

Princeton Joint Unified School District

Alcohol and Controlled Substances Testing Policy

Board Approved March 14, 2013
Revision Approved June 27, 2019

INTRODUCTION

Federal law prohibits alcohol misuse and use of substances that could affect the performance of a safety-sensitive function by employees. This policy implements the requirements of Federal Law.

SCOPE

This policy shall be applicable only to those employees of the Princeton Joint Unified School District who hold a commercial driver's license that is necessary to perform job related duties such as operating a commercial motor vehicle.

DEFINITIONS

1. *Alcohol* is the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
2. *Alcohol use* is the consumption of any beverage, mixture or preparation, including any medication containing alcohol.
3. *Breath alcohol technician (BAT)* is an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).
4. *Commercial motor vehicle* is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle
 - a. Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.
 - b. Has a gross vehicle weight rating of 26,001 or more pounds.
 - c. Is designed to transport 16 or more passengers, including the driver.
 - d. Is of any size and is used in the transportation of hazardous materials requiring placards.
5. *Confirmation test*, for alcohol testing, is a second test that provides quantitative data of alcohol concentration following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath. For controlled substances testing, it is a second analytical procedure to identify the presence of a specific drug or metabolite, which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order ensure reliability and accuracy.
6. *Covered employee* is an employee subject to the requirements of applicable Federal law and this policy. The Princeton Joint Unified School District is the employer.

7. *Driver* is any person who operates a commercial motor vehicle. For the purpose of pre-employment testing, the term *driver* includes a person applying to drive a commercial motor vehicle.
8. *Employer* is any person (including the United States, a State, The District of Colombia or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns persons to operate such a vehicle, including agents, officers, and representatives of the employer.
9. *Evidential breath testing device* (EBT) is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA'S "Conforming Products List of Evidential Breath Measurement Devices" (CPL).
10. *Medical Review Officer* (MRO) is a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive result together with his or her medical history and any other relevant biomedical information.
11. *On-duty time*, as that phrase is defined by Federal regulations and this policy, means all of the time from the time a covered employee begins to work, is required to be in readiness to work, until the time he or she is relieved from work and all responsibility for performing work.
12. *Performing* (a safety-sensitive function) is any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.
13. *Refusal to submit* (to an alcohol or controlled substance test) is when a driver (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement of breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or (3) engages in conduct that clearly obstructs the testing process.
14. *Safety-sensitive function*, for purposes of this policy, shall mean any of the functions defined in Title 49 of the Code of Federal Regulations. More specifically, safety-sensitive functions include all functions performed by a covered employee during on-duty time and include:
 - a. All time at a carrier of shipper plant, terminal, facility, or other property waiting to be dispatched, unless the driver has been relieved from duty by the employer.
 - b. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs) or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
 - c. All time spent at the driving controls of a commercial motor vehicle.

- d. All time, other than driving time, spent in a commercial motor vehicle
- e. All time loading or unloading a commercial motor 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.
- f. All time spent performing the driver requirements associated with an accident.
- g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

On-duty time includes:

- h. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the testing requirements.

15. *Screening test* (aka initial test) in alcohol testing is an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substances testing, it is an immunoassay screen to eliminate negative urine specimens from further consideration.

16. *Substance abuse professional* is a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

PROHIBITED CONDUCT

1. No covered employee shall report for duty, or remain on duty requiring the performance of safety-sensitive functions, while having an alcohol concentration greater than 0.0.
2. No covered employee shall remain on duty, or operate a commercial motor vehicle, while that employee possesses alcohol. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
3. No covered employee shall use alcohol during on-duty time, while performing safety-sensitive functions.
4. No covered employee shall perform safety-sensitive functions within eight (8) hours after using alcohol.
5. No covered employee required to take a post-accident alcohol test shall use alcohol for eight hours following the accident and until he or she undergoes a post-accident alcohol test.

6. No covered employee shall refuse to submit to any test required by law or this policy. Refusal to submit to a test shall be treated as testing positively.
7. No covered employee shall report for duty, or remain on duty requiring the performance of safety-sensitive functions when the covered employee uses or possesses any controlled substances, except when the use or possession is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial vehicle.
8. The District requires drivers to inform the employer of any therapeutic drug use.

OTHER ALCOHOL RELATED CONDUCT

Although the following conduct is unacceptable, it is not considered to be "prohibited conduct" for the purposes of this policy. As outlined in this policy, engaging in prohibited conduct has specific consequences not applicable to this section.

No covered employee found to have an alcohol concentration greater than 0.00 shall 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 the administration of the test.

TRANSPORTATION AND COMPENSATION

1. If an applicant or covered employee produces a test result indicating an alcohol concentration greater than 0.00, or a positive result on a controlled substances test, that employee shall be transported to his or her residence by the Employer.
2. A covered employee who fails a required test shall not receive his or her normal compensation for hours during which the employee is prohibited by Federal law, and this policy, from performing a safety-sensitive function. Failure is defined as a verified positive result by an MRO for controlled substances and/or an alcohol concentration greater than 0.00.

CONSEQUENCES OF PROHIBITED CONDUCT

1. No covered employee shall return to duty or remain on duty to perform safety-sensitive functions if the covered employee has engaged in conduct prohibited by this Policy, unless the covered employee successfully fulfills the conditions set forth in this Policy.
2. Any covered employee tested under this policy who is found to have an alcohol concentration greater than 0.00, or who tests positive on a verified controlled substances test, shall not continue to perform safety-sensitive functions until the employee produces a Return-to-Duty test with a result indicating an alcohol concentration of 0.00, and/or a result indicating a negative result for controlled substance use.

3. Any covered employee discovered to have engaged in prohibited conduct shall be subject to an evaluation by a substance abuse professional (SAP) to determine any assistance the employee needs in resolving problems associated with alcohol misuse and controlled substances use. The SAP shall be a person who is qualified for that position in accordance with applicable Federal requirements. In addition, he/she must be advised of the resources available to evaluate and resolve problems associated with alcohol misuse, including the names, addresses, and telephone numbers of SAPs and counseling and treatment programs.
4. If, after an evaluation, an employee is diagnosed as needing assistance and directed to an assistance program, that employee may not return to duty unless the SAP determines that the employee has properly followed any rehabilitation program prescribed and shall be subject to follow-up testing.
5. Every covered employee who has engaged in prohibited conduct shall be advised of the resources available to that employee in evaluating and resolving problems associated with the misuse of alcohol and controlled substances.
6. These requirements, relating to mandatory referral and evaluation, do not apply to applicants who have a pre-employment alcohol test with a result indicating an alcohol concentration greater than 0.00, or a controlled substances test with a verified positive result. Such employees are not eligible for employment under District policy.
7. The choice of the substance abuse professional who shall conduct the evaluation is reserved to the Employer.
8. The cost of any treatment and/or rehabilitation program prescribed by the SAP shall be borne by the employee. The employee may utilize the benefit component of the District-provided employee assistance program (EAP) where applicable.

TESTING PROCEDURES

All tests conducted pursuant to this policy shall comply with the requirements of applicable Federal law. See Appendix "B".

PRE-EMPLOYMENT TESTING

1. The Employer reserves the right not to employ an applicant with a pre-employment test result indicating an alcohol concentration equal to or greater than 0.00. The employer also reserves the right not to employ an applicant who has received a controlled substance test indicating a verified positive test result.

2. The applicant is responsible for the cost associated with pre-employment testing. The applicant will be reimbursed by the district, if hired, if the results of the testing are negative (0.00 for alcohol and a verified negative for controlled substances).

POST-ACCIDENT TESTING

1. As soon as practicable following an accident involving a commercial motor vehicle, the Employer shall test the following individuals for alcohol and controlled substances: (1) any covered employee who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life or medical transport, (2) any covered employee who receives a citation under state or local law for a moving violation arising from the accident, and/or (3) any covered employee whose vehicle is towed away because of an accident.
2. For purposes of this policy, an accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, a vehicle is required to be towed from the scene, or vehicle damage resulting in more than \$500.00 in repair costs.

RANDOM TESTING

1. The Employer shall randomly select covered employees for alcohol and controlled substances testing during each year, in accordance with applicable Federal law. The minimum annual percentage rate for random alcohol testing shall be ten percent of the average number of covered employees, until further notification is received from the Federal Department of Transportation. The minimum annual percentage rate for controlled substances testing shall be fifty percent of the average number of covered employees, until further notification from the Federal Department of Transportation.
2. The selection of covered employees for random alcohol and controlled substances testing shall be made by a scientifically valid method. Under the selection process used, every covered employee shall have an equal chance of being tested each time selections are made.
3. The Employer shall ensure that the random tests are unannounced and that the dates for administering the random tests are spread reasonably throughout the calendar year. Every covered employee who is notified of selection for random testing shall cease to perform safety-sensitive functions and shall immediately proceed to the test site.
4. A covered employee shall be subject to random testing at the following times: while the covered employee is performing safety-sensitive functions, just before the employee is performing safety-sensitive functions, or just after the covered employee has ceased performing such functions.
5. Substitute employees, if they are also covered employees, are subject to random testing.

6. In the event a covered employee who is selected for a random test is on vacation or off-duty, the Employer can either select another driver for testing or keep the original selection confidential until the driver returns.

REASONABLE SUSPICION TESTING

1. The Employer shall require a covered employee to submit to an alcohol or controlled substances test, as appropriate, when the Employer has reasonable suspicion to believe that the employee has engaged in prohibited conduct.
2. The Employer's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.
3. Reasonable suspicion testing is permitted only if the required observations are made during, just preceding, or just after the period of the workday that the covered employee is performing a safety-sensitive function or required to be in compliance.
4. The observation and determination that a reasonable suspicion exists will be made by a supervisor trained in detecting the symptoms of alcohol misuse and use of controlled substances as per the regulations. The training shall consist of at least sixty minutes of training on alcohol misuse and at least an additional sixty minutes of training on controlled substances.

RETURN-TO-DUTY AND FOLLOW-UP TESTS

1. Before a driver returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct, he/she shall undergo a return-to-duty alcohol test with a result less than 0.01 and/or a controlled substances test with a verified negative result. In addition to a return-to-duty test, the employee is also subject to follow-up testing.
2. In the event a return-to-duty test is required, the driver must also be evaluated by a substance abuse professional and participate in any assistance program prescribed.
3. Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the driver shall be subject to unannounced follow-up alcohol and/or controlled substance testing. The testing shall consist of a minimum of six follow-up tests within the first twelve months. The SAP may determine after twelve months that additional testing is necessary. Follow-up testing shall not exceed forty-eight months following the employee's return to duty.

DISCIPLINARY ACTION

1. The Employer reserves the right to impose any appropriate disciplinary action if and when an employee produces a test result indicating an alcohol concentration greater than 0.00

or if that employee produces a controlled substances test with a verified positive result, or if the employee refuses to submit to a test required by the policy.

2. The Employer reserves the right not to employ any applicant who produces a test result indicating an alcohol concentration greater than 0.00, or who produces a test result indicating a controlled substances test with a verified positive result, or who refuses to submit to a pre-employment test.
3. Employees who test positive under this policy will be relieved of duty under conditions set forth in this policy. During such time, the employee will not receive his/her normal compensation until the employee meets the requirements of this policy and returns to duty. A positive test is defined as an alcohol concentration greater than 0.00 and/or a verified positive controlled substances result.

EMPLOYEE INFORMATION

1. The Employer shall distribute this policy to every covered employee, on an individual basis, prior to the start of alcohol and controlled substances testing. The Employer shall also distribute this policy to every employee hired after that adoption of the policy, and to every covered employee transferred into a position requiring driving a commercial vehicle.
2. Employees will be required to sign a statement acknowledging receipt of the policy.
3. The person responsible for answering employee questions concerning the policy shall be the District Superintendent.

RECORDS RETENTION

The Employer shall retain all records in accordance with applicable Federal law, as set forth in Appendix "A".

EFFECT

This policy shall take effect March 14, 2013.

APPENDIX "A"

- (1) Records related to the collection process:
 - A. Collection logbooks (if used)
 - B. Documents related to the random selection process
 - C. Calibration documentation for EBTs
 - D. Documentation of Breath Alcohol Technician (BAT) training
 - E. Documentation of reasoning for reasonable suspicion testing
 - F. Documentation of reasoning for post-accident testing
 - G. Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing
 - H. Consolidated annual calendar year summaries

- (2) Records related to the driver's test results:
 - A. Employer's copy of the alcohol test form, including results
 - B. Employer's copy of the drug test chain of custody and control form
 - C. Documents sent to the employer by the Medical Review Officer
 - D. Documentation of any driver's refusal to submit to a required alcohol or controlled substance test
 - E. Documents provided by a driver to dispute results of a test

- (3) Documentation of any other violation of controlled substance use or alcohol misuse rules.

- (4) Records related to evaluations and training:
 - A. Records pertaining to substance abuse professional's (SAP's) determination of driver's need for assistance.
 - B. Records concerning a driver's compliance with SAP's recommendations.

- (5) Records related to drug testing:
 - A. Agreements with collection site facilities, laboratories, MROs, and consortia.
 - B. Names and positions of officials and their role in the employer's alcohol and controlled substance testing program.
 - C. Monthly statistical summaries of urinalysis (40.29(g)(6))

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

For example: Specific records may be maintained on computer or at a regional or terminal office, provided the records can be made available upon request from FHWA within two working days.

APPENDIX “B”

INTRODUCTION

The Princeton Unified School District shall implement and enforce the procedures for transportation workplace testing as set forth in 49 CFR Part 40. These procedures include, but are not limited to the following information. In all cases, the requirements of 49 CFR Part 40 shall be followed.

CONTROLLED SUBSTANCES TESTING

Applicable Drugs

1. Employees subject to controlled substances testing shall be tested for the following substances: Marijuana, Cocaine, Opiates, Amphetamines, Phencyclidine (PCP)
2. Although the specimen will not be analyzed specifically for adulterants, the lab may conduct adulteration checks (PH, specific gravity, or creatinine). The test may be canceled if adulterants are detected. The lab is permitted to check for adulterants as per Federal Department of Transportation (DOT) guidelines.

Specimen Collection Procedures

1. The collection shall take place in a secure location to prevent unauthorized access during the collection process.
2. The specimen shall be kept in sight of the employee and the collection site person until it is sealed and ready for shipment.
3. Employees shall have individual privacy when providing a specimen except when:
 - a. The employee presents a specimen that is outside the accepted temperature range.
 - b. The collector observes the employee attempting to adulterate or substitute the specimen.
 - c. The employee’s last provided specimen was determined to be diluted.
 - d. The employee has previously had a verified positive test.
 - e. The volume is less than 45 ml.

In a. and b. above, the employee must provide a specimen under direct observation. In c., d., and e. above, the employer may require a direct observation collection.

4. The following specific procedures will be followed during the collection process:
 - a. The employee must submit identification to the collector. The collection shall not proceed until a positive identification is made.
 - b. The employee will not be required to undress or to change into an examination gown. Only outer garments should be removed (e.g., jackets, etc.).
 - c. The donor shall be required to wash his/her hands prior to urination, and shall not have access to any water sources until the specimen has been collected.

- d. A bluing agent shall be added to the toilet bowl and the donor may flush the toilet only after releasing the specimen to the collector.
 - e. The specimen must at least 45 ml. to be acceptable.
 - f. The collector must measure the specimen temperature within four minutes of urination to determine sample acceptability.
5. If the donor cannot provide a sufficient volume of urine, he/she shall remain at the collection site and be provided not more than forty ounces of fluids to drink. The donor shall have a period of up to three hours to provide an acceptable sample. If the donor is unable to produce a sample without a valid medical reason, the District will consider the circumstance to be a refusal to test.
6. The specimen shall be divided into two parts. The collector shall pour 30 ml. of urine from the specimen bottle into a second specimen bottle to be used as the primary specimen. The remainder of the urine, at least 15 ml., shall be poured into another container to be used as the split sample.
7. Both samples shall be shipped in a single shipping container with the appropriate chain of custody forms.
8. The collector and donor must be present together to complete the following process:
 - a. Seal and label the specimen bottle.
 - b. Donor initials the bottle label or seal.
 - c. The chain of custody forms must be signed and dated.
9. If an employee refuses to cooperate with the collection process, the collector shall notify the employer representative and note the non-cooperation on the custody and control form.

Split Sample

1. If the test result of the primary specimen is positive, the employee may request that the MRO direct that the split specimen be analyzed.
2. The split sample analysis will be conducted by a DHHS-certified laboratory, which will analyze the sample for the presence of the drug(s) for which a positive result was obtained in the primary sample.
3. If the result of the test of the split sample fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test and report the cancellation to the District.
4. After the MRO notifies the employee of a positive result for the presence of a drug(s) in the primary sample, the employee has up to seventy-two (72) hours to request analysis of the split sample.

5. All costs associated with the analysis of the split sample shall be the responsibility of the employee.

ALCOHOL TESTING

Testing Procedures

1. The test shall take place in a secure location that affords visual and aural privacy to prevent unauthorized persons from seeing or hearing test results.
2. When an employee enters the testing location, the BAT will require him/her to provide positive identification. The test shall not proceed until positive identification of the employee is made.
3. An individually-sealed mouthpiece shall be opened in view of the employee and then attached to the testing unit.
4. The employee shall be required to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained.
5. The employee shall be shown the result both on the testing unit and the recording form. The employee shall verify both results are the same. If a result printed by the testing unit does not match the displayed result, the BAT shall declare the test invalid.
6. If the result of the screening test is less than 0.01 breath alcohol concentration, no other testing will be conducted.
7. If the result of the screening test reflects an alcohol concentration of 0.01 or greater, a confirmation test shall be performed.
8. Prior to conducting the confirmation test, the employee may not eat, drink, or place anything in his/her mouth. If possible, the employee should not belch during the waiting period. The confirmation test shall be conducted no less than fifteen minutes and no longer than twenty minutes from the screening test.
9. In the event the screening and the confirmation test results do not match, the confirmation results will be considered the final results.
10. If the employee refuses to sign the breath alcohol testing form or fails to provide an adequate amount of breath without a valid medical reason, the District may determine the circumstances to be a refusal to test.

Inability to Provide Adequate Breath

1. If the employee fails to provide an adequate amount of breath, he/she shall provide the District with an evaluation from a licensed physician, who is acceptable to the District, concerning the employee's medical ability to provide adequate breath.
2. If the physician determines there is a valid medical reason precluding the employee from providing adequate breath, then the employee's failure shall not be deemed a refusal to test.
3. If the physician is unable to determine a valid medical reason, the employee's failure to provide adequate breath shall be considered a refusal to test.

**ALCOHOL AND DRUG TESTING REGULATIONS FOR COMMERCIAL MOTOR VEHICLE DRIVERS
RETENTION OF RECORDS**

This section explains which controlled substance and alcohol test records must be completed and maintained, where they must be maintained and for how long. All records shall be maintained in a secure location with controlled access.

Required Period of Retention (382.401)

Document To Be Maintained	Period Required To Be Maintained
Alcohol test results indicating a breath alcohol concentration of 0.02 or greater	5 Years
Verified positive controlled substance test results	5 Years
Refusals to submit to required alcohol or controlled substance tests	5 Years
Required calibration of Evidential Breath Testing Devices (EBTs)	5 Years
Substance Abuse Professional's (SAP's) evaluation and referrals	5 Years
Annual calendar year summary	5 Years
Records related to the collection process (except calibration) and required training	2 Years
Negative and cancelled controlled substance test results	1 Year
Alcohol test results indicating a breath alcohol concentration less than 0.02	1 Year

**Princeton Joint Unified School District
Alcohol and Controlled Substances Testing Policy**

I have received and reviewed the alcohol and controlled substances testing policy for Princeton Joint Unified School District.

Print Name

Signature

Date