



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois/62764

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## COMMERCIAL DRIVER'S LICENSE DRUG TESTING

COUNTY ENGINEERS/SUPERINTENDENT OF HIGHWAYS  
PUBLIC WORKS DIRECTORS  
MAYORS & VILLAGE PRESIDENTS

#94-15

The Federal Highway Administration recently added regulations on controlled substances, alcohol use and testing to the Federal Motor Carrier Safety Regulations in order to comply with the requirements of the Omnibus Transportation Employee Testing Act of 1991.

It has been determined that these regulations are applicable to all public employees required to have a commercial driver's license (CDL) for their jobs.

Employers with 50 or more employees having job-related CDLs will be required to initiate random testing by January 1, 1995. Employers with fewer than 50 CDLs will have a target date of January 1, 1996 to comply. Agencies that must meet CDL requirements may group together and provide a common testing facility.

Attached is a sheet that explains the USDOT drug and alcohol testing requirements.

Very truly yours,

A handwritten signature in cursive script that reads "Bill Sunley".

William T. Sunley P.E.  
Engineer of Local Roads and Streets

# USDOT Expands Drug and Alcohol Testing Requirements

By Mark W. Berry

*Davis Wright Tremaine, Bellevue, WA*

The United States Department of Transportation (USDOT) published new regulations February 15, 1994 that greatly expand its drug-testing requirements. The new regulations more than double the number of employees required to be drug tested and, for the first time, require alcohol testing.

## Employees Covered by the Regulations

One of the most significant elements of the new regulations is the broad expansion of the employees subject to testing. Under regulations adopted by the Federal Highway Administration (FHA), all employees who are required to have commercial driver's licenses for their jobs are subject to testing. Previously, only those who drove vehicles in excess of 26,000 lbs. gross vehicle weight and drove across state lines were subject to testing. The new regulations add mass transit drivers to the testing requirements as well. With these new regulations, the following employees, considered to be in safety sensitive positions, are subject to the testing requirements:

**Federal Highway Administration:** those required to have and maintain a commercial driver's license;

**Coast Guard:** crewmembers on nonrecreational vessels;

**Federal Aviation Administration:** flight crews, attendants, instructors and dispatchers and those involved in aircraft preventative maintenance and air traffic control;

**Federal Railway Administration:** those involved in the operation or service of trains, engines or railroad signals and dispatchers;

**Federal Transit Administration:** those involved in the operation or maintenance of revenue service vehicles in mass transit systems;

**Research and Special Programs Administration:** those involved in the operation or repair of emergency response functions on a pipeline or liquified natural gas facility.

## Tests Required

The other most significant aspect of the new regulations is the inclusion of alcohol testing. Previously, the USDOT only required urine testing for marijuana, cocaine, opiates, amphetamines and phencyclidine. Under the new regulations, employees in safety-sensitive positions must be tested for the presence of alcohol as well. Only "evidential breath tests" (breathalyzers) may be used for the test.

## Test Circumstances

Although each agency within the USDOT has its own regula-

tions, testing is normally required in the following circumstances: (1) pre-employment; (2) upon reasonable cause or suspicion; (3) post-accident; (4) periodically (in conjunction with required medical exams); (5) at random; and (6) upon return to duty.

## Test Procedures

The USDOT has established a detailed set of procedures for the collection and analysis of urine and breath samples. Employers should ensure that their laboratory and collection sites are familiar, and can comply, with the USDOT requirements, including the new alcohol testing requirements.

## Other Requirements

In addition to testing, the regulations require employers to establish policies, have information on drug and alcohol abuse available to employees and train supervisors. Furthermore, the USDOT has established uniform reporting procedures so that test results can be reported to the USDOT periodically.

## Effective Date

The new regulations are effective January 1, 1995 for employers with 50 or more USDOT-covered employees. All other employers must comply with the regulations by January 1, 1996.

## Preparation for the Regulations

Employers should begin now to prepare for the regulation by doing the following:

- Update of draft written policies;
- Work with any union involved (testing is a mandatory subject of bargaining);
- Identify resources for employee assistance;
- Provide training for supervisors with respect to drugs and alcohol;
- Contact laboratories;
- Provide notice to employees of the upcoming testing requirements;
- Understand the legal ramifications of substance abuse issues in the workplace.

## Other Legal Issues

Workplace drug and alcohol policies are touched upon by several other areas of the law, including the Americans with Disabilities Act (ADA). As employers develop and prepare to implement policies, they should be familiar with the limitations imposed by the ADA and other laws.

Employers should always consult with their attorney to discuss these issues or the regulations in greater detail.

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