

Personnel

AR 4112.42(a)

AR 4212.42

AR 4312.42

DRUG AND ALCOHOL TESTING FOR BUS DRIVERS

Definitions

For purposes of drug testing required by the U.S. Department of Transportation (DOT), drugs include marijuana, cocaine, amphetamines, phencyclidine (PCP), and opioids. (49 CFR 40.3, 40.85, 382.107)

Alcohol concentration (or content) means 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. (49 CFR 40.3, 382.107)

Safety-sensitive function means all time from the time the driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions include, but are not limited to, all time driving or otherwise in the bus or other school transportation vehicle; waiting at a district facility to be dispatched; inspecting, servicing, or conditioning the vehicle or vehicle equipment; loading or unloading the vehicle; supervising or assisting in the loading or unloading of the vehicle; and repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. (49 CFR 382.107)

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

Designated Employer Representative

The Superintendent or designee shall identify a designated employer representative who is authorized to take immediate action to remove drivers from safety-sensitive functions and to make required decisions in the testing and evaluation processes. The designated employer representative shall also be responsible for receiving test results and other communications. The name and telephone number of the designated employer representative shall be provided to the testing contractor to contact about any problems or issues that may arise during the testing process. (49 CFR 40.35, 40.215)

Pre-Employment Testing

When hiring a new driver, the Superintendent or designee shall, with the driver's written consent, conduct a pre-employment query using the Commercial Driver's License Drug and Alcohol Clearinghouse to obtain information about whether the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

The Superintendent or designee shall also, with the driver's consent, request the driver's past drug and alcohol testing record, as specified in 49 CFR 40.25 and 382.413, from any employer who has employed the driver at any time during the previous three years. To the extent practicable, the Superintendent or designee shall obtain and review such information before the driver first performs

safety-sensitive functions. In addition, the Superintendent or designee shall ask the driver if there was
Personnel

AR 4112.42(b)
AR 4212.42
AR 4312.42

DRUG AND ALCOHOL TESTING FOR BUS DRIVERS

a positive test, or a refusal to test, on any pre-employment drug or alcohol test that was administered during the past two years in the course of applying for another safety-sensitive transportation position that was not obtained. (49 CFR 40.25, 382.413)

The driver shall not be permitted to perform safety-sensitive functions if the driver refuses to provide consent to obtain the information from previous employers or from the Clearinghouse; the information from previous employers is not received within 30 days of the date on which the driver first performed safety-sensitive functions for the district; or the driver, the Clearinghouse, or a previous employer reports a violation of a drug or alcohol regulation without subsequent completion of the return-to-duty process. (49 CFR 40.25, 382.413, 382.701, 382.703)

A driver whom the district intends to hire or use shall undergo testing for drugs and receive a verified negative test result prior to the first time the driver performs safety-sensitive functions for the district. This testing requirement may be waived if all of the following conditions exist: (49 CFR 382.301)

1. The driver has participated in a qualified drug testing program within the previous 30 days.
2. While participating in the program, the driver either was tested within the past six months from the date of application or participated in a random drug testing program for the previous 12 months from the date of application.
3. No prior employer of the driver of whom the district has knowledge has records of the driver's violation of federal drug testing regulations within the previous six months.

The Superintendent or designee shall contact the testing program(s) in which the driver has participated and obtain information about the program and the driver's participation as specified in 49 CFR 382.301.

In addition, the Superintendent or designee shall require the driver to undergo pre-employment alcohol testing in accordance with the procedures in 49 CFR 40.1-40.605 and to receive a test result indicating an alcohol concentration of less than 0.04. (49 CFR 382.301)

Post-Accident Testing

As soon as practicable following an accident involving a school bus or student activity bus, the Superintendent or designee shall ensure that the driver involved is tested for alcohol and/or drugs under either of the following conditions: (49 CFR 382.303)

The driver receives a citation for a moving traffic violation within eight hours of the accident and the accident involved bodily injury to a person who required immediate medical treatment away from the scene of the accident and/or disabling damage to one or more vehicles requiring towing.

The Superintendent or designee shall attempt to administer a required alcohol test up to eight hours following the accident and/or a drug test up to 32 hours following the accident. The results of an

Personnel

AR 4112.42(c)

AR 4212.42

AR 4312.42

DRUG AND ALCOHOL TESTING FOR BUS DRIVERS

alcohol or drug test conducted by federal, state, or local officials having independent authority for the test shall be considered to meet this requirement. If the alcohol test is not administered within two hours following the accident, or the test for drugs is not administered within 32 hours following the accident, the Superintendent or designee shall make a record stating the reasons the test was not promptly administered. (49 CFR 382.303)

No driver required to take a post-accident alcohol test pursuant to 49 CFR 382.303 shall use alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever occurs first. (49 CFR 382.209)

Random Testing

The Superintendent or designee shall ensure that random, unannounced drug and alcohol tests of bus drivers are conducted on testing dates reasonably spread throughout the year.

Such tests shall be unannounced and conducted during, immediately before, or immediately after the performance of safety-sensitive functions. (49 CFR 382.305)

The Superintendent or designee shall ensure that the percentage of district drivers randomly tested for drugs and alcohol meets or exceeds the minimum annual percentage rates specified in 49 CFR 382.305 or subsequently published in the Federal Register.

Each driver selected for random testing shall have an equal chance of being tested each time selections are made. (49 CFR 382.305)

Each driver who is selected for testing shall proceed to the test site immediately or, if performing a safety-sensitive function other than driving a bus, then as soon as possible after ceasing that function. (49 CFR 382.305)

Reasonable Suspicion Testing

A driver shall be required to submit to a drug or alcohol test whenever the Superintendent or designee has reasonable suspicion that the driver has violated the prohibitions against the use of drugs or alcohol. Such reasonable suspicion shall be based on specific, contemporaneous, articulable observations, conducted during, immediately before, or immediately after the performance of safety-sensitive functions, concerning the driver's appearance, behavior, speech, and/or body odors. Reasonable suspicion of drug use may also include indications of the chronic and withdrawal effects of drugs. (49 CFR 382.307)

The person who makes the required observations for reasonable suspicion testing for drugs or alcohol shall be trained in accordance with 49 CFR 382.603. The person who makes the determination that

Personnel

AR 4112.42(d)

AR 4212.42

AR 4312.42

DRUG AND ALCOHOL TESTING FOR BUS DRIVERS

reasonable suspicion exists to conduct an alcohol test shall not be the same person who conducts the alcohol test. (49 CFR 382.307)

Within 24 hours of the observed behavior or before the results of the drug or alcohol test are released, whichever is earlier, a written record of the observations leading to a reasonable suspicion test shall be made and signed by the person who made the observations. (49 CFR 382.307)

An alcohol test required as a result of reasonable suspicion shall be administered within eight hours following the determination of reasonable suspicion. If the test is not administered within two hours, the Superintendent or designee shall prepare and maintain on file a record stating the reasons the test was not promptly administered. (49 CFR 382.307)

In the absence of a reasonable suspicion alcohol test, the district shall take no action against a driver based solely on the driver's behavior and appearance, except that the driver shall not be allowed to report for or remain on safety-sensitive functions until an alcohol test is administered and the results show a concentration less than 0.02 or 24 hours have elapsed following the determination of reasonable suspicion. (49 CFR 382.307)

Return-to-Duty Testing

Note: Pursuant to 49 CFR 40.305, the district may return a driver to safety-sensitive functions after the driver completes required education and treatment services as described in the accompanying Board policy and a return-to-duty drug or alcohol test. Such personnel decisions may be subject to collective bargaining or other legal requirements.

The Superintendent or designee may permit a driver who has violated federal drug or alcohol regulations to return to safety-sensitive functions after the driver has successfully complied with the education and treatment services prescribed by a substance abuse professional and has taken a return-to-duty drug or alcohol test. The driver shall not resume performance of safety-sensitive functions unless the drug test shows a negative result and/or the alcohol test shows a concentration of less than 0.02. (49 CFR 40.305, 382.309)

Follow-Up Testing

Upon receiving a written follow-up testing plan from a substance abuse professional, the Superintendent or designee shall determine the actual dates for follow-up testing consistent with those recommendations and shall ensure that such tests are unannounced and follow no discernable pattern as to their timing. No additional tests beyond those included in the plan shall be imposed by the

district. (49 CFR 40.307-40.309, 382.111)

Mandatory Reporting and Annual Queries to the Drug and Alcohol Clearinghouse
Personnel

AR 4112.42(e)

AR 4212.42

AR 4312.42

DRUG AND ALCOHOL TESTING FOR BUS DRIVERS

The Superintendent or designee shall report to the Clearinghouse any violation of federal drug and alcohol regulations, any refusal to test, and other required information by the close of the third business day following the date on which the information was obtained. (49 CFR 382.705)

The Superintendent or designee shall conduct a query using the Clearinghouse at least once a year for all drivers to determine whether information exists in the Clearinghouse about the drivers. (49 CFR 382.701)

In lieu of a full query, the Superintendent or designee may obtain the individual driver's consent to conduct a limited query that is effective for more than one year and informs the district about whether there is information about the driver in the Clearinghouse without releasing that information to the district. If the limited query shows that information exists in the Clearinghouse about the individual driver, the Superintendent or designee shall conduct a full query within 24 hours of conducting the limited query. If a full query is not conducted within 24 hours, the driver may not perform any safety-sensitive function until the results from a full query confirm that the driver may perform such functions. (49 CFR 382.701)

A driver may not perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has committed a violation of federal drug or alcohol regulations. (49 CFR 382.701)

Notifications

The Superintendent or designee shall provide each driver with materials explaining the federal regulations and the district's policy and procedure related to drug and alcohol testing and shall notify representatives of employee organizations of the availability of this information. This information shall include a detailed discussion of at least the following: (49 CFR 382.113, 382.303, 382.601)

1. The identity of the person designated by the district to answer driver questions about the materials
2. The categories of drivers who are subject to drug and alcohol testing
3. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the workday the driver is required to be in compliance
4. Specific information concerning prohibited driver conduct
5. The circumstances under which a driver will be tested for drugs and/or alcohol, including post-accident testing
6. The procedures that will be used to test for the presence of drugs and alcohol, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver
7. The requirement that a driver submit to drug and alcohol tests

8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences

Personnel

AR 4112.42(f)

AR 4212.42

AR 4312.42

DRUG AND ALCOHOL TESTING FOR BUS DRIVERS

9. The consequences for drivers found to have violated the prohibitions against drug or alcohol use, including the circumstances under which drivers will be removed immediately from safety-sensitive functions and the requirements for education, treatment, and return-to-duty testing

10. The consequences for drivers found to have a blood alcohol concentration between 0.02 and 0.04

11. Information concerning the effects of drug and alcohol use on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem (the driver's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management

12. The requirement that personal information collected and maintained pursuant to 49 CFR 382 shall be reported to the Clearinghouse

Each driver shall sign a statement certifying receipt of a copy of the above materials. The Superintendent or designee shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. (49 CFR 382.601)

In addition, prior to administering each alcohol or drug test, the driver shall be notified that the test is required pursuant to Title 49, Part 382, of the Code of Federal Regulations. (49 CFR 382.113)

The driver shall be notified of the results of drug and alcohol tests in accordance with 49 CFR 382.411.

Records

The Superintendent or designee shall maintain records of the district's drug and alcohol testing program in accordance with 49 CFR 40.333 and 382.401. Such records shall be maintained in a secure location with controlled access and shall be disclosed only in accordance with 49 CFR 382.405.

Regulation Revised: ~~1/10/2014~~ 10-13-21

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

Personnel

AR 4112.42(i)
AR 4212.42
AR 4312.42

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

Personnel

AR 4112.42(j)

AR 4212.42

AR 4312.42

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.

Personnel

AR 4112.42(k)

AR 4212.42

AR 4312.42

Split Sample

1. If the test result of the primary specimen is positive, the employee may request that the MRO 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.

Personnel

AR 4112.42(1)
AR 4212.42
AR 4312.42

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.

Personnel

AR 4112.42(m)
AR 4212.42
AR 4312.42

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

Personnel

AR 4112.42(n)
AR 4212.42
AR 4312.42

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

1. District Controlled Substance and Alcohol Program Coordinator
Susan Salucci
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(0)

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