

Drug and Alcohol Testing Program Regulations

These procedures support the Drug and Alcohol Testing policy required for employees operating school vehicles, and establish and explain the requirements of the district's Drug and Alcohol Testing policy required for employees operating school vehicles. Note the definition of terms is included at the end of this policy.

- A. Questions regarding the policy, its supporting procedures or the drug and alcohol testing program may be directed to the district contact person, the transportation director, with the superintendent serving as an alternate.

- B. Covered Drivers
 - 1. To be covered under this Drug and Alcohol Testing Policy, a driver must:
 - a. Drive a vehicle transporting sixteen (16) or more persons, including the driver, or drive a vehicle weighing over twenty-six thousand pounds; and
 - b. Require a commercial driver's license to hold the driver position.
 - 2. Covered drivers include, but are not limited to, the following:
 - a. Full-time, regularly employed drivers;
 - b. Applicants seeking a position as a driver;
 - c. Casual, intermittent or occasional drivers;
 - d. Leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to a school district or who operate a school vehicle at the direction of or with the consent of the District.

- C. Prohibited Driver Conduct
 - 1. Drivers shall not report to duty or remain on duty with a 0.04 or greater breath alcohol concentration.
 - 2. Drivers shall not use alcohol at least eight (8) hours prior to the performance of a safety sensitive function.
 - 3. Drivers shall not possess alcohol while on duty unless the alcohol is manifested and transported as part of a shipment. This includes possessing prescriptions and over-the-counter medicines containing alcohol, unless the packaging seal is unbroken.
 - 4. Drivers required to take a post-accident alcohol test shall not use alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
 - 5. Drivers shall not refuse to submit to an alcohol or drug test. A refusal to test is considered a positive test result requiring the driver to undergo evaluation by a substance abuse professional (SAP) and subjecting the driver to discipline up to and including termination.

6. Drivers shall not report for duty or remain on duty when using any drug except when instructed by a physician who has advised the driver that the drug does not adversely affect the driver's ability to safely operate a school vehicle.
7. Drivers shall not report for duty when under the influence of drugs, or remain on duty performing a safety sensitive function if the driver has a positive drug test result.

D. Alcohol Testing Procedures

1. An employee driver's breath is tested for alcohol.
2. Evidentiary breath testing devices (EBTs) are used to conduct the initial and, if necessary, the confirmation, alcohol tests.
 - a. The initial alcohol breath test determines whether the driver's breath alcohol concentration (BAC) is less than 0.02.
 - i. An initial alcohol test result of less than 0.02 BAC allows the driver to continue to drive.
 - ii. An initial alcohol test result of 0.02 BAC or greater requires a confirmation test.
 - b. The confirmation alcohol breath test determines whether the driver can continue to drive.
 - i. A confirmation alcohol test result of less than 0.02 BAC allows the driver to continue to drive.
 - ii. A confirmation alcohol test result of 0.02 BAC or more, but less than 0.04 BAC, requires the driver to cease performing a safety sensitive function for 24 hours.
 - iii. A confirmation alcohol test result of 0.04 BAC or greater requires the driver to be evaluated by a SAP.
3. Alcohol testing is conducted at collection sites that provide privacy to the driver and contain the necessary equipment, personnel and materials.
 - a. Alcohol testing is conducted at a designated non-school District facility unless a mobile unit or a District facility better serves the situation.
 - b. In the event privacy cannot be assured, privacy will be provided to the extent practical.
4. Initial Alcohol Testing Steps
 - a. Once the driver is informed of the need to submit to an alcohol test, the driver must proceed immediately to the collection site. Collection site personnel must immediately contact the transportation director, with the superintendent serving as an alternate, if a driver does not arrive at the specified time.
 - b. Upon arrival, the driver must provide photo identification.
 - c. The testing procedure is explained to the driver by the collection site person.
 - d. The breath alcohol technician (BAT) or the screening test technician (SIT) and the driver complete and sign the appropriate sections of the alcohol testing form.

- i. Refusal of the driver to sign the form prior to the initial alcohol test is considered a refusal to test.
 - ii. The District is notified immediately of the driver's refusal to sign.
5. Evidentiary Breath Device Procedures
 - a. The driver forcefully blows into the mouthpiece for at least six (6) seconds or until an adequate amount of breath has been obtained.
 - b. The breath alcohol test is stopped when the driver fails twice to provide an adequate amount of breath. In that case:
 - i. A physician analyzes the driver's inability to provide adequate breath;
 - ii. Failure to provide adequate breath is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate breath; and
 - iii. A refusal of the driver to try a second time to provide adequate breath is considered a refusal to test.
 - c. The results of the screening alcohol test are shared with the driver.
6. Saliva Alcohol Testing Device Procedures
 - a. The driver and the collection site person review the expiration date of the saliva alcohol testing device, and if the date is valid, the packaging is opened.
 - b. The driver or collection site person places the swab in the driver's mouth until the swab is completely saturated. If the alcohol test is started again, only the collection site person may place the swab in the driver's mouth.
 - c. The saliva alcohol testing device is activated with the saturated swab in place.
 - d. The saliva alcohol test is stopped when the driver fails twice to provide an adequate amount of saliva. In that case:
 - i. The District is informed; and
 - ii. The driver must submit to a breath alcohol test immediately.
 - e. The saliva testing device results are read two (2) minutes, and no later than fifteen (15) minutes, after the saliva testing device was activated.
 - f. The results are shared with the driver.
7. Confirmation Alcohol Testing Procedures
 - a. The confirmation test is done between fifteen (15) and twenty (20) minutes of the initial test whether or not the driver followed the requirements to not eat, drink, put any object or substance in their mouth and, to the extent possible, not to belch during the fifteen minute waiting period. Not belching will help 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 is explained to the driver by the collection site person.
- d. The BAT and the driver complete and sign the appropriate sections of the alcohol testing form.
 - i. Refusal of the driver to sign the form prior to the confirmation alcohol test is considered a refusal to test.
 - ii. The District is notified immediately of the refusal to sign.
- e. The driver forcefully blows 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, are shared with the driver.
- 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, BAT notes the driver's refusal to sign in the remarks section of the form.
- h. The BAT informs the transportation director, with the superintendent serving as an alternate, of the results of the test in a confidential manner.
 - i. The BAT notifies the transportation director, with the superintendent serving as an alternate immediately, either in writing, in person, by telephone, or by electronic means of confirmation alcohol test results of 0.02 BAC or more.
 - ii. If the BAT informs the transportation director, with the superintendent serving as all alternate, by telephone, the District verifies that the BAT is the person on the telephone.
 - iii. The BAT provides the transportation director, with the superintendent serving as an alternate, 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 alcohol tests are repeated with corrected procedures.

E. Drug Testing Procedures

- 1. Driver's urine is tested for marijuana, cocaine, opiates, amphetamines and phencyclidine.
- 2. A split sample urine test is used to conduct the drug test.
 - a. A negative drug test result allows the driver to continue to perform a safety sensitive function.
 - b. A positive drug test result on the primary sample requires the driver to be removed from performing a safety sensitive function.
 - c. A positive drug test result on the primary sample allows the driver an opportunity to request the split sample be tested by another laboratory at the driver's expense 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 is considered a positive drug test result.
 - e. A positive drug test result requires the driver to be evaluated by a 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 and the District is informed in writing of the medication and doctor's opinion.
 4. Drug testing is conducted to provide privacy to the driver and where the necessary equipment, personnel and materials are located.
 - a. Drug testing is conducted at a designated non-school District facility.
 - b. In the event privacy cannot be assured, privacy is provided to the extent possible. However, direct observation is allowed if:
 - i. Reasons exist to believe the driver may alter or substitute the specimen;
 - ii. 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;
 - iii. The last specimen provided by the driver was determined by the laboratory to not meet gravity and creatinine concentration criteria;
 - iv. The collection site person observes conduct to substitute or adulterate the specimen; and/or
 - v. 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 must be approved in advance by the supervisor of the collection site. Non-medical personnel performing direct observation must be of the same gender as the driver.
 5. Drug Testing Steps
 - a. Once the driver is required to submit to a drug test, the driver must proceed immediately to the collection site. The collection site person contacts the transportation director, with the superintendent serving as an alternate, immediately when a driver does not arrive at the specified time.
 - b. Upon arrival, the driver must provide photo identification. The driver may require the collection site person to provide proof of identification.
 - c. The driver may keep their wallet, but must remove any unnecessary outer garments, purses, briefcases, and similar items at the request of the collection site person.

- d. Immediately prior to providing a urine sample, the driver must wash their hands.
 - e. The driver must then provide forty-five (45) milliliters of urine and deliver it immediately to the collection site person.
 - i. Drivers who cannot provide an adequate amount of urine receive instructions for drinking water and repeating the test.
 - ii. The drug test is stopped when the driver fails twice to provide an adequate amount of urine.
 - iii. A physician analyzes the driver's inability to provide adequate urine.
 - iv. Failure to provide adequate urine is considered a refusal to test unless the physician determines a medical condition caused the failure to provide adequate urine.
 - f. The specimen must be kept in view of the driver and the collection site person.
 - g. Upon receipt of the specimen, the collection site person must 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 their 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 also inspects the specimen for color and other signs of contaminant and notes any unusual findings.
 - j. Another specimen is required as soon as possible under direct observation if adulteration or substitution is suspected by the collection site person.
 - k. The specimen is divided into the primary and split specimen, sealed and labeled. The label is initialed by the driver.
 - l. The driver is 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 is required to note on the chain of custody form any unusual behavior or appearance of the driver and any failure to cooperate.
 - n. The collection site person completes the chain of custody form and the driver signs the form indicating the collection is complete.
 - o. The specimens are packaged for shipping to the laboratory and shipped immediately or placed in secure storage until they can be shipped.
6. Laboratory
- a. The laboratory used by the District's drug and alcohol testing program is 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 the testing procedures, personnel and record keeping requirements of the law.

- b. Upon arrival of the specimen at the laboratory, the split specimen is stored and the primary specimen is tested.
 - i. A positive test result on the initial test of the primary specimen requires a confirmation test, which is a different and more accurate type of test.
 - ii. The split specimen is discarded if the primary specimen has a negative test result.
- 7. Medical Review Officer (MRO) reviews 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 keeps a record of the negative test result and reports the negative test result to the District.
 - c. The primary role of the MRO is to review and interpret positive test results to determine whether a legitimate explanation exists for the positive test result.
 - i. After reviewing the chain of custody form and laboratory test results, the MRO contacts the driver to discuss the positive test result with the driver prior to notifying the 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.
 - ii. Upon request of the driver, the split specimen is sent to a second SAMHSA certified laboratory for testing at the driver's expense.
 - iii. The MRO contacts the transportation director, with the superintendent serving as an alternate, for assistance if the driver cannot be reached through reasonable efforts.
 - iv. The transportation director, with the superintendent serving as an alternate, must confidentially inform the driver to contact the MRO.
 - v. Upon contacting the driver, the transportation director, with the superintendent serving as an alternate, must inform the MRO that the driver was contacted.
 - vi. Upon contacting the driver, the transportation director, with the superintendent serving as an alternate, must inform the MRO that the driver was contacted.
 - iv. Drivers who cannot be contacted are placed on temporary leave without pay.
 - d. The MRO may verify a positive test without talking to the driver if:
 - i. The driver declines the opportunity to discuss the drug test;
 - ii. The driver fails to contact the MRO within five (5) days after the transportation director, with the superintendent serving as an alternate, has contacted the driver; or

- iii. 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 is notified of the drugs found in a positive test result by the MRO, the transportation director, with the superintendent serving as an alternate, or by certified mail to the driver's last known address.
 - f. The District receives a written report of the negative and positive test results from the MRO.
- F. Substance Abuse Professional
 1. A Substance Abuse Professional (SAP) evaluation and following his/her recommendations, 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 or its supporting procedures or the law.
 2. The evaluation determines what assistance, if any, the driver needs in resolving problems with alcohol misuse and/or drug use.
 3. A local SAP will provide assistance to the drivers.
- G. Pre-Employment Testing
 1. Drivers shall submit to an alcohol and drug test if a job offer is made. The job offer is contingent upon:
 - a. A negative alcohol and drug test result; and
 - b. A signed written statement authorizing former employers to release all information on the driver related to alcohol.
 2. Prior to allowing a driver to perform a safety sensitive function, the following information must be obtained 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.
- H. Random Testing
 1. Annually, ten percent (10 %) of the average number of drivers are selected for random alcohol tests and ten percent (10 %) of the average number of drivers are selected for random drug tests.
 2. The drivers' identification numbers are selected by a scientific method giving drivers an equal chance to be selected.

3. Random tests are unannounced and performed throughout the year.
4. Drivers selected for random alcohol testing are informed of a random alcohol test just before, during or just after performing a safety sensitive function.
5. Drivers selected for random drug testing are informed as soon as possible after the transportation director, with the superintendent serving as an alternate, receives the driver identification numbers. The District must 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.

I. Reasonable Suspicion Testing

1. Drivers who exhibit observable specific, contemporaneous, articulable characteristics concerning the appearance, behavior, speech or body odors 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 who exhibit specific, observable, contemporaneous, articulable characteristics 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 this policy, its supporting procedures 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 is performed within two (2) hours and no later than eight (8) hours after determining reasonable suspicion. To meet the two-hour requirement, the transportation director, with the superintendent serving as an alternate, or his/her designee (not a CDL holder) will transport the employee to the collection site.
 - 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 are stopped and the reason for not testing must be documented.
3. A reasonable suspicion test request is made by an employee who has received the 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. The transportation director and transportation director have received the required Reasonable Suspicion Training.

J. Post-Accident Testing

1. Drivers are subject to both post-accident alcohol and drug tests as soon as possible after an accident in which either of the following occurred:

- a. A fatality occurred; or
 - b. The driver received a citation and the following occurred:
 - i. Bodily injury to a person who, as a result of the injury, required immediate medical treatment away from the scene of the accident; or
 - ii. A vehicle was towed from the scene irrespective of the value of the damage to the vehicle.
2. Drivers must remain readily available for post-accident testing.
 - a. Drivers who leave the scene or who do not remain readily available are assumed to have refused to test.
 - b. Drivers subject to post-accident testing will be taken to the collection site by the transportation director, superintendent, or his/her designee (could be the transportation director).
 - c. Necessary medical treatment cannot and should not be denied to a driver waiting to complete post-accident alcohol and drug tests.
 3. Alcohol Testing Requirements
 - a. 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 must be documented;
 - c. Reasons for not administering the test within eight (8) hours of the accident must be documented; and
 - 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. Administered as soon as possible and not later than thirty-two (32) hours after the accident; and
 - b. Reasons for not administering the test must be documented.
 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 District must receive a copy of the results to use them.

K. Return-to-Duty/Follow-Up Testing

1. Prior to returning to duty after a positive test or otherwise violating this policy, the following must occur:
 - a. The driver must be re-evaluated by a SAP to determine that the driver has properly followed any treatment program prescribed in the original evaluation by the SAP;
 - b. The driver must submit to the tests required by the SAP. The SAP may require a return-to-duty test for drugs, alcohol or both; and
 - c. The return-to-duty test must be a negative drug test result and/or an alcohol test result of less than 0.02 BAC before the driver can return to duty and perform a safety sensitive function.
2. For individuals changing jobs after a positive drug or alcohol tests, a pre-

employment test can 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 is 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 can 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 is done just before, during or just after performing a safety sensitive function.

L. District's Responsibilities

1. Information on the drug and alcohol testing requirements of this policy, its supporting procedures and the law, including the driver's obligations, must be provided to drivers. A summary of the requirements must be included in the employee handbook.
2. Supervisors of drivers or personnel designated to determine reasonable suspicion shall receive sixty (60) minutes of training on alcohol misuse and sixty (60) minutes of training on drug use. The training must address the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.
3. Prior to operating a school vehicle, drivers must be provided with instructions enabling them to comply with drug and alcohol testing requirements.
4. School districts with actual knowledge of a driver's drug use cannot allow the driver to report to or perform a safety sensitive function regardless of whether or not a drug test was conducted.
5. School districts with actual knowledge of a driver with a breath alcohol concentration of 0.02 BAC or greater cannot allow the driver to report to or perform a safety sensitive function regardless of whether or not an alcohol test was conducted.
6. The District is responsible for ensuring that the quality assurance plan, developed by the manufacturer and approved by the National Highway Traffic Safety Administration (NHTSA) for the evidentiary breath testing device used for alcohol testing of its drivers describes the inspection, maintenance and calibration requirements and intervals for it.
7. The District is responsible for ensuring that the collection site person using an evidentiary breath testing device is a certified BAT.

M. Consequences of Violating this Policy, the Supporting Procedures or the Law

1. The transportation director may discipline drivers who violate this policy, the supporting procedures or the law relating to drug and alcohol testing. Each incident is dealt with based on the circumstances surrounding the incident. The following consequences may result from a violation:
 - a. Drivers may be disciplined up to and including termination;

- b. Drivers may not be permitted to perform safety sensitive functions;
 - c. Drivers may be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of drugs;
 - d. Drivers may be required to be evaluated by a SAP who shall determine what assistance, if any, the driver needs in resolving problems associated with the misuse of alcohol or use of drugs and be required to follow any treatment program;
 - e. Prior to returning to duty, the driver is required to have a negative drug and/or alcohol test result and be subject to the follow-up drug and/or drug testing determined necessary based on the circumstances surrounding the incident;
 - f. Drivers refusing to submit to drug and/or alcohol testing are considered insubordinate and are subject to discipline up to and including termination; and/or
 - g. Applicants for the position of driver who refuse to submit to or cooperate with the drug and/or alcohol testing processes and requirements shall be disqualified from further consideration.
2. Nothing in this policy, the procedures or the law relating to drug and alcohol testing limits or restricts the right of the superintendent to discipline a driver, up to and including termination, for conduct which violates the District's policies and procedures.

N. Drug and Alcohol Testing Records

1. Drug and alcohol testing records are stored in limited access locations separate and apart from the driver's general personnel documents.
2. The records may only be released with the written consent of the driver. Only those records specifically authorized for release may be released. However, the following exceptions apply:
 - a. Records may be released to appropriate government agencies without written consent; and
 - b. Records may be released to appropriate District employees without written consent.
 - c. The District may, without written consent, make a driver's drug and alcohol test records available to a decision maker in a lawsuit, grievance, or other proceedings initiated by or on behalf of the individual, and arising from the results of an alcohol or drug test under this policy, the supporting procedures or the law or from the District's determination that the driver violated this policy, the supporting regulation, or the law.
3. Drivers are entitled to make a written request to prompt access to and copies of their alcohol and drug test records without requiring payment of amounts owed for the copying of records other than drug and alcohol testing records. The District may charge for copying these records in accordance with Board policy.
4. The District must maintain the following records of its drug and alcohol

misuse prevention and testing programs for the following time periods:

- a. One year:
 - i. Records of negative and canceled drug test results and alcohol test results of less than 0.02 BAC;
 - ii. Records related to the collection process;
 - iii. Records related to a driver's test results;
 - iv. Records related to other violations of the law;
 - v. Records related to evaluations;
 - vi. Records related to education and training; and
 - vii. Records related to drug testing.
- b. Two years:
 - i. Records related to the alcohol and drug collection process, except calibration of evidential breath testing devices, and training.
- c. Five years:
 - i. Alcohol test results of 0.02 BAC and greater;
 - ii. Verified positive drug test results;
 - iii. Documentation of refusal to take required alcohol and/or drug tests;
 - iv. EBT calibration documentation;
 - v. Driver evaluation and referrals; and
 - vi. Annual calendar year summary.

O. Pay for Time Spent Testing.

1. For random testing, the time spent traveling to the collection site, the time spent at the collection site, and the time spent traveling back to the bus yard after the completion of the testing will be paid;
2. For reasonable suspicion testing, time will be paid pursuant to (1) above;
3. For post-accident testing, time will be paid pursuant to (1) above;
4. For pre-employment testing, no time will be paid;
5. For time spent in follow-up testing required by the SAP, no time will be paid; and
6. Drivers will be paid for time spent testing at the pay rate for activity and field trip drivers.

P. Leave

1. If the employee comes forward and admits to a drug and/or alcohol problem and receives help from and follows the requirements of the SAP, the employee is granted "unpaid leave" under the Family and Medical Leave Act and Board policy. The employee will not be penalized for exercising this option. If no immediate [within five (5) working days] help is obtained from a SAP, the employee is subject to termination.
2. If the employee tests positive under the provisions of this policy, he/she cannot perform a safety sensitive function and goes on paid sick leave, subject to the following conditions:
 - a. The employee immediately [within five (5) working days] enrolls

- in the program provided by the SAP;
- b. Paid days are limited to what the employee has accumulated in sick leave; and
 - c. When sick leave is exhausted, the employee goes on unpaid leave, subject to the SAP's verification that he/she can return to work.

Q. Payment for Services

1. The District pays for all testing services.
2. The District pays for the initial services, not covered by insurance, of the SAP. This applies if the employee comes forward or tests positive. The District also pays for treatment not covered by insurance. The treatment program will be decided upon by the District subject to consultation with the SAP and employee.
3. The employee who makes a request for another lab to test the split sample (usually when the initial drug test is positive) will pay for the test of the split sample.

R. The above payments and leave allowances apply to those who come forward as well as first time offenders. Any driver who becomes a second time offender under this policy, will be subject to immediate termination.

S. Definitions

Accident - an occurrence involving a school vehicle operating on a public road which results in: (a) a fatality, (b) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident or (c) one or more motor 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.

Air blank - a reading by an evidentiary breath testing device (EBT) of ambient air containing non alcohol.

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content) - the alcohol in a volume of breath expressed in terms of grams of alcohol per two hundred ten liters of breath as indicated by an evidential breath test under the law.

Alcohol use: the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

BAC - breath alcohol concentration.

Breath Alcohol Technician (BAT) - an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Canceled or invalid test - in drug testing it is a drug test that has been declared invalid by a Medical Review Officer or a specimen that has been rejected for testing by a laboratory. A

canceled test is neither a positive nor a negative test. In alcohol testing, it is a test that is deemed to be invalid under the law. It is neither a positive nor a negative test.

Chain of Custody: - procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody account(s) for the sample or samples within the laboratory.

Collection Site - a place where drivers present themselves for the purpose of providing body fluid or a tissue sample to be analyzed for specific drugs or breath alcohol concentration.

Confirmation test - for alcohol testing, it is a second test following an initial test with a result of 0.02 BAC or greater, that provides quantitative data of alcohol concentration. For drug testing, it is a second analytical procedure (*GC/MS*) to identify the presence of a specific drug or metabolite that is independent of the initial test and which uses a different technique and chemical principal from that of the initial test in order to ensure reliability and accuracy.

Controlled Substances/Drugs - marijuana, cocaine, opiates, amphetamines and phencyclidine.
Driver - any person who operates a school vehicle. This includes, but is not limited to: fulltime, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to the District or who operate a school vehicle at the direction of or with the consent of the District. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes applicants for driver of school vehicle positions.

Initial test (or screening test) - in drug testing, it is an immunoassay screen to eliminate "negative" urine specimens from further consideration. In alcohol testing it is an analytic procedure to determine whether a driver may have a prohibited concentration of alcohol in a breath or saliva specimen.

Medical Review Officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with the individual's medical history and any other relevant bio-medical information.

Non-suspicion-based post-accident testing - testing a driver after a reportable accident if the driver receives a citation for a moving traffic violation arising from the accident and without regard to whether there is any reasonable suspicion of drug usage, reasonable cause to believe the driver has been operating the school vehicle while under the influence of drugs, or reasonable cause to believe the driver was at fault in the accident and drug usage may have been a factor.

Performing a safety sensitive function- a driver is considered to be performing a safety sensitive function during any period in which the driver is actually performing, ready to perform, or immediately available to perform any sensitive functions.

Random Selection Process - when drug tests are unannounced and that every driver has an equal chance of being selected for testing.

Refuse to submit (to an alcohol or drug test) - when a driver (1) fails to provide adequate breath for alcohol testing without a valid medical explanation after he/she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) fails to provide adequate urine for drug testing without a valid medical explanation after he/she has received notice of the requirement for urine testing in accordance with the provisions of this part, or (3) engages in conduct that clearly obstructs the testing process.

Safety Sensitive Function (SSF) - the period of time commencing when a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work.

School Vehicle - a vehicle owned, leased, and/or operated at the direction or with the consent of the District which transports sixteen or more persons, including the driver, or weighs over twenty-six thousand pounds and requires the driver to have/possess a commercial driver's license in order to operate the vehicle.

Screening Test Technician (STT) - an individual who instructs and assists drivers in the initial alcohol testing process and operates a non-evidentiary breath testing or saliva testing device.

Split Specimen -- the division of the urine specimen into thirty milliliters in a specimen bottle (the primary sample) and into at least fifteen milliliters in a second specimen bottle (the split sample).

Substance Abuse Professional (SAP)- a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the Iowa Board of Substance Abuse Certification) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Approved: May 18, 2015

Reviewed: April 24, 2017