

DRUG & ALCOHOL TESTING FOR SAFETY SENSITIVE POSITIONS

The Oxnard Union High School District is committed to providing safe transportation of students and ensuring the safety and well being of its employees and the public. Employees who report to work with drugs or alcohol on their persons or in their bodies endanger themselves, their fellow employees, students and the general public.

Therefore, it is the policy of the Oxnard Union High School District to provide a drug and alcohol-free school and work environment.

The Oxnard Union High School District shall adhere to federal law and regulations requiring drug and alcohol testing for school bus drivers and employees in safety-sensitive positions requiring a commercial driver's license (CDL).

Regulations published by the Federal Highway Administration in February 1994 are designed to help prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles and shall be implemented by the Superintendent or his designee, beginning January 1, 1996.

Legal Reference

EDUCATION CODE

& 35160 Authority of Governing Boards

UNITED STATES CODE – TITLE 49

§ 2717 Alcohol and Controlled Substance Testing (Omnibus Transportation Employee Testing Act of 1991)

CODE OF FEDERAL REGULATIONS – TITLE 49

§ 40 Procedures for Transportation Workplace Drug & Alcohol Testing Programs

§ 382 Controlled Substance & Alcohol Use & Testing

§ 395 Hours of Service of Drivers

Holliday vs. City of Modesto (1991) 229 Cal.App.3d 528, 540

International Brotherhood of Teamsters vs. Department of Transportation 932 F.2d 1292 (1991)

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OXNARD UNION HIGH SCHOOL DISTRICT

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DRUG & ALCOHOL TESTING PROGRAM

BOARD POLICY 4112.42

Administrative Procedures/Employee Reference Manual 4112.42

OXNARD UNION HIGH SCHOOL DISTRICT

DRUG & ALCOHOL TESTING FOR SAFETY SENSITIVE POSITIONS (ADMINISTRATIVE PROCEDURES & EMPLOYEE REFERENCE MANUAL)

TABLE OF CONTENTS

Purpose

Safety-Sensitive Function

Covered Employees

Prohibited Drug and Alcohol-Related Conduct

Employee Responsibilities

Supervisor Responsibilities

District Responsibilities

Employee Assistance Program

Types of Testing

Drug Testing Procedures

Alcohol Testing Procedures

Consequences of Policy Violations

APPENDICES

[Appendix A: Pre-employment Urinalysis & Breath Alcohol Consent](#)

[Appendix B: Testing Sites](#)

[Appendix C: Drug & Alcohol Testing Notification & Driver Fact Sheet](#)

[Appendix D: Post Accident Procedures](#)

[Appendix E: Post Accident Log](#)

[Appendix F: Observed Behavior - Reasonable Suspicion Record](#)

GLOSSARY

PURPOSE

The impairing effects of drugs and alcohol and the substantial risks to public safety by transportation personnel who use drugs and alcohol underlie the government's interest in requiring drug and alcohol testing of transportation workers. The Omnibus Transportation Employee Testing Act of 1991 requires the Department of Transportation (DOT) to promulgate regulations for drug and alcohol testing for persons in safety-sensitive positions in various transportation industries.

In February, 1994, the Federal Highway Administration (FHWA), the DOT agency administering regulations that cover District employees, published rules requiring drug and alcohol testing for employees in safety-sensitive positions requiring a commercial driver's license (CDL). The purpose of these rules is to help prevent accidents and injuries resulting from the use of drugs and misuse of alcohol by drivers of commercial motor vehicles (CMV). The result of these rules is that District employees who are required to have a CDL will be required to undergo drug and alcohol testing beginning January 1, 1996.

In order to have a successful program, it is important that covered supervisors and employees know what is expected of them. This document serves to explain the requirements of the drug and alcohol testing regulations and the District's policies and procedures with respect to meeting those requirements.

SAFETY-SENSITIVE FUNCTION

The term "safety-sensitive function" is used throughout the FHWA rules and in this document. The FHWA defines a "safety-sensitive function" as any of those on-duty functions as listed below:

- All time at a carrier or shipper plant, terminal, facility or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs) or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle .All time, other than driving time. spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
- All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time spent performing the driver requirements associated with an accident.
- All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

COVERED EMPLOYEES

The FHWA drug and alcohol testing rules apply to every person who operates a CMV requiring a CDL and performs safety-sensitive functions. The District has identified the following job classifications that will be required to undergo drug and alcohol testing:

- Bus Driver/Delivery Driver
- Bus Driver/Grounds Maintenance Worker
- Bus Driver Instructor
- Lead Bus Driver
- Transportation Supervisor
- Substitute Bus Drivers

PROHIBITED CONTROLLED SUBSTANCE AND ALCOHOL-RELATED CONDUCT

The following drug and alcohol-related activities are prohibited by the FHWA's drug use and alcohol misuse rules for drivers of CMVs:

- Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
- Being on duty or operating a CMV while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- Using alcohol while performing safety-sensitive functions.
- When required to take a post-accident test, using alcohol within eight hours following the accident prior to undergoing a post accident alcohol test, whichever comes first.
- Refusing to submit to a controlled substance or alcohol test required by post-accident, random, reasonable suspicion or follow-up testing requirements.
- Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV.
- Reporting for duty, remaining on duty or performing a safety-sensitive function, if the driver tests positive for controlled substances.

Note: District policy prohibits reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

Employee Responsibility

As a condition of employment, a covered employee must:

- Be able to perform his/her job duties without impairment due to the use of drugs or alcohol when on duty or subject to duty.
- Report to work without drugs or alcohol in his/her system.

- Not possess or utilize alcohol while on duty.
- Not use without prescription, possess, manufacture, sell or distribute drugs in the workplace.
- Submit immediately to a drug or alcohol test when ordered by a supervisor, management or other designated District representative.
- Not perform safety-sensitive functions within four hours after using alcohol.
- Not use alcohol for 8 hours following an accident, if required to submit to a post accident test.
- Promptly notify his/her supervisor when he/she observes or has knowledge of another covered employee:
 - using, possessing, manufacturing, distributing or selling drugs at work, or
 - in a condition which impairs his/her ability to perform job duties or which poses a hazard to the safety or welfare of others.
- Confirm receipt of the District's written policy concerning drug and alcohol testing by signing a statement certifying he/she has received a copy of these materials.

Supervisor Responsibility

Supervisors are responsible for enforcement of this Policy. Supervisors:

- Shall notify and instruct covered employees when they are selected for random drug or alcohol testing.
- Shall transport to a post-accident drug and alcohol test as soon as practical following an accident each driver:
 - who was performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life; or
 - who receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

- shall transport a covered employee to a reasonable suspicion drug or alcohol test when the supervisor has reasonable suspicion to believe the employee has violated the drug or alcohol prohibitions.
- shall not permit a covered employee to perform safety-sensitive functions with the knowledge that the employee possesses, uses or has drugs or alcohol in his/her system.
- shall not permit a covered employee to perform safety-sensitive functions when the employee refuses to submit to drug and/or alcohol testing.
- shall immediately remove a covered employee from performing safety-sensitive functions when the employee has tested positive for drugs or has an alcohol concentration of 0.02 or greater.
- shall remain on collection site when assigned, while reasonable suspicion or post-accident drug or alcohol testing is being conducted.

District Responsibility

The District:

- shall ensure that each covered employees receives a copy of the District's written policy concerning drug and alcohol testing and signs a statement certifying receipt of these materials and that the statement shall be maintained in the employee's human resources file.
- shall ensure that covered employees receive post-accident information, procedures and instructions, prior to the employee operating a District vehicle .
- shall ensure that persons designated to determine whether reasonable suspicion exists to require a covered employee to undergo drug and/or alcohol testing receive at least 60 minutes of training on drug use and an additional 60 minutes of training on alcohol misuse.
- shall ensure that covered employees whose alcohol tests indicate a blood concentration of 0.02 or greater or who test positive for drugs, are advised of the resources available in evaluating and resolving problems related to drug and alcohol use.

Employee Assistance Program

The District encourages employees with drug or alcohol dependencies to voluntarily obtain the earliest possible diagnosis and treatment of their problem. The District supports such efforts through Board Policy 4359, which states that “the district will offer referral information to assist employees in securing professional counseling, therapy and/or treatment”. The hotline number (800) 662-HELP offers referrals to substance abuse professionals and, additionally, the District offers at each work site an Interagency Brochure, which provides descriptions of a variety of available programs.

When a covered employee comes forward and admits to having a drug or alcohol problem prior to the implementation of the drug and alcohol testing program, the District will assist in the provision of rehabilitation services by providing an unpaid Health & Rehabilitation Leave if recommended by a substance abuse professional (SAP). Although an employee's insurance may be utilized, treatment and payment thereof for any rehabilitation cost is the responsibility of the employee.

A covered employee found to be under the effects of drugs or who violates the provisions of the Omnibus Transportation Employee Testing Act of 1991, while on duty, will be terminated from District services. The employee will be referred to a SAP; however, this does not preclude the District from proceeding with a recommendation for the employee's dismissal from District service.

A covered employee found to be under the effects of alcohol or who violates the provisions of the Omnibus Transportation Employee Testing Act of 1991 - while on duty - will be offered rehabilitation if recommended by a SAP. A covered employee who violates the provisions of the Omnibus Transportation Employee Testing Act of 1991 a second time - while on duty - will be terminated from District services. The employee will be referred to a SAP; however, this does not preclude the District from proceeding with a recommendation for the employee's dismissal from District service.

Types of Testing

The District is required to perform drug and alcohol testing in the following situations:

- **Pre-Employment**

Description

All covered employee applicants, including current employees in non safety-sensitive positions, offered employment in positions requiring a CDL, must submit to pre-employment drug and alcohol testing. Covered employee applicants who test positive for drugs or who test 0.02 or above for breath alcohol concentration, will not be eligible for employment in those positions.

Procedure

At the time of the job offer, covered employee applicants will be notified by the District's Human Resources Department that, as part of the pre-employment requirements, a urine sample will be collected to test for the presence of drugs, and a breath alcohol test will be given to determine their alcohol concentration. The Department of Human Resources will instruct the applicant to complete the [Pre-Employment Urinalysis and Breath Alcohol Consent form \(Appendix A\)](#) and will inform him/her of the location and time of the tests.

- **Random**

Description

Covered employees will be required to submit to random, unannounced drug and alcohol tests. Each year, 50 percent of all covered employees must be tested for drugs and 25 percent of all covered employees will be tested for alcohol. Testing dates and times will be announced and will be with unpredictable frequency throughout the year. Some employees may be tested more than once each year; some may not be tested at all. All covered employees have an equal chance of being tested each time selections are made.

Random testing for drugs may be conducted at any time the covered employee is on duty. Random alcohol testing must be conducted just before, during, or just after a covered employee's performance of safety-sensitive duties, or it is determined that the covered employee may be about to perform a safety-sensitive function. Random selection will be conducted by a contractor.

Procedure

The contractor conducting random selection will notify the District's Director of Personnel and the Transportation Supervisor of the test site and names of covered employees who have been randomly selected for drugs and/or alcohol tests. Just before testing is to begin, the Transportation Supervisor will inform the site supervisors who shall then inform selected employees that they must undergo random drug and/or alcohol testing and instruct them to proceed to the testing site immediately. The supervisor must also ensure that each covered employee receives the [Drug and Alcohol Testing Notification and Fact Sheet \(Appendix C\)](#).

- **Post-Accident**

Description

As soon as practicable following an occurrence involving a District vehicle requiring a CDL to operate, the District shall test for drugs and alcohol when each driver:

- who was performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life; or
- who receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

The District is responsible for providing covered employees (see page 2) with necessary post-accident information, procedures and instructions, prior to the employee operating a District vehicle, so that employees will be able to comply with the requirements of this rule.

Note: Nothing in this document {or the rule itself} should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

Procedure

When a covered employee (driver) is involved in an accident involving a District vehicle, the driver must follow the [Post Accident Drug and Alcohol Testing Procedures \(Appendix D\)](#) provided in District vehicles requiring a CDL to operate. A supervisor shall be dispatched to the scene. If tests are warranted, the supervisor is responsible for transporting the driver to the testing site as soon as possible. Drivers must be instructed to refrain from consuming alcohol for eight hours following the accident or until he/she submits to an alcohol test, whichever comes first. The supervisor must complete the [Post-Accident Log form \(Appendix E\)](#).

If a driver has not submitted to an alcohol test after two hours, the supervisor shall prepare and maintain on file a record stating the reason a test was not promptly administered. After eight hours, all attempts to administer the alcohol test will cease and be documented. If a driver has not submitted to a drug test after 32 hours, all attempts to administer the test will cease and be documented .

A driver who is seriously injured and cannot provide a urine specimen or breath test at the time of the accident, shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs or alcohol in his/her system.

- **Reasonable Suspicion**

Description

If a supervisor(s) suspects that a covered employee is using drugs or misusing alcohol, that covered employee will be required to submit to a reasonable suspicion drug and/or alcohol test. Reasonable suspicion must be based on direct observation of current, specific, describable observations concerning the appearance, behavior, speech or body odors of the employee. The conduct must be witnessed by a supervisor who has received training in the identification of actions, appearance of conduct which are indicative of drug use and the misuse of alcohol. Alcohol testing is authorized only if the observations are made during, just before, or just after the period of the workday the covered employee is performing safety-sensitive functions, or it is determined the covered employee is about to perform a safety-sensitive function.

Procedure

When a covered employee is required to submit to a reasonable suspicion drug and/or alcohol test, the supervisor is responsible for transporting the employee to the testing site immediately.

If an alcohol test is not administered within two hours following a reasonable suspicion determination, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If eight hours elapse, the supervisor shall cease to administer an alcohol test and shall state in the record the reasons for not administering the test.

Documentation of the observations leading to a reasonable suspicion, drug test shall be prepared by the supervisor who witnessed the covered employee's conduct. The [*Observed Behavior - Reasonable Suspicion Record Form \(Appendix F\)*](#) shall be prepared within 24 hours of the observed behavior or before results of the test are released, whichever is earlier.

- **Return to Duty**

Description

If a covered employee has been removed from duty after engaging in prohibited conduct regarding drug use and/or alcohol misuse, that employee must submit to return-to-duty drug and/or alcohol testing before returning to performing safety-sensitive functions. An employee cannot return to duty unless results of the drug test are verified as negative and/or results of the alcohol test indicate a breath alcohol concentration of less than 0.02.

Procedure

When a covered employee is required to submit to a return-to-duty test, the designated District representative will instruct the employee to submit to a drug and/or alcohol test.

- **Follow-Up**

Description

If it is determined that a covered employee is in need of assistance resolving problems associated with drug use and/or alcohol misuse, that employee will be subject to unannounced follow-up drug and/or alcohol testing as directed by the substance abuse professional (SAP). Employees will be subject to a minimum of six follow-up drug and/or alcohol tests in the first 12 months. Alcohol follow-up testing shall be performed only when the employee is performing safety-sensitive functions, or immediately prior to performing or immediately after performing safety-sensitive functions or it is determined that the covered employee may be about to perform a safety-sensitive function.

Procedure

The SAP will instruct the covered employee to submit to follow-up testing. Employees must inform their supervisor prior to testing so that arrangements can be made for proper coverage. Upon completion of the test, employees must provide verification of submitting to a follow-up test to the designated District representative.

Drug Testing Procedures

- **Description**

Drug testing is conducted by analyzing an individual's urine specimen for marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District will contract with a medical services company for collection of urine samples in strict compliance with the DOT *Procedures for Transportation Workplace Drug and Alcohol Testing Programs* rule (49 CFR Part 40).

- **Specimen Collection Procedures**

An individual (donor) is required to have individual privacy when providing a specimen; however, he/she must provide a specimen under direct observation when he/she presents a specimen that is outside the accepted temperature range and he/she refuses to have an oral body temperature measurement, or the body temperature measurement varies more than 1° C from the specimen temperature, or the collector observes the donor attempting to adulterate or substitute the specimen. The District may require direct observation collection when the donor's last provided specimen was determined to be diluted, or the donor has previously had a verified positive test. Collection site personnel must be the same gender as the donor when a collection is conducted under direct observation.

A trained collection site person will collect samples using split specimen procedures which means each specimen is subdivided, in the presence of the donor, into two bottles labeled as "primary" and "split" specimen. The collection site person prepares the specimens for shipment to a certified laboratory.

- **Inability to Provide an Adequate Specimen**

Individuals will be allowed up to two hours to provide a sufficient sample and will be directed by the collection site person to drink fluids. If the individual cannot provide a complete sample within the two-hour period, the District's Medical Review Officer (MRO) shall refer the individual for a medical evaluation to determine if the individual's inability to provide a sample is genuine or constitutes a refusal.

For pre-employment and random testing, an individual may be rescheduled for another collection attempt if the collection must be discontinued before the individual has provided a sufficient sample and before the expiration of two hours. If the individual is still unable to provide a specimen during a retest, the MRO shall refer the individual for a medical evaluation to determine if the individual's inability to provide a sample is genuine or constitutes a refusal.

- **Refusal to Submit to Drug Testing**

An individual who fails to provide adequate urine for drug testing without a valid medical explanation, fails to cooperate in the testing process, or adulterates, dilutes, or substitutes the specimens in any way, shall be deemed as refusing to submit to drug testing.

- **Laboratory Analysis**

The analysis of the specimens are performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The primary specimen is used for the initial analysis; the split specimen remains sealed. A screening test using immunoassay is performed on the primary specimen. If the primary specimen tests positive for one or more of the drugs, the laboratory will retest the same specimen by gas chromatography/mass spectrometry (GC/MS) analysis to confirm the positive result.

The laboratory reports results only to the MRO. If the analysis of the primary specimen is confirmed positive, the individual has 72 hours to request the MRO to send the split specimen to another DHHS certified laboratory for analysis - at the individual's expense.

- **Medical Review Officer (MRO)**

The Medical Review Officer or MRO shall be a licensed physician with knowledge of substance abuse disorders. The MRO:

- reviews all lab test results prior to transmitting information to the District,
- protects the confidentiality of individuals, is the sole custodian of individual

- test results, and
- is responsible for the receipt, verification, notification and reporting of test results.

• Notification of Results

All drug test results are reviewed and interpreted by the MRO before they are reported to the District. If the analysis of the primary specimen is confirmed positive, the individual has 72 hours to request the MRO to send the split speci-men to another DHHS certified laboratory for analysis - at the individual's expense. If the laboratory reports a positive split specimen result, the MRO will contact the individual to determine if there is an alternative medical explanation for the drugs found detected. If the individual provides appropriate documentation and the MRO determines that it is legitimate medical use of the prohibited drug, the drug test result is reported as negative. If the MRO concludes that no legitimate medical reason exists for a positive test, the MRO will verify the result as positive. The MRO will report the results as follows:

RESULTS	PERSON(S) NOTIFIED
Negative	Director of Human Resources Transportation Supervisor
Positive	Director of Human Resources Transportation Supervisor Assistant Superintendent/Business Services
Pre-Employment	Director of Human Resources

• Procedures to Protect Testing Integrity

Every effort will be made to protect covered employees and the integrity of the testing process and testing results. The District and the contractor shall take the following precautions to ensure that the specimen's security, proper identification and integrity are not compromised.

- The collection site must afford privacy to individuals and must be secure at all times by preventing access to unauthorized persons.
- Collection site personnel must be trained to carry out the required collection procedures, or if they are licensed medical professionals or technicians, they must have instructions for conducting the required collection procedures.
- The collection site person shall ensure that individuals are positively identified through the presentation of photo identification or identification by a District representative.
- The following specific procedures must be followed during collection of the specimen:

- The donor shall remove outer garments only.
 - The donor shall wash his/her hands prior to collection of specimen and shall not have access to any water sources until the specimen has been collected.
 - A bluing agent shall be added to toilet tank and bowl.
 - The collector shall remain outside the enclosure.
 - The donor may flush the toilet only after releasing specimen to collector.
 - The specimen should contain at least 45 ml of urine.
 - The collector shall measure the specimen temperature within four minutes of urination.
-
- *A Drug Testing Custody and Control Form* must be completed by the collection site person and the donor at the time of collection and accompany all specimens to the laboratory.
 - The collector and donor complete the collection process together, including sealing and labeling specimen bottles, initialing bottle labels or seals, and signing and dating the custody and control form.
 - The specimens must be kept in sight of the donor and collection site person until sealed and ready for shipment.
 - All drug testing results and records shall be maintained under strict confidentiality by the District, the drug testing laboratory, and the MRO. Except as required by law, covered employee records shall not be released without the written consent of the employee authorizing release of the information to an identified person.
-
- **Alcohol Testing Procedures**

Description

Alcohol testing is conducted by measuring the alcohol in a volume of breath using an approved evidential breath testing (EBT) device. The District will contract with a medical services company for breath alcohol testing in strict compliance with the DOT *Procedures for Transportation Workplace Drug and Alcohol Testing Programs* rule (49 CFR Part 40).

- **Breath Alcohol Test**

Two breath tests are required to determine if an individual has a prohibited alcohol concentration. A certified BAT will conduct a screening test first. After the BAT has conducted the breath test, the results are shown to the individual being tested. Any result less than 0.02 alcohol concentration is considered a "negative" test and no further testing is required.

If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted 15 to 20 minutes after the completion of the screening test. Following the completion of the confirmation test, the BAT shall display the result to the individual. In the event the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result.

- **Inability to Provide Adequate Amount of Breath**

If the individual attempts and fails to provide an adequate amount of breath, the test is considered a positive result unless the MRO determines otherwise.

- **Refusal to Submit to Alcohol Testing**

An individual who fails to provide adequate breath for testing without a valid medical explanation or who fails to cooperate in the testing process shall be deemed as refusing to submit to alcohol testing.

- **Notification of Results**

The District will designate a representative for receiving and handling alcohol testing results in a confidential manner. The results of the screening or confirmation test will be forwarded by the BAT at follows:

RESULTS	PERSON(S) NOTIFIED
Below 0.02	Director of Human Resources Transportation Supervisor
0.02 & Above*	Director of Human Resources Transportation Supervisor
Pre-Employment	Director of Human Resources

* *Note:* Employees whose test results are 0.02 or above must be immediately removed from safety-sensitive duty.

- **Procedures to Protect Testing Integrity**

Every effort will be made to protect employees and the integrity of the testing process and testing results. The District and the contractor shall take the following precautions to ensure accuracy, reliability and confidentiality of test results.

- Breath samples will be taken by a Breath Alcohol Technician (BAT), who is trained in the operation of the EBT with courses that are equivalent to the DOT model course.
- EBTs shall be approved by the National Highway Traffic Safety Administration (NHTSA) and meet the requirements of the DOT.
- The testing location shall be sufficient to prevent unauthorized persons from seeing or hearing test results.
- Unauthorized persons shall not be permitted access to the testing location while the EBT is unsecured.
- The BAT shall ensure that individuals are positively identified through the presentation of photo identification or identification by a District representative.

- A *Breath Alcohol Testing Form*, prescribed by the DOT, must be completed by the BAT and the individual being tested during the testing process to ensure that the results are properly recorded.
- The BAT shall supervise only one individual's use of the EBT at a time and shall not leave the alcohol testing location while the testing procedure for a given individual is in progress.
- The District shall maintain records in a secure manner. Except as required by law, employee records shall not be released without the written consent of the employee authorizing release of the information to an identified person.

Consequences of Policy Violations

- **Positive Drug Test**

Any unauthorized use of controlled substances is prohibited. Illicit use of drugs by safety-sensitive employees is prohibited on or off duty. If the MRO has determined that a covered employee's positive drug test resulted from the unauthorized use of a controlled substance, the employee will be removed from safety-sensitive duty and he/she will be subject to disciplinary action, including dismissal.

Covered employee applicants offered safety-sensitive positions who test positive for drug use, will not be eligible for employment in that position.

Covered employee applicants who are current District employees are offered assignments in a safety-sensitive positions, will not be eligible for employment in that position if they test positive for drug use, and may be subject to disciplinary action.

- **Alcohol Concentration 0.02 - 0.039**

Covered employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions and may be subject to disciplinary action. Covered employees whose confirmatory alcohol test is 0.02 or greater but less than 0.04 will be removed from safety-sensitive functions. After 24 hours have elapsed, the employee will be required to submit to a return-to-duty alcohol test and test below 0.02. Also, the employee will then be required to meet with his/her supervisor to discuss the problem prior to being allowed to perform a safety-sensitive function.

Covered employee applicants offered safety-sensitive positions whose confirmatory alcohol test is 0.02 or greater but less than 0.04 will not be eligible for employment in that position.

Covered employee applicants who are current District employees being offered assignments in safety-sensitive positions, whose confirmatory alcohol test is 0.02 or greater but less than 0.04 will not be eligible for employment in that position and may be subject to disciplinary action.

- **Alcohol Concentration 0.04 or Greater**

Covered employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions. Covered employees whose confirmatory alcohol test is 0.04 or greater will be removed from safety-sensitive functions and will be subject to disciplinary action, including dismissal.

Covered employee applicants offered a safety-sensitive position will not be eligible for employment in that position if their confirmatory alcohol test is 0.04 or greater.

Covered employee applicants who are current District employees being offered an assignment in a safety-sensitive position will not be eligible for employment in that position and may be subject to disciplinary action if their confirmatory alcohol test is 0.04 or greater.

- **Refusal to Submit to Drug or Alcohol Testing**

Any covered employee who refuses to submit to drug and/or alcohol testing or who fails to cooperate in testing procedures, shall be removed from safety-sensitive duty and he/she will be subject to disciplinary action, including dismissal.

Covered employee applicants offered safety-sensitive positions who refuse to submit to drug and/or alcohol testing or who fail to cooperate in testing procedures will not be eligible for employment in safety-sensitive positions.

Covered employee applicants who are current District employees being offered an assignment in a safety-sensitive position and who refuse to submit to drug and/or alcohol testing or who fail to cooperate in testing procedures will not be eligible for employment in that position and may be subject to disciplinary action.

APPENDICES

DRUG & ALCOHOL TESTING PROGRAM

APPENDIX A

OXNARD UNION HIGH SCHOOL DISTRICT
DRUG & ALCOHOL TESTING PROGRAM

PRE-EMPLOYMENT URINALYSIS AND BREATH ALCOHOL
CONSENT FORM

I understand that, as required by the Federal Motor Carrier Safety Regulations, Title 49, Code of Federation Regulations, Section 382.301, covered employee applicants of the Oxnard Union High School District must be tested for controlled substances and alcohol as a pre-condition of employment.

I consent to the breath alcohol test and urine sample collection to test for controlled substances.

I understand that an alcohol test result of 0.02 or greater, or a positive test result for controlled substances, will render me unqualified to operate a commercial motor vehicle.

The results of my test will be maintained by the District and will not be released to any other parties without my written authorization.

I understand the above conditions and hereby agree to comply with them.

PRINT Applicant's Name

SIGNATURE of Applicant

Date

APPENDIX B

TESTING SITE

QUEST DIAGNOSTICS INCORPORATED
971 W. 7th Street
Oxnard, California 93030
(805) 487-4493

DRUG & ALCOHOL TESTING PROGRAM

APPENDIX C

**OXNARD UNION HIGH SCHOOL DISTRICT
DRUG & ALCOHOL TESTING PROGRAM**

DRUG & ALCOHOL TESTING NOTIFICATION & DRIVER FACT SHEET

You have been selected for a drug and/or alcohol test. The testing procedures to be followed are in accordance with the U.S. Department of Transportation Federal Highway Administration Regulations. They were designed to ensure accuracy while protecting your rights to privacy. Failure to cooperate will deem you unqualified to drive a commercial motor vehicle. This fact sheet was developed to advise you of your responsibilities as mandated in 49 CFR Part 40 of the Department of Transportation's *Procedures for Transportation Workplace Drug & Alcohol Testing* and to help you prepare for the procedure.

REMINDER: You need to have an official photo identification – such as a driver's license – with you when you report to the testing site.

ALCOHOL TESTING

1. Report to (site): _____
on (date): _____ at (time): _____
 2. Present your photo ID to the Breath Alcohol Technician (BAT).
 3. Receive an explanation of the testing procedure from the BAT.
 4. Receive and complete Step 2 of the Breath Alcohol Testing Form and sign the certification.
 5. Observe an individually sealed mouthpiece being opened and attached to an evidential breath testing device (EBT).
 6. Blow forcefully into the mouthpiece for at least 5 seconds – or until the EBT indicates that an adequate amount of breath has been obtained.
 - If the result is less than 0.02, the BAT will date the form and sign the certification in Step 3 of the form. You will be asked to sign the certification and fill in the date in Step 4 of the form.
 - If the result is 0.02 or greater, a confirmation test will be performed. The BAT will instruct you not to eat, drink or put any object or substance in your mouth for at least 15 minutes. This prevents any accumulation of mouth alcohol leading to an artificially high reading.
- The confirmation test will be conducted within 20 minutes of the completion of the screening test. Instructions 3 to 6 will be repeated.
- If the confirmation and screening test results are not identical, the confirmation test result will be deemed as the final result.

The BAT will transmit all results to a District representative in a confidential manner.

DRIVER'S NAME (Print): _____

DRIVER'S SIGNATURE: _____

DATE SIGNED: _____

DRUG TESTING

1. Report to (site): _____
on (date): _____ at (time): _____
2. Present your photo ID to the site collection staff.
3. Check your outer garments, briefcase, etc., with the site collection staff for safekeeping. You may retain your wallet. You have the right to request a receipt for your belongings.
4. Wash and dry your hands.
5. Receive a fresh specimen container from the staff.
6. Proceed to the privacy enclosure and provide a urine specimen into the container. At least 45 milliliters (1.52 fl. oz.) are required. If you should have a problem providing an adequate sample, you may be asked to drink fluids to induce urination. Do not attempt to tamper with or substitute the specimen. It will be visually inspected and its temperature will be measured. If the staff suspects tampering, you may be required to provide a second sample under direct observation.
7. Give the specimen container to the collector, making certain that it is kept in view at all times until it is officially sealed and labeled.
8. Observe the sealing and labeling. Initial and date the label.
9. You will be given a multi-part form called the "Custody & Control Form":
 - Complete Section VII on copies 3 through 6 and sign the form.
 - Retain copy #4 for your records.
 - You may wish to complete the back of copy #4 by indicating any medication you are currently using.

Once the specimen is analyzed by the laboratory and the findings are reviewed by the Medical Review Officer, you will be notified of the results.

SUPERVISOR'S NAME (Print): _____

SUPERVISOR'S SIGNATURE: _____

DATE SIGNED: _____

DRUG & ALCOHOL TESTING PROGRAM

APPENDIX D

POST-ACCIDENT PROCEDURE

As soon as practicable following an occurrence involving a District vehicle requiring a CDL to operate, the District shall test for drugs and alcohol when each driver:

- who was performing safety-sensitive functions with respect to the vehicle if the accident involved the loss of human life; or
- who receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved:
 - Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

If a driver is involved in an accident involving a District vehicle:

- The driver must contact a supervisor as soon as feasible.
- A supervisor shall be dispatched to the scene to investigate the accident.
- The supervisor conducting the investigation shall contact the appropriate management representative to determine whether drug and alcohol tests are warranted. If a management representative is not available, supervisor must render an independent decision.
- If drug and alcohol tests are not warranted, the supervisor shall be advised to release the driver involved.
- If drug and alcohol tests are warranted, the supervisor is responsible for transporting the driver to the testing site as soon as possible and will remain at the test site with the covered employee.
- Drivers must refrain from consuming alcohol for eight hours following the accident or until he/she submits to a alcohol test, whichever comes first.
- Drivers shall remain readily available for drug and alcohol testing or may be deemed by the District to have refused to submit to testing. Any employee that refuses to submit to a drug or alcohol test directed by the District will be subject to disciplinary action, including dismissal.
- If a driver has not submitted to an alcohol test after two hours, the supervisor shall prepare and maintain on file a record stating the reason a test was not promptly administered. After eight hours, all attempts to administer the alcohol test will cease and be documented. If a driver has not submitted to a drug test after 32 hours, all attempts to administer the test will cease and be documented.

Note: Nothing in this document should be construed as to require the delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

DRUG & ALCOHOL TESTING PROGRAM

APPENDIX E

OXNARD UNION HIGH SCHOOL DISTRICT
DRUG & ALCOHOL TESTING PROGRAM
POST ACCIDENT LOG

Employee Name: _____ Employee No. _____

Work Location: _____ Title: _____

Accident Date: _____ Time: _____

Accident Location: _____
(Street) (City) (State) (Zip)

Please check one of the following:

- The accident involved a fatality.
- The accident involved a serious injury in which immediate medical treatment was required away from the scene of the accident.
- The driver received a citation under state of local law arising from the accident.
- The information available at the time of the accident indicated the driver's performance may have contributed to the accident.

ALCOHOL TEST

DRUG TEST

Time: _____
Place: _____
BAT: _____

Time: _____
Place: _____
Site Staff: _____

Administered within two (2) hours:
 Yes No

Administered within 32 hours:
 Yes No

Remarks: _____

Remarks: _____

Administered between two (2) & eight (8) hours:
 Yes No

Remarks: _____

Remarks: _____

(Provide explanation if required tests are not promptly administered following the accident (49 CFR 382.203(b)).

DRUG & ALCOHOL TESTING PROGRAM

RECOMMENDATION:

ALCOHOL TEST

Time: _____ Place: _____ BAT: _____

Administered within two hours: ___ Yes ___ No

Remarks: _____

Administered between two and eight hours: ___ Yes ___ No

Remarks: _____

DRUG TEST

Time: _____ Place: _____ BAT: _____

Remarks: _____

WITNESSED BY:

_____ (Signature) _____ (Title) _____ (Date) _____ (Time)

_____ (Signature) _____ (Title) _____ (Date) _____ (Time)

This document must be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the test are released – whichever is earlier.

DRUG & ALCOHOL TESTING PROGRAM

DRUG & ALCOHOL TESTING PROGRAM STATEMENT

The Oxnard Union High School District's Board Policy 4112.42 dealing with Drug and Alcohol Testing for Safety Sensitive Positions and Administrative Procedures/ Employee Reference Manual recognizes that controlled substances and alcohol constitute a major obstacle to workplace safety.

Our students, employees, and the general public are entitled to a drug and alcohol-free learning and work environment. Achieving this goal is of the utmost importance to the District.

Therefore, implementation of this Drug and Alcohol Policy, with corresponding Administrative Procedures/ Employee Reference Manual, becomes effective January 1, 1996.

GLOSSARY

DRUG & ALCOHOL TESTING PROGRAM

GLOSSARY

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 210 liters of breath as indicated by an evidential breath test.

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

Breath Alcohol Technician (BAT): An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device.

CDL: Commercial Drivers License.

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.

Collection Site: A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Collection Site Person: A person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

Commercial Motor Vehicle (CMV): 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 of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 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 and is used in the transportation of hazardous materials requiring placards.

Confirmation Test: For alcohol testing - means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For drug testing - means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

Covered Employee: An employee subject to the requirements of applicable federal law and this policy.

DHHS: Department of Health and Human Services.

DRUG & ALCOHOL TESTING PROGRAM

Drugs: For the purposes of these regulations, the term refers to the five classes of drugs - cocaine, marijuana, opiates, amphetamines and phencyclidine. Used synonymously with controlled substance.

Evidential Breathing Test Device (EBT): A device approved by the national Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Federal Highway Administration (FHWA): The agency or operating administration of the United States Department of Transportation (DOT) administering regulations requiring compliance with the alcohol and drug testing rules.

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 his or her medical history and any other relevant biomedical information.

Performing a Safety-Sensitive Function: Any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

Primary Specimen: 30 ml of urine sample provided by the employee to be analyzed for the detection of drugs.

Refusal to Submit (to an alcohol or drug test). Means that a driver:

- 1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing;
- 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, or
- 3) engages in conduct that clearly obstructs the testing process.

Safety-Sensitive Function. Any on-duty functions as listed below:

- 1) All time at a carrier or shipper plant, terminal, facility or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- 2) All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs), or otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time.
- 3) All time spent at the driving controls of a commercial motor vehicle.
- 4) All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).

DRUG & ALCOHOL TESTING PROGRAM

- 5) All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- 6) All time spent performing the driver requirements associated with an accident.
- 7) All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

Screening Test (initial test): **In alcohol testing**, it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. **In drug testing**, it means an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Shipping Container: A container capable of being secured with a tamper-proof seal that is used for transfer of one or more specimen bottle(s) and associated with documentation from the collection site to the laboratory.

Split Specimen: 15 ml of urine sample provided by employee. When requested, analyzed at a different laboratory to confirm a positive primary specimen result.

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 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 substance-related disorders.