

APPENDIX

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ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY FOR EMPLOYEES TRANSPORTING STUDENTS

ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY
FOR EMPLOYEES TRANSPORTING STUDENTS

The Board of School Trustees for Clay Community Schools recognizes the critical and growing problem alcohol and controlled substance abuse poses to the transportation of its students. It is the policy of the school corporation to provide and maintain a safe, healthy and productive work environment for our drivers. This policy applies to all drivers and applicants for driver positions for the school corporation who transport students using school owned vehicles.

All such drivers have the responsibility to report for work and perform their jobs in a fit mental and physical condition. The nature of school transportation is such that any unnecessary risk could affect our students and the public as a whole. This policy was developed to insure not only the students' and employees' safety, but the general public's as well.

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

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

TESTING OF DRIVERS

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

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.

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.

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.

A "DOT" accident is defined as an occurrence involving a commercial motor vehicle operating on a public road which results in:

1. A fatality;
2. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident;
3. One or more motor vehicles 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.

Actions to take in a post-accident testing situation:

1. Treat injuries.
2. Work with law enforcement.
3. Explain the need for testing.
4. Work with medical facility.
5. Collect specimens promptly.
6. 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.

Guide to successful reasonable suspicion testing includes:

1. Focus on safety.
 2. Verify reasonable suspicion.
 3. Isolate and inform the employee.
 4. Inquire and observe the employee.
 5. Review the findings.
 6. Transport the employee to a testing site.
 7. 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. The driver must present the drug container with the full label on it.
3. Confidentiality - All information obtained in the course of testing of drivers shall be protected as

confidential medical information. No date concerning this information will be made a part of the employee's personnel file or will be provided to any other party without the direct written consent of the driver.

4. 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.
5. 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.
6. 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 employee EAP program (a drug and alcohol assistance program) and become subject to any other school corporation policy dealing with the use of alcohol and controlled substances. Drivers testing .02 or greater but less than .04 shall also 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. The driver also becomes subject to any other school corporation policy dealing with the use of alcohol and controlled substances.

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:

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

Return to Duty Testing

7. 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.
8. 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.
9. 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.

Follow-Up Testing

10. When a driver has been determined 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

Supervisor Training:

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

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

Driver Training:

The drivers training program will consist of:

1. Explanation of the effects and consequences of alcohol and controlled substance use on personal health, safety and work environment.
2. The manifestations and behavioral causes that may indicate alcohol and controlled substance use or abuse.
3. Information and materials required by federal regulations.
4. Documentation of training.

RETENTION OF RECORDS

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

- (1) Records related to the collection process:

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

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

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

The following is a chart regarding how long records must be maintained:

<u>Document to be maintained</u>	<u>Period required to be maintained</u>
Alcohol test results indicating a breath alcohol concentration of 0.02 or greater	5 years
Verified positive controlled substance test results	
Refusals to submit to required alcohol or controlled substance tests	
Required calibration of Evidential Breath Testing Devices (EBT's)	
Substance Abuse Professional's (SAP's) evaluations and referrals	
Annual calendar year summary	
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Records related to the collection process	2 years
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Negative and cancelled controlled substance test results	1 year

Alcohol test results indicating a
breath alcohol concentration less
than 0.02

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

TESTING PROCEDURES REGULATIONS

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

Controlled substance testing procedures include the following:

1. Chain of Custody

Chain of custody is defined as procedures to account for the integrity of each urine specimen by tracking it's 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 tamperproof seal system designed in a manner that a specimen bottle top can be sealed against undetected opening and the bottle has a means for identification of the test subject, either by number or some other confidential manner.
- B. Use of shipping container in which one or more specimens and associated paper work may be transferred and which can be sealed and initialed to prevent undetected tampering.
- 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 Indiana Testing, Inc. under all federal guidelines.

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.

6. 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 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 assess 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. 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.

7. 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.

8. The Appeal Process Available to Drivers Testing Positive

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

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

Alcohol testing procedures include the following:

1. Testing Devices

Alcohol tests are to be conducted with only evidential breath testing devices (EBT's) approved by the National Highway Traffic Safety Administration (NHTSA) on their Conforming Products List (CPL). The rules allow the use of EBT's for the initial screening test that are on

the CPL, that do not meet the additional requirements for the confirmation test (e.g. sequential numbering and print-out capability).

2. Test Administrators

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

3. Test Procedures

The BAT will perform an initial alcohol screen. If the initial screen results in a Blood Alcohol Concentration (BAC) of .02% or above, a confirmation test is required. Any tests resulting in a BAC of less than .02% will be considered negative. The BAT will wait a minimum of 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.

CONTROLLED SUBSTANCE AND ALCOHOL POLICY

It is the purpose of this policy to encourage an enlightened viewpoint toward alcoholism and other drug dependencies as behavioral/medical problems which can be treated. At the same time, the Board of Trustees of Clay Community Schools is concerned about the adverse effects of alcohol or other drug use on employee performance, health and safety. Drivers are expected and required to be in suitable mental and physical condition while at work, performing their jobs satisfactorily and behaving appropriately. When the use of alcohol and other drugs interferes with such expectations, a driver's failure to meet these basic expectations will result in disciplinary actions.

This policy applies to all Clay Community School Corporation drivers who transport students in corporation vehicles to perform their job function. The use, possession, sale, purchase or transfer of unauthorized or illegal drugs or substances, or the abuse or misuse of legal drugs on school property, while on school business, or while operating school vehicles and equipment, is prohibited. Drinking alcoholic beverages during working hours, 4 hours before reporting to work or having any measurable amount of alcohol in his/her system during working hours is prohibited, whether on or off school property. Working hours include all breaks. Off-duty use of drugs and alcohol is prohibited to the extent it affects a driver's attendance or performance and his/her ability to pass required DOT alcohol and controlled substance tests. Any violation of this policy is grounds for termination as a driver for the school corporation and possible legal prosecution.

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

Clay Community Schools reserves the right to terminate any driver who violates the School Corporation's Drug and Alcohol Abuse Policy for drivers. Employees who are convicted for alcohol or drug-related charges may be subject to School Corporation disciplinary action, up to and including termination. The School Corporation may offer the

driver (at the driver's expense) the opportunity to receive appropriate treatment.

Confidentiality

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.

ADDENDUM TO ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY FOR EMPLOYEES RESPONSIBLE FOR TRANSPORTING STUDENTS

1. Employees tested upon reasonable suspicion shall be restricted from driving until the test results are available or 72 hours, whichever comes first.
2. Any driver restricted from driving by the school corporation shall receive his/her daily pay until the test results are known.