

**SACRAMENTO CITY  
UNIFIED SCHOOL DISTRICT**



**Drug and Alcohol  
Testing Program**

**Policy and Reference Guide**

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**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT**  
**DRUG AND ALCOHOL TESTING PROGRAM**  
**POLICY AND REFERENCE GUIDE**

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# DRUG AND ALCOHOL TESTING PROGRAM

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## **PURPOSE**

The impairing effects of drugs and alcohol and the substantial risks to public safety by employees who use drugs and alcohol underlie the government's interest in requiring drug and alcohol testing of employees who operate commercial motor vehicles. The Omnibus Transportation Employee Testing Act of 1991 requires the Department of Transportation (DOT) to promulgate regulations for drug and alcohol testing for persons in safety-sensitive positions in various transportation industries.

In February, 1994, the Federal Highway Administration (FHWA), the DOT agency administering regulations that cover District employees, promulgated regulations that require drug and alcohol testing for employees in safety-sensitive positions requiring a commercial driver's license (CDL) (e.g., bus drivers, mechanics, etc.). The purpose of these rules is to help prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles (CMV). The result of these rules is that District employees who are required to have a CDL will be required to undergo drug and alcohol testing beginning January 1, 1995.

In order to have a successful program, it is important that covered supervisors and employees know what is expected of them. This document serves to explain the requirements of the drug and alcohol testing regulations and the District's policies and procedures with respect to meeting those requirements.

## **COVERED EMPLOYEES**

The FHWA drug and alcohol testing regulations apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce, and is subject to the commercial driver's license requirements of Part 383 of Title 49 of the Code of Federal Regulations. The District has identified the following job classifications that will be required to undergo drug and alcohol testing:

1. Bus Driver
2. Automotive Service Attendant
3. Bus Vehicle Mechanic
4. Lead Mechanic
5. School Bus Driver Instructor
6. Asbestos Repair Worker
7. Vehicle Maintenance Supervisor
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*VOLUNTARY INCLUSION: Every employee not included in the above job classifications who is properly licensed to drive and has requested to drive a commercial motor vehicle for the District will be subject to the District's Drug and Alcohol Testing Program as detailed herein. Once an employee has been added to the pool of employees subject to the District Drug and Alcohol Testing Program they will remain in the pool until they sign a statement indicating their decision to no longer driver a commercial motor vehicle for the District or until their employment with the District is terminated.*

### **PROHIBITED CONTROLLED SUBSTANCE AND ALCOHOL-RELATED CONDUCT**

The following drug and alcohol-related activities are prohibited by the FHWA's regulations for drivers of CMVs:

- Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- Being on duty or operating a CMV while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- Using alcohol while performing safety-sensitive functions.
- When required to take a post-accident test, using alcohol within eight hours following the accident prior to undergoing a post-accident alcohol test, whichever comes first.
- Refusing to submit to a controlled substance or alcohol test required by post-accident, random, reasonable suspicion, return-to-duty, or follow-up testing requirements.
- Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV.
- Reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver tests positive for controlled substances.
- Performing safety-sensitive functions within four (4) hours after using alcohol (regardless of your alcohol level).

### ***SAFETY-SENSITIVE FUNCTIONS***

The term "safety-sensitive function" is used throughout the FHWA regulations and in this document. The FHWA defines a "safety-sensitive function" as any of those on-duty functions as listed below:

- All time at a carrier or shipper plant, terminal, facility or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs) or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle (except for time resting in the sleeper berth).
- All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time spent performing the driver requirements associated with an accident.
- All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

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## ***EMPLOYEE RESPONSIBILITY***

As a condition of employment, a covered employee must:

- Be able to perform his/her job duties without impairment due to the use of drugs or alcohol when on duty or subject to duty.
- Report to work without drugs or alcohol in his/her system.
- Not possess or utilize alcohol while on duty.
- Not use without prescription, possess, manufacture, sell or distribute drugs in the workplace.
- Submit immediately to a drug or alcohol test when ordered by a supervisor, management or other designated District representative.
- Not perform safety-sensitive functions within four hours after using alcohol.
- Not use alcohol for 8 hours following an accident, if required to submit to a post-accident test.
- Promptly notify his/her supervisor when he/she observes or has knowledge of another cover employee.
  - Using, possessing, manufacturing, distributing or selling drugs at work, or
  - In a condition which impairs his/her ability to perform job duties or which poses a hazard to the safety or welfare of others.
- Confirm receipt of the District's written policy concerning drug and alcohol testing by signing a statement certifying he/she has received a copy of these materials.

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## ***SUPERVISOR RESPONSIBILITY***

Supervisors are responsible for enforcement of this Policy. Supervisors:

- Shall notify and instruct covered employees when they are selected for random drug or alcohol testing.
- Shall transport a covered employee to a post-accident drug and alcohol test as soon as practical following an accident when:
  - The accident involves the loss of human life; or
  - The driver receives a citation under state or local law for a moving traffic violation arising from the accident.
- Shall transport a covered employee to a reasonable suspicion drug or alcohol test when the supervisor has reasonable suspicion to believe the employee has violated the drug or alcohol prohibitions.
- Shall not permit a covered employee to perform safety-sensitive functions with the knowledge that the employee possesses, uses or has drugs or alcohol in their system.
- Shall not permit a covered employee to perform safety-sensitive functions when the employee refuses to submit to drug and/or alcohol testing.
- Shall immediately remove a covered employee from performing safety-sensitive functions when the employee has tested positive for drugs or alcohol concentration of 0.02 or greater.
- Shall remain on collection site when assigned, while reasonable suspicion or post-accident drug or alcohol is being conducted.
- Shall, upon written request, promptly provide copies of any records pertaining to a driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.



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### ***DISTRICT RESPONSIBILITY***

The District:

- Shall ensure that covered employees receive a copy of the District's written policy concerning drug and alcohol testing and sign an annual statement certifying receipt of these materials.
- Shall ensure that covered employees receive post-accident information, procedures and instructions, prior to the employee operating a District vehicle.
- Shall ensure that persons designated to determine whether reasonable suspicion exists to require a covered employee to undergo drug and/or alcohol testing receive at least 60 minutes of training on controlled substances use and an additional 60 minutes of training on alcohol misuse.
- Shall ensure that covered employees whose alcohol tests indicate a blood concentration of 0.02 or greater or who test positive for drugs, are advised of the resources available in evaluating and resolving problems related to drug and alcohol use.

### ***EMPLOYEE ASSISTANCE PROGRAM***

The District encourages employees with drug or alcohol dependencies to voluntarily obtain the earliest possible diagnosis and treatment of their problem. The District supports such efforts through its Employee Assistance Program (EAP) which provides crisis intervention, assessment, information and referral services for a wide range of problems, including alcohol and drug abuse. The Employee Assistance Program services are confidential. There is no charge for the EAP services. The District's Employee Assistance Program can be reached at (800) 227-1060.

## **TYPES OF TESTING**

The District is required to perform drug and alcohol testing in the following situations:

### **Pre-Employment**

#### Description

All covered employee applicants, including current employees in non-safety-sensitive positions; offered employment in positions requiring a CDL, must submit to pre-employment drug and alcohol testing. Covered employee applicants who test positive for drugs or who test 0.02 or above for breath alcohol concentration will not be eligible for employment in those positions.

#### Procedure

At the time of the job offer or when a current employee is returning to work from a break/leave in service, the covered employee and applicant will be notified by the Districts Transportation Services Department that, as part of the pre-employment requirements, a urine sample will be collected to test for the presence of drugs, and a breath alcohol test will be given to determine their alcohol concentration. Transportation Staff will instruct the applicant to complete the Pre-Employment Urinalysis and Breath Alcohol Consent form and will inform him/her of the location and time of the tests.

### **Random**

#### Description

Covered employees will be required to submit to random, unannounced drug and alcohol test. Each year, 50 percent of all covered employees must be tested for drugs and 10 percent of all covered employees will be tested for alcohol. Testing dates and time will be announced and will be with unpredictable frequency throughout the year. Some employees may be tested more than once each year; some may not be tested at all. All covered employees have an equal chance of being tested each time selections are made.

Random testing for drugs may be conducted at any time the covered employee is on duty. Random alcohol testing must be conducted just before, during, or just after a covered employee's performance of safety-sensitive duties. Random selection will be conducted by a contractor.

## Procedure

The contractor conducting random selection will notify the appropriate site supervisors of the test site and names of covered employees who have been randomly selected for drugs and/or alcohol tests. The appropriate site supervisor shall then inform selected employees that they must undergo random drug and/or alcohol testing and instruct them to proceed to the testing site immediately. The supervisor must also ensure that each covered employee receives the *Drug and Alcohol Testing Notification and Fact Sheet*.

## **Post-Accident**

### Description

As soon as practicable following an accident involving a District vehicle requiring a CDL to operate, the District shall test each covered employee (driver) for drugs and alcohol when:

- the accident involves the loss of human life; or
- the driver receives a citation under State or Local law for a moving traffic violation arising from the accident.

The District is responsible for providing covered employees (see page 4) with necessary post-accident information, procedures and instructions, prior to the employee operating a District vehicle, so that employees will be able to comply with the requirements of this rule.

**Note:** *Nothing in this document (or the rule itself) should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.*

### Procedure

When a covered employee (driver) is involved in an accident involving a District vehicle, the driver must follow the *Post Accident Drug and Alcohol Testing Procedures* provided in District vehicles requiring a CDL to operate. A supervisor shall be dispatched to the scene. If tests are warranted, the supervisor is responsible for transporting the driver to the testing site as soon as possible. Drivers must be instructed to refrain from consuming alcohol for eight hours following the accident or until he/she submits to an alcohol test, whichever comes first. The supervisor must complete the *Post-Accident Log* form.

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If a driver has not submitted to an alcohol test after two hours, the supervisor shall prepare and maintain on file a record stating the reason a test was not promptly administered. After eight hours, all attempts to administer the alcohol test will cease and be documented. If a driver has not submitted to drug test after 32 hours, all attempts to administer the test will cease and be documented.

A driver who is seriously injured and cannot provide a urine specimen or breath test at the time of the accident, shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs or alcohol in his/her system.

### Reasonable

#### Suspicion Description

If a supervisor suspects that a covered employee is engaging in prohibited conduct (see page 2), that covered employee will be required to submit to a reasonable suspicion drug and/or alcohol test. Reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances. The conduct must be witnessed by a supervisor who has received training in accordance with Title 49 of the Code of Federal Regulations Section 382.603 in the identification of actions, appearance or conduct which are indicative of drug use and the misuse of alcohol. Alcohol testing is authorized only if the observations are made during, just before or just after the period of the workday the covered employee is performing safety-sensitive functions.

#### Procedure

When a covered employee is required to submit to a reasonable suspicion drug and/or alcohol test, the supervisor is responsible for transporting the employee to the testing site immediately.

If an alcohol test is not administered within two hours following a reasonable suspicion determination, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If eight hours elapse since the reasonable suspicion determination, the supervisor shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

Documentation of the observations leading to a reasonable suspicion drug test shall be prepared by the supervisor who witnessed the covered

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employee's conduct. The *Observed Behavior – Reasonable Suspicion Record* form shall be prepared within 24 hours of the observed behavior or before results of the test are released, whichever is earlier.

### Return-To-

#### Duty Descripti

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If covered employee has been removed from duty after engaging in prohibited conduct regarding drug use and/or alcohol misuse, that employee must submit to return-to-duty drug and/or alcohol testing before returning to performing safety-sensitive functions. An employee cannot return to duty unless the results of the drug test are verified as negative and/or results of the alcohol test indicate a breath alcohol concentration of less than 0.02.

#### Procedure

When a covered employee is required to submit to a return-to-duty test, the designated District representative will instruct the employee to submit to a drug and/or alcohol test.

### Follow-

#### Up Descripti

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If it is determined by the substance abuse professional that a covered employee is in need of assistance resolving problems associated with drug use and/or alcohol misuse, that employee will be subject to unannounced follow-up drug and/or alcohol testing as directed by the substance abuse professional (SAP). Employees will be subject to a minimum of six follow-up drug and/or alcohol tests in the first 12 months. Alcohol follow-up testing shall be performed only when the employee is performing safety-sensitive functions, or immediately prior to performing or immediately after performing safety-sensitive functions.

#### Procedure

The SAP will instruct the covered employee to submit to follow-up testing. Employees must inform their supervisor prior to testing so that

arrangements can be made for proper coverage. Upon completion of the test, the employees must provide verification of submitting to a follow-up test to the designated District representative.

## **CONTROLLED SUBSTANCE TESTING PROCEDURES**

- **Description**

Drug testing is conducted by analyzing an individual's urine specimen for marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District will contract with a medical services company for collection of urine samples in strict compliance with the *DOT Procedures for Transportation Workplace Drug and Alcohol Testing Programs rule (49 CFR Part 40)*.

- **Specimen Collection Procedures**

Individuals (donors) are required to have individual privacy when providing a specimen; however, he/she must provide a specimen under direct observation when he/she presents a specimen that is outside the accepted temperature range.

1. For **current employees**, random, post-accident and reasonable suspicion drug testing that results in a negative dilute, having a Creatinine concentration of greater than 5 mg/dl the test will be considered a negative result unless by federal regulations the MRO or the employer requests a re-test under direct observation, where the 2<sup>nd</sup> test result will be the result of record and a 3<sup>rd</sup> test will not be done..
2. For **Pre-Employment** drug testing that results in a negative dilute having a Creatinine concentration of greater than 5 mg/dl the test will be considered to be non-conclusive and the donor may at their own expense have a retest done after the first results are substantiated, unless the MRO directs the donor, under federal regulations, to be tested immediately. No further continuance or training to become a school bus driver will be offered to the original applicant until a conclusive Negative Drug Test result is obtained and verified from the Districts Drug Testing Facility and MRO. (Medical Review Officer)
3. For **Pre-employment, random, post-accident and reasonable suspicion drug testing** that results in a Positive dilute the test will be considered a "Positive" result for the purposes of drug testing under federal regulations.

A trained collection site person will collect samples using split specimen procedures which means each specimen is subdivided, in the presence of the donor, into two bottles labeled as "primary" and "split" specimen. The collection site person prepares the specimens for shipment to a certified laboratory.

- **Inability to Provide an Adequate Specimen**

Individuals will be allowed up to two hours to provide a sufficient sample and will be directed by the collection site person to drink fluids. **The Donor must remain at the collection facility. If the individual cannot provide a complete sample within the two hour period, the District's Medical Review Officer (MRO) shall refer the individual for a medical evaluation to determine if the individual's inability to provide a sample is genuine or constitutes a refusal.**

For pre-employment and random testing, an individual may be rescheduled for another collection attempt if the collection must be discontinued before the individual has provided a sufficient sample and before the expiration of two hours. If the individual is still unable to provide a specimen during a retest, the MRO shall refer the individual for a medical evaluation to determine if the individual's inability to provide a sample is genuine or constitutes a refusal.



- **Refusal to Submit to Drug Testing**

An individual who fails to provide adequate urine for drug testing without a valid medical explanation, fails to cooperate in the testing process, or adulterates, dilutes, or substitutes the specimens in any way, shall be deemed as refusing to submit to drug testing in violation of District policy and the regulations.

- **Laboratory Analysis**

The analysis of the specimens are performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The primary specimen is used for the initial analysis; the split specimen remains sealed. A screening test using immunoassay is performed on the primary specimen. If the primary specimen tests positive for one or more of the drugs, the laboratory will retest the same specimen by gas chromatography/mass spectrometry (GC/MS) analysis to confirm the positive result.

The laboratory reports only to the MRO. If the analysis of the primary specimen is confirmed positive, the individual has 72 hours to request the MRO to send the split specimen to another DHHS certified laboratory for analysis, at the individual's expense.

- **Medical Review Officer (MRO)**

The Medical Review Officer or MRO shall be a licensed physician with knowledge of substance abuse disorders. The MRO:

- Reviews all lab test results prior to transmitting information to the District,
- Protects the confidentiality of individuals,
- Is the sole custodian of individual test results, and
- Is responsible for the receipt, verification, notification and reporting of test results

- **Notification of Results**

All drug test results are reviewed and interpreted by the MRO before they are reported to the District. If the analysis of the primary specimen is confirmed positive, the individual has 72 hours to request the MRO to send the split specimen to another DHHS certified laboratory for analysis, at the individual's expense. If the laboratory reports a positive split

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specimen result, the MRO will contact the individual to determine if there is an alternative medical explanation for drugs found detected. If the individual provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the drug test result is reported as negative. If the MRO concludes that no legitimate medical reason exists for a positive test, the MRO will verify the result as positive. The MRO will report the results as follows:

<b>RESULT</b>	<b>PERSON(S) NOTIFIED</b>
<b>Negative</b>	<b>Appropriate Departmental Supervisor</b>
<b>Positive</b>	<b>Appropriate Departmental Supervisor Director, Classified Personnel</b>
<b>Pre-Employment</b>	<b>Appropriate Departmental Supervisor</b>

- **Procedures to Protect Testing Integrity**

Every effort will be made to protect covered employees and the integrity of the testing process and testing results. The District and the contractor shall take the following precautions to ensure that the specimen's security, proper identification and integrity are not compromised.

- The collection site must afford privacy to individuals and must be secure at all times by preventing access to unauthorized persons.
- Collection site personnel must be trained to carry out the required collection procedures, or if they are licensed medical professionals or technicians, they must have instructions for conducting the required collection procedures.
- The collection site person shall ensure that individuals are positively identified through the presentation of photo identification or identification by a District representative.
- The following specific procedures must be followed during collection of the specimen:
  - ✓ The donor shall remove outer garments only.
  - ✓ The donor shall wash his/her hands prior to collection of specimen and shall not have access to any water sources until the specimen has been collected.
  - ✓ A bluing agent shall be added to toilet tank and bowl.
  - ✓ The collector shall remain outside the enclosure.
  - ✓ The donor may flush the toilet only after releasing specimen to collector.
  - ✓ The specimen should contain at least 45 ml of urine.

- ✓ The collector shall measure the specimen temperature within four minutes of urination.
- *A Drug Testing Custody and Control Form* must be completed by the collection site person and the donor at the time of collection and accompany all specimens to the laboratory.
- The collector and donor complete the collection process together, including sealing and labeling specimen bottles, initialing bottle labels or seals, and signing and dating the custody and control form.
- The specimen must be kept in sight of the donor and collection site person until sealed and ready for shipment. All drug testing results and records shall be maintained under strict confidentiality by the District, the drug testing laboratory and the MRO. Except as required by law, covered employee records shall not be released without the written consent of the employee authorizing release of the information to an identified person.

## **ALCOHOL TESTING PROCEDURES**

- **Description**

Alcohol testing is conducted by measuring the alcohol in a volume of breath using an approved evidential breath testing (EBT) device. The District will contract with a medical services company for breath alcohol testing in strict compliance with the DOT *Procedures for Transportation Workplace Drug and Alcohol Testing Programs* regulations (49 CFR Part 40).

- **Breath Alcohol Test**

Two breath tests are required to determine if an individual has a prohibited alcohol concentration. A certified Breath Alcohol Technician (BAT) will conduct a screening test first. After the BAT has conducted the breath test, the results are shown to the individual being tested. Any result less than 0.02 alcohol concentration is considered a "negative" test and no further testing is required.

If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted 15 to 20 minutes after the completion of the screening test. Following the completion of the confirmation test, the BAT shall display the result to the individual. In the event the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result.

- **Inability to Provide Adequate Amount of Breath**

If the individual attempts and fails to provide an adequate amount of breath for testing without a valid medical explanation, the test is considered a positive result unless the MRO determines otherwise.

- **Refusal to Submit to Alcohol Testing**

An individual who fails to provide adequate breath for testing without a valid medical explanation or who fails to cooperate in the testing process shall be deemed as refusing to submit to alcohol testing.

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### • Notification of Results

The District will designate a representative for receiving and handling alcohol testing results in a confidential manner. The results of the screening or confirmation test will be forwarded by the BAT at follows:

RESULT	PERSON(S) NOTIFIED
Below 0.02	Appropriate Departmental Supervisor
0.02 and Above*	Appropriate Departmental Supervisor Director, Classified Personnel
Pre-Employment	Appropriate Departmental Supervisor Director, Classified Personnel

**Note:** Employees whose test result are 0.02 or above, must be immediately removed from safety-sensitive duty.

### • Procedures to Protect Testing Integrity

Every effort will be made to protect employees and the integrity of the testing process and testing results. The District and the contractor shall take the following precautions to ensure accuracy, reliability and confidentiality of test results.

- Breath samples will be taken by a Breath Alcohol Technician (BAT), who is trained in the operation of the EBT with courses that are equivalent to the DOT model course.
- EBTs shall be approved by the National Highway Traffic Safety Administration (NHTSA) and meet the requirements of the DOT.
- The testing location shall be sufficient to prevent unauthorized persons from seeing or hearing test results.
- Unauthorized persons shall not be permitted access to the testing location while the EBT is unsecured.
- The BAT shall ensure that individuals are positively identified through the presentation of photo identification or identification by a District representative.
- *A Breath Alcohol Testing Form*, prescribed by the DOT, must be completed by the BAT and the individual being tested during the testing process to ensure that the results are properly recorded.
- The BAT shall supervise only one individual's use of the EBT at a time and shall not leave the alcohol testing location while the testing procedure for a given individual is in progress.

- The District shall maintain records in a secure manner. Except as required by law, employee records shall not be released without the written consent of the employee authorizing release of the information to an identified person.

### **CONSEQUENCES OF POLICY VIOLATIONS**

#### **• Positive Drug Test**

Any unauthorized use of controlled substances is prohibited. Illicit use of drugs by safety-sensitive employees is prohibited on or off duty. If the MRO has determined that a covered employee's positive drug test resulted from the unauthorized use of a controlled substance, the employee will be removed from safety-sensitive duty and he/she will be subject to disciplinary action, including dismissal.

Covered employee applicants offered safety-sensitive positions who test positive for drugs will not be eligible for employment in that position.

Covered employee applicants who are current District employees and are offered assignments in a safety-sensitive position will not be eligible for employment in that position if they test positive for drug use, and may be subject to disciplinary action.

#### **• Alcohol Concentration 0.02 – 0.039**

Covered employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions and may be subject to disciplinary action. Covered employees whose confirmatory alcohol test is 0.02 or greater but less than 0.04, will be removed from safety-sensitive functions. After 24 hours have elapsed, the employee will be required to submit to a return-to-duty alcohol test and test below 0.02. Also, the employee will then be required to meet with his/her supervisor to discuss the problem prior to being allowed to perform a safety-sensitive function.

Covered employee applicants offered safety-sensitive positions whose confirmatory alcohol test is 0.02 or greater but less than 0.04, will not be eligible for employment in that position.

Covered employee applicants who are current District employees being offered assignments in safety-sensitive positions, whose confirmatory alcohol test is 0.02 or greater but less than 0.04, will be eligible for employment in that position and may be subject to disciplinary action.

### • **Alcohol Concentration 0.04 or Greater**

Covered employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions. Covered employee whose confirmatory alcohol test is 0.04 or greater will be removed from safety-sensitive functions and will be subject to disciplinary action, including dismissal.

Covered employee applicants offered a safety-sensitive position will not be eligible for employment in that position if their confirmatory alcohol test is 0.04 or greater.

Covered employee applicants who are current District employees being offered an assignment in a safety-sensitive position, will not be eligible for employment in that position and may be subject to disciplinary action if their confirmatory alcohol test is 0.04 or greater.

### ■ **Refusal to Submit to Drug or Alcohol Testing**

Any covered employee who refuses to submit to drug and/or alcohol testing or who fails to cooperate in testing procedures, shall be removed from safety-sensitive duty and he/she will be subject to disciplinary action, including dismissal.

Covered employee applicants offered safety-sensitive positions who refuse to submit to drug and/or alcohol testing or who fail to cooperate in testing procedures, will not be eligible for employment in safety-sensitive positions.

Covered employee applicants who are current District employees being offered an assignment in a safety-sensitive position and who refuse to submit to drug and/or alcohol testing or who fail to cooperate in testing procedures, will not be eligible for employment in that position and may be subject to disciplinary action.

## GLOSSARY

**Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

**Alcohol Concentration (or content):** The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

**Alcohol Use:** The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

**Breath Alcohol Technician (BAT):** An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device.

**CDL:** Commercial Driver's License.

**Chain of Custody:** Procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

**Collection Site:** A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

**Collection Site Person:** A person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

**Commercial Motor Vehicle (CMV):** A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- 1) has a gross combination weight of 26,001 or more pounds inclusive of towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- 2) has a gross vehicle weight rating of 26,001 or more pounds; or
- 3) is designated to transport 16 or more passengers, including the driver; or
- 4) is of any size and is used in the transportation of hazardous materials requiring placards.

**Confirmation Test:** For alcohol testing means a second test, following a screening test with a result of 0.02 or greater, which provides quantitative date of alcohol concentration. For drug testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.



**Covered Employee:** An employee subject to the requirements of applicable Federal law, and this policy.

**DHHS:** Department of Health Human Services

**Drugs:** For the purposes of these regulations, the term refers to the five classes of drugs – cocaine, marijuana, opiates, amphetamines, phencyclidine. Used synonymously with controlled substances.

**Evidential Breathing Test Device (EBT):** A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

**Federal Highway Administration (FHWA):** *The agency or operating administration of United States Department of Transportation (DOT) administering regulations requiring compliance with the alcohol and drug testing rules.*

**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 who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

**Performing a Safety-Sensitive Function:** Any period in which the driver is actually performing, ready to perform or immediately able to perform any safety-sensitive functions.

**Primary Specimen:** 30 ml of urine sample provided by the employee to be analyzed for the detection of drugs.

**Refusal to Submit (to an alcohol or drug test):** Means that a driver:

- 1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- 2) fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or
- 3) engages in conduct that clearly obstructs the testing process.

**Safety-Sensitive Function:** Any on-duty functions as listed below:

- 1) All time at a carrier or shipper plant, terminal, facility or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- 2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs), or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time.
- 3) All time spent at the driving controls of a commercial motor vehicle.
- 4) All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
- 5) All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- 6) All time spent performing the driver requirements associated with an accident.
- 7) All time repairing, obtaining assistance or remaining in attendance upon a disable vehicle.

**Shipping Container:** A container capable of being secured with a tamper proof seal that is used for transfer of one or more specimen bottle(s) and associated with documentation from the collection site to the laboratory.

**Split Specimen:** 15 ml of urine sample provided by employee. When requested, analyzed at a different laboratory to confirm a positive primary specimen result.

**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 addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

### WHERE CAN I GO FOR HELP?

Listed below are some resources of help and information.

- **Center for Substance Abuse Treatment National Information and Referral Line** provides referrals to drug and alcohol programs including referrals to programs for those who cannot pay for services. **1-800-662-HELP**
- **Cocaine Hotline** is an information and referral hotline that refers callers to drug rehabilitation and counseling services in its area. **1-800-884-2389**
- **National Clearinghouse for Alcohol and Drug Information** provides information on drug and alcohol. **1-800-SAY-NO-TO (DRUGS)**
- **Narcotics Anonymous (NA)** provides information and support to recovering drug addicts through local chapters in communities nationwide. Local chapters are listed in the telephone book. **1-818-780-3951**
- **Alcoholics Anonymous (AA)** provides information and support to recovering alcoholics through local chapters in communities nationwide. Local chapters are listed in the telephone book. **1-212-870-3400**
- **The American Council on Alcoholism Helpline** provides referrals to alcohol treatment programs nationwide and provides written materials. **1-800-527-5377**
- **Al-Anon** provides information on alcoholism and alcohol abuse and refers callers to local Al-Anon support groups established to help friends and families of alcoholics. (For information consult your local telephone book). **1-800-344-2666**