**Post-Accident Drug- and Alcohol-Testing Policy – DOT Drivers**

**Purpose**

[Company Name] complies with post-accident drug- and alcohol-testing requirements as required by the Department of Transportation (DOT) Federal Motor Carrier Safety Administration (FMCSA) regulations.

**Scope**

This policy applies to employees whose job requires them to obtain and retain a commercial driver’s license (CDL) and operate a commercial motor vehicle (CMV).

**Circumstances Requiring Testing**

Employees in safety-sensitive positions are required to submit to testing to determine the presence of drugs or alcohol under certain circumstances. Testing will be administered when the employee is performing safety-sensitive functions and is involved in a work-related accident that results in either of the following:

* Death.
* A citation to the employee under state or local law for a moving traffic violation arising from a work-related motor vehicle accident and when any vehicle requires towing from the accident scene or any involved person requires treatment away from the accident scene.

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| --- | --- | --- |
| Type of Accident Involved | Citation Issued to the CMV Driver | Test Must Be Performed by Employer |
| Human fatality | Yes | Yes |
| Human fatality | No | Yes |
| Bodily injury with immediate medical treatment away from the scene | Yes | Yes |
| Bodily injury with immediate medical treatment away from the scene | No | No |
| Disabling damage to any motor vehicle requiring tow away | Yes | Yes |
| Disabling damage to any motor vehicle requiring tow away | No | No |

Source: [Federal Motor Carrier Safety Administration (FMCSA)](https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing/what-tests-are-required-and-when-does-testing-occur).

A driver is performing a safety-sensitive function at the following times:

* All time spent on employer property or other property or on any public property waiting to be dispatched unless the driver has been relieved from duty by the employer.
* All time spent inspecting equipment or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time.
* All time spent at the driving controls of a commercial motor vehicle in operation.
* All time spent, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.
* All time spent 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 giving or receiving receipts for shipments loaded or unloaded.
* All time spent repairing, obtaining assistance for or remaining in attendance on a disabled vehicle.

**Enforcement**

An employee who refuses to consent and submit to a test when requested will be subject to disciplinary action, including termination, pursuant to the company’s discipline and dismissal procedures. Refusal to submit includes failure to provide adequate breath for testing without a valid medical explanation after receiving notice of the requirement for breath testing, failure to provide adequate urine for controlled substances testing without a valid medical explanation after receiving notice of the requirement for urine testing, engaging in conduct that clearly obstructs the testing process, and leaving the scene of an on-the-job accident.

**Confidentiality**

All information from an employee’s drug and alcohol tests will be confidential to the extent required by law.