

# The City of Seattle and its CDL Holders

Presented by  
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# Federal Regulations

- We are **required** to have a program that complies with the Federal Department of Transportation (DOT) regulations
  - 49 CFR Part 40
  - FMCSA 49 CFR Part 382
  - USCG 46 CFR Parts 4 & 16
- Who is covered?
  - FMCSA – Anyone who operates, on a roadway accessible to the public, a vehicle
    - >26,000 GVWR
    - that was originally designed to transport at least 15 passengers (+ the driver)
    - that must be placarded as hazardous, regardless of the size
  - USCG
    - Anyone working on a commercial vessel in a position that could affect the safe operation of the vessel

# Categories of Drug Tests

- Pre-Employment
- Random
- Post-Accident
- Reasonable Suspicion
- Return to Duty
- Follow-up

# Pre-employment

49 CFR 382.301

- Before someone is added or returned to the Random Pool, regardless of how long on City payroll.
- Negative result must be reported before performing safety-sensitive duties.

## **HOWEVER**

- There is no point doing the drug test until the background check is complete.
- There is no point in doing any of it if the complete abstract is scary.

# Random

(49 CFR 382.305)

- Unannounced
- Spread reasonably throughout the calendar year
- Scientifically valid random selections
- Every driver equal chance every time
- Every driver selected will be tested
  - Not so easy to excuse tests since August 2001 rewrite
- “Proceed immediately” once notified

# FMCSA Post Accident

(49 CFR 382.303)

- Fatality? **Yes**
- Driver cited? **Maybe**
- Driver cited + vehicle towed? **Probably**
  - If vehicle is towed because of damage beyond tires or headlights - **Yes**
- Driver cited + medical treatment? **Yes**
- Contact Citywide Safety? **Yes!**

# Testing Process Overview

- Samples treated as evidence
- Standardized procedures
- Precautions to limit alterations
- Privacy afforded donor (with exceptions)
- Donor signs certifying statement
  - NOT a consent statement; no consent necessary
- Chain of Custody initiated and maintained

## Process Overview (cont'd)

- Collection
  - Certified collectors, STT & BATs ( 8-hour class + proficiency demonstrations)
- Analysis – two step process for each test
  - Urine Drug Screen – Laboratory – drugs, adulterants, etc.
  - Evidential Breath Alcohol – “Breathalyzer” – screens out acetone, etc.
- MRO (Medical Review Officer) review
- Substance Abuse Professional
- Recertification required for all of the above



## Drugs & Cutoff Levels

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/mL	THCA <sup>1</sup>	15 ng/mL.
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL.
Opiate metabolites			
Codeine/Morphine <sup>2</sup>	2000 ng/mL	Codeine	2000 ng/mL.
		Morphine	2000 ng/mL.

## Drugs & Cutoff Levels

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamines <sup>3</sup>			
AMP/MAMP <sup>4</sup>	500 ng/mL	Amphetamine	250 ng/mL.
		Methamphetamine <sup>5</sup>	250 ng/mL.
MDMA <sup>6</sup>	500 ng/mL	MDMA	250 ng/mL.
		MDA <sup>7</sup>	250 ng/mL.
		MDEA <sup>8</sup>	250 ng/mL

## Drugs & Cutoff Levels

\*What about Marijuana? No consideration for Marijuana is allowed for CDL holders per Federal Law. As a matter of fact, because the City receives Federal funds, no consideration can be made for any employee with a Medical Marijuana authorization if they “fail” a drug test.

\*Afraid to eat a Poppy Seed Muffin? Testing cutoff levels for opiates were increased from 300 ng/ml to 2,000 ng/ml as of December 1, 1998. Can you believe we’re still talking about this?!

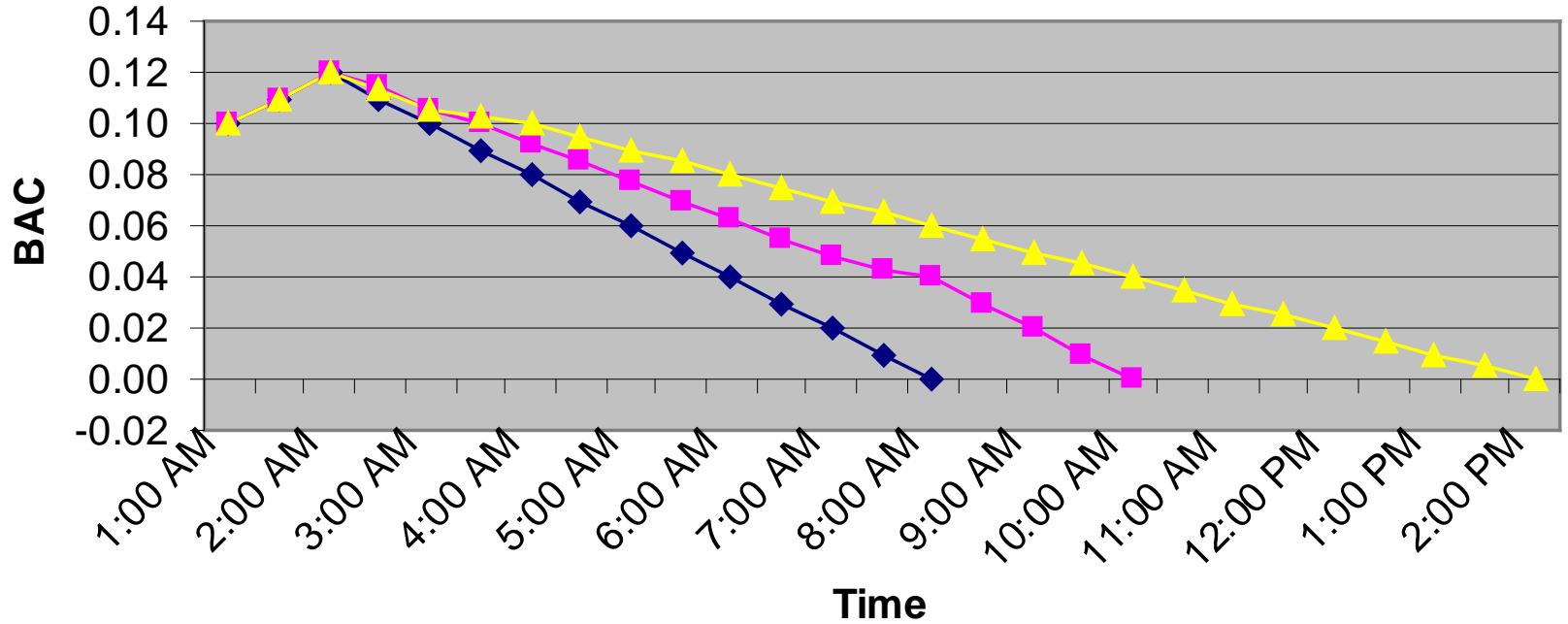
## Blood Alcohol Content

- .40 Death
- .13 Average DUI
- .08 Legally drunk lose license
- .02 Legally drunk CDL medically affected
- .02 Under 21 lose license

## Blood Alcohol Concentration and Consequences

- **0.08** gm Alc/210 L breath is DUI
- **0.04** gm Alc/210 L breath is violation of Part 40.
  - Report must be filed with WA State DOL
- **0.02** gm Alc/210 L breath is DOT “prohibited conduct”; it is positive and employee must be removed from safety sensitive duties. This is treated the same as 0.04 under City policy.

### BAC Decrease over time



Fast  
metabolism



Average  
metabolism



Slow  
metabolism



## Alcohol Consequences

Alcohol cannot be consumed within eight hours prior to performing a safety-sensitive duty.

## Your CDL Record

- Getting stopped for an alcohol-related offense on your own time, in a non-commercial, non-City vehicle, will result in suspension of your CDL for one year.
- If you already have a “serious traffic offense” on your record, including previous alcohol-related misadventures, it will be a LIFETIME suspension of your CDL.



## Your CDL Record

- Alcohol-related citations stay on your CDL record for life.
- There is no such thing as an “Occupational CDL”.
- Chances are, The City would be unable to maintain your employment.

## Personal Citations

- CDL holders must report any change in license status (suspension, etc.) to their employers within 24 hours.
- Federal & State regulations also require that a CDL holder report any moving violation (anything except a parking ticket) to the employer within 24 hours.
  - This means citations in your personal vehicle!

## CDL Medical Cards

- To drive in intrastate or interstate commerce, you must have passed a medical examination, within the past 2 years, in accordance with Federal Motor Carrier Safety Regulations 49 CFR 391, Subpart E, as defined in the Federal Motor Carrier Safety Administration's (FMCSA)
- Always carry your medical card with you. It is your responsibility to make sure the card is not expired.
  - Not having it, or having an expired card, may fall under the category "serious traffic offense" starting in January 2012.

## Internet Resources

- DOT - <http://www.dot.gov/ost/dapc/>
- SAMHSA - <http://dwp.samhsa.gov/index.aspx>
- Washington State Department of Licensing - <http://www.dol.wa.gov/driverslicense/cdl.html>

# QUESTIONS?