

**HIGHLIGHTS OF THE OMNIBUS TRANSPORTATION  
EMPLOYEE TESTING ACT OF 1991**

- Prohibits alcohol and drug misuse that could affect performance of a safety-related function.
- Employees determined to have misused alcohol or controlled substances must be relieved immediately from performing safety-related functions.
- Penalties must be imposed on employee in accordance with federally prescribed penalties.
- Applicants and employees must be administered the required testing **prior** to the first time the employee performs any safety sensitive function.
- The prescribed testing **may** be administered through a third party.
- Alcohol and substance abuse testing must be conducted as soon as practicable following an accident, when there is a loss of human life, or the employee receives a citation for a moving violation arising out of the accident.
- A covered employee must receive post-accident information, procedures, and instructions **prior** to performing a safety-sensitive function.
- Campuses are required to randomly select covered employees at various times for unannounced alcohol and substance abuse testing, based on a "scientifically valid method" of selection. The method used for alcohol testing must randomly select at an annual rate of **at least 25 percent**, and, for substance abuse at an annual rate of **at least 50 percent**, of the total number of driver positions.
- Covered employees may only be tested immediately before, during, or after performing a safety-sensitive function.
- The observation and determination that a reasonable suspicion exists must be made by a supervisor trained in detecting symptoms of alcohol or substance abuse. However, the supervisor making that determination is generally prohibited from conducting the reasonable-suspicion test on that employee.
- A covered employee who has violated any alcohol or substance abuse rules, must undergo prescribed testing and evaluation before returning to a safety-sensitive function.
- A covered employee identified by a substance abuse professional as needing assistance in resolving alcohol or substance misuse must be given an opportunity for treatment. The employee is required to undergo six unannounced follow-up tests over the first 12 months following the employee's return to duty.
- Campuses must use one of two types of standardized federal testing forms. The forms may not be changed or modified. The Act establishes requirements for maintenance and disclosure of test results records.
- Campuses are required to submit an annual report to the Department of Transportation, summarizing the results of its alcohol and controlled substance misuse prevention program for each calendar year.

**HR 94-32  
Attachment A**

- The Campus is required to provide specific educational materials to explain the requirements of the new rules, university policies and procedures for complying with the Act, and written notice to each covered employee and to representatives of employee organizations concerning the availability of the information.