

Sec. 382.601 Employer obligation to promulgate a policy on the misuse of alcohol and use of controlled substances.

(a) **General requirements.** Each employer shall provide educational materials that explain the requirement of this part and the employer's policies and procedures with respect to meeting these requirements.

- (1) The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
- (2) Each employer shall provide written notice to representatives of employee organizations of the availability of this information.

(b) **Required content.** The materials to be made available to drivers shall include detailed discussion of at least the following;

- (1) The identity of the person designated by the employer to answer driver questions about the materials;
- (2) The categories of drivers who are subject to the provisions of this part;
- (3) Sufficient information about the safety-sensitive function performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this part;
- (4) Specific information concerning driver conduct that is prohibited by this part;
- (5) The circumstances under which a driver will be tested for alcohol and/or controlled substances under this part, including post-accident testing under §382.303(d);
- (6) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-

accident information, procedures and instructions required by §382.303(d) of this part;

(7) The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part:

(8) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;

(9) The consequences for drivers found to have violated subpart B of this part, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures under §382.605;

(10) The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;

(11) Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a coworker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.

(c) **Optional provision.** The materials supplied to drivers may also include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being based on independent authority.

(d) **Certificate of receipt.** Each employer shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

Union County/College Corner Joint School District

SUBSTANCE ABUSE POLICY

FOR

Drivers with Commercial Drivers License
for Compliance with
49 CFR Part 382.601 and 49 CFR Part 40

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STATEMENT OF PURPOSE AND POLICY

Employees are an extremely valuable resource and their health and safety is a serious concern of the Union County/ College Corner Joint School District. Drug or alcohol use may pose a serious threat to driver health and safety. It is therefore, the policy of the Union County/College Corner Joint School District (hereafter referred to as School District) to prevent substance use or abuse from having an adverse effect on our drivers. The School District maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on company property. Furthermore, employees have a right to work in an alcohol and drug-free environment and to work with employees free from the effects of alcohol and drugs. Drivers who abuse alcohol or use drugs are a danger to themselves, their coworkers and the School District's assets.

The adverse impact of substance abuse by employees has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations which require the School District to implement a controlled substance testing program. The School District will comply with these regulations and is committed to maintaining a drug-free workplace. All drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the School District.

Specifically, it is the policy of the School District that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on school premises, engaged in school business, while operating school equipment, or while under the authority of the school is strictly prohibited. FMCSA states that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis), conduct breath testing, and or search all driver applicants and drivers for alcohol and drug use, and those drivers suspected of violating this policy who are involved in a U.S. Department of Transportation ("DOT") reportable accident or who are periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each employee. Every effort will be made to maintain the dignity of drivers involved. Disciplinary action will, however, be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. The School District retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective upon passage, and will supersede all prior policies and statements relating to alcohol or drugs.

Administration Guide to Union Co./College Corner Joint School District Personnel Alcohol and Drug Testing Procedures

I. Purpose

This purpose of this administrative guide is to set forth the procedures for the implementation of controlled substance and alcohol use and testing of driver applicants and current drivers pursuant to the School District's Alcohol and Drug Abuse Policy. These procedures are intended as a guide only, and are in no way intended to alter any existing relationship between the Union Co./ College Corner Joint School District and any driver.

The School District's alcohol and drug program administrators designated to monitor, facilitate, and answer questions pertaining to these procedures are the transportation director and the district school treasurer.

II. Provisions

A. Application

This policy applies to all School District employees that utilize a Commercial Employees License (CDL) in the course of their employment. A valid CDL is required to operate the type of equipment listed below:

1. A vehicle having a Gross Vehicle Rating (GVWR) as assigned by the manufacturer of 26,001 pounds or more; or
2. A combination vehicle having a Gross Combination Weight Rating of 26,001 pounds or more.
3. A vehicle that is designed to transport 16 or more passengers, including the driver; or
4. A vehicle requiring a placard to transport hazardous materials.

B. Prohibited Conduct

The following shall be considered "prohibited conduct" for purposes of this policy.

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcoholic concentration of .04 or greater. A driver is considered to be performing a safety-sensitive function if he/she is actually performing, ready to perform, or immediately available to perform any of the following on-duty functions:
 - a. All time spent at a facility waiting to be dispatched;
 - b. All time inspecting, servicing, or conducting any commercial motor vehicle at any time;

- c. All driving time or time spent at the driving controls of a commercial vehicle in operation;
 - d. All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, including completion of any related paperwork; and remaining in readiness to operate the vehicle;
 - e. All time performing those duties required of an employee involved in a vehicle accident; or
 - f. All time spent repairing, assisting, or attending to a disabled motor vehicle;
2. No driver shall be on duty or operate a commercial vehicle while the employee possesses alcohol.
 3. No driver shall use alcohol while performing safety-sensitive functions.
 4. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.
 5. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident test, whichever occurs first.
 6. No driver shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test.

C. Prescription Medication and/or Other Medication Use

1. A driver is prohibited from reporting for duty or remaining on duty when the employee uses any controlled substance, except when the use is pursuant to the written instruction of a physician who has advised the employee that the substance will not adversely affect their ability to safely perform their duties. The driver must provide the School District with proof of such medical advice. The School District can decide if the driver can remain at work or on the School District's premises and what work restrictions, if any, are deemed necessary.
2. Any driver who is using a prescribed drug or other medication, which is known or advertised as possibly affecting or impairing judgment, coordination or other senses, (including dizziness or drowsiness), or which may adversely affect the employee's ability to perform work in a safe and productive manner, must notify the School District prior to starting work or entering any school premises. The School District will decide if the driver can remain at work or on the School District Premises and what work restrictions, if any, are deemed necessary.
3. Ingestion of products that contain hemp will not be an acceptable explanation for testing positive for marijuana.

D. Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the School District will be grounds for refusal to hire employee/applicant(s) and to discipline existing CDL driver(s). A refusal to test would include any of the following situations:

1. Failing to appear for any test within a reasonable time after being directed to do so.
2. Failing to remain at the testing site until the testing process is completed.
3. Failure to provide a breath sample, saliva sample or urine sample as directed.
4. Failure to permit, if the situation requires, the observation or monitoring of providing a urine specimen.
5. Failure to provide a urine, breath or saliva specimen within required time frames may be considered a refusal. If an driver cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician of the School District's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the driver has violated one of the prohibitions of the regulations.
6. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of a "shy bladder" or "insufficient breath" situation.
7. Failing or declining to take a second test as required by DOT regulations.
8. Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test. (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
9. Refusing to sign step two (2) of the alcohol testing form.
10. A report from the MRO that you have a verified adulterated or substituted test result.

E. Types of Tests

Pursuant to regulations promulgated by the Department of Transportation (DOT), the School District has implemented six circumstances for drug and alcohol testing:

1. Pre-employment (drug testing only);
2. Post-accident testing;
3. Random testing;

4. Reasonable suspicion testing;
5. Return-to-duty testing; and
6. Follow-up testing

F. Pre-employment Testing

As a condition of employment, the employee applicant shall provide the company with a written authorization for all previous employers within the past two (2) years to release drug and alcohol testing records as the regulations require. Within thirty (30) days of performing a safety-sensitive function, DOT regulations require that the School District obtain, to the extent available, certain drug and alcohol testing records from the driver's previous employers for the previous two (2) years. All applicants who are required to have or obtain a CDL must submit to a urine drug test unless a qualifying pre-employment exemption can be documented.

G. Random Testing

The School District conducts random drug and alcohol testing. The School District will submit all drivers' names to a random selection system. The random selection system provides an equal chance for each driver to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. The School District will drug test, at a minimum, fifty (50) percent of the average number of driver positions in each calendar year or at a rate established by the DOT for the given year. The School District will select, at a minimum, ten (10) percent of the average number of driver positions in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection by its very nature, may result in drivers being selected in successive selections more than once a calendar year.

If a driver is selected at random, for either drug or alcohol testing, the transportation director or his/her designee will notify the driver. Once notified, the driver must proceed to the designated collection site immediately. If the driver does not go to the collection site as soon as possible after notification, such conduct may be considered a refusal to test.

H. Post-Accident Testing

Following any accident, the driver must contact the School District as soon as possible. The driver must submit to a Federal DOT drug and alcohol test any time he or she is involved in an accident where 1) a fatality is involved; or 2) the driver receives a citation for a moving violation arising from the accident that involved:

- injury requiring medical treatment away from the scene, or
- one or more vehicles having to be towed from the scene.

The driver shall follow the instructions from the School District or its representative to complete required testing.

For other accidents not covered by the DOT definition above, the School District may require a non-regulated drug and alcohol test when:

- The driver's actions may have contributed or cannot be completely discounted as a contributing factor to an accident.
- In this case, an accident shall mean an incident which results in damage over \$1000.00 or personal injury.
- An incident results in a lost time injury.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as practical. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for the purpose of post-accident drug testing within thirty-two hours, attempts to make such collection shall cease. A driver is prohibited from consuming alcohol between the time of the accident and the test.

In the event that federal, state, or local officials conduct breath or blood test for the use of alcohol and/or urine tests for the use of controlled substances following an accident, employees must comply with law enforcement personnel requests. The School District may request testing documentation from such agencies, and may ask the driver to sign a release allowing the School District to obtain such test results.

In the event a driver is so seriously injured that the driver cannot provide a sample of urine, breath or saliva at the time of the accident, the driver must provide necessary authorization for the School District to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the driver's system at the time of the accident.

I. Reasonable Suspicion Testing

Reasonable suspicion for requiring a driver to submit to drug and/or alcohol testing shall be deemed to exist when a driver manifests physical, behavioral, speech or performance symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such conduct must be witnessed by a supervisor who is trained in compliance with Part 382.603 of the Federal Motor Carrier Safety Regulations.

A supervisor observing such conditions will take the following actions immediately:

1. Confront the driver involved, and keep under direct observation until the situation is resolved.
2. Secure the DER's concurrence to observations. After discussing the

circumstances with the DER, arrangements will be made to observe or talk with the driver. If he/she believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the driver will be immediately required to submit to a breath test or urinalysis. If the driver refuses to submit to testing for any reason, the driver will be informed that continued refusal would result in disqualification from performing any safety-sensitive function.

3. Drivers will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the driver to subsequent discipline or suspension from driving duties. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
4. The DER shall, within 24 hours or before the results of the controlled substance test are released, document in writing the particular facts related to the behavior or performance problems, that led to the reasonable suspicion test and maintain this documentation in appropriate DOT files.
5. The DER shall remove or cause the removal of the driver from the student transportation vehicle and ensure that the driver is transported to an appropriate collection site and thereafter to the driver's residence or, where appropriate, to a place of lodging. Under no circumstances will that driver be allowed to continue to drive a school transportation vehicle *or his/her own vehicle until a confirmed negative test result is received.*

J. Return to Duty Testing

A return to duty test will be required for all School District drivers who have violated this policy (test positive, have an adulterated or substituted specimen or refuse to test). The driver may not return to duty until he or she passes (tests negative) a drug test and/or tests below a .02 for breath alcohol and the MRO or SAP and the City have determined that the driver may return to duty.

K. Follow-up Testing

Any School District driver who has returned to work following a violation of this drug and alcohol policy will be subject to follow-up testing. At a minimum six follow-up tests will be required within the first twelve months following an drivers return to work, and less frequently during the next 4 years. Drivers covered by a DOT agency will be tested in accordance with DOT regulations and the recommendations of the substance abuse professional.

L. Controlled Substance Testing Protocol

Urine Collection Procedures:

1. The testing procedure starts with the collection of a urine specimen.
2. Collection procedures will follow the specific guidelines set forth by the U.S. Department of Transportation as outlined in the published collection procedures guidelines.
3. Drivers will be directed to empty their pockets and display the contents to the collector.
4. Drivers will be allowed privacy during the collection process except as noted in number 5 below.
5. Observed collections are required by DOT if:
 - a. The specimen is determined invalid and there is no medical explanation.
 - b. The collector observes evidence of an driver's attempt to tamper with the specimen.
 - c. The temperature of the specimen is out of range.
 - d. The specimen appears to have been tampered with.
6. Observed collections may be required on return-to-duty and follow-up tests.
7. As part of the collection process, the specimen provided will be split into two portions; a primary specimen and a secondary (split) specimen.
8. If the driver is unable to provide 45 ml of urine, the DOT "shy bladder" rule will apply. The driver will have up to 3 hours to provide the required 45 ml, and may consume up to 40 ounces of fluids during this time period. The driver will be required to be monitored during the waiting period.
9. After collection, the specimen will be submitted to a SAMHSA certified laboratory for testing.

Laboratory Procedures:

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances:

1. Marijuana;
2. Cocaine;
3. Opiates;
4. Amphetamines; and
5. Phencyclidine (PCP)

The SAMHSA certified laboratory will perform initial screenings on all primary specimens. In the event that the primary specimen tests positive, a confirmation test of that specimen will automatically be performed. If the confirmatory test is positive it will be reported to the Medical Review Officer (MRO) as a positive.

Validity Testing:

The laboratory must also perform validity testing on each specimen received. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted. The following will be measured: creatinine level, specific gravity, and pH. In addition, all specimens will be tested for known adulterants. An initial validity test is performed first, followed by a confirmation test if required.

All laboratory results will be reported by the laboratory to a MRO designated by the School District or its agents.

MRO Procedures:

1. All test results will undergo a review process by the MRO.
2. Negative test results will be reported directly to the School District by the MRO.
3. Positive, adulterated or substituted results will be handled in the following manner by the MRO:
 - a. Before reporting a positive, adulterated or substituted test result to the School District, the MRO will attempt to contact the driver to discuss the test result.
 - b. The employee is required to discuss the result with the MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug.
 - c. For adulterated or substituted results, the driver must demonstrate that he or she did produce or could have produced urine, through physiological means, a specimen meeting the creatinine and specific gravity criteria of a substituted or adulterated specimen.
 - d. If the MRO is unable to contact the driver directly, the MRO will contact the DER designated in advance by the School District, who shall, in turn, contact the driver and direct the driver to contact the MRO. Upon being so directed, the driver shall contact the MRO immediately or, if the MRO is unavailable, at the start of the MRO's next business day.
 - e. If, after failing to contact the MRO within 72 hours after being instructed to do so by the DER, or if the employee cannot be contacted at all within ten (10) days, or the driver expressly declines the opportunity to discuss the test, the MRO may verify the test as positive or a refusal.
 - f. In the MRO's sole discretion, a determination will be made as to whether a result is verified as positive, negative or considered a refusal.
 - g. After any verified positive or refusal to test determination, the driver may petition the MRO to reopen the case for reconsideration.

4. Diluted Specimens: If a specimen is reported diluted by the laboratory, the MRO will report this information to the DER. The school district policy will require an immediate recollect for another test. The result of this test will stand as the final result.

Medical Information Disclosure:

Pursuant to DOT regulations, if, in the MRO's opinion, any information provided may mean a medical disqualification or represent a safety hazard, such as the use of certain prescription drugs, the MRO must disclose this to the employer. Individual test results for driver applicants and drivers will be released to the School District and will be kept strictly confidential unless consent for the release of the test result has been obtained. Any individual who has submitted to drug testing in compliance with this procedure is entitled to receive the results of such testing upon written request.

M. Split Specimen Testing Protocol

A driver may request that the "split" portion of his/her specimen be tested at a different SAMHSA laboratory if he/she was notified by the MRO that his/her test result was positive, adulterated or substituted. The request must be made to the MRO within 72 hours of being notified of a verified positive, adulterated or substituted result. The MRO will arrange for all procedures to be done in accordance with split specimen testing procedures.

The cost of a split specimen test will be the responsibility of the driver. *The company will withhold the amount of the cost of testing the split from the employee's pay unless other arrangements are acceptable to both the employee and the Company.* If the driver makes a timely request (within 72 hours) to the MRO for the split portion to be tested, the MRO shall immediately make arrangement with the laboratory to initiate the process.

N. Alcohol Testing Protocol

Alcohol tests will be conducted by a trained Breath Alcohol Technician (BAT) or Screening Test Technician (STT). Screening tests may be done using an evidential breath testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done by a trained BAT using an evidential breath testing device. The driver shall report to the alcohol testing site as notified by the School District. The driver shall follow all instructions given by the alcohol technician.

If the result of a screening test is a breath alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no

later than thirty (30) minutes following the completion of the initial test. In the event the confirmation test indicates a BAC of .020 to .039, the employee shall be removed from duty for twenty-four (24) hours or until his/her next scheduled on-duty time, whichever is longer. Employees with tests indicating a BAC of .04 or greater are considered to have engaged in prohibited conduct, which may result in disciplinary action up to and including termination. All alcohol tests shall be performed just prior to, during, or just after performing a safety sensitive function.

O. Educational Materials

The School District shall provide educational materials that explain the requirements of Part 382.601 of the Federal Motor Carrier Safety Regulations, consequences of violating the regulations, and the School District's policies and procedures with respect to meeting these requirements. The materials supplied to the drivers may include information on additional School District policies with respect to the use or possession of alcohol or controlled substances, for example, the consequences for a driver found to have specified alcohol or controlled substances level based on the School District's authority independent of Part 382.601 of the Federal Motor Carrier Regulations. Materials will also be provided concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life.

Drivers are required to attend educational meeting(s) to discuss the School District's policies and procedures and to review all materials covered by this procedure. Each driver is required to sign a statement (certificate of receipt) certifying that he or she has received a copy of these materials described in Part 382.601 of the Federal Motor Carrier Regulations. The school district shall provide these materials to each person prior to the start of alcohol and controlled substance testing and to each person subsequently hired or transferred into a position requiring driving a commercial vehicle.

III. Disciplinary Procedures – *This section needs to be edited (rewritten) to reflect specific company/corporation policy*

Any driver testing positive for alcohol (.04 BAC or greater), or who has a positive controlled substance test, or has refused to test is considered in violation of this policy, and is not qualified to drive a commercial motor vehicle, and will be immediately removed from service.

Note: Specific disciplinary procedures should be outlined in this section covering the following situations (at a minimum). Also indicate 1st offense, 2nd offense, etc. discipline. Will the employee be suspended, if so, how long, with or without pay.

1. Discipline for testing positive

2. *Discipline for adulterated or substituted results*
3. *Discipline for refusing to test*

Note: If your policy does not terminate and allows for the driver to continue working for you, then it needs to be stated that all steps in IV. below must be completed to be eligible before the employee may resume duties associated with a CDL position.

To be able to be returned to a CDL position, the driver must complete the steps outlined in Section IV. below.

IV. Substance Abuse Evaluation, Return To Duty, and Follow Up Testing

Any driver who is removed from service is not qualified to perform safety-sensitive duties requiring a commercial drivers license. Such employee shall be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals (SAPs) who are approved by the School District. To be able to be returned to duty, the following steps must be completed:

1. Complete an evaluation with a SAP
2. Complete any rehabilitation and/or education required by the SAP
3. Be re-evaluated by the SAP and obtain written confirmation of satisfactory completion of all recommendations
4. Complete a return to duty test that is issued with a negative result
5. As a condition of continued employment, the driver will be required to submit to a minimum of 6 unannounced follow up tests in the next 12 months after returning to work.

Follow-up testing is separate from and in addition to the School District's reasonable suspicion, post-accident, and random testing procedures. The schedule for follow-up testing shall be unannounced and in accordance with the instructions of the SAP. Follow-up testing may continue for a period of up to sixty (60) months following the driver's return to duty. No fewer than six (6) tests shall be performed in the first twelve (12) months of the follow-up testing. The cost of any SAP evaluation, prescribed treatment and follow-up testing shall be borne by the driver.

V. Voluntary Disclosure

The School District encourages drivers to seek help if they feel they have a problem with drug or alcohol misuse before it becomes a matter of discipline with the school district. The school district will assist any driver who voluntarily discloses to the company that he/she believes that he/she has a drug or alcohol problem in seeking professional help to address their problem. This voluntary step of self-identification is the responsibility of the individual, and with the exception of certain conditions, will alleviate the requirement for disciplinary

action if brought to the School District's attention prior to any testing conducted by the School District. Upon disclosure of a problem to School District personnel, the driver will be removed from all safety-sensitive duties without pay until completion of all steps outlined in Section IV. of this policy. The driver will be responsible for all costs associated with this process. If the driver makes no commitment to overcoming the problem and achieving a satisfactory level of performance, attendance, or behavior, then termination of employment will result.

VI. Confidentiality and Release of Information

Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any driver or driver applicant be released without written request from the applicable driver.

The School District may release information as follows:

1. Copies of the results of alcohol or drug testing to an identified person provided the employee has provided written consent.
2. Copies of information requested by the Secretary of Transportation, any DOT agency, or any State or local official with regulatory control over the School District or any of its drivers.
3. The results of post-accident testing when requested by the National Transportation Safety Board as part of an accident investigation.
4. Legal proceedings to include:
 - o Lawsuits (e.g., wrongful discharge action).
 - o Grievances (e.g., an arbitration concerning disciplinary action taken by the school district).
 - o Administrative proceedings (e.g., an unemployment compensation hearing) brought on by, or on behalf of, a driver and resulting from a positive DOT drug test or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).
 - o Criminal or civil actions – to the decision maker in the proceeding (e.g., the court in the lawsuit)

Drivers are entitled, upon written request, to obtain copies of any records pertaining to their use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.

VII. Responsibility

- A. Driver - All School District drivers that hold a valid CDL are responsible for abiding by this procedure as a condition of their employment.
- B. Management Officials and Supervisors
All supervisors and School District officials are responsible for being alert to driver conduct that raises a reasonable suspicion that a driver is using or is

under the influence of alcohol or controlled substances while on duty or otherwise performing student transportation.

This policy is not intended nor should it be constructed as a contract between the School District and the driver. This policy may change at any time at the sole discretion of the School District and/or to comply with changes in Federal DOT regulations.

APPENDIX A

Abbreviations and Terms

Abbreviations

BAT	Breath and Alcohol Technician
CDL	Commercial Drivers' License
CMV	Commercial Motor Vehicle
DER	Designated School District Representative
DDHS	Department of Health and Human Services
DOT	Department of Transportation
EAP	Driver Assistance Program
EBT	Evidential Breath Testing Device
MRO	Medical Review Officer
STT	Screen Testing Technician

Definitions

Adulterated Specimen

A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol

Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Concentration (or content)

Alcohol in a volume of breath (shown as grams of alcohol / 210 liters of breath) as indicated by an evidential breath test.

Alcohol Use

Consumption of any beverage, mixture, or preparation, including medications, containing alcohol.

Breath Alcohol Technician (BAT)

An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device,

Confirmation Test

In alcohol testing: a second test, following a screening test with a result of 0.02 or greater, that provides quantitative date of alcohol concentration.

In controlled substances testing: a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the screening test.

Confirmation Validity Test

A second test performed on a urine specimen to further support a validity test result.

Controlled Substances

In this regulation, the term 'drugs' and 'controlled substances' are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:

- *marijuana
- *cocaine
- *opiates
- *phencyclidine (PCP)
- *amphetamines, including methamphetamines

Designated School District Representative (DER)

An person authorized by the school district to take immediate action(s) to remove a driver from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the school district. Service agents cannot act as DERs.

Dilute Specimen

A specimen with creatinine and specific gravity values that are lower than expected for human urine.

EBT (or evidential breath testing device)

An EBT approved by the National Highway Traffic Association (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Driver

Any person who operates a commercial vehicle (CMV), including:

- *full time, regularly employed employees
- *casual, intermittent or occasional employees
- *leased employees
- *independent, owner-operated contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer

Evidential Breath Testing (EBT) Device

A device used for alcohol breath testing that has been approved by the National Highway Safety Administration.

Initial Validity Test

The first test used to determine if a specimen is adulterated, diluted, or substituted.

Initial Drug Test

The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Medical Review Officer (MRO)

A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

Performing (a safety sensitive function)

An driver is considered to be performing a safety-sensitive function when he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

Primary specimen

The urine specimen bottle that is opened and tested first by the laboratory to determine whether the driver has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Screening Test (initial test)

In alcohol testing: a procedure to determine if a driver has a prohibited concentration of alcohol in his or her system.

In controlled substance testing: a screen to eliminate 'negative' urine specimens from further consideration.

Split Specimen means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Substituted Specimen

A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Substance Abuse Professional (SAP)

A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of any and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Certificate of Receipt

(Acknowledgement of receiving materials required by 49 CFR Part 382.601)

Employee Name: _____ Social Security #: _____

Company/Corporation: _____

This is to certify that I have been provided educational materials that explain the requirements of 382.601 and my school district's policies and procedures with respect to meeting the requirements. This includes all items checked.

- ____ 1. The designated person to answer questions about the material
- ____ 2. The categories of drivers subject to Part 382.
- ____ 3. Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
- ____ 4. Specific information concerning prohibited driver conduct.
- ____ 5. Circumstances under which a driver will be tested.
- ____ 6. Test procedures, driver protection and integrity of the testing processes, and safeguarding the validity of the test.
- ____ 7. The requirements that tests are administered in accordance with Part 382.
- ____ 8. An explanation of what will be considered a refusal to submit to a test and the consequences.
- ____ 9. The consequences for Part 382 Subpart B violations including removal from safety-sensitive functions and 382.605 procedures.
- ____ 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- ____ 11. Information on the affects of alcohol and controlled substances use on: an individual's health, work, personal life, signs and symptoms of a problem, and available methods of intervening when a problem is suspected.
- ____ 12. A copy of my school district's substance abuse policy

Driver Signature: _____ Date: _____

Authorized School District Representative: _____