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Mid-West Truckers Association

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Discussion Topics

1. CDL Drug and Alcohol Clearinghouse
2. Marijuana in Illinois—CDL/Non CDL
3. CBD Products
4. Questions??

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Drug and Alcohol Clearinghouse

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Drug and Alcohol Clearinghouse

What Does the Clearinghouse Contain--

The Clearinghouse contains information on all CDL driver drug and alcohol program violations. These violations include:

1. Report for duty/remain on duty for safety-sensitive function with alcohol concentration of 0.04 or greater or while using any drug specified in the regulations (Part 40), other than those prescribed by a licensed medical practitioner.
2. Alcohol use while performing, or within four hours of performing, a safety-sensitive function.
3. Alcohol use within eight hours of an accident, or until post-accident test, whichever occurs first

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Drug and Alcohol Clearinghouse

4. Test positive for use of specified drugs.

5. Refusing to submit to a required alcohol or drug test.

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Drug and Alcohol Clearinghouse

What types of drivers and employers does the Clearinghouse affect?

1. Interstate and intrastate motor carriers, including passenger carriers.
2. School bus drivers
3. Municipal vehicle drivers, Township Drivers, (e.g., waste management vehicles)

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Drug and Alcohol Clearinghouse

Queries

A query is an electronic check in the Clearinghouse, conducted by an employer or their designated C/TPA, to determine if current or prospective employee is prohibited from performing safety-sensitive functions, such as operating a commercial motor vehicle (CMV), due to unresolved drug and alcohol program violations.

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Drug and Alcohol Clearinghouse

The Clearinghouse rule requires that employers conduct queries:

Limited Queries- At least annually for every CDL driver currently employed.

Check is for the presence of information in the queried driver's Clearinghouse record. Driver consent is obtained outside the Clearinghouse.

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Drug and Alcohol Clearinghouse

Full Queries- As part of any pre-employment driver investigation.

Disclose to employers and designated C/TPAs detailed information about any resolved or unresolved violations in a driver's Clearinghouse record.

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Marijuana in Illinois

**Answer- NO for
CDL Drivers.**

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Recreational Marijuana

HB 1438- Cannabis Regulation and Tax Act.

- Passed by Legislature June 6, 2019
- Signed into law by Governor on June 25, 2019
- 610 pages long. Less than 10 Dedicated to employment.
- Legalized sale of Cannabis for recreational effective January 1, 2020.

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Recreational Marijuana

Section 10-50 Employment: Employer Liability

Employers may:

- Enforce drug testing policies, including zero tolerance and drug free workplace, if applied in a non-discriminatory fashion.
- Prohibit employees from using, possessing, or being impaired while in the workplace, performing job, or while on call.
- Discipline or terminate an employee for violating an employer's employment policies or workplace drug policy.

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Recreational Marijuana

- What is Zero Tolerance? It may not mean what some may think it means.
- It's probably NOT "do whatever you want!"


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Recreational Marijuana

- You must evaluate what your risk tolerance is and what you (FOR YOUR OPERATION) are willing to tolerate or not tolerate.
- Evaluate your "SAFETY-SENSITIVE POSITIONS" or other "KEY" Positions. Drug testing policies may have to be tailored (i.e. receptionist vs forklift operator).

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Recreational Marijuana

Workplace--

Not just the employer's building. Includes any building, real property, and parking area under the control of the employer or area used by an employee while in performance of the employee's job duties and vehicles, whether leased, rented or owned.

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Recreational Marijuana

On Call--

- When employee is scheduled with at least 24 hour's notice from the employer to be on standby or otherwise responsible for performing tasks related to his or her employment, either at the employer's premises or other previously designated location, by his or her employer to perform a work related task (safety-sensitive).

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Recreational Marijuana

Marijuana Use and Impairment in the Workplace --

What to do if you suspect someone of being impaired or "high"- Even if they have disclosed that they are a registered user?

- Fill out a Reasonable Suspicion Checklist
- Follow Drug Testing Procedures

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CBD Products

TRANSPORT TOPICS
Fired Truck Driver Sues Cannabidiol Company After Using Product
Written By: Eric Miller

<https://www.ttnews.com/articles/fired-truck-driver-sues-cannabidiol-company-after-using-product>

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Questions???

Thank you!

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