

~~The use, possession, purchase, sale or manufacture of alcohol, illegal drugs, or non-prescribed drugs or being under the influence of alcohol, illegal drugs, or non-prescribed drugs while on educational property, while operating school system vehicles, or while engaging in school system business is strictly prohibited.~~

SCOPE

~~Employees Subject to Testing—All current employees and applicants whose positions require them to perform safety sensitive duties as defined by Title 49, Code of Federal Regulations (CFR) shall be subject to testing. This applies to every person who operates a commercial motor vehicle in interstate or intrastate commerce, and is subject to the commercial driver's license requirements of 49 CFR Part 383.~~

~~Alcohol—Means the intoxicating agent such as those found in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.~~

~~No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.~~

~~No employee shall be on duty or operate a commercial motor vehicle while in possession of alcohol.~~

~~No employee shall use alcohol while performing safety sensitive functions.~~

~~No employee shall perform safety sensitive functions within four (4) hours after using alcohol.~~

~~No employee required to take a post-accident test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.~~

~~Controlled Substance—The U.S. Department of Transportation (DOT) requires testing for amphetamines, cannabinoids, cocaine, opiates, phenylethylamine, and illegal substances or non-prescribed drugs.~~

~~No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle.~~

~~No employee shall report for duty, remain on duty, or perform a safety sensitive function if the employee tests positive for controlled substances.~~

~~Prescribed Medications—All employees in safety sensitive functions taking prescribed medications that could impair their ability to safely operate a commercial motor vehicle or related activities associated with loading, unloading, inspection and maintenance, or other~~

activity that is classified as "on duty time" 49 CFR 395.2, must report this to their immediate supervisor or the Transylvania County Schools Director of Transportation as directed by this policy.

QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONTACT

Prohibited Conduct—The Transylvania County School system prohibits any alcohol misuse and/or drug use that could affect performance of safety sensitive functions, including:

—Alcohol

- 1. Use while performing safety sensitive functions.
- 2. Use within four (4) hours before performing safety sensitive functions.
- 3. Reporting for duty or remaining on duty to perform safety sensitive functions with an alcohol concentration of 0.04 or greater.
- 4. Use during the eight (8) hours following an accident, or until he/she undergoes a post accident test.
- 5. Refusal to take a required test.

Note: An employee found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety sensitive functions for a minimum period of 24 hours and must retest below 0.02 before being permitted to return to duty. The employee will be responsible for scheduling and paying for the retest. Transylvania County Schools will provide the employee with a list of agencies with National Highway Traffic Safety Administration (NHTSA) approved Evidential Breath Testing devices (EBTs) and Breath Alcohol Technician (BAT) services.

—Controlled Substance

- 1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the employee's ability to safely operate the commercial motor vehicle.
- 2. Testing positive for drugs.
- 3. Refusing to take a required test.

Consequences For Alcohol and Controlled Substance Abuse

- 1. The employee shall not perform or be permitted to perform a safety sensitive function if any of the above listed prohibitions are violated.
- 2. Any employee violating these prohibitions will be provided substance abuse counseling information by the contracted Medical Review Officer.

TESTING CIRCUMSTANCES

Pre-Employment Testing

All applicants for part-time or full-time safety-sensitive positions, and all persons transferring from non-safety-sensitive positions at the school system will be required to submit to a controlled substance test.

New applicants for safety-sensitive positions shall be required to pay for all costs associated with controlled substance abuse testing. After successful completion of five (5) work days, the employee shall be fully reimbursed for the pre-employment testing. Costs of substance abuse testing for persons transferring into safety-sensitive jobs shall be borne by the school system.

Before a final offer of employment is made, an applicant must have a negative controlled substance test.

Post-Accident Testing

If an employee in a safety-sensitive position, while operating a school system vehicle or equipment, is involved in an accident that involves a fatality, or any accident in which the driver is issued a citation under state or local law for a moving traffic violation arising from the accident, that employee shall be required to submit to an alcohol and controlled substance test. Testing shall be administered immediately following the accident or as soon as medically and legally possible.

The alcohol test should be administered within two (2) hours following the accident and in no case shall more than eight (8) hours elapse before the test is administered. It is the employee's responsibility to notify the Transylvania County Schools Director of Transportation immediately to insure actions are taken to meet the testing requirements.

The driver must refrain from using alcohol for eight (8) hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

The drug test must be administered within 32 hours following the accident. The driver must remain available for testing, or the school system will consider the driver to have refused to submit to testing.

(Note: Nothing in this requirement should be construed as to require the delay of necessary medical attention for injured people following an accident).

Random Testing

All Transylvania County School employees with Commercial Driver's Licenses (CDLs) in safety-sensitive positions shall be subject to random testing for alcohol and controlled substances. Random testing shall be done on a percentage basis in a fair and equal manner.

For alcohol testing an employee shall only be tested while the employee is performing safety-sensitive functions, immediately prior to performing, or immediately after performing safety-sensitive functions.

For drug testing an employee may be tested at any time the employee is at work for the school system.

Selection of employees for random testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers.

Each time a random selection is made, every employee will have an equal chance of being selected. Random tests shall be unannounced and spread reasonably throughout the year. Employees notified that they have been selected for random testing shall proceed immediately to the collection site.

Reasonable Suspicion Testing

Any employee in a safety-sensitive position, while on educational property, while operating a school system vehicle, or while engaging in school system business, acting in an abnormal manner sufficient to cause reasonable suspicion that he/she has violated this policy, shall be required to submit to an alcohol and/or a controlled substance test upon the approval and direction of the Transylvania County Schools Director of Transportation.

Return-to-Duty Testing

Any employee in a safety-sensitive function that, based on school system approval, is allowed to return to duty following referral, evaluation, and treatment as a result of a positive alcohol test shall be required to submit to a return-to-duty alcohol test. An alcohol concentration of less than 0.02 shall be required before a return-to-duty decision is made. The employee shall be responsible for all costs associated with a return-to-duty alcohol test.

Follow-Up Testing

In the event an employee is allowed to return to duty following referral, evaluation and treatment, a minimum of six (6) unannounced alcohol tests shall be required during the next twelve (12) months of employment. Follow-up testing shall continue for sixty (60) months following return to duty. The school system shall be responsible for all costs associated with follow-up testing.

All alcohol testing shall be done immediately before, during, or immediately after performing safety-sensitive functions.

ALCOHOL TESTING METHODOLOGY

Breath Alcohol Technician (BAT)

Alcohol testing shall only be performed by a certified Breath Alcohol Technician (BAT) trained and certified in the principles of Evidential Breath Testing Devices (EBT) methodology, operation, and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedures required for obtaining a breath sample and interpreting and recording EBT results.

Evidential Breath Testing Devices (EBT)

Alcohol testing shall only be performed using Evidential Breath Testing Devices (EBTs) approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol testing shall be performed using only the U.S. Department of Transportation Breath Alcohol Testing Form.

ALCOHOL TESTING PROCEDURES

Using the Evidential Breath Testing Device, the certified Breath Alcohol Technician will open an individually sealed mouthpiece and attach it to the EBT. The employee will be instructed to blow into the mouthpiece forcefully until an adequate amount of breath has been obtained.

The EBT will record the result and display it on the device and print the result immediately. The result will be recorded on the Breath Testing Form and attached to the form with tamper proof tape.

When the result is less than 0.02, no further testing is authorized and the result shall be transmitted to the Transylvania County Schools Director of Transportation in a confidential manner and stored to insure confidentiality.

When the result is 0.02 or greater, a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than fifteen (15) minutes and no more than twenty (20) minutes after the initial test. In the event the initial and confirmation test results are different, the confirmation test result is deemed to be the final result upon which any action under the terms of this policy shall be based.

Following the completion of the test, the BAT shall date the form and sign the certification on the form. The employee shall sign the certification and fill in the date on the form. This insures that each employee is attesting to the fact that the reported result is specific to the employee.

Refusal to test shall be treated the same as if the result is 0.04 or greater.

The school system shall maintain alcohol and drug test results in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee information shall only be released as required by law or as expressly authorized.

- ~~— An employee shall have access to any of his/her alcohol and drug testing records upon written request.~~
- ~~— The school system must allow any DOT authorized agency access to facilities and records in connection with the school system's alcohol misuse and drug abuse prevention program.~~
- ~~— When requested, the school system shall disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.~~
- ~~— The school system will make records available to a subsequent employer upon receipt of a written request from the employee.~~
- ~~— The school system may disclose information to the employee or to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual. This may include worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.~~

~~If an employee attempts but fails to provide an adequate amount of breath, the Transylvania County Schools Director of Transportation shall be immediately notified and shall direct the employee to obtain, as soon as practical, an evaluation from a licensed physician who is acceptable to the Transylvania County Schools Director of Transportation concerning the employee's medical ability to provide an adequate amount of breath. If the physician determines there is a medical reason that prevents the employee from providing an adequate amount of breath, he/she will provide the school system with a written statement of the basis for his or her conclusion. If the physician determines there is no medical reason to prevent the employee from providing an adequate amount of breath, he/she will provide the school system with a written statement of the basis for his or her conclusion and it shall be regarded as a refusal to take the test. The terms of this policy shall then be administered.~~

SPECIMEN COLLECTION PROCEDURES

~~Specific guidelines shall be followed in urine specimen collections for the purpose of drug testing in accordance with the Department of Health and Human Services (DHHS). DHHS guidelines provide a clear and well-documented procedure for collection, shipment and accession of urine specimens from the school system to the laboratory. Procedures shall account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.~~

~~Transylvania County Schools will do urine specimen collections in-house at a designated collection site.~~

~~No other person will be present or gain access to the collection area during the collection process. All specimens shall remain in the direct control of the Transylvania County Schools Director of Transportation or his designee. No one other than the Director of Transportation or his designee may handle specimens prior to their being placed securely in the mailing container.~~

~~When reporting to the designated collection site for specimen collection, each employee shall be required to provide a photo identification. Employees will be asked to remove all unnecessary outer garments (i.e., coat or jacket), and to secure all personal belongings (an individual may retain his/her wallet).~~

~~Employees shall be allowed to provide his/her specimen in the privacy of a stall.~~

~~A split sample method of collection will be used. At least 45 milliliters of urine must be collected, 30 milliliters to be used as the primary specimen and 15 milliliters to be used as the split specimen. Both bottles shall be shipped in a single container.~~

~~If the Transylvania County Schools Director of Transportation or his designee believes tampering or adulteration has occurred, a second specimen shall be collected immediately under the direct observation of a same-gender collection site person. Both samples will be sent to the lab.~~

~~Refusal to test shall be handled the same as a verified positive result.~~

~~In all cases, the employee and the Transylvania County Schools Director of Transportation or his designee shall keep the specimen in view at all times prior to its being sealed and labeled. The~~

specimen shall be labeled with tamperproof seals and the employee shall sign appropriate places on the Chain of Custody form and initial the seal on the bottle attesting to the fact that the specimen is specific to the individual providing the sample.

TESTING METHODOLOGY

Only laboratories certified by the Department of Health and Human Services (DHHS) will be used for drug urinalysis.

Every specimen is required to undergo an initial screen followed by confirmation of all positive screen results. This screen confirmation process utilizes highly sophisticated techniques to detect minute levels of prohibited substances in urine.

Reporting of Results

The laboratory is required to report the test results directly to the contracted Medical Review Officer (MRO) within five (5) working days. The report shall indicate the drug/metabolites tested for, whether the results are positive or negative, the specimen number assigned by the school system, and the drug testing laboratory identification number.

Review of Results/MRO

The Medical Review Officer (MRO) is a licensed physician and possesses a knowledge of drug abuse disorders. The MRO will be provided through the contractual agreement with the Nationwide Truckers Association. The MRO will review and interpret positive results obtained from the laboratory. The MRO, through a verification process, will assess and determine whether alternate medical explanations could account for the positive test results. The MRO may conduct medical interviews with the employee, review the employee's medical history and review any other relevant bio-medical factors. Additionally, the MRO shall examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.

The MRO shall give the individual testing positive an opportunity to discuss the test results prior to making a final decision. After the decision is made, the MRO shall notify the Transylvania County Schools Director of Transportation as described below.

If, during the course of an interview with an employee who has tested positive, the MRO learns of a medical condition which could, in the MRO's reasonable medical judgment, pose a risk to safety, the MRO shall report that information to the Department of Transportation (DOT) and to the Transylvania County Schools Director of Transportation.

The MRO shall notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen. If the employee makes such a request, the MRO will direct, in writing, the laboratory to provide the split specimen to another certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test and report cancellation and the reasons for it to the DOT, the Transylvania County Schools Director of Transportation, and the employee. A request for testing of the split sample is the responsibility of the employee. If the split sample results are positive, the employee shall be responsible for all

~~associated costs. If the split sample results are negative, Transylvania County Schools shall be responsible for all associated costs.~~

~~If the MRO, after making and documenting all reasonable efforts, is unable to contact the tested person, the MRO will contact the Transylvania County Schools Director of Transportation to arrange for the employee to contact the MRO prior to going on duty. If, within five (5) days after a documented contact by the Transylvania County Schools Director of Transportation instructing the employee to contact the MRO, the employee has not done so, the MRO shall verify the test positive and report it to the school system.~~

~~DISCIPLINE AND CONSEQUENCES~~

~~Pre Employment/Pre Duty~~

~~An applicant for part time, full time or transfer from a non safety sensitive to a safety sensitive position with a verified positive controlled substance test result shall be denied employment.~~

~~Reasonable Cause, Post Accident, and/or Random Testing~~

~~Any employee of the school system subject to the terms of this policy, as a result of testing, with a verified positive controlled substance test result and/or an alcohol breath test with a confirmed test result of 0.04 or greater shall be dismissed.~~

~~If the confirmed alcohol breath test result is 0.02 or greater but less than 0.04, the employee will be subject to disciplinary action. The employee shall not perform, nor be permitted to perform safety sensitive functions for a minimum period of 24 hours and must retest below 0.02 before being permitted to return to duty. The employee will be responsible for scheduling and paying for the retest. Transylvania County Schools will provide the employee with a list of agencies with NHTSA approved EBT devices and BAT services.~~

~~Return to Work~~

~~Any employee in a safety sensitive function that, based on school system approval, is allowed to return to duty following referral, evaluation, and treatment as a result of a positive alcohol test shall be required to submit to a return to duty alcohol and test. An alcohol concentration of less than 0.02 shall be required before a return to duty decision is made. The employee shall be responsible for all costs associated with a return to duty alcohol test.~~

~~In all cases with a verified positive controlled substance test result and/or a confirmed alcohol breath test result the MRO will provide the employee with names and telephone numbers for Substance Abuse Professionals (SAP) for evaluation, referral, and treatment. The referral to the SAP applies even if the employee is terminated.~~

~~Supervisory training as required by DOT will be provided by the Transylvania County Schools Director of Transportation.~~

~~Educational materials as required by DOT will be provided to all employees in safety sensitive positions.~~

~~If an employee should approach the school system for assistance through rehabilitation for drug abuse or alcohol abuse prior to a testing request by the school system, all possible and positive~~

~~consideration for a medical leave of absence for treatment and/or counseling will be pursued. If an employee is terminated, the school system will not be obligated to provide assistance beyond the last day of employment.~~

~~In the absence of the Transylvania County Schools Director of Transportation, notification(s) required by this policy shall be made to the Assistant Superintendent or the Superintendent.~~

~~APPROVED BY BOARD
AND EFFECTIVE 11/21/94
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