

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing**

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

This policy shall be applicable only to those employees of the Corcoran Unified School District who hold a commercial driver's license which is necessary to perform job related duties, such as, but not limited to, 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.
 - e. School buses of any size.
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 principal from that of the screen test in order to ensure reliability and accuracy.
6. *Covered employee* is an employee subject to the requirement of applicable Federal law and this policy. Covered employees are those who hold a commercial driver's license which is necessary to perform job related duties, such as, but not limited to, operating a commercial motor vehicle.
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 Columbia 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. The Corcoran Unified School District is 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).

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing**

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 test result, together with their 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 they are 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 they have received notice of the requirement of breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after they have 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 or 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 on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
 - (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 also 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 (a.k.a. initial test)* in alcohol testing, is an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in their system. In controlled substance 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 a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorder.

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing**

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 of 0.02 or greater.
2. No covered employee shall remain of duty or operate a commercial motor vehicle, while that employee possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. 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 four 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 or until they undergo a post-accident alcohol test.
6. No covered employee shall refuse to submit to any test required by law or this policy.
7. No covered employee shall report for duty, or remain on duty requiring the performance of safety-sensitive functions, when the covered employee uses any controlled substances, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance(s) does not adversely affect the driver's ability to safely operate a commercial vehicle.

TRANSPORTATION

If an applicant or covered employee produces a test result indicating an alcohol concentration equal to or greater than 0.04, that employee shall be transported to their residence by the Employer.

COMPENSATION

A covered employee who fails a required test shall not receive their 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 alcohol concentration of .02 or greater. The employee may not utilize sick time, vacation, or compensatory time during the period the prohibition is in place.

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.
2. 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.

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing****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. Prior to the first time a covered employee performs safety-sensitive functions for the Employer, the employee shall undergo testing for controlled substances.
2. The Employer shall not allow any covered employee to perform safety-sensitive functions unless the covered employee has produced a controlled substances test result from a medical review officer indicating a verified negative result.
3. The Employer serves the right not to employ an applicant who has received a controlled substances test indicating a verified positive test result.
4. The applicant is responsible for the costs associated with pre-employment testing.

PREVIOUS EMPLOYMENT INFORMATION

1. Upon application to a covered position, applicants will be required to sign a release authorizing the Employer to obtain testing information from the applicant's previous employers. The applicant's signature on the release shall be condition of employment.
2. The information shall include: any alcohol test results with a concentration greater than .04, any positive controlled substances test results, and any refusals to be tested.
3. The information shall be obtained from the applicant's previous employers from the past two years.
4. Upon offering an applicant a position, the Employer shall obtain the required information. The Employer shall endeavor to obtain the information within 14 days.
5. Should the information reveal that the applicant is not eligible to perform safety-sensitive functions (pursuant to 49 CFR pt. 382.413(g)), the Employer shall withdraw the employment offer.

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, and/or (2) any covered employee who receives a citation under state or local law for a moving violation arising from the accident.

For the 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, or a vehicle is required to be towed from the scene.

2. If the alcohol test is not administered within two hours following the accident, the Employer shall document the reasons the test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, the Employer shall cease attempts to administer the test and shall document the reasons the test was not administered.

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing**

3. If the controlled substances test is not administered within 32 hours following the accident, the Employer shall cease attempts to administer the test and document the reasons the test was not administered.
4. Drivers who are subject to post-accident testing shall remain readily available for such testing or may be deemed by the Employer to have refused testing.

RANDOM TESTING

1. The Employer shall randomly select covered employees for alcohol and controlled substances testing during each calendar year, in accordance with applicable Federal law. The minimum annual percentage rate for random alcohol testing shall be twenty-five 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 is received 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 announced and that the dates for administering the random tests are spread reasonable 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 covered 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.

Substitute drivers will be required to sign a release authorizing the District to release testing information/results to other school districts for which the driver is employed. Substitute drivers will be required to sign the release as a condition of being placed on Corcoran Unified School District's substitute driver list.

6. In the event a covered employee who is selected for a random test is on vacation or off-duty, the Employer will 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 exist must be based on specific, contemporaneous, articulate 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.

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing**

4. The observation and determination that a reasonable suspicion exist 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 use. The observations shall be documented and signed by the official who made the observations within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.
5. If the alcohol test is not administered within tow hours following the determination that a test is required, the Employer shall document the reasons the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours, the Employer shall cease attempts to test and document the reasons the test was not administered.
6. Notwithstanding the absence of a reasonable suspicion alcohol test, no employee shall remain on duty requiring the performance of safety sensitive functions if the employer has reasonable suspicion to believe that the employee is impaired by alcohol, until:
 - (h) An alcohol test is administered and the driver's alcohol concentration measures less than .02; or;
 - (i) Twenty-four hours have elapsed following the determination that reasonable suspicion exists.

DISCIPLINE AND TERMINATION

Any employee who engages in prohibited conduct shall be subject to termination.

EMPLOYEE INFORMATION

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 covered employee hired after the adoption o the policy, and to every covered employee transferred into a position requiring possession of a commercial driver's license.

Employees will be required to sign a statement of acknowledging receipt of this policy.

The person responsible for answering employee questions concerning this policy shall be the Director of Maintenance, Operations and Transportation.

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

The policy shall take affect January 1, 1996.

Legal Reference:

Education Code Section 1042

United Safety Code, Title 49, 2717

Code of Federal Regulations, Title 49: 40: 382

Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing

APPENDIX A

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing**

Appendix A

RETENTION OF RECORDS:

This section explains which controlled substance and alcohol test records must be 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:

| | <u>Period Required To be Maintained</u> |
|--|---|
| Alcohol test results indicating a breath alcohol concentration 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 (EBTs) | |
| Substance Abuse Professional’s (SAPs) evaluations and referrals | |
| Annual calendar year summary | |
| Records Related to the collection process (except calibration) and required training | 2 years |
| Negative and canceled controlled substance test results | 1 year |
| Alcohol test results indicating a breath alcohol concentration less than 0.02 | |
| 1. Records related to the collection process: | |
| →Collection logbooks (if used) | |
| →Documents related to the random selection process | |
| →Calibration documentation for EBTs | |
| →Documentation of Breath Alcohol Technician (BAT) training | |
| →Documentation of reasoning for reasonable suspicion testing | |
| →Documentation of reasoning for post-accident testing | |
| →Documentations 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 | |

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing**

Appendix A

3. Documentation of any other violation of controlled substance use of alcohol misuse rules
4. Records related to evaluations and training:
 - Records pertaining to substance abuse professional's (SAPs) determination of driver's need for assistance.
 - Records concerning a driver's compliance with SAPs 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
 - Documentation of supervisor training
 - Certification that training conducted under this rule complies with all requirements of the rule
6. Records related to drug testing:
 - Agreements with collection site facilities, laboratories, MROs, and consortia
 - Names and positions of officials and their role in employer's alcohol and controlled substance testing program
 - Monthly statistical summaries of urinalysis (40.29) (g)(6)
 - The employer's drug testing policy and procedures

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 t regional or terminal office, provided the records can be made available upon request from FHWA within two working days.

Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing

APPENDIX B

Appendix B

Regulation adopted: November 14, 1995
Regulation corrected: October 21, 2009

CORCORAN UNIFIED SCHOOL DISTRICT

Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing

ALCOHOL AND CONTROLLED SUBSTANCES
TESTING PROCEDURES AND POLICY

Appendix B

INTRODUCTION

The Corcoran Unified School District shall implement and enforce the procedures for transportation workplace testing as set forth in 49 CF Part 40. These procedures include, but are not limited to the following information. In all cases, the requirements of 49 CF 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 check (PH, specific gravity or creatinine). The test may be cancelled 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 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 and he/she refuses to have an oral body temperature measurement, or the body temperature measurement varies more than 1° C ORL 1.8°F from the specimen temperature.
 - 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.In a. and b. above, the employee must provide a specimen under direct observation. In c. and d. above, the employer **may** require a direct observation collection.

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing**

Appendix B

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, i.e., 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 be 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 twenty-four ounces of fluids to drink. The donor shall have a period of up to two hours to produce an acceptable sample. If the donor is unable to produce a sample without a valid medical reason, Corcoran Unified School District shall 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 analysis will be conducted by a DHHS-certified laboratory who will analyze the sample for 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 metabolites(s) found in the primary specimen, the MRO shall cancel the test and report the cancellation to the District.

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing**

Appendix B

4. After the MRO notifies the employee of a positive result for the presence of drug(s) in the primary sample, the employee has up to seventy-two 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.
6. In the even the outcome of a test is cancellation, the driver shall be returned to duty and no further action against the employee shall be taken. Any lost time and/or compensation shall be returned to the employee.

Inability to Provide Adequate Urine

1. If the employee fails to provide an adequate sample, he/she shall provide the District with an evaluation from a licensed physician, who is acceptable to the District, concerning the employees ability to provide a sample.
2. If the physician determines there is a valid medical reason precluding the employee from providing adequate urine, 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 urine shall be considered a refusal to test.

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 0.02 breath alcohol concentration no other testing will be conducted.
7. If the result of the screening test reflects an alcohol concentration of 0.02 or greater, a confirmation test shall be performed.

**Drivers of Commercial Motor Vehicles,
Alcohol and Controlled Substances Testing**

Appendix B

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 more 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 circumstance 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.