

Loss Prevention

Please route to:

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DOT requires alcohol testing

Employers who have drivers that are required to maintain a Commercial Drivers License (CDL) must implement an alcohol testing program.

Because alcohol is a legal substance, the DOT rules apply to specific alcohol related conduct. Under the new rules employees are prohibited from driving and performing other functions:

- While using alcohol
- If they have an alcohol concentration of 0.04 or greater as indicated by an alcohol breath test.
- Within four (4) hours after using alcohol

Under DOT rules, the following alcohol tests are required to be administered by the employer as part of the alcohol testing program:

- **Preemployment** - test must be completed prior to driving or performing other functions as defined by the DOT.
- **Post accident** - test must be completed after accidents on employees whose performance could have contributed to the accident.
- **Reasonable suspicion** - when a trained supervisor observes behavior or appearance characteristic of alcohol misuse.
- **Random** - unannounced random test before, during or after driving or performing other functions as defined by the DOT

- **Return-to-duty and follow-up** - testing is required after a person has violated the alcohol conduct standards.

According to the DOT:

1. The employer is responsible for conducting the tests. The employer must do breath testing using Evidential Breath Testing devices (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). Specific procedures must be followed on any "negative" test of 0.02 alcohol concentration or greater.
2. Employees who engage in prohibited alcohol conduct must be removed from driving and driving related functions and cannot return until they have been evaluated by a substance abuse professional.
3. Employers must provide detailed information to employees about alcohol misuse, substance abuse policy, testing requirements and how and where employees can obtain help for alcohol and substance abuse.
4. The DOT will conduct inspections or audits of your program. You will be required to keep detailed records of all aspect of your substance abuse program.

The loss prevention bulletin addresses the alcohol testing regulations. Revisions have been made to the drug testing requirements also. These include return to duty procedures, specimen collection procedures and random drug test procedures.

For more specific information and copies of the alcohol and drug rules contact:

Alcohol and Drug Testing Procedures
Office of the Secretary
Drug Enforcement and Program Compliance
400 7th Street, S.W.
Washington, DC 20590
(202) 366-3784.

This bulletin is only a brief overview of the alcohol testing rules that affect all employers as of January 1, 1996. You should obtain all of the regulations to ensure that you comply with all of the provisions of the alcohol testing requirements.

Commercial Drivers License (CDL) requirements as mandated by the DOT

Your driver is required to maintain a CDL if:

- you operate a Commercial Motor Vehicle (CMV) in interstate, intrastate or foreign commerce.

A vehicle is a Commercial Motor Vehicle (CMV) if it:

- has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a Gross Vehicle Weight (GVW) of more than 10,000 pounds; or

- has a GVW of 26,001 or more pounds; or
- is designed to transport 16 or more passengers including the driver; or
- is used to transport hazardous materials per Hazardous Materials Transportation Act regardless of the vehicle GVW.

Consult the DOT for CDL testing and maintenance requirements.

If you have any questions or comments, contact your Zurich account executive or the Loss Prevention Department at 800-821-7803.

This Loss Prevention Bulletin is provided for informational purposes only. Please consult with qualified legal counsel to address your particular circumstances and needs. Zurich is not providing legal advice and assumes no liability concerning the information set forth above.