

## **Drug and Alcohol Testing - Transportation Personnel**

The following procedures shall govern the district's drug use and alcohol misuse prevention program:

### 1. Program Coordinator

The transportation manager in cooperation with the business manager and personnel office will be designated as the district's drug use and alcohol misuse prevention program coordinator. The transportation manager will coordinate the district's responsibilities and compliance efforts with the applicable provisions of the Omnibus Transportation Employee Testing Act of 1991 (OTETA). The transportation manager will ensure that:

- a. Ensure that all covered employees receive written materials explaining the district's drug use and alcohol misuse prevention program requirements including:
  - (1) The district policy and administrative regulations;
  - (2) A contact person knowledgeable about the materials, policy, administrative regulations and OTETA;
  - (3) Categories of employees covered;
  - (4) Information about the safety-sensitive functions and what period of the workday the employee is required to be in compliance. Safety-sensitive functions shall include such responsibilities as all on-duty time waiting to be dispatched, driving time, assisting or supervising loading or unloading, repairing, obtaining assistance or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, postaccident, return-to-duty or follow-up testing, will also be considered as on-duty time;
  - (5) Specific information concerning prohibited conduct;
  - (6) Circumstances under which employees will be tested;
  - (7) Procedures used in the testing process;
  - (8) The requirement that covered employees submit to drug and alcohol testing, administered in accordance with 49 C.F.R. Part 382;
  - (9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
  - (10) Consequences of violations (e.g., discipline up to and including dismissal as may be required by the district and removal from safety-sensitive functions as required by the OTETA) and notification of resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and the use of drugs including the names, addresses and telephone numbers of substance abuse professionals (SAPs) and counseling and treatment programs. Such information will include the consequences for covered employees found to have a breath alcohol concentration rate of 0.02 or greater, but less than 0.04, and for those employees found to have a breath alcohol content level greater than 0.04. Minimally, no driver tested and found to have a breath alcohol concentration rate of 0.02 or greater but less than 0.04 shall be permitted to perform or

- continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test;
- (11) Information on the effects of drug use and alcohol misuse on an individual's health, work and personal life; signs and symptoms of an alcohol or drug problem (driver's or coworker's); and available methods of intervening when such problems are suspected, including confrontation, referral to an employee assistance program as available and/or referral to the administration.
- b. Ensure that employees sign statements certifying that they have received the materials;
  - c. Ensure that supervisors designated to determine reasonable suspicion receive at least 60 minutes of drug abuse training and an additional 60 minutes of alcohol misuse training. Training will include the physical, behavioral, speech and performance indicators of probable drug use and alcohol misuse;
  - d. Ensure the district complies with applicable provisions of OTETA's requirements regarding the district's management information system, retention and confidentiality of records;
  - e. Ensure selection of a site with appropriately trained personnel for the collection of specimens for drug testing;
  - f. Ensure selection of a site with certified breath alcohol technician and evidential breath testing devices for alcohol testing;
  - g. Ensure selection of a laboratory certified by the Department of Health and Human Services (DHHS) to conduct drug specimen analysis;
  - h. Ensure selection of a qualified medical or osteopathic doctor to serve as a medical review officer (MRO) to verify laboratory drug test results;
  - i. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in the OTETA;
  - j. Ensure the district's drug use and alcohol misuse prevention program is maintained in at least outline form, on file and available for inspection at the district office. The district shall maintain the following:
    - (1) Information on the effects and consequences of drug and alcohol use on personal health, safety and the work environment;
    - (2) Information on the manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
    - (3) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;
    - (4) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes.
    - (5) Documentation of training given to employees.
  - k. Ensure the establishment of clearly defined communication procedures to include the method (e.g., mail, facsimile) and frequency (e.g., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of OTETA;
  - l. Ensure employee organizations receive written notice of the availability of all pertinent drug use and alcohol misuse prevention program information;
  - m. Ensure compliance with stand-down prohibitions as set forth by OTETA. "Stand-down" means the practice of temporarily removing an employee from the performance of safety-sensitive functions, based on a report from a laboratory to the MRO of a confirmed positive

test for a drug or drug metabolite, an adulterated test or a substituted test, before the MRO has completed verification of the test results. The district will not stand-down employees, except as provided by the Federal Motor Carrier Safety Administration (FMCSA) below:

- (1) The district may seek a waiver of the prohibition against standing down an employee;
- (2) Requests which include all required information will be submitted to FMCSA for approval.

## 2. Pre-employment Testing

The district shall conduct pre-employment testing as follows:

- a. All offers of employment for positions as identified by Board policy and as required by OTETA will be contingent upon drug and alcohol test results;
- b. Individuals offered employment with the district and employees transferring to positions subject to OTETA contingent on drug and alcohol testing, must provide written consent for the release of any prior employer positive drug and failed alcohol testing results, refusals to be tested, other violations of testing regulations and, with respect to any employee who violated drug and alcohol regulations, documentation of the employee's successful completion of return-to-duty requirements (including SAP evaluations and follow-up tests) within the preceding two years;
- c. The district shall obtain and review such drug and alcohol information from previous employers of the past two years no later than 14 calendar days after the driver is used for the first time. The district will provide the driver's written permission for release of information to the previous employers;
- d. Release of such information may be by telephone, letters or any other method that ensures confidentiality. The district will maintain a written, confidential record of each past employer contacted;
- e. The district will not use a driver who has had a positive drug test or a failed alcohol test while employed with a previous employer or who refused to test while under employment with a previous employer unless the driver is in compliance with the SAP's treatment program and the DOT's return-to-duty test requirements;
- f. Prior to being directed by the district to a collection site for drug and alcohol testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs and the breath or saliva sample shall be tested for the presence of alcohol;
- g. Failure to report to the collection site for testing within the time frame specified by the district shall constitute a refusal to report for testing and result in immediate withdrawal of the employment or transfer offer;
- h. Pre-employment drug and alcohol testing will be paid for by the district;
- i. Tests must indicate negative drug test results and a breath alcohol content level below a 0.02. Individuals who fail to meet such drug and alcohol requirement will not be hired or transferred voluntarily or involuntarily to covered positions;
- j. Such testing will also be required of covered employees each time an employee returns to work after a layoff period if the employee was removed from the random testing pool. As long as the employee remains in the random testing pool, additional testing or subsequent pre-employment drug and alcohol testing will not be necessary following a layoff;
- k. Refusal to submit to drug and alcohol testing and/or to provide signed permission for the release of past testing information as required by the district shall result in immediate termination from employment or transfer consideration;

1. The individual may request that the split specimen be tested at his/her own expense. All such requests must be received in writing by the district no later than 72 hours following notification to the applicant of the positive.

### 3. Post-accident Testing

The district shall conduct post-accident testing as follows:

- a. It is the responsibility of the employee to report for post-accident drug and alcohol testing as soon as practicable following a motor vehicle accident which occurs while the employee is performing safety-sensitive functions in which there is a fatality or the employee receives a citation for a moving traffic violation in connection with an injury or tow-away accident:
  - (1) The employee will report to the designated collection site for post-accident drug and alcohol testing as soon as practicable following the occurrence of the accident;
  - (2) If alcohol testing has not been administered within two hours, the district will prepare and maintain on file a record stating the reasons the test was not promptly administered;
  - (3) If alcohol testing is not administered within eight hours, the district will cease attempts to administer an alcohol test and will prepare and maintain on file a record specifying why the test was not administered;
  - (4) If drug testing has not been administered within 32 hours following the accident, the district will cease attempts to administer such tests and will document why the test was not administered;
  - (5) The employee will contact the district drug use and alcohol misuse prevention program coordinator or designee as soon as practicable following the accident giving as much detailed information about the accident as possible (e.g., fatalities, injuries, tow-aways, traffic citation issued, etc.).
- b. The district will provide employees with necessary post-accident testing information, procedures and instructions as a part of its employee training program. Additionally, written instructions to follow in the event of an accident will be provided in district vehicles as appropriate. Instructions will include locations of drug specimen collection and alcohol testing sites and telephone number of the district drug use and alcohol misuse prevention program coordinator or other district officials to contact;
- c. The employee shall remain readily available for testing or may be deemed by the district to have refused to submit to testing. Such refusal is treated as if the district received an alcohol test result of 0.04 or greater or received a positive drug test. Nothing in this requirement shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee 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;
- d. Results of a breath or blood test for the use of alcohol or a urine test for the use of drugs conducted by on-site federal, state and/or local law enforcement officials having independent authority for the test shall be considered to meet necessary requirements provided results of the test are obtained by the district and the tests conform to all applicable federal, state and/or local requirements;
- e. An employee who is involved in an accident involving a fatality, injury and/or tow-away as described by OTETA is prohibited from using alcohol for eight hours after the accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

#### 4. Random Testing

The district shall conduct random drug and alcohol testing annually as follows:

- a. Not less than 25 percent of the average number of driver positions shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with current minimum random testing requirements of OTETA. Any unfilled, covered positions will be included as part of the total number of positions counted by the district for testing rate purposes. The district will meet minimum testing rates;
- b. The testing rate may be adjusted by the FMCSA based on industry-wide data;
- c. The testing process shall, in fact, be random. All employees will remain in the pool of drivers for each subsequent period, including vacations, holiday periods and summer recesses, whether or not they have been chosen for testing in the past;
- d. The selection of employees for random testing shall be made by a scientifically valid method. The process selected by the district will ensure that all employees shall have an equal chance of being tested each time selections are made. The district will use the following system:

Computerized system<sup>1</sup>:

A random number generating program will be loaded into a computer along with the employees' social security number, payroll identification number or other comparable identification number for the drivers. All such testing shall be unannounced and dates selected spread reasonably throughout the calendar year to avoid predictability and the perception that testing is "done for the year.";

- e. Following notification of testing, selected employees shall proceed to the district-selected collection site immediately or as soon as practicable;
- f. Employees shall only be tested for alcohol just before the driver is scheduled to perform his/her safety-sensitive function, during or just after performing such function;
- g. Employees off work due to leave of absence, vacation and layoff will be informed that they remain subject to random testing. Employees drawn for such testing will be notified and tested as soon as practicable upon return to duty but no later than the end of the selection cycle (e.g., monthly, quarterly, etc.).

#### 5. Reasonable Suspicion Testing

The district shall conduct reasonable suspicion drug and alcohol testing as follows:

- a. The district will test covered employees when there is reasonable suspicion to believe that the employee has engaged in drug use or alcohol misuse;
- b. Reasonable suspicion will be based on specific contemporaneous, articulable observations made by a trained supervisor as designated by the district, concerning appearance, behavior, speech or body odors indicative of employee use of drugs or the misuse of alcohol. Observations of drug use may include indications of chronic and withdrawal effects of drugs and noticeable degradation of job performance that may be associated with the use of drugs;
- c. Hearsay or secondhand information is not sufficient to require an employee to submit to testing;

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<sup>1</sup>The computerized system, when it can be utilized by the district, is the preferred selection method, under FMCSA guidance.

- d. Alcohol testing may be authorized only if observations resulting in reasonable suspicion are made during, just preceding or just after the period of the workday that the employee is required to be in compliance with this policy, administrative regulations and applicable OTETA provisions;
- e. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the supervisor or administrator authorized to make such observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier;
- f. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

## 6. Referrals, Evaluation and Treatment

The district shall provide information related to referrals, evaluation and treatment as follows:

- a. The district shall advise covered employees, who violate the drug and alcohol prohibitions, of referral services available for evaluating and resolving problems associated with the use of drugs and the misuse of alcohol. Such information will include the names, addresses and telephone numbers of SAPs and counseling and treatment programs;
- b. An employee who engages in such prohibited conduct shall be evaluated by an SAP;
- c. The SAP will determine what assistance, if any, the employee needs in resolving problems associated with drug use and alcohol misuse;
- d. This requirement applies only to current employees and not to job applicants who refuse testing or who test positive for drugs;
- e. This requirement shall not be interpreted to require the district to provide or pay for any rehabilitation costs or to hold a job open for an employee with or without salary;
- f. "SAPs", as referred to in these administrative regulations, means:
  - (1) Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
  - (2) Licensed or certified psychologists, social workers or employee assistance professionals with like knowledge; and
  - (3) Alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC). This does not include state-certified counselors.

## 7. Return-to-Duty Testing

Employees, if they continue employment and before they return to duty, shall comply with the following:

- a. When an employee has previously tested greater than or equal to 0.04 for alcohol, the employee must retest (return-to-duty test) with an alcohol concentration of less than 0.02;
- b. When an employee has previously tested positive for drug use, the employee must retest (return-to-duty test) with a verified negative test result.

## 8. Follow-up Testing

Employees, if they continue employment, shall comply with the following:

- a. Follow-up testing will be conducted whenever an SAP determines that an employee is in need of resolving problems associated with drug use and/or alcohol misuse;
- b. Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, just before or just after the driver has performed safety-sensitive functions;
- c. Follow-up drug and alcohol testing will be unannounced<sup>2</sup>;
- d. The number and frequency of such tests shall be determined by the SAP. Minimally, there shall be:
  - (1) At least 6 tests in the first 12 months following the driver's return to duty;
  - (2) Testing shall not exceed 60 months from the date of the employee's return to duty. The SAP, however, may terminate the follow-up testing at any time after the first six tests if he/she determines the testing is no longer needed.

## 9. Drug and Alcohol Testing Procedures

The district, in cooperation with contracted collection and testing facilities, shall maintain drug and alcohol testing procedures as follows:

- a. Drugs
  - (1) The applicant or employee reports to the district-designated collection site and provides positive identification (e.g., photo ID);
  - (2) A urine sample for drug testing is provided. A "split specimen" (two urine specimen bottles) is prepared from the urine sample;
  - (3) Following completion of a chain-of-custody form, both specimen bottles are forwarded to the DHHS certified laboratory for analysis. The split specimen is stored at the laboratory for later testing as may be necessary. Initial testing is performed only on one specimen bottle;
  - (4) Testing results are reported to the district-selected MRO by mail or electronic transmission. Results are not given over the phone;
  - (5) The MRO will verify both negative and positive testing results;
  - (6) The MRO will report the verified negative testing results to the district;
  - (7) The MRO will report verified positive testing results to the applicant or employee, discuss the type of illegal substance found and determine whether there is any valid medical reason for the positive testing results;
  - (8) A verified valid medical reason for a positive test result will be reported as a negative test result to the district;
  - (9) If no legitimate medical reason exists for positive drug testing, the MRO will report a confirmed positive test result and identity of the substance(s) to the district;
  - (10) The employee or applicant may request within 72 hours of a positive test notice that the split specimen (second bottle) be tested. Such testing costs will be paid for by the employee;

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<sup>2</sup>A follow-up test shall not also serve as a random test, and vice versa.

- (11) Unlike the original specimen analyzed for specific levels of controlled substances, the split specimen is analyzed only for the presence of drugs;
- (12) The MRO will report results of the second screening to the employee and the district;
- (13) The MRO will meet all OTETA requirements including review of chain-of-custody and control form, administrative processing of negative test results, verification of positive testing results and maintenance of confidentiality requirements as may be applicable;
- (14) Detailed drug testing procedures may be obtained by contacting the district's drug and alcohol misuse prevention coordinator or designee.

b. Alcohol

- (1) The employee reports to the district-designated testing site and provides positive identification;
- (2) Under the alcohol testing rule, an alcohol test result will be considered failing even if over-the-counter or legally prescribed medication is involved;
- (3) All alcohol tests will be conducted by a qualified breath alcohol technician using evidential breath testing devices.
- (4) Testing may be conducted at a DHHS certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of OTETA;
- (5) District supervisors should generally not be used as a breath alcohol or screening test technician for covered employees. Under certain circumstances, a properly trained district supervisor may conduct such testing in the absence of another technician;
- (6) The employee submits to breath or saliva testing;
- (7) If the result of the testing indicates an alcohol concentration rate of 0.02 or greater, a confirmation breath test is administered after at least 15 minutes, but no longer than 30 minutes, after the initial testing. All confirmation tests will be conducted using evidential breath testing devices;
- (8) The technician will report any invalid tests, confirmed failing and passing results to the district;
- (9) Employee refusal to sign forms as required (i.e., Step 2 on the Alcohol Testing Form) shall be considered as refusal to be tested;
- (10) The breath alcohol or screening test technician will meet all OTETA requirements including such testing procedures, Alcohol Testing Form and confidentiality requirements as may be required;
- (11) Detailed alcohol testing procedures may be obtained by contacting the transportation manager or designee.

10. Positive Test Results

When the MRO determines a positive test result is valid, the MRO will report the finding to the Oregon Department of Transportation (ODOT) and the Oregon Department of Education. The person who is the subject of the test results will be notified by ODOT that the person has a right to a hearing to determine whether the test results reported will be placed in the employee's employment driving record.

11. Record Keeping/Record Reporting

The district shall maintain records of its drug use and alcohol misuse prevention program as follows:

a. Records related to the collection process:



- (1) Documents relating to the random selection process;
  - (2) Documents generated in connection with decisions to administer reasonable suspicion drug or alcohol testing;
  - (3) Documents generated in connection with decisions on postaccident testing;
  - (4) Documents verifying the existence of an explanation of the inability of an employee to provide an adequate breath or urine specimen for testing;
  - (5) An annual calendar year report summarizing results of the district's drug use and alcohol misuse prevention program will be prepared and maintained when requested by the FMCSA as part of an inspection, investigation, special study or for statistical purposes.
- b. Records related to a driver's test results, including:
- (1) The district's copy of the alcohol testing form, including the test results;
  - (2) The district's copy of the controlled substance test custody and control form;
  - (3) Documents sent by the MRO to the district;
  - (4) Documents related to the refusal of any employee to submit to drug and/or alcohol testing;
  - (5) Documents presented by a driver to dispute the results of a drug and/or alcohol test administered in connection with the requirements of the OTETA.
- c. Records related to evaluations as follows:
- (1) Records pertaining to a determination by an SAP concerning his/her evaluation of a covered employee who tested positive for drugs, or failed an alcohol test or refused to test;
  - (2) Records concerning a driver's compliance with recommendations of the SAP.
- d. Records related to education and training as follows:
- (1) Materials on drug use awareness and alcohol misuse including a copy of the district's policy and administrative regulations on drug use and alcohol misuse and related information;
  - (2) Driver's signed receipt of education materials;
  - (3) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for drug and/or alcohol testing based on reasonable suspicion;
  - (4) Certification that any training conducted in compliance with the OTETA meets all pertinent requirements for such training.
- e. Records related to alcohol and drug testing as follows:
- (1) Agreements with collection site facilities, laboratories, MROs and consortia (includes breath alcohol technicians, screening test technicians and third party providers), as applicable;
  - (2) Names and positions of officials and their role in the district's drug and alcohol testing program(s);
  - (3) Semiannual laboratory statistical summaries of drug testing as required by the OTETA and as reported by the laboratory. The district will document laboratory failures to provide statistical summaries and any district follow-up efforts to obtain such report.

f. Records will be retained by the district as follows:

(1) Five Years:

- (a) Records of employee alcohol testing results with results indicating an alcohol concentration of 0.02 or greater;
- (b) Records of verified positive drug testing results;
- (c) Documentation of refusals to take required drug and/or alcohol tests;
- (d) Drug testing custody and control forms;
- (e) Employee evaluations and referrals;
- (f) A copy of each annual calendar year report summary.

(2) Two Years:

Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).

(3) One Year:

Records of negative and cancelled drug testing results and alcohol test results with a concentration of less than 0.02.

(4) Indefinite Period:

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors and drivers shall be maintained by the district while the individual performs the functions which require training and for two years after ceasing to perform those functions.

g. Records will be maintained in a secure location with controlled access to ensure confidentiality requirements are met as follows:

- (1) Drug use and alcohol misuse prevention program records will be maintained at the district office. Records relating to individual employee drug and/or alcohol testing, evaluation and treatment will be maintained separately from the employee's personnel file;
- (2) Employees are entitled upon written request to obtain copies;
- (3) The district may disclose information in connection with employee benefit proceedings, Department of Transportation agency action against an employee or National Transportation Safety Board safety investigations;
- (4) The district shall disclose such information to subsequent employers upon written request from the employee (in accordance with 49 C.F.R. 382.413 (a)(1)).<sup>3</sup>

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<sup>3</sup>Information that must be disclosed to subsequent employers, upon receipt of proper authorization form/release signed by the employer's ex-driver: (a) Failed alcohol tests (breath alcohol content of 0.04 or greater); (b) Verified positive drug test; (c) Refusals to test.

## Glossary

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

**alcohol concentration:** The quantity of alcohol as measured in 1) a breath test, in grams of alcohol per 210 liters, 2) a saliva test, in grams of alcohol per deciliter, or 3) a urine test, in grams per deciliter or grams per liter.

**Breath Alcohol Technician (BAT):** A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

**CFR:** United States Code of Federal Regulations

**collection site:** A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

**consortium:** A group of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. In this Policy, refers to a random selection process in which a group of employers share responsibility for meeting the random testing rate required by DOT.

**controlled substances:** Drugs (depressants, stimulants, narcotics, hallucinogens) listed in Schedules I through V of 21 C.F.R. Part 1308.

**covered employees:** For the purposes of this policy, employees with commercial drivers' licenses (CDLs) who operate buses rated to carry 16 or more passengers, including the driver.

**cutoff:** Amount or level beyond which a test is called “positive.” Estacada School Districts’ ordinary cutoffs are shown below. Other drugs may be tested for in special circumstances under the District’s independent authority. Testing for DOT drivers will follow cutoffs specified by 49 C.F.R. Part 40 as amended.

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/mL	THCA <sup>4</sup>	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL
Opiate metabolites			
Codeine/Morphine <sup>5</sup>	2000 ng/mL	Codeine	2000 ng/mL
		Morphine	2000 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines <sup>6</sup>			
AMP/MAMP <sup>7</sup>	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine <sup>8</sup>	250 ng/mL
MDMA <sup>9</sup>	500 ng/mL	MDMA	250 ng/mL
		MDA <sup>10</sup>	250 ng/mL
		MDEA <sup>11</sup>	250 ng/mL

<sup>4</sup>Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

<sup>5</sup>Morphine is the target analyte for codeine/morphine testing.

<sup>6</sup>Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

<sup>7</sup>Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

<sup>8</sup>To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

<sup>9</sup>Methylenedioxymethamphetamine (MDMA).

<sup>10</sup>Methylenedioxyamphetamine (MDA).

<sup>11</sup>Methylenedioxyethylamphetamine (MDEA).

**Designated Employer Representative (DER):** Under the DOT regulations, the employee authorized by the employer to take immediate action(s) to remove drivers 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 employer.

**dilute specimen:** A specimen with creatine and specific gravity values that are lower than expected for human urine.

**direct observation:** A specimen collection procedure in which the employee first demonstrates the absence of materials or devices intended to interfere with the testing process by raising and lowering his or her clothing, then the observer watches the employee urinate into the collection container.

**DOT:** U.S. Department of Transportation.

**DOT-covered drivers:** Employees with Commercial Driver's Licenses (CDLs) who operate commercial motor vehicles for the company and are covered by the FMCSA, DOT, drug and alcohol testing regulations.

**EBT:** Evidential breath testing device.

**FMCSA:** Federal Motor Carrier Safety Administration, an operating administration of the DOT.  
**initial validity test:** The first test used to determine if a urine specimen is adulterated, diluted, or substituted.

**invalid result:** The result reported by a laboratory for a urine specimen that contains an unidentified adulterant, contains an unidentified interfering substance, has an abnormal physical characteristic, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing testing or obtaining a valid drug test result.

**Medical Review Officer (MRO):** A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.

**positive drug test:** A urine drug test result which indicates the presence of controlled substances beyond the cutoff levels specified by the certified testing laboratory.

**random testing rate:** Number of tests per year expressed as a percentage of the number of records in the random selection pool. A 25 percent random selection rate means that if there are 100 DOT-covered drivers in a pool, there must be 25 tests for the year.

**refusal to submit (refuse to test):** In the case of DOT-covered employees, an employee engages in conduct specified in 49 C.F.R. 40.191 or 40.261.

1. With regard to drug testing, this includes:
  - a. Failure to appear for any test within a reasonable time, as determined by Estacada School District, after being directed to do so;
  - b. Failure to remain at the testing site until the testing process is complete;
  - c. Failure to provide a urine specimen for any drug test required under this Plan;

- d. In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of provision of a specimen;
  - e. Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
  - f. Failure or refusal to take a second test the company or a collector has directed;
  - g. 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;
  - h. Failure to cooperate with any part of the testing process;
  - i. For an observed collection, failure to follow the observer's instructions to raise or lower clothing or turn around (to allow the observer to determine if you have any device that could be used to interfere with the collection process);
  - j. Possessing or wearing a prosthetic or other device that be used to interfere with the collection process); or
  - k. Admitting to the collector or MRO that the employee has adulterated or substituted a specimen; or
  - l. Submitting an adulterated or substituted specimen, as verified by the MRO.
2. With regard to alcohol testing, this includes:
- a. Failure to appear for any alcohol test within a reasonable time, as determined by Estacada School District, after being directed to do so;
  - b. Failure to remain at the testing site until the testing process is complete;
  - c. Failure to provide an adequate amount of saliva or breath for any alcohol test required under this Policy;
  - d. Failure to provide a sufficient breath specimen for any alcohol test required under this Policy, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
  - e. Failure to undergo a medical examination or evaluation, as directed by the Company following provision of an insufficient breath;
  - f. Failure to sign the certification at Step 2 of the ATF;
  - g. Failure to cooperate with any part of the testing process.

**safety-sensitive functions:** According to FMCSA regulations, safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time s/he is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public 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 regulations 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 in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;

5. All time loading or unloading a 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; and
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**screening test technician:** A person who instructs and assists employees in the alcohol testing process and operates an alcohol screening device.

**split specimen:** In drug testing, 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.

**Substance Abuse Professional (SAP):** A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. Under DOT regulations, individuals who may serve as substance abuse professionals (SAPs) must be:

1. Licensed physicians (Doctor of Medicine or Osteopathy);
2. Licensed or certified social workers;
3. Licensed or certified psychologists;
4. Licensed or certified employee assistance professionals;
5. State-licensed or certified marriage and family therapists; or
6. Drug and alcohol counselors certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC); or by the International Certification Reciprocity Consortium/Alcohol and Other Drug Abuse (ICRC); or by the National Board for Certified Counselors, Inc. and Affiliates/Master Addictions Counselor (NBCC).

SAPs must have knowledge of and clinical experience in the diagnosis and treatment of alcohol- and controlled substances-related disorders, as well as undergoing specific training and a national exam relating to their duties as SAPs.

**substituted specimen:** A specimen with creatine and specific gravity values that are so diminished that they are not consistent with human urine.

**verified positive (adulterated/substituted):** A drug test which has undergone an initial “screening” test AND a second test which confirms the first result AND investigation by the MRO, who has determined that no legitimate explanation exists for the presence of the controlled substance that was detected or the evidence of adulteration or substitution.

## **Information Resources and Service Providers**

as of 1/31/12

The following people are available to answer questions regarding this Policy, the procedures used to carry it out, the DOT regulations, and how to obtain confidential assistance for an alcohol or drug problem.

Designated Employer Representative: Gary Lewis, Tel: 503-630-8606  
Drug/Alcohol Program Consultant: Jana Wolfgang, C-SAPA, Tel: 503-297-4113

### **Service Providers**

Estacada School District/Transportation uses the following providers for its drug and alcohol testing program. In special circumstances, service providers other than those shown may be used in order to meet federal requirements or the intent of this Policy.

#### **MRO**

C. Kirby Griffin, MD, MRO  
Paragon MRO  
9370 SW Greenburg Rd. Ste. 200  
Portland, OR 97223-5421

#### **Consortium/Third Party Administrator (Random Selections)**

Wolfgang Associates, Inc.  
7220 SW Sylvan Ct.  
Portland, OR 97225-3742  
503-297-4113

#### **Laboratories**

Legacy Laboratory Services  
1225 NE 2nd Ave.  
Portland, OR 97232-2003  
503-413-5295

Providence Associates Medical Lab  
110 W Cliff Ave.  
Spokane, WA 99204-3638  
800-541-7891 503-413-5285

#### **Specimen Collections/Alcohol Testing**

Specimen collections/alcohol testing may take place at any facility which has been supplied with the Company's custody and control forms and has qualified staff and equipment. This facility is closest to Estacada School District/Transportation's offices.

Prov Oc Health/Clackamas  
9290 SE Sunnybrook Blvd. Ste. 210  
Clackamas, OR 97015-6777  
503-216-7960

#### **Counselors/Substance Abuse Professionals**

The Company will use the services of Substance Abuse Professionals who meet DOT requirements for education/certification and absence of financial benefit from referral for treatment. Employees who violate the prohibitions of this Policy will be given the names and telephone numbers of qualified counselors/Substance Abuse Professionals in their geographic area to enable them to re-qualify for work/operation of a commercial motor vehicle under FMCSA regulations. A current list of qualified local Substance Abuse Professionals is available upon request from the Consortium/Third-Party Administrator listed above.