

REGULATIONS - TESTING OF COMMERCIAL DRIVERS LICENSE EMPLOYEES

- I. All drivers will be tested for alcohol and drug abuse in accordance with the approved procedures when directed by the Director of Transportation. The Vigo County School Corporation will specify the testing site and provide tests and test interpretations at no cost to employees. Employees referred for a drug and alcohol assistance program are responsible for the expenses incurred.

Drivers will be tested under the following guidelines:

A. **Pre-Employment**

Under no circumstances will an individual be placed on the payroll without proof of a successful completion of alcohol and drug tests. Any individual who refuses to submit to such tests, has a detectable amount of alcohol in his/her system, or has a positive controlled substance test result will not be considered for employment with the School Corporation.

B. **Random**

A minimum rate of 50% of drivers shall be tested annually for drugs and 25% of drivers shall be tested annually for alcohol.

Random drug and alcohol testing may be combined. For example, when testing at 50% drug random rate and 25% alcohol random rate, half of the randomly selected drivers chosen for testing would be tested for both drugs and alcohol, while the rest could be tested only for drugs. Testing will be conducted just prior to, during, or immediately following performance of a safety sensitive function.

Random testing selection:

1. Employee remains in pool.
2. Use valid random selection.
3. Test at least once each quarter.
4. Do not announce dates of testing.
5. Test 50% of drivers for drugs and 25% of drivers for alcohol.

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C. **Post-Accident**

Drivers are required to submit to drug and alcohol testing as soon as possible following a "DOT" accident which involves the loss of human life or the driver receives a citation under state or local law for a moving traffic violation arising from the accident.

1. A "DOT" accident is defined as an occurrence involving a commercial motor vehicle operating on a public road which results in:
 - a. A fatality;
 - b. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
 - c. 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 or may be deemed by the School Corporation to have refused to submit to 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.

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2. Actions to take in a post-accident testing situation:
 - a. Treat injuries.
 - b. Work with law enforcement.
 - c. Explain the need for testing.
 - d. Work with medical facility.
 - e. Collect specimens promptly.
 - f. Document events.

D. **Reasonable Suspicion**

The School Corporation is required to test for the use of alcohol and controlled substances upon "reasonable suspicion". Reasonable suspicion is defined to mean that, the School Corporation believes the behavior, speech, body odor, or appearance of a driver while on duty are indicative of the use of alcohol and/or controlled substances. The conduct must be witnessed by a supervisor or the Transportation Director if so trained. 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. If it is at all possible, the witness should not conduct the alcohol test in order to protect the driver.

Alcohol testing is authorized only if the observations are made during, just before, or just after the period of the work day 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.

1. Guide to successful reasonable suspicion testing includes:
 - a. Focus on safety.

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- b. Verify reasonable suspicion.
 - c. Isolate and inform the employee.
 - d. Inquire and observe the employee.
 - e. Review the findings.
 - f. Transport the employee to a testing site.
 - g. Document events.
2. Prior to the start of work, a driver must report to his/her immediate supervisor, use of any prescription and/or over the counter drugs which may affect job performance or the safety of others. It is the driver's responsibility to obtain from his/her physician a determination as to whether or not the drug could affect job performance. Upon request, the driver must present the drug container with the full label on it.

E. **Signature Required**

Failure to sign a release for alcohol and drug testing will be classified as insubordination and the driver shall be terminated as a driver for the School Corporation, subject to applicable state law.

F. **Refusal**

Refusal to submit to alcohol and/or controlled substance testing as required will be recorded as a positive test. Refusal to submit to an alcohol or controlled substance test means that a driver (1) fails to provide adequate breath for testing without valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with this policy, (2) fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for testing in accordance with this policy, or (3) engages in conduct that clearly obstructs the testing process.

G. **Restrictions**

Drivers testing positive for alcohol (.04 or greater) or for a controlled substance shall be prohibited from driving or performing a safety-sensitive function for the School Corporation and referred to the Medical Review Officer. Drivers testing .02 or greater but less than .04 shall also

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not drive or perform safety sensitive functions for the School Corporation, nor shall the School Corporation permit the driver 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.

1. A performing 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:

- a. 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.
- b. All time spent inspecting equipment, otherwise inspecting, servicing, or conditioning any motor vehicle at any time.
- c. All driving time spent at the driving controls of a motor vehicle in operation.
- d. All time, other than driving time, in or upon any motor vehicle.
- e. 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.
- f. All time spent performing the driver requirements relating to an accident.
- g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

H. **Return to Duty Testing**

A driver who has been prohibited from performing a safety-sensitive function after engaging in conduct regarding alcohol misuse prohibited by U.S. Department of Transportation regulations and before returning to duty shall undergo a Return-to-Duty test which indicates a breath alcohol concentration of less than .02.

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A driver who has been prohibited from performing a safety-sensitive function after engaging in conduct regarding controlled substance use prohibited by U.S. Department of Transportation regulations and before returning to duty shall undergo a Return-to-Duty test with a result indicating a verified negative result.

When a Return-to-Duty test is required, the driver must also be evaluated by a substance abuse professional (SAP) and participate in any assistance program prescribed by the SAP.

I. **Follow-Up Testing**

When a driver has been determined by the Medical Review Officer to be in need of assistance in resolving problems associated with alcohol misuse and/or controlled substance use, the driver will be subject to unannounced follow-up alcohol and/or controlled substances testing. The driver will be subject to a minimum of six (6) follow-up tests in the first 12 months. The follow-up testing period shall not exceed 60 months. Follow-up testing for alcohol shall be performed only when the driver is performing safety-sensitive functions.

TRAINING OF SUPERVISORS AND DRIVERS

A. **Supervisor Training:**

Transportation Directors and Supervisors are the key to a drug-free work environment. 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 a drug/alcohol assistance program.
4. Documentation of training.

B. **Driver Training:**

The driver's training program will consist of:

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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.
4. Documentation of training.

RETENTION OF RECORDS AND CONFIDENTIALITY

Records will be maintained, in keeping with Federal Regulations, by the Vigo County School Corporation drug and alcohol testing contracted services.

Any information concerning a driver's drug or alcohol abuse will be available only to members of the administration whom the School Corporation believes should be aware of this information. Unless otherwise required by law, this information will not be disclosed by the School Corporation to any other employer, organization, or individual without the driver's written consent.

TESTING PROCEDURES REGULATIONS

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

A. **Controlled substance testing procedures:**

1. **Chain of Custody**

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 a 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.

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- 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.
- c. Written procedures and instructions for collection site.

3. **Specimen Collection**

Specimen collection will be done at collection sites designated by the School Corporation.

4. **Laboratory Analysis**

Laboratory analysis of all specimens collected will be done by a facility to be selected by the Vigo County School Corporation.

5. **Review of Results of the Laboratory Tests**

The laboratory reports the test results of the School Corporation directly to the School Corporation's Medical Review Officer (MRO) within an average of 5 working days.

Both positive and negative results must be reported. The report, as certified by the responsible laboratory individual, shall indicate the drug/metabolites tested for, whether the results are positive or negative and the cut-off level for each drug analyzed, the specimen number assigned to the specimen, and the drug testing laboratory identification number. All tests submitted to the laboratory at the same time must be submitted to the MRO at the same time.

The laboratory may transmit the test results to the MRO by various electronic means such as teleprinter, facsimile, or computer, so long as those methods established are designed to maintain confidentiality. Results cannot, at any time, be provided verbally by telephone. The laboratory must also transmit to the MRO the original or a certified copy of urine chain-of-custody and control form and must identify the individual responsible for the day-to-day management of the laboratory process.

B. **The Role of the Medical Review Officer**

The MRO must be a licensed M.D. or D.O. and principally serve as an arbiter between the laboratory and the School Corporation. The MRO must

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possess a knowledge of drug abuse disorders. It is the primary role of the MRO to review and interpret positive results obtained from the laboratory. The MRO must access and determine whether alternate medical explanations could account for the positive test results.

To accomplish this task, the MRO may conduct medical interviews of the individual, review the individual's medical history, and review any other relevant bio-medical factors. Additionally, the MRO must examine all medical records as evidence of prescribed medications.

The MRO must give the individual testing positive an opportunity to discuss the test results. If the tested individual provides sufficient medical documentation that the positive result derives from the use of legally prescribed medication, the MRO may allow the driver to continue to operate or the MRO may request the opinion of another physician.

After the individual testing positive has been given the opportunity to provide sufficient information and the MRO makes a final decision, the School Corporation is notified of the results of the substance test.

C. **The Need for Confidentiality**

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

D. **The Appeal Process Available to Drivers Testing Positive**

If a driver tests positive, he/she has the right to question the results by:

1. Contact with the MRO to verify the sample number of the urine sample to the MRO's form.
2. Requesting the split-sample be tested within 72 hours of the original testing.

ALCOHOL TESTING PROCEDURES

A. **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

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use of EBT's for the initial screening test that are on the CPL that do not meet the additional requirements for the confirmation test (e.g. sequential numbering and print-out capability).

B. **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.

C. **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 15 minutes before administering the confirmation test. Confirmation tests must be performed within 20 minutes.

The Transportation Director will be responsible for maintaining, in corporation files and on a confidential basis, all records required by the federal regulations under this testing program.

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