

**Regulation**

---

DEPARTMENT OF TRANSPORTATION (DOT) REQUIRED TESTS

Pre-Employment Testing

A controlled substance test will be administered to a driver who has applied for and has been selected to operate a motor vehicle before beginning employment, or transferring to a safety-sensitive position. In addition, these individuals will be administered a physical examination in accordance with DOT regulations. Such screening will be accomplished in accordance with DOT regulations. No individual receiving a positive test result will be considered for employment.

Pre-employment test costs shall be paid for by the applicant.

Random Testing

Random testing will be spread reasonably throughout the year. The minimum annual percentage rate for controlled substance testing will be fifty (50%) percent of the average number of drivers. The minimum percentage rate for alcohol testing will be twenty-five (25%) of the average number of drivers.

A POSITIVE RESULT ON A RANDOM CONTROLLED SUBSTANCE TEST OR A BREATH ALCOHOL TEST WILL RESULT IN TERMINATION.

Post-Accident

A driver who is subject to post-accident testing must remain readily available for such testing or be deemed to have refused to test. Additionally, a driver subject to post-accident testing must refrain from consuming alcohol for a minimum of eight (8) hours following the accident or until tested, whichever comes first. A driver involved in an accident who requires medical care will submit to a controlled substance and alcohol testing at the facility providing treatment or a designee of the company if the facility is unable to provide testing. Nothing herein may be construed to authorize a driver from leaving the scene of any accident to obtain necessary assistance to emergency medical care.

The board of education will provide all drivers with the necessary post-accident information procedures and instruction.

FOR THE PURPOSES OF THIS POLICY, A POSITIVE CONTROLLED SUBSTANCE TEST OR A BREATH ALCOHOL TEST WILL RESULT IN TERMINATION.

The test costs shall be paid for by the board of education.

Reasonable Suspicion Testing

A controlled substance test and/or alcohol test will be conducted when observed conduct of a driver is reasonably determined to be suspicious or extraordinary for that driver while performing a safety-sensitive function. The required observations will be made by a supervisor or board representative trained in accordance with Title 49 of the Code of Federal Regulations (part 382.603). Such conduct must be observed and documented in writing and placed in the driver's file.

A POSITIVE CONTROLLED SUBSTANCE TEST OR A BREATH ALCOHOL TEST WILL RESULT IN TERMINATION.

The test costs shall be paid for by the board of education.

DEPARTMENT OF TRANSPORTATION (DOT) REQUIRED TESTS (regulation continued)Testing Breath for Alcohol

A Breath Alcohol Technician (BAT) shall test breath using a DOT approved breathalyzer. A BAT shall be trained to operate the Breathalyzer used in the DOT testing procedures.

An alcohol screening test of .019 BAC or lower is considered a negative test result. Test results of 0.2 BAC or greater require a confirmation test. A BAT shall require that an employee wait a minimum of fifteen (15) minutes before performing a confirmation test. This procedure allows mouthwash or other residual alcohol to be washed out of the mouth. No eating, drinking, smoking, or belching is permitted during the fifteen (15) minute wait period, as these activities may affect the test result.

The BAT shall report all final alcohol test results to the appropriate employer representative.

Testing Split-Urine Specimens for Drugs

Forty-five milliliters (45 ml.) of urine shall be collected in order to perform a drug test. The 45 ml. shall be divided into two bottles at the time of collection in front of the employee. Thirty milliliters (30 ml.) becomes the primary or screening specimen. Fifteen milliliters (15 ml.) becomes the secondary or confirmation specimen. After capping both bottles, the collector (BAT) shall seal both bottles with a tamper-evident seal in front of the employee. The bottles are then shipped with chain-of-custody documentation papers to a DOT approved laboratory.

Medical Review Officer

The laboratory shall send all drug test results to a Medical Review Officer (MRO), a medical or osteopathy doctor with knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate a positive drug test, medical history, and other relevant biomedical information. The MRO shall respond to a positive drug screening test result by attempting for five (5) days to contact the respective employee at the phone number or address provided to the employer in order that an explanation for the positive test result may be given.

If the MRO believes an employee's explanation of a positive test result and if he/she is satisfied that the regulations have not been violated, the MRO shall report a negative test result to the appropriate employer representative.

If the MRO does not believe the employee's explanation and if he/she believes that the regulations may have been violated, the MRO shall inform the employee that the confirmation specimen may be tested for the substance(s) found in the screening specimen, if the employee so chooses.

Once notified by the MRO that a screening specimen tested positive, the employee has seventy-two (72) hours to instruct the MRO to test the confirmation specimen. If the notified employee does not instruct the MRO within seventy-two (72) hours to test the confirmation specimen, the final test result shall be positive.

The MRO shall report all final drug tests results to the appropriate employer representative.

Fitness for Duty

All employees are expected to report to work drug-free and alcohol-free, fit to perform their duties and not under influence of any substance which might adversely affect their ability to safely and competently perform their duties. Factors such as the use of prescription or over-the-counter medication should be brought to the attention of the supervisor. Failure to do so could result in disciplinary action and subject the employee to random drug and alcohol testing. However, where such notice has been properly given prior to testing to the supervisor, no disciplinary actions will be administered.

Use of Certain Prescribed or Over-the Counter Medication

DEPARTMENT OF TRANSPORTATION (DOT) REQUIRED TESTS (regulation continued)

It is the employee's responsibility to assure that any medication which he/she is taking will not interfere with job performance or which may result in a positive drug test. The employee should consult with his/her physician and should notify the administration if it is determined that the medication will interfere with job performance or could result in a positive drug test.

Confidentiality and Privacy

The Harrison Township School District will ensure all aspects of the testing process are kept as confidential and private as reasonably practical. Except as required by law, test results will not be disclosed to co-workers, driver's families, uninvolved supervisors, other employers or law enforcement authorities without the specific permission of the driver. Records of test results will be safeguarded to prevent unauthorized disclosure.

CDL Employee Education

Prior to starting the DOT testing program, an existing CDL employee or new CDL employee shall be given educational materials to help the employee maintain compliance. The materials shall include DOT rules, the board policy, the name of the appropriate testing program, employer representative(s), and other information to help prevent the misuse of alcohol and the use of prohibited drugs. A signed receipt of the educational materials shall be required.

CDL Supervisor Training

Supervisors who may be required to make reasonable suspicion determination regarding a CDL employee shall be trained for a minimum of two (2) hours in observing appearance, behavior, speech or body odors that indicate a possible alcohol or drug violation regulation violation.

Adopted:	December 17, 2007
NJSBA Review/Update:	June 2014
Readopted:	October 27, 2014