

# **BROWN UNIVERSITY**

## **COMMERCIAL MOTOR VEHICLE POLICY**

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## **PURPOSE**

In response to the Federal Motor Carrier Safety Regulations (FMCSR) regarding the operation of vehicles that meet certain weight, use and capacity criteria, Brown University has instituted this Commercial Motor Vehicle Policy. This policy is intended to provide direction and assistance to departments, supervisors and employees affected by these federal regulations, and to reaffirm the University's intent to comply with all applicable state and federal statutes and regulations.

## **SCOPE**

- A. This policy outlines certain responsibilities and requirements for the operation of Commercial Motor Vehicles ("CMV"). A CMV is defined as any self-propelled or towed vehicle used on a highway (any roadway or passage which may be available to public transportation at any time, whether on private or public property) in interstate or intrastate commerce to transport passengers or property when the vehicle:
1. has a gross vehicle weight rating or gross combination weight (including trailers) rating of 10,001 lbs. or more; or
  2. is designed to transport 16 or more passengers, including the driver; or
  3. is of any size and is used in the transportation of materials found to be hazardous (determined hazardous by the Hazardous Materials Transportation Act, 49 USC § 5101) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR chapter I, subchapter C).
- B. Every self-propelled CMV must be marked to display the following information:
1. the legal name or a single trade name of the motor carrier operating the self-propelled CMV, as listed on the motor carrier identification report (Form MCS-150)
  2. the motor carrier identification number issued by the FMCSA, preceded by the letters "USDOT"
- C. Drivers of CMVs must meet specific requirements as described further in this policy
- D. When a CMV meets any of the following criteria all drivers of these specific vehicles must obtain a Commercial Drivers License ("CDL"):
1. meets or exceeds 26,001 lbs. gross vehicle weight; or
  2. transports 16 or more passengers, including the driver; or

3. transports hazardous materials (defined as hazardous materials by the Hazardous Materials Act, 49 USC § 5101) and required to display placards under the Hazardous Materials Regulations (49 CFR Chapter I, subchapter C).

## **RESPONSIBILITIES**

### **A. VEHICLE OVERSIGHT COMMITTEE:**

The University shall have a Vehicle Oversight Committee appointed by the Senior Vice President for Corporation Affairs & Governance. Its composition and the terms of its members shall be determined by the Senior Vice President for Corporation Affairs & Governance. The duties of the Vehicle Oversight Committee are:

1. to establish policies and procedures pertaining to the safe and compliant operation of CMVs by University employees and;
2. to update and revise this policy and its procedures from time to time as it deems necessary and appropriate.

### **B. INSURANCE OFFICE:**

The duties of the Insurance Office with respect to DOT compliance shall be:

1. **ACCIDENT REGISTER** – the DOT mandates the use of an Accident Register in 49 CFR §390.15(b), and the six items required to be recorded (date, city/state, driver's name, injuries, fatalities, and whether or not hazardous materials were spilled) are minimal. All accidents incurred by Brown University will be recorded on the Accident Register, regardless of severity. The Accident Register will be retained by the Insurance Office for a period of ten years from the date of the accident.
2. **MOTOR CARRIER IDENTIFICATION REPORT** – each motor carrier that conducts operations in interstate commerce (or intrastate commerce if the carrier requires a Safety Permit as per § 385.400 of this chapter) must file a Motor Carrier Identification Report, Form MCS – 150. The Insurance Office will ensure timely and accurate reports.
3. **UNIFIED CARRIER REGISTRATION** – The Unified Carrier Registration (UCR) Program requires individuals and Rhode Island based companies that operate CMVs in interstate or international commerce to register their business with Rhode Island and pay an annual fee based on the size of their fleet. The Insurance Office will register Brown's fleet and pay the appropriate annual fee.
4. On a periodic basis, request vehicle Daily Inspection forms to ensure the University's compliance with maintenance requirements.

### **C. HUMAN RESOURCES** – Human Resources is responsible for the following DOT compliance activities:

1. Obtain Motor Vehicle Record (“MVR”) checks on all CMV operators employed by the University or potentially employed by the University.
2. Assist supervisor/department hiring a position that involves operating a CMV with all appropriate aspects of compliance.
3. Inform supervisor promptly of a driver’s non-compliance with DOT driver requirements upon learning of such non-compliance.
4. Ensure each employee required to have a CDL participates in an appropriate drug and alcohol testing program in accordance with DOT regulations. All results will be kept and maintained on file by Human Resources pursuant to University policy.
5. Review all driver qualification forms and documents for completeness and compliance.
6. Annually review driving records as described in § 391.25 and keep in Driver Qualification file.
7. Maintain Driver Qualification files ( 49 CFR 391) as long as the driver is employed and for three years (30 after the driver leaves.)

**DRIVER QUALIFICATION FILES 49 CFR 391**

1. Application for employment (all drivers)
2. Investigation and inquiry to past employers (past three years) to be contacted within the first thirty days of employment
3. Responses of state agencies concerning the driving record of the employee from each state he/she held a motor vehicle operator’s license
4. Valid DOT physical exam (renewable every two (2) years)
5. Mandatory drug testing information (for drivers operating a vehicle with a GVWR of 26,001 lbs. or more’ a vehicle requiring a placarding for hazardous materials; or a vehicle designed to transport 16 or more passengers including the driver)
6. Copy of driver’s valid license or certificate of road test
7. drivers must submit, annually, a list of motor vehicle violation convictions , excluding parking violations
8. CDL licensed drivers must report out of state convictions (other than parking), within thirty (30) days, to their employer as well as to the state that issued the CDL

**D. SUPERVISOR/DEPARTMENT** – The duties of the driver’s supervisor or his/her department:

1. actively participate in the hiring process for employees who drive CMVs, which includes:
  - a. Contacting Human Resources and informing them that the position that is open involves the driving of a CMV and may require special licensing.
  - b. Review all forms and documents from Human Resources for completion and compliance prior to extending an employment offer. All offers shall be conditioned upon successful completion of prior employment, driving record, physical, drug and alcohol testing, and other DOT requirements for drivers.

- c. Ensuring the post-hire applicant obtains his/her physical, road test, and CDL drug and alcohol testing.
  - d. See to it that new hires become appropriately trained.
  - e. Assure that drivers complete their physicals.
2. conduct an annual driving record review of each CMV and CDL driver during the employee's annual performance review. The form, 643-FS-C2, Motor Vehicle Driver's Certification of Violation/Annual Review of Driving Record, should be completed by the driver and by the Supervisor and a copy submitted to Human Resources for placement in the Driver Qualification File.
  3. review and maintain each vehicle's inspection log and ensure vehicles receive the appropriate repair and maintenance.
  4. keep vehicle in safe operating condition and comply with all inspection requirements.
  5. to receive training as defined in section 8, Supervisor Training, when supervising CDL drivers.
  6. approach CDL drivers and require them to submit a urine sample for drug/alcohol testing at the medical facility when the supervisor suspects that the driver is under the influence of drugs or alcohol, pursuant to DOT regulations and University policy, and shall contact Human Resources as soon as possible following the incident and complete the Supervisors Reasonable Suspicion Form.
  7. comply with safeDRIVE: Driver Safety and Motor Vehicle Use Guidelines.
  8. in compliance with DOT regulations, conduct annual inspections on all CMVs. Records of these inspections shall be maintained as required by the regulations.
  9. ensure use of daily inspection logs and that they are being completed and maintained by the drivers.
  10. produce, attach, and maintain vehicle DOT markings for each CMV.
  11. maintain required records per 49 CFR 396.3 as follows:

The motor carrier shall maintain or cause to be maintained, for each vehicle, the following records on vehicles the carrier owns or controls for a period of thirty (30) days or more:

1. Identification of the vehicle including company number, if applicable, make, serial number, year, and tire size.
2. A preventative maintenance program designed to indicate the nature and due date of the various inspection and maintenance operations to be performed.
3. A record of inspection, repairs and maintenance indicating their date and nature.
4. A lubrication record for each vehicle.
5. If the vehicle is a bus, a record of tests conducted on push-out windows, emergency doors, and emergency door marking lights.

**E. DRIVER** – The duties of the driver are:

1. to conduct daily vehicle inspections by using the designated vehicle inspection forms, and to turn them in to his/her supervisor in the manner that the supervisor designates.
2. to report to his/her supervisor any conviction of violating, in any type of motor vehicle, a state or local law relating to motor vehicle traffic control (other than a parking violation) or involving the use or operation of a motor vehicle. The notification must be made within 30 days following the employee's receipt of the conviction.
3. to report to his/her supervisor any driver's license suspension, revocation, or cancellation by a state or any jurisdiction for any period of time. The supervisor must be notified before the end of the business day following the employee's receipt of notice of revocation, cancellation, lost privilege, disqualification, or suspension.
4. to report to his/her supervisor any roadside DOT inspection and provide all paperwork requirements associated with the inspection by the end of their shift.
5. to avoid the use of non prescribed drugs and alcohol while conducting safety-sensitive activities, and to comply at all times with University policy and the Drug and Alcohol section of this policy.
6. to submit a sample for drug or alcohol testing when called upon to do so by his/her supervisor, including random testing for CDL drivers, pursuant to University policy (see "Refusal to Submit Form").
7. to maintain the driver log book as defined in the Hours of Service Log Books section of this policy.
8. to carry, on their person at all times, their physical certificates.
9. to maintain up-to-date physicals and a valid driver's license.
10. to submit to their supervisor/department an annual Certificate of Violations Form.
11. to send necessary documentation (such as the physicals or any other requested information) to the State representative for maintaining a valid CDL license.
12. to attend all required training.
13. to comply with safeDRIVE: Driver Safety and Motor Vehicle Use Guidelines, which includes accident reporting.

## **PHYSICALS**

A. Employees who operate CMVs must submit to required DOT physicals upon their initial hiring and then as needed for compliance, thereafter. Failure to do so will result in the loss of the employee's qualification to operate such a vehicle. Only physicals which are completed at the University's designated medical facility(s) will be accepted as valid DOT physicals (see Human Resources for information regarding the designated medical facility).

B. The supervising department will provide to the applicant the necessary information to set up an appointment during the hiring process.

C. The University will select a medical provider to conduct physicals following DOT protocols

(see physical form) and will send the results to Human Resources. The actual physical forms used may change as regulations change.

## **VEHICLE MAINTENANCE**

There are two different types of vehicle maintenance inspections which shall be conducted on all CMVs. They are as follows:

1. **DAILY INSPECTIONS** – These forms will be placed in each CMV and each shift that the vehicle is used a driver of each vehicle will conduct a daily vehicle inspection as per the Daily Inspection form. These forms will be kept on file at each driver’s respective department. On a periodic basis, the Insurance Office will ask the departmental supervisors for the forms which are on file to ensure the University’s compliance with maintenance requirements.

### DAILY INSPECTION REPORT

Every motor carrier shall require its drivers to prepare a Vehicle Inspection Report, and every driver shall prepare a report in writing at the completion of each days’ work. A report shall be prepared on each vehicle operated by the driver during the course of the day. This report and certification of repairs shall be retained by the motor carrier for a period of ninety (90) days and then may be removed from the files.

The inspection shall be, at minimum, the following items if applicable:

- Service brakes
- Trailer brake connection
- Parking (hand) brake
- Steering mechanism
- Lighting devices and reflectors
- Tires
- Windshield wipers
- Horn, rear view mirrors
- Coupling devices
- Wheels and rims
- Emergency Equipment (fire extinguisher, triangles, flares, etc.)

2. **ANNUAL INSPECTIONS** – All repairs and inspections will be performed by a qualified service provider in accordance with the Rhode Island state laws. These records shall be retained where the vehicle is either housed or maintained for a period of one (1) year and for six (6) months after the vehicle is no longer under the control of the motor carrier.

## **HOURS OF SERVICE LOG BOOKS**

Log books must be kept by drivers who drive CMVs a distance greater than 100 miles away from the University and/or on duty more than 12 hours. This log involves the recording of the driver’s

duty status for each twenty-four (24) hour period. When drivers are required to use a log, they are expected to obtain a form (or log), before the trip begins, from their supervisor. Questions about how to properly fill out the log can be addressed at that time.

## **MOTOR VEHICLE RECORD CHECKS**

Drivers of CMVs must possess the valid driver's license required for them to perform their duties and their driving records must be in good standing at all times. It is every University driver's responsibility to immediately notify his/her supervisor when an accident occurs involving the driver, when a traffic ticket is issued to the driver, or when any adverse action is taken by any state or other authority with respect to his/her driving privileges for any reason (e.g., a license suspension, revocation, etc.). In addition, Human Resources may run Motor Vehicle Record (MVR) checks on each driver on a routine basis. If a driver's driving record is in poor standing or disqualifies the driving CMVs, the driver's supervisor will be notified to determine the appropriate disciplinary action.

## **BROWN UNIVERSITY CDL DRUG AND ALCOHOL TESTING POLICY AND PROCEDURES**

### **I. PURPOSE AND SCOPE:**

The purpose of this policy is to outline the responsibilities of employees, supervisors and managers with regard to drug and alcohol testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991.

### **II. APPLICABILITY:**

This policy applies to Department of Facilities Management employees who serve within job descriptions that require them to obtain and retain a Commercial Drivers License (CDL) and operate a Commercial Motor Vehicle (CMV). Positions and employees covered by this Policy shall be referred to herein as "CDL positions" and "CDL employees" respectively.

### **III. DEFINITIONS:**

Words or phrases used in this Policy are defined in 49 CFR 382.107 or, if not defined in that Section, 49 CFR 40.3, 40.73, 386.2 and 390.5.

#### IV. POLICY REGARDING DRUG AND ALCOHOL TESTING

- A. It is the policy of the University to comply fully with the regulations mandating pre-use, random, reasonable suspicion and post-accident drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation. This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of the University.
- B. The performance of safety-sensitive functions is prohibited by CDL employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, pursuant to its authority, the University prohibits the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.
- C. Use of controlled substances by CDL employees covered by the Policy is prohibited, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- D. A CDL employee is performing a safety-sensitive function at the following times:
  - 1. All time on University property, public property, or other property waiting to be dispatched to drive;
  - 2. All time inspecting, servicing or conditioning any CMV at any time
  - 3. All CMV driving time;
  - 4. All time other than driving time in or upon any CMV;
  - 5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded;
  - 6. All time spent performing driver requirements relating to accidents; and
  - 7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

#### V. PROCEDURES

- A. **Types of Tests** - To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991 and drug testing guidelines and regulations issued by the Department of Transportation. The following tests are required:
  - 1. Pre-employment (Pre-use) All applicants for employment in CDL positions , or candidates for transfer or promotion to such positions (pre-use) are subject to screening for improper use of alcohol or controlled substances.

2. Post-Accident -- conducted after accidents on CDL employees in University vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene. Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours after the accident. CDL employees must refrain from all alcohol use until the test is complete. Post-accident drug tests must be conducted within 32 hours.
3. Reasonable Suspicion -- conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse. If a CDL employee's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted. If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours. Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties. Testing for substance abuse may occur at any time upon suspicion. Reasonable suspicion testing may only be conducted after consultation with the Vice President for Facilities Management or his/her designee.
4. Random -- conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs. Each year, the number of random alcohol tests conducted by the University must equal at least 25% of all the safety-sensitive CDL employees. Random drug tests conducted by the University must equal at least 50% of all CDL employees
5. Return to Duty and Follow-up -- conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty. Follow-up testing may be extended for up to sixty (60) months following the return to duty.

## **B. Conducting Tests**

1. Alcohol  
DOT rules require breath testing using evidential breath testing (EBT) devices. 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.

2. Drugs

a. Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.

b. DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

c. All urine specimens are currently analyzed for the following drugs:

Marijuana (THC metabolite);  
Cocaine;  
Amphetamines;  
Opiates (including heroin); and  
Phencyclidine (PCP)

d. Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

e. All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the University. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If the MRO determines that the drug use is legitimate, the test will be reported to the Designated Employer Representative, the Director of HR Services, as a negative result.

3. Refusal to Submit to an Alcohol or Drug Test and the Consequences

Refuse to submit (to an alcohol or controlled substances test) means that a CDL employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, (3) refuses to wash his or her hands – after being directed to do so during collection of a urine sample; (4) admits to the collector of a urine sample that he or she has adulterated or substituted their

specimen; (5) for an observed collection of a urine sample, fails to follow the observer's instructions to raise his or her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if he or she has any type of prosthetic or other device that could be used to interfere with the collection process; (6) possesses or wears a prosthetic or other device that could be used to interfere with the collection process; or ((7) behaves in a confrontational way that disrupts the collection process or otherwise engages in conduct that clearly obstructs the testing process.

CDL employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions. Pursuant to the University's authority, CDL employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

### **C. Consequences of Alcohol/Drug Misuse**

1. CDL employees who have any alcohol concentration (defined as 0.02 or greater) who are tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for a minimum 24 hours.

Pursuant to the University's authority, disciplinary action may be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04).

2. CDL employees who engage in prohibited alcohol or drug conduct (that is, CDL employees who test positive for alcohol use greater than 0.04 or drug use) must be immediately removed from safety-sensitive functions for a period of time determined by the University in its sole discretion.

Pursuant to the University's authority, disciplinary action, up to and including termination, may be imposed upon a CDL employee who engages in prohibited alcohol or drug conduct (that is, CDL employees who test positive for alcohol use greater than 0.04 or drug use).

Unless the circumstances warrant more serious discipline, the first time a CDL employee tests positive for alcohol use greater than 0.04 or drug use, he/she shall receive a one (1) day unpaid suspension.

If a CDL employee tests positive for alcohol use greater than 0.04 or drug use for a second time within the five year period immediately following his/her first positive test, he/she will be terminated.

If, after a first offense, a CDL employee is not terminated, he/she will be required to comply with Section 3 below. A CDL employee's failure to complete the requirements of Section 3 will result in his/her immediate termination.

A CDL employee in his/her probationary period who tests positive for any alcohol concentration (defined as 0.02 or greater) or drug use, shall be terminated.

3. A CDL employee who tests positive for alcohol use greater than 0.04 or drug use, but is not terminated must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with his/her alcohol or drug problem. The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable). Employees may be placed on sick leave or leave without pay status during the treatment period, whichever is appropriate.
4. CDL employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
5. As noted in section 2 above, CDL employees who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy during the next five years will be terminated immediately.
6. Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

**D. Information/Training**

1. All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt (Attachment 1).
2. All personnel responsible for supervising and managing CDL employees in the Department of Facilities Management must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.
3. This policy will be posted on employee bulletin boards and will be available to all employees.
4. Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.

5. All recruitment advertising will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
6. All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

**E. Record Keeping**

1. The University is required to keep detailed records of its alcohol and drug misuse prevention program.
2. Alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the substance abuse professional, the MRO, and any arbitrator of a grievance filed in accordance with any applicable collective bargaining agreement. Any other release of this information may only be made with the driver's consent, or in response to a court order.

**F. Pre-employment References**

1. The University must obtain and review the following information from each employer that the prospective driver worked for, in a safety-sensitive position, during the previous two years: information about a test in which the employee's blood alcohol was 0.04 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.
2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she will not be hired.
3. If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employer.
4. The University must provide the same information to subsequent employers of current University employees when provided with a written release.

**G. Questions**

Questions about this policy should be referred to the University's Human Resources Department.

**ATTACHMENT A**

Employee Confirmation of Receipt

I hereby certify that I was given a copy of the University's Drug and Alcohol Testing Policy, and have been given an opportunity to ask questions of my supervisor about the content of the policy.

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Employee's Name

---

Division

---

Employee's Signature

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Date

**ATTACHMENT B**

Pre-employment Consent to Drug and Alcohol Screening

I, \_\_\_\_\_, understand that the medical  
(Name, Social Security Number)

examination that I am about to receive includes:

- A blood test for the presence of drugs and/or alcohol
- An evidential breath test for the presence of alcohol
- A urine test for the presence of drugs and/or alcohol

I hereby give my consent to {LAB NAME} to perform these tests. I understand that if I decline to sign this consent, and thereby decline to submit a sample for the test, the test will not be completed. The Personnel Department will be notified and my application for employment will be rejected.

I further consent to the release of the results to the University's Human Resources Department and Department of Facilities Management.

I have taken the following drugs or substances within the last 96 hours:

<u>Identify</u>	<u>Name &amp; Amount</u>	<u>Prescribing Physician</u>
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Sleeping Pills

Diet Pills

Pain Relief Pills

Cold Tablets

Anti-malarial

Other

CONSENT GIVEN

CONSENT REFUSED

Specimen Number: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

**ATTACHMENT C**

**Drug and Alcohol Screening  
Employee Consent**

I, \_\_\_\_\_, understand that  
Employee Name, Social Security Number

the medical examination that I am about to receive includes:

- A blood test for the presence of drugs and/or alcohol
- An evidential breath test for the presence of alcohol
- A urine test for the presence of drugs and/or alcohol

I hereby give my consent to {LAB NAME} to perform these tests. I understand that if I decline to sign this consent, and thereby decline to submit a sample for the test, I may be subject to disciplinary action, up to and including termination from the University.

I further consent to the release of the results to the University's Human Resources Department and Department of Facilities Management.

I have taken the following drugs or substances within the last 96 hours:

<u>Identify</u>	<u>Name &amp; Amount</u>	<u>Prescribing Physician</u>
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Sleeping Pills

Diet Pills

Pain Relief Pills

Cold Tablets

Anti-malarial

Other

CONSENT GIVEN

CONSENT REFUSED

Specimen Number: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_

## APPENDIX A: DEFINITIONS

**Breath Alcohol Technician (“BAT”):** A person who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

**Commercial Driver’s License (“CDL”):** A special license required of drivers who drive Commercial Motor Vehicles which meets the following criteria:

- a. Meets or exceeds 26,001 lbs. gross vehicle weight; or
- b. Transports 16 or more passengers, including the driver; or
- c. Transports hazardous materials (determined hazardous materials by the Hazardous Materials Act, 49 USC § 5101) and are required to placard the vehicle under the Hazardous Materials Regulations (49 CFR chapter I, subchapter C)

**Commercial Motor Vehicle (“CMV”):** Any self-propelled or towed vehicle used on a highway (any roadway or passage which may be available to public transportation at any time, whether on private or public property) in interstate or intrastate commerce to transport passengers or property when the vehicle:

- a. Has a gross vehicle weight rating or gross combination weight (including trailers) rating of 10,001 lbs. or more; or
- b. Is designed to transport 16 or more passengers, including the driver; or
- c. Is of any size and is used in the transportation of materials found to be hazardous (determined hazardous by the Hazardous Materials Transportation Act, 49 USC § 5101) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR chapter I, subchapter C).

**Confirmation Test:** For alcohol testing, a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data of alcohol concentration. For controlled substances testing, a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test in order to ensure reliability and accuracy.

**Designated Employer Representative (“DER”):** An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of 40.3. Service agents cannot act as DERs.

**Driver:** Any person who operates a commercial motor vehicle. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.

**Evidential Breath Testing device (“EBT”):** A device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA’s “Conforming Products List of Evidential Breath

Measurement Devices” (“CPL”), and identified on the CPL as conforming with the model specifications available from NHTSA’s Traffic Safety Program.

**Medical Review Officer (“MRO”):** A licensed physician responsible for receiving and reviewing laboratory results generated by an employer’s drug testing and for evaluating medical explanations for certain drug test results.

**Performing a Safety-Sensitive Function:** Any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

**Safety-Sensitive Function:** Any of those on-duty functions set forth in 395.2, On-duty time, paragraphs (1) through (7) as listed below:

1. All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatch, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial motor vehicle.
4. All time, other than driving time, spent on or in a commercial motor vehicle.
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time spent performing the driver requirements associated with an accident.
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Screening test:** In alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing it means an immunoassay screen to eliminate negative urine specimens from further consideration.

**Substance Abuse Professional (“SAP”):** A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning evaluation, treatment, follow-up testing, and after-care.

## APPENDIX B: SafeDRIVE

### safeDRIVE: Driver Safety and Motor Vehicle Use Guidelines

#### Authorization to Drive a University Vehicle

##### Who?

All drivers of University owned, rented, or leased vehicles

##### When?

- As of July 1, 2006, all drivers of University owned, rented, or leased vehicles must be authorized.
- Prior to driving a University owned, rented or leased vehicle.

All drivers must be authorized, but not all drivers will require training. See **Who needs training?** below.

##### How?

- Staff and Students - Complete the [University Driver Authorization form](#) (to be kept in Driver's department) and arrange for any required training
- Faculty - [Complete the Faculty Driver Notification form](#) and arrange for any required training (The Insurance Office will notify the department of any notification forms received.)

##### Qualifications?

- Minimum 18 years old for operating a University owned vehicle
- Minimum 21 years old for operating a 12-15 passenger van (owned, rented or leased)
- Minimum 21 years old for operating a rented or leased vehicle
- Valid United States driver's license
- Successfully pass appropriate training for the type of vehicle you are operating (see below)
- Motor vehicle record check may be required

## Who needs training?

- If driving is indicated as part of the essential functions of your job duties on the Human Resources Job Description Form
- If driving a 12-15 passenger van (specific for vehicle type)
- If driving a passenger van (any size)
- Drivers who routinely drive University owned, rented or leased vehicles (routinely: 6 times per year or greater)
- All student drivers

## What kind of training?

- On-line training - [click here to request log-in information for the online training](#)
- Behind the wheel training

The Insurance Office, x39481, can assist with determining the appropriate training for the type of driving you will be doing.

The online training is made available through the Insurance Office at no charge to University departments. However, if a driver is provided with a user ID and password for the online driver training and does not complete the course within 30 days, the department will be charged a fee of \$25.

For drivers operating vehicles owned by, rented, or leased for University business, a motor vehicle record check may be required.

Only authorized drivers affiliated with Brown University shall be permitted to drive a University vehicle. Use of a University vehicle is **restricted to authorized University related activities**. Any damages and/or liabilities arising out of the personal use, in violation of University policy, of a University owned, rented or leased vehicle is the sole responsibility of the driver. The University will expect the driver's personal auto insurance to respond in the event of an accident or any other event arising out of such personal use.

## Driver and Passenger Safety Guidelines

1. Driver must be at least 18 years old (21 for operating rented or leased vehicles and 12-15 passenger vans) and in possession of a valid United States driver's license at all times when operating a vehicle for University related use. (Special RI license requirements may need to be met for certain types of driving e.g. chauffeur's license or CDL.)
2. Driver must operate vehicles in accordance with applicable local, state and federal laws and University Policies
3. Smoking is prohibited in all vehicles.

4. The number of passengers permitted in any vehicle may not exceed the number of seat belts. All occupants of the vehicle are required to wear seatbelts. **(No more than 10 passengers are to be permitted in passenger vans even if they are equipped to seat a greater number.)**
5. **Drinking and/or possession of alcohol, other intoxicating substances or illegal drugs in vehicles or driving while under the influence of alcohol or drugs is prohibited.**
6. For long distance trips, if there is more than one qualified driver, such drivers should consider rotating every two hours. No driver should drive more than 10 hours during a 24 hour period. If there are not enough drivers to rotate, and overnight stay should be planned. Avoid driving past midnight.
7. Front passenger should remain awake to help keep the driver alert.
8. Avoid conditions that lead to loss of control - driving while sleepy or inattentive, driving too fast for road conditions, or engaging in any other activities that could lead to distraction.
9. If the weather is inclement, stop and stay overnight in a safe place.
10. Cell phone use while driving is not recommended and in some states not permitted. Stop the vehicle in a safe area to use a cell phone or have a passenger use the cell phone.
11. All off-campus accidents should be reported immediately to the local police department. If an accident occurs on campus, Brown Public Safety should be notified. All accidents should also be reported to Brown University Insurance Office (863-1681.)
12. Turn off the vehicle, remove the keys, and lock the vehicle when it is left unattended.

### **12-15 Passenger Van Safety Guidelines (in addition to the guidelines above):**

A National Highway Traffic Safety Administration (NHTSA) research report reinforces earlier research by that body that 15-passenger vans have a rollover risk that increases dramatically as the number of occupants increases to full capacity. The increased loading of these vans causes the center of gravity to shift higher and toward the rear, thereby increasing the likelihood of rollover. The center of gravity shift also results in less driver control of the vehicle in panic situations.

According to the NHTSA Action Plan for 15-passenger van safety, "...while this plan focuses on 15-passenger vans, the actions identified also related to 12-passenger vans which are similar to vans configured for 15 passengers in terms of design, handling, characteristics, and safety problems."

In accordance with our receipt of this information regarding the safety concerns of 12-15 passenger vans, effective September 2004, Brown University has begun to phase out the use of these vehicles with a goal of removing them completely from the University fleet as vehicles are

replaced. This includes short term rentals. In the interim, the following guidelines need to be implemented by departments and offices that own, lease, or rent 12-15 passenger vans:

1. All 12-15 passenger vans, whether Brown owned, leased or rented, should always be operated by drivers (minimum-21 years old) who have taken the Insurance Office web based driver training course. Drivers need to understand the handling characteristics of vans, especially when fully loaded. (Contact the Insurance Office 863-9481 to sign up for training.)
2. Vehicle operators should assure that all their passengers are wearing their seat belts. (The NHTSA indicates that the chance of an individual being killed in a rollover is decreased by about 75% just by wearing a seat belt.)
3. Evenly load the vehicles and load front first. The driver should be advised to implement this guideline.
4. Limit the occupant number to 10 or less. According to the NHTSA, heavily loaded 12-15 passenger vans - those with 10 or more passengers - have increased chance of rollover.
5. Luggage should be placed in the rear behind the back seat. Roof racks should be removed. (Roof loads raise the center of gravity, and hence, the risk of rollover.)
6. Check tire pressure regularly. Excessively worn or improperly inflated tires can lead to a loss-of-control situation and a rollover.
7. Use charter buses or other contracted transport or mini0vans for long trips. Use 12-15 passenger vans only for shorter trips - 300 miles or less one way.
8. Adhere to all speed limits. Avoid extreme panic-like over-steering.

Exceptions may be requested by sending a memo to the Director of Insurance who will consult with the appropriate Senior Officer.

[Click here](#) to see the NHTSA 15 passenger van warning.

Departments that own 12-15 passenger vans should print the informational "hang tag" available on the [NHTSA website](#), and place it in their department's 12-15 passenger van where drivers and passengers can view it. (It is not advisable to hang it from the mirror as it may obstruct the driver's view.)

Additional information on reducing the rollover risk can be found at <http://www.nhtsa.dot.gov/cars/problems/studies/15PassVans>

## **Trailer Towing**

Towing a trailer adds a significant risk to automobile operations. Important safety information regarding towing vehicles can be found at the National Highway Traffic Safety Administration website: <http://www.nhtsa.dot.gov/cars/problems/equipment/towing/towing.pdf>.

## **Motor Vehicle Records Criteria**

The University reserves the right to temporarily or permanently terminate driving privileges on the basis of an individual's driving record, regardless of when incidents occurred.

Department vehicle coordinator should regularly perform a visual check of driver's licenses to assure they possess a valid driver's license. A periodic motor vehicle record check is recommended for those who regularly driver or when violations are suspected.

Driving privileges for operating vehicles on behalf of the University may be revoked and disciplinary action may result, up to and including termination of employment, due to accident or violation experience, falsification of records, or any failure to comply with these regulations.

If involved in three incidents, a driver may lose their driving privileges. (A singular incident that in the judgment of the University is sufficiently severe may also result in a termination of driving privileges.) Reinstatement of driving privileges may be granted upon the completion of further driver training or evidence that other appropriate measures have been taken and approved by the Insurance Office.

Violations are not considered reimbursable costs under the University's Travel Policy. All violations, including parking and speeding tickets, will be the responsibility of the driver, not Brown University.

## **Use of Personal Vehicles**

Mileage reimbursement for use of an employee's personal vehicle to conduct University business is outlined in the University's travel policy. This reimbursement ins intended to cover the costs to operate an employee's vehicle, including insurance costs. The University's insurance is always excess over any personal automobile insurance carried by the employee, who uses his/her personal auto on University business. The University recommends that employees who regularly use their vehicles on University business maintain auto liability insurance with limits of at least \$100,000 for bodily injury.

Refer to:

[http://www.brown.edu/Administration/Controllers\\_Office/travel/policy/automobile.html](http://www.brown.edu/Administration/Controllers_Office/travel/policy/automobile.html). Scroll down to PERSONAL CAR Personal Car Usage Guidelines.

## **Vehicle Rental Guidelines**

Refer to:

[http://www.brown.edu/Administration/Controllers\\_Office/travel/policy/automobile.html](http://www.brown.edu/Administration/Controllers_Office/travel/policy/automobile.html)

## **If an Accident Occurs**

1. If on or near campus, do not leave the scene of an accident. Call Public Safety for EMS services if there are any injuries and for reporting the accident at 863-4111. If away from campus, call 911.

2. Contact your supervisor immediately after contacting authorities & EMS personnel.
3. Make no statement that would assume any obligation or admit liability.
4. Provide the other party with insurance information contained in the vehicle, as well as your name, address and phone number.
5. Complete the Brown University [Auto Accident Report Form](#) within 48 hours and submit to the Insurance Office, fax 863-1566.
6. Rental car accidents must be reported to the rental agency as well as the Insurance Office.
7. If involved in an accident in RI, in which damages in excess of \$1,000 are involved, you must file an accident report with the RI Department of Transportation Safety Responsibility Section. (Forms are available online at the [Registry of Motor Vehicles website](#).)
8. State accident report filings vary and must be submitted accordingly. Ask the investigating officer for details

### **To file a claim for damage to a University owned vehicle**

1. Complete the Brown University [Auto Accident Report Form](#) within 48 hours and submit to the Insurance Office, fax 863-1566 with a copy of the driver's Authorized Driver Form.
2. Obtain an itemized quote for repair. If the cost is below \$500, the department will bear the entire cost.
3. When the Insurance Office authorizes the repair, the department will proceed with a Purchase Order.
4. Upon completion of the repair work, the department must provide a copy of the Purchase Order and final invoice from auto repair facility to the Insurance Office after it has been paid.
5. The Insurance Office will then process an Interdepartmental Invoice (less the \$500 deductible) to reimburse the department's account.
6. All claims must be processed within 90 days of the incident.

### **Responsibilities for Departments with vehicles and/or drivers**

1. Identify a departmental vehicle coordinator who will:
  - Be familiar with safeDRIVE: Driver Safety and Motor Vehicle Use Guidelines
  - Ensure that the appropriate authorization process takes place for all drivers prior to driving
  - Maintain records of authorized drivers

- Confirm that all drivers have taken appropriate training
2. Maintain vehicles in accordance with the manufacturer's recommendations for each specific vehicle.
  3. Maintain vehicles and their tires. Worn or under inflated tires can increase the risk of rollover.
  4. Routinely inspect vehicles including, but not limited to:
    - i. Oil/fuel levels
    - ii. Windshield wipers and fluid
    - iii. Tire inflation/tire condition
    - iv. Mirrors
    - v. Lights
    - vi. Horn
    - vii. Leaks (coolant or oil on the ground under vehicle)
    - viii. Safety restraint systems (seatbelts)
  5. Maintain vehicle logs for records of maintenance, inspection and use. (Vehicle use logs should include a process for reporting damage and/or service issues to the vehicle coordinator.)
  6. Place insurance ID cards, registration and accident report kits in each vehicle.
  7. Adhere to State of RI vehicle inspection requirements.
  8. Remove any unsafe vehicle from service.
  9. Work with Purchasing to surplus, trade in, or acquire new University vehicles.
  10. Report changes in vehicles owned to the Insurance Office so that insurance coverage can be adjusted accordingly.
  11. Pay for the annual cost of insuring the department's vehicles and bear the cost of insurance deductibles in the event of an accident.

### **Failure to comply with guidelines**

Failure to comply with these guidelines, by a department or driver, will result in the department bearing a minimum of \$1,000, up to 100% of the financial burden incurred by the University.