

ALCOHOL AND DRUG TESTING PROGRAM FOR DISTRICT DRIVERS

PURPOSE

The purpose of this policy is to establish a program designed to prevent accidents from the misuse of alcohol, controlled substances or prescription medications by drivers of District motor vehicles. The rule requires that covered employees be tested in accordance with Federal Motor Carrier Safety Regulations (FMCSR) for drugs as well as alcohol, and sets the times, terms, and conditions of testing. Pre-employment, random, post-accident, reasonable suspicion and return to duty testing are required. It mandates privacy in collection techniques, confirmation of positive results, collection of split samples, and confidentiality of results. The policy also includes provisions for treating employees in need of assistance due to misuse of alcohol or illegal use of controlled substances.

REGULATIONS

This program is in conformity with Department of Transportation Regulations, 49 CFR Part 382 and 49 CFR Part 40 as well as school district policy regarding duties not covered under FMCSR.

CONTACTS

Transportation Manager Fall Mountain Regional School District – (603) 835-2527
Charlestown Family Medicine – (603) 826-5711
Valley Regional Hospital – (603) 542-7771

APPLICABILITY

1. This policy applies to all persons who hold a Commercial Drivers License (CDL) and/or School Bus Certificate who transport students for the FMRSD, or who drive a District owned motor vehicle.
2. A driver is any person who operates a District owned vehicle or is performing a safety sensitive function. The driver may be a full or part-time worker hired by the school district. It also includes occasional, leased, and independent drivers who are employed by or under lease to the District or who operate a vehicle with the consent of the District.

Safety-sensitive functions include:

- All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by Sec. 392.7 and Sec. 392.8 or otherwise inspecting, servicing, or conditioning any commercial or school district owned non-commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time resting in a sleeper berth;
- All time loading or unloading a commercial motor vehicle; supervising or assisting in the loading or unloading; attending a commercial motor vehicle being loaded or unloaded;

remaining in readiness to operate the commercial motor vehicle; or in giving or receiving receipts for shipments loaded or unloaded; and

- All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

REQUIRED TESTS

1. Drivers are subject to testing for alcohol and the following controlled substances:

Marijuana (THC)

Cocaine

Opiates including Heroin

Phencyclidine (PCP)

Amphetamines including methamphetamines and Ecstasy

2. Drivers will be tested for alcohol and controlled substances in accordance with the procedures set forth in the DOT regulations 49 CFR Parts 40 as amended and interpreted by official guidance. Alcohol testing is conducted by a trained technician with a breath or saliva testing device approved by the National Highway Traffic Safety Administration. Drug testing is done utilizing a urine specimen collection at a certified laboratory.

3. Alcohol testing and urine specimen collection will be performed at Charlestown Family Physicians or Valley Regional Hospital.

4. The following types of testing may be performed when applicable:

Pre-employment

Reasonable suspicion

Random

Post-accident

Return-to-duty

Follow-up

PROHIBITIONS

1. No driver shall report to duty if the driver uses any controlled substance, except by doctor's prescription, and then only if his/her ability to safely operate the vehicle has not been affected.

2. The district requires that a driver report to the Transportation Manager, in writing, the use of any therapeutic, prescription or over the counter medication that might impair the employee's ability to perform his/her job safely. Failure to report the use of such medication may result in discipline, up to and including termination.

3. For a verified positive or adulterated drug test, the employee will be immediately removed from driving and referred to a substance abuse professional at Valley Regional Hospital or through the District's Employee Assistance Program administered by Health Resources at 1-800-759-8122. Before returning to work as a driver the employee must follow the substance abuse professional's recommendation. FMRSD pays the cost of any drug testing, except for return to duty and follow up tests.

4. Any alcohol misuse that could affect driver performance is prohibited including:

Use while driving.

Use during the eight hours prior to driving.

Reporting to duty or remaining on duty with any alcohol concentration.

Possession of alcohol including medicines containing alcohol.

Use during eight hours following an accident or until the driver undergoes a post accident test.

5. If the result of a confirmation breath alcohol test is between 0.01 and 0.039 the employee will be removed from driving indefinitely or until an investigation can be performed to determine cause.
6. If the confirmation result for alcohol is 0.04 or greater the employee will be immediately removed from driving and referred to a substance abuse professional mentioned in section 3. A confirmation of this concentration may result in immediate dismissal due to the district's zero (0) tolerance policy.
7. A driver will not be permitted to operate a District vehicle if he/she refuses to take a required alcohol or drug test.
8. Drivers who have a verified positive or adulterated test result or refuse to be tested are subject to disciplinary actions up to and including immediate dismissal.
9. No supervisor having actual knowledge that a driver is in violation of drug or alcohol prohibitions shall permit a driver to operate a vehicle.

PREVIOUS EMPLOYERS

1. The District will obtain drug and alcohol test information from a driver's previous employers. With a driver's written consent the following information will be requested:
Alcohol test results with an alcohol concentration of 0.04 or greater.
Verified positive drug test.
Refusals to be tested.
2. This information will be obtained from any employer the individual drove a commercial motor vehicle for during the last three (3) years.
3. The release of information must be in written form.
4. If the District learns from a previous employer that the driver tested positive for drugs or had an alcohol test result of 0.04 or greater, or refused to be tested in the past three (3) years, the prospective employee will not be hired.

PRE-EMPLOYMENT TESTING

1. A driver will not be permitted to operate a District vehicle until he/she is tested for controlled substances and the District has received a negative result from the collection site.
2. The District will notify a driver of the results of a drug test if the driver requests such in writing.
3. The District is not required to rehabilitate applicants who refuse to submit or fail a pre-employment test.

RANDOM TESTING

1. Random drug testing will be performed at a minimum annual rate of 50% of the average number of driver positions.
2. Random alcohol testing will be administered at a minimum annual rate of 10% of the average number of driver positions.
3. Alcohol testing shall be performed only on the day the driver is scheduled to drive. Drivers with unscheduled driving times are subject to testing at any time they are at work.
4. Drug testing may be performed at any time the driver is at work for the District.

5. For random test purposes, the selection is performed through an independent company.
6. Under the selection process, each driver will have an equal chance of being tested each time selections are made. Some drivers may be tested more than once; some may not be tested during the year.
7. The tests will be unannounced and spread reasonably throughout the year. The Transportation Manager will contact drivers upon being notified of the selections. Upon being notified, a driver must immediately report to the collection site.
8. Employees may drive themselves to the collection site unless a trained supervisor has reason to suspect that the driver has used drugs or misused alcohol.
9. If the driver selected is on leave or not scheduled for duty, the Transportation Manager will contact the vendor for an alternate.

REASONABLE SUSPICION TESTING

1. A supervisor who has been trained to detect substance abuse or alcohol misuse must require the driver to be tested if he/she has reasonable suspicion that a driver may be under the influence of alcohol or drugs.
2. Reasonable suspicion must be based on specific observations concerning the appearance, behavior, speech, or body odors of the driver.
3. A driver must submit to an alcohol and/or drug test when a trained supervisor has reasonable suspicion to believe the driver has violated the prohibitions against alcohol or drugs.
4. The supervisor who makes a reasonable suspicion determination must have received additional training on alcohol misuse and controlled substance use.
5. Alcohol testing is authorized only if the observations are made during the day the employee is scheduled to drive. Drivers with unscheduled driving times are subject to testing any time they are at work.
6. Drug testing may be done at any time the employee is at work for the District.
7. A written record of the observations leading to a controlled substance or alcohol test shall be made and signed by the supervisor making the observations. The written record must be made within 24 hours of the observed behavior or before the results are released to the employer.
8. The Transportation Manager will contact the collection site to schedule a time for testing. It is the responsibility of the immediate supervisor to ensure that the driver is transported to the hospital for testing.
9. A report shall be filed by the supervisor stating the reasons an alcohol test was not done if it is not administered within two hours following the observations. The report shall be sent to the Superintendent's Office and placed in the employee's personnel file.
10. If an alcohol test was not administered within eight hours, attempts to administer the test will cease and the supervisor will prepare a report stating why the test was not done. The report shall be sent to the Superintendent's Office and placed in the employee's personnel file.
11. If reasonable suspicion is observed but alcohol testing has not yet been administered, a driver shall not drive until:
An alcohol test is administered and the driver's alcohol concentration measures less than 0.01 or, 24 hours have elapsed since the reasonable suspicion.

12. If reasonable suspicion testing was done for drugs, the driver will not be allowed to drive until a negative drug result is obtained from a medical review officer.
13. If a driver is asked to submit to a reasonable suspicion test and refuses, then leaves the premises, they will immediately be reported to the local law enforcement.

POST ACCIDENT TESTING

1. As soon as practical following an accident involving a District vehicle the driver will be tested for alcohol and drugs when either:
The accident involves a fatality or
The driver receives a citation under state or local law for a moving traffic violation related to the accident, if anyone received medical treatment away from the scene or a vehicle is towed from the scene.
2. Drivers involved in an accident requiring alcohol and drug testing must notify their immediate supervisor as soon as possible. For accidents on campus the supervisor will be responsible for transporting the driver to the hospital for testing within two hours.
3. If the driver has not submitted to an alcohol test within two hours, a report must be prepared by the supervisor. The report shall be sent to the Superintendent's Office and placed in the employee's personnel file.
4. If the driver has not submitted to an alcohol test within eight hours, attempts to administer the test will cease and a report must be prepared by the supervisor. The report shall be sent to the Superintendent's Office and placed in the employee's personnel file.
5. Attempts to administer the test will cease and a report must be prepared by the supervisor if a driver has not submitted to a drug test within 32 hours. The report shall be sent to the Superintendent's Office and placed in the employee's personnel file.
6. The driver must refrain from consuming alcohol for eight hours following an accident, or until he/she submits at an alcohol test, whichever comes first.
7. A driver must remain readily available for testing or may be deemed to have refused to submit to testing. Any refusal may result in dismissal.
8. For accidents off campus with results listed in section 1 above, it is the responsibility of the driver to report to the nearest collection site (hospital, etc.) for testing as soon as possible, within two hours if possible.
9. Nothing in this section shall delay medical care to an injured driver.

INFORMATION AND TRAINING

1. Before performing an alcohol or controlled substance test the Transportation Manager will notify a driver that the tests are required by these regulations. The notice can be oral or written.
2. Drivers will be given detailed information about the effects of alcohol and drugs, employer policies and procedures, testing requirements, penalties, and how and where drivers can get help for substances abuse.
3. Supervisors of drivers will attend two one-hour training sessions, one on both alcohol misuse and drug use. Training will include the signs and symptoms used to determine reasonable suspicion testing.

4. Covered employees will sign the Driver's Receipt form stating that they have received this information and Driver Awareness Alcohol & Drug Testing Handbook.
5. The Transportation Manager will provide information and training and answer questions about the materials provided. The information will be provided before alcohol and drug testing is conducted.

RECORDS

1. All records will be kept in a secure location with controlled access. Driver records will be maintained in the Transportation Office at 56 FMRHS Road, Langdon, NH.
2. The following records will be maintained for three (3) years (except pre-employment CCF & driver alcohol test results):
 - Verified positive drug results.
 - Documentation of refusals to take required tests.
 - Driver evaluations and referrals.
 - Records related to the collection process.
 - Training records.
 - Negative and canceled drug tests.
 - Alcohol tests less than 0.02.
3. The specific types of records maintained will include:
 - Records related to the collection process.
 - Records related to the driver's test results.
 - Documentation of any other violation of drug use or alcohol misuse rules.
 - Records related to reasonable suspicion testing.
 - Records related to education and training.
 - Records related to the random selection process.
 - Driver evaluation records.
 - Records from a substance abuse professional.
4. The District will not release driver information contained in these records except as required by law or as authorized by the driver in writing. The release of information to the current employer and to regulatory authorities is permitted by law.
5. Upon written request to the Transportation Manager a driver may obtain copies of any records pertaining to his/her test results. These records will be provided to the driver within 5 business days.
6. Records will be made available to a subsequent employer upon receipt of a written request from a driver, and only as expressly authorized by the terms of the driver's request and current FMSCA rules.
7. Records will be made available for inspection at the District Transportation Office within two business days of a request by an authorized representative of the Federal Highway Administration.
8. If requested by a regulatory authority the Transportation Office will;
 - Prepare a summary of the results of the District's testing program during the previous calendar year.
 - Provide copies of all results of alcohol and controlled substance testing.

TESTING PROCEDURES- DRUGS

1. The Charlestown Family Physicians or Valley Regional Hospital and the certified laboratory will train personnel, collect urine samples, and ship specimens in compliance with 49 CFR Part 40.
2. Unauthorized persons will not be allowed access to the testing location when a test is in progress.
3. Drivers must positively identify themselves with a photo ID. The test subject shall remove all unnecessary outer garments (jackets, hats, coveralls) and leave briefcases, purses, and other personnel belongings in a secure location. Drivers may retain their wallets and will be asked to empty their pockets and display items.
4. All efforts will be taken to ensure privacy of the driver. Drivers will be allowed to provide a specimen in the privacy of a stall.
5. A clean, single use specimen bottle or sterile urinal that is securely wrapped until filled will be used. Both the driver and collection site person shall keep the specimen in view at all times before being sealed and labeled with a tamperproof seal. The seal will be initialed by the collection site person and the driver.
6. To reduce error, the collection site person shall collect only one specimen at a time.
7. The specimen must be spilt and both samples shipped in a single shipping container. The shipping container shall be securely sealed to eliminate the possibility of undetected tampering.
8. If there is reason to believe that tampering or adulteration has occurred a second specimen will be immediately collected. The collection will be observed by a medical doctor or by a collection site person of the same sex.
9. The specimen shall be secured during temporary storage prior to shipment to the laboratory. Only laboratories certified by the Department of Health and Human Services will be used for drug analysis.
10. Every specimen is required to undergo an initial screen followed by confirmation of positive screen results.
11. The laboratory must report all test results directly to the Transportation Manager within an average of five working days after receipt of the specimen.
12. The Transportation Manager is available at (603) 835-2527. The Transportation Manager will review and interpret positive results obtained from the lab. The Transportation Manager will contact the District's physician to determine if alternate medical explanations could account for the positive test results, such as taking prescription drugs. To accomplish this, the Transportation Manager may conduct medical interviews of the subject. The Transportation Manager must give the individual testing positive an opportunity to discuss the test results prior to making a final decision.
13. The Transportation Manager shall notify an employee who has tested positive that he/she has 72 hours in which to request a test of the split specimen.
14. After the final decision is made on the results the Transportation Manager shall notify the Superintendent's Office by phone or fax in a confidential manner. A signed, written notification will be forwarded to the Superintendent's Office within three business days of the completion of the review.
15. The Superintendent's Office will notify the Transportation Manager and driver of any required remediation and disciplinary action.

16. If the employee refuses to cooperate with the collection process, the collection site person shall inform the Transportation Manager.

TESTING PROCEDURES- ALCOHOL

1. Alcohol testing will be performed according to 49 CFR Part 40.
2. The Breath Alcohol Technician will use evidential breath testing devices (EBTs) approved by the NHTSA. Training in the use of the EBT must be approved by the NHTSA. The EBT must have a quality assurance plan developed by the manufacturer and approved by the NHTSA.
3. The DOT Breath Alcohol Testing form will be used during the alcohol breath testing process.
4. The driver must show positive identification (photo ID) when arriving at the site. Testing will be done in a private location.
5. The Breath Alcohol Technician will supervise only one employee's use of the EBT at a time. The technician will not leave the testing site while the test is in progress.
6. Unauthorized persons will not be permitted access to the testing location when a test is in progress.
7. An individually-sealed mouthpiece shall be opened in view of the employee. The results displayed on the EBT will be shown to the employee. If the result is less than 0.02 no further testing is authorized.
8. If the result of the screening test is 0.02 or greater a confirmation test will be performed. A new mouthpiece is used.
9. The employee must not eat, drink, belch, or put any object into his/her mouth while waiting for the confirmation test. The waiting period shall be between 15-30 minutes.
10. All results will be transmitted by the Breath Alcohol Technician to the Transportation Manager by phone in a confidential manner. Written results will be mailed to the Transportation Manager within three business days.
11. The Breath Alcohol Technician shall immediately notify the Transportation Manager of confirmed results greater than 0.02. The Transportation Manager will contact the driver and inform them of any required remediation and disciplinary action.

DISCIPLINARY ACTIONS

1. Employees are subject to disciplinary action if they have a verified positive or adulterated test result, refuse to submit to required testing, tamper with results, or otherwise fail to adhere to their responsibilities under this policy.
2. Cases will be reviewed on an individual basis with consideration of all relevant mitigating circumstances.
3. Determination of the appropriate disciplinary action will be made in consultation with the Superintendent's Office. Disciplinary actions may include written notices, suspension and/or termination.