

**ALCOHOL AND CONTROLLED SUBSTANCE TESTING  
POLICY FOR COMMERCIAL MOTOR VEHICLE OPERATORS**

**I. POLICY STATEMENT**

Pattonville School District ("Pattonville") has an inherent interest in guaranteeing the safety, reliability and prompt transportation of children within the District as well as employee and public safety. Therefore no driver shall:

- A. be on duty or operate a commercial motor vehicle (C.M.V.) while the driver possesses alcohol; use alcohol while performing safety-sensitive functions (as defined in 49 CFR §395.2); perform safety-sensitive functions within four hours after using alcohol; or use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first;
- B. report for duty or remain on duty requiring the performance of safety-sensitive functions either (a) when the driver uses any controlled substance (except when use is pursuant to instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a C.M.V. and the driver and so informed Pattonville), or; (b) when the driver tests positive for controlled substances.

For the purpose of this policy, on duty means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is released from work and all responsibility for performing work. All time spent in testing in compliance with this policy also is on duty time.

The purpose of this policy is to establish a controlled substance and alcohol testing program for Pattonville's C.M.V. drivers that will both support Pattonville's above-described interest and comply with Sections 40, 382 and 391 of Title 49 of the Code of Federal Regulations (C.F.R.). The program combines regulatory requirements with internal policies and procedures deemed necessary by the District to ensure the safe, legal, and orderly conduct of its business.

**II. SCOPE**

Alcohol and controlled substance testing must be performed on all Pattonville C.M.V. drivers (whether employees or contract drivers) who operate C.M.V.'s as defined by the Department of Transportation ("D.O.T."). The program under this policy tests for the presence of controlled substances (including marijuana, cocaine, opiates, phencyclidine, and amphetamines) and alcohol (intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohols). Employees who supervise these drivers must also participate in the program by attending sessions that will train them to identify physical or physiological symptoms or reactions that indicate the use of alcohol or controlled substances. Any questions about these materials should be directed to the Assistant to the Superintendent for Human Resources at Pattonville.

**III. TESTING CIRCUMSTANCES**

Drivers will be required to submit to alcohol and controlled substance testing under the following circumstances. At all times it is the responsibility of the drivers to notify their supervisor of any therapeutic drug use which could affect the results of a test for controlled substances, or their ability to operate a motor vehicle.

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- A. Pre-Qualification: Prior to the first time a driver performs safety-sensitive functions for Pattonville, the driver shall undergo testing for alcohol and controlled substances except only as provided in §382.301(b). This testing is performed during the D.O.T. medical examination and is separate and apart from the routine Pattonville pre-placement physical examination and drug test that will also be administered.
- B. Post Accident: As soon as practicable following an accident involving a C.M.V., Pattonville shall test for alcohol and controlled substances each surviving driver:
1. Who was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life; or
  2. Who receives a citation under State or local law for a moving traffic violation arising from the accident.

If either of the above criteria are met, then the driver shall submit to an alcohol test within two hours following the accident, if possible, and a controlled substances test within 32 hours after the accident. Failure of a driver who is subject to post-accident testing to remain readily available for such testing may be deemed by Pattonville to be a refusal by the driver to submit to testing.

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1. All citations are to 49 CFR.
  2. An "accident" is one involving a human fatality, or, bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident, or, one or more motor vehicles incurring disabling damage as a result of the accident and transported away from the scene by a tow truck or other motor vehicle.

- C. Random: All Pattonville C.M.V. drivers shall be subject to random testing under a selection process selected by Pattonville in compliance with §382.305(e). Under this process, each driver shall have an equal chance of being tested each time selections are made. Tests shall be unannounced and shall be spread reasonably throughout each calendar year. A driver who is notified of selection for a random test shall report to the test site immediately, or as soon as possible if the driver is performing a safety-sensitive function at the time of notification; provided however, that a driver shall only be tested for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions or just after the driver has ceased performing such functions.

Subject to the Federal Highway Administration's Administrator's decision, the minimum annual percentage rate for (1) random alcohol testing shall be 25 percent of the average number of driver positions and (2) random controlled substances testing shall be 50 percent of the average number of driver positions.

- D. Reasonable Suspicion Testing.
1. Pattonville shall require a driver to submit to an alcohol and/or controlled substances test when Pattonville has reasonable suspicion to believe that the driver has violated the policy, except that there shall be no test where the reasonable suspicion is solely for the possession of alcohol and alcohol testing shall be required under this Section D only while the driver is performing safety-sensitive

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functions, just before the driver is to perform safety-sensitive functions or just after the driver has ceased performing such functions.

2. Reasonable suspicion shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver, including chronic or withdrawal effects of controlled substances. All such observations shall be made by a supervisor or company official who is trained regarding alcohol misuse and controlled substances use. A written record shall be made of the observations leading to a controlled substance reasonable suspicion test and signed by the supervisor or company officer making the observation within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.
3. An alcohol test required under subparagraph 1 of this Section D shall be administered within two hours of the reasonable suspicion determination, if possible. If an alcohol test is not so administered, Pattonville shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If no reasonable suspicion test is administered, but the driver violated this policy with respect to alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, then Pattonville shall not permit the driver to perform or continue to perform safety-sensitive functions until:
  - (i) an alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or
  - (ii) twenty-four hours have elapsed following the reasonable suspicion determination.

Except as provided in this Section III.D., Pattonville shall not take any action against the driver hereunder based solely on the driver's behavior and appearance, with respect to alcohol use, in the absence of an alcohol test.

- E. Return to Duty Testing. Any driver who has engaged in conduct which violates this Policy shall not be permitted to return to the performance of safety-sensitive duties until the driver has submitted to a return to duty alcohol or controlled substances, as the case may be, test and received satisfactory results.
- F. Follow-up Testing. If a driver who violates this Policy is permitted to return to work and is determined to be in need of assistance relating to alcohol misuse and/or use of controlled substances, then the driver shall be subject to unannounced follow-up alcohol and/or controlled substances tests following return to duty as determined by a substance abuse professional in accordance with §382.605(c)(2)(ii). The testing shall consist of not less than six tests in the first 12 months following the driver's return to duty and follow-up testing shall not exceed 60 months following the driver's return to work.

#### IV. CONSEQUENCES OF VIOLATION OF POLICY

- A. If a driver engages in conduct prohibited by this policy, then except as provided in subsection B hereof, the driver shall perform no safety-sensitive functions for Pattonville, including driving a C.M.V.

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- B. If a driver is tested and is found to have an alcohol concentration of 0.02 or greater but less than 0.04, then the driver shall not perform any safety-sensitive functions for Pattonville, including driving a C.M.V., until the start of the driver's next regularly scheduled shift, but not less than 24 hours following administration of the test.
- C. If a driver violates this policy:
1. The driver shall be advised of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses and phone numbers of substance abuse professionals and counselling and treatment programs.
  2. The driver shall be evaluated, at the driver's expense, by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use.
  3. If Pattonville permits the driver to return to duty, then before the driver returns to duty:
    - a. the driver shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02, if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance; and
    - b. if the driver is identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use, (i) follow up evaluation by a substance abuse professional to determine whether the driver has properly followed any rehabilitation program shall be required, and (ii) follow up testing, as set forth above, shall be required in accordance with §382.605.
  4. If a substance abuse professional determines that a driver requires assistance in resolving problems with alcohol misuse or controlled substances use, that professional shall not refer the driver to that professional's private practice or to a person or organization from which the professional receives remuneration or in which the professional has a financial interest.
- D. The foregoing shall not apply to driver applicants who refuse to submit to pre-qualification testing or whose test results are unsatisfactory. In either such event, or if a driver-applicant engages in any other conduct prohibited by this policy, then the driver-applicant will not be hired as a driver for Pattonville for at least 12 months, and any offer of employment will be withdrawn.
- E. Based on authority independent of the D.O.T. regulations, violation of this Policy by a driver may result in disciplinary action, including depending upon the circumstances, either successful completion of an alcohol or drug rehabilitation program or immediate termination of employment as a C.M.V. driver.

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V. REFUSAL TO SUBMIT

Refusal to submit to an alcohol or controlled substances test means that a driver (or applicant): (1) fails to provide adequate breath for alcohol testing without a valid medical explanation after notice to do so; (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after notice to do so; or (3) engages in conduct that clearly obstructs the testing process. Any refusal to submit to alcohol or controlled substance testing under any of the aforementioned circumstances will be treated in the same manner as an appropriately confirmed positive test. The refusal will be addressed by the disciplinary actions listed above.

VI. INFORMATION, TRAINING AND REFERRAL

- A. Prior to the start of testing, in compliance with §382.601, Pattonville will provide a copy of this policy to each driver and will provide a copy to each driver subsequently hired or transferred into a driver position.
- B. Pattonville will provide additional educational information regarding the use of alcohol and controlled substances to all affected supervisors and drivers, which shall include the following elements:
  - 1. The effects and consequences of alcohol and controlled substance use on an individual's health, work and personal life;
  - 2. Signs and symptoms of an alcohol or a controlled substances problem; and,
  - 3. Available methods of intervening when an alcohol or controlled substances problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management.
- C. Pattonville will provide at least 60 minutes of training on alcohol misuse to supervisors designated to determine whether reasonable suspicion exists to require testing and an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech and performance indications of probable alcohol misuse and use of controlled substances.
- D. A receipt will be obtained from each such driver, certifying that he/she has received this policy and the materials described in Section VI.B hereof.

VII. TESTING PROCEDURES

Testing procedures will include the following collection, testing and recordkeeping requirements.

- A. Collection and Testing: All urine specimens collected under this policy will be submitted to a D.O.T. approved laboratory for testing. All specimens initially testing positive will be subjected to a subsequent confirmation test before being reported by the laboratory as positive.
- B. Reporting of Results: All laboratory test results will be reported by the laboratory to a medical review officer (M.R.O.) designated by Pattonville. The M.R.O. will be the sole custodian of individual test results and shall retain records in accordance with §382.409. Negative test results will be reported as such by the M.R.O. to Pattonville. Before reporting a positive test result to Pattonville, the M.R.O. will attempt to contact the driver to discuss the test results.

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If after making all reasonable efforts and documenting them the M.R.O. is unable to contact the driver directly, the M.R.O. will contact a Pattonville Management Official designated in advance by Pattonville, who shall in turn contact the driver and direct the driver to contact the M.R.O. prior to dispatching the driver or within 24 hours, whichever is earlier. The Management Official will request that the driver discuss the results of the controlled substances test with the M.R.O. if the M.R.O. has been unable to contact the driver. Upon being so directed, the driver shall contact the M.R.O. immediately or, if after the M.R.O.'s business hours and the M.R.O. is unavailable, at the start of the M.R.O.'s next business day. If Pattonville, after making all reasonable efforts, is unable to contact the driver, or if the driver fails to timely contact the M.R.O., Pattonville may place the driver on temporary unqualified medical status and suspend the driver's C.M.V. operating privileges.

Subject to the foregoing, the M.R.O. shall report to Pattonville that the controlled substances test being reported was in accordance with Parts 40 and 382 of 49 CFR, the name of the individual for whom the test results are being reported, the type of test indicated on the custody and control form, the date and location of the test collection, the identities of the persons or entities performing the collection, analysis of the specimens and servicing as the M.R.O. for the specific test, the verified results of a controlled substances test, and if positive, the identity of the controlled substances for which the test was verified positive. These results will be kept strictly confidential by Pattonville unless written consent for the authorization for the release of the test results has been obtained from the tested driver. The M.R.O. shall provide a written notification to Pattonville within three business days of completion of the M.R.O. Pattonville shall retain in the driver's qualification file only the written communication from the M.R.O.

Any driver-applicant who has submitted to pre-qualification drug testing in compliance with this policy shall be notified of the results if a request is filed with Pattonville within 60 calendar days of being notified of the disposition of his/her employment application. A driver shall be notified of random, reasonable suspicion and post-accident verified positive test results and what controlled substance was verified positive.

#### VIII. DRIVER ACCESS TO RECORDS

Pattonville shall not release driver information except as required by law or expressly authorized by 49 CFR §382.401.

Upon written request a driver is entitled to copies of any records relating to the driver's use of alcohol or controlled substances, including test results. Records also shall be made available to a driver's subsequent employer upon written request from the driver or to any other person designated by the driver upon written consent of the driver authorizing such release.

#### IX. RELEASE OF INFORMATION

Pattonville shall obtain from a driver-applicant's prior employers, pursuant to the driver-applicant's written consent, information on the driver's alcohol tests with a concentration of 0.04 or greater, positive controlled substances test results, and refusals to be tested within the preceding two years, which are maintained by the driver's previous employers under §382.401(b)-(1)(i) through (iii). This information shall be obtained by Pattonville no later than 14 calendar days after the driver performs safety-sensitive functions for Pattonville if it is not feasible to obtain the information before the driver performs such functions. Pattonville shall obtain such information in accordance with §382.413.

X. ADDITIONAL DISCIPLINE

As noted elsewhere in this policy, independent of the authority of the D.O.T. regulations, Pattonville may discipline, up to and including termination, as a C.M.V. driver, any driver who violates this policy and withdraw the offer to and will refuse to hire any driver applicant who violates this policy for at least 12 months from the date of application.

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