

**DRUG AND ALCOHOL TESTING PROGRAM  
BUS DRIVERS  
(REGULATION)**

General Procedures

Practical experience and research has proven that even small quantities of narcotics, abused prescription drugs, or alcohol can impair judgment and reflexes. Even when not readily apparent, this impairment can have serious results, particularly for employees operating vehicles or potentially dangerous equipment. Drug-using employees are a threat to co-workers, students, and themselves, and may make costly errors. For these reasons, Southwest Technology Center has adopted a policy that all employees must report to work completely free from the effects of alcohol and/or the presence of drugs, unless used as prescribed by a physician. This policy is adapted to follow the Omnibus Transportation Employee Testing Act of 1991 for U.S. Department of Transportation (DOT) drug testing and Standards for Workplace Drug and Alcohol Test Act, Title 40, Oklahoma Statutes, Section 551 et seq. for non-DOT drug testing.

Definitions

**Air Blank:** A reading by an evidentiary breath testing device (EBT) of ambient air containing no alcohol.

**Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohols.

**Alcohol Concentration (or content):** The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidentiary breath test under the law.

**Alcohol Use:** The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

**Breath Alcohol Technician:** An individual who instructs and assists drivers in the alcohol testing process and operates an evidentiary breath testing device.

**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. In alcohol testing, it is a test that is deemed to be invalid under the law. A canceled drug test or alcohol test 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 form(s) account(s) for the sample or sample aliquots 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.

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**Commercial Motor Vehicle:** A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle 1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of 10,000 or more pounds; or 2) has a gross vehicle weight rating of 26,001 or more pounds; or 3) is designed to transport 16 or more passengers, including the driver; or 4) is of any size used in the transportation of materials found to be hazardous for the purposes of the Hazardous Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials regulations.

**Confirmation Test:** For alcohol testing, it is a second test following a screening test with a result of 0.02 or greater breath alcohol concentration 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 which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

**Controlled Substances/Drugs:** Marijuana, cocaine, opiates, amphetamines, phencyclidine.

**Driver:** Any person who operates a school vehicle. This includes, but is not limited to, full-time, 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 school district or who operate a school vehicle at the direction of or with the consent of the school district. For the purposes of preemployment/pre-duty testing only, the term "driver" includes applicants for drivers of school vehicles 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 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 a driver's confirmed positive test result together with the driver's medical history and any other relevant bio-medical information.

**Non-suspicion-based Post-accident Testing:** Testing of a driver after an accident 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 safety-sensitive function.

**Random Selection Process:** When drug tests are unannounced and every driver has an equal chance of being selected for testing.

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**Reasonable Suspicion:** When the school district believes the appearance, behavior, speech or body odors of the driver are indicative of the use of drugs or alcohol.

**Refusal to Test:** When a driver (1) fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of the law, (2) fails to provide adequate urine for drug testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of the law, or (3) engages in conduct that clearly obstructs the testing process. A refusal to test is treated as a positive drug test result or an alcohol test result of 0.04 or greater breath alcohol concentration.

**Safety-sensitive Function:** All time from the time 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. Safety sensitive functions shall include, but are not limited to:

1. All time at the district waiting to be dispatched.
2. All time inspecting equipment or otherwise servicing any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial vehicle in operation.
4. All time in or on a commercial vehicle.
5. All time repairing, obtaining assistance, or remaining in attendance on a disabled vehicle.

**School vehicle:** A vehicle owned, leased, and/or operated at the direction or with the consent of the school district which transports 16 or more persons, including the driver, or weighs over 26,001 pounds and requires the driver to have/possess a commercial driver's license in order to operate the vehicle.

**Split Specimen/Split Sample:** 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).

**Stand-down:** Is prohibited by federal regulations and consists of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

**Substance Abuse Professional:** 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 National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.

**Verified Test:** A drug test or validity testing result from a federally certified laboratory that has undergone review and final determination by the MRO.

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Drug Use/Distribution/Impairment/Possession

All employees are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, abused prescription drugs, or any other mind-altering or intoxicating substances present in their system while at work or on duty.

Alcohol Use/Possession/Impairment – CDL Drivers Covered Under the Act

A driver will not be permitted to report to duty or to remain on duty requiring the performance of a safety-sensitive function if any of the following is present:

1. Has an alcohol concentration of 0.04 or more as measured on a breath test; 0.02 prohibits the driver from performing a safety-sensitive function for twenty-four (24) hours;
2. Possesses alcohol at work;
3. Uses alcohol at work;
4. Reports for duty within four (4) hours after alcohol use;
5. Uses alcohol within eight (8) hours after an accident; or
6. Refuses to submit to a required alcohol test.

The driver cannot return to a safety-sensitive function until:

1. Evaluated by a substance abuse professional;
2. Treated, if required, by a substance-abuse professional; and
3. Retested with a result below 0.02.

Off-Duty Conduct

Off-the-job use of drugs, alcohol, or any other prohibited substances that results in impaired work performance including, but not limited to, absenteeism, tardiness, poor work performance, or harm to Southwest Technology Center's image is prohibited. Employees should realize that these regulations prohibit all illicit drug use – on and off duty.

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Prescription Drugs – CDL Drivers Covered Under the Act

The proper use of medication prescribed by a physician is not prohibited; however, Southwest Technology Center prohibits the misuse of prescribed (or over-the-counter) medications and requires all employees using drugs at the direction of a physician to notify their immediate administrator or Southwest Technology Center's Medical Review Officer (MRO), or the Employee Assistance Program (EAP) practitioner where these drugs may effect their job performance, such as by causing drowsiness.

Substance Screening

1. CDL Applicants

Substance screening is required for all final CDL driver applicants applying for a position for which drug testing is required by the provisions of the Omnibus Transportation Employee Testing Act of 1991. Such testing may be required either alone or as part of a pre-employment physical examination. Applicants are required to sign a consent/release form before submitting to screening. Applicants will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to sign the required consent/release form.

- A. Pre-employment drug screening is not required if the driver has participated within the previous thirty (30) days in a drug testing program that meets the requirements of the federal Act; or
- B. The applicant can verify that he/she has been tested for controlled substances within six (6) months prior to the date of employment; or
- C. If the applicant can further verify that he/she has participated in a random drug-screening program during the twelve (12) months prior to the date of application.

2. Current Employees Subject to the Omnibus Transportation Employee Testing Act of 1991 and Title 310 of the Oklahoma State Department of Health, Chapter 638, Subchapter (s) 1 and 7

A. Reasonable Cause

All employees are subject to testing under the requirements of these Acts. All employees will be required to submit to screening whenever an administrator observes circumstances which provide **reasonable cause** to believe an employee has used a controlled substance or has otherwise violated the substance

abuse policy. Examples of circumstances that may establish reasonable cause to warrant testing include, but are not limited to, administrator/supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in a workplace or vehicular accident, or other actions that indicate a possible error in judgment or negligence, or other violations of the drug policy or other Southwest Technology Center policy.

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The administrator requesting the testing shall prepare and sign written documentation explaining the circumstances and evidence upon which the administrator relied within twenty-four (24) hours of the testing, or before the results of the tests are released, whichever is earlier. While one administrator may request a reasonable cause test, when feasible, administrators are encouraged to obtain a second administrator as a witness.

2. Random Testing – CDL Driver Covered Under the Act

Southwest Technology Center will conduct random, unannounced screening of all CDL drivers covered under the Act. Tests of employees for illicit drugs will be conducted in a number equal to or greater than fifty percent (50%) of the affected workforce in any given twelve-month period. Tests of employees for alcohol will be conducted in a number equal to or greater than twenty-five percent (25%) of the affected workforce – without advance notice – in any given twelve-month period. Jackson County Memorial Hospital (JCMH) will provide computerized random sample lists to Southwest Technology Center’s superintendent or the designated person responsible for those employees who were randomly selected. The list of employees in the random pool will be updated on a monthly basis. Employees will be required to report to JCMH’s Human Resources Department for testing as soon as possible but in no case later than four (4) hours following notification.

C. Post-Accident Testing – CDL Drivers Covered Under the Act

Employees are required to immediately notify their administrator of any accident resulting in injury or damage to Southwest Technology Center’s property. This policy requires an employee involved in a reportable accident, defined as an accident resulting in:

1. A fatality;
2. The issuance of a citation;
3. Injury requiring more than simple first aid; and
4. Any vehicular damage,

to undergo substance screening within thirty-two (32) hours of the occurrence and alcohol testing within two (2) hours of the accident. Southwest Technology Center will discipline any employee who fails to report an accident, as described above, or submit to substance/alcohol screening where required by law or this policy.

The administrator shall complete an accident report in compliance with Southwest Technology Center’s policy and applicable laws and regulations.

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D. Return to Duty Testing – CDL Drivers with Less Than 0.02 Alcohol and Negative Drug Screen Results

All employees referred through administrative channels who undergo a counseling or rehabilitation program, as recommended by the MRO or EAP practitioner, or who are suspended for abuse of substances covered under this policy will be subject to unannounced testing following return to duty for no less than twelve (12) months and no more than sixty (60) months. Testing will be on a daily, weekly, monthly, or longer basis at the discretion of the MRO or EAP practitioner and will be in addition to the other types of tests provided in this policy with a minimum of six (6) tests for CDL drivers.

E. Recertification Physical Examinations – For CDL Drivers Covered Under the Act

All drivers may be required to undergo urinalysis as part of their recertification physical examination.

3 Testing Procedures

A. General Guidelines

Southwest Technology Center and Jackson County Memorial Hospital (JCMH) shall rely, when practical, on the guidance of the federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs, 49 C.F.R., Part 40.1 through 40.39, and on the further guidance of the Omnibus Transportation Employee Testing Act provided in 49 C.F.R., Parts 382, 391, 392, and 395.

1. Substances Tested – All CDL Employees

All CDL employees will be tested for the following substances in accordance with Department of Transportation (DOT) requirements:

Amphetamines (stimulants)  
Cannabinoids (marijuana metabolite)  
Cocaine  
Opiates (morphine, heroin)  
Phencyclidine (PCP)

Testing for alcohol will also be conducted subject to the final provisions of Omnibus Transportation Employee Testing Act of 1991.

2. Substances Tested for Non-DOT Employees

Substances tested for non-DOT employees will include:

Amphetamines (stimulants)  
Barbiturates (sedatives)  
Benzodiazepines (tranquilizers)

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Cannabinoids (marijuana metabolite)  
Cocaine  
Methadone  
Methaqualone (Quaalude)  
Opiates (morphine, heroin)  
Phencyclidine (PCP)  
Propoxyphene (Darvon)  
Alcohol

**B. Testing Procedures**

Southwest Technology Center reserves the right to utilize blood, breath, or urinalysis testing procedures. Only urinalysis for drug screening will be utilized in the pre-employment testing. All initial, positive urine specimens will be confirmed by gas chromatography/mass spectrometry (GC/MS).

**C. Specimen Procedure**

JCMH's Human Resources Department will provide each employee/applicant with a detailed statement of procedures that will be followed regarding the collection, chain of custody, and handling of specimens, to include a warning about specimen tampering.

**4. Collection Site**

Jackson County Memorial Hospital will be the designated collection site.

**5. Collection Procedures**

Southwest Technology Center and JCMH have developed and will maintain a documented procedure for collecting, shipping, and accessing urine specimens. Southwest Technology Center and JCMH will utilize a standard Urine Custody and Control Form for all employee testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers, will also be used. All alcohol breath tests will be performed by qualified Breath Alcohol Technicians (BAT) as approved by the federal DOT.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain a proper collection procedure.

**6. Occasions When the Collection Personnel Should Directly Observe the Specimen Being Provided**

Southwest Technology Center and JCMH have adopted the direct observation procedures as set out in Section 40.25 of the DOT regulations. An employer or medical lab representative of the same gender at the collection site may directly observe the employee or applicant actually provide the specimen where there is reason to believe that an individual may have tampered with the specimen. Section 40.25 (e)(2) sets out the only four (4) circumstances where direct observation is appropriate.

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- A. The employee has presented a urine specimen that falls outside the normal temperature range and the employee declines to provide measurement of oral body temperature by sterile thermometer, or the oral temperature does not equal or exceed that of the specimen.
- B. The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the MRO to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/L.
- C. The collection site personnel observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (i.e., substitute urine in plain view, blue dye in specimen presented, etc.).
- D. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted as part of a rehabilitation program or on return to service after any required rehabilitation.

A second specimen should be obtained under direct observation wherever there is reason to believe that the individual may have altered or substituted the specimen.

Where necessary in an emergency, a Southwest Technology Center designated representative may request qualified JCMH personnel to obtain a specimen outside of a designated collection site (such as at a public restroom at an accident investigation). This will be performed in accordance with all Chain of Custody Procedures.

**7. Evaluations and Return of Results to Southwest Technology Center**

The Human Resources Department at JCMH will transmit, by confidential facsimile, the results of all tests upon receipt of these tests from the MRO to the designated representative at Southwest Technology Center. The MRO will be responsible for reviewing the quantified test results of employees and applicants and confirming that the individuals testing positive have used drugs in violation of Southwest Technology Center's policy. Prior to making a final decision, the MRO shall give the individual an opportunity to discuss the results over the telephone. The MRO shall then promptly tell the JCMH Human Resources Department, who in turn will notify the superintendent of Southwest Technology Center, or his/her designee, which employees or applicants test positive.

**8. Request for Retest**

An employee may request a retest of the original specimen within seventy-two (72) hours of receipt of the final test results. Requests must be submitted to the MRO. The employee will be required to pay the associated costs of the retest but will be reimbursed if the results of the retest are negative. CDL drivers will have sixty (60) days to make payment for second testing.

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9. Release of Test Results

Test results shall not be released by Southwest Technology Center, beyond the MRO, without the individual's written authorization. However, all employees will be required to sign a consent/release form permitting Southwest Technology Center test results and related information to be given to the Unemployment Compensation Commission or the relevant government agency.

The MRO shall retain the individual test results for positive specimens for five (5) years and negative results for twelve (12) months.

Discipline

Southwest Technology Center will discipline employees, up to and including discharge, for any violation of the policy, including refusing to submit to screening, to sign a release/consent form, or otherwise cooperate with an investigation or search by the administration. Disciplinary measures will be instituted in accordance with state and federal laws. All employees who are second offenders may be automatically discharged.

All CDL employees who test positive in a confirmative substance test will be subject to discipline up to and including discharge. Rehabilitation, at a pre-approved treatment provider, may be available to individuals who violate this policy. However, unless other provisions are available to the affected individual, assistance will be limited to the degree of treatment provided within Southwest Technology Center's Employee Benefit Plan. The director of full-time programs or designated representative should be contacted for guidance.

No CDL employee may be returned to regular duties after any positive testing or rehabilitation unless certified by the MRO as safe and not using drugs. Any employee returned to duty after violating the policy or positive testing will be subject to after-care and random testing as set out in a written probation agreement that the employee will be required to execute.

Employee Assistance Program

The Substance Abuse Facilitator shall provide Southwest Technology Center with the following:

1. Education and training for employees regarding drugs and alcohol;
2. Education and training for supervisors regarding drugs and alcohol including:
  - A. Effects and consequences of substance use on personal health, safety, and work;
  - B. Manifestations and behavioral causes that may indicate substance use; and
  - C. Documentation of training provided.
3. A written statement on file and available at the main office of Southwest Technology Center outlining the EAP.

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The director of full-time programs or designee should be contacted for further guidance.

Investigative/Searches

Where an administrator has reasonable cause to suspect that an employee has violated the substance abuse policy, he/she may inspect vehicles that an employee brings on Southwest Technology Center's property, lockers, work areas, desks, purses, briefcases, tool boxes, or other belongings, and at locations where Southwest Technology Center activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present to remove a personal lock. Where the employee is not present or refuses to remove a personal lock, a designated employee of Southwest Technology Center will do so. Southwest Technology Center has the authority to release any illegal or controlled drugs or paraphernalia to the appropriate law enforcement authorities.

All searches should be coordinated with the office of the director of full-time programs or designated representative.

Posting Of Policy

This policy must be posted in a prominent place of access to employees and given to each employee. Each time the policy is revised, employees must be given a revised policy and thirty (30) days notification prior to implementation of the changes. Any applicant who has received a conditional offer of employment must be given a copy of this policy.

**NOTE**

These procedures should not be construed as contractual in any nature. They represent Southwest Technology Center's current guidelines in dealing with a developing problem under evolving laws and facts, and may be changed in accordance with Southwest Technology Center policy and state and federal law.

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