

**BONNEVILLE POWER ADMINISTRATION  
HUMAN CAPITAL MANAGEMENT  
Portland, Oregon**

**PERSONNEL LETTER (PL): 793-1**

**DATE: November 17, 2008**

**SUBJECT:** Alcohol Testing Implementation Plan

**PURPOSE**

This Personnel Letter –

- Applies the Department of Transportation regulations requiring the implementation of alcohol testing procedures effective January 1, 1995. This program is established to ensure that employees who operate a commercial motor vehicle, or aviation employees whose positions require a Federal Aviation Administration Certificate and who perform safety-sensitive duties, are not impaired by alcohol.
- Supersedes Personnel Letter 793-1 dated July 23, 2004.

**POLICY SUMMARY**

The provisions of the Alcohol Testing Implementation Plan applies to employees in: (1) jobs that require a CDL; (2) Cable Splicer, Construction Electrician (including Ross Complex Electrician), and Construction Electrician Foreman I/II jobs if the employees voluntarily maintain a CDL and for as long as they choose to do so; and (3) jobs/positions that require a Federal Aviation Administration Certificate. It also aids in identifying any employee who is suffering from alcoholism; Violating the Department of Transportation rule that employees operating equipment requiring a Commercial Driver's License (CDL) abstain from consuming alcohol from any source for at least 4 hours prior to duty as well as work periods, including meal breaks and work-related activities; and/or; Violating the Federal Aviation Administration rule that aviation employees whose positions require a Federal Aviation Administration Certificate and who perform safety-sensitive duties, abstain from consuming alcohol from any source for at least 8 hours prior to duty as well as work periods, including meal breaks and work-related activities.

Attachment A contains a list of these positions.

## **I. NOTIFICATION**

Employees covered by this procedure will be notified in writing, 30 days in advance, that they will be subject to alcohol testing. Upon receipt of the notice, the employee, or his/her supervisor/foreman, will certify that the written notification has been received. A copy of that receipt will be returned to the Alcohol Testing Program Coordinator in the Human Capital Management (HCM) Employee Relations office, who will retain it for the duration of the employee's employment in an occupation covered by alcohol testing.

## **II. GENERAL REQUIREMENTS**

- A. BPAM Chapter 400/700A, Employee Relations Program, contains BPA's policy regarding alcohol testing. In general, all testing procedures must comply with Department of Transportation regulations.
- B. Operation of Equipment Requiring a CDL or Performance of Safety-Sensitive Duties by Aviation Employees

In general, Department of Transportation regulations prohibit covered employees from performing safety-sensitive functions (i.e., the operation of equipment requiring a CDL, or the performance of safety-sensitive duties by an employee whose position requires a Federal Aviation Administration Certificate):

1. When test results indicate an alcohol concentration of 0.02 or greater;
2. Within 4 hours of using alcohol, for employees operating equipment requiring a CDL;
3. Within 8 hours of using alcohol, for aviation employees performing safety-sensitive duties;
4. While using alcohol on the job;
5. During 8 hours following an accident if their involvement, while performing safety-sensitive functions, has not been eliminated as a contributing factor in the accident or until they are tested;
6. If they refuse to submit to required alcohol tests; and/or
7. While in the possession of alcohol, unless the alcohol is manifested and transported as part of the shipment.

Any of these situations will result in an employee being tested before being permitted to perform a safety-sensitive function.

- C. Action Based on Positive Test Result

1. For employees operating equipment requiring a CDL, a confirmed test, using an evidential breath-testing device, of 0.02 alcohol concentration or higher is considered an impairment. A confirmed test result of 0.02 to 0.039 alcohol concentration will result in the employee being removed from safety-sensitive functions and disciplinary

action being considered. A confirmed test of 0.04 alcohol concentration or higher will result in the employee being removed from the workplace and disciplinary action being proposed based upon misuse or abuse of alcohol and violation of Department of Transportation regulations.

2. If an employee whose position requires a Federal Aviation Administration Certificate has an alcohol concentration level of 0.02 or higher, but less than 0.04, using an evidential breath-testing device, they will be asked to wait 15-30 minutes for a confirmation test. If the confirmation test is still 0.02 but less than 0.04, the employee will be asked to go home for the day, but it is not considered a violation. A confirmed test of 0.04 alcohol concentration or higher is considered a violation and will result in the employee being removed from the workplace and disciplinary action being proposed based upon misuse or abuse of alcohol and violation of Federal Aviation Administration (FAA) regulations.

### **III. POST-ACCIDENT TESTING**

- A. Post-accident testing is required when an employee is involved in an accident in which a person has been fatally injured, or the employee has received a citation for a moving traffic violation arising from the performance of safety-sensitive functions with respect to the accident.
- B. A decision to not administer a test must be based on a determination using the best information available at the time that a human being did not die, or that the employee driver was not cited for a moving traffic violation arising from the accident.
- C. In lieu of administering a post-accident test, a breath test or blood test may be used that was administered by on-site police or public safety officials under separate authority.
- D. If the alcohol test is not administered within 2 hours following the accident, the supervisor shall prepare a record as to why the test was not promptly administered. If a test required by this section is not administered within 8 hours following the accident, the supervisor shall cease attempts to administer an alcohol test and shall prepare a record as outlined above.

### **IV. RANDOM TESTING**

- A. Employees shall be randomly selected by the Department of Energy using a statistically valid method.
- B. On the day of the testing, the supervisor will notify the employee shortly before the test that he/she will be subject to a breath test for the presence of alcohol. At the same time, the employee shall also receive written notification from the BPA Alcohol Testing Program Coordinator. The test will be performed by a Breath Alcohol Technician who is certified to conduct the test and will be conducted at a facility in the proximity of the

employee's duty station or at their duty station just prior to, during, or immediately following the performance of safety-sensitive functions.

## **V. REASONABLE SUSPICION TESTING**

- A. Employees are subject to alcohol testing if a supervisor or other appropriate management official has reason to believe that the employee is impaired by alcohol.
- B. A determination that reasonable suspicion exists must be based upon specific contemporaneous observations that can be put into writing concerning behavior, speech, or body odors of the employee, including the time, date, and place where the determination was made.
- C. An employee may be directed to only undergo reasonable suspicion testing while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.
- D. Efforts shall be made to conduct reasonable suspicion testing as soon as practicable. The BPA Alcohol Testing Program Coordinator will assist the supervisor with arrangements for the test to be conducted.
  - 1. If the test is not conducted within 2 hours following the determination that testing is warranted, the supervisor shall prepare a written record stating the reasons that the test could not be promptly administered. A copy of that statement, signed by the supervisor, shall be sent to the BPA Alcohol Testing Program Coordinator, where it will be filed.
  - 2. If reasonable suspicion testing is not administered within 8 hours following a determination of reasonable suspicion, efforts to conduct the test will cease and the reason stated in writing as outlined in X.B., above.
- E. Notwithstanding the absence of reasonable suspicion test, no employee will report for duty or remain on duty requiring the performance of safety-sensitive functions while the employee is impaired by alcohol.
- F. Before an employee, who has been tested under this section with a resulting alcohol concentration of 0.04 or greater, returns to duty requiring the performance of safety-sensitive duties, the employee shall undergo a return-to-duty test with the result indicating an alcohol concentration of less than 0.02, or 24 hours must elapse following the reasonable suspicion determination.
- G. Reasonable suspicion determinations will only be made by a supervisor or other BPA official who has received at least 1 hour of training concerning the physical, behavioral, speech, and performance indicators of alcohol misuse.

## **VI. RETURN-TO-DUTY TESTING**

An employee having a tested alcohol concentration of 0.04 or higher will undergo a return-to-duty alcohol test before performing safety-sensitive functions. The results of that test would need to show an alcohol concentration of less than 0.02.

## **VII. FOLLOW-UP TESTING**

Following a determination by a substance abuse professional that an employee is in need of assistance in resolving problems associated with alcohol misuse, the employee is subject to unannounced follow-up testing. The follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before the employee is performing safety-sensitive functions, or just after the employee has ceased performing safety-sensitive functions.

## **VIII. SUPERVISORY TRAINING**

Supervisors and other appropriate managers who may have a need to determine whether reasonable suspicion exists and, therefore, require an employee to undergo reasonable suspicion testing, must receive at least 60 minutes of training on alcohol misuse. This includes all Foreman I, II, and III employees, Aircraft Services Machinist Foreman, as well as Chief Operator III employees, and the Aircraft Services Manager.

## **IX. RECORDKEEPING**

Retention of records will be consistent with Department of Transportation regulations.

## **X. REFERENCES AND RELATED INFORMATION**

### **Authorities**

- Omnibus Transportation Employee Testing Act of 1991
- 49 CFR, Part 382, Controlled Substances and Alcohol Use and Testing
- 14 CFR, Part 61, Certification: Pilots and Flight Instructors
- 14 CFR, Part 63, Certification: Flight Crew-Members Other than Pilots
- 14 CFR, Part 91, General Operations and Flight Rules
- 14 CFR, Part 121, Certification and Operations
- 14 CFR, Part 135, Air Taxi Operators and Commercial Operators
- 5 U.S.C., Chapter 552a, Records Maintained on Individuals

### **Related Information**

- BPA Manual Chapter 400/700A, Employee Relations Program
- Personnel Letter 752-1, Discipline, Adverse Actions, and Alternative Discipline
- Management Assistance Services Handbook, Chapter 13, Alcohol and Drug Issues

Roy B. Fox  
Chief Human Capital Officer

Attachment – Positions Subject to Random Drug Testing

**POSITIONS SUBJECT TO RANDOM DRUG TESTING**

Psychologist	ET & D Craftsman (L) ET & D Craftsman Trainee (L)
Aircraft Machinist	Crane Operator
Aircraft Machinist Foreman	Hydrolift Operator
Aircraft Patrol Observer	Line Equipment Operator A, B
Airplane Pilot	Heavy Equipment Operator
Helicopter Pilot	Heavy Equipment Operator Trainee
Aircraft Services Manager	Equipment Foreman
Generation Dispatcher	Heavy Truck Driver
Assistant Dispatcher	Heavy Truck Driver Trainee
Assistant Dispatcher Trainee	Truck Foreman (all levels)
Chief Dispatcher (ECC)	Heavy Mobile Equipment Mechanic
Assistant Chief Dispatcher (ECC)	Heavy Mobile Equipment Mechanic Helper
System Dispatcher	Heavy Mobile Equipment Mechanic Apprentice
System Dispatcher – Relief	Heavy Mobile Equipment Mechanic Foreman
Senior System Dispatcher	
Senior System Dispatcher – Relief	
Substation Operator	Lineman
Substation Operator Apprentice	Lineman Apprentice
Substation Operator – Relief	Lineman Foreman (all levels)
Senior Substation Operator	
Senior Substation Operator – Relief	Groundman
Chief Substation Operator III	Electrical Utility Materials Handler (case by case)
DC Substation Operator	
Assistant DC Substation Operator	Rigger
Senior DC Substation Operator	Rigger Apprentice
Senior DC Substation Operator – Relief	Electrical Rigger
Electrician	Electrical Rigger Apprentice
Electrician Apprentice	Electrical Rigger Helper
Electrician Helper	Electrical Rigger Foreman (all levels)
Electrician Foreman (all levels)	Rigging Truck Driver
(Does not apply to Electricians at Celilo)	
Electrician, Cable Splicing	Timber Bucker and Faller
Electrical/Mechanical Worker	
ET & D Craftsman (E)	Welder
ET & D Craftsman Trainee (E)	Welder Foreman