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## **DRUG AND ALCOHOL TESTING FOR BUS DRIVERS**

Federal law prohibits alcohol misuse and use of controlled substances that could affect performance of a safety-sensitive function by District employees. This policy implements the requirements of Federal Law.

This policy shall be applicable only to those employees of the Orcutt Union School District who hold or are required to hold a commercial driver's license which is necessary to perform job related duties such as operating a commercial motor vehicle. All such employees shall be deemed "covered employees" pursuant to these administrative regulations and their compliance "with these regulations is required.

The Superintendent or designee shall identify a designated employer representative and shall provide his/her name and telephone number to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

The designated employer representative shall be responsible for receiving test results and other communications, taking immediate action(s) to remove drivers from safety-sensitive functions, and making other required decisions in the testing and evaluation processes. (40 CFR 40.3)

(cf. 3540 – Transportation)  
(cf. 3542 – School Bus Drivers)  
(cf. 3543 – Transportation Safety and Emergencies)  
(cf. 4020 – Drug and Alcohol-Free Workplace)

### **Definitions**

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

**Alcohol Concentration** or level means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath. For purposes of the DOT alcohol testing program, an alcohol level between 0.02 and 0.04 requires removal of the bus driver for a 24-hour period following the test. An alcohol level of 0.04 or higher requires immediate removal of the driver from performing safety-sensitive functions until the driver has successfully completed the return-to-duty process. (49 CFR, 382.107, 382.201, 382.505)

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

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

**Commercial Motor Vehicle** - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (1) Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds.
- (2) Has a gross vehicle weight rating of 26,001 or more pounds.
- (3) Is designed to transport 16 or more passengers, including the driver.
- (4) Is of any size and is used in the transportation of hazardous materials requiring placards.

**Confirmation Test** (for alcohol testing) -A second test that provides quantitative data of alcohol concentration following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath. For controlled substances testing, it is 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 principal 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.

**Driver** -Any person who operates a commercial motor vehicle. For the purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.

**Drugs** - For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs included in the tests are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates. (49CFR 40.3, 40.85, 382.107)

**Employer** - Any business (including the United States, a State, the District of Columbia or a political subdivision of a State) who owns or leases a commercial motor vehicle or assigns individuals to operate such a vehicle, including agents, officers, and representatives of the employer.

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

**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.

**On-Duty Time**- That phrase as defined by Federal regulations and this policy, means all of the time from the time a covered employee begins to work, is required to be in readiness to work, until the time he or she is relieved for work and all responsibility for performing work.

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

**Refusal to Submit** *(to an alcohol or controlled substance test)*- When a covered employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement of breath testing, (2) fails to provide adequate urine for controlled substances 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** - For the purposes of this policy, shall mean any of the functions defined in Title 49 of the Code of Federal Regulations. More specifically, safety-sensitive functions include all functions performed by a covered employee during on-duty time and include:

- a. All time a carrier or shipper plant, terminal, facility, or other property waiting to be dispatched, unless the covered employee has been relieved from duty by the employer.
- b. 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.
- c. All time spent at the driving controls of a commercial motor vehicle.
- d. All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
- e. 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.

- f. All time spent performing the covered employee requirements associated with an accident.
- g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- h. All time spent providing a breath sample or urine specimen, including travel time to and from the collection site, in order to comply with the testing requirements.

**Screening Test or Initial Test** - An analytical procedure to determine whether a covered employee may have a prohibited concentration of alcohol in his/her system. In controlled substance testing, it is an immunoassay screen to eliminate negative urine specimens from further consideration.

**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 and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

#### Notification to Covered Employees

Prior to performing a controlled substance and/or alcohol test under this program:

- (1) The District will notify the covered employee that the alcohol and/or controlled substance test is required by Code of Federal Regulations, Title 49, Part 382.
- (2) The District will post a copy of BP/AR 4112.42 in a prominent location that is readily accessible to all covered employees.
- (3) All covered employees will be provided with a complete copy BP/AR 4112.42 upon employment
- (4) Each covered employee may obtain, upon request, an additional copy of this program for review by contacting the District's Controlled Substance and Alcohol Program Coordinator. (See Appendix D)
- (5) Each covered employee is required to sign a statement certifying that he/she has received a copy of the controlled substance and alcohol program. (See Appendix C)

Upon request, the District will notify an employee of the results of random, reasonable suspicion and post-accident controlled substances and/or alcohol test if the test results are verified positive. The District will also tell the covered employee which controlled substance(s) were verified as positive.

#### Prohibited Conduct

1. No covered employee shall report for duty, or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
2. No covered employee shall remain on duty, or operate a commercial motor vehicle, while that employee 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.
3. No covered employee shall use alcohol during on-duty time.
4. No covered employee shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. No covered employee required to take a post-accident alcohol test shall use alcohol for eight(8) hours following the accident and until he/she undergoes a post-accident alcohol test.
6. No covered employee shall refuse to submit to any test required by law or this policy.
7. No covered employee shall report for duty, or remain on duty requiring the performance of safety-sensitive functions when the covered employee uses or possesses any controlled substances, except when the use or possession is pursuant to the instructions of a physician who has advised the covered employee that the substance(s) does not adversely affect the covered employee's ability to safely operate a commercial vehicle. The District reserves the right to require the covered employee to inform the employer of any therapeutic drug use.

#### Other Alcohol Related Conduct

1. Although the following conduct is unacceptable, it is not considered to be "prohibited conduct" for the purposes of this policy. As outlined in this policy, engaging in prohibited conduct has specific consequences not applicable to this section.
2. No covered employee found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall perform or continue to perform safety-sensitive functions until the start of the covered employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test.

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## Transportation and Compensation

1. If an applicant or covered employee produces a test result indicating an alcohol concentration equal to or greater than 0.04 or a positive result on a controlled substances test, that employee shall be transported to his/her residence by the Employer.
2. A covered employee who fails a required test shall not receive his/her normal compensation for hours during which the employee is prohibited by Federal law and this policy, from performing a safety-sensitive function. Failure is defined as a verified positive result by an MRO for controlled substances and/or an alcohol concentration of 0.02 or greater.

## Consequences of Prohibited Conduct

1. No covered employee shall return to duty or remain on duty to perform safety-sensitive functions if the covered employee has engaged in conduct prohibited by this Policy, unless the covered employee successfully fulfills the conditions set forth in this policy.
2. Any covered employee tested under this Policy who is found to have an alcohol concentration equal to or greater than 0.04, or who tests positive on a verified controlled substances test, shall not continue to perform safety-sensitive functions for the Employer. In this situation, the covered employee shall not resume the performance of safety-sensitive functions until the employee produces a Return-to-Duty test with a result indicating an alcohol concentration of less than 0.02, and/or a result indicating a negative result for controlled substances use.
3. Any covered employee discovered to have engaged in prohibited conduct shall be subject to an evaluation by a substance abuse professional (SAP) to determine what, if any, assistance the employee needs in resolving problems associated with alcohol misuse and controlled substances use. The SAP shall be a person who is qualified for that position in accordance with applicable Federal requirements.
4. If, after an evaluation, an employee is diagnosed as needing assistance and directed to an assistance program, that employee may not return to duty unless the SAP determines that the employee has properly followed any rehabilitation program prescribed and shall be subject to follow-up testing.
5. Every covered employee who has engaged in prohibited conduct shall be advised of the resources available to that employee in evaluating and resolving problems associated with the misuse of alcohol and controlled substances.
6. These requirements, relating to mandatory referral and evaluation, do not apply to applicants who have a pre-employment alcohol test with a result indicating an alcohol concentration of 0.04 or greater, or a controlled substances test with a verified positive result. Such employees are not eligible for employment under this District policy.

7. The choice of the substance abuse professional who shall conduct the evaluation is reserved to the Employer.

8. The costs of any treatment and/or rehabilitation program prescribed by the SAP shall be the responsibility of the employee. The employee may utilize the benefit component of the District- provided employee assistance program (EAP) where applicable.

#### Testing Procedures

All tests conducted pursuant to this policy shall comply with the requirements of applicable Federal law. (See Appendix B)

#### Pre-Employment Testing

1. Prior to the first time a covered employee performs safety-sensitive functions for the Employer, the employee shall undergo testing for alcohol and controlled substances.

2. The Employer shall not allow any covered employee to perform safety-sensitive functions unless the covered employee has produced an alcohol test with a result indicating an alcohol concentration less than 0.02, and has produced a controlled substances test result from a medical review officer indicating a verified negative test result.

3. The Employer reserves the right not to employ an applicant with a pre-employment test result indicating an alcohol concentration equal to or greater than 0.02. The Employer also reserves the right not to employ an applicant who has received a controlled substances test indicating a verified positive test result.

4. The applicant is responsible for the costs associated with pre-employment testing. The applicant will be reimbursed by the District, if hired, if the results of the testing are negative (below 0.02 for alcohol and verified negative for controlled substances).

#### Post-Accident Testing

1. As soon as practicable following an accident involving a commercial motor vehicle, the Employer shall test the following individuals for alcohol and controlled substances: (1) any covered employee who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life, and/or (2) any covered employee who receives a citation under state or local law for a moving violation arising from the accident.

2. For the purpose of this policy, an accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene.

3. A covered employee who is subject to post-accident testing must remain readily available for such testing or he/she may be deemed by the District as refusing to submit to testing, absent the need for immediate medical attention. (49 CFR 382-303)
4. No such covered employee shall use alcohol for eight hours after the accident, or until he/she undergoes a post-accident alcohol testing, whichever occurs first. (49 CFR 382.209)
5. The District will provide the covered employee with information on how to comply with post- accident procedures prior to operating a commercial motor vehicle.
6. If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (32) hours, the District shall prepare and maintain records explaining why the test was not conducted. Tests will not be given if not administered within eight (8) hours after the accident for alcohol or within thirty-two (32) hours for drugs.
7. The observation and determination that a reasonable suspicion exists will be made by a supervisor trained in detecting the symptoms of alcohol misuse and use of controlled substances as per the regulations. The training shall consist of at least sixty (60) minutes of training on alcohol misuse and at least an additional sixty (60) minutes of training on controlled substances use.
8. Covered employees for whom a reasonable suspicion determination has been made will be placed on paid administrative leave pending test results.
9. Tests based on reasonable suspicion of alcohol misuse shall be promptly administered. If the test is not given within two (2) hours following the reasonable suspicion determination, the employer shall prepare and maintain on file a statement of the reasons the test was not promptly administered. The covered employee will be given a copy of this statement upon request. No test based on reasonable suspicion of alcohol misuse will be given that is not within eight (8) hours of the reasonable suspicion determination.
10. A written record of the reasonable suspicion observations, dated and signed by all supervisors making the observations, must be made within twenty-four (24) hours or before the results of the test are released, whichever is earlier. A copy of this record will be given to the covered employee if the covered employee so requests when the results of the test are released.
11. No supervisor who makes the reasonable suspicion observation can conduct the test or participate in the collection or chain of custody of the specimen for testing. Transportation of the driver to the test site shall be provided by someone other than the reasonable suspicion observer unless there is no one else available to provide such transportation.



### Return-to-Duty Testing

1. Any covered employee tested under this Policy who is found to have an alcohol concentration equal to or greater than 0.04, or who tests positive on a verified controlled substances test, shall not continue to perform safety-sensitive functions for the Employer. In this situation, the covered employee shall not resume the performance of safety-sensitive functions until the employee produces a Return-to-Duty test with a result indicating an alcohol concentration of less than 0.02, and/or a result indicating a negative result for controlled substances use.

### Disciplinary Action

1. The Employer reserves the right to impose any appropriate disciplinary action if and when an employee produces a test result indicating an alcohol concentration equal to or greater than 0.02 or if that employee produces a controlled substances test with a verified positive test result, or if the employee refuses to submit to a test required by this policy.

2. The Employer reserves the right not to employ any applicant who produces a test resulting in an alcohol concentration equal to or greater than 0.02, or who produces a test result indicating a controlled substances test with a verified positive result, or who refuses to submit to a pre-employment test.

3. Tests conducted by authorized federal, state, or local officials will fulfill post-accident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the use of alcohol and cannot be used to fulfill controlled substances testing obligations. (49 CFR 382-303)

### Random Testing

1. The Employer shall randomly select covered employees for alcohol and controlled substances testing during each calendar year, in accordance with applicable Federal law. The minimum annual percentage rate for random alcohol testing shall be twenty-five (25) percent of the average number of covered employees. The maximum annual percentage rate for controlled substances testing shall be fifty (50) percent of the average number of covered employees.

2. The selection of covered employees for random alcohol and controlled substances testing shall be made by a scientifically valid method. Under the selection process used, every covered employee shall have an equal chance of being tested each time selections are made.

3. The Employer shall ensure that the random tests are unannounced and that the dates administering the random tests are spread reasonably throughout the calendar year. Every covered employee who is notified of selection for random testing shall cease to perform safety-sensitive functions and shall immediately proceed to the test site.

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4. A covered employee shall be subject to random testing at the following times: while covered employee is performing safety-sensitive functions, just before the covered employee is performing safety-sensitive functions, or just after the covered employee has ceased performing such functions.
5. Substitute employees who perform safety-sensitive functions are subject to random testing.
6. In the event a covered employee who is selected for a random test is on vacation or off duty, the Employer can either select another covered employee for testing or keep the original selection confidential until the covered employee returns.

#### Reasonable Suspicion Testing

1. The Employer shall require a covered employee to submit to an alcohol or controlled substances test, as appropriate, when the Employer has reasonable suspicion to believe that the employee has engaged in prohibited conduct
2. The Employer's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee.
3. Reasonable suspicion testing is permitted only if the required observations are made during, just preceding, or just after the period of the workday that the covered employee is performing a safety-sensitive function or required to be in compliance.
4. Employees who test positive under this policy will be relieved of duty under the conditions set forth in this policy. During such time, the employee will not receive his/her normal compensation until the employee meets the requirements of this policy and returns to duty. A positive test is defined as an alcohol concentration of 0.02 or greater and/or a verified positive controlled substances result.
5. Covered employees, using, possessing, or being under the influence of alcohol or controlled substances while at work will be subject to discipline up to and including termination.
6. Absent controlled substances or alcohol testing, employees whose off-duty use of illegal drugs or alcohol creates a direct threat to the safety of other individuals in the workplace or causes unsatisfactory work performance may be subject to disciplinary action up to and including termination.

#### Employee Information

1. The Employer shall distribute this policy to every covered employee, on an individual basis, prior to the start of the alcohol and controlled substances testing. The Employer shall also distribute this policy to every covered employee hired after the adoption of the policy, and to every covered employee transferred into a position requiring driving a commercial vehicle.

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2. Employees will be required to sign a statement acknowledging receipt of the policy.
3. The office responsible for answering employee questions concerning this policy shall be Human Resources.

#### Records Retention

The Employer shall retain all records in accordance with applicable Federal law, as set forth in Appendix A.

Regulation Approved: 12/12/95  
Regulation Revised: 1/10/2014

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California

**APPENDIX A**

**ALCOHOL AND DRUG TESTING REGULATIONS FOR  
 COVERED EMPLOYEES**

**RETENTION OF RECORDS**

This section explains which controlled substances and alcohol test records must be completed and maintained, where they must be maintained and for how long. All records shall be maintained in a secure location with controlled access.

**Required period of retention:**

<u>Document To Be Maintained</u>	<u>Period Required to be Maintained</u>
Alcohol test results indicating a breath alcohol Concentration of 0.02 or greater	5 Years
Verified positive controlled substance test results	
Refusals to submit to required alcohol or controlled substances tests	
Required calibration of Evidential Breath Testing Devices (EBT's)	
Substance Abuse Professional's (SAP's) evaluations and referrals	
Annual calendar year summary	
Records related to the collection process (except calibration) and required training	2 Years
Negative and canceled controlled substances test results	1 Year
Alcohol test results indicating a breath alcohol concentration less than 0.02	

All required records shall be maintained in a secure location with limited access. Records shall be made available for inspection at the employer's principle place of business within two (2) business days after a request has been made by an authorized representative of the Federal Highway Administration.

For example: Specific records may be maintained on computer or at a terminal office, provided the records can be made available upon request from FHWA within two (2) working days.

Types of records required to be maintained:

- (1) Records related to the collection process:
  - Collection logbooks (if used)
  - Documents related to the random selection process
  - Calibration documentation for EBTs
  - Documentation of Breath Alcohol Technician (BAT) training
  - Documentation of reasoning for reasonable suspicion testing
  - Documentation of reasoning for post-accident testing
  - Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing
  - Consolidated annual calendar year summaries
- (2) Records related to the covered employee's test results:
  - Employer's copy of the alcohol test form, including results
  - Employer's copy of the drug test chain of custody and control form
  - Documents sent to the employer by the Medical Review Officer
  - Documentation of any covered employee's refusal to submit to a required alcohol or controlled substances test
  - Documents provided by a driver to dispute results of test
- (3) Documentation of any other violation of controlled substances use or alcohol misuse
- (4) Records related to evaluations and training:
  - Records pertaining to substance abuse professional's (SAP's) determination of driver's need for assistance
  - Records concerning a driver's compliance with SAP's recommendations
- (5) Records related to education and training:
  - Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol misuse
  - Documentation of compliance with requirement to provide covered employees with educational materials, including covered employees signed receipt of materials
  - Documentation of supervisor training
  - Certification that training conducted under this rule complies with all requirements of the rule
- (6) Records related to drug testing:
  - Agreements with collection site facilities, laboratories, MRO, and consortia
  - Names and positions of officials and their role in the employer's alcohol and controlled substances testing program
  - Monthly statistical summaries of urinalysis (40.29(g)(6))
  - The employer's drug testing policy and procedures

APPENDIX B  
ALCOHOL AND CONTROLLED SUBSTANCES  
TESTING PROCEDURES AND POLICY

INTRODUCTION

The Orcutt Union School District (hereinafter "District") shall implement and enforce the procedures for transportation work place testing as set forth in 49 CFR Part 40. These procedures include, but are not limited to, the following information. In all cases the requirements of 49 CFR Part 40 shall be followed.

CONTROLLED SUBSTANCES TESTING

Applicable Drugs

1. Employees subject to controlled substances testing shall be tested for the following substances:

- Marijuana
- Cocaine
- Opiates
- Amphetamines
- Phencyclidine (PCP)

2. Although the specimen will not be analyzed specifically for adulterants, the lab may conduct adulteration checks (PH, specific gravity or creatinine). The test may be cancelled if adulterants are detected. The lab is permitted to check for adulterants as per Federal Department of Transportation (DOT) guidelines.

Specimen Collection Procedures

1. The collection shall take place in a secure location to prevent unauthorized access during the collection process.
2. The specimen shall be kept in sight of the employee and the collection site person until it is sealed and ready for shipment.
3. Employees shall have individual privacy when providing a specimen except when:
  - a. The employee 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 or 1.8 °F from the specimen temperature.
  - b. The collector observes the employee attempting to adulterate or substitute the specimen.
  - c. The employee's last provided specimen was determined to be diluted.
  - d. The employee has previously had a verified positive test.In a. and b. above, the employee must provide a specimen under direct observation.  
In c. and d. above, the employer may require a direct observation collection

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4. The following specific procedures will be followed during the collection process:
  - a. The employee must submit identification to the collector. The collection shall not proceed until a positive identification is made.
  - b. The employee will not be required to undress or to change into an examination gown.  
Only outer garments should be removed, i.e., jackets, etc.
  - c. The donor shall be required to wash his/her hands prior to urination, and shall not have access to any water sources until the specimen has been collected.
  - d. A bluing agent shall be added to the toilet bowl and the donor may flush the toilet only after releasing the specimen to the collector.
  - e. The specimen must be at least forty-five (45) milliliters to be acceptable.
  - f. The collector must measure the specimen temperature within four (4) minutes of urination to determine sample acceptability.
5. The donor cannot provide a sufficient volume of urine; he/she shall remain at the collection site and be provided not more than twenty-four (24) ounces of fluids to drink. The donor shall have a period of up to two (2) hours to produce an acceptable sample. If the donor is unable to produce a sample without a valid medical reason, the District may consider the circumstances to be a refusal to test.
6. The specimen shall be divided into two parts. The collector shall pour thirty (30) milliliters of urine from the specimen bottle into a second specimen bottle, to be used as the primary specimen. The remainder of the urine, at least fifteen (15) milliliters, shall be poured into another container to be used as the split sample.
7. Both samples shall be shipped in a single shipping container with the appropriate chain of custody forms.
8. The collector and donor must be present together to complete the following process:
  - a. Seal and label the specimen bottle.
  - b. Donor initials the bottle label or seal.
  - c. The chain of custody forms must be signed and dated.
9. If an employee refuses to cooperate with the collection process, the collector shall notify the employer representative and note the non-cooperation on the custody and control forms.

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### **Split Sample**

1. If the test result of the primary specimen is positive, the employee may request that the MR direct that the split specimen be analyzed.
2. The confirming split sample analysis using the gas chromatography/mass spectrometry test will be conducted by a DHHS-certified laboratory who will analyze the sample for presence of the drug(s) for which a positive result was obtained in the primary sample.
3. If the result of the test of the split sample fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the test and report the cancellation to the District.
4. After the MRO notifies the employee of a positive result for the presence of a drug(s) in the primary sample, the employee has up to seventy-two (72) hours to request analysis of the split sample.
5. All costs associated with the analysis of the split sample shall be the responsibility of the employee, unless the split sample proves negative.

### **Alcohol Testing Procedures**

- I. The test shall take place in a secure location that affords visual and aural privacy to prevent unauthorized persons from seeing or hearing test results.
2. When an employee enters the testing location, the BAT will require him/her to provide positive identification. The test shall not proceed until positive identification of the employee is made.
3. An individually-sealed mouthpiece shall be opened in view of the employee and then attached to the testing unit.
4. The employee shall be required to blow forcefully into the mouthpiece for at least six (6) seconds or until an adequate amount of breath has been obtained.
5. The employee shall be shown the results both on the testing unit and the recording form. The employee shall verify both results are the same. If a result printed by the testing unit does not match the displayed result, the BAT shall declare the test invalid.
6. If the result of the screening test is less than 0.02 breath alcohol concentration, no other testing will be conducted.



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7. If the result of the screening test reflects an alcohol concentration of 0.02 or greater, a confirmation test shall be performed.
8. Prior to conducting the confirmation test the employee may not eat, drink, or place anything in his/her mouth. If possible, the employee should not belch during the waiting period. The confirmation test shall be conducted no less than fifteen (15) minutes and not more than twenty (20) minutes from the screening test.

The fifteen (15) minute waiting period is provided for the employee's benefit. This time period allows for the dissipation of any mouth alcohol, thereby helping to prevent an artificially high reading.

9. In the event the screening and the confirmation results do not match, the confirmation results will be considered the final results.
10. If the employee refuses to sign the breath alcohol testing form or fails to provide an adequate amount of breath without a valid medical reason, the District may determine the circumstance to be a refusal to test.

**Inability to Provide Adequate Breath**

- I. If the employee fails to provide an adequate amount of breath, he/she shall provide the District with an evaluation from a licensed physician, who is acceptable to the District, concerning the employee's medical ability to provide adequate breath.
2. If the physician determines there is a valid medical reason precluding the employee from providing adequate breath, then the employee's failure shall not be deemed a refusal to test.
3. If the physician is unable to determine a valid medical reason, the employee's failure to provide adequate breath shall be considered a refusal to test.

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**APPENDIX C**

**CERTIFICATE OF RECEIPT**

**CONTROLLED SUBSTANCE AND ALCOHOL PROGRAM**

I \_\_\_\_\_, have been a copy of my District's  
Employee Printed Name  
controlled substance and alcohol testing program.

I understand that if I violate the prohibited conduct rules of this program, I will be removed from my safety-sensitive position and subject to discipline up to and including dismissal. I further understand that under no circumstances will I be allowed to return to that position until I have complied with the return-to-duty provisions in this program.

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

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**APPENDIX D  
CONTROLLED SUBSTANCE AND ALCOHOL PROGRAM  
PERSONNEL AND SERVICES**

1. District Controlled Substance and Alcohol Program Coordinator

Don Nicholson  
Assistant Superintendent, Human Resources

2. Medical Review Officer (MRO)

Program Coordinator can provide information regarding current Medical Review Officer

3. Substance Abuse and Mental Services (SAMHSA formerly NIDA) Laboratory

Program Coordinator can provide information regarding current Substance Abuse and Mental Health Services Laboratory

4. Substance Abuse Professional

Program Coordinator can provide information regarding current Substance Abuse Professional (See Appendix E)

Personnel

AR 4112.42(s)  
AR 4212.42  
AR 4312.42

**APPENDIX E  
COMMUNITY RESOURCES FOR DRUG AND ALCOHOL  
TREATMENT**

This list is not exhaustive and the employees are free to seek assistance with alcohol and substance abuse issues with a substance abuse professional of their choosing.

Santa Maria Valley Youth and Family	(805) 928-1707
Narcotics Anonymous	(800) 549-7730
Alcoholics Anonymous	(805) 925-3782
Santa Barbara County Alcohol, Drug & Mental Health Services	(888) 868-1649
Cottage Outpatient Center of San Luis Obispo	(805) 541-9113