

Grants Pass School District 7

Code: **GBEDA-AR**
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Drug and Alcohol Testing - Transportation Personnel

1. Purpose

This procedure describes methods for compliance with Omnibus Transportation Employee Testing Act of 1991 (OTETA) which requires the district to provide a drug abuse and alcohol testing program for employees in safety sensitive positions.

2. Covered Categories of Employees

In accord with OTETA, employees included in the district's drug use and alcohol misuse prevention program are school bus drivers, pupil transportation supervision assistants, driver trainers, commercial drivers' license (CDL) holders, and those employees who perform safety sensitive functions, such as repair and maintenance of school buses and motor vehicles.

3. Definitions

Applicant: An individual who has been offered employment contingent upon satisfactory completion of drug testing.

DHHS: U.S. Department of Health and Human Services.

Drugs: As used in this procedure refers to controlled substances as covered by OTETA, which includes marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

FMCSA: Federal Motor Carrier Safety Administration.

Medical Review Officer: A licensed medical doctor or osteopathic physician selected by the district to monitor, interpret, verify and report drug testing results.

Program Coordinator: The personnel director, or designee, responsible for coordinating the district's responsibilities and compliance efforts with OTETA.

Substance Abuse Professional (SAP): As referred to in this procedure, SAP means:

- a. Licensed physicians with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders;
- b. Licensed or certified psychologists, social workers or employee assistance professional with like knowledge; and

- c. Alcohol and drug abuse counselors certified by the National Association of Alcoholism and Drug Abuse Counselors (NAADAC). This does not include state-certified counselors.

4. Required Tests

Preemployment Testing: Drug testing conducted after an offer of employment has been extended to a candidate for assignment or reassignment to a safety sensitive transportation position. All offers of employment or reassignment are contingent upon successful completion of drug abuse testing and must be completed prior to the time the employee begins work in the safety sensitive position.

Postaccident Testing: Drug and alcohol testing conducted after an accident on employees whose performance could have contributed to the accident.

Random Testing: Testing conducted on a random unannounced basis just before, during or immediately after performance of a safety sensitive transportation function.

Reasonable Suspicion Testing: Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or drug use or obtains other information that indicates misuse or use of alcohol or drugs prior to or during performance of a safety sensitive transportation function.

5. Program Coordinator

The personnel director will be designated as the district's drug use and alcohol misuse prevention program coordinator. The personnel director will coordinate the district's responsibilities and compliance efforts with the applicable provisions of OTETA. The personnel director will:

- 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's 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 time on duty 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 or follow-up testing, will also be considered as safety-sensitive functions;
 - (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 CFR Part 382;
 - (9) Explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
 - (10) Consequences of violations (i.e., discipline up to and including dismissal, removal from safety-sensitive functions as required by 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 use 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 that the district contracts with a lab that complies with OTETA requirements;
 - e. Ensure selection of a qualified medical or osteopathic doctor to serve as a medical review officer (MRO) to verify laboratory drug test results;
 - f. Ensure selection of qualified personnel to provide education and training to employees and supervisors in accordance with employee assistance program requirements as specified in OTETA;
 - g. 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 use and alcohol misuse on personal health, safety and the work environment;
 - (2) The manifestations and behavioral changes that may indicate drug and alcohol use or abuse;
 - (3) Documentation of training given to employees;
 - (4) Documentation that drug training for all supervisory personnel has consisted of at least 60 minutes;

- (5) Documentation that alcohol training for all supervisory personnel has consisted of at least 60 minutes.
- h. Ensure the establishment of clearly defined communication procedures to include the method (i.e., mail, facsimile) and frequency (i.e., monthly, daily, weekly) as well as the authorized individuals to impart and receive information to meet the documentation and confidentiality requirements of OTETA;
- i. Ensure employee organizations receive written notice of the availability of all pertinent drug use and alcohol misuse prevention program information.

6. Preemployment or Reassignment Testing

The district, in conjunction with its subcontracted clinical laboratory, shall conduct preemployment testing as follows:

- a. All offers of employment or reassignment for positions as identified by Board policy and as required by OTETA will be contingent upon drug and alcohol test results;
- b. Individuals must provide for the release of any prior employer positive drug and failed alcohol test 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 any subsequent substance abuse professional (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 with 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 OTETA's return-to-duty test requirements;
- f. Prior to being directed by the district to a collection site for drug testing, the applicant will be notified that the urine sample collected shall be tested for the presence of drugs;
- 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. Preemployment or reassignment drug testing will be paid for by the district;
- i. Tests must indicate negative drug test results. Individuals who fail to meet such drug requirements 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 preemployment drug testing will not be necessary following a layoff;
- k. The district will notify individuals offered employment with the district contingent on drug testing of the results of such testing upon request within 60 days of being notified of the disposition of the employment application;
 - l. Refusal to submit to drug testing and/or to provide signed permission for the release of past testing information as required by the district shall result in job offer being rescinded, immediate termination from employment or transfer consideration;
 - m. The individual may request a screening of the split specimen at his/her own expense. All such requests must be received in writing by the district within 72 hours following notification to the applicant of the positive test results.
 - n. The district will not provide exceptions to preemployment drug testing requirements.

7. Postaccident Testing

The district shall conduct postaccident testing as follows:

- a. It is the responsibility of the employee to report for postaccident drug and alcohol testing as soon as practicable following a motor vehicle accident which occurs while the employee is performing district 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;
- b. Postaccident testing procedures are as follows:
 - (1) The employee will inform the supervisor or designee no later than two hours or as soon as practicable following the accident;
 - (2) The employee will report to the collection site designated by the supervisor for postaccident drug and alcohol testing as soon as practicable following the occurrence of the accident. If the accident occurs outside the district, the employee will notify the supervisor or designee no later than two hours after the accident. The supervisor will direct the employee to the closest designated collection site for postaccident testing;
 - (3) 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;
 - (4) If alcohol testing is not administered within eight hours, the district will cease to attempt to administer an alcohol test and will prepare and maintain on file a record specifying why the test was not administered;
 - (5) 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.
- c. The district will provide employees with necessary postaccident testing information, procedures and instructions as a part of its employee training program;
- d. 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 obtain necessary emergency medical care;

- e. 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 test conforms to all applicable federal, state and/or local requirements;
- f. 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 postaccident alcohol test, whichever occurs first.

8. Random Testing

The district, in conjunction with its subcontracted clinical laboratory, shall conduct random drug and alcohol testing annually as follows:

- a. Not less than 50 percent of the average number of employee drivers shall be tested for drugs and not less than 10 percent shall be tested for alcohol in accordance with OTETA;
- b. The testing rate may be adjusted annually according to industry rates as established by the Federal Motor Carrier Safety Administration (FMCSA);
- c. The testing process shall, in fact, be random. All employees will remain in the pool of drivers for each subsequent period 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. A computerized system will be used to make the random selections. This is a random generating program into which each driver's social security number is entered;
- e. 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.";
- f. Following notification of testing, selected employees shall proceed to the district-selected collection site within the specified time frame;
- g. 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;
- h. Employees off work due to leaves, vacation and layoffs 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 next selection cycle.

9. 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 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;
- c. Hearsay or secondhand information is not sufficient to require an employee to submit to testing;
- 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 the provisions of OTETA;
- e. A written record shall be made of the observations leading to a reasonable suspicion drug test and signed by the supervisor authorized to make such an observation within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. Such documentation is **not** required for reasonable suspicion alcohol testing;
- f. The district will ensure that the employee under reasonable suspicion is transported to the designated collection or testing site.

10. Consequences of Drug and Alcohol Misuse

- a. Employees who violate the alcohol misuse rules and have an alcohol testing result over 0.02 shall be immediately removed from all safety-sensitive functions for at least 24 hours. Such employees must be retested with an alcohol testing result of under .02 before consideration will be given for return to work.
- b. Employees who violate the alcohol misuse rules have an alcohol testing result over 0.04 shall be immediately removed from all safety-sensitive functions.
- c. Employees with a positive testing result for marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP), shall be immediately removed from all safety sensitive functions.
- d. Positive testing for either alcohol or drugs as defined above will subject an employee to possible disciplinary action up to and including dismissal.

11. 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 unannounced¹;
- 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;

¹A follow-up test shall not also serve as a random test, and vice versa.

- (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.

12. 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;
- (2) A urine sample for drug testing needs to be provided. A “split specimen” (two urine specimen bottles) is prepared from the urine sample;
- (3) Testing results are reported to the district-selected medical review officer (MRO) by mail or electronic transmission. Results may **not** be given over the phone;
- (4) The MRO will verify both negative and positive testing results;
- (5) The MRO will report the verified negative results to the district;
- (6) 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;
- (7) A verified valid medical reason for a positive test result will be reported as a negative test result to the district;
- (8) If no legitimate medical reason exists for positive drug testing, the MRO will report verified positive test result and identity of the substance(s) to the district;
- (9) The employee or applicant may request within 72 hours of a positive test notice that the second specimen sample be tested. Such retesting costs will be paid for by the employee or applicant;
- (10) Unlike the original specimen analyzed for specific levels of controlled substances, the second or split sample is analyzed only for the presence of drugs;
- (11) The MRO will report results of the second screening to the employee or applicant and to the district;
- (12) The MRO will meet all OTETA requirements including review of the chain-of-custody control form, administrative processing of negative test results, verification of positive testing results and maintenance of confidentiality requirements as may be applicable;
- (13) Detailed drug testing procedures may be obtained by contacting the district’s drug use and alcohol misuse coordinator or designee.

b. Alcohol

- (1) The employee reports to the district-designated testing site and provides a photo identification;

- (2) Under the alcohol testing rule, a positive alcohol test result will be considered positive even if over-the-counter or legally prescribed medication is involved;
- (3) All testing will be conducted by a properly certified breath alcohol technician using evidential breath testing devices. Testing may be conducted at a certified laboratory or other location including mobile facilities equipped for such testing as may meet the requirements of OTETA;
- (4) The employee submits to breath testing;
- (5) 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;
- (6) The technician will report any invalid tests confirmed failing and passing results to the district;
- (7) Detailed alcohol testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention program coordinator or designee;
- (8) 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;
- (9) Detailed alcohol testing procedures may be obtained by contacting the district's drug use and alcohol misuse prevention program coordinator or designee.

13. Record Keeping and Record Reporting

The district or its drug and alcohol testing contractor shall maintain the following records:

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 adequate breath or to provide a urine specimen for testing;
- (5) An annual calendar year report summarizing results of the district's drug and alcohol program will be prepared and maintained when requested by 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 chain-of-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 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 procedures 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 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, as applicable;
 - (2) Names and positions of officials and their role in the district's drug and alcohol testing program;
 - (3) Semiannual laboratory statistical summaries of urinalysis as required by 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 reports.
- f. Records will be retained by the district or its drug and alcohol testing contractors 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:
 - (a) Records related to the drug and alcohol collection process (except calibration of evidential breath testing devices).
 - (3) One Year:
 - (a) Records of negative and cancelled drug testing results and alcohol test results with a concentration of less than 0.02.
 - (4) Indefinite Period:
 - (a) 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 in 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.