

## DRUG AND ALCOHOL TESTING PROGRAM OF TRANSPORTATION EMPLOYEES

### NEED

The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of employees performing safety sensitive functions in the aviation, motor carrier, railroad, and mass transit industries. Rules published by the Department of Transportation in February, 1994, requires implementation of the law beginning on January 1, 1995, for large employers (50 or more drivers) and all other employers on January 1, 1996.

### COVERED DRIVERS

All employees of the Waterloo Community School District who are required to have a commercial driver's license to operate a school vehicle which transports sixteen (16) or more persons, including the driver, or a school vehicle which weighs 26,001 pounds or more will be subject to mandatory drug and alcohol testing.

Covered drivers include:

1. applicants seeking a position as a driver,
2. full-time, regularly employed drivers,
3. casual, intermittent or occasional drivers.

### PROHIBITED DRIVER CONDUCT

Drivers shall not:

1. report to duty or remain on duty with a breath alcohol concentration of 0.04 or greater,
2. report to duty or remain on duty for a period of twenty-four hours (24 hrs.) with a breath alcohol concentration of between 0.02 and 0.039,
3. use alcohol at least four hours prior to the performance of a safety sensitive function,
4. possess drugs or alcohol while on duty. This includes possessing prescription and over-the-counter medicines containing alcohol unless the packaging seal is unbroken,
5. use alcohol within eight (8) hours following an accident in which a post-accident alcohol test is required or prior to undergoing a post-accident alcohol test, whichever comes first,
6. refuse to submit to a drug or alcohol test. A refusal to test is considered a positive test result requiring the driver to undergo evaluation by a substance abuse professional and subjecting the driver to discipline up to and including termination,
7. report for duty or remain on duty when using any drug except when instructed by a physician who had advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle,
8. report for duty or remain on duty performing a safety sensitive function following a positive drug test result.

## TYPES OF TESTS

### 1. PRE-EMPLOYMENT TESTING

Prospective drivers shall submit to a drug and alcohol test if a job offer is made. The job offer will be contingent upon:

- a. a negative drug and alcohol test result, and
- b. a signed written statement authorizing former employers to release all information on the driver related to drugs and alcohol.

Prior to allowing a driver to perform a safety sensitive function the school district will obtain the following information about the driver for the preceding two years from the date of the application:

- a. alcohol test results of 0.04 or greater,
- b. positive drug test results, and
- c. refusals to be tested.

### RANDOM TESTING

1. Annually, twenty-five percent (25%) of the average number of drivers will be selected for random alcohol tests and fifty percent (50%) for random drug tests.
2. The driver's identification numbers will be selected by a scientific method giving drivers an equal chance to be selected.
3. Random tests will be unannounced and spread throughout the year.
4. Drivers who are selected for random alcohol testing will be informed of the random alcohol test just before, during or just after performing their assigned safety sensitive function.
5. Drivers selected for random drug testing will be informed as soon as possible after the Director of Employee Relations/Transportation receives the driver identification numbers. The school district will document why some, if any, drivers were selected but not informed.
6. The selected driver must proceed immediately to the collection site. However, drivers performing a safety sensitive function must safely stop and proceed to the collection site as soon as possible.

### REASONABLE SUSPICION TESTING

1. Drivers which exhibit specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver as well as indications of the chronic and withdrawal effects of drugs may be required to submit to a reasonable suspicion drug test at any time.
2. Drivers which exhibit specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver if the reasonable suspicion was determined just before, during or just after the time in which the driver must be in compliance with the district's policy, its supportive regulations or the law may be required to submit to a reasonable suspicion alcohol test just before, during or just after performing a safety sensitive function.

- a. A reasonable suspicion alcohol test will be performed within two (2) hours and no later than eight (8) hours of determining reasonable suspicion.
  - b. If the alcohol test is not given within two (2) hours, the reasons for the delay must be documented.
  - c. If the alcohol test is not given within eight (8) hours, attempts to test will be stopped and the reason for not testing documented.
3. A reasonable suspicion test request shall be made by an employee who has received training to determine reasonable suspicion. The reasons for the reasonable suspicion must be documented within twenty-four (24) hours or prior to the release of the test results. If more than one employee trained to determine reasonable suspicion observes the driver, that employee must also document their reasons.
  4. If the school district determines there is reasonable suspicion, the driver may not report to or perform a safety sensitive function unless the results of the reasonable suspicion drug test is negative and/or the results of the reasonable suspicion alcohol test is less than 0.02 or twenty-four (24) hours have passed since reasonable suspicion existed.
  5. The school district will provide transportation for the driver to and from the collection site for testing if reasonable suspicion exists.

#### POST-ACCIDENT TESTING

1. Drivers will be subject to both post-accident drug and alcohol testing as soon as possible after an accident in which:
  - a. the driver received a citation **and**,
    1. bodily injury to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident, **or**,
    2. a vehicle was towed from the scene irrespective of the value of the damage to the vehicle, **or**
    3. a fatality occurred.
2. Drivers must remain readily available for post-accident testing.
  - a. Any driver who leaves the scene or who does not remain readily available is assumed to have refused to test.
  - b. Necessary medical treatment cannot and will not be denied to any driver waiting to complete post-accident drug and alcohol tests.
3. Alcohol testing requirements.
  - a. Must be administered within two (2) hours and no later than eight (8) hours of the accident.
  - b. Reasons for administering the test later than two (2) hours after the accident will be documented.

- c. Reasons for not administering the test within eight (8) hours of the accident will be documented.
  - d. Drivers are prohibited from consuming alcohol for eight (8) hours after the accident or until the alcohol test is completed.
4. Drug testing requirements.
- a. Shall be administered as soon as possible and no later than thirty-two (32) hours after the accident.
  - b. Reasons for not administering the test shall be documented.
  - c. Drivers who refuse to provide a specimen for a drug test or who have a positive drug test result after a fatal accident, are disqualified for one year after receiving a letter of disqualification from the school district.
5. Results of drug or alcohol testing conducted by law enforcement officers or other officials on the scene with independent authority to conduct such tests are presumed valid if the testing conforms with the law. The school district must receive a copy of the results to use them.

#### RETURN-TO-DUTY/FOLLOW-UP TESTING

1. Prior to returning to duty after a positive test or otherwise violating this policy, its supporting regulations or the law:
  - a. The driver must be re-evaluated by a substance abuse professional (SAP) to determine if the driver has properly followed the treatment program prescribed in the original evaluation by the SAP.
  - b. The driver must submit to tests required by the SAP. The SAP may require a return-to-duty test for drugs, alcohol or both.
  - c. The return-to-duty test must be a negative drug test result and/or an alcohol test result of less than 0.02 breath alcohol concentration before the driver can return to duty and perform a safety sensitive function.
2. For individuals changing jobs after a positive drug or alcohol test, a pre-employment test will serve as a return-to-duty test if one is needed, based on information from a prior employer.
3. After returning to duty, the driver will be subject to six (6) unannounced follow-up tests within twelve (12) months for alcohol, drugs or both, if the SAP determines both are necessary.
  - a. The SAP may terminate the follow-up testing requirement after the first six (6) tests have been completed or continue the follow-up testing for up to sixty (60) months from the date of the driver's return to duty.
  - b. Alcohol follow-up testing will be done just before, during or just after performing a safety sensitive function.

## TESTING PROCEDURES

### ALCOHOL BREATH TESTING PROCEDURES

1. Alcohol testing will be conducted at a collection site which provides privacy to the driver and contains the necessary equipment, personnel, and materials.
  - a. Alcohol testing will be conducted at a designated nonschool district facility unless a mobile unit or a school district facility better serves the situation.
  - b. In the event privacy cannot be assured, privacy will be provided to the extent practical.
2. Once the driver has been informed to submit to an alcohol test, the driver shall proceed immediately to the collection site. Collection site personnel will contact the Director of Transportation when a driver arrives on site.
3. Initial testing steps
  - a. Upon arrival, the driver must provide photo identification.
  - b. The testing procedure will be explained to the driver
  - c. The breath alcohol technician (BAT) and the driver will complete and sign the appropriate sections of the alcohol testing form
    1. Refusal of the driver to sign the form prior to the initial alcohol test will be considered a refusal to test.
    2. The district shall be notified immediately of the driver's refusal to sign.
  - d. Evidentiary breath testing devices (EBT's) will be used to conduct the initial and, if necessary, the confirmation alcohol tests.
  - e. The driver will be required to forcefully blow into the EBT mouthpiece for at least six (6) seconds or until an adequate amount of breath has been obtained.
  - f. The initial alcohol breath test will determine whether the driver's breath alcohol concentration (BAC) is less than 0.02.
    1. An initial alcohol test result of less than 0.02 BAC will allow the driver to return to duty.
    2. An initial alcohol test result of 0.02 BAC or greater will require a confirmation test.
4. Confirmation testing.
  - a. The confirmation test will be done between fifteen (15) and twenty (20) minutes after the initial test whether or not the driver followed the requirements to not eat,

drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during the fifteen (15) minute waiting period to avoid accumulation of mouth alcohol leading to an artificially high reading.

- b. If a different collection site or a different collection site person is used for the confirmation alcohol test, the driver must provide photo identification.
- c. The testing procedure shall be explained to the driver.
- d. The BAT and the driver will complete and sign the appropriate sections of the alcohol testing form.
  - 1. Refusal of the driver to sign the form prior to the confirmation alcohol test will be considered a refusal to test.
  - 2. The school district shall be notified immediately of the refusal to sign.
- e. The driver will forcefully blow into the EBT mouthpiece for at least six (6) seconds or until an adequate amount of breath has been obtained.
- f. The confirmation test results, which are the final and official test result, will be shared with the driver.
  - 1. A confirmation alcohol test result of less than 0.02 BAC will allow the driver to return to duty.
  - 2. A confirmation alcohol test result of 0.02 BAC but less than 0.04 BAC will require the driver to cease performing a safety sensitive function for twenty-four (24) hours. The driver may be required to be evaluated by a substance abuse professional (SAP).
  - 3. A confirmation alcohol test result of 0.04 BAC or greater will require the driver to be evaluated by a substance abuse professional.
- g. The driver and BAT must sign the alcohol testing form following completion of the test. Failure to sign the form after the test is not considered a refusal to test. However, the BAT shall note the driver's refusal to sign in the remarks section of the form.
- h. The BAT will inform the Director of Transportation of the results of the test in a confidential manner.
  - 1. The BAT shall notify the Director of Transportation immediately, either in writing, in person, by telephone, or by electronic means of confirmation alcohol test results of 0.02 BAC or more.
  - 2. If the BAT informs the Director of Transportation by telephone, the school district must verify that the BAT is the person on the telephone. A password or other appropriate prearranged identification code will be used.

3. The BAT will provide the Director of Transportation with a copy of the breath alcohol testing form if written communication was not used to report the test results.
  - I. Potentially incomplete tests or invalid breath alcohol tests shall be repeated with corrected procedures.
  - j. The breath alcohol test will be stopped if a driver fails twice to provide an adequate amount of breath. In that case:
    1. A physician shall analyze the driver's inability to provide adequate breath.
    2. Failure to provide adequate breath will be considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath.
    3. A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.

#### DRUG TESTING PROCEDURES

1. The driver's urine will be tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.
2. A split sample urine test will be used to conduct the drug test.
  - a. A negative drug test result will permit the driver to continue to perform a safety sensitive function.
  - b. A positive drug test result on the primary sample will require the driver to be removed from performing a safety sensitive function.
  - c. A driver with a positive drug test result on the primary sample may request the split sample be tested by another laboratory for the specific drug found in the primary sample. A negative drug test result on the split sample results in a negative drug test result.
  - d. A driver's refusal to test will be considered a positive drug test result.
  - e. A positive drug test result will require the driver to be evaluated by a substance abuse professional (SAP).
3. Drivers taking medication at a doctor's direction may perform a safety sensitive function, if the doctor determines there is not an adverse affect on performing a safety sensitive function.
4. Drug testing will be conducted in a manner to provide privacy to the driver and where the necessary equipment, personnel, and materials are located.

- a. Drug testing will be conducted at a designated nonschool district facility unless a mobile unit or a school district facility better serves the situation. Public restrooms can be used as collection sites in exceptional circumstances.
  - b. In the event privacy cannot be assured, privacy will be provided to the extent possible. However, direct observation will be allowed if:
    - 1. Reason exists to believe the driver may alter or substitute the specimen.
    - 2. The driver presents a specimen with a temperature outside the allowed range and does not provide an oral body temperature or the oral body temperature varies from the specimen provided.
    - 3. The last specimen provided by the driver was determined by the laboratory not to meet gravity and creatinine concentration criteria.
    - 4. The collection site person observes conduct to substitute or adulterate the specimen.
    - 5. The driver has previously been determined to have used a drug without medical authorization and the particular test is for follow-up testing upon or after return to duty.
  - c. Direct observation is approved by the supervisor of the collection site person or the designated school district representative. Nonmedical personnel performing direct observation must be of the same sex as the driver.
5. Drug testing steps.
- a. Once the driver is notified to submit to a drug test, the driver must proceed immediately to the collection site. The collection site person will contact the Director of Transportation immediately once the driver has arrived.
  - b. Upon arrival, the driver shall provide a photo identification. The driver may require the collection site person to provide proof of identification.
  - c. The driver may keep his or her wallet, but must remove any unnecessary outer garments, purse, briefcases and similar items at the request of the collection site person.
  - d. Immediately prior to providing a urine sample, the driver must wash his or her hands.
  - e. The driver must then provide forty-five (45) milliliters of urine and deliver it immediately to the collection site person.
    - 1. Drivers who cannot provide an adequate amount of urine will receive instructions for drinking water and trying again.

2. The drug test will be stopped when the driver fails twice to provide an adequate amount of urine.
  3. A physician will analyze the driver's inability to provide adequate urine.
  4. Failure to provide adequate urine is considered a refusal to test unless a physician determines there is a medical condition involved.
- f. The specimen will be kept in view of the driver and the collection site person.
  - g. Upon receipt of the specimen, the collection site person shall immediately, and in no event later than four(4) minutes from the time of urination, measure the temperature of the specimen.
  - h. The driver may volunteer to have his or her oral temperature taken to provide evidence against alteration or substitution if there is some question about the temperature of the specimen.
  - i. The collection site person will inspect the specimen for color and other signs of contaminants and note any unusual findings.
  - j. Another specimen will be required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person.
  - k. The specimen will be divided into primary and split specimens, sealed and labeled. The label will be initialed by the driver.
  - l. The driver will be required to read and sign the statement on the chain of custody form certifying the specimens are the driver's.
  - m. The collection site person will be required to note any unusual behavior or appearance of the driver on the chain of custody form and any failure to cooperate.
  - n. The collection site person will complete the chain of custody form. The driver will sign the form indicating the collection is complete.
  - o. The specimens will be packaged for shipping to the laboratory immediately or placed in secure storage until they can be shipped.
6. Laboratory.
- a. The laboratory used by the school district's drug and alcohol testing program will be certified by the Substance Abuse and Mental Health Services Administration (SAMHSA), a division of the U. S. Department of Health and Human Services (DHHS). (Laboratories certified by SAMHSA meet testing procedures, personnel and record keeping requirements of the law.)
  - b. Upon arrival of the specimen at the laboratory, the split specimen will be stored and the primary specimen tested.

1. A positive test result on the initial test of the primary specimen will require a confirmation test, which is a different and more accurate type of test.
  2. The split specimen is discarded if the primary specimen has a negative test result.
7. A Medical Review Officer (MRO) shall review the drug test results.
- a. The MRO may release drug testing records of a driver to unauthorized individuals only with the written consent of the driver.
  - b. The MRO will keep a record of the negative test result and report the negative test result to the school district.
  - c. The primary role of the MRO will be to review and interpret positive test results to determine whether a legitimate explanation exists for the positive test result.
    1. After reviewing the chain of custody form and the laboratory test results, the MRO will contact the driver to discuss any positive test result prior to notifying the school district and to ask whether the driver requests a test of the split sample at the driver's expense. The driver's request for a test of the split sample must be made within seventy-two (72) hours of talking with the MRO.
    2. Upon request of the driver, the split specimen will be sent to a second SAMHSA certified laboratory for testing at the driver's expense.
    3. The MRO will contact the Director of Transportation for assistance if the driver cannot be reached through reasonable efforts.
    4. The Director of Transportation must confidentially inform the driver to the contact the MRO.
    5. Upon contacting the driver, the Director of Transportation must inform the MRO that the driver was contacted.
    6. Drivers who cannot be contacted will be placed on temporary medically unqualified status or medical leave.
  - d. The MRO may verify a positive test without talking to the driver if:
    1. The driver declines the opportunity to discuss the drug test.
    2. The driver fails to contact the MRO within five (5) days after the Director of Transportation has contacted the driver.
    3. The MRO verification of positive test results under these circumstances can be challenged by the driver if the driver presents the MRO with information documenting a serious illness, injury, or other circumstances unavoidably preventing the driver from timely contacting the MRO. The MRO, based on

this additional information, may find a legitimate explanation for the positive test result and declare the test negative.

- e. The driver will be notified of the drugs found in a positive test result by the MRO, the Director of Transportation or by certified mail to the driver's last known address.
- f. The school district shall receive a written report of the negative and positive test results from the MRO.

#### SUBSTANCE ABUSE PROFESSIONAL

- I. A Substance Abuse Professional (SAP) evaluation is required when a driver:
  - a. Has a positive drug test,
  - b. Has a positive alcohol test of 0.04 breath alcohol concentration or greater, or
  - c. Otherwise violated this policy, its supporting regulations or the law.
- 2. A Substance Abuse Professional (SAP) evaluation may be required when a driver has a positive alcohol test of 0.02 and 0.039 if required by the U. S. Department of Transportation.
- 3. The evaluation will determine what assistance, if any, the driver needs in resolving problems with alcohol misuse and/or drug use.
- 4. A list of available SAP's will be available from the Director of Transportation.
- 5. The costs of substance abuse evaluation and treatment, if recommended by the Substance Abuse Professional (SAP), will be apportioned according to the employee benefit plan. If there is no employee benefit plan, the Waterloo Schools will pay for the costs of the evaluation and treatment as required by Iowa law.

#### CONSEQUENCES OF VIOLATING THIS POLICY

The Waterloo Community School District may discipline drivers who violate this policy, its supporting regulations or the law relating-to drug and alcohol testing. Each incident shall be dealt with based on the circumstances surrounding the incident. The following consequences may result from a violation:

#### FIRST POSITIVE TEST RESULT (Alcohol or Drug)

- 1. Driver will be removed immediately from performing safety-sensitive function.
- 2. Driver will be referred to Substance Abuse Professional (SAP) for evaluation. (Under Iowa law, drivers cannot be disciplined and/or terminated under the law for their first positive test result on a drug or alcohol test if the driver undergoes a substance abuse evaluation and if the driver successfully completes the treatment, if any, recommended by the Substance Abuse Professional.

3. Driver will be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs.
4. Employees will be allowed to use sick leave earned for time missed from work as a result of a positive test result and/or treatment. Once unused sick leave has been exhausted, an employee may file for unpaid leave under the Family Medical Leave Act up to an additional twelve weeks.
5. Any driver who fails to undergo the evaluation or fails to successfully complete the treatment, if any, recommended by the Substance Abuse Professional (SAP), may be disciplined up to and including termination.

#### SECOND POSITIVE TEST RESULT

Drivers who have a second positive test result on a drug or alcohol test will be disciplined up to and including termination.

ADOPTED: 1/95

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