

Hopkinton School District

DRUG AND ALCOHOL TESTING OF
COMMERCIAL DRIVER LICENSED (CDL) STAFF
(Federal Motor Carrier Safety Regulated Drivers)
POLICIES AND PROCEDURES

I PURPOSE OF POLICY

- To ensure the safety of students in the Hopkinton Schools District
- To comply with DOT Regulations 49 CFR Part 382.
- To provide a safe, drug and alcohol free work environment.

POLICY STATEMENT

- No driver shall consume controlled substances (except when the use is at the instruction of a physician who has advised the bus driver that the substance does not adversely affect the driver's ability to operate a school bus/commercial vehicle, or his/her ability to interact appropriately with children) or alcohol while at work, on company time, or property. This includes unpaid meal and break periods.
- No driver may consume alcohol (8) hours prior to on-duty time as per 49 CFR Part 382.205
- No driver shall be under the influence of any controlled substance (except when the use is at the instruction of a physician who has advised the bus driver that the substance does not adversely affect the driver's ability to operate a school bus/commercial vehicle, or his/her ability to interact appropriately with children) while at work.
- No driver shall possess or be in control of any alcoholic beverage or controlled substance within any company building or vehicle.

- No driver will participate in the unauthorized use, abuse, or sale of any controlled substance.
- The Hopkinton School District does not permit the use or sale of any controlled substance.
- Participation in Hopkinton School District’s drug and alcohol testing program is a requirement of all drivers subject to this policy.
- The Hopkinton School District has zero tolerance in regard to the sale or use of controlled substances and/or alcohol misuse.

APPLICABILITY

- All drivers who operate Commercial Motor Vehicles (CMV) must be subject to testing as per 49 CFR Part 382.103.
- All drivers who hold a Commercial Drivers License (CDL) and drive vehicles in the following categories:
 - a. Vehicles with a gross weight rating of 26,001 pounds or more.
 - b. Vehicles with a gross combined weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,000 pounds.
 - c. Vehicles designed to transport 16 or more passengers.
 - d. Vehicles of any size used to transport materials found to be hazardous and which require the vehicle to be placarded under Hazardous Materials Regulation 49 CFR Part 172, Subpart F.

III TESTING

- No driver shall report for duty or remain on duty that requires performing a safety-sensitive function when the driver uses any controlled substance, except when the use is at the instruction of a physician who has advised the driver that the substance does not adversely affect the driver’s ability to safely operate a CMV as per 49 CFR Part 382.213.
- Although this policy prohibits the use of any controlled substance not lawfully prescribed by a physician, any drug test required under this policy will analyze an individual's urine (DOT required) to test for the presence of the following substances:

DOT: 1. Marijuana (THC)

2. Opiates
 - Codeine
 - Morphine
 - 6-AM (heroin)
3. Cocaine
4. Phencyclidine (PCP)
5. Amphetamines
 - Amphetamine
 - Methamphetamine
 - MDMA
 - MDA
 - MDEA

- Hopkinton School District has the right to do Non-DOT substance abuse testing in addition to the DOT required testing.

Non-DOT – Testing will be analyzed per individual by hair follicle, saliva, and/or sweat. Drugs to be tested for are the five above plus additional substances if desired, but not required and not limited to:

(At the discretion of the employer per individual circumstances)

- Benzodiazepines
- Barbituates
- Methadone
- Methaqualone
- Propoxyphene
- Expanded Opiates

- Alcohol screening tests are performed via breath analysis or saliva testing. A trained Breath Alcohol Technician (BAT) or Saliva Test Technician (STT) using the approved testing device; QED, (Quantitative Enzymes Diagnostics) will perform these tests.
- A trained BAT will perform confirmation testing on an evidential breath-testing device that is on the National Highway Traffic Safety Administration's Conforming Products List.

IV REASONS FOR TESTING

a. Pre-employment (49 CFR Part 382.301)

- Prior to the first time a driver performs a safety-sensitive function or any duty for the company, he/she will undergo testing for controlled substances and will not be allowed to perform any such function unless a verified negative test result is received from the Medical Review Officer

(MRO). If a pre-employment controlled substance test indicates a confirmed positive, the company will rescind the employment offer.

b. Post-accident (49 CFR Part 382.303)

- Employees subject to this policy may be tested following:
Any incident at the discretion of the Designated Employer Representatives (DER) in addition to the requirements as per 49 CFR Part 382.303.
- As soon as practicable following an occurrence involving a Commercial Motor Vehicle (CMV) operating on a public road, turnaround, or school property, the company employer shall test for alcohol and controlled substances each driver who:
 - a. Performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - b. Receives a citation under State or local law for a moving violation arising from the accident if the accident involved:
 1. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
 2. One or more 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.
- Per DOT regulations, drivers are prohibited from using alcohol for eight hours following any accident or until the required post-accident alcohol test is administered, whichever occurs first. Testing will be performed as soon as possible, but not more than eight (8) hours after the accident for alcohol and within thirty-two (32) hours for controlled substances.
 - a. As per 49 CFR Part 382.303 D1, if an alcohol test is not completed within 2 hours following an accident, the Employer must document the reason why the test was not administered. After 8 hours if the test is not administered, the Employer must cease attempts to test and document why the test was not administered.
 - b. As per 49 CFR Part 382.303 D2, if a drug test is not completed within 32 hours following an accident, the Employer is responsible for ceasing attempts to test and documenting the reason why the test was not administered.

- All drivers will immediately contact a supervisor/employer for instructions. The driver will not drive to the testing facility. Either, the testing collector will travel to the accident, if applicable, or the driver will be brought to the testing facility.

c. Random Testing (49 CFR Part 382.305)

- All drivers subject to the Federal Motor Carrier Safety Regulations as outlined under APPLICABILITY section of this policy shall be required to submit to alcohol and substance abuse testing in a random program. The program shall be outlined as:
- The substance abuse testing program will be managed by a certified drug testing vendor. The drug testing vendor will perform all aspects of program management including, but not limited to, random selection, blind samples, quarterly statistic reports, scheduling and/or collecting samples.
- Drug screen collections and alcohol tests will be performed at the Hopkinton School District, or a certified collection site.
- Per the DOT regulations, random selection and subsequent testing will be performed at an annual percentage rate of 50% of eligible driver positions for controlled substances and 10% for alcohol. These tests will spread throughout the year and shall be performed with little or no notice to the drivers. When the driver is notified of the need to be tested, he/she shall be immediately ready or proceed directly to the collection site and submit to the required testing. The testing rates are eligible to change at the beginning of each year, per the Federal Motor Carrier Safety Regulations.

d. Reasonable Suspicion (49 CFR Part 382.307)

- Per the DOT regulations 49 CFR Part 382.307(d), reasonable suspicion alcohol testing shall only be required/performed before, during, or after the driver is performing a safety-sensitive function.
- Per the DOT regulation 49 CFR Part 382.307, whenever the Company has reasonable suspicion to believe that a driver has violated any alcohol or controlled substance prohibition contained in this policy, it will require the driver to submit to an alcohol and/ or controlled substance test. Any suspicion shall be based upon specific, contemporaneous, articulatable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic effects of controlled substances. These observations will only be made by a supervisor or company official who has received appropriate training and will be documented by that individual in a Supervisor's Report of

Reasonable Suspicion within twenty-four (24) hours after his/ her observation. Whenever possible, two (2) DER's shall concur with regards to the observations about the reasonable suspicion.

- All testing shall be conducted as soon as possible after the determination to test has been made. If the driver needs to be transported to the collection site, it will be by a supervisor and the driver will not be allowed to perform any safety sensitive-function or drive any company vehicle until negative results are confirmed. Appropriate measures will be taken to transport the driver home after the test has been taken to ensure the safety of the driver and the general public. Such measures may include but are not limited to calling a family member, calling a taxi or driving him/ her home.

e. Refusal to Submit: (49 CFR Part 382.211)

- Any driver who refuses to submit to any required test under any circumstance shall be prohibited from performing any safety-sensitive function and shall be subject to discipline as outlined in consequences of positive test results.
- Refusal to submit (Definitions 49 CFR Part 382.107) shall be determined by any of the following circumstances, but are not limited to:
 - a. Failing to provide adequate breath, saliva or urine for testing without a valid medical explanation after the driver has received notice of a required test as well as refusal to submit to a medical evaluation as required by Subpart 49 CFR Part 40.193d. (In the case of a Pre-Employment drug test, the driver is deemed to have refused to test on this basis only if the Pre-Employment test is conducted following a contingent offer of employment.)
 - b. Engaging in conduct that disrupts the collection process.
 - c. Engaging in any conduct that creates reason to believe that a urine specimen has been altered, substituted or adulterated for the purpose of affecting the validity or accuracy of a controlled substance test result. This includes refusing to submit to an observed or monitored collection.
 - d. Failure to appear for any test, except Pre-Employment within a reasonable time as determined by a certified drug testing vendor after being directed by the employer.

- e. Leaving the scene of an accident without a valid reason before tests have been conducted.
- f. Failure to remain at the testing site, until the testing procedures are completed.
- g. Failure to submit to a second test that the Employer or Collector has directed the driver to take.
- h. A result reported by the MRO as being a verified, adulterated or substituted test.

V ALCOHOL & DRUG TESTING PROCEDURES (49 CFR Part 40, 382 and 383)

- All procedures for drug and alcohol collection and testing shall be performed in accordance with FMCSA regulations Parts 40 (Procedures for Transportation Workplace Drug and Alcohol Testing Programs), 49 CFR Part 382 (Controlled Substance and Alcohol Use and Testing) and 49 CFR Part 383 (Commercial Drivers License Standards; Requirements and Penalties).
- Specimen collection procedures are as follows:
 - a. Positive photo ID is required either by a Federal, State or Local Government or by the DER of the Company.
 - b. Driver will be directed to remove outer clothing, including jacket, coat, hat etc. in addition to emptying their pockets of items that could adulterate the specimen. Driver is allowed to keep their wallet. A receipt will be issued for items left with the collector upon request.
 - c. Driver will be advised that failure to comply with the directions of the collector constitutes a refusal to test.
 - d. Driver will be instructed to wash their hands prior to the collection and not again until after the specimen has been given to the collector.
 - e. Driver will choose a collection kit to be used for specimen.
 - f. Driver will be instructed to provide a sufficient specimen and is given a reasonable time limit to provide the specimen.

- g. Driver will be instructed to initial the sample bottles, fill in their information on the chain of custody in view of the collector.
 - h. Driver will be given copy five (5) of the chain of custody.
 - i. Driver will be instructed they may leave the collection facility.
- A split sample will be performed as per the DOT regulations to allow a donor that has tested positive to request the second sample be sent to a secondary laboratory for verification.
 - All specimens will be collected at locations that afford privacy for the driver. Providing a urine sample will not be directly observed or monitored unless the driver's conduct indicates an attempt to tamper with or adulterate the specimen.
 - If the specimen temperature is outside the acceptable range, the driver will be required to submit to a new collection using direct observation procedures as per 49 CFR Part 40.67.
 - Urine samples will be tested for drugs at laboratories certified by the US Dept. of Health and Human Services (DHHS).

VI TESTING RESULTS (49 CFR Part 382.401, Subpart D)

- All controlled substance and alcohol test results will be reported and maintained in a confidential manner and only shared with those who have a bona fide need to know, the DER, the certified drug testing vendor and Department of Transportation Agents.
- A negative-dilute specimen is considered a confirmed negative and no further action is needed.
- A negative drug or alcohol test result is indicative of having passed the test. No further action needs to be taken.
- A positive alcohol result is defined as a confirmation alcohol test of greater than or equal to 0.02 units and a drug test determined and reported as positive by the MRO.
- All drug test results, positive or negative, will be reviewed by a MRO prior to being reported to the employer. In the case of a positive test result, the MRO will contact the driver and discuss the results prior to reporting them to employer. If the driver can show a legitimate medical

reason for testing positive, the MRO will report the result as negative to the employer.

- A positive controlled substance result means that the driver has failed the test and needs to be removed from safety-sensitive functions immediately. Within 72 hours, the driver may opt to have the split drug test sample sent for re-test. This must be done in writing. If the split result is other than positive for the same substance, the test is canceled and the driver may return to his safety-sensitive function. (The test will be paid by the driver. It will be reimbursed to the driver if the second test is negative.)

VII. CONSEQUENCES OF POSITIVE TEST RESULTS (49 CFR Part 40, Subpart 0)

- A driver will be provided information by the employer on where to go to get guidance regarding substance abuse. All drivers that test positive must be evaluated by a substance abuse professional as per 49 CFR Part 382.503.
- Consequences for drivers found to have an alcohol concentration of 0.02 units or greater is termination.
- Consequences for a verified positive drug screen result will be termination.

VIII GENERAL REQUIREMENTS

- All drivers must read, understand and sign the Alcohol and Drug Testing, Driver Awareness and Training Handbook to meet requirement as per 49 CFR Part 382.601.
- The receipt with signature will be kept in the driver qualification file or personnel file.
- All drivers are required under 49 CFR Part 382.601b.11 to report any other driver's or co-driver's behavior showing any signs and symptoms of an alcohol or controlled substance problem to their immediate supervisor.
- Hopkinton School District shall ensure that each driver sign a statement certifying that he/she has received a copy of the materials described in 49 CFR Part 382.601(d) (Alcohol Misuse and Controlled Substances Use, Training and Referral).
- If a prospective driver refuses to acknowledge receipt of a copy of the materials listed above, the driver will not be hired.

References:

Federal Motor Carrier Safety Regulations Handbook

**ACKNOWLEDGEMENT OF RECEIPT AND REVIEW OF THE EMPLOYER'S
CONTROLLED SUBSTANCES AND ALCOHOL POLICY AND
EDUCATIONAL MATERIALS**

Signature: _____ Date: _____
Staff Member

Signing the “acknowledgement of receipt and review of the employer’s controlled substances and alcohol policy and educational materials form” is a requirement per 49 CFR Part 382.601(d).

Any questions associated with this policy should be directed to Michelle R. Clark, Business Administrator, Hopkinton School District Designated Employer Representative (DER).

Signature: _____ Date: _____
Hopkinton School District Representative

DER contact information:

Michelle R. Clark
Business Administrator
Hopkinton School District, SAU 66
204 Maple Street
Contoocook, NH 03229
603.746.5186
mclark@hopkintonschools.org

Steven M. Chamberlin
Superintendent of Schools
Hopkinton School District, SAU 66
204 Maple Street
Contoocook, NH 03229
603.746.5186
schamberlin@hopkintonschools.org

Fourth Reading April 19, 2011
Adopted by the Hopkinton School District April 19, 2011