

## Federal Motor Carrier Safety Administration Mandated Drug and Alcohol Testing Program Procedure 5202P

**Testing Requirements:** The superintendent/designee is responsible for the development and implementation of procedures for conducting the tests and administering the exemptions consistent with the federal rules. The following identify the occasions on which a CDL driver shall be subject to alcohol or controlled substances testing.

1. Pre-employment testing: Prior to the first time a driver performs a safety-sensitive function for the district, the driver shall undergo testing for controlled substances. This testing requirement may be waived under FMCSA rules for CDL drivers recently employed elsewhere for whom testing records are available from their previous employers.
2. Post-accident testing: Each surviving driver of an accident, as defined by the FMCSA, shall be tested for alcohol and controlled substances.
3. Random testing: The consortium will arrange for the unannounced random alcohol and controlled substances testing of its drivers. A minimum of fifty percent (50%) of the drivers employed by districts participating in the consortium must be randomly selected for controlled substances testing each year, and a minimum of ten percent (10%) of the drivers for alcohol testing (or whatever level of testing is required in a given year by the FMCSA). Alcohol testing under this program shall take place just prior to, during or immediately after the driver engages in a safety-sensitive function for the district.
4. Reasonable suspicion testing: A driver must submit to alcohol or controlled substance testing whenever a trained supervisor has a reasonable suspicion of alcohol misuse or controlled substance use based on specific, contemporaneous and articulable observations concerning the appearance, behavior, speech or bodily odors of the driver. Observations related to using alcohol must be made just prior to, during or immediately after the driver engages in a safety-sensitive function for the district, and the alcohol test must be given within eight hours following the determination of reasonable suspicion.
5. Return to duty testing: If a driver is to be returned to performing safety-sensitive functions for the district after violating this policy or the federal regulations, the driver shall be evaluated by a substance abuse professional (SAP) who shall determine what assistance the driver needs in resolving problems associated with alcohol misuse and use of controlled substances. SAP's must require education and/or treatment in all such cases. If a driver is to be returned to performing safety-sensitive functions for the district following a violation of this policy or the federal regulations, the driver shall first be evaluated by a SAP to determine that the driver has properly followed any rehabilitation prescribed. Before a driver could be returned to performing safety-sensitive functions for the district following a violation of this policy and/or the federal regulations, the driver shall undergo a return-to-duty alcohol and/or controlled substances test resulting in an alcohol concentration below .02 alcohol concentration and/or a negative

controlled substances test. The District retains the right to solely determine whether an employee who has violated this policy will be returned to performing safety sensitive functions.

6. Follow-up testing: Any driver who continues performing safety-sensitive functions for the district, following a violation of the alcohol or controlled substances prohibited conduct, shall be subject to unannounced follow-up testing.

**Record Retention and Reporting:** Records collected under this policy will be secured and retained with controlled access and for the time periods established by the federal regulations. The data collected under this policy will be reported as required by the federal regulations.

**Education, Training and Referral Services:** Educational materials that explain the requirements of this policy and the federal program shall be distributed to each driver prior to the start of the testing program and to each driver subsequently hired or transferred into a position covered by this policy. Each driver after receiving a copy of the materials, shall sign a certificate of receipt and the district shall maintain the original of the receipt. The collective bargaining representative of the drivers, if any, shall be notified of the availability of this information. The educational materials shall include:

1. A copy of this procedure and the accompanying policy;
2. The name of the person designated to answer questions about the materials.
3. The categories of employees covered by the policy.
4. A description of safety-sensitive functions, so that drivers will know which part of their tasks will be covered by this policy.
5. A specific description of conduct prohibited by this policy and the federal program.
6. The circumstances under which a driver is subject to testing.
7. The procedures used in the testing program, especially those that protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver.
8. The requirement that drivers must submit to testing required by this policy and the federal program, and a description of what constitutes refusal to submit to required testing and the consequences of refusal.
9. The consequences for drivers who violate this policy and the federal program, including immediate removal from conducting safety-sensitive functions.
10. The consequences for drivers found to have alcohol concentrations between 0.02 and 0.04.
11. Information about the effects of alcohol and controlled substances on an individual's health, work and personal life and methods of intervening when a problem with alcohol or a controlled substance is suspected, including confrontation, referral to the staff assistance program and referral to management.

12. The requirement that the following personal information collected and maintained under this part shall be reported to the Commercial Driver's License and Alcohol Clearinghouse:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to any required test under this procedure;
- An employer's report of actual knowledge of on-duty alcohol use, pre-duty alcohol use, alcohol use following an accident, and controlled substance use;
- A SAP report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- An employer's report of completion of follow-up testing.

Supervisors designated to determine if reasonable suspicion exists must have at least sixty minutes of training on alcohol misuse and at least sixty minutes of training on use of controlled substances. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

The employed driver who violates this policy or the federal regulations shall be informed of resources available for evaluation and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of SAPs and counseling and treatment programs. Costs incurred by the driver for evaluation and/or rehabilitation are the driver's responsibility (other policies may apply).

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