

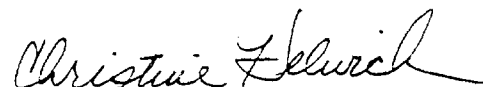
The California State University  
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Code: HR 94-32

**Date:** December 16, 1994

**To:** Presidents

**From:** June M. Cooper  
Vice Chancellor  
Human Resources and Operations

  
Christine Helwick  
General Counsel

**Subject:** OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT

The federal Omnibus Transportation Employee Testing Act, enacted into law on October 28, 1991, requires employers to conduct alcohol and controlled substance testing of all individuals assigned to positions requiring either a Commercial Driver's License or an Endorsement to a Class C License. The law originally applied only to employers in the transportation industry. **However, effective January 1, 1995, this law will cover all colleges and universities** and will require the California State University to conduct alcohol and controlled substance testing prior to appointment, after an accident, and when there is reasonable suspicion of alcohol or controlled substance use for covered employees. Additionally, the law will require campuses to establish and maintain a random testing program.

This law imposes federally mandated penalties on "covered" employees whose test results confirm prohibited alcohol concentration levels or the presence of a controlled substance. It requires employers to comply with reporting and record keeping requirements; establish and maintain an employee alcohol and controlled substances misuse program; provide information to employees on alcohol and controlled substances misuse; conduct training for supervisors; and refer employees to employee assistance programs.

The following resource materials are attached to assist you in developing and administering campus programs that complies with federal guidelines:

Attachment A "Highlights of the Omnibus Transportation Employee Testing Act of 1991"

Attachment B "Summary of the Commercial Driver Drug Testing Regulations (49 CFR Part 382)" prepared by the Office of the General Counsel.

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**Distribution:**

*Without attachments*

Vice Presidents, Academic Affairs  
Assoc. Vice Presidents/Deans, Faculty Affairs  
Business Managers  
Chancellor's Office staff

*With attachments*

Vice Presidents, Administration  
Personnel Officers  
Employee Relations Designees  
General Counsel

- Attachment C "Alcohol and Drug Rules: An Overview (March 1994)" - a brochure published by the Department of Transportation
- Attachment D Federal Register Rules and Regulations - Part 382 - Controlled Substances and Alcohol Use and Testing (February 15, 1994).
- Attachment E Federal Register 49 CFR Part 40 (August 18, 1994) - Current Procedures for Transportation Workplace Drug and Alcohol Testing Programs; Final Rule
- Attachment F Federal Register Part 40 - Procedures for Transportation Workplace Drug and Alcohol Testing Program (February 15, 1994) - These procedures are current and apply unless they conflict with rules and regulations described in Attachment E.
- Attachment G Code of Federal Regulations 40.1 - 40.30 - These procedures are current and apply unless they conflict with rules and regulations described in Attachments E and F.
- Attachment H List of Department of Transportation certified laboratories that can assist in implementation and administration of the federal rules and regulations on alcohol and controlled substance testing.

Supplemental information on implementation and ongoing administration of the federally mandated alcohol and controlled substance testing programs will be provided as it becomes available. If you need further information or assistance, please contact James Lynch in the Office of the General Counsel at (310) 985-2026 or Trudy McGuane in Human Resources at (310) 985-2655.