

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS

As required by federal law, all persons employed by the Topeka Public Schools in safety-sensitive positions as commercial drivers shall be regularly and randomly tested for drug and alcohol use that may affect their performance on the job. The Board of Education has chosen to contract with the Mental Health Consortium to provide drug and alcohol testing. The attached 24-page Topeka Public Schools USD No. 501 Drug and Alcohol Testing Policy is hereby adopted effective January 1, 1996, and is incorporated by reference into this policy.

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS (Continued)**TOPEKA PUBLIC SCHOOLS USD NO. 501
DRUG AND ALCOHOL TESTING POLICY**

Topeka Public Schools USD No. 501, Shawnee County, Kansas, (hereinafter referred to as USD 501) recognizes that the use and abuse of drugs and alcohol in today's society is a very serious problem which has also found its way into the work place. USD 501 also recognizes the significant threat that a drug- or alcohol-impaired employee working in the transportation industry can pose to the safety of the worker, coworkers, and the general public. In order to address the safety threat presented by the problem of drug and alcohol abuse in the transportation industry, the Department of Transportation and the Federal Highway Administration have established extensive regulations requiring drug and alcohol testing under certain circumstances. In light of the above, USD 501 has adopted this Anti-Drug Plan to specify the circumstances under which drug and alcohol testing may be required, the procedures for conducting such testing, and the methods and procedures for complying with the requirements of the regulations.

Additionally, USD 501's drug- and alcohol-testing program is incorporated in an overall Anti-Drug Plan that is designed to create a drug-free transportation industry and provide help to those employees who may suffer from problems with substance abuse. The Plan has been developed in compliance with existing federal regulations in a manner which ensures accurate and reliable test results and thereby contains procedures designed to recognize and respect the dignity and privacy of all employees. More importantly, the district recognizes that its employees are its most valuable resource and wants to assist any employee who feels that he or she may have a problem with substance abuse.

A separate policy defines the employee assistance program of USD 501, which is also a part of the mandated requirements. USD No. 501 has adopted the following anti-drug program effective January 1, 1996:

- I. The use, possession, sale or distribution of illegal drugs or drug paraphernalia, or the improper or abusive use of legal drugs, alcohol or other intoxicating substances while on school district property or other work locations and/or during work hours is strictly prohibited.
 - A. The above provision is applicable to all USD 501 employees who perform covered work.
 - B. The school district will utilize all reasonable measures to maintain a drug-free workplace for its employees, customers, and the general public.
 - C. Cooperation and compliance with USD 501's Drug and Alcohol Testing Policy (as with all other school district policies and procedures) is a condition of continued employment for all employees involved in safety-sensitive positions.
 - D. USD 501's Drug and Alcohol Testing Policy is in compliance with the Federal Drug-Free Workplace Act of 1988; Federal Highway Administration (FHA) Part

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382. All collection and testing procedures will specifically follow the regulations set forth in 49CFR Part 40 for drugs and alcohol.

- E. For the purpose of assuring compliance with the above, both employees and applicants for safety-sensitive positions will be subject to drug screening.

II. DESIGNATION OF SAFETY-SENSITIVE POSITIONS:

The Board of Education of USD 501 has established the following factors in designating specific positions as safety-sensitive:

Drivers of Commercial Vehicles:

- A. With a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighting at least 26,001 pounds) or;
- B. Designated to transport 16 or more passengers, including the driver.

III. RESPONSIBILITIES:

- A. The Board of Education of USD 501 is responsible for the implementation and conformance of USD 501's drug- and alcohol-testing policy to 49CFR Parts 40, 382 (this includes any contractor personnel, including subcontractors and anyone employed by a subcontractor are subject to drug and alcohol testing if they perform a covered function); and for record keeping and confidentiality of the drug- and alcohol-testing process. (This includes maintaining required records with respect to subcontractors.) In addition, they are responsible for observing employee behavior and performance in relation to reasonable suspicion testing.
- B. Failure to comply with this policy may lead to disciplinary action up to and including termination from employment.
- C. Unless an employee's physician has advised the employee that the controlled substance s/he is taking does not adversely affect his/her ability to safely operate a commercial motor vehicle, an employee should not drive under the influence of a prescribed controlled substance. An employee must report the use of all prescribed controlled substances and provide USD 501 with a written release from his/her physician which states it is safe to perform the safety-sensitive function.

IV. DRUG-SCREENING METHODS:

- A. Drug screening will be conducted for the following chemicals: marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines. A drug immunoassay screen will have the following thresholds for positive verification:

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Marijuana Metabolite	50NG/ML
Cocaine Metabolite.....	300NG/ML
Opiates.....	300NG/ML
Phencyclidine	25NG/ML
Amphetamines/Methamphetamine.....	1000NG/ML

- B. When the initial screen is positive (has exceeded the established screening threshold) a second confirmation test gas chromatography/mass spectrometry (GC/MS) will be compiled the thresholds for positive confirmation for GC/MS are as follows:

Marijuana Metabolite	15NG/ML
Cocaine Metabolite.....	150NG/ML
Opiates.....	300NG/ML
Phencyclidine	25NG/ML
Amphetamine/Methamphetamine	500NG/ML

- C. Alcohol testing will be conducted by utilizing an evidential breath testing device (EBT) which meets the requirements established by the conforming products list published in the Federal Register. A reading of .04 or greater on the EBT will result in the necessity of a second test occurring within 20 minutes in order to make a determination of positive.
- D. A second EBT test result of .04 or greater will result in the removal of the individual from the safety-sensitive position.
- E. An initial EBT reading of .02 to .0399 will result in a second EBT test within the time frame noted in IV C above. If the second test falls within the same range, the individual will be removed from the safety-sensitive position until the start of the next regularly scheduled duty period but not less than 24 hours following the administration of the test.

V. COLLECTION METHODS:

- A. Collection sites for drug screening specimen collection will be established by the Consortium contractor. (Specific information related to the Chain of Custody form {Protocol No. 1}, laboratory analysis procedures {Protocol No. 8}, specimen-collection procedures {Protocol No. 4}, and blind sampling {Protocol No. 7} are all contained in the Mental Health Consortium's Drug and Alcohol Testing Protocol Manual). Drug testing of the specimen will be provided through an established and accredited laboratory that has completed certification to conduct drug testing by the U. S. Department of Health and Human Services (DHHS) and Substance Abuse and Mental Health Services Administration (SAMHSA). In this instance, the laboratory of record is Clinical Reference Laboratory, 11850 W 85 Street, Lenexa, KS 66214 (Telephone No.

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913-492-3652). The local specimen collection site for USD 501 is St. Francis Hospital, Topeka, Kansas; however, other sites are available as access is necessary.

- B. Alcohol testing will be conducted by a certified Breath Alcohol Technician (BAT).
- C. Strict chain-of-custody practices will be adhered to regarding urine specimen collection, transportation to the laboratory during laboratory analysis, MRO review, and reporting to the school district.
- D. All urine specimens collected will be split samples.
- E. Negative drug-testing report results will be reported to the Consortium within 24 hours of specimen receipt at the laboratory. Positive drug-testing results will be reported to the Consortium within 48 hours of receipt at the Laboratory (unless there is difficulty reading the person being tested by the MRO). All tests will be reported by the Consortium to the director of central services and facilities planning of USD 501. In no instance will the test go unreported longer than five days from the time the Consortium receives the specimen from the laboratory.
- F. Reports of breath alcohol tests will be reported immediately to the safety-sensitive employee (SSE) and the employer.

VI. CONFIDENTIALITY:

Confidentiality will be applied to every aspect of the anti-drug program.

- A. After the MRO contacts the employee to discuss a positive confirmatory test result and a final decision is reached regarding the positive result, the director of central services and facilities planning of USD 501 shall serve as the sole point of contact with USD 501's Employee Assistance and Drug/Alcohol Testing Program.
- B. All drug and alcohol testing information will receive the highest level of respect in relation to confidentiality. Information regarding an individual's testing results or rehabilitation may be released only upon the written consent of the individual, except that such information must be released regardless of consent to the Administrator or the representative of a state agency upon request as part of an accident investigation. Statistical data related to testing and rehabilitation that is not name-specific and training records must be made available to the administrator of the representative of a state agency upon request.
- C. All records relating to drug and alcohol testing will be kept in a locked file separate from other employee records.

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VII. NOTIFICATION OF TESTING REQUIREMENTS:

Notification of the school district's drug and alcohol testing requirement shall be included in announcements or advertisements seeking applicants for all designated safety-sensitive positions.

VIII. TRAINING REQUIREMENTS:

Employees who supervise employees or who have responsibility to administer the school district's drug and alcohol screening policies and procedures shall receive two additional hours of training by the Consortium coordinator on behavior, physical symptoms, and performance indicators of probable drug and alcohol use.

All subordinate-level employees will receive appropriate instruction regarding USD 501's Drug and Alcohol Testing Policy and Employee Assistance Program (See Exhibit "C"). This shall be for two hours of training on mandated requirements; the effects of alcohol and drugs; the process of testing; and the ramifications of a positive test.

IX. SCREENING CONDITIONS AND CIRCUMSTANCES:

The following conditions establish who may be screened and under what circumstances the drug and alcohol screening may occur:

- A. An individual offered employment and/or reassigned to a safety-sensitive position shall be required to take and pass a drug-screening test as a condition of employment or continued employment (see Exhibit "D"). (An exemption to this policy would be if the applicant/employee is participating in an appropriate DOT drug- and alcohol-testing program of another organization; has been involved in such a testing program within the previous 30 days; has been tested in the past six months; or participating in the drug/alcohol testing program for the last 12 months. Written verification of drug and alcohol testing participation should be obtained for school district files.) Exhibit E addresses information which must be provided (Protocol No. 9).
- B. An employee in a safety-sensitive position may be required to submit to a drug-screening test by the director of central services and facilities planning of USD 501, based upon reasonable suspicion of drug use by the employee as reported by the employee's supervisor. All supervisory employees are required to notify the director of central services and facilities planning of USD 501 when reasonable suspicion is presumed (refer to Protocol No. 3).
 - 1. Reasonable suspicion involves a judgment made regarding the employee's behavior, appearance, speech or body odor, or evidence found or reported and may be based on, among other circumstances, one of the following:

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- a. **Direct observation of specific contemporaneous, articulable behaviors exhibited by the employee which may impair the employee's ability to perform his/her job or which may pose a threat to safety or health.**
 - b. **Physical on-the-job observation of drug and/or alcohol use by the employee.**
 - c. **Documented deterioration in the employee's job performance that is likely to be attributed to drug or alcohol use by the employee.**
 - d. **An on-the-job incident or occurrence where there is evidence to indicate the incident or occurrence was in whole or in part the result of the employee's actions or inactions and/or the employee exhibited behavior indicating illegal drug or alcohol use.**
2. **Supervisors have the right to ask a current employee in a designated safety-sensitive position to submit to a drug/alcohol-screening test under the circumstances of reasonable suspicion as a condition of employment in accordance with items VII and VIII of this policy. Refusal may be grounds for termination. In no instance of refusal for testing shall an individual be allowed to perform a safety-sensitive function.**
 3. **Any employee requested to provide a drug specimen under the auspices of reasonable suspicion will be transported to the collection site. All time away from work will be charged to accumulated sick leave and/or vacation. If test results come back negative, all time away from work will be reinstated.**
 4. **Under no circumstances will a SSE be allowed to perform a safety-sensitive function if s/he has consumed alcohol within four hours of reporting for duty.**
 5. **If an alcohol test is not administered within two hours of this determination, a record should be prepared stating the reasons for not administering the test. Attempts to test should cease at eight hours, and the individual should be removed from the safety-sensitive function until s/he tests less than .02 or 24 hours have passed. A written record should be made of the observations.**
- C. Random Testing (Refer to Protocol No. 2)**
1. **At least 50 percent of the average number of safety-sensitive positions will be tested on a random basis annually under the drug-testing requirements.**
 2. **Under the alcohol-testing requirements, at least 25 percent of the number of safety-sensitive position shall be tested on an annual basis.**

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3. **Random selection will be made through a computerized program provided by the consortium contractor, The Mental Health Consortium.**
 - a. **By the 15th of each month, USD 501 will make available to the Mental Health Consortium the names and social security numbers (SSNs) of all employees to be covered in the random program for the next month.**
 - b. **The list of persons to be tested for the next month will be created through the Mental Health Consortium's computerized random number program.**
 - c. **The name of the person identified to be tested will be relayed to the contact person of the employer by the afternoon prior to the test date. The employee will be notified on the morning of the test to report to the collection site not more than 30 minutes, plus travel time, prior to the scheduled test time in the case of a drug collection. In the case of an alcohol test, the individual shall be tested within 15 minutes prior, during, or 15 minutes after performing a safety-sensitive function.**

D. Return-to-Duty Testing

An employee who refuses to take or fails a drug or alcohol test may not return to duty until the employee passes a drug or alcohol test administered under this part and the MRO/SAP have determined that the employee may return to duty. An employee who returns to duty shall be subject to a minimum of 6 (six) drug/alcohol tests in the first 12 months and a reasonable program of follow-up drug/alcohol testing without prior notice for up to 60 months after return to duty. The MRO/SAP will determine the schedule of unannounced testing.

E. Drug-Testing Parameters:

1. **The following parameters will require drug testing for each employee performing a safety-sensitive function and whose performance either contributes to the accident, or cannot be completely discounted as a contributing factor to the accident, as soon as possible and not later than 32 hours after an accident. Following are the times when drug testing must occur:**
 - a. **If the accident involved the loss of a human life.**
 - b. **If the driver received a citation under state or local law for a moving violation arising from the accident.**
2. **Following an accident, all reasonable steps to obtain a urine sample from an employee should be implemented after treating the injury first.**

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- a. In the case of a conscious but hospitalized employee, the coordinator of Drug/Alcohol Testing at USD 501 should notify the hospital or medical facility of the need for a sample and, if necessary, refer to the DOT drug-testing requirements (Title 49CFR, Part 40).
 - b. If an employee is injured or unconscious and unable to consent to the drug test, the medical facility should collect the sample and retain it until the employee is able to consent. If the employee gives his/her consent, the sample should be sent to the laboratory for testing. If the employee refuses to be tested, the sample should be discarded, and the incident will be treated as a refusal to test. The treating physician should determine if the employee is able to understand a request to provide a sample.
 - c. If an employee is conscious, able to understand a request for a sample, and able to urinate normally (in the opinion of a medical professional) and refuses to be tested, that person must be suspended indefinitely pending further review.
- F. A breath alcohol test should also be administered in these same circumstances. An EBT test can occur up to eight hours after the accident/incident and should be obtained as early as possible, preferably within two hours of the accident.
- G. Failure to obtain a breath alcohol test within 2 hours and a drug test within 32 hours will result in the employer preparing and maintaining on file a record stating the reasons for not promptly administering a test. Records will be submitted upon request to the Department of Transportation.
- H. Any employee testing positive under the category of random selection, reasonable suspicion, post-accident or return to duty will be immediately removed from performing safety-sensitive work and not allowed to return to the safety-sensitive position until s/he has passed a drug and alcohol test and cleared to return to duty by the MRO/SAP.
- I. No driver required to take a post-accident test shall use alcohol for eight hours following an accident or until a breath alcohol test occurs.
- J. The SSE who is subject to post-accident testing shall remain readily available for testing. Necessary medical attention may be secured. Failure to remain available can be interpreted as a positive test result.
- K. Results of a breath test for the use of alcohol or a urine test for the use of controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided such tests conform to applicable federal, state, or local requirements and that the results are obtained by the employer.

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X. INFORMATION TO BE PROVIDED TO APPLICANT/EMPLOYEE:

An applicant or employee required to submit to a drug screening will be advised of the following:

- A. Methods of drug/alcohol screening which will be used;
- B. Substances which may be identified;
- C. Consequences of a refusal to submit to a drug-screening test or of a confirmed positive result, and;
- D. Reasonable efforts to maintain the confidentiality of results and any medical information which may be provided.

XI. APPLICANT OR EMPLOYEE RESPONSIBILITIES:

An applicant or employee will be required to sign the necessary drug/alcohol screening consent forms established by the school district or authorized by the collection site agency. Refusal to sign required drug/alcohol screening consent forms will be considered refusal to submit to a drug/alcohol-screening test as a condition of employment and will be considered the equivalent of receiving a confirmed "positive" result for employment.

XII. COLLECTION PROCESS:

An applicant or employee shall be informed of the drug/alcohol-screening specimen collection location and time. The applicant or employee shall be responsible for reporting to the collection site at the scheduled time, with a photo identification, and comply with the directions of the specimen collector.

- A. An employee in a designated safety-sensitive position who is requested to submit to a drug specimen collection shall be given time off with pay for that purpose.
- B. Failure by an applicant or employee to report to the collection site at the scheduled time will be considered refusal to submit to a drug/alcohol screen as a condition of employment or continued employment and will be considered the equivalent of receiving a confirmed "positive" result. The applicant or employee shall not be utilized in a safety-sensitive capacity until cleared by the MRO or SAP.

XIII. MEDICAL REVIEW OFFICER (REFERENCE PROTOCOL NO. 6):

- A. The Medical Review Officer (MRO) is an agent of the Mental Health Consortium. The qualifications and functions of the MRO are contained in the

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Mental Health Consortium's Protocol on MRO Responsibilities and Qualifications, which is available upon request from the Consortium.

- B. All drug test results, whether positive or negative, will be reviewed by the MRO of the Mental Health Consortium in accordance with 49CFR, Part 40.33. In this instance, the MRO will be Sanford E. Pomerantz, M.D., of the Consortium. The MRO can be reached at 112 SW 6 Street, Suite 400, Topeka, KS 66603. The telephone number is 913-232-1196.**
- C. In the event of a presumptive positive, the MRO will contact the person whose specimen it was to determine what medications and or reason the test was returned positive. The MRO, based on his review of the information, will make the final determination of confirmed positive or negative. It is only after the MRO review that USD 501 will be notified of the outcome of the test.**

XIV. EMPLOYEE USE OF LEAVE:

An employee in a designated safety-sensitive position who is removed from the work site pending the results of a drug-screening test because the employee is deemed by his/her immediate supervisor and the director of central services and facilities planning of USD 501 to pose a threat to safety or health shall be granted leave charged to sick leave and/or vacation. If results come back negative, all time away from work will be reinstated.

XV. EMPLOYMENT WITHDRAWAL:

An applicant who receives a confirmed positive drug-screen result or the equivalent shall have the offer of employment withdrawn and shall be subject to disqualification from application for school district employment for a period of two years from the effective date of the disqualifying action.

XVI. EMPLOYEE ASSISTANCE PROGRAM:

- A. An employee who receives a confirmed positive drug screen test result or the equivalent and who has not previously had a confirmed positive result, shall be directed to utilize USD 501's Employee Assistance Program for referral to an appropriate drug assessment and education or treatment program, provided, however, the employer reserves the right to terminate an employee receiving a first-time confirmed positive drug-screen result if, in addition the following applies:**
 - 1. The employee was involved in an accident or incident caused in part or in total by drug/alcohol use and injury to person/persons or property was involved, or;**

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2. The employee's personnel file reflects previous disciplinary material which, when combined with positive drug/alcohol-testing screen results, justifies termination in the opinion of the employer.

B. An employee who receives a confirmed positive alcohol test shall be referred to a Substance Abuse Professional for appropriate assessment, education, and treatment. The employer retains the same right to terminate as listed in Section XVI-A, 1 and 2.

C. A second positive test, whether alcohol or drug, will result in immediate termination of employment.

XVII. VERIFICATION OF TREATMENT PROGRAM:

The employee will be required to provide verification to the director of central services and facilities planning of USD 501 that s/he is participating in an appropriate and authorized education and treatment program prior to returning to duty in a safety-sensitive position. In addition, the employee must pass a return-to-duty drug and/or alcohol test.

Absences during regular hours will be charged to sick leave and/or vacation or authorized leave without pay.

XVIII. INSURANCE COVERAGE:

Employees should consult their insurance policy for extent of nervous, mental, and substance-abuse coverage.

XIX. SAFETY/HEALTH ISSUES:

If the employee's supervisor determines the employee poses a threat to safety or health at the work site while undergoing outpatient treatment, the employee may be relieved of his/her duties until such time and s/he is deemed capable to return to regular duty by the MRO/SAP and successfully passes a drug and/or alcohol test. This time away from work will be charged to vacation and/or sick leave or authorized leave without pay.

XX. EMPLOYEE DISCIPLINE:

Refusal by an employee to fully cooperate with a mandatory referral (Exhibit A) or with any recommended education or treatment program resulting from a mandatory referral or approved drug or alcohol assessment shall be grounds for employee discipline, including termination.

A. After completion of the recommended education or treatment program, the employee is required to provide or release verification to the director of central

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services and facilities planning of USD 501 that s/he has successfully completed the recommended education or treatment program.

- B. Subsequent drug or alcohol screens will be scheduled by the MRO/SAP in consultation with USD 501, as necessary, during the authorized education or treatment program and for a period of up to 60 months after the program ends to determine or verify that the employee remains drug/alcohol-free. All expenses for testing in the rehabilitation process will be the responsibility of the employee.
- C. The employee will be tested a minimum of six times in the first year of follow-up.

XXI. GROUNDS FOR DISMISSAL:

Any employee who receives a confirmed positive drug or alcohol screen result shall be subject to dismissal as follows:

- A. If the employee has previously had a confirmed positive result;
- B. If the employee fails to successfully complete an appropriate and approved drug/alcohol assessment and recommended education and treatment program.

XXII. PRIOR CONFIRMED POSITIVE RESULT:

An employee will not be subjected to dismissal solely on the basis of a confirmed positive result if the employee has not previously had a confirmed positive result, and the employee successfully completes an appropriate and approved drug/alcohol assessment and recommended education or treatment program.

XXIII. SCREENING VIOLATIONS:

Any applicant for a school district position who intentionally tampers with a sample provided for drug screening violates the chain-of-custody or identification procedures or falsifies test results shall have the conditional offer of employment withdrawn. Such actions will be grounds for disqualification for all positions in school district services. Any current employee who intentionally tampers with a sample provided for drug screening violates chain-of-custody or identification procedures or falsifies a test result shall be subject to dismissal.

XXIV. EMPLOYEE RIGHTS AND RESPONSIBILITIES:

- A. If an employee or applicant challenges the validity or accuracy of the confirmed positive result, s/he may appeal in writing to the MRO within 72 hours of the employee/applicant having been notified of the positive result. All positive urine samples will be kept at the laboratory for a period of one year, and at the employee's request, may be kept longer. The MRO and Drug-Screening

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Coordinator should be notified of the appeal request so that arrangements for a second analysis process can be initiated on the split sample.

- B. The employee will be responsible for any associated retest costs in advance and will be reimbursed by USD 501 if the retest is negative.
- C. Requirement for retention of samples and retesting are specifically spelled out in the Mental Health Consortium's Protocol for Drug Testing.

XXV. RETESTING PROCEDURES:

The MRO will have discretion to authorize a retest by the original or a different laboratory on the split specimen, if it is determined that the technical standards established for test methods or chain-of-custody procedures were violated in deriving a confirmed positive result or has other appropriate cause to warrant a retest.

XXVI. RECORD KEEPING PROCEDURES:

- A. Records relating to drug/alcohol testing will be maintained as confidential, available only on a strict "need-to-know" basis. Records will not be kept in an employees personnel file. Information regarding an individual's drug and alcohol testing results or rehabilitation may be released only upon written consent of the individual, EXCEPT:
 - 1. Such information must be released regardless of consent to a government agency as part of an accident investigation;
 - 2. Such information may be disclosed regardless of consent in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual and arising from a verified positive drug/alcohol test.
- B. Records will be maintained according to mandated requirements. The Mental Health Consortium's Protocol No. 10 identifies the most current requirements.

XXVII. CHANGES TO POLICY:

Any changes made by USD 501 to this policy will be in conformance with stated regulations.

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS (Continued)

(EXHIBIT A)

**TOPEKA PUBLIC SCHOOLS USD NO. 501
MANDATORY REFERRAL AND RELEASE OF INFORMATION**

As an employee of Topeka Public Schools USD No. 501, I understand that I have been referred to the Topeka Public Schools USD No. 501's Employee Assistance Program (EAP). I understand that I must:

- Contact the EAP counselor (SAP) with 48 hours of time designated below;
- Provide a drug-test specimen;
- Submit to a breath alcohol test.

A signed copy of this waiver will be presented to the drug/alcohol consortium as notification that I am a referral from USD 501. This form will serve as notice that information may be released to the director of central services and facilities planning of USD 501. Only information regarding my notification of the EAP counselor or SAP, confirmation of a face-to-face assessment, confirmation of admittance, including date and estimated length of stay, to an appropriate treatment program, confirmation of attendance at all scheduled treatment appointments, successful completion of the treatment program or drug and/or alcohol test results may be released to the director of central services and facilities planning.

I understand that if I do not follow the directions checked above and provide confirmation of attendance and completion, that I may be subject to disciplinary action up to and including discharge of employment with USD 501.

Likewise, I understand that if I am required to submit to a drug and/or alcohol test and fail to do so, that I may be subject to disciplinary action up to and including discharge of employment with USD 501.

Name of Employee: _____

Social Security Number: _____

Signature of Employee

Date

Referring Supervisor

Date

Director of Central Services

Date

Time _____

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(EXHIBIT B)

**SAFETY-SENSITIVE POSITIONS
TOPEKA PUBLIC SCHOOLS USD NO. 501**

SAFETY-SENSITIVE - The Board of Education of Topeka Public Schools USD No. 501 has established the following factors in designating specific positions as safety-sensitive. The number of safety-sensitive positions may increase further as criteria are established by the Board of Education of Topeka Public Schools USD No. 501.

Drivers of Commercial Vehicles:

- 1. With a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighing at least 26,001 pounds); or**
- 2. Designated to transport 16 or more passengers, including the driver.**

Additional safety-sensitive positions may be identified as further criteria are established or new mandates are implemented. Any employee who occupies added safety-sensitive positions would be notified in writing of the change.

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS (Continued)

(EXHIBIT C)

**TOPEKA PUBLIC SCHOOLS USD NO. 501
AFFIRMATION OF DRUG AND ALCOHOL-TESTING POLICY**

As an employee in a safety-sensitive position, I affirm that I have received, read, and understand USD 501's Drug and Alcohol Testing Policy. I am aware that I may be required to undergo a drug and/or alcohol screen based upon reasonable suspicion; that I will be informed prior to the drug/alcohol screen; and that I may be referred to an education and treatment program depending on the results of the drug/alcohol screen. I agree to abide by all provisions of the anti-drug policy as a condition of my continued employment with the school district.

Employee Name (Please print)

Social Security Number

Employee Signature

Date

USD 501 Representative

Date

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(EXHIBIT D) Employee

**TOPEKA PUBLIC SCHOOLS USD NO. 501
AFFIRMATION OF DRUG AND ALCOHOL TESTING POLICY**

STATEMENT OF POLICY

USD 501 is committed to ensure a safe and drug-free workplace for all school district employees and the general public. As a public employer, the school district has a compelling interest in establishing reasonable condition of employment. Prohibiting employee drug and alcohol use is one such condition.

USD 501 is concerned with the well-being of its employees and the need to maintain employee productivity. The intent of USD 501's Drug and Alcohol Testing Program is to offer a helping hand to those who need it, while sending a clear message that any illegal drug or alcohol use is contradictory with public services and **WILL NOT BE TOLERATED!**

It is the policy of USD 501 that all applicants for safety-sensitive positions who receive a conditional offer of employment submit to a drug test to document they are drug-free. Refusal to comply with this requirement will be considered the equivalent of receiving a confirmed "positive" result for employment and disqualification purposes. Any applicant who receives a confirmed "positive" drug-screen result will have the offer of employment withdrawn and will be subject to disqualification from other application for school district employment for a period of two years from the effective date of the disqualification action.

AFFIRMATION OF POLICY

As an applicant for a position, I affirm that I have read and understand USD 501's Drug and Alcohol Testing Policy Statement of Policy noted above, and I am aware that any offer of employment is conditional upon my taking a drug test and the results thereof. If hired into a position for USD 501, I agree to abide by all provisions of the anti-drug policy as a condition of my continued employment with the school district.

Applicant Name (Please Print)

Social Security Number

Applicant Signature

Date

USD 501 Representative

Date

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS (Continued)

(EXHIBIT E)

**TOPEKA PUBLIC SCHOOLS USD NO. 501
RELEASE OF INFORMATION**

I hereby authorize _____ to release information related to my participation in the alcohol _____ and/or drug-testing _____ program of said organization to _____.

Signature of Applicant

It has been brought to our attention that _____ has participated in the alcohol-testing _____ and/or drug-testing _____ program. Under the auspices of 49CFR, Part 382, et. al., Subpart C 382.301 (b) and (c), we are requesting the following information in order to establish our need to require this applicant to take an alcohol and/or drug test prior to employment.

Name and Address(es) of the Program(s)

DRUG-TESTING PROGRAM

ALCOHOL-TESTING PROGRAM

The driver did / did not participate in the alcohol-testing program.

The driver did / did not participate in the drug-testing program.

The alcohol program conforms to the testing requirements of 49CFR, Part 40.
_____ Yes _____ No

The drug-testing program conforms to the testing requirements of 49CFR, Part 40.
_____ Yes _____ No

The driver is qualified under these rules and has not refused to be tested for alcohol or controlled substances. _____ Yes _____ No

Date the driver was last tested for controlled substances: _____

Date the driver was last tested for alcohol: _____

Please attach a copy of the results of any test taken within the previous six months and any violations of the prohibitions related to alcohol and controlled substance usage. (Total number of results attached _____ Total Number of violations attached _____.)

Signature of Responsible Party

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS (Continued)

(EXHIBIT F)

**TOPEKA PUBLIC SCHOOLS USD NO. 501
REASONABLE SUSPICION REPORT FORM**

Employee's Name: _____

Department: _____ Social Security Number _____

Date Behavior Observed: _____
(Month/Day/Year)

Time Observed: From _____ a.m./p.m. to _____ a.m./p.m.

Location where employee was observed: _____

Behavior Observed: (Check all items that apply)

Speech: Normal _____ Incoherent _____ Confused _____ Slurred _____ Whispering _____
Silent _____ Loud _____ Rapid _____ Cursing _____

Balance: Normal _____ Staggering _____ Swaying _____ Falling _____

Eyes: Normal ___ Reddened (bloodshot) ___ Pupils Dilated ___ Pupils Constricted ___

Walking and Turning: Normal _____ Stumbling _____ Arms raised for Balance _____
Reaching for Support _____ Lack of Coordination _____

Awareness: Normal _____ Confused _____ Sleepy _____ Paranoid _____

Comments of employee (please quote remarks, admissions, etc.) which are pertinent; such as swearing, cursing: _____

Other observed actions or behavior (i.e., odors, vomiting, coughing, gagging, crying, etc.):

Supervisor

Date

This report must be prepared every time an employee is suspected of drug or alcohol use by actions, appearance, or conduct while on duty. This form must be completed within 24 hours or before test results are released.

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS (Continued)

**DEFINITIONS FOR TOPEKA PUBLIC SCHOOLS USD NO. 501
DRUG AND ALCOHOL TESTING POLICY**

ACCIDENT - An incident reportable under 49CFR, Parts 382 and 391.

AIR BLANK - A reading by an EBT of ambient air containing no alcohol. (In EBTs using gas chromatography technology, a reading of the device's internal standard.)

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

ALCOHOL CONCENTRATION - Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

ALCOHOL USE - The consumption of any beverage, mixture, or preparation, including any medication containing alcohol.

APPLICANT - An individual offered employment in or being promoted or transferred to a safety-sensitive position.

AUTHORIZED SUBSTANCES - Include only lawful over-the-counter drugs (excluding alcohol) in amounts as specifically directed by the manufacturer.

BREATH ALCOHOL TECHNICIAN (BAT) - An individual who instructs and assists individuals in the alcohol-testing process and operates an EBT.

COLLECTION SITE AGENCY - A facility designated by the Consortiums as the collection site for drug-screening samples (urine) and breath alcohol testing. For purposes of this policy, the collection site is not the testing laboratory.

TOPEKA PUBLIC SCHOOLS USD NO. 501 PROPERTY - All areas which Topeka Public Schools USD No. 501 operates, including actual premises, parking lots, owned or leased equipment, lockers, desks, work areas and buildings, storage facilities, etc.

DRUG - Any chemical substance that when consumed tends to produce a physical, mental, or emotional change.

DRUG SCREENING - Procedure to eliminate negative urine specimens from further considerations.

DRUG TESTING - An analytical procedure which identifies the presence of a specific drug or metabolite and which uses a different chemical principle from that of the initial test to ensure reliability and accuracy. At this time, gas chromatography/mass spectrometry (GC/MS) is the

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS (Continued)

accepted standard confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.

EVIDENTIAL BREATH TESTING DEVICE (EBT) - An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

EMPLOYEE ASSISTANCE PROGRAM (EAP) - A program to help employees, and often their families, recognize and overcome personal problems that are interfering with the employee's work performance. This is an extension of the performance appraisal process and is designed to reach performance problems that cannot be remedied by training, education, or other employer-controlled factors. Among the many personal problems an Employee Assistance Program may deal with are alcohol and drug abuse.

EMPLOYEE ASSISTANCE PROGRAM CONTRACTOR - The Mental Health Consortium, Inc., Topeka, Kansas.

ILLEGAL DRUGS - Urine samples from applicants and employees will be screened in all cases to identify the following classes of substances:

**THRESHOLD FOR POSITIVE VERIFICATION
IMMUNOASSAY SCREEN**

Marijuana/Metabolite.....	50 NG/ML
Cocaine Metabolite.....	300 NG/ML
Opiates.....	300 NG/ML
Phencyclidine (PCP).....	35 NG/ML
Amphetamines/Methamphetamine.....	1000 NG/ML

When the initial screen is positive (has exceeded the established screening threshold) a second confirmation test gas chromatography/mass spectrometry (GC/MS) will be completed. The thresholds for positive confirmation for GC/MS are as follows:

Marijuana/Metabolite.....	15 NG/ML
Cocaine Metabolite.....	150 NG/ML
Opiates.....	300 NG/ML
Phencyclidine	25 NG/ML
Amphetamine/Methamphetamine	500 NG/ML

IMPAIRED - Under the influence of an illegal or legal drug whereby the employee's senses (i.e. sight, hearing, balance, reaction, reflex) or judgment are affected.

LEGAL/PRESCRIBED (MEDICATION) DRUGS - Drugs an individual may be taking under the direction of a licensed physician to address a specific physical, emotional, or mental condition.

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS (Continued)

MEDICAL REVIEW OFFICER (MRO) - A licensed physician who reviews and interprets positive results of confirmatory tests and evaluates those results together with medical history or any other relevant biomedical information to confirm positive results. This person has knowledge of substance abuse and appropriate medical or forensic training.

(CONFIRMED) NEGATIVE RESULT - No detection of an illegal substance in the pure form of its metabolites at or above the threshold level by a drug-screening test.

(CONFIRMED) POSITIVE RESULT - The detection of an illicit substance in the pure form of its metabolites at or above the specified threshold by two consecutive drug-screening tests which may employ different test methods and which was not determined by the appropriate medical, scientific, professional testing or forensic authority to have been caused by alternate medical explanations or scientifically insufficient data. All positive results are intensively reviewed by a Medical Review Officer (MRO).

REASONABLE SUSPICION - Involves a judgment made regarding the employee's behavior, appearance, speech or body odor, or evidence found or reported and may be based on, among other circumstances, one of the following:

1. Direct observation of specific, contemporaneous, articular behavior exhibited by the employee which may impair the employee's ability to perform his/her job or which may pose a threat to safety or health.
2. Physical on-the-job observation of drug and/or alcohol use by the employee.
3. Documented deterioration in the employee's job performance that is likely to be attributed to drug or alcohol use by the employee.
4. An on-the-job incident or occurrence where there is evidence to indicate the incident or occurrence was in whole or in part the result of the employee's actions or inactions and/or the employee exhibited behavior indicating illegal drug or alcohol use.

SAFETY-SENSITIVE - The Board of Education of USD 501 has established the following factors in designating specific positions as safety-sensitive. The number of safety-sensitive positions may be increased as further criteria are established by the Board of Education of USD 501.

Drivers of Commercial Vehicles:

1. With a gross vehicle weight rating of 26,001 pounds or more or combination vehicles (weighing at least 26,001 pounds); or
2. Designated to transport 16 or more passengers, including the driver.

SUBSTANCE ABUSE PROFESSIONAL (SAP) - A licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker, employee assistance

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVERS (Continued)

professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

TESTING LABORATORY - A laboratory certified by the Department of Health and Human Services (DHHS) and the Substance Abuse and Mental Health Services Administration (SAMHSA) to perform drug testing of urine specimens obtained at the collection site.