

## XI. Consequences for Covered Employees

### A. Alcohol Misuse

1. A driver with an alcohol test result indicating a concentration of at least 0.02, but less than 0.04, is not permitted to perform safety-sensitive functions until the start of the driver's next scheduled duty period, but not less than 24 hours following administration of the test.
2. When a driver has an alcohol test result indicating a concentration of 0.04 or greater, the employee shall be prohibited from performing any safety-sensitive functions until: (a) The employee undergoes evaluation by a Substance Abuse Professional (SAP) and, where necessary, rehabilitation; (b) A Substance Abuse Professional (SAP) determines that the employee has successfully complied with any required rehabilitation; and (c) The employee undergoes a return-to-duty alcohol test indicating a result of less than 0.02.
3. A covered employee who refuses to submit to a required alcohol test shall be deemed to have tested at a level above 0.04.

### B. Controlled Substance Use

1. When an employee has a positive test result indicating the use of a controlled substance, the employee will be not be permitted to perform safety-sensitive functions until: (a) The employee undergoes evaluation by a Substance Abuse Professional (SAP) and, where necessary, rehabilitation; (b) A Substance Abuse Professional (SAP) determines that the employee has successfully complied with any required rehabilitation; and (c) The employee undergoes a return-to-duty test for controlled substances with a verified negative result.
2. A covered employee who refuses to submit to a required controlled substances test shall be deemed to have tested positive for controlled substances.

### C. Other Potential Penalties

1. The FHWA will disqualify drivers for one year, under the procedures in 49 CFR 386, if a driver refuses to submit to a post-accident test after a fatal accident.
2. Any employer or driver who violates the requirements of Title 49 CFR Part 382 may be subject to other penalties under the provisions of 49 U.S.C. 521(b).