

School District of Hortonville

Title: Testing of
Substance Abuse

Date Adopted: 12/18/95
Date Revised:

Policy No. 9010
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POLICY STATEMENT:

The Policy incorporates the requirements of 49 CFR (Code of Federal Regulations) Part 40, "Procedures for Transportation Workplace Drug Testing Programs." It contains guidelines of considerations for compliance with 49 CFR Part 40.

The School District of Hortonville is committed to providing safe and efficient service to all who are transported by our transportation personnel. Our employees are our most valuable resource in ensuring the quality of this service. One goal of this District is, therefore, to provide our employees with a workplace environment which promotes health and safety.

In order to meet this goal, we endorse the Federal Highway Administration's (FHWA) drug and alcohol policy and regulations. The District will not tolerate unauthorized use, abuse, possession or sale of controlled substances or alcohol by its employees. Drug and alcohol testing will be an integral part of our program. In addition to this policy, the District will provide *drivers* with information concerning: 1) the effects of drugs and alcohol on the individual's health, work and personal life; 2) the signs and symptoms of a drug or alcohol problem; and 3) the available methods of intervention when a problem does exist. THIS POLICY IS SUBJECT TO CHANGE WITHOUT FURTHER NOTICE FOR COMPLIANCE WITH FEDERAL REGULATIONS. When changes occur, employees will be notified immediately.

RATIONALE: Student safety.

SCOPE:

This policy applies to all vehicle operators when on duty; whenever performing, or just about to perform, a safety-sensitive function. This policy also applies to NON-DOT (Department of Transportation) employees who may perform, or are just about to perform, a safety-sensitive activity, or at any time as may be specified by the District.

Safety sensitive functions are defined as any on duty activity and include the following:
a) waiting to be dispatched; b) inspecting equipment; c) all driving time; d) all time loading and unloading; e) all time spent performing requirements relating to accidents; f) all time repairing, assisting or attending a disabled school vehicle; g) performing any other work in the employ or service of a common, contract or private motor carrier; h) performing any compensated work for any non-motor carrier entity; and i) all time spent providing breath sample, urine specimen, including travel time to and from the collection site, in order to comply with testing as directed by the employer.

President

Willard Grisbach

Date

Jan 8, 1996

Clerk

Sharon Lowe

Date

Jan 8, 1996

IMPLEMENTATION:

Definitions:

- A. The definition of "on premises" includes any work location, vehicle, property or office which is serviced or used by the District or student/staff of the District which could include company owned, rented or leased vehicles on the property of the District or of any client of the District and/or vehicles of visitors, leased, part-time or contract personnel on District premises.
- B. The term "illicit drugs" is meant to include any and all illegal drugs, including so-called look-alike and designer drugs; legally obtained drugs which are used in a manner other than that prescribed by a physician, and any substance which can affect a person's perceptions or motor functions.

The persons affected by this policy will be tested for at least the following substances: Amphetamines, Cannabinoids, Cocaine, Opiates, Phencyclidine (PCP) and Alcohol.

Procedures:

A. Pre-Employment

All offers by the District to hire an applicant for a driver position are conditioned upon: a) completing the District's general consent and release to be tested for drugs and alcohol forms; b) taking a drug and alcohol test if directed by the District and passing both tests; c) completing the District's authorization to obtain past drug and alcohol test results form from previous employer(s); d) passing the DOT-required physical exams; e) complying with any other District conditions or requirements at time of offer.

Any applicant who refuses or fails to complete the District's consent and release to be drug and alcohol tested form(s), who refuses or fails to complete the District's authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment/pre-duty drug and alcohol test, or whose result is positive for either test, will not be considered eligible to work for the District.

B. Reasonable Suspicion Testing:

Each driver is required to submit to a drug and/or alcohol test whenever the District has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT regulations and/or this policy. In the event one or more supervisors find reasonable suspicion to test (based on personal observation and documented by one or more supervisors who has received training on performance indicators of probable drug and alcohol use) will require a drug and/or alcohol test of the employee.

Drivers who are required to submit to a reasonable suspicion test will be escorted by a District official to the collection site for a drug and alcohol test.

If the driver refuses the District's efforts and insists on driving their own vehicle, or a District vehicle, the District reserves the right to take whatever appropriate action to prevent this, including contacting law enforcement officials. Failure to abide by District policy may result in severe disciplinary action including suspension or dismissal.

C. Random Testing:

The District is required to perform unannounced, random drug and alcohol testing of all covered employees. Every driver will have an equal chance to be selected each and every time a selection is conducted.

Any driver who tests positive for controlled substances or alcohol will be considered to be medically unqualified to drive and/or perform any other safety-sensitive function and will be subject to disciplinary action, up to and including discharge.

D. Post-Accident Testing:

A driver who has an accident while performing a safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible.

A driver must always submit to a post-accident test as soon as possible after an accident which involves the death of a human being.

A post-accident drug and alcohol test is required whenever a driver receives a citation for a moving violation involving the accident and either: a) a person is injured because of the accident and the injuries require immediate medical attention to the person away from the accident scene; or b) one or more motor vehicles involved in the accident receive disabling damage and must be removed from the accident scene by a tow vehicle or another vehicle.

Following an accident under the above circumstances, all employees will be tested as soon as possible, but not to exceed eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. Employees involved in accidents must refrain from alcohol use for eight hours following the accident or until a drug/alcohol test has been administered. Employees who leave the scene of an accident without appropriate authorization prior to testing will be considered to have refused the test and be subject to discipline, up to and including discharge. Any other employee whose performance may have contributed to accidents under this section will be tested, for example, maintenance or dispatching employees.

E. Compliance with testing

Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately. Refusal can include an inability to provide an adequate urine specimen or breath/saliva sample without valid medical reason or delaying arrival at the collection site, or engaging in any conduct which clearly obstructs the testing process. Such refusals will be treated as insubordination and recorded as a positive test, with the employee subject to disciplinary action up to and including discharge.

Test Procedures and Confidentiality

To ensure the integrity and accuracy of each test, all specimen collection, analysis and laboratory procedures will be performed in accordance with DOT protocols and safeguards as set forth in Part 40 of Title 49 of the Federal Code of Regulations.

This will include: a) procedures to ensure identity of driver at time of specimen collection; b) strict chain-of-custody procedure to ensure that the driver's specimen is not tampered with; c) the use of a trained breath alcohol technician (BAT) and National Highway Transportation Safety Administration (NHTSA) approved testing equipment for conducting alcohol tests; d) the use of a laboratory which has been certified by Substance Abuse and Mental Health Services Administration (SAMHSA); e) the confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GCMS); f) the confirmation of an initial positive alcohol screen by a second analysis; g) District appointment of a qualified Medical Review Officer (MRO) to review drug test results before they are reported to the District's designated contact person.

Collection Procedures

All drug tests will be administered using split sample procedures required by DOT. Under these procedures, the driver must provide at least forty-five (45) milliliters (ml) of urine in a specimen container. The specimen will then be divided into two specimen bottles by the collector. Thirty (30) ml will be poured into one bottle and fifteen (15) ml into the second bottle. Both bottles will be sent to the laboratory.

The bottle containing thirty (30) ml will be analyzed as the driver's primary specimen. The second bottle will be held by the laboratory, to be sent to another lab at the driver's request in the event that the primary specimen is verified as positive. In the event the primary specimen is verified as positive, the driver will be notified by the District's MRO or by the District of the positive test and given the option to have the second bottle sent to a different laboratory for analysis. To exercise this option, the driver must advise the District's MRO within seventy-two (72) hours of being told that the primary specimen was positive. A POSITIVE drug test may be determined to be NEGATIVE by the MRO if the driver can prove that the substance was prescribed by a licensed physician. This determination will be made by the District MRO.

This policy is not intended to prohibit the use of medication legally prescribed by a licensed physician, who is familiar with the driver's medical history and specific safety-sensitive duties, and who has advised the driver that the prescribed medication will not adversely affect the driver's ability to operate a motor vehicle. Medications prescribed for someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.

All alcohol tests conducted under this policy require that the driver must provide a breath/saliva specimen for any test conducted by the District. If the alcohol test is conducted by a law enforcement officer following an accident, the driver must provide either a breath or blood specimen.

Prior to being tested for alcohol, each driver will be required to: a) present their personal identification, and b) complete a DOT Breath Alcohol Test Form provided by the BAT/SST. A driver who fails to provide identification, refuses to complete form, or otherwise fails to cooperate will be treated as though they had tested positive and will be subject to disciplinary action, up to and including discharge.

Prior to each alcohol breath/saliva test conducted by the District, the BAT/SST will instruct the driver on how the test will be conducted.

Alcohol

1. No employee shall consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within four (4) hours before going on duty or operating, or having physical control of, or performing any safety-sensitive function; or
2. Consume an intoxicating beverage regardless of its alcohol content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol, while on duty, or operating, or in physical control of a District vehicle, or while performing any safety sensitive function; or
3. Be on duty or operate, or in physical control of a District vehicle, or perform any safety-sensitive function while in possession of an intoxicating beverage (including medications which contain alcohol) regardless of its alcoholic content.

Referral, Evaluation and Treatment

A driver who registers 0.02 or more but less than 0.03 will, at a minimum be suspended without pay until their next regular duty period, but for no less than 24 hours, and must undergo a return

to duty alcohol test with a result of less than 0.02. A driver may also be subject to additional disciplinary action by the District, up to and including discharge.

A driver who registers 0.03 or greater or has a verified positive test result for controlled substance, at a minimum be suspended without pay until their next regular duty period, but for no less than twenty-four (24) hours, and must undergo a return to duty alcohol or drug test with an acceptable result. In addition, a driver must be released for duty by a Substance Abuse Professional. A driver may also be subject to additional disciplinary action by the District, up to and including discharge.

Employee Assistance Program (EAP)

The District believes that the EAP and training with comprehensive drug testing are the most effective approach to promote safety and reduce alcohol and drug abuse in the transportation industry. The District has established a training program to ensure that all employees are aware of the effects and consequences of alcohol or controlled substance use on personal health, safety and the work environment.

Drug and Alcohol Information

Any Driver who engages in any conduct prohibited under this Policy will be provided with information regarding resources available to evaluate and resolve a drug or alcohol problem. This information will provide names, address and telephone numbers of substance abuse professional, counseling and treatment programs available in the area.

All questions concerning the educational materials provided by the District or about this policy, should be directed to the appropriate person as identified in writing by the District.

Disciplinary Action

Violation of any portion of this Policy by a Transportation employee may result in disciplinary action. This disciplinary action may include the following:

- a. Positive test for drugs: termination
- b. Positive test for alcohol:
 1. Blood alcohol concentration equal to or greater than .03%: termination
 2. Blood alcohol concentration less than .03% and greater than 0
 - a. First offense: suspension without pay for the balance of the work day plus one additional day (a first offense will remain on the record for no more than three years);
 - b. Second offense within three years of first offense: termination (second offense more than three years after a first offense will be considered to be a first offense).

ASSOCIATED INFORMATION:

Code of Federal Regulations
Federal Highway Administration's Drug and Alcohol Policy and Regulations