

G-6 ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY FOR COMMERCIAL DRIVERS LICENSE (CDL) EMPLOYEES

The Board of School Trustees for the Plainfield Community School Corporation establishes this policy to provide for the drug and alcohol free operation of school corporation vehicles. This policy applies to all drivers and applicants for driver positions for the school corporation who must have a Commercial Drivers License (CDL) to operate school vehicles.

The use, possession, sale, purchase or transfer of any controlled substances except medically prescribed drugs on school property, while on school business, or while operating school vehicles and equipment, is prohibited. Drinking alcoholic beverages during working hours, 4 hours before reporting to work or having any measurable amount of alcohol in his/her system during working hours is prohibited, whether on or off school property. Working hours include all breaks. Off-duty use of drugs and alcohol is prohibited to the extent it affects a driver's attendance or performance and his/her ability to pass required DOT alcohol and controlled substance tests. Any violation of this policy is grounds for termination as a driver for the school corporation and possible legal prosecution.

Since physician-directed use of drugs can affect behavior and performance, drivers are encouraged to advise their supervisor whenever they are taking drugs for medical reasons. When such use of drugs adversely affects job performance or safety, it is in the best interest of the driver, co-workers, and the School Corporation that the driver takes sick or vacation days, or, if necessary, unpaid leave, in accordance with the School Corporation's leave policies.

The execution and enforcement of this policy will follow set procedures to screen body fluids, conduct breath testing, and/or search all employee/applicants for alcohol and drug use, and those employees suspected of violating this policy who are involved in a U.S. Department of Transportation (USDOT) reportable accident or who are periodically or randomly selected pursuant to this policy. The procedures are designed not only to detect violations of this policy but also to ensure fairness to each employee. Disciplinary action will be taken as necessary.

The superintendent or his designee is authorized to implement this policy and program, including a periodic review of the program to address any problems, changes, and/or revisions of it, maintenance of all records required by the federal regulations, and determination upon Board approval of how the program will be accomplished, whether in-house, contracted, or by consortium.

The superintendent or his designee is responsible for communicating this policy to all drivers and is accountable for its consistent enforcement. The superintendent or his designee is designated to answer questions about this policy and all other matters involved in alcohol and controlled substance testing of CDL drivers.

SAFETY-SENSITIVE FUNCTION – DEFINED

Performing a safety-sensitive function means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

A safety-sensitive function is defined as:

1. All time spent at a facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the school corporation.
2. All time spent inspecting equipment, otherwise inspecting, servicing, or conditioning any motor vehicle at any time.
3. All driving time spent at the driving controls of a motor vehicle in operation.
4. All time, other than driving time, in or upon any motor vehicle.
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or remaining in readiness to operate the vehicle.
6. All time spent performing the driver requirements relating to an accident.
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

PROHIBITED CONDUCT

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

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while under the influence of alcohol.
2. No employee shall be on duty or operate a commercial vehicle while the employee possesses alcohol.
3. No employee shall use alcohol while performing safety-sensitive functions and within 4 (four) hours after using alcohol.
4. No employee required to take a post-accident test shall use alcohol for 8 (eight) hours following the accident or until he or she undergoes a post-accident test, whichever occurs first.
5. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test.

6. An employee 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 instructions of a physician who has advised the employee that the substance will not adversely affect their ability to safely perform their duties. The employee must provide the school corporation with proof of such medical advice. The transportation director can decide if the employee can remain at work or what work restrictions are necessary.
7. Any employee who is using a prescribed drug or other medication which is known or advertised as possibly affecting or impairing judgment, coordination, or other sense, or which may adversely affect the employees ability to perform work in a safe and productive manner, must notify the transportation director prior to starting work. The transportation director will decide if the employee can remain at work or what work restrictions are necessary.
8. Ingestion of products that contain hemp will not be an acceptable explanation for testing positive for marijuana.

TESTING OF DRIVERS

All drivers will be tested for alcohol and drugs in accordance with the USDOT approved procedures when directed by the Transportation Director.

Drivers will be tested under the following circumstances:

1. PRE-EMPLOYMENT

Under no circumstances will an individual be placed on the payroll without proof of a successful completion of a drug test. Any individual who refuses to submit to such a test or has a positive controlled substance test result will not be considered for employment with the school corporation.

2. RANDOM

The school corporation will conduct random drug and alcohol tests. The corporation will submit all employees' names to a random selection system. Random selections will be spread throughout the year. The corporation will drug test 50% of the number of employees in each calendar year or at a rate established by the USDOT for the given year. The corporation will alcohol test 10% of the number of employees in each calendar year or at a rate established by the USDOT for the given year.

If an employee is selected at random for either test, the transportation director will notify the employee. Once the employee is notified, he or she must proceed to the designated collection site immediately. If the employee does not go to the collections site as soon as possible after notification, such may be considered a refusal to test.

3. POST-ACCIDENT

Drivers are required to submit to drug and alcohol testing as soon as possible following a "DOT" accident that involves:

- a. A fatality; or
- b. The employee receives a citation for a moving violation arising from the accident that involved: a) bodily injury to a person who, as a result of the injury, receives medical treatment away from the scene of the accident; or b) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

A driver who is subject to post-accident testing shall remain readily available for such testing. Nothing in this section shall be construed to require the delay of necessary medical treatment or to prohibit the driver from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident, or to obtain necessary medical care.

No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

If a driver is seriously injured and cannot submit to testing at the time of the accident, he/she 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.

The results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by Federal, State, or local officials having independent authority for the test shall be considered to meet the requirements for post-accident testing if the results are obtained by the school corporation.

4. REASONABLE SUSPICION

The School Corporation is required to test for the use of alcohol and controlled substances upon "reasonable suspicion". A reasonable suspicion test is required when based upon specific, contemporaneous, and articulate observation concerning the behavior, speech, body odor, or appearance of a driver while on duty are indicative of the use of alcohol and/or controlled substances. A supervisor or the Transportation Director who is so trained in accordance with the USDOT regulations must witness the conduct. The mere possession of alcohol does not constitute a need for an alcohol test. The witness must have received training in the detection of probable alcohol and drug use by observing a person's behavior. The witness shall not conduct the alcohol test of the driver.

Alcohol testing is authorized only if the observations are made during, just before, or just after the period of the workday of the driver. A written record shall be made of the observations leading to an alcohol and/or controlled substance test. This record is to be signed by the supervisor who made the observations.

If a reasonable suspicion alcohol test is not administered within two hours following the observations, the witness shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within eight hours, all attempts to administer the test shall cease. A record shall be prepared and maintained stating why the alcohol test was not administered. Refusal on the part of the employee to report for the test will be grounds for dismissal.

TESTING PROCEDURES

The following testing procedures are to be strictly observed by any collection facility and/or laboratory contracted with by the school corporation in order to carry out its drug and alcohol testing program.

Controlled substance testing procedures include the following:

1. CHAIN OF CUSTODY

- a. Chain of custody is defined as 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. These procedures will require an approved chain-of-custody form.

2. PREPARATION FOR TESTING

- a. Use of tamper proof seal system designed in a manner that a specimen bottle top can be sealed against undetected opening and the bottle has a means for identification of the test subject, either by number or some other confidential manner.
- b. Use of shipping container in which one or more specimens and associated paper work may be transferred and which can be sealed and initialed to prevent undetected tampering.

3. SPECIMEN COLLECTION

- a) Specimen collection will be done at collection sites designated by the school corporation.

4. LABORATORY ANALYSIS

- a. Laboratory analysis of all specimens collected will be done under all federal guidelines by a laboratory approved by the superintendent or his designee.

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 USDOT as outlined in the published collection procedures guidelines.
3. Employees will be directed to empty their pockets and display the contents to the collector.
4. Employees will be allowed privacy during the collection process except as noted in number 5 below.
5. Observed collections are required by USDOT if:
 - A. The specimen is determined invalid and there is no medical explanation.
 - B. The collector observes evidence of an employee'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 employee is unable to provide 45 ml of urine, the DOT "shy bladder" rule will apply. The employee 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 employee 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 primal 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 as required.

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

MRO PROCEDURES

1. All tests results will undergo a review process by the MRO.
2. Negative test results will be reported directly to the school corporation 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 corporation, the MRO will attempt to contact the employee to discuss the test result.
 - b. The employee is required to discuss the result with the MRO. The employee will be allowed to explain and present medical documentation to explain any permissible use of a drug.
 - c. For adulterated or substituted results, the employee 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 employee directly, the MRO will contact the Transportation Director who shall contact the employee and direct the employee to contact the MRO. Upon being so directed, the employee 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 Transportation Director, or if the employee cannot be contacted at all within ten (10) days, or the employee 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 employee 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 Assistant Superintendent. The school corporation requires an immediate recollect for another test. The result of this test will stand as the final result.

MEDICAL INFORMATION DISCLOSURE

Pursuant to USDOT 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 school corporation. Individual test results for applicants and employees will be released to the school corporation and will be kept strictly confidential unless consent for the release of the test result has been obtained.

SPLIT SPECIMEN TESTING PROTOCOL

An employee 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 employee. The school corporation will withhold the amount of the cost of testing the split specimen from the employee's pay unless other arrangements are acceptable to both the employee and the school corporation. If the employee makes a timely request to the MRO for the split portion to be tested, the MRO shall immediately make arrangements with the laboratory to initiate the process.

ALCOHOL TESTING PROCEDURES

1. TESTING DEVICES

Alcohol tests are to be conducted with only evidential breath testing devices (EBT's) approved by the National Highway Traffic Safety Administration (NHTSA) on their

Conforming Products List (CPL). The rules allow the use of EBT's for the initial screening test that is on the CPL, that does not meet the additional requirements for the confirmation test (e.g. sequential numbering and print-out capability).

2. TEST ADMINISTRATORS

Only a Breath Alcohol Technician (BAT) that has had proper training may administer breath alcohol tests. Reasonable cause tests may not be conducted by the person making the determination that reasonable suspicion exists to conduct an alcohol test.

3. TEST PROCEDURES

The BAT will perform an initial alcohol screen. If the initial screen results in a Blood Alcohol Concentration (BAC) of .02% or above, a confirmation test is required. Any tests resulting in a BAC of less than .02% will be considered negative. The BAT will wait a minimum of fifteen minutes, before administering the confirmation test. Confirmation tests must be performed within thirty minutes. If the confirmation test indicates a BAC of .020 or greater the employee is considered to have engaged in prohibited conduct which will result in termination. All alcohol tests shall be performed just prior to, during, or just after performing a safety sensitive function.

REFUSAL TO TEST

Refusal to submit to the types of drug and alcohol test required by this policy will be grounds for dismissal. A refusal to test includes 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 employee cannot produce a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician of the corporation's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen, it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the USDOT 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 transportation director as part of the "shy bladder" or "insufficient breath" situation.
7. Failure or declining to take a second test as required by USDOT 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 or behave in a confrontational way that disrupts the collection process.
9. Refusing to sign step two of the alcohol testing form.
10. A report from the MRO that the employee has a verified adulterated or substituted test result.

CONFIDENTIALITY

All information obtained in the course of testing of drivers shall be protected as confidential medical information. No data concerning this information will be made a part of the employee's personnel file or will be provided to any other party without the direct written consent of the driver.

Employees 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.

The school corporation 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, and USDOT agency, or any state or local official with regulatory control over the corporation or its employees.
3. The results of post-accident testing when requested by the National Transportation Safety Board as part of an accident investigation.

4. Legal proceedings, including lawsuits involving wrongful discharge action, grievances, and administrative proceedings, brought on by or on behalf of an employee and resulting from a positive DOT drug or alcohol test or a refusal to test, and/or criminal or civil actions.

DISCIPLINARY ACTIONS FOR POLICY VIOLATIONS

Drivers found to commit any conduct prohibited by this policy, including refusal to test, and/or testing positive for alcohol or for a controlled substance shall be dismissed. Such employee will be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals (SAPs).

EDUCATIONAL MATERIALS

The school corporation will provide education materials that explain the requirements of Federal Motor Carrier Safety regulations, consequences of violating the regulations, and the corporation's policies and procedures with respect to meeting these requirements. Materials will also be provided concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life. Employees are required to attend an educational meeting to discuss the corporation's policies and procedures and to review all materials covered by this policy. Each employee is required to sign a statement certifying that he or she has received a copy of these materials. The corporation will provide these materials to employees prior to the start of the testing required by this policy and to any employee who is hired or transferred into a position requiring a CDL.

TRAINING OF SUPERVISORS AND DRIVERS

SUPERVISOR TRAINING

Transportation Directors and Supervisors are the key to a drug-free work environment. At a minimum, the Transportation Director and Supervisors will receive basic training and orientation on:

1. The identification of behavioral and physiological signs of alcohol and drug abuse.
2. How to recognize, counsel and document employees whose performance has deteriorated.
3. How and when to suggest and/or require the services of the Employee Assistance Program (EAP), or any other drug/alcohol assistance program.

DRIVER TRAINING

The drivers training program will consist of:

1. Explanation of the effects and consequences of alcohol and controlled substance use on personal health, safety, and work environment.

2. The manifestations and behavioral causes that may indicate alcohol and controlled substance use or abuse.
3. Information and materials required by federal regulations.

The training of both supervisors and drivers will be documented.

RETENTION OF RECORDS

The following records relating to the school corporation's drug and alcohol testing program are required to be maintained:

1. Records related to the collection process:
 - Collection logbooks
 - Documents related to the random selection process
 - Calibration documentation for EBT's
 - Documentation of Breath Alcohol Technician (BAT) Training
 - Documentation of reasoning for reasonable suspicion testing
 - Documentation of reasoning for post-accident testing
 - Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing
 - Consolidated annual calendar year summaries
2. Records related to the driver's test results:
 - Employer's copy of the alcohol test form, including results
 - Employer's copy of the drug test chain of custody and control form
 - Documents sent to the employer by the Medical Review Officer
 - Documentation of any driver's refusal to submit to a required alcohol or controlled substance test
 - Documents provided by a driver to dispute results of test
3. Documentation of any other violations of controlled substance use or alcohol misuse rules
4. Records related to evaluations and training:
 - Records pertaining to substance abuse professional's (SAP's) determination of driver's need for assistance
 - Records concerning a driver's compliance with SAP's recommendations
5. Records related to education and training:
 - Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol misuse
 - Documentation of compliance with requirement to provide drivers with educational material, including driver's signed receipt of materials
 - Documentation of supervisor training
 - Certification that training conducted under this rule complies with all requirements of the rule

6. Records relating to drug testing:
 - Agreements with collection site facilities, laboratories, medical review officers (MRO's), and consortia
 - Names and positions of officials and their role in the employer's alcohol and controlled substance testing program
 - Monthly statistical summaries of urinalysis
 - The employer's drug testing policy and procedures

All required records shall be maintained in a secure location with limited access. Records shall be made available for inspection at the school corporation's central office within two business days after a request has been made by an authorized representative of the Federal Highway Administration.

LEGAL REF: 49 C.F.R. Part 382

SOURCE: Plainfield Community School Corporation
Plainfield, IN 46168

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