

PERSONNEL

Alcohol and Controlled Substances Program

- I. Purpose: The Snohomish board of directors has approved this district's alcohol and controlled substances testing program. The following procedures to implement and operate this program are in accordance with the Department of Transportation (DOT), Federal Highway Administration (FHWA) regulations.

The procedures below are not limited to the Federal Department of Transportation (DOT) requirements for controlled substance testing and that a positive test under a “non-federal drug screen-extended panel” in any identified test (e.g. pre-employment, random, reasonable suspicion, and/or post-accident) is a separate and independent basis for disciplinary action up to and including termination from employment with the District.

- II. Prohibited Conduct: The following alcohol and controlled substances-related activities are prohibited by the district for drivers required to possess a Commercial Driver’s License (CDL) as part of their job responsibilities. Violation of this program’s policy will result in disciplinary action up to and including termination:

- A. Using, possessing, selling, distributing, or manufacturing illegal controlled substances in the workplace.
- B. Reporting for duty or remaining on duty when using controlled substances, except when used pursuant to the instructions of a licensed physician who has advised the CDL holder the substance does not adversely affect his/her ability to safely operate a vehicle. CDL holders are required to advise their respective supervisors of any therapeutic drug use.
- C. Performing a safety-sensitive function within four hours after using alcohol.
- D. Reporting for duty or remaining on duty while having an alcohol concentration of 0.04 or greater. Any CDL holder tested who has an alcohol concentration of 0.02 but less than 0.04 will not be permitted to perform a safety-sensitive function until 24 hours after the administration of the test.
- E. Using alcohol or being in possession of alcohol while on duty.
- F. Using alcohol within eight hours following an accident or until a post accident alcohol test is performed.
- G. Refusing to submit to alcohol and controlled substances tests.

- III. Testing Requirements: CDL holders will be tested in the following situations unless a waiver is authorized by FHWA regulations.

- A. Pre-Employment Testing - Prior to performing any safety-sensitive functions for the district, applicants will be tested for controlled substances. The requirements are set forth in 49 CFR 382.301.

The district can waive the pre-employment controlled substances testing if the following conditions are met:

- 1. The driver has participated in a drug testing program in the previous 30 days; and

2. While participating in that program the driver must have either been tested for controlled substances in the previous six months, or participated in a random drug testing program for the previous 12 months; and
3. The district ensures that no prior employer of the driver has record of violations of any DOT controlled substances use rule for the driver in the previous 6 months.

These time periods are from the date of the application with the district.

Before a waiver can be granted, the CDL holder applicant must provide written authorization to obtain testing information from his/her previous employer(s) and the appropriate testing information must be obtained. If it is not feasible to obtain this prior testing information before using the CDL holder in a safety-sensitive function, the CDL holder can be used for a maximum of 14 days without having the information. If the CDL holder leaves before the 14 days has elapsed, obtaining the information is still required.

For complete guidance in various waiver situations and information gathering requirements, see the above FHWA regulation and 49 CFR 382.413.

- B. Reasonable Suspicion Testing - When a trained supervisor has reasonable suspicion of alcohol misuse or controlled substances use, the CDL holder will not be allowed to perform a safety-sensitive function and will be tested as soon as possible. If he/she is not tested for alcohol within two hours following the observations, the district shall prepare a record explaining why there was a delay and keep it on file. If testing cannot be administered within eight hours, the district shall cease attempts to test and prepare and maintain a record as listed above. The decision to test will be based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the CDL holder. The observations related to alcohol must be made just prior to, during, or immediately after the CDL holder engages in a safety-sensitive function for the district.

When a CDL holder is tested and has an alcohol concentration of 0.02 or greater, the district will be immediately notified by telephone followed by written confirmation. Results of the controlled substances tests will not be known for at least 24 hours, and the CDL holder cannot perform safety-sensitive functions until the test results are known. In these situations, the CDL holder will be offered transportation to his/her residence with complete instructions regarding his/her availability to receive telephone calls from the Medical Review Officer (MRO) and/or the district.

A written record shall be made of the observations leading to the alcohol and controlled substances tests. The document shall completely describe the circumstances, observations, and any other information that had a direct affect on the decision. The record should be dated and signed by the official making the observations. If a second supervisor is involved, he/she should either prepare his/her own document or co-sign the first supervisor's record.

- C. Post Accident Testing - CDL holders involved in an accident shall be tested for alcohol and controlled substances, as required by law and deemed necessary by the District.
- D. Random Testing - CDL holders will be randomly selected for unannounced alcohol and controlled substances testing at an annualized rate of 10% for alcohol and 50% for controlled substances. These rates may be changed by FHWA on a periodic basis. The testing will be evenly spread throughout the year. When the CDL holders are selected, the supervisors and

management will schedule the unannounced testing at a time that works best for the district and the CDL holder. When testing for alcohol, the test must be just before, during, or just after the CDL holder has completed his/her safety-sensitive function.

- E. Return-to-Duty Testing - If a CDL holder has engaged in conduct in violation of the alcohol and controlled substances policy and is being considered for Return-to-Duty status, the Substance Abuse Professional (SAP) must evaluate him/her to determine if any previously recommended rehabilitation program was followed. If he/she has followed the recommendations, the CDL holder will be given Return-To-Duty alcohol and controlled substances tests. The alcohol test must indicate an alcohol concentration of less than 0.02. The controlled substances test results must be verified negative.
- F. Follow-Up Testing - When a CDL holder has engaged in conduct in violation of the alcohol and controlled substances policy, has passed the Return-To-Duty test, and is allowed to return to a safety-sensitive position, he/she will be subject to Follow-Up testing. During the first year after returning to duty status, the CDL holder will be subject to a minimum of six unannounced tests. The number thereafter will be based on the recommendation of the SAP.

IV. Alcohol Test Results and Consequences

- A. Results indicating an alcohol concentration of less than 0.02 are negative.
- B. Results indicating alcohol concentration of 0.02 but less than 0.04 will disqualify applicants and transfers for employment in the position. Current CDL holders will not be allowed to perform any safety-sensitive function for 24 hours after the test.
- C. Results indicating an alcohol concentration of 0.04 or greater or a refusal to test are violations of the district's policy. Applicants will not be hired and transfers to safety-sensitive positions will not be allowed. Current CDL holders will be immediately removed from performing safety-sensitive functions. They will also be referred to the SAP for evaluation and recommendation for treatment, if appropriate.
- D. Results indicating a dilute specimen will be treated as follows:
 - 1. If the result is positive, it will be treated as a verified positive test.
 - 2. If the result is negative, the employee will be retested on an unannounced basis. The employee will be transported to the collection site. The results of the second test will become the results on record. If the employee declines to take a second test, the action will be considered a refusal to test and in violation of DOT Regulations and Board Policy.
 - 3. If the second test is also negative and dilute, the employee will not be retested.

V. Controlled Substances Test Results and Consequences

When the Medical Review Officer (MRO) notifies the district that a CDL holder has tested positive, he/she will be immediately removed from performing a safety-sensitive function and referred to SAP for evaluation and recommendation for treatment, if appropriate.

VI. Notification of Test Results

When a CDL holder's alcohol concentration is 0.02 or greater or the controlled substances test result is positive, the district will be notified by telephone and the results will be confirmed in writing.

VII. Test Costs and Compensation

- A. The district shall pay for Pre-Employment, Random, Reasonable Suspicion, and Post Accident tests.
- B. CDL holders will be responsible for taking Return-To-Duty and Follow-Up tests on their own time and at their own expense. If a current employee is being involuntarily transferred to a position requiring a Commercial Driver's License, the district will pay for the employee's time and controlled substances testing.
- C. If a CDL holder's initial controlled substances test is positive and he/she requests a split sample be tested, the second test is at the CDL holder's expense. Should the second test result be negative, the district will pay all costs.

VIII. Testing Procedures

- A. All alcohol and controlled substances tests conducted in accordance with this district's policy will be at a district-named medical facility.
- B. When a decision is made to have alcohol and controlled substances tests conducted, the following procedures should be followed:
 - 1. Pre-Employment Testing - The following action should be completed prior to final hiring:
 - a. Call the district-named medical facility and advise them that Snohomish School District is sending an individual for pre-employment controlled substances testing.
 - c. Instruct the individual to be there at a designated time within the next 24 hours. Inform the individual that failure to test at the scheduled time without a delay authorization will be considered a refusal to test, and his/her application will be canceled.
 - c. Complete the Testing Authorization Form, and give it to the applicant. Instruct the applicant to give the form to the district-named medical facility upon arrival.
 - 2. Reasonable Suspicion Testing - The following action should be taken when there is reasonable suspicion a CDL holder is under the influence of alcohol or controlled substances:
 - a. Transport the CDL holder to the district named medical facility.
 - b. Complete the Authorization Form.
 - c. A physician's examination may be required to determine if there are other reasons for the person's behavior.

- d. When the alcohol and controlled substances testing process has been completed, provide the CDL holder with transportation to either his/her residence or back to the workplace, whichever is appropriate. Advise him/her that he/she will be on leave until the results of the tests are known.
3. Post Accident Testing - The following action should be taken when a CDL holder is tested in connection with an accident:
 - a. If the CDL holder is exhibiting signs of alcohol misuse or controlled substances use, or their injury prevents them from driving, he/she should be treated the same as if being tested For Reasonable Suspicion and be driven to and from the center.
 - b. If the CDL holder is not exhibiting signs and symptoms of alcohol misuse or controlled substance use, and his/her injury does not preclude him/her from driving, he/she can drive to the clinic and return to the workplace after the alcohol and the controlled substances testing process is finished. If there is any doubt, act in favor of safety and transport the CDL holder to the testing site.
 - c. Complete the Authorization Form.
 - d. CDL holders required to take a Post Accident test will not be allowed to perform a safety-sensitive function until the results of the alcohol and controlled substances tests are known, when one of the following has occurred:
 - the accident results in the loss of a human life; or
 - the CDL holder receives a citation under state or local law for a moving traffic violation arising from the accident, and if the accident involves one of the following:
 - a person is injured requiring immediate medical attention away from the scene of the accident; or
 - any vehicle involved in the accident is disabled (tow away).
 - e. CDL holders required to take a post accident test as the result of a non-injury accident in which the CDL holder is not at fault, will be eligible to return to safety sensitive functions at the discretion of the transportation supervisor.
 4. Random Testing - When employees are selected through the random selection process, they can drive themselves to the clinic if the testing is not conducted on site. When they have finished the alcohol and controlled substances testing process, they can continue performing their safety-sensitive functions, if appropriate.

IX. Record Retention and Confidentiality

- A. The district shall maintain records of its alcohol misuse and controlled substances use prevention program in a secure location with access limited to those having a need to know.
- B. The records will be maintained in accordance with the following schedule:
 1. Five Years

- a. Records of CDL holder's alcohol test results indicating an alcohol concentration of 0.02 or greater.
 - b. Records of CDL holder's verified positive controlled substances test results.
 - c. Documentation of refusals to take required action.
 - d. Calibration documentation (maintained by MRO).
 - e. CDL holder's evaluation and referrals.
 - f. A copy of each annual calendar year summary required by section 49 CFR 382.403.
2. Two Years (maintained by MRO)
 - a. Records related to the alcohol and controlled substances collection process (except calibration of EBTs).
 - b. Records of training.
 3. One Year

Records of negative and canceled controlled substances test results and of alcohol test results with a concentration of less than 0.02.

C. Types of Records Maintained

1. Records related to the collection process (maintained by MRO):
 - a. Collection logbooks, if used;
 - b. Calibration documentation of EBTs; and
 - c. Documentation of BAT training.
2. Records related to the collection process (maintained by district):
 - a. Documents relating to the random selection process;
 - b. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests;
 - c. Documents generated in connection with decisions to administer post accident tests;
 - d. Documents verifying the existence of a medical explanation of the inability of a CDL holder to provide breath or to provide a urine specimen for testing; and
 - e. Consolidated annual calendar year summaries as required by the FHWA.
3. Records related to a CDL holder's test results:

- a. The district's copy of the alcohol test form, including the results of the test;
 - b. The district's copy of the controlled substances test chain of custody and control form (maintained by MRO);
 - c. Documents sent by the MRO to the district; and
 - d. Documents related to the refusal of any CDL holder to submit to an alcohol or controlled substances test administered under this policy and procedure.
4. Records related to other violations of this policy and procedure.
 5. Records related to evaluations:
 - a. Records pertaining to a determination by a SAP concerning a CDL holder's need for assistance; and
 - b. Records concerning a CDL holder's compliance with recommendations of the substance abuse professional.
 6. Records related to education and training:
 - a. Materials on alcohol misuse and controlled substances use awareness, including a copy of the district's policy on alcohol and controlled substances;
 - b. Documentation of compliance with the requirements of the DOT requiring the district's obligation to promulgate a policy on the misuse of alcohol and use of controlled substances;
 - c. Records of the CDL holder's signed receipt of education materials;
 - d. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion; and
 - e. Certification that supervisor training complies with DOT requirements.
 7. Records relating to drug testing:
 - a. Agreements with collection site facilities, laboratories, and Medical Review Officer;
 - b. Names and positions of officials and their role in the district's alcohol and controlled substances testing program;
 - c. Monthly laboratory statistical summaries of urinalysis required by DOT regulations; and
 - d. District's drug testing policy and procedures.
- D. Reporting of Results in a Management Information System
1. The district shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing program performed under DOT regulations.

2. Complete the annual summary covering the previous calendar year by March 15 of each year.
 3. If the district is notified by the FHWA during the month of January to report the district's annual calendar year summary information, the district shall prepare and submit the report to the FHWA by March 15 of that year.
- E. Access to Records
1. Except as required by law or expressly authorized, the district shall not release CDL holder information contained in records required to be maintained under these procedures.
 2. CDL holders are entitled, upon written request, to obtain copies of any records pertaining to the CDL holder's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
 - a. Upon written request, the district shall promptly provide the records requested by the CDL holder.
 - b. The district representative shall document the written request and obtain a written verification the records were received by the CDL holder.
 3. The district shall permit access to all facilities utilized in complying with the requirements of this policy and procedures and all related records to the Secretary of Transportation, any DOT agency, or any state or local officials with regulatory authority over the district or any of its CDL holders.
 4. Records shall be made available to a subsequent employer upon receipt of a written request from a CDL holder. Release of such information by the district is permitted only in accordance with the terms of the employee's consent.
- F. Notification of District's Testing Program
1. District shall post in the employment office a statement that controlled substances testing is a part of the district's hiring process and satisfactory completion of such a test is a condition of employment.
 2. The notice will be included in all CDL holder application packets.
 3. Individuals transferred to CDL holder positions which may require drug testing will be notified in writing prior to the transfer.

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