



POLICY AND PROCEDURE STATEMENT TRG 3.1.1 BREATH-ALCOHOL OPERATOR PERMIT REINSTATEMENT

Purpose: This policy and procedure outlines the procedure and requirements necessary for reinstatement of applicable expired breath-alcohol analysis permits. Applicable expired permits must be for the immediate preceding year, (i.e. permit expired 12/31/2019, operator is requesting reinstatement for calendar year 2020).

Effective Date: September 15, 2021

Superseded Policy: TRG 3.1.0

References: 47 O.S. §759, 40 O.A.C. 10-3-3, 40 O.A.C. 10-3-5

Related Forms:

Approved By: Joshua Smith

All permit holders that expire and fail to meet these exceptions are encouraged to complete a new state approved evidential breath testing device certification course provided by the Board.

1. **Administration:** The provisions of this section guide Board administration in identifying eligibility of the applicant to reinstate their expired breath-alcohol operator permit.
 - a. Documentation that a valid Breath-Alcohol Analysis Operator Permit was issued to the applicant under authority of this Board, of the issue and expiration dates of said Permit, and that said Permit had not been revoked for cause.
 - b. Satisfactory completion of a requalification or retraining course of instruction in breath-alcohol analysis operation consisting of such theoretical and practical instruction and laboratory practice as deemed applicable and necessary by the State Director of Tests for Alcohol and Drug Influence in consultation with the instructional staff.
 - c. Must be a qualified employee of a recognized Oklahoma, Tribal or Federal law enforcement agency, whose duties include performance or training of Breath-Alcohol Analysis Testing.
 - d. A reinstatement file shall be created for Board record.
 - e. A Board of Tests letterhead document shall be created identifying the name of the operator, the permit number being reinstated, and a brief overview of the reason for reinstatement.

Example given: "A review was completed verifying permit "#####" assigned to "John Doe" expired MM/DD/YYYY. A request was received for reinstatement on MM/DD/YYYY from "AGENCY\Member\Title". It has been determined by the Board that "John Doe" meets the requirements for reinstatement outlined in BOT Policy TRG 3.1.1 under the authority of 40 O.A.C. 10-3-3 and 40 O.A.C. 10-3-5."

"Signature\Title\Agency"

2. Re-instatement requirements:

2.1. Military service reinstatement process

- i. Operators that are on military leave will make all efforts to renew as soon as possible after military duty is fulfilled and they have entered back into service with their employer.
- ii. The letter requesting reinstatement shall be on employer letterhead signed by a supervisor or appropriate human resources personnel.
- iii. Military orders showing the date of entry to active duty and date of return from active duty shall be furnished to the Board. Such orders will be put into the reinstatement file as part of the Board record. Date of entry/deployment must be prior to October 1 and date of return must be after December 15. The Director is authorized to use discretion on a case by case basis regarding military reinstatements falling outside the referenced time windows.
- iv. A renewal test will be made available for the operator to complete.
- v. The operator must score 80% or higher on the test.

2.2. Administrative leave

- i. Valid operators placed on administrative leave by their employer during the renewal period of October 1 thru December 15 shall make all efforts to renew their permit as soon as possible after they have entered back into service with their employer.
- ii. The letter requesting reinstatement shall be on employer letterhead signed by a supervisor or appropriate human resources personnel reporting the start date and end date such employee was placed on administrative leave.
- iii. A renewal test will be made available for the operator to complete.
- iv. The operator must score 80% or higher on the test.

2.3. Other

- i. Permitted operators that fail to renew their permit during the renewal portal period of October 1 thru December 15 may petition the Board of Tests on their employer letterhead containing the following information: Name, Agency, Permit Number, last breath test completed if known, and signed by their administration (excluding digital signatures), requesting reinstatement. Reinstatement review by BOT staff will begin on the first week of January. The petition must be received after the renewal testing portal closure but before January 31 of the permit year.
- ii. BOT Administration will confirm that the expired permit operator completed a breath test or tests before expiration during that valid permit year, (i.e. permit expires 12/31/2019, a completed breath test sequence (excluding safeguards and refusals) must have been performed between

01/01/2019 - 12/31/2019,) with exception to those operators who were deployed on military leave or placed on administrative leave by their employing agency.

- iii. Operators that failed to run any breath test or tests as referenced in (ii) above will not be eligible for reinstatement consideration and will be required to complete new permit procedures.
- iv. A renewal test will be made available for the operator to complete.
- v. The operator must score 80% or higher on the test.