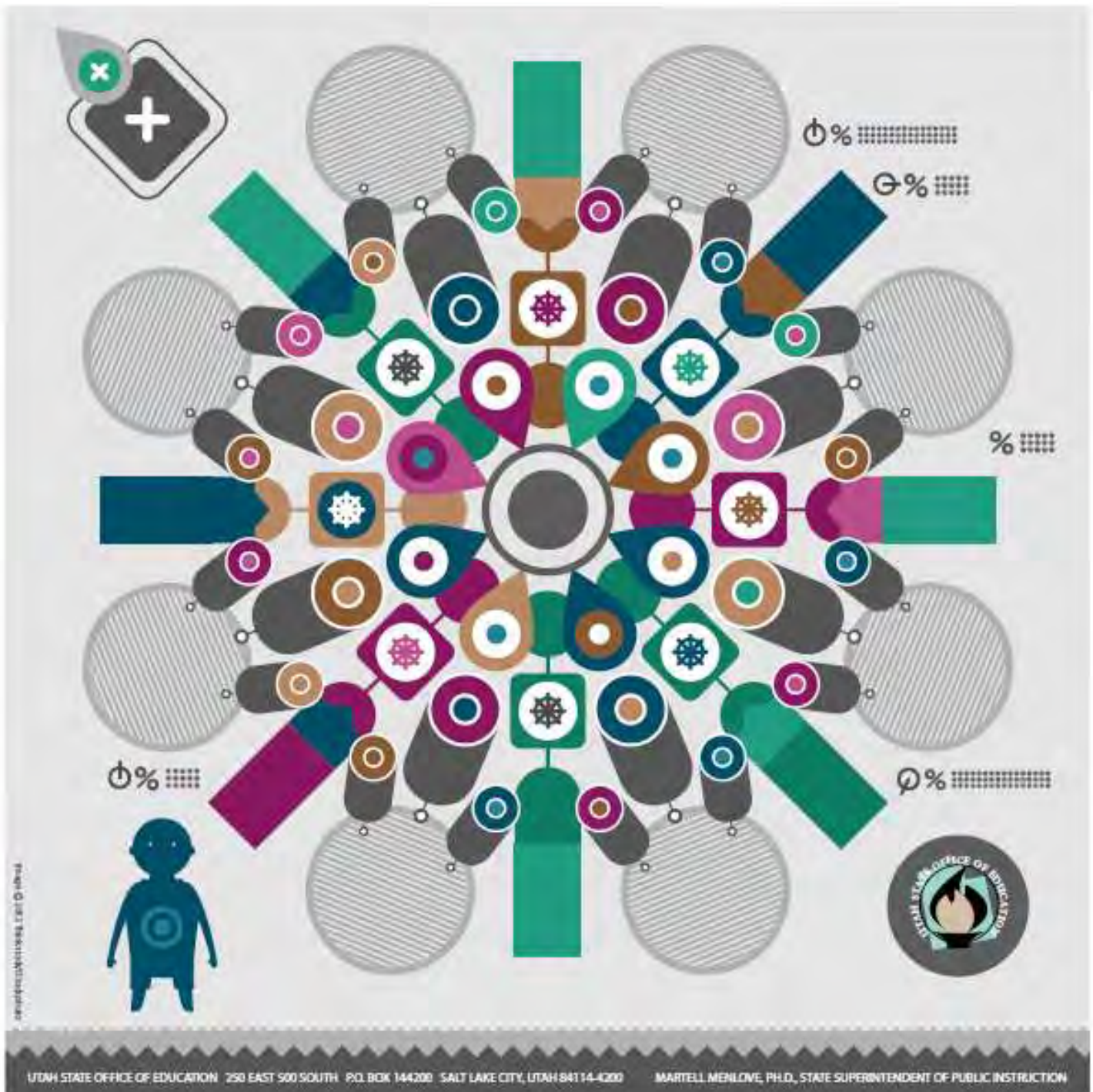


PUPIL TRANSPORTATION

DRUG & ALCOHOL TESTING

POLICIES AND PROCEDURES



SUPERVISOR SUPPLEMENT HANDBOOK

PUPIL TRANSPORTATION DRUG AND ALCOHOL TESTING POLICIES AND PROCEDURES

UTAH STATE OFFICE OF EDUCATION

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August, 2013

ACKNOWLEDGEMENTS

Special thanks to James P. (Pat) O'Hara, Pupil Transportation Specialist at the time of the first edition of this document, published in 1997. The first edition provided an employee handbook for many years, as well as a foundation for this edition.

The Utah State Office of Education also expresses appreciation to the following individuals for participating in and contributing their knowledge and expertise to updating this handbook.

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January 2013

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FOREWORD

In the interest of providing safe and efficient transportation for Utah children to and from school-related activities, and to meet its statutory responsibility for maintaining a drug-free workplace, the Utah State Board of Education has adopted these policies and procedures.

Illegal drug use is contrary to state law, the federal Drug-Free Workplace Act of 1988, and Utah State Board of Education rules. Possession, use, distribution, or manufacture of alcohol or illegal drugs in the workplace is prohibited. Involvement of any type with alcohol or other drugs that interfere with an employee's ability to perform assigned duties, regardless of where the drugs or alcohol are consumed, is also a concern that must be addressed by the supervisor as well as the individual. Violation of drug-free rules and laws may result in termination from employment.

It is the policy of the Utah State Board of Education that the workplace be drug free. A drug testing program has been implemented statewide that covers every Utah school district, charter school or private carrier, which will hereafter be referred to as DCPs (i.e., "district/charter/private"). The policy will pertain to any employee or contract employee working for a DCP who is assigned to a safety-sensitive position as defined by this policy and required, by reason of that job assignment, to possess a Commercial Driver's License. DCPs shall use the drug testing procedures, contract testing company, medical review officer, laboratories, and testing sites established under this policy to test other employees, provided that such testing is authorized by separate local district or charter school policy written and adopted for that purpose. Testing will be conducted in strict accordance with the guidelines of the Substance Abuse Mental Health Services Administration, formerly the National Institute on Drug Abuse, and Part 40 of Title 49, Code of Federal Regulations.

Private, commercial carriers under contract to local school districts or charter schools to transport Utah school children to and from school or related activities are required to adhere to this policy. Responsibility for payment for testing and related services is a matter of contract negotiation between the commercial carrier and the school district or charter school.

Martell Menlove
State Superintendent of Public Instruction

PURPOSE

The purpose of this policy is to establish guidelines for alcohol and controlled substances testing that comply with the Omnibus Transportation Employee Testing Act of 1991 (the Omnibus Act) and to set forth the procedures for implementing this policy.

I. GENERAL STATEMENTS OF POLICY

It is the policy of the Utah State Board of Education that:

- A. Covered employees will adhere to the rules and regulations set forth in this policy.
- B. DCPs will strive to maintain a workplace free of the unlawful use, manufacture, distribution, dispensing, or possession of alcohol and illegal controlled substances.
- C. DCPs will take action against employees who use, distribute, or possess illegal controlled substances or alcohol on the job.
- D. Covered employees will report to work in a fit condition for duty. Being under the influence of alcohol or illegal controlled substances on duty is prohibited.
- E. If the employee seeks help prior to discovery or notification of random testing, then confidentiality, job security, and promotional opportunities will be protected.
- F. If the employee does not seek help and the problem in some way comes to the attention of the employer, then corrective or disciplinary action will result.
- G. As of the approval of this policy, the “Zero Tolerance Policy” will apply to all current DCP drivers and new applicants to drive.
- H. If an employee is arrested off the job for drug involvement, the DCP will consider various circumstances surrounding the arrest before taking action.
- I. A covered employee charged with the possession, use, sale, distribution, or manufacture of alcohol or illegal controlled substances on DCP property will be removed from safety-sensitive duties until the charges are adjudicated. If the charges result in termination from DCP employment, the DCP will not participate financially in any subsequent counseling, rehabilitation, or hospitalization.
- J. If an employee is under treatment with a medication that could alter his/her ability to perform a job, a recommendation will be sought from a physician. Upon recommendation by the physician, the employee could be subject to reassignment. This requires a note from the physician stating the possible impairment from prescribed drugs, such as drugs that may cause drowsiness, or the ability to operate equipment. The note should state how many days off are necessary and the approximate date of possible return to duty.
- K. Supervisors and other employees in jobs classified as “safety-sensitive” will receive annual substance abuse training in accordance with the Omnibus Act.
- L. As a condition of employment in a job with a Utah DCP having safety-sensitive duties, an employee or applicant must agree, in writing, to the release of the records of:
 - 1. Positive controlled substances test,
 - 2. Alcohol test that registered above, 0.02 BAC,
 - 3. When positive tests resulted in disciplinary action, or
 - 4. Any refusal to be tested.

The signed release must stipulate that the employee agrees to the release of such records dating back three years from the date of hire for new hires and two years from any inquiry related to employment status in which the driving record or performance record of the individual is at issue, and that the records may be released to other Utah DCPs and other states via confidential transmittal through the Pupil Transportation Specialist.

M. All Utah DCPs will implement the policy set forth in Paragraph K above, by including in the employment application for safety-sensitive positions, statements to the effect that:

1. An essential function of safety-sensitive jobs in the DCP is that the person performing such a job do so free of illegal controlled substances and with a BAC within the limits set forth in this policy, and,
2. Application for employment in such a job in the DCP implies consent to the conditions stated in Paragraph K.

II. DEFINITIONS

Act, the The Drug-Free Workplace Act of 1988.

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

blood-alcohol concentration (BAC)

A unit of measurement specifying the percentage of alcohol in a person's bloodstream.

Chain of Custody

The documented control of an item of evidence from the time and place of its creation or identification as evidence to its final use or disposition. In drug and alcohol testing, the "Chain of Custody" is tracked and recorded on the "Custody and Control Form." See definition below.

commerce Commerce means (1) any trade, traffic, or transportation within the jurisdiction of the United States between a place in a state and a place outside of such state, including a place outside of the United States, and (2) trade, traffic, or transportation described in paragraph (1) of this definition. **School bus traffic, whether in the transportation of students to and from school or on activity and field trips, is commerce.**

commercial motor vehicle (CMV)

Commercial motor vehicle (CMV) means a motor vehicle or combination of motor vehicles that:

- A. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- B. Has a gross vehicle weight rating of 26,001 or more pounds, or
- C. Is designed to transport 16 or more passengers, including the driver; or
- D. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 C.F.R. part 172, subpart F or
- E. Is any vehicle meeting the definition of "School Bus" as defined in the "Standards for Utah School Buses and Operations."

confirmatory test

A confirmatory test is a chemically independent test conducted on a urine specimen to substantiate the results of a prior test. The confirmatory test must employ federally approved methods of analysis as described in this policy.

controlled substances

Medications prescribed under Utah law by licensed medical personnel or illegal drugs identified in the Omnibus Transportation Employee Testing Act of 1991, listed on page 9 of this handbook.

covered employee

A DCP employee assigned to a safety sensitive position, as defined by this policy and subject to the Omnibus Transportation Employee Testing Act of 1991. (Includes a school bus driver in the State of Utah.)

covered event

An accident or other incident where there is reasonable suspicion that prohibited use of controlled substances or alcohol occurred.

Custody and Control Form

The document completed by the donor prior to providing the urine specimen, which accompanies the specimen to document where it goes, how it is handled, and by whom. Copies of the Custody and Control Form are sent to the district Drug Program Coordinator or Site Coordinator for their use in billing and employee notification. The Custody and Control Form is a multi-page document with copies distributed according to the notification rules of this policy.

consortium/third party administrator (C/TPA)

A person and/or company that handles the random drug testing pool.

district/charter school/private carrier (DCP)

Utah public school district, charter school or private commercial carrier under contract to local school districts or charter schools to transport Utah school children to and from school or related activities.

DCP supervisor

The DCP employee with day-to-day responsibility for managing pupil transportation, whether holding the title Superintendent, Assistant Superintendent, Director, Supervisor, Coordinator, or other title.

donor

The individual being tested or scheduled to provide a urine or breath specimen for testing under this policy.

drug

May refer to legal medications prescribed according to Utah state law or to illegal controlled substances. When used in the context of “testing for illegal controlled substances,” the term “drugs” refers to the five controlled substances targeted by the Omnibus Transportation Employee Testing Act of 1991.

Drug Program Coordinator or designated employer representative (DER)

The individual designated at the local level to oversee implementation of the drug testing policy for the pupil transportation department. The Drug Program Coordinator is the designated employee representative (DER). This may be the transportation supervisor

(director), the superintendent or an assistant superintendent, or a senior transportation employee subordinate to the supervisor.

employee Used interchangeably with “donor” in this policy. Both terms refer to Utah public school district employees or contract employees assigned safety-sensitive duties and possessing a Commercial Driver’s License.

employee assistance program (EAP)

A program to provide district employees with counseling services, which includes services for employees with substance abuse problems. Referrals and recommendations are at the discretion of the district or the employer.

human resources management (HRM)

District-level human resource office.

medical review officer (MRO)

The medical review officer (physician or osteopath) under contract with the USOE to provide statewide technical assistance in implementing the drug testing program by performing duties specified on page 23 of this handbook.

National Institute on Drug Abuse (NIDA)

Renamed from Substance Abuse Mental Health Services Administration. An agency within the federal Department of Health and Human Services designated by presidential executive order as the national certification authority for forensic urine testing.

Omnibus Act

The Omnibus Transportation Employee Testing Act of 1991.

reasonable suspicion

A conclusion, as a result of examination of the pertinent facts, that prohibited drug or alcohol use *may be* present, or may have contributed to or caused a critical incident.

“refusal to test/submit”

Refusing to submit (to an alcohol or drug test) means that a driver:

- A. Fails to appear for any test (except a pre-employment test) as determined by the employer and consistent with DOT agency regulations, after being directed to do so by the employer;
- B. Fails to remain at the testing site until the testing is complete. Provided that a covered employee leaves the testing site before the testing process commences (see 49 CFR 40.63(c)) employer and DOT for pre-employment test is not determined to have refused to test;
- C. Fails to provide a urine specimen for any drug test required by the employer and DOT regulations;
- D. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen (see 49 CFR 40.67(I) and 40.69(g));
- E. Fails to provide a sufficient amount of urine when directed, unless it has been determined through a required medical evaluation, that there was an adequate medical explanation for the failure;
- F. Fails to undergo a medical evaluation as directed by the MRO as part of the verification process or as directed by the DER concerning the evaluation of the shy bladder procedures in 49 CFR part 40, subpart 1 of this title;

- G. Fails to cooperate with any part of the testing process;
- H. Fails or declines to take a second test the employer or collector has directed the covered employee to take; or
- I. Is reported by the MRO as having a verified adulterated or substituted test result.

safety-sensitive duties

In Utah public school districts, duties performed during “on-duty” time by all school bus drivers (full- and part-time or substitute); mechanics who hold the CDL license; state-level instructors, district-level instructors, and behind-the-wheel trainers who hold the CDL; and any other employee involved in the transport of public school students who holds a CDL license. This encompasses all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. “On-duty” time will include:

- A. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property spent waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier.
- B. All time inspecting, servicing or conditioning any motor vehicle at any time.
- C. All driving time.
- D. All time, other than driving time, in or upon any motor vehicle.
- E. All time spent loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle loading or unloading, remaining in readiness to operate the vehicle, giving or receiving receipts for shipments loaded or unloaded, or checking manifests of students.
- F. All time spent performing required driver responsibilities upon an accident and/or collision.
- G. All time repairing, obtaining assistance, or remaining in attendance with a disabled vehicle.

site coordinator

The individual on site at the location where urine and breath specimens are collected and who is responsible for coordinating specimen collection. The Site Coordinator and Drug Program Coordinator may be the same person if assigned a dual role by the district. (See Drug Program Coordinator .)

split sampling

Under federal law, all urine testing is a “split sample testing,” meaning that the donor’s sample is collected in a single, disposable container and then poured into two specimen bottles. One bottle, containing 30 milliliters of urine, is tested immediately. The second bottle, called the split, contains 15 milliliters of urine. It is placed in storage for two years. The two bottles carry identical donor identifying information along with the date of collection.

Substance Abuse Mental Health Services Administration (SAMHSA)

An agency within the Federal Department of Health and Human Services, designated by presidential executive order, as the National Certification Authority for Forensic “Urine and Breathe Alcohol Testing.” (Replaces NIDA; see above.)

substance abuse professional (SAP)

A professional counselor employed by a public or private mental health or substance abuse treatment facility that is licensed by the Utah Department of Human Services as an agency authorized to conduct substance abuse treatment.

Utah State Office of Education (USOE)

The education agency for the State of Utah, as directed by the Utah State Board of Education.

zero tolerance drug and alcohol testing

Any failed DOT drug test or BAC 0.02 or above. This is the amount that an instrument or device can legally detect alcohol with reportable accuracy. If you are a school bus driver at a school district or charter school, or with a private carrier on contract with either, and fail a drug or alcohol test, you cannot again drive a public school bus in Utah.

zero tolerance DUI convictions

1. No applicant for a school bus driver position may have a DUI conviction on their MVR for the past ten years.
2. Employed school bus drivers, while driving private vehicles, may not be convicted of a DUI. If convicted, a school bus driver is not eligible for consideration as a school bus driver in Utah for a period of ten years.

III. STATUTES

A. Drug-Free Workplace Act of 1988

1. The law requires federal contractors (with contracts of \$25,000 or more) and grantees to achieve and maintain a “drug-free workplace.”
2. The Act became effective on March 18, 1988.
3. 41 U.S.C. 701 specifically requires the covered contractor or grantee to certify that it is providing a drug-free workplace.

B. The Omnibus Transportation Employee Testing Act of 1991

1. The Omnibus Act became effective October 28, 1991.
2. The Omnibus Act requires employers to test certain employees for alcohol and controlled substances under various conditions. Employers must adopt policies and procedures covering prior notification, sanctions, types of tests, laboratory certification, medical review officer qualifications and duties, record keeping and training.

IV. AWARENESS PROGRAM

Since drug and alcohol abuse can result in injury or death to students, school bus drivers, or others, as well as lost productivity and misuse of public property, the Utah State Board of Education is obligated to establish policies that address these issues as they affect DCP employees. Therefore, policies are herewith established that not only set forth restrictions and penalties, but also provide for the dissemination of information concerning prevention, health effects, and rehabilitation programs.

Supervisors:

All drug and alcohol supervisors with involvement on any level shall receive 120 minutes of instruction each year to include a minimum of 100 minutes of presentation and/or discussion time. Annual recertification may be completed using an online course approved by the Utah State Office of Education. A classroom presentation is required for original certification.

Drivers:

All Utah school bus drivers are required to receive 60 minutes of drug and alcohol awareness instruction each year. This shall include a total of at least 50 minutes of presentation and/or discussion time accompanied by a test within the minimum amount of time. Annual recertification may be completed using an online course approved by the Utah State Office of Education.

A. Objectives

It is the policy of the Utah State Board of Education, as well as a requirement of the Omnibus Transportation Employee Testing Act of 1991, that all DCP pupil transportation personnel employed in “safety-sensitive” positions, as defined in this policy (see “covered employees” under Definitions, above), undergo annual training to accomplish the following objectives:

1. To ensure that each covered employee in the DCP receives educational materials that explain the requirements of the Omnibus Transportation Employee Testing Act of 1991 and local DCP policies concerning drugs and alcohol.
2. To ensure that the identity of the person designated in each DCP to answer questions about the policies is known to every person in the DCP holding a safety-sensitive position.

3. To ensure that every covered employee in the DCP knows that the duties being performed are considered safety-sensitive, and that, therefore, this written policy and the Omnibus Transportation employee Testing Act of 1991 must be followed.
4. To ensure that every covered employee in the DCP knows exactly what period of the workday he/she is subject to this policy or parts of this policy.
5. To ensure that each covered employee or prospective employee understands the “zero tolerance” policy. This means no illegal drug use or alcohol abuse. If this occurs, termination proceedings shall take place, and an employee shall not drive school bus again in Utah.
6. To ensure that the circumstances under which covered employees will be or may be tested under this policy are clearly understood.
7. To ensure that the procedures that will be used to test covered employees for the presence of alcohol and controlled substances protect covered employees and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.
8. To ensure that all covered employees in all DCPs understand that they are **required**, under federal law and Utah State Board of Education policy, to submit to alcohol and controlled substances testing as set forth in this policy.
9. To ensure that covered employees understand what constitutes “refusal” and “failure” to submit to testing, and that there are consequences for refusing or failing to submit to testing under this policy.
10. To ensure that all covered employees understand the consequences for violating any prohibition of this policy.
11. To ensure that all covered employees understand the possibility of impairment from the use of prescription drugs, and understand that they are subject to reasonable suspicion nine-panel testing at the discretion of their local DCP.
12. To ensure that all covered employees understand the possibility of impairment from the use of over-the-counter drugs, and understand that they are subject to reasonable suspicion nine-panel testing at the discretion of their local DCP.
13. To ensure that all covered employees understand that they are required to provide a Doctor/Driver Prescription Drug Disclosure Form each time they are required to supply a DOT physical, and that the form must be updated each time a doctor prescribes a medication that could impair the ability of a driver to safely operate a motor vehicle.

B. Self-Referral

Employees may refer themselves for treatment using the DCPs Employee Assistance Program, if any, or to a private physician or program, before discovery or before being notified of random test selection. This may not be construed in any attempt to circumvent the purposes of the “random,” “post-accident” or “reasonable suspicion” tests provided for in this policy. Financial responsibility for any such referral, treatment, counseling, rehabilitation or hospitalization will be as provided for in the DCPs policy. This does not apply to new applicants, because they automatically fall under the “zero tolerance policy.” See Section G under “General Statements of Policy.”

C. DCP Actions

The DCP may impose discipline up to and including termination of the employee for violations of this policy. Employees who are found to be illicit drug users and who did not meet the criteria for termination from employment may not be permitted to remain in or return to a safety-sensitive position. Such employees shall not drive a school bus again in the State of Utah.

EMPLOYEE HANDBOOK

Policies and procedures specific to the Drug and Alcohol Testing Program for employees are found in the Pupil Transportation Drug and Alcohol Testing Policies and Procedures Employee Handbook under the following headings:

V. GENERAL PROHIBITIONS AND SANCTIONS, ALCOHOL

VI. GENERAL PROHIBITIONS AND SANCTIONS, DRUGS

VII. GENERAL REGULATIONS

VIII. TESTING OPERATIONS

IX. PRE-EMPLOYMENT TESTING

X. RANDOM TESTING

XI. REASONABLE SUSPICION/CAUSE

XII. POST-ACCIDENT TESTING

XIII. RETURN-TO-DUTY AND FOLLOW-UP TESTING

XIV. MEDICAL REVIEW OFFICER

XV. SUBJECT TO FEDERAL REQUIREMENTS AND CHANGES IN FEDERAL REQUIREMENTS

XVI. SUPERVISOR SUPPLEMENT INFORMATION

The following information is to be used by all supervisors involved in any aspect of the drug and alcohol testing program. This includes DCP Supervisors, Drug Program Coordinators, Alternate Drug Program Coordinators, Designated Employee Representatives, and Site Coordinators.

At arranged times some employees of your school district/entity will be selected for random testing for controlled substances, or alcohol, or both. Please be assured that the selection of these employees in no way implies that the Utah State Office of Education has reason to suspect illegal use of these substances in your district/entity. The process by which employees are selected uses a computer program. All eligible employees in the state are listed in random order and preset percentages are notified each calendar year.

To preserve the confidentiality of the random test list, the contractor provides the list to the District/Entity Supervisor only a few days before testing begins. On this test list, you will find the names of employees eligible for testing, the time period for testing, and the predetermined number to be tested. All information relating to the test list **must be kept confidential**.

INITIAL COORDINATION

- The testing company under contract to the state will notify the district/entities Drug Program Coordinator and will provide the Coordinator with a list of employees to be tested.
- After determining the number of employees on the list at each testing location, ensure that the testing can be accomplished within the test day. Any potential problems should be immediately reported to the Testing Collector.
- Contact the testing contractor as often as necessary to coordinate testing. You should discuss any special security or other potential building obstacles.
- Ensure that the collector has the name and phone number of a contact at the facility.
- With the collector, establish time of arrival, number of tests targeted, and projected length of time involved in testing.
- Inform the collector of the availability, location, and a telephone number for the District/Entity Supervisor and the Drug Program Coordinator during the testing period.
- The Drug Program Coordinator or a management level designee should serve as Site Coordinator if a Site Coordinator is used.
- The Drug Program Coordinator should discuss the entire testing plan and timetable with the Site Coordinator(s).
- Ensure that the Facility Manager and the Site Coordinator are in communication.

- On testing day, the Site Coordinator should contact the Facility Manager before testing is scheduled to begin.
- All tests must be conducted under circumstances that ensure the employee's privacy and dignity. Information relating to the test lists; e.g., names of employees, number of employees tested, etc., **must be kept confidential** and will not be shared with anyone.

XVII. EMPLOYEE COMMUNICATIONS

- Approximately three hours prior to the collection, inform the employee privately, that he/she has been identified through a random selection process for testing for controlled substances, or alcohol, or both. Clearly inform the employee as to the time and location to report for testing and instruct him/her to take photo identification to the test site.
- Employees are normally scheduled for testing at the collection site at 10-minute intervals. Coordinate any scheduling changes necessary to maintain work operations with the contractor.

PROCEDURAL GUIDELINES

- The official test list is maintained by the Site Coordinator during collection. Under no circumstances will a test be administered to an employee not listed.
- Ensure that tests can be conducted under circumstances that ensure privacy and dignity for employees.
- Immediately report any problems encountered during the collection process to the Drug Program Coordinator. If you have any questions, call the Drug Program Coordinator, District/Entity Supervisor, or the State Pupil Transportation Specialist.
- The collection will be performed by a contractor who will ensure the process is properly administered. Advise employees to be prepared to provide a urine specimen and a breath specimen or, if applicable, employer-administered saliva tests at the scheduled collection time.
- Upon arrival at the facility, the collector will provide the official test list to the Site Coordinator. The test list contains the names of all employees in your organization who are eligible for random testing. From that list, a predetermined number will be tested. It is unlikely that everyone on the list will be available for testing on a given test day. Some employees will not be available for legitimate reasons such as shift work, training, leave, etc. Ensure that the test list is annotated to accurately reflect who is, and is not, tested.
- Tests are scheduled to interfere as little as possible with normal operations. If a situation related to testing should arise that would seriously affect work operations, the Drug Program Coordinator and contractor should cooperate in rescheduling the test.

- When an employee selected for random testing is unavailable for legitimate reasons (e.g., working different shift, travel, leave, etc.), the random test list must be annotated to indicate the reason for that employee not being tested. Once an employee has been notified of testing, he/she may be excused only for a verifiable emergency and must then be rescheduled for testing.
- If an employee who is notified to report for testing is unable to provide a sufficient quantity of urine, the Drug Program Coordinator must be notified. The employee will be given a reasonable period of time to provide a specimen. As a general rule, the employee will be allowed three hours or until the end of their shift to provide a specimen. During this time, the employee should remain at the collection site and be instructed to drink up to 40 oz. of fluid to facilitate urination. If the Site Coordinator determines that the employee is essential to work operations, he/she may be allowed to return to the worksite while waiting to provide a specimen. The Drug Program Coordinator must be kept abreast of the situation and the employee should be directed to continue to drink liquid. If, at the end of the waiting period, the employee still cannot provide a specimen, the collector will notify the Drug Program Coordinator who will advise the employee to consult with a physician as required.
- At the conclusion of the day's testing, the collector will verify that every name on the list has been clearly and properly annotated to show that the test(s) were or were not conducted. The collector will sign, date, and immediately return the list to the Drug Program Coordinator. No test lists will be maintained other than by the testing contractor, the District/Entity Supervisor, or District Program Coordinator.

SAMPLE LETTER

Notice to Employee of Reasonable Suspicion Drug Testing

TO: Employee
FROM: Supervisor or Management Official
DATE:
SUBJECT: Notice of Reasonable Suspicion Testing for Illegal Drugs or Alcohol

Pursuant to the State's Drug-Free Workplace Policy (Utah Code at 34-41-101) and the Omnibus Transportation Employee Testing Act of 1991, the School District/Entity has initiated a program to achieve a drug-free workplace. Testing employees in safety-sensitive positions for illegal drug and alcohol use is one part of that program.

It has been determined by agency officials that sufficient grounds exist to authorize collection of a [urine] or [breath] specimen from you on the basis of reasonable suspicion. This test is requested since management has formed a reasonable belief that you are using [controlled substances] or [alcohol] in violation of state and district policy. Collection procedures under reasonable suspicion testing will require you to provide a [urine] or [breath] specimen under unobserved conditions unless otherwise specified.

Note: At this point in the letter, the supervisor or management official must describe all relevant circumstances which formed the basis for the decision to conduct reasonable suspicion testing. If substantial related documentation is required, it may be attached to the letter and referenced in the body of the letter.

For drugs: [Controlled substances testing for the District/Entity is performed through urinalysis by an independent contract laboratory certified by the Substance Abuse Mental Health Services Administration (SAMHSA), a branch of the U.S. Department of Health and Human Services. The testing method incorporates scientific and technical procedures necessary to ensure reliable and accurate results. SAMHSA certification provides for strict quality control procedures. These procedures include an initial screen of the urine specimen you provide for drugs and confirmation by Department of Transportation approved methods]. For Alcohol: [Testing for alcohol is by breath analysis conforming to Part 40 of Title 49, Code of Federal Regulations].

For drugs: [To ensure that the specimen collected from you is not accidentally confused with any other specimen, strict procedures will be used when collecting and transferring the specimen. The total of these procedures is known as the chain of custody. The test results from your specimen will be handled with maximum respect for individual confidentiality consistent with safety and security. A confirmed positive test result reported by the laboratory will be reviewed by the state's Medical Review Officer before a determination is made that you have used illegal drugs. If your specimen tests positive, you will be given an opportunity to advise the Medical Review Officer of all prescription and over-the-counter drugs that could affect the outcome of the drug test and which may be identified through the confirmation procedure].

SAMPLE LETTER

Notice to Applicant of Test Results

Date:

Employee:

Address:

Dear Mr. Doe:

The position you applied for required testing for alcohol and controlled substances as a routine part of the screening process. This is to advise you that your test results were negative.

Sincerely,

Department DPC or SC

cc: Confidential drug testing file (not the personnel file)

Observed Behavior - Reasonable Suspicion Record

Employee Name

Date of Birth

From: a.m./p.m. To: a.m./p.m.

Location

Observation Time

Reasonable suspicion of current use or impairment by: ☐ Alcohol ☐ Drugs ☐ Both

Cause for Suspicion

Appearance

- ☐ Normal ☐ Flushed ☐ Puncture Marks ☐ Disheveled ☐ Bloodshot Eyes ☐ Tremors
☐ Dilated/Constricted Pupils ☐ Profuse Sweating ☐ Dry-Mouth ☐ Runny Nose/Sores/Frequent Sniffing
☐ Inappropriate Wearing of Sunglasses ☐ Odor of: _____ ☐ Other: _____

Behavior: Speech

- ☐ Normal ☐ Incoherent ☐ Slurred ☐ Silent ☐ Confused ☐ Slow
☐ Whispering/soft ☐ Loud ☐ Inappropriate comments ☐ Other: _____

Behavior: Awareness

- ☐ Normal ☐ Confused ☐ Mood Swing ☐ Euphoria ☐ Lethargic ☐ Disoriented ☐ Poor Memory
☐ Lack of Coordination ☐ Aggressive/Violent ☐ Paranoid/distrustful ☐ Mood Swings ☐ Excessive Fatigue
☐ Disruptive ☐ Poor Memory ☐ Secretive ☐ Unsafe acts ☐ Poor performance ☐ Other: _____

Motor Skills: Balance

- ☐ Normal ☐ Swaying ☐ Falling ☐ Staggering ☐ Head bobbing
☐ Other: _____

Motor Skills: Walking and Turning

- ☐ Normal ☐ Swaying ☐ Arms raised for balance ☐ Stumbling ☐ Falling
☐ Reaching for support ☐ Wide Based Gait
☐ Other: _____

Motor Skills: Other

- ☐ Dropping things ☐ Lack of Coordination ☐ Slowed reaction time ☐ Over reaction

Other Observable Actions or Behavior (Specify): _____

Check if the following conditions are met, (test only if both conditions are met):

- ☐ Observations are specific, contemporaneous, and articulated on the appearance, behavior, speech, or body odors of the individual.
☐ for alcohol testing, observations are made during, just preceding, or just after the individual is required to be in compliance with DOT regulations or Employer policies.

If unable to test in 2 hours of reasonable suspicion determination, state reasons why:

If unable to test within 8 hours of reasonable suspicion determination, cease attempts to test and state reasons:

Supervisor/Company Official Name

Signature

Date

Comments and/or corroboration by a second supervisor or Company Official:

Supervisor/Company Official Name

Signature

Date

Steps to Performing a Reasonable Suspicion Test

- ☐ Identify problem and observe.
- ☐ Document your findings as soon as possible.
- ☐ Confirm your findings with another supervisor.
- ☐ Discuss findings with employee
 - ☐ Meet employee in private with another supervisor.
 - ☐ Tell employee what was observed and felt to be abnormal.
 - ☐ Ask employee, why he/she appears abnormal.
 - ☐ Act on medical concerns immediately.
 - ☐ Tell employee, supervisors are required to act when there is reasonable suspicion to believe the company's &/or DOT's drug &/or alcohol prohibitions have been violated.
 - ☐ Inform employee that company policy requires testing.
 - ☐ Inform employee of the consequences of a non-negative or refusal to test.
 - ☐ Maintain confidentiality
- ☐ Testing (drug and/or alcohol)
 - ☐ Arrange escort/transport of employee to collection site.
 - ☐ Arrange escort/transport of employee to home.
 - ☐ Employee remains off duty until test results back.

Remember to remove employee from work area as soon as is necessary to maintain safety of employee and others.

Final Supervisor Comments: _____

**Utah State Office of Education
Doctor/Driver Prescription Drug Disclosure Form**

For use in meeting the requirements of State Pupil Transportation Drug and Alcohol Policies and Procedures

Name _____

Date _____

It is required that anyone holding a CDL driver's license as a certified school bus driver transporting public education students must report any prescribed medications that could impair the ability of a driver to safely operate a school bus. Your doctor must initial each prescription and sign at the bottom of this form. The information will be kept in your medical file and will be kept completely confidential. Only your local Drug Program Coordinator or coordinators and the state Medical Review Officer (MRO) have a need to know this information. This form should be returned to the care and custody of your local Drug Program Coordinator. If your medications change at any time, it is your responsibility to turn in a new form. We must have current medical information in your file at all times. **This form is to be used each time you renew your DOT physical and each time a new applicable medication is prescribed by a doctor.**

Medication #1

Prescribed Medication _____ Dosage _____ Date Prescribed _____

Time needed after taking the drug before they are safe to drive a school bus. _____

Date Stopped _____ Reason _____

Dr. Initial _____

Medication #2

Prescribed Medication _____ Dosage _____ Date Prescribed _____

Time needed after taking the drug before they are safe to drive a school bus. _____

Date Stopped _____ Reason _____

Dr. Initial _____

Medication #3

Prescribed Medication _____ Dosage _____ Date Prescribed _____

Time needed after taking the drug before they are safe to drive a school bus. _____

Date Stopped _____ Reason _____

Dr. Initial _____

For Prescribing Doctor:

I have reviewed this form with the driver listed and am aware that he/she is employed in a safety-sensitive position that requires him/her to be fit for duty, free of possible impairment from any prescribed drugs. I have advised the driver listed as to dosage amounts, minimum dosage times **and/or conditions** ahead of driving in order to avoid the possibility of impairment from the prescribed drug or drugs.

Doctor Signature

Date

For School Bus Drivers:

I have made my prescribing doctor aware that I am employed in a safety-sensitive duty position as a school bus driver. I have been advised by my prescribing doctor on how to avoid the possibility of impairment from the medications I have been prescribed while

driving. I understand that I am subject to reasonable suspicion testing related to a possible misuse of the prescribed medications, and that a documented misuse may result in termination of my position as a school bus driver.

Driver Signature

Date