
2. The number of drivers subject to testing.
3. The number of positive and negative results.
4. The number of applicants rejected for failing an alcohol or drug test.
5. The number of refusals to submit to tests.
6. The number of supervisors who received alcohol or controlled-substances-training.
7. The number of drivers who were returned to duty after a prior violation of the drug or alcohol rules.

Release of Information

The Postal Service may not release information on a driver's testing record to any other party without written permission from the driver. The new rules, however, specifically require the Postal Service to direct a driver applicant to provide a testing record as a condition of employment and submit to a DOT drug screen prior to employment. The rules also require an employer to obtain, pursuant to a driver's written consent, information on the driver's positive alcohol or drug tests and refusals to be tested, within the prior two years. Moreover, the rules provide that a prior employer must make these records available to a subsequent employer upon receipt of a written request from a driver.

TRAINING AND EDUCATION

Each employer must provide to all drivers educational materials that explain the drug and alcohol requirements and the employer's policies and procedures with respect to meeting those requirements. These materials must include the following information:

1. The identity of the person designated by the employer to answer questions about the materials.
2. The categories of employees subject to these regulations and a description of safety-sensitive functions and prohibited driver conduct.
3. The circumstances under which drug and alcohol testing will be conducted and the testing procedures.
4. The consequences of failing or refusing to take a test.
5. Information on the effects of drug and alcohol use on an individual's health, work, and personal life and on methods of intervening when a problem is suspected.

The educational materials also contain information on the Postal Service's own policies and disciplinary procedures on the possession and use of alcohol or drugs. All supervisors designated to make the determinations of reasonable suspicion for purposes of requiring a drug or alcohol test must undergo at least sixty minutes of training on alcohol misuse and at least an additional sixty minutes of training on drug use. The training must cover the physical, behavioral, speech, and performance indicators of controlled substances. Generally, this training will be performed in each Customer Service and Sales District by the District Occupational Health Nurse Administrator (OHNA).

IMPLEMENTATION PROCEDURES

Pre-employment

As a condition of employment, the Postal Service will require the applicant to take a pre-employment drug test as part of the overall personal suitability determination and a DOT drug screen at the time of the physical. Testing at this time will be handled by the local personnel office as part of the hiring procedure. The Postal Service must also obtain, pursuant to a driver's written consent, information on the driver's positive alcohol or drug tests and refusals to be tested, within the prior two years. The local personnel office will issue a release of information form to the applicant for signature. This form will be sent to the previous employer(s) and returned to the MRO. Only applicants who have been determined as "drug-free" are eligible for selection consideration.

Post-Accident Alcohol and Controlled Substances Testing

As soon as practicable following an accident involving a U.S. Postal Service commercial motor vehicle, the driver of the vehicle shall be tested if any one of the following conditions are met:

1. The accident involved a fatality; **OR**
2. The driver received a citation under state or local law for a moving violation arising from the accident and the accident involved an injury requiring treatment away from the scene; **OR**
3. The driver received a citation under state or local law for a moving violation arising from the accident and the accident involved the towing of any involved vehicle.

If any of the above conditions occur, the supervisor shall immediately require the driver to report to the designated medical testing facility for an alcohol and drug test. The employee may be escorted to the testing site if conditions warrant (see Appendix A).

Reasonable Suspicion

Reasonable suspicion drug and alcohol testing is conducted when a trained management official observes that the behavior or the appearance of a safety-sensitive employee is characteristic of and consistent with drug and/or alcohol usage. Management will use the Reasonable Suspicion Testing Checklist (Appendix B) as an aid in determining if such testing is justified.

Note: If testing is warranted, immediately escort the employee to the designated medical testing facility. This action will ensure the safety of the employee, the co-workers, and the general public.

Random Alcohol and Drug Testing

The employee is randomly selected for testing from a “pool” of all affected employees subject to testing. The testing dates and times are unannounced and are with unpredictable frequency throughout the year. Each year, the number of random tests will equal at least 25 percent of all the safety-sensitive employees for alcohol and at least 50 percent of all the safety-sensitive employees for drugs. These regulations provide for adjustments to the annual random testing rate in future years based on the violations industry-wide as determined by FHWA.

Return-to-duty and Follow-Up Testing

In order to return to duty, a negative test result is required when an individual who has violated the prohibited alcohol conduct standards desires to return to work. Return-to-duty testing resulting in a negative test is also one of the requirements for returning to duty following a positive drug test. Follow-up testing is required in both instances to monitor the

driver's continued abstinence from alcohol and/or drug use. Follow-up tests are unannounced and at least six tests must be conducted in the first twelve months after a driver returns to duty. Follow-up testing may be extended for up to sixty months following return to duty.

Notification of Positive Tests

Notification

Employees are to be notified of positive tests as follows:

1. Positive alcohol test greater than 0.02 BAC but less than 0.04 BAC (see Appendix C).
2. Positive alcohol test equal to or greater than 0.04 BAC (see Appendix D).
3. Notification of a Positive Drug Test Following Random Testing (see Appendix E).
4. Notification of a Positive Drug Test Following Reasonable Suspicion or Post Accident Testing (see Appendix F).

Following Notification

1. Guidelines –Employees incapacitated while on duty (see Appendix G).
2. Sample letter for placing an employee on emergency off-duty status (see Appendix H).

Appendix A—Post-Accident Alcohol and Drug Test

Note: *This checklist applies only to postal drivers who operate commercial motor vehicles in the performance of duty.*

First of all, determine if the driver or anyone else involved in the accident needs medical attention and satisfy yourself that medical assistance has been requested.

Then, determine if a DOT Post-Accident Alcohol and Drug Test must be performed by completing the following:

STEP 1

- a. Did the accident involve a fatality?
 Yes No
- b. Did the driver receive a citation under state or local law for a moving violation arising from the accident whereby an injury to anyone involved in the accident required treatment away from the scene?
 Yes No
- c. Did the driver receive a citation under state or local law for a moving violation arising from the accident whereby an involved vehicle was towed away from the scene?
 Yes No

If you answered “Yes” to either a, b, or c above, you *must* conduct a DOT Post-Accident Alcohol and Drug Test. If you answered “No” to all of the above, you do not need to conduct a DOT Post-Accident Alcohol and Drug Test. Indicate your decision below.

- Test Required No Test Required (Go to Step 3.)

STEP 2

Determine if state or local law enforcement has been notified. Further establish what determination has been made by state or local law enforcement regarding the disposition of the accident (e.g., moving violation citation).

If law enforcement has been notified and medical assistance for the Postal Service driver, if any, has been requested and provided, the next steps are:

- a. Advise the driver not to consume any alcohol for the next eight hours or until after testing is completed.
- b. Advise the driver that he or she must report for an alcohol and drug test as soon as possible, but not later than two (2) hours from notification.
- c. Advise the employee of the location of the nearest alcohol and drug testing facility. (Have the driver escorted to the testing facility if conditions warrant.)

STEP 3

Complete this checklist report, make comments as necessary, and file it.

Accident Date _____ Driver's Name _____
Reporting Office _____ Name of Official _____
Completing This Form _____

Appendix B—Reasonable Suspicion Testing Checklist

Use the following checklist to document any situation that you believe is caused by alcohol or other drugs.

Remember, you do not need to be absolutely certain that alcohol or drugs are involved. If you think there is a reasonable chance of alcohol or drug involvement, you must refer the employee for a reasonable suspicion test.

Name of Employee Observed: _____ Date Observed: _____

Location of Observation(s): _____ Time of Observation(s) _____

1. Must order a reasonable suspicion test if *one* of the following is observed during the course of duty.

- I smelled what I know to be the smell of alcoholic beverages on the covered employee.
- The covered employee was sleeping on the job.
- The covered employee struck another person.
- The covered employee struck company equipment/vehicle with an object (e.g., stick, wrench), or intentionally damaged or destroyed company equipment/vehicle.
- The covered employee was driving a vehicle or operating machinery erratically (e.g., weaving on the road, speeding, hitting objects with the vehicle, not following safety rules, etc.).
- The covered employee swayed back and forth when standing still; had to catch his balance repeatedly.
- The covered employee weaved or had to continually catch balance when walking.
- Other (please specify) _____

2. Must order a reasonable suspicion test if *two* or more of the following are observed during the course of duty.

The covered employee:

- Refused to respond when spoken to.
- Yelled at people for no reason.
- Was constantly arguing with co-workers.
- Made persistent errors on the job (describe in comment section below).
- Other (please specify) _____

Comments: What did you see? Be specific and descriptive.

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Appendix B—Reasonable Suspicion Testing Form (pg. 2)

Use the following checklist to document your actions where the use of alcohol or other drugs may have affected the performance of any individual performing a safety-sensitive task or may have affected the safety of the workplace. Indicate in the check box that you have completed each step, as applicable.

1. Notify your manager that you are directing an employee to have a reasonable suspicion drug and/or alcohol test. Do not delay the test if you cannot reach your manager.
2. Inform the employee that he or she is to report to the medical unit (or contract medical site) for reasonable suspicion drug and alcohol testing. Have him or her escorted to the designated testing site.

At the testing site:

3. Record date and time of arrival at specimen collection site.
Date: _____ Time: _____
4. Request a reasonable suspicion test for alcohol and/or drugs if the suspicious conduct occurred just prior to, during, or after the employee was performing safety-sensitive work.
5. If the suspicious conduct occurred at another time, order a reasonable-suspicion drug test only.
6. If the employee refused to submit to testing, he or she is regarded as having tested positive and action is taken according to procedures described in Appendix D or F. Remind the employee that refusal to go for an alcohol and/or drug test will result in immediate removal from the safety-sensitive job (DOT requirement) and subject him or her to discipline for failure to obey a lawful directive. Indicate here if the employee refused to take the reasonable suspicion test. Refused.
7. Whether the employee takes the test or not, ensure that the employee is taken to a safe place until he or she is cleared by the Medical Review Officer (MRO) or is taken home in accordance with guidelines for dealing with employees incapacitated while on duty (see Appendix G).
8. Complete this checklist, file a copy in your confidential records, and send the original to your manager.
9. Statement: I have received required DOT Drug and Alcohol Testing supervisory training as required by federal regulations.

Signature: _____

Name: _____ Date: _____

In the instance of item 4 above, if the employee tests positive for alcohol, follow Appendix C or D as appropriate. If the employee tests negative for alcohol, the employee should be placed in a non-duty status, without pay, (see Article 16.7 of the National Agreement) while waiting for the results of the drug test. The supervisor must send a letter to the employee confirming the action taken. See sample letter in Appendix H. The specimen must be sent by Express Mail for quick turnaround.

In the instance of item 5 above, the employee should be placed in a non-duty status, without pay, (see Article 16.7 of the National Agreement) while waiting for the results of the drug test. The supervisor must send a letter to the employee confirming the action taken. See sample letter in Appendix H. The specimen must be sent by Express Mail for quick turnaround.

If the test is returned negative in both instances, the employee may return to duty.

If the test is returned positive, refer to Appendix F—Notification of a Positive Drug Test following Reasonable Suspicion or Post-Accident Drug Testing.

Appendix C—Notification of a Positive Alcohol Test at 0.02 BAC and Above But Less than 0.04 BAC

The following procedures apply when notifying an employee of the results of a positive alcohol test at 0.02 BAC but less than 0.04 BAC.

1. The employee is notified of the test results by the Breath Alcohol Technician (BAT).
2. The BAT instructs the employee to remain in the testing area pending the arrival of a person to escort the employee back to the work location.
3. The BAT immediately notifies the manager on duty of the test results and requests that a member of the managerial team, or security, come and escort the employee back to the duty area.
4. The supervisor arranges to have the employee escorted back to the work location by managerial personnel or security.
5. The supervisor should immediately inform the employee that he or she is placed in an “emergency, off-duty status, without pay” according to Article 16.7 of the National Agreement. This action is taken on the basis of a report of a positive alcohol test of 0.02 BAC – 0.039 from the BAT and the potential that the test result indicates possible impairment, based on recognized scientific studies, and since retaining the employee on duty may be injurious to self or others.
6. The employee will be advised that he or she may not perform any safety-sensitive duties for a period of at least twenty-four hours from the time of manager notification. The employee should be further notified that before the beginning of the next duty shift after the twenty-four-hour period, the employee must pass an alcohol test. Failure to pass a return-to-duty alcohol test after the twenty-four-hour period (continuing to test at 0.02 or above) will result in a mandatory referral to the Substance Abuse Professional (SAP) for an evaluation.
7. The supervisor will encourage the employee to seek voluntary assistance from the Employee Assistance Program (EAP) and will provide the employee with the telephone number of the local EAP contact.
8. If the employee appears impaired, follow the guidelines set forth in Appendix G, Employees Incapacitated While on Duty.
9. The supervisor must send a letter to the employee confirming the action taken in Paragraph 5 above. See sample letter in Appendix H.
10. Discipline, if any, shall be administered in accordance with Article 16 of the National Agreement.

Appendix D—Notification of a Positive Alcohol Test at 0.04 BAC and Above

The following procedures apply when notifying an employee of the results of a positive alcohol test at 0.04 BAC and above:

1. The Breath Alcohol Technician (BAT) notifies the employee of the test results.
2. The BAT instructs the employee to remain in the testing area pending the arrival of a person to escort the employee back to the work location.
3. The BAT immediately notifies the manager on duty of the test results and requests that a member of the managerial team or security personnel, come and escort the employee back to the duty area.
4. The manager arranges to have the employee escorted back to the work location by managerial or security personnel.
5. The supervisor should immediately inform the employee that he or she is placed on “emergency, off-duty status, without pay” according to Article 16.7 of the National Agreement. This action is taken on the basis of a report of a positive alcohol test of 0.04 BAC or greater from the BAT and the potential that the test result indicates possible impairment, based on recognized scientific studies, and since retaining the employee on duty may be injurious to self or others.
6. If the employee appears impaired, follow the guidelines set forth in Appendix G, Employees Incapacitated While on Duty.
7. The supervisor must send a letter to the employee confirming the action taken in step 5 above. See sample letter in Appendix H.
8. The supervisor sends a separate letter to the employee directing the employee to report to the Substance Abuse Professional (SAP) for evaluation. The supervisor indicates to the employee that a requirement for continuing employment in his or her current position requires an evaluation by the SAP, successful completion of any recommended treatment or rehabilitation regimen, an SAP participation evaluation prior to return to duty, a medical evaluation by a medical review officer prior to return to duty, passing a return-to-duty alcohol test, and being placed in an unannounced follow-up testing program for a period of up to sixty months.
 - a. If the employee agrees to be evaluated by a SAP, the supervisor should immediately call the SAP contact (Employee Assistance Program counselor) and set up an appointment at the earliest time possible. Advise the employee of the date, time, and place of the SAP evaluation. The Medical Review Officer (MRO) will have those employees who test positive sign a release form allowing the MRO to communicate the alcohol test results to the SAP.
 - b. If the employee declines a SAP evaluation or does not successfully complete all of the terms of the SAP recommended treatment and rehabilitation regimen, the supervisor will send the employee a letter which outlines the following options:
 - (1) The employee may request reassignment to a non-driving position for which he or she is qualified. If the employee does not make such a request, or is not qualified for another position;
 - (2) The employee may resign. If the employee does not resign nor is reassigned;
 - (3) The employee will be given a letter of removal.

The supervisor should consult with Labor Relations regarding the specifics of this letter.

9. Discipline, if any, shall be administered in accordance with Article 16 of the National Agreement.

Appendix E—Notification of a Positive Drug Test Following Random Testing

The following procedures apply when notifying an employee of the results of a positive drug test following random testing:

1. Medical personnel will inform management that the employee must contact the Medical Review Officer (MRO).
2. Management has the employee contact the MRO as soon as possible. The MRO informs the employee that he or she has tested positive for drugs and determines if there is a medical reason for the positive test. If there is a medical reason, the tests counts as a negative test. If there is not a medical reason, the MRO informs the employee of the employee's right to appeal the drug test with a split specimen test. Under the law, employee notification of the drug test result will be in writing and the employee has 72 hours to request a split specimen test. The MRO has the employee sign a copy of the notification indicating the beginning time and date of the 72-hour-notification. If the employee refuses to sign, the MRO notes that refusal on the form, completes the date and time information, and signs to verify the information was received by the employee. The split specimen test, if requested, will be paid for by the Postal Service. The MRO will have those employees who test positive sign a release form allowing the MRO to communicate the drug testing results and any subsequent drug testing to the Substance Abuse Professional (SAP).
3. Management will immediately place the employee on "emergency, off-duty status, without pay" according to Article 16.7 of the National Agreement on the basis of a report of a positive drug test result from the MRO, and the MRO determination that the employee is unfit for duty because of the positive drug test. The employee is informed that he or she is placed in an "emergency off-duty status, without pay".
4. If the split specimen test returns positive, or if no split test is requested, management continues at step 5. If the split specimen test is returned negative, the employee is returned to duty immediately and made whole. The notice of placement letter is removed from the employee's file.
5. If, at any time, the employee appears impaired, follow the guidelines set forth in Appendix G, Employees Incapacitated While on Duty.
6. Send a letter to the employee confirming the action taken in Step 3 above. A sample letter is provided in Appendix H.
7. Following any necessary investigation, the supervisor will determine what additional action should be taken.
 - a. Discipline, up to and including removal, may be given in accordance with normal disciplinary procedures. Supervisors should consult with Labor Relations on proposed disciplinary action.
 - b. If the supervisor decides not to remove the employee, then the supervisor will inform the employee that in addition to any discipline that has been determined by the supervisor, the employee must sign a "last chance agreement" which, at minimum, will include the following provisions:
 - (1) The employee agrees to an evaluation by a SAP at the first available appointment.
 - (2) The employee agrees to follow the treatment and rehabilitation recommendations of the SAP and understands that he or she must successfully complete the treatment and rehabilitation regimen.

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Appendix E—Notification of a Positive Drug Test Following Random Testing (pg. 2)

- (3) The employee must pass a re-evaluation by the SAP, who will provide his or her recommendations to the MRO for approval.
 - (4) The employee must pass a return-to-duty evaluation by the MRO.
 - (5) The employee must pass a return-to-duty drug test.
 - (6) The employee agrees to unannounced follow-up testing to be determined by the MRO and the SAP for a period not to exceed sixty months.
 - (7) The employee agrees that any positive drug test during the follow-up test period, including random, for cause, or post-accident tests, will result in immediate removal from the Postal Service.
8. If the employee declines to sign a “last chance agreement” or does not successfully complete all of the terms of the “last chance agreement,” management should consider removing the employee from the Postal Service.
 9. If the employee agrees to be evaluated by a SAP, the supervisor should immediately call the SAP contact (EAP counselor) and set up an appointment at the earliest time possible.
 10. Discipline, if any, shall be administered in accordance with Article 16 of the National Agreement.

Appendix F—Notification of a Positive Drug Test Following Reasonable Suspicion or Post-Accident Testing

The following procedures apply when notifying an employee of the results of a positive drug test following reasonable suspicion or post-accident testing:

1. Medical personnel will inform management that the employee must contact the Medical Review Officer (MRO).
2. Management has the employee contact the MRO as soon as possible. The MRO informs the employee that he or she has tested positive for drugs and determines if there is a medical reason for the positive test. If there is a medical reason, the tests counts as a negative test. If there is not a medical reason, the MRO informs the employee of the employee's right to appeal the drug test with a split specimen test. Under the law, employee notification of the drug test result will be in writing and the employee has 72 hours to request a split specimen test. The MRO has the employee sign a copy of the notification indicating the beginning time and date of the 72-hour-notification. If the employee refuses to sign, the MRO notes that refusal on the form, completes the date and time information, and signs to verify the information was received by the employee. The split specimen test, if requested, will be paid for by the Postal Service. The MRO will have those employees who test positive, sign a release form allowing the MRO to communicate the drug test results and the results of any subsequent testing to the Substance Abuse Professional (SAP).
3. Management will immediately place the employee on "emergency, off-duty status, without pay" according to Article 16.7 of the National Agreement on the basis of a report of a positive drug test result from the MRO and the MRO determination that the employee is unfit for duty because of the positive drug test. The employee is informed that he or she is placed in an "emergency off-duty status".
4. If the split specimen test returns positive, or if no split test is requested, management continues at step 7. If the split specimen test is returned negative, the employee is returned to duty immediately.
5. If, at any time, the employee appears impaired, follow the guidelines set forth in Appendix G, Employees Incapacitated While on Duty.
6. Send a letter to the employee confirming the action taken in Step 3 above. A sample letter is provided in Appendix H.
7. Following any necessary investigation, the supervisor will determine what additional action should be taken as follows:
 - a. Discipline, up to and including removal, may be given in accordance with normal disciplinary procedures. Supervisors should consult with Labor Relations on proposed disciplinary action.
 - b. If the supervisor decides not to remove the employee, then the supervisor will inform the employee that in addition to any discipline that has been determined by the supervisor, the employee must sign a "last chance agreement" which, at minimum, will include the following provisions:
 - (1) The employee agrees to an evaluation by the SAP at the first available appointment.
 - (2) The employee agrees to follow the treatment and rehabilitation recommendations of the SAP and understands that he or she must successfully complete the treatment and rehabilitation regimen.

continued on next page

Appendix F—Notification of a Positive Drug Test Following Reasonable Suspicion or Post-Accident Testing (pg. 2)

- (3) The employee must pass a re-evaluation by the SAP, who will provide his or her recommendations to the MRO for approval.
 - (4) The employee must pass a return-to-duty evaluation by the MRO.
 - (5) The employee must pass a return-to-duty drug test.
 - (6) The employee agrees to unannounced follow-up testing to be determined by the MRO and the SAP for a period not to exceed sixty months.
 - (7) The employee agrees that any positive drug test during the follow-up test period, including random, for cause, or post-accident tests, will result in immediate removal from the Postal Service.
8. If the employee declines to sign a “last chance agreement” or does not successfully complete all of the terms of the “last chance agreement,” management should consider removing the employee from the Postal Service.
9. If the employee agrees to be evaluated by a SAP, the supervisor should immediately call the SAP contact (EAP counselor) and set up an appointment at the earliest time possible.
10. Discipline, if any, shall be administered in accordance with Article 16 of the National Agreement.

Appendix G—Employees Incapacitated While on Duty

The following procedures must be used to assist an employee who becomes is incapacitated while on duty.

Included in this category are situations where employees may be ill, over-medicated, intoxicated, or otherwise unable to perform their assigned duties, either at the time they enter on duty or during the course of their assigned tour. The determination of incapacity must be made by the employee's supervisor or manager and documented for future reference. The supervisor should not attempt to diagnose the condition, but should merely document observed behavior. Based on the information provided in this document, the supervisor or manager should use one or more of the procedures outlined below:

1. If the situation appears to be life-threatening, call 911. Otherwise, immediately contact the medical personnel designated to respond to medical situations for your facility. This may be an on-site health unit or a contract clinic. If you are unsure of who the designated medical personnel are, contact your District Occupational Health Nurse Administrator (OHNA) for information and assistance.
2. A family member or the person listed as an emergency contact for the employee should be contacted to provide safe transport of the employee either to a medical facility or home.
3. If the employee refuses efforts at transportation and attempts to drive his or her own vehicle while incapacitated, local law enforcement should be called.
4. In the event an employee becomes belligerent, postal police, local security, or local law enforcement should be contacted.
5. Upon return to duty, the manager or supervisor should inquire if there is a legitimate medical explanation for the incapacitation and/or if the employee has made arrangements for medical care. If there is no reasonable medical basis given, the manager or supervisor should formally refer the employee to the Employee Assistance Program counselor for an initial appointment on the clock. The manager or supervisor has the option of requesting that the employee undergo a fitness-for-duty examination prior to the employee returning to duty.

Supervisors and managers should use discretion when implementing these guidelines so as not to seriously affect the security of the postal facility or the movement of mail.

Appendix H—Sample Letter for Placing an Employee on Emergency Off-Duty Status

Date:

Subject: Emergency Placement in Off-Duty Status

To: Employee's Name
Job Title
Social Security Number
Office/Installation

You are hereby notified that you (will be) **or** (were) placed in an off-duty status without pay effective (time and date) and will continue in this status until you are advised otherwise.

The reason(s) for this action are:

(Briefly state the specific reason(s) for the placement in off-duty status, e.g., striking/threatening a fellow employee; use of, or testing positive for alcohol or drugs.) (Set forth the reason with sufficient specificity and detail so that the employee is adequately able to respond. Use names, dates, times, etc., so that the employee may have a fair opportunity to refute the notice without requiring further information.)

Retaining you on duty may result in damage to U.S. Postal Service property, loss of mail or funds, or injury to yourself or others.

You have the right to file a grievance under the Grievance/Arbitration procedure set forth in Article 15 of the National Agreement within 14 days of your receipt of this notice.

Signature of Supervisor

Name of Supervisor (Printed)

Signature of Employee below denotes receipt of the original:

Employee's Signature

Date

Time