



Think Safety!

A Publication Of The West Virginia Propane Gas Association

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DOT Drug Test And Reporting

We introduced our DOT series of topics in our last newsletter. In that issue, we focused on incident reporting. In our alcohol and drug prevalent society, far too often incidents occur as a result of the misuse of those substances.

The propane industry works with a potentially dangerous substance delivered by large vehicles. We owe it to the public, our company and our

employees to make sure that as we go about our job we do it in the clearest frame of mind possible.

This topic will focus on the DOT regulations intended to provide the most lucid environment possible and protect everyone's safety.

We will identify testing procedures, record keeping and how to broadcast the policy and regulations to employees.



Alcohol And Drug Testing:

Testing requirements for drug and alcohol are clearly defined in CMV 49 CFR Parts 40 and 382. Due to the complexity and specificity of the regulations, it is highly recommended that companies have a designated person with

detailed knowledge of the regulations and monitor the company's compliance with them.

According to 49 CFR 382.301, a driver must be tested prior to performing a safety sensitive function. Safety sen-

sitive functions would include such tasks as vehicle inspection in addition to driving.

Prior testing can be used for a new employee if the employee participated in a prior program within the previous 30 days and that program fully conformed to regulatory

testing. The employee must also have been tested within the last six months or participated in the program for the previous 12 months. The employer must also verify that the employee had no previous violations within the past six months.

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Post Accident Testing:

Drivers must be tested for drugs and alcohol following an accident involving a CMV on a public road when any of the following conditions occur. The test must be performed as soon after the accident as practically possible. A driver must be tested if:

It involves loss of human life

Results in a moving traffic violation within eight hours of the accident and the accident resulted in injury to a person

that required immediate treatment away from the scene of the accident or caused disabling damage to a vehicle.

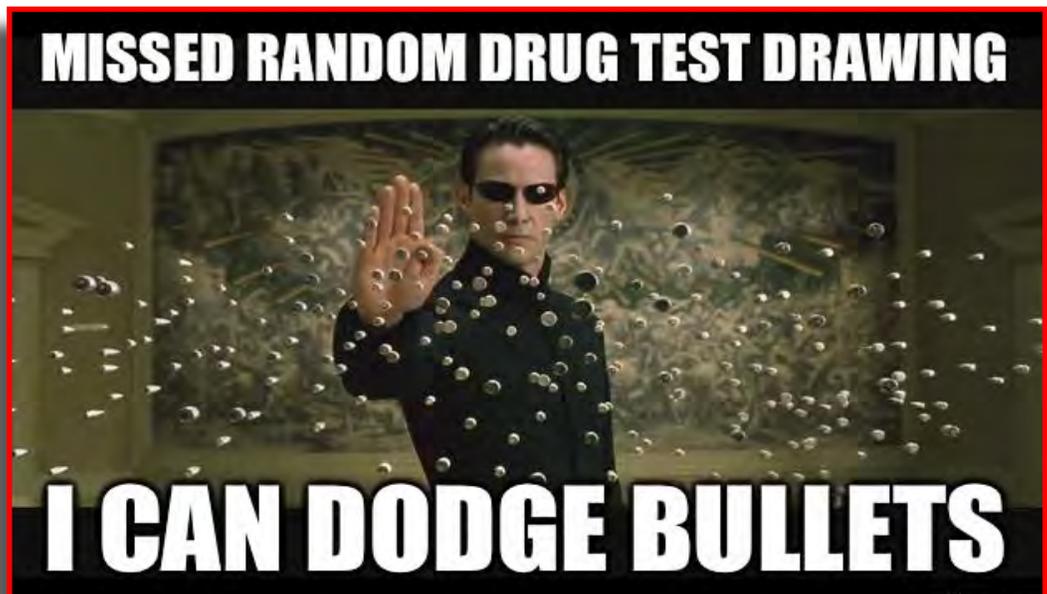
Either the drug and alcohol testing must be done within two hours of the accident or employer must maintain on file an explanation why the driver was not tested promptly. Alcohol testing can't be performed later than eight hours after the accident and drug testing has a 32-hour window.



Random Testing:

In addition to incident and scheduled testing, an employer must maintain a random testing program. The random testing rate is set annually by the Federal Motor Carrier Safety Administration (FMCSA) and is a percentage of the average number of driver positions of the employer.

No matter how drivers are selected, the employer must ensure that selections are purely random and spread throughout the year. Once selected, the driver must proceed to the testing facility immediately.



Reasonable Suspicion Testing:

What does an employer do if he suspects a driver may be using alcohol or drugs?

According to 49 CFR, if the employer has reason to believe that the employee is violating the drug and alcohol regulations and the suspicion is based on current and recordable observations of behavior,

speech or odor, then the employer must require that the driver submit to testing.

The observations must be recorded and documented by a company official trained in accordance with 49 CFR 482.603.

There is a four-hour pro-

hibitive window following the use of alcohol in which an employee can perform no safety sensitive procedures. If an employer knows or has reasonable suspicion that a driver has used a controlled substance while performing a safety-sensitive function, then

the employer must require that the driver submit to alcohol or controlled substance testing.

Anyone that supervises drivers must receive at least 60 minutes of training on alcohol and drug misuse to aid the supervisor in determining reasonable suspicion of misuse.

What are the effects of blood alcohol concentration (BAC)?

Information in this table shows the blood alcohol concentration (BAC) level at which the effect usually is first observed.

Blood Alcohol Concentration (BAC)*	Typical Effects	Predictable Effects on Driving
.02% About 2 alcoholic drinks**	<ul style="list-style-type: none"> • <i>Some loss of judgment</i> • <i>Relaxation</i> • <i>Slight body warmth</i> • <i>Altered mood</i> 	<ul style="list-style-type: none"> • <i>Decline in visual functions (rapid tracking of a moving target)</i> • <i>Decline in ability to perform two tasks at the same time (divided)</i>
.05% About 3 alcoholic drinks**	<ul style="list-style-type: none"> • <i>Exaggerated behavior</i> • <i>May have loss of small-muscle control (e.g., focusing your eyes)</i> • <i>Impaired judgment</i> • <i>Usually good feeling</i> • <i>Lowered alertness</i> • <i>Release of inhibition</i> 	<ul style="list-style-type: none"> • <i>Reduced coordination</i> • <i>Reduced ability to track moving objects</i> • <i>Difficulty steering</i> • <i>Reduced response to emergency driving situations</i>
.08% About 4 alcoholic drinks**	<ul style="list-style-type: none"> • <i>Muscle coordination becomes poor (e.g., balance, speech, vision, reaction time, and hearing)</i> • <i>Harder to detect danger</i> • <i>Judgment, self-control, reasoning, and memory are impaired</i> 	<ul style="list-style-type: none"> • <i>Concentration</i> • <i>Short-term memory loss</i> • <i>Speed control</i> • <i>Reduced information processing capability (e.g., signal detection, visual search)</i> • <i>Impaired perception</i>
.10% About 5 alcoholic drinks**	<ul style="list-style-type: none"> • <i>Clear deterioration of reaction time and control</i> • <i>Slurred speech, poor coordination, and slowed thinking</i> 	<ul style="list-style-type: none"> • <i>Reduced ability to maintain lane position and brake appropriately</i>
.15% About 7 alcoholic drinks**	<ul style="list-style-type: none"> • <i>Far less muscle control than normal</i> • <i>Vomiting may occur (unless this level is reached slowly or a person has developed a tolerance)</i> 	<ul style="list-style-type: none"> • <i>Substantial impairment in vehicle control, attention to driving task, and in necessary visual and auditory information processing</i>

Record Keeping:

Alcohol and drug testing records must be kept in a secure place. They must also be kept confidentially and separate from other employee records. The following records must be kept for five years:

Test results indicating an alcohol concentration of 0.02 or greater

Verified positive controlled substance test results

Documentation of refusal to take the required alcohol or drug test

Driver evaluation and refer-

als
Calibration documentation for verification of breath testing devices

Records relating to the administration of the alcohol and controlled substances testing programs

A copy of each annual calendar year summary required by 49 CFR 382.403

Records related to the alcohol and controlled substance collection process must be maintained in a secure location as confidential files separated



from other personnel files for a period of two years.

Negative controlled substance test results and alcohol test results with a blood-alcohol level of less than 0.02 must be maintained in a secure location for a period of one year.

Records related to the training and education of the testing technicians, supervisors and drivers must be kept during the period in which the person is doing the testing and for two years after they have stopped.

Articles in this publication are for information only. Nothing in this publication is to be construed as setting standards or requirements. Please consult with appropriate regulatory and rulemaking bodies for all legal requirements.



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Training Quiz Answers

Name _____ Social Security Number _____

1. Following initial employment, an employee must be drug and alcohol tested before performing a safety sensitive function.
 A. True B. False
2. Safety sensitive functions include only driving or handling propane.
A. True B. False
3. Prior testing can be used for a new employee if the employee participated in a prior program within the previous ___ days and that program fully conformed to regulatory testing. The employee must also have been tested within the last ___ months or participated in the program for the previous ___ months.
 A. 30, 6, 12 B. 25, 3, 9 C. 60, 9, 15 D. 90, 12, 15
4. Drivers must be tested for drugs and alcohol following an accident involving a CMV on a public road when any of the following conditions occur.
A. someone killed B. someone injured C. vehicle disabled D. A, B, and C
5. Either the drug and alcohol testing must be done within ___ hours of the accident or employer must maintain on file an explanation why the driver was not tested promptly.
 A. Two B. Four C. Six D. Eight
6. Alcohol testing can't be performed later than ___ hours after the accident and drug testing has a ___ hour window.
A. 10, 48 B. 8, 32 C. 6, 36 D. 8, 72
7. In addition to incident and scheduled testing, an employer must maintain a random testing program.
 A. True B. False
8. Once selected, the driver must proceed to the testing facility immediately.
 A. True B. False
9. If an employer has reason to believe that the employee is violating the drug and alcohol regulations and the suspicion is based on current and recordable observations of behavior, speech or odor, then the employer must require that the driver submit to testing.
 A. True B. False
10. There is a ___ hour prohibitive window following the use of alcohol in which an employee can perform no safety sensitive procedures.
A. 6 B. 8 C. 4 D. 24
11. Anyone that supervises drivers must receive at least ___ minutes of training on alcohol and drug misuse.
A. 20 B. 90 C. 30 D. 60