

## **DRUG AND ALCOHOL TESTING OF BUS DRIVERS**

Effective 01/01/00

### **I INTRODUCTION**

The Sanford School Department is committed to a drug and alcohol free workplace. In order to ensure the safety of its employees and the general public as well as to comply with 49 CFR Part 382 and other pertinent federal laws, the Sanford School Committee has adopted this policy.

The Sanford School Department takes pride in its employees who perform critical duties in a truly effective manner with safety foremost in their minds. This policy strengthens our commitment to a safe workplace.

### **II PROGRAM ADMINISTRATOR**

The Business Administrator has been designated by the School Committee as the Alcohol/Drug Testing Program Administrator. In this function, the Business Administrator will be responsible to answer any questions from drivers, employees or the public in general

The Program Administrator will handle all information on all tests as confidential. The Program Administrator may provide such information as necessary to enable the appropriate Administrator to take the proper actions as warranted. The Program Administrator may also release test information to any Substance Abuse Professional recommended by the Program Administrator to use to evaluate and recommend appropriate follow-up.

### **III. PROGRAM OBJECTIVES**

1. To provide employees with access to confidential counseling and/or rehabilitation programs and to detect illegal and unauthorized substance abuse and contraband in the workplace.
2. To reduce the opportunities for accidents and injuries and prevent damage to property
3. To improve productivity, ensure quality and to minimize employee absenteeism and tardiness.

### **IV. SCOPE OF PROGRAM**

This policy will apply to all regular full-time, part-time and temporary employees who are required to hold a Commercial Driver's License (CDL) for their position. All applicants for positions requiring a CDL are required to pass a drug test as a prerequisite of employment, prior to final

hiring. Pre-employment alcohol testing shall be required when or if federal law requires it.

**NOTE:** All covered employees shall receive a copy of this policy, as well as a copy of the educational materials covered in the employee education session on alcohol and substance abuse.

**V. COMPLIANCE WITH REGULATIONS**

All CDL employees' subject to alcohol and drug testing must be in compliance with this policy at all times while working for the Sanford School Department. This will include all time spent operating commercial vehicles, as well as time spent maintaining or repairing these vehicles.

**NOTE REGARDING INDEPENDENT CONTRACTORS:** independent contractors and their employees who must hold a CDL for the contracted activity are subject to the requirements of 49 CFR Part 382 and are responsible for compliance with that and related laws. The Sanford School Department will not provide or pay for tests or rehabilitation of contractors or their employees. The Sanford School Department shall make compliance with the law a condition of any contract which requires a CDL driver.

**VI. SUBSTANCES TESTED**

The Following substances will be tested for when drug or alcohol testing is required pursuant to this policy:

1. Alcohol
2. Marijuana
3. Cocaine
4. Amphetamines
5. Phencyclidine (PCP)
6. Opiates

**VII. PRESCRIPTION DRUG USE**

Employees covered by this policy may use prescription drugs and "over the counter" medications provided:

1. The prescription drugs or their generic equivalent have been prescribed to the employee within the past 12 months by an authorized medical practitioner.
2. Employees do not consume prescribed drugs more often than as prescribed by the employee's physician, and do not allow any other person to consume the prescribed drug.
3. Any employee who has been informed that the medication could cause adverse side effects while working shall inform his/her supervisor prior to using these substances. The Sanford School Department at all times reserves the right to have a licensed physician determine if use of a prescription drug or medication by an employee produces an adverse effect. If such a finding is made, the Sanford School Department may notify the employee's doctor (with permission) to determine if other medications are available which would not seriously effect the employee's ability to work safely. If an appropriate substitute medicine is not available, the Sanford School Department may have to limit or suspend the employee's work activities to non-safety sensitive duties.

## **VIII TESTS REQUIRED**

All CDL employees subject to this policy shall be tested for alcohol and/or controlled substances under the following circumstances:

1. **Pre-employment.** Drug tests will be conducted when an offer is made to hire an employee for a CDL position. The offer for employment will be contingent on the applicant passing these tests. This includes existing non CDL employees who are applying for CDL positions.
2. **\*Random.** Testing will be conducted on a random unannounced basis. The number of annual drug tests shall equal 50% of the number of CDL required positions, while the number of annual alcohol tests shall equal 10% of the CDL required positions. The Sanford Public School Department has entered into an agreement with a third party administrator (TPA) to randomly select the CDL employees for testing and then notify the Program Administrator of the person or persons chosen.

Random alcohol testing must be conducted just before, during or just after a driver's performance of safety-sensitive duties. Random drug testing does not have to be conducted in immediate time proximity to safety-sensitive functions.

3. **Post-accident.** Employees will be alcohol and drug tested in all accidents involving a fatality. The employee will also be tested if s/he receives a summons for a "moving traffic violation", and must receive medical treatment away from the accident scene, or the employee receives a

violation and a vehicle must be towed regardless of responsibility. Employees must report to the designated testing area within thirty minutes of being notified to submit to a required test. The employee shall be escorted to the Sanford School Department's designated collection site.

- 4. Reasonable suspicion.** All employees who exhibit to two (2) trained supervisors signs and symptoms of alcohol and/or drug abuse while on the job, prior to reporting to work or just after work will be required to submit to an alcohol and/or drug test. The supervisors shall document the specific facts, symptoms or observations by completing a "Reasonable Suspicion Record" form. The employee shall be given a "Test consent Form" to complete and sign. Upon supervisor notification the employee shall be escorted to the Sanford School Departments designated collection site.

This determination must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and/or body odors of the CDL employee. Circumstances which may constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- 1.) A pattern of abnormal or erratic behavior
  - 2.) Information provided by a reliable and credible source;
  - 3.) Direct observation of drug or alcohol use;
  - 4.) Presence of the physical symptoms of drug or alcohol use i.e.: glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes.
- 5. Return to work.** An employee who has engaged in prohibited conduct as set forth in Section X must submit to an alcohol test or drug test to return to duty. The results must be negative to return to work.
- 6. Follow-up.** An employee who previously tested positive and has returned to duty must submit to a combination of at least six (6) alcohol and drug tests during the first year after returning to work. Follow up tests will be unannounced and may continue for up to sixty (60) months after returning to work not to exceed twelve (12) per year.

## **IX. TESTING PROCEDURES**

The Sanford School Department is contracting with a Third Party Administrator to conduct the Sanford School Department's alcohol and substance abuse testing. When an employee has been randomly selected, s/he will be notified by his/her appropriate supervisor and both will proceed directly to the testing area. all

randomly selected individuals must comply with the testing. Failure to do so will result in disciplinary actions up to and including termination.

Testing for substance abuse shall only be conducted in a medical facility supervised by a licensed physician or nurse. Employees and job applicants for CDL positions shall not be required to provide a urine sample while being observed, directly or indirectly, by another individual. People shall leave any personal belongings including any unnecessary clothing, coat jacket or similar outer garment, outside the collection area.

All specimen samples shall be collected, sealed and stored in compliance with the National Institute on Drug Abuse (NIDA) guidelines as required by Federal Law, and transported to a licensed and certified laboratory for actual testing. Additionally, the chain of custody requirements for these samples shall also be in accordance with NIDA guidelines and Federal Law in order to protect the sample from being tampered with and to verify the identity of each sample and result. When the sample is first collected, a portion of the sample shall be segregated according to federal regulations. In the event there is a positive test with the first sample, the segregated sample may be requested for testing within seventy-two (72) hours by the employee after the employee is notified by the Medical Review Officer of the positive test to confirm the accuracy of the results. This request should be made to MRO. The employee shall pay the cost of the testing of the second segregated sample if the test is positive and the Sanford School shall pay the cost if the second is negative. (New job applicants shall pay the cost of testing the segregated sample regardless of the test results.) If the employee is aware of a situation that may have led to the positive test, such as taking of prescription drugs or other medicines, s/he must make the fact known to the MRO within the required time after notification of a positive test.

The Sanford School Department shall utilize the services of a Medical Review Officer (MRO) to interpret any confirmed positive test. An MRO is a licensed physician who is responsible for receiving the laboratory results. The MRO has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's medical history and any other medical information. The MRO shall have the authority to discuss an employee's test result with the employee prior to notifying the Sanford School Department. Once the employee has been notified and the MRO is satisfied with the accuracy of the test results, the Sanford School Department shall be notified.

All alcohol testing will be conducted with an Eventual Breath Testing Device (EBT), which will be administered by the same medical facility as the substance abuse testing. Under certain circumstances, post-accident tests conducted by law enforcement personnel or medical personnel will be acceptable. Two (2) breath tests are required to determine if a person has an unacceptable alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a negative test.

If alcohol concentration is 0.02 or greater, a second confirmation test must be conducted within fifteen (15) minutes. A confirmed test of 0.02 or greater is considered a positive result.

The employee and the individual conducting the breath test shall complete the alcohol testing form to ensure that the results are properly recorded. Any individual who conducts the testing must be trained to operate the EBT and be proficient in the breath testing procedures.

## **X. PROHIBITED CONDUCT**

The Sanford School Department CDL employee shall not:

1. Report to work and/or remain on duty with an alcohol concentration of 0.04 or greater;
2. Possess any alcohol or controlled substances while on duty, except as provided in subsection (7);
3. Use any alcohol or controlled substances while on duty, except as provided in subsection (7);
4. Use any alcohol within eight (8) hours of going on duty;
5. Use any alcohol within eight (8) hours after an accident which has required the CDL employee to be tested for alcohol concentration;
6. Refuse to submit to a required alcohol and/or controlled substance test: i.e.: random test, reasonable suspicion test, post accident test, return to work, or follow up test;
7. Report to or remain on duty when using any controlled substance, except when used under a physician's orders and when the physician has informed the CDL employee in writing that the use will not affect the safe operations of a commercial vehicle. In the case of a written warning by the physician, the employee shall report to his/her supervisor immediately;
8. Report to or remain on duty if the employee has tested positive for controlled substances.

Failure to comply with these rules is a violation of this policy and may result in disciplinary action up to and including termination.

## **XI. REFUSAL TO TEST**

Failure to submit to testing will automatically be considered a verified positive test and may result in disciplinary action and/or referral to a substance abuse professional.

Failure by a job applicant to submit to a test will result in denial of employment. Specifically, the following circumstances will be considered a refusal to test.

1. Failure to report to the designated testing area within thirty (30) minutes of being notified to submit to a required test.
2. Failure to accurately provide a sufficient sample to be tested, either breath or urine as the case may be, unless medically determined impossible to do so
3. Engaging in conduct that clearly obstructs or delays the testing process.

**XII. TESTING OF SUPERVISORS**

1. All supervisors in safety sensitive positions and who are required to use a CDL as required by their job descriptions are subject to the testing rules and procedures outlined in their policy.
2. If an employee suspects a supervisor of substance abuse, the employee will notify the Administrator, Business Administrator or Superintendent of the employee's suspicions. All employee reports are kept strictly confidential. Anonymous complaints will not be investigated.

**XIII. ALCOHOL CONCENTRATION OF 0.02 OR GREATER BUT LESS THAN .04**

Provided that the employee has not violated Section X, any employee whose alcohol test results in a concentration of 0.02 or greater but less than 0.04 shall not be permitted to perform any safety – sensitive function for at least twenty-four (24) hours following the test. The employee will not be paid for work-time lost as a result of this section unless he/she works in another capacity for the Sanford School Department during that time period. The employee will not be required to undergo evaluation by a substance abuse professional if the test result is 0.02 or greater but less than 0.04, nor will a return to duty test be required unless there is reasonable suspicion that the employee is still under the influence of alcohol or drugs.

Employees who are found to have an alcohol concentration of 0.02 or greater but less than 0.04, will be placed on unpaid leave for a minimum of twenty-four (24) hours.

**NOTE:** This Section applies only in limited situations. For example, if an employee last consumed alcohol more than 8 hours before work, but still has a blood/alcohol level of 0.03 when he shows up for work, he is not in violation of Section X but is subject to this Section.

**XIV. NOTICE AND CONSENT**

Before a drug or alcohol test is administered, employees and job applicants will be asked to sign a consent from authorizing the test and permitting the release of test results to those officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over the counter medication

All recruitment announcements for any CDL position, including in house recruitment and promotion, will disclose that any offer of employment is contingent upon successful completion of a drug screening test.

**XV. CONSEQUENCES OF VIOLATION OF THIS POLICY**

Any employee who violates Section X and XI of this policy shall be immediately removed from the safety-sensitive function and will be advised by the Sanford School Department of the resources available for evaluating and resolving drug and alcohol abuse professional. All evaluation and rehabilitation shall be at the employee's expense. An employee shall not be allowed to return to the safety sensitive function until he/she has a return to duty alcohol test of less than 0.02 or a return to duty drug test with a verified negative result.

Employees who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will be placed on unpaid leave for a minimum of twenty –four (24) hours.

In addition, any employee who violates this policy may be subject to disciplinary action up to and including dismissal. Before disciplinary action is imposed following a confirmed positive drug or alcohol test, the employee may have the opportunity to successfully complete a rehabilitation program within six months. Factors to be considered in determining the appropriate disciplinary response include, but are not limited to the following: Employee's work history, length of employment, current job performance and existence of past disciplinary actions.

Specific actions, which may be grounds for dismissal, include, but are not limited to the following:

1. Refusal to submit to a rehabilitation program after testing positive.
2. Failure within six months to successfully complete a rehabilitation program after receiving a positive test or failure to pass a return to duty drug or alcohol test.
3. Evidence that the employee has substituted, adulterated, diluted, or otherwise tampered with his/her urine sample
4. While on Sanford School Department premises, the employee was caught drinking alcohol or using, manufactory, distributing, dispensing, selling or possessing any illegal or unlawfully obtained substances or drugs.
5. The use of alcohol while on Sanford School Department premises. This includes a conviction for driving while intoxicated (DUI) during work hours.



6. Failure to contact the Sanford School Department's approved substance abuse clinician (EAP Provider) within five (5) regular working days after being notified of a confirmed (MRO certified) positive test for the use of alcohol or an unauthorized substance.

Any employee who tests positive the first time for either alcohol or substance misuse will be offered an opportunity for rehabilitation. A second test (MRO certified) or further violation of this policy following an initial positive test shall be cause for dismissal.

**NOTE:** During the period the Sanford School Department is awaiting an employee's test result for a post accident or reasonable suspicion test, the Sanford School Department may transfer the employee to another position with no reduction in pay or benefits. The Sanford School Department also reserves the right to place an employee on paid or unpaid suspension. A determination as to whether an employee is placed in another position or placed on paid or unpaid suspension may be based, but not limited to: who is responsible for and/or the severity of the accident, if applicable; the observed condition of the employee, if applicable; the employee's work history' length of employment; current job performance and the existence of past disciplinary actions.

## **XVI. EMPLOYEE/APPLICANT RIGHTS AND RESPONSIBILITIES**

It is the responsibility of each employee to seek help before alcohol and drug problems lead to disciplinary action. Employees needed help in dealing with such problems are encouraged to ask for help/or use the health insurance plan, if they are eligible. A conscientious and sincere effort to seek such help will not jeopardize any employee's job, and will be handled on a strict confidential basis.

In the event of a positive test result, employees and job applicants shall have the opportunity to present an alternative explanation for the test result by contacting the Medical Review Officer (MRO). This shall be done no later than five (5) days after notification of the result. No further action will be taken if there is a justified explanation, or there is a reasonable doubt as to the accuracy of the result or chain of custody of the sample.

Any employee or job applicant with a positive test result may also, upon written request within five (5) working days to the Program Administrator, have the right to any information relating to the test result and procedures.

Any employee who tests positive for a first offense, and cannot provide a satisfactory explanation, will be offered EAP referral to a certified rehabilitation program

Any first offense referral may result in an indefinite suspension of regular employment or the transfer of the employee to a non-safety sensitive position with an appropriate reduction in pay. A determination as to whether an employee is placed in another position or placed on unpaid suspension may be based on, but not limited to, who is responsible for and/or the severity of the accident, if applicable; the observed condition of the employee, if applicable; the level of the test result; the employee's work history; length of employment; current job performance and the existence of past disciplinary actions. The employee may use any available accumulated sic, vacation, or personal time if any, during the in-patient rehabilitation. Health insurance benefits may be used to cover some or all of the costs of rehabilitation if the Sanford School Department's current health insurance policy covers such rehabilitation.

Upon successfully completing the rehabilitation program within six months after it was commenced, as determined by the rehabilitation or treatment provider in consultation with the Sanford School Department, and upon passing a return-to-work drug or alcohol test the employee is entitled to return to his/her previous job with full pay and benefits, unless conditions unrelated to the employee's alcohol/drug test make the employee's return impossible or inappropriate.

Any subsequent second offense positive test will result in immediate suspension without pay and terminated after being notified of a second confirmed (MRO certified) positive test for the use of an unauthorized substance; provided the employee is not within his/her initial six month rehabilitation period.

## **XVII. CONFIDENTIALITY OF INFORMATION**

Unless the employee or applicant consents, all information acquired by the Sanford School Department in the testing process is confidential and may not be released to any person other than the employee or applicant who is tested, the Program Administrator, perspective Administrators or designees as well as the EAP or Rehabilitation Provider. The foregoing shall not prevent the release of information that is required or permitted by state or federal law, or the use of information in any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of the test results.

## **XVIII. EDUCATIONAL SESSIONS**

The Sanford School Department will provide each employee subject to this policy a copy of the written policy. The Sanford School Department will also provide printed material which describes the effects of alcohol and/or controlled substances on the individual's health, work and personal life, as well as information on the signs and symptoms of alcohol or substance abuse. In addition, the Sanford School Department will provide annual training for CDL employees and supervisors on substance abuse awareness.

Any employee who wishes to seek personal and confidential advice on alcohol and/or controlled substances may contact the Sanford School Department's Business Administrator who will provide references available fro substance abuse programs.

The Sanford School Department shall ensure that persons designated as trained supervisors will receive annual training on controlled substances misuse and on alcohol misuse.

Adoption Date: January 8, 2001

Effective Date: January 8, 2001

SANFORD SCHOOL DEPARTMENT

**ACKNOWLEDGEMENT**

I certify that I have received a copy of the Sanford School Department's Alcohol and Substance Abuse Policy and other printed material explaining the effects of alcohol and/or controlled substance use

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor's Signature

**SANFORD PUBLIC SCHOOLS**

**DRUG AND ALCOOL TESTING OF BUS DRIVERS**

**Pre-Employment Breath Test and Urinalysis Consent Form**

The Sanford School Department has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Therefore, the Sanford School Department seeks to hire and employ workers requiring s Commercial Drivers License (CDL) who are free of illegal and abused drugs and alcohol, and protect employees, their families and the public from the adverse effects of alcohol and drug abuse. The Sanford School Department requires the final applicant selected for a position requiring a CDL to undergo a Drug Test to detect the presence of drug abuse substances in the body.

Any applicant with a positive pre-employment test may be denied employment with the Sanford School Department by reason for the positive test. Also, any applicant refusing to be tested will be denied employment.

I UNDERSTAND THAT AS REQUIRED BY TITLE 49, CODE OF FEDERAL REGULATIONS, ALL APPLICANTS FOR POSITIONS REQUIRING A COMMERCIAL DERIVERS LICENSE MUST BE TESED FOR THE USE OF CONTROLLED SUBSTANCES AS A PRECONDITION FOR EMPLOYMENT.

I CONSENT TO A BREATH TEST AND URINE SAMPLE COLLECTION AND TESTING FOR CONTROLLED SUBSTANCES.

I UNDERSTAD THAT A POSITIVE TEST RESULT FOR CONTROLLED SUBSTANCES WILL RENDER ME UNQUALIFIED TO OPERATE A COMMERCIAL MOTOR VEHICLE AND RESULT IN MY BEING DENIED EMPLOYMENT WITH THE SANFORDDD SCHOOL DEPARTMENT.

THE MEDICAL REVIEW OFFICER CONTRACTED BY THE TOWN WIL MAINTAIN THE RESULTS OF MY TEST. NEGATIVE AND POSITIVE RESULTS WILL BE REPORTED TO THE SANFORD SCHOOL DPEARTMENT. IF THE RESULTS ARE POSITIVE, THE CONTROLLED SUBSTANCE WILL BE IDENTIFIED. THE RESULTS WILL NOT BE RELEASED TO OTHER PARTIES WITHOUT MY WRITTEN CONSENT.

I UNDERSTAND THE ABOVE THE CONDITIONS AND HEREY AGREE TO COMPLY WITH THEM

\_\_\_\_\_  
Applicant Name (*please print*)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Social Security Number

PLEASE NOTE ANY CURRENT OR RECENT USE OF PRESCRIPTION OR OTHER OVER-THE-COUNTER MEDICATION IN THE SPACE BELOW

**SANFORD PUBLIC SCHOOLS**

**DRUG AND ALCOOL TESTING OF BUS DRIVERS**

**Pre-Employment Breath Test and Urinalysis Consent Form**

The Sanford School Department has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Use and misuse of alcohol or drugs, whether prescribed or illegal, impairs the ability of an employee to perform assigned duties, particularly those requiring a Commercial Drivers License (CDL), and may endanger the employee, co-workers, the public, the Sanford School Department and public and private property. The Sanford School Department seeks to prevent employees from using alcohol and drugs when the use of such is illegal, or in any way endangers the Sanford School Department or public. The Sanford School Department also wants to provide appropriate and reasonable assistance to employees whose use or misuse impairs their ability to perform their duties.

Under title 49, CFR the Sanford School Department may require a current School employee whose position requires a CDL to undergo drug and alcohol testing consisting of random testing, post accident testing, reasonable suspicion testing, and follow up testing. Refusal to be tested may subject an employee to disciplinary action, and possible termination.

I UNDERSTAND THAT AS REQUIRED BY CFR TITLE 49, CODE OF FEDERAL REGULATIONS THE TOWN OF SANFORD IS REQUIRED TO ENSURE THAT EMPLOYEES IN SAFETY SENSITIVE POSTITIONS ARE TESTD FOR THE USE OF ALCOHOL AND CONTROLLED SUBSTANCES. SUCH TESTS INCLUDE: RANDOM TESTING, POST ACCIDENT TESTING, REASONABLE SUSPICION TESTING AND RETURN TO DUTY/FOLLOW-UP TESTING.

I CONSENT TO A BREATH TEST AND URINE SAMPLE COLLECTION AND TESTING FOR CONTROLLED SUBSTANCES.

I UNDERSTAD THAT A POSITIVE TEST RESULT FOR CONTROLLED SUBSTANCES WILL RENDER ME UNQUALIFIED TO OPERATE A COMMERCIAL MOTOR VEHICLE AND MAY RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING DISCHARGE OF EMPLOYMENT.

THE MEDICAL REVIEW OFFICER CONTRACTED BY THE TOWN WILL MAINTAIN THE RESULTS OF MY TEST. NEGATIVE AND POSITIVE RESULTS WILL BE REPORTED TO THE SANFORD SCHOOL DPEARTMENT. IF THE RESULTS ARE POSITIVE, THE CONTROLLED SUBSTANCE WILL BE IDENTIFIED. THE RESULTS WILL NOT BE RELEASED TO OTHER PARTIES WITHOUT MY WRITTEN CONSENT.

I UNDERSTAND THE ABOVE THE CONDITIONS AND HEREY AGREE TO COMPLY WITH THEM

\_\_\_\_\_  
Applicant Name (*please print*)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Social Security Number

PLEASE NOTE ANY CURRENT OR RECENT USE OF PRESCRIPTION OR OTHER OVER-THE-COUNTER MEDICATION IN THE SPACE BELOW