

ALCOHOL AND CONTROLLED SUBSTANCE  
TESTING POLICY FOR COMMERCIAL DRIVERS LICENSE (CDL) EMPLOYEES

The Board of School Trustees for the Lafayette School Corporation recognizes the critical and growing problem alcohol and controlled substance abuse poses to the transportation of its students. It is the policy of the school corporation to provide and maintain a safe, healthy, and productive work environment for our drivers. This policy applies to all drivers and applicants for driver positions for the school corporation who must have a Commercial Driver's License (CDL) to operate school vehicles.

The superintendent or his designee (DER ~Designated Employer Representative) is authorized to implement this policy and program including a periodic review of the program to address any problems, changes, and/or revisions of it, maintenance of all records required by the federal regulations, and determination upon board approval of how the program will be accomplished. The superintendent or the Designated Employer Representative is responsible for communicating this policy to all drivers and is accountable for its consistent enforcement. The superintendent or the DER is designated to answer questions about this policy and all other matters involved in alcohol and controlled substance testing of CDL drivers. When used in this policy the term Medical Review Officer (MRO) shall refer to the medical staff member designated by the firm contracted to complete the substance testing required by law.

**A. Prohibited Conduct**

All such drivers have the responsibility to report for work and perform their jobs in a fit mental and physical condition. No employee shall:

1. report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcoholic concentration of .04 or greater.
2. be on duty or operate a commercial vehicle while the employee possesses alcohol
3. use alcohol while performing safety-sensitive functions.
4. perform safety-sensitive functions within six (6) hours after using alcohol.
5. use alcohol for eight (8) hours following an accident that would require he/she to undergo a post-accident test, whichever occurs first.
6. refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test.
7. report for duty or remain on duty when the employee uses any controlled substance except when the use is pursuant to the written instructions of a physician who has advised the employee that the substance will not adversely affect their ability to safely perform their duties. The employee must prove the school corporation with proof of such medical advice. The transportation director decides if the employee can remain at work or what the work restrictions are necessary.

An employee using a prescribed drug or other medication which is known or advertised as possibly affecting or impairing judgment, coordination or other sense, or which may adversely affect the employee's ability to perform work in a safe and productive manner,

must notify the transportation director prior to the start of work. The transportation director will decide if the employee can remain at work or what work restrictions are necessary.

#### **B. Safety-Sensitive Functions**

An employee is considered to be performing a safety-sensitive function if he/she is actually performing, ready to perform, or immediately available to perform any of the following on-duty functions:

1. All time spent at a facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the school corporation;
2. All time inspecting equipment, otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All driving time or time spent at the driving controls of a commercial vehicle in operation;
4. All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, including completion of any related paperwork; and remaining in readiness to operate the vehicle;
5. All time performing those duties required of an employee involved in a vehicle accident; or
6. All time spent repairing, assisting, or attending to a disabled motor vehicle

#### **C. Prescription Medication and/or Other Medication Use**

1. An employee is prohibited from reporting for duty or remaining on duty when the employee uses any controlled substance, except when the use is pursuant to the written instruction of a physician who has advised the employee that the substance will not adversely affect their ability to safely perform their duties.
2. The employee must provide the corporation with proof of such medical advice. The DER can decide if the employee can remain at work or on the corporation premises and what work restrictions, if any, are deemed necessary. Any employee who is using a prescribed drug or other medication, which is known or advertised as possibly affecting or impairing judgment, coordination or other senses, (including dizziness or drowsiness), or which may adversely affect the employee's ability to perform work in a safe and productive manner, must notify the DER prior to starting work or entering any corporation premises. The DER will decide if the employee can remain at work or on the corporation premises and what work restrictions, if any, are deemed necessary.
3. Ingestion of products that contain hemp will not be an acceptable explanation for testing positive for marijuana.

#### **D. Refusal to Test**

Refusal to submit to the types of drug and alcohol tests employed by the Lafayette School Corporation will be grounds for refusal to hire employee/applicant(s) and to discipline existing CDL employees(s). A refusal to test would include any of the following situations:

1. Failing to appear for any test within a reasonable time after being directed to do so.
2. Failing to remain at the testing site until the testing process is completed.

3. Failure to provide a breath sample, saliva sample or urine sample as directed.
4. Failure to permit, if the situation requires, the observation or monitoring of providing a urine specimen.
5. Failure to provide a urine, breath or saliva specimen within required time frames may be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician of the corporation's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the USDOT regulations.
6. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of a "shy bladder" or "insufficient breath" situation.
7. Failing or declining to take a second test as required by USDOT regulations
8. Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).
9. Refusing to sign step two (2) of the alcohol testing form.
10. A report from the MRO that you have a verified adulterated or substituted test result.
11. An admission to the collector or MRO by the employee that they adulterated or substituted their specimen.
12. For an observed collection, fail to follow the observer's instruction to raise your clothing above the waist, lower clothing and undergarments, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
13. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.

#### **E. Driver Testing Positive**

Drivers testing positive for alcohol (.04 percent or greater) or for a controlled substance shall be prohibited from driving or performing a safety-sensitive function for the school corporation and referred to the Employee Assistance Program (a drug and alcohol assistance program) and become subject to any other school corporation policy dealing with the use of alcohol and controlled substances. Drivers testing .02 percent or greater, but less than .04 percents shall also not drive or perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than twenty-four hours following administration of the test. The driver also becomes subject to any other school corporation policy dealing with the use of alcohol and controlled substances.

#### **F. Termination**

The Lafayette School Corporation reserves the right to terminate any driver who violates the school corporation's Drug and Alcohol Abuse Policy for CDL Drivers. Employees who are convicted for alcohol or drug-related charges may be subject to school corporation

disciplinary action, up to and including termination. The school corporation may offer the driver (at the driver's expense) the opportunity to receive appropriate treatment.

Failure to sign a release for alcohol and controlled substance testing will be classified as insubordination and the driver shall be terminated as a driver for the Lafayette School Corporation, subject to applicable state law.

#### **G. Confidentiality**

All information obtained in the course of testing of drivers shall be protected as confidential medical information.

#### **H. TESTING OF DRIVERS**

All drivers shall be tested for alcohol and controlled substance abuse in accordance with the approved procedures when directed by the superintendent or the DER.

##### **Types of Tests**

1. Pre-employment (drug testing only)
2. Random Testing
3. Post-accident Testing
4. Reasonable Suspicion Testing
5. Return to Duty Testing
6. Follow-up Testing

##### **1. Pre-Employment**

As a condition of employment, the employee applicant shall provide a written authorization for all previous employers within the past three (3) years to release drug and alcohol testing records as the regulations require. Within thirty (30) days of performing a safety-sensitive function, USDOT regulations require that Lafayette School Corporation obtain, to the extent available, certain drug and alcohol testing records from the employee's previous employers for the previous three (3) years. All applicants who are required to have or obtain a CDL must submit to a urine drug test unless a qualifying pre-employment exemption can be documented.

Under no circumstances shall a driver be placed on the payroll without proof of a successful completion of controlled substance test. Any individual who refuses to submit to such test or has a positive controlled substance test result will not be employed by Lafayette School Corporation.

##### **2. Random Testing**

Lafayette School Corporation conducts random drug and alcohol testing. All employees' names will be submitted to a random selection system. The random selection system provides an equal chance for each employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. LSC will drug test, at a minimum, fifty (50) percent of the average number of employee positions in each calendar year or at a rate established by the USDOT for the given year. Also, in each calendar year, a minimum of ten (10) percent of the average number of employee positions will undergo random alcohol testing, or at the rate established by the USDOT

for the given year. Random selection by its very nature, may result in employees being selected in successive selections more than once a calendar year.

If an employee is selected at random, for either drug or alcohol testing, the DER will notify the employee. Once notified, the employee must proceed to the designated collection site immediately. If the employee does not go to the collection site as soon as possible after notification, such conduct may be considered a refusal to test.

### **3. Post-Accident Testing**

Following any accident, the employee must notify one of the Transportation Supervisors as soon as possible. The employee must submit to a Federal USDOT drug and alcohol test any time he/she is involved in an accident where 1) a fatality is involved; or 2) the employee receives a citation for a moving violation arising from the accident that involved:

- Injury requiring medical treatment away from the scene, or
- One or more vehicles having to be towed from the scene.

The employee shall follow the instructions from the DER or their representative to complete required testing.

For other accidents not covered by the USDOT definition above, LSC may require a non-regulated drug and alcohol test when:

- The employee's actions may have contributed or cannot be completely discounted as a contributing factor to an accident
- In this case, an accident shall mean an incident which results in damage over \$750.00 or personal injury.
- An incident results in a lost time injury.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as practical. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for the purpose of post-accident drug testing within thirty-two (32) hours, attempts to make such collection shall cease. An employee is prohibited from consuming alcohol between the time of the accident and the test.

In the event that federal, state, or local officials conduct breath or blood test for the use of alcohol and/or urine tests for the use of controlled substances following an accident, employees must comply with law enforcement personnel requests. LSC may request testing documentation from such agencies, and may ask the employee to sign a release allowing them to obtain such test results.

In the event an employee is so seriously injured that the employee cannot provide a sample of urine, breath or saliva at the time of the accident, the employee must provide necessary authorization for LSC to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident.

#### **4. Reasonable Suspicion Testing**

Lafayette School Corporation may test for the use of alcohol and controlled substances upon reasonable suspicion.

Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing shall be deemed to exist when an employee manifests physical, behavioral, speech or performance symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such employee conduct must be witnessed by a supervisor or corporation official who is trained in compliance with Part 382.603 of the Federal Motor Carrier Safety Regulations.

A supervisor observing such conditions will take the following actions immediately:

- a. Confront the employee involved, and keep under direct observation until the situation is resolved.
- b. Secure the DER's concurrence to observations. After discussing the circumstances with the DER, arrangements will be made to observe or talk with the employee. If he/she believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal would result in disqualification from performing any safety-sensitive function.
- c. Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from driving duties. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
- d. The DER shall, within 24 hours or before the results of the controlled substance test are released, document in writing the particular facts related to the behavior or performance problems, that led to the reasonable suspicion test and maintain this documentation in appropriate USDOT files.
- e. The DER shall remove or cause the removal of the employee from the corporation-owned vehicle and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's resident or, where appropriate, to a place of lodging. Under no circumstances will that employee be allowed to continue to drive a corporation vehicle or his/her own vehicle for School Corporation business until a confirmed negative test result is received.
- f. The Corporation reserves the authority to require drug testing for additional substances. If testing is required for additional substances, the testing will be under the Corporation's authority, not U.S. Department of Transportation, and the testing will be considered "non-regulated."

If a reasonable suspicion alcohol test is not administered within two (2) hours following the observations, the supervisor shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within eight (8) hours, all attempts to administer the

test shall cease. A record shall be prepared and maintained stating why the alcohol test was not administered.

**5. Return-to-Duty Testing**

- a. A driver who has been prohibited from performing a safety-sensitive function after engaging in a conduct regarding alcohol misuse prohibited by U.S. Department of Transportation regulations and before returning to duty, shall undergo a return-to-duty test which indicates a breath alcohol concentration of less than .02 percent.
- b. A driver who has been prohibited from performing a safety-sensitive function after engaging in conduct regarding controlled substance use prohibited by U.S. Department of Transportation regulations, and before returning to duty, shall undergo a return-to-duty test with a result indicating a verified negative result.
- c. When a return-to-duty test is required, the driver must also be evaluated by a substance abuse professional (SAP) and participate in any assistance program prescribed by the SAP.

**6. Follow-Up Testing**

When a driver has been determined to be in need of assistance in resolving problems associated with alcohol misuse and/or controlled substance use, the driver will be subject to unannounced follow-up alcohol and/or controlled substance testing. The driver will be subject to a minimum of six (6) follow-up tests in the first twelve (12) months. The follow-up testing period shall not exceed sixty (60) months. Follow-up testing shall be performed only when the driver is performing safety-sensitive functions.

**I. Controlled Substance Testing Protocol**

Urine Collection Procedures:

1. The testing procedure starts with the collection of a urine specimen.
2. Collection procedures will follow the specific guidelines set forth by the U.S. Department of Transportation as outlined in the published collection procedures guidelines.
3. Employees will be directed to empty their pockets and display the contents to the collector.
4. Employees will be allowed privacy during the collection process except as noted in number 5 below.
5. Observed collections are required by USDOT if:
  - a. The specimen is determined invalid and there is no medical explanation.
  - b. The collector observes evidence of an employee's attempt to tamper with the specimen.
  - c. The temperature of the specimen is out of range.
  - d. The specimen appears to have been tampered with.
6. Observed collections will be required on return-to-duty and follow-up tests.

7. As part of the collection process, the specimen provided will be split into two portions; a primary specimen and a secondary (split) specimen.
8. If the employee is unable to provide 45 ml of urine, the USDOT “shy bladder” rule will apply. The employee will have up to 3 hours to provide the required 45 ml., and may consume up to 40 ounces of fluids during this time period. The employee will be required to be monitored during the waiting period.
9. After collection, the specimen will be submitted to a SAMHSA certified laboratory for testing.

**Laboratory Procedures:**

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or classes of drugs:

1. Marijuana metabolites;
2. Cocaine metabolites;
3. Opiates; including morphine, codeine and heroin.
4. Amphetamines; including methamphetamines and ecstasy, and
5. Phencyclidine (PCP)

The SAMHSA certified laboratory will perform initial screenings on all primary specimens. In the event that the primary specimen tests positive, a confirmation test of that specimen will automatically be performed. If the confirmatory test is positive, it will be reported to the Medical Review Officer (MRO) as a positive.

**Validity Testing**

The laboratory must also perform validity testing on each specimen received. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted. The following will be measured: creatinine level, specific gravity, and pH. In addition, all specimens will be tested for known adulterants. An initial validity test is performed first, followed by a confirmation test if required.

All laboratory results will be reported by the laboratory to a MRO designated by the corporation or its agents.

**MRO Procedures:**

1. All test results will undergo a review process by the MRO.
2. Negative test results will be reported directly to the corporation by the MRO.
3. Positive, adulterated or substituted results will be handled in the following manner by the MRO:
  - a. Before reporting a positive, adulterated or substituted test result to the corporation, the MRO will attempt to contact the employee to discuss the test result.
  - b. The employee is required to discuss the result with the MRO. The employee will be allowed to explain and present medical documentation to explain any permissible use of a drug.
  - c. For adulterated or substituted results, the employee must demonstrate that he/she did produce or could have produced urine, through physiological means, a specimen



meeting the creatinine and specific gravity criteria of a substituted or adulterated specimen.

- d. If the MRO is unable to contact the employee directly, the MRO will contact the DER designated in advance by the corporation, who shall, in turn, contact the employee and direct the employee to contact the MRO. Upon being so directed, the employee shall contact the MRO immediately or, if the MRO is unavailable, at the start of the MRO's next business day.
- e. If, after failing to contact the MRO within 72 hours after being instructed to do so by the DER, or if the employee cannot be contacted at all within ten (10) days, or the employee expressly declines the opportunity to discuss the test, the MRO may verify the test as positive or a refusal.
- f. In the MRO's sole discretion, a determination will be made as to whether result is verified as positive, negative or considered a refusal
- g. After any verified positive or refusal to test determination, the employee may petition the MRO to reopen the case for reconsideration.

- 4. Diluted Specimens: If a specimen is reported diluted by the laboratory, the MRO will report this information to the DER. The company policy will require an immediate recollect for another test. The result of this test will stand as the final result.

#### **Medical Information Disclosure:**

Pursuant to USDOT regulations, if, in the MRO's opinion, any information provided may mean a medical disqualification or represent a safety hazard, such as the use of certain prescription drugs, the MRO must disclose this to the employer. Individual test results for employee applicants and employees will be released to the corporation and will be kept strictly confidential unless consent for the release of the test result has been obtained. Any individual who has submitted to drug testing in compliance with this procedure is entitled to receive the results of such testing upon written request.

#### **J. Split Specimen Testing Protocol**

An employee may request that the "split" portion of his/her specimen be tested at a different SAMHSA laboratory if he/she was notified by the MRO that his/her test result was positive, adulterated or substituted. The request must be made to the MRO within 72 hours of being notified of a verified positive, adulterated or substituted result. The MRO will arrange for all procedures to be done in accordance with split specimen testing procedures.

The cost of a split specimen test will be the responsibility of the employee. The corporation will withhold the amount of the cost of testing the split from the employee's pay unless other arrangements are acceptable to both the employee and he corporation. If the employee makes a timely request (within 72 hours) to the MRO for the split portion to be tested, the MRO shall immediately make arrangement with the laboratory to initiate the process.

## **K. Alcohol Testing Protocol**

Alcohol tests will be conducted by a trained Breath Alcohol Technician (BAT) or Screening Test Technician (STT). Screening tests may be done using an evidential breath testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done by a trained BAT using an evidential breath testing device. The employee shall report to the alcohol testing site as notified by the corporation. The employee shall follow all instructions given by the alcohol technician.

If the result of a screening test is a breath alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test. In the event the confirmation test indicates a BAC of .020 to .039, the employee shall be removed from duty for twenty-four (24) hours or until his/her next scheduled on-duty time, whichever is longer. Employees with tests indicating a BAC of .04 or greater are considered to have engaged in prohibited conduct, which may result in disciplinary action up to and including termination. All alcohol tests shall be performed just prior to, during, or just after performing a safety sensitive function.

### **Substance Abuse Evaluation, Return to Duty, and Follow Up Testing**

Any employee who is removed from service is not qualified to perform safety-sensitive duties requiring a commercial employee's license. Such employee shall be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals (SAPs) who are approved by the corporation. To be able to be returned to duty, the following steps must be completed:

1. Complete an evaluation with an SAP
2. Complete any rehabilitation and/or education required by the SAP
3. Be re-evaluated by the SAP and obtain written confirmation of satisfactory completion of all recommendations
4. Complete a return to duty test that is issued with a negative result
5. As a condition of continued employment, the employee will be required to submit to a minimum of 6 unannounced follow up tests in the next 12 months after returning to work.

Follow-up testing is separate from and in addition to the corporation's reasonable suspicion, post-accident, and random testing procedures. The schedule for follow-up testing shall be unannounced and in accordance with the instructions of the SAP. Follow-up testing may continue for a period of up to sixty (60) months following the employee's return to duty. No fewer than six (6) tests shall be performed in the first twelve (12) months of the follow-up testing. The cost of any SAP evaluation, prescribed treatment and follow-up testing shall be borne by the employee.

### **Voluntary Disclosure**

The corporation encourages personnel to seek help if they feel they have a problem with drug or alcohol misuse before it becomes a matter of discipline with the corporation. The corporation will assist any employee who voluntarily discloses to the corporation that he/she believes that he/she has a drug or alcohol problem in seeking professional help to address their problem. This voluntary step of self-identification is the responsibility of the individual, and with the exception of certain conditions, will alleviate the requirement for disciplinary action if brought to the corporation's attention prior to any testing conducted by the corporation. Upon disclosure of a problem to corporation personnel, the employee will be removed from all safety-sensitive duties without pay until completion of all steps outlined in this policy. The employee will be responsible for all costs associated with this process. If the employee makes no commitment to overcoming the problem and achieving a satisfactory level of performance, attendance, or behavior, then termination of employment will result.

### **Confidentiality and Release of Information**

Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.

The corporation may release information as follows:

1. Copies of the results of alcohol or drug testing to an identified person provided the employee has provided written consent.
2. Copies of information requested by the Secretary of Transportation, any USDOT agency, or any State or local official with regulatory control over the corporation or any of its employees.
3. The results of post-accident testing when requested by the National Transportation Safety Board as part of an accident investigation.
4. Legal proceedings to include:
  - Lawsuits (e.g., wrongful discharge action).
  - Grievances (e.g., an arbitration concerning disciplinary action taken by the employer).
  - Administrative proceedings (e.g., unemployment compensation hearing) brought on by, or on behalf of, an employee and resulting from a positive USDOT drug test or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results).
  - Criminal or civil actions – to the decision maker in the proceeding (e.g., the court in the lawsuit)

Employees are entitled, upon written request, to obtain copies of any records pertaining to their use of alcohol or controlled substance tests.

## **TRAINING OF SUPERVISORS AND DRIVERS**

### **1. Supervisor Training**

Lafayette School Corporation shall ensure that all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a driver to undergo testing under 382.307. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

### **2. Driver Training**

Lafayette School Corporation shall provide educational materials that explain the requirements of Part 382.601 of the Federal Motor carrier Safety Regulations, consequences of violating the regulations, and the corporation's policies and procedures with respect to meeting these requirements. The materials supplied to the employees may include information on additional corporation policies with respect to the use or possession of alcohol or controlled substances, for example, the consequences for an employee found to have specified alcohol or controlled substances level based on the corporation's authority independent of Part 382.601 of the Federal Motor Carriers Regulations. Materials will also be provided concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life.

Employees are required to attend an educational meeting(s) to discuss the corporation's policies and procedures and to review all materials covered by this procedure. Each employee is required to sign a statement (certificate of receipt) certifying that he/she has received a copy of these materials described in Part 382.601 of the Federal Motor Carrier Regulations. The corporation shall provide these materials to each employee prior to the start of alcohol and controlled substance testing and to each employee subsequently hired or transferred into a position requiring driving a commercial vehicle.

## **RETENTION OF RECORDS**

The following records relating to the school corporation's controlled substance and alcohol testing program are required to be maintained:

Records relating to the collection process:

Collection logbooks if used

Documents relating to the random selection process

Calibration documentation for EBT's

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

### Records related to the driver'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 driver's refusal to submit to a required alcohol or controlled substance test

Documents provided by a driver to dispute results of test

Documentation of any other violations of controlled substance use or alcohol misuse rules.

Documents generated in connection with verifications of prior employer's alcohol or controlled substance test results

### 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

### Records related to education and training:

Materials on controlled substance and alcohol awareness, including a copy of the employer's policy on drug use and alcohol misuse.

Documentation of compliance with requirement to Provide drivers with educational material, including driver's signed receipt of materials

Documentation of supervisor training

Certification that training conducted under this rule complies with all requirements of the rule

### Records relating to drug testing:

Agreements with collection site facilities, laboratories, medical review officers (MRO's) and consortia

Names and positions of officials and their role in the employer's alcohol and controlled substance testing program

Semi-annual statistical summaries of urinalysis

The employer's controlled substance testing policy and procedures

The following is a chart regarding how long records must be maintained:

Document to be Maintained	Period Required to be Maintained
Alcohol test results indicating a breath alcohol concentration of 0.02 or greater	5 Years
Verified positive controlled substance test results	5 years
Refusals to submit to required alcohol or controlled substance tests	5 years
Required calibration of Evidential Breath	5 years

Testing Devices (EBT's)	
Substance Abuse Professional's (SAP's) evaluations and referrals	5 years
Annual calendar year summary	5 years
Records related to the collection process (except calibration) and required training	2 years
Negative and cancelled controlled substance test results	1 year
Alcohol test results indicating a breath alcohol concentration less than 0.02	1 year

## **Location of Records**

Lafayette School Corporation shall maintain records of its alcohol misuse and controlled substances use prevention program. The records shall be maintained in a secure location with controlled access.

## **Responsibility**

A. Employee - All corporation employees that hold a valid CDL and drives a school bus are responsible for abiding by this procedure as a condition of their employment.

B. Management Officials and Supervisors

All supervisors and corporation officials are responsible for being alert to employee conduct that raises a reasonable suspicion that an employee is using or is under the influence of alcohol or controlled substances while on duty or otherwise performing corporation business.

This policy is not intended nor should it be constructed as a contract between the corporation and the employee. This policy may change at any time at the sole discretion of the corporation and/or to comply with changes in Federal USDOT regulations.

Legal Reference: 49 C.F.R. PART 382

Board Adopted: November 14, 1994  
Board Revised: March 11, 2002;  
December 8, 2003;  
September 10, 2012;  
August 14, 2023

**CERTIFICATE OF RECEIPT**

(Acknowledgement of receiving materials required by 49 CFR Part 382.601)

Employee Name: \_\_\_\_\_ Social Security # \_\_\_\_\_

Company/Corporation: \_\_\_\_\_

This is to certify that I have been provided educational materials that explain the requirements of 382.601 and my employer's policies and procedures with respect to meeting the requirements. This includes all items checked.

- \_\_\_\_\_ 1. The designated person to answer questions about the material.
- \_\_\_\_\_ 2. The categories of drivers subject to Part 382.
- \_\_\_\_\_ 3. Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
- \_\_\_\_\_ 4. Specific information concerning prohibited driver conduct.
- \_\_\_\_\_ 5. Circumstances under which a driver will be tested.
- \_\_\_\_\_ 6. Test procedures, driver protection and integrity of the testing processes, and safeguarding the validity of the test.
- \_\_\_\_\_ 7. The requirements that tests are administered in accordance with Part 382.
- \_\_\_\_\_ 8. An explanation of what will be considered a refusal to submit to a test and the consequences.
- \_\_\_\_\_ 9. The consequences for Part 382 Subpart B violations including removal from safety-sensitive functions and 382.605 procedures.
- \_\_\_\_\_ 10. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- \_\_\_\_\_ 11. Information on the affects of alcohol and controlled substances use on: an individual's health, work, personal life, signs and symptoms of a problem, and available methods of intervening when a problem is suspected.
- \_\_\_\_\_ 12. A copy of my employer's substance abuse policy.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Authorized Employer Representative: \_\_\_\_\_