DOT DRUG AND ALCOHOL TESTING
POLICY
Board of Education
Queen Anne's County Public Schools

Responsible Office: Operations

DOT DRUG AND ALCOHOL TESTING

A. PURPOSE
To comply with the regulations of the Federal Motor Carrier Safety Administration.

B. STATEMENT
The testing program applies to all school bus drivers pursuing employment and/or current drivers who are required to hold a commercial driver's license (CDL), and operate a commercial motor vehicle for QACPS, even if they drive such vehicles only infrequently. This policy seeks to establish guidelines for drug and alcohol testing of CDL drivers. The policy also includes the document titled Regulation DOT Drug and Alcohol Testing #250.1.

C. DEFINITIONS
Commercial Motor Vehicle: A motor vehicle of combination of motor vehicles used in commerce to transport passengers or property if the vehicle:
- 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;
- Has a gross vehicle weight rating of 26,001 pounds, or;
- Is designed to transport 16 or more passengers, including the driver, or;
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Act (49 U.S.C 5103(b)), and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).
D. IMPLEMENTATION
The Superintendent is responsible for drafting procedural guidelines for the implementation of this policy.

E. EXPECTATIONS FOR EVALUATION REVIEW AND UPDATES
The Superintendent will provide the Board of Education a review of this policy in 2020/21. The focus of this review will be the effectiveness of the elements of this policy in assisting the Board in fulfilling its mission.

F. LEGAL AND POLICY REFERENCES
This policy adheres to U.S. Department of Transportation 49 CFR Part 40 as amended as well as Federal Motor Carrier Safety Administration 49 CFR Part 382 as amended, and Maryland COMAR-Maryland State Department of Education Student Transportation 13A.06.07

G. EFFECTIVE DATE
8/1/2018

Policy History: Adopted on 4/7/1993, Reformatted on 8/1/2018

Board Approval Acknowledged By:

Dr. Andrea Kane, Superintendent
Board of Education of Queen Anne's County
REGULATION

Board of Education
Queen Anne’s County Public Schools

Responsible Office: Operations

**DOT Drug and Alcohol Testing**

**PROCEDURES**

Queen Anne’s County Public Schools (QACPS) believes that the use of alcohol or illicit drugs in the workplace is deleterious to student and public safety, employee morale, and productivity. Additionally, designated School bus drivers under the regulatory auspices of the United States Department of Transportation (DOT) (49 CFR Part 40 as amended), specifically the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Part 382 as amended). QACPS is required to comply with the regulations of this operating administration within the U. S. Department of Transportation.

In some cases, QACPS reserves the prerogative to utilize stricter policies or procedures than the U. S. Department of Transportation when such are believed to be in the best interest of the students, general public, and school bus drivers. When a policy or procedure is mandated by QACPS, rather than the FMCSA (49 CFR Part 382 as amended), underlined text will appear indicating it is a requirement of QACPS, and not required by the U. S. Department of Transportation. This program shall meet or exceed the requirements set forth by the code of Maryland Regulations (COMAR) [13A.06.07.10].

The testing program applies to all school bus drivers pursuing employment and/or current drivers who are required to hold a commercial driver’s license (CDL), and operate a commercial motor vehicle for QACPS, even if they drive such vehicles only infrequently. The U. S Department of Transportation 49 CFR Parts 40 and 382 as amended, requires mandatory testing for those school bus drivers who must have a CDL driver’s license in order perform their respective job functions, and/or are involved in maintaining the safety, and operation of commercially regulated vehicles, and possess a CDL driver’s license.
All attendants, helpers, and non-CDL drivers, are subject to County mandated DOT pre-employment, post-accident, reasonable suspicion, random, return to duty, and follow up drug and/or alcohol testing.

This program was adopted pursuant to and is intended to comply with federal regulations promulgated by the Department of Transportation 49 CFR Parts 40 and 382 as amended and applicable state regulations. Unless otherwise indicated by underlined text, the testing provisions of the program are required by federal regulations. This program shall meet or exceed the requirements set forth by the code of Maryland Regulations (COMAR) [13A.06.07.10].

DEFINITIONS

Commercial Motor Vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- 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;

- Has a gross vehicle weight rating of 26,001 pounds, or;

- Is designed to transport 16 or more passengers, including the driver, or;

- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Act (49 U.S.C 5103(b)), and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

Disabling damage: Damage that precludes the departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated. This does not include damage which can be remedied temporarily at the scene of the accident, without special tools or parts, tire disablement
(without other damage even if no spare tire is available), damage to headlights, tail lights, turn signals, horns, mirrors, or windshield wipers, that makes them inoperable.

Performing Safety Sensitive Functions: A driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety sensitive functions.

Post-Accident Testing: All school bus drivers and employees of entity’s contracting with the County covered under this section of the County’s Drug & Alcohol Testing Policy, will be required to undergo drug and alcohol testing as soon as practical following an accident involving a commercial vehicle operating on a public road, if as a result:

- A person dies;
- An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident, and the driver of the commercial vehicle was issued a citation.
- One or more vehicles incur disabling damage as the result of the accident and are transported away from the scene by a tow truck or other vehicle, and the driver of the commercial vehicle was issued a citation.

Refusal to Test: The following actions/criteria are considered a refusal to test and subject to the same consequences as a positive test result:

- The donor fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by QACPS, after being directed to do so by QACPS.
- The donor fails to remain at the collection site until the testing process is complete.
- The donor refuses to provide a urine, breath, or saliva specimen for any drug or alcohol test required by Part 40 as amended or DOT agency regulations.
- The donor fails to permit the observation or monitoring of the provision of a specimen when the MRO had determined a direct
observed or monitored specimen is required by Part 40 as amended or DOT agency regulations.

- The donor fails to provide a sufficient amount of urine, breath, or saliva when directed, after it has been subsequently determined through a medical evaluation, there is no adequate medical explanation for the failure to provide.
- The donor fails or declines to take a second test after the DER or collector has directed the employee to take such.
- The donor fails to undergo a medical evaluation or examination, as directed by the MRO or DER for QACPS, as part of the verification process after the employee has failed to provide a sufficient amount of urine, breath, or saliva for testing.
- The donor fails to cooperate with any portion of the testing process (e.g. refusal to empty pockets when directed to do so by the collector, confrontational behavior towards the collector that disrupts the collection process).
- The donor submits a specimen that has been verified as “adulterated” or “substituted” by the MRO.
- The donor is found to possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- The donor refuses to follow the collector’s instructions during an observed collection process to raise and lower clothing as specified in the U.S. Department of Transportation 49 CFR Part 40 as amended testing regulations.
- The donor admits to the collector or MRO that he/she adulterated or substituted the specimen.
- The donor refuses to sign step 2 of the ATF (alcohol testing form).

Safety-Sensitive Functions: All time from the time a driver begins to work or is required to be in readiness to work, until the time he or she is relieved from work, and all responsibility for performing work. Safety sensitive functions shall include:

- All time at an employer, terminal, facility, or other property or any public property, waiting to be dispatched, unless the driver has been relieved from duty.
- All time inspecting, servicing, or conditioning any commercial vehicle.
- All time spent at the driving controls of a commercial motor vehicle in operation.
- All time other than driving time, in or upon any commercial motor vehicle, except for time spent resting in a sleeper berth that meets requirements of The U.S. Department of Transportation.
- All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded.
- All time remaining in readiness to operate a commercial motor vehicle.
- All time spent giving or receiving receipts for shipments loaded or unloaded.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Designated Employer Representative (DER)**
Queen Anne’s County Public Schools
Transportation Supervisor
202 Chesterfield Ave
Centreville, MD 21617
(410) 758-2403 telephone

**Medical Review Officer (MRO)**
The Medical Review Officer (MRO) is a licensed physician with knowledge of drug testing and substance abuse disorders. The primary role of the MRO is to act as an independent, impartial gatekeeper and advocate for the accuracy and integrity of the drug testing process. The MRO must also provide a quality assurance review of the drug testing process for the specimens reviewed and processed by said MRO. The MRO will perform all mandated duties and make all decisions and determinations in accordance with standard DOT procedures listed in 49 CFR Parts 40 & 382 as amended.

**Employees Subject to Testing**
All school bus drivers, or potential school bus drivers, of commercial motor vehicles in the employ of QACPS, or any entity contracted with QACPS, who are required to have a commercial driver’s license (CDL) in order to perform their job duties, are subject to testing as required by the U. S. Department of Transportation 49 CFR Parts 40 & 382 as
amended. The Federal Motor Carrier Safety Administration (FMCSA) requires the testing of school bus drivers performing duties deemed to be safety-sensitive.

All attendant’s helpers, and non-CDL drivers, are subject to QACPS mandated non-DOT pre-employment, post-accident, reasonable suspicion, random, return to duty, and follow up drug and/or alcohol testing.

**Testing Laboratories**

QACPS retains the services of several DHHS (Department of Health and Human Services) certified forensic laboratories for the purposes of drug screening and confirmation testing. These laboratories have completed the certification program conducted by the DHHS and administered by the National Institute of Drug Abuse (NIDA).

The laboratory must retain any specimen reported with positive, adulterated, substituted, or invalid results, for a minimum of 1 (one) year. The MRO must offer the donor of any laboratory confirmed positive test result, the opportunity to have “split specimen” testing performed. Laboratories testing the “split specimen”, must also retain those specimens for 1 (one) year.

**Collection Sites and Protocol**

Specimens for pre-employment, random, post-accident, reasonable suspicion, and drug testing will be collected at locations with properly trained and certified personnel to act as collectors. These locations will also furnish all of the necessary equipment and supplies for the purpose of collecting breath, saliva, and urine specimens for drug & alcohol testing. All procedures used for collection, shipment, custody control, and accessioning of specimens are performed within strict accordance of The U. S. Department of Transportation 49 CFR part 40 as amended and will be reviewed regularly by the administrative staff of QACPS’ TPA, for compliance of these regulations.

QACPS covered school bus drivers as well as those required to test under the U.S. Department of Transportation 49 CFR Part 40 as amended and the County’s Drug & Alcohol Testing Policy will utilize
collection sites proximate to all department locations. These sites can be utilized for immediate collection upon notification of required testing;

OACPS reserves the right to require a designated supervisor escort any employee who has been directed to test, to the collection site.

Alcohol Testing
For purposes of alcohol testing QACPS utilizes only devices listed on ODAPC's website list of "Approved Evidential Breath Measurement Devices". Any alcohol test registering an alcohol concentration above 0.02 must be confirmed after a 15 (fifteen) minute waiting period has elapsed, and the donor has been instructed not to eat, drink, smoke, chew, or belch. The confirmation test must be completed within 30 (thirty) minutes of the initial screening test result. If the confirmation test is not completed within the specified 30 (thirty) minutes, the testing will be still be conducted, and the reason for the delay and amount of time that has actually elapsed, are noted on the remarks line of the alcohol testing form. All federally mandated alcohol tests are conducted according to 49 CFR Part 40 as amended. A DOT approved alcohol testing form (ATF) is used to record the test results. All QACPS mandated alcohol tests are conducted following protocols set forth in 49 CFR Part 40 as amended. A Non-DOT alcohol testing form is used to record the test results.

All alcohol-testing technicians are certified by a DOT approved training program as Screening Test Technicians (STT) and/or Breath Alcohol Technicians (BAT). They are also provided with continuing education and training with regards to equipment and testing protocols, to keep in compliance with Federal and State regulations. Training certifications and calibration information for equipment and collectors utilized by QACPS are maintained at QACPS and can be inspected upon request.

Drug Testing
QACPS’ DOT Drug and Alcohol Testing Policy will adhere to The U.S. Department of Transportation 49 CFR Part 40 regulations as amended for specimen collection, transit, and laboratory analysis. The laboratory analysis of all specimens will include an initial screen with confirmation
at the cutoff thresholds for drugs and drug metabolites mandated by the DOT (49 CFR Part 40 as amended). Any laboratory results will be forwarded directly to the MRO, at which time the chain of custody and documentation concerning the specimen is examined in detail. Both; the laboratory and the MRO inspect each sample for “fatal flaws”. If any “fatal flaws” are discovered, the test is canceled. In situations where correctable flaws exist, they must be corrected prior to the completion of MRO verification process.

After a thorough review of the collection procedure, chain of custody form, testing protocol and laboratory results, negative results are verified and reported by the MRO to the employer. For non-negative results, the MRO will contact the employee and conduct a medical interview, focusing on the individual’s medical history and/or any other relevant biomedical factors. The MRO shall examine all alternative medical explanations for any positive test results. The MRO will also review all medical records made available by the donor, when a confirmed positive test result could have resulted from legally prescribed medications. Additionally, the MRO reserves the right to order additional laboratory ancillary testing and/or specimen re-analysis and quantification of the specimen submitted, in order to complete the verification process.

The MRO must offer the donor of any laboratory confirmed positive test result, the opportunity to have “split specimen” testing performed. The donor must notify the MRO of their request for “split specimen” testing within 72 (seventy-two) hours of the initial interview by the MRO. Split specimen testing allows the donor to have the unopened specimen bottle, with the chain of custody and tamper evident seal intact, sent to a second independent DHHS approved laboratory for confirmation. The donor covered under 49 CFR Parts 40 & 382 cannot be denied a “split specimen” test request based on his or her inability to pay. Donors not covered under these parts are financially responsible for the cost of any “split specimen” test request.

The MRO will attempt to contact the donor a minimum of at least 3 (three) times during the first 24 (twenty-four) hours. If the MRO is unable to contact the donor after 24 (twenty-four) hours, the MRO will
request that QACPS' Designated Employer Representative (DER), attempt to contact the donor. The DER, will instruct the donor to contact the MRO immediately. The donor will be instructed that contact with the MRO must occur within 72 (seventy-two) hours. The DER must also advise the donor, that his or her failure to contact the MRO within 72 (seventy-two) hours after being instructed to do so will result in the test being reported by the MRO as a refusal to test, which is considered a verified positive.

If after 10 (ten) days from the MRO's receipt of the confirmed laboratory positive result, the MRO and DER are still unable to contact the donor the test will be reported as verified positive. In the event the donor expressly declines or refuses an interview with the MRO, the test will be reported as verified positive.

The MRO is permitted to release to QACPS' DER, or any regulatory U.S. Department of Transportation agency the results of drug testing. The MRO will not release individual test results to any other person, without first obtaining specific written authorization from the donor.

All drug screens for School bus drivers and employees of entity's contracting with the County covered under 49 CFR Parts 40 & 382, as amended, are collected with strict adherence to U.S. Department of Transportation collection protocols outlined in 49 CFR Part 40 as amended, utilizing only DOT approved "split" specimen collection kits. A federal chain of custody form is initiated for each DOT drug sample, such that the integrity is documented for each stage of transit. All school bus drivers, attendants, helpers, and non-CDL drivers, subject to testing under QACPS authority will be collected following the protocols stated above, utilizing a Non-DOT chain of custody form.

Any corrupted samples or chain of custody forms that require cancellation based upon guidelines set forth in The U.S. Department of Transportation 49 CFR Part 40 as amended will result in the cancellation of the test by the MRO.

All collection officials have been trained and certified with regards to U.S. Department of Transportation collection procedures outlined in 49
CFR Part 40 as amended. Each collector participates in a quality assurance and continuing education program, which requires periodic monitoring and proficiency demonstrations utilizing mock collections. Training certification documentation for all collectors utilized is maintained at the offices of QACPS.

If the laboratory reports the presence of drug metabolites to the MRO that cause “safety concerns”, as part of the verification process, the MRO may ask the donor to have the prescribing physician contact the MRO to discuss the use of the medication. The MRO once the verification process is complete will report the result to the employer prior to any discussion with the prescribing physician.

If after 5 (five) days, the MRO has not spoken to the prescribing physician, the MRO may issue a “Safety Concern” letter to the employer recommending a “Fitness for Duty” evaluation, concerning the medication usage. The driver will be instructed to report to the physician who completed the DOT Physical exam to clear any medications that triggered the safety concern. The examining physician may contact the MRO to discuss laboratory results and may also contact the prescribing physician.

All collection officials have been trained and certified with regards to U. S. Department of Transportation collection procedures outlined in 49 CFR Part 40 as amended. Each collector participates in a quality assurance and continuing education program, which requires periodic monitoring and proficiency demonstrations utilizing mock collections. Training certification documentation for all collectors utilized is maintained at the offices of QACPS.

Self Report

QACPS does not consider a request for assistance with a drug and/or alcohol problem after a driver, attendants, and/or helpers is required to report for testing as a “voluntary” or “self-report”. In this case, the driver, attendants, and/or helpers would still be required to submit to any requested drug and/or alcohol testing, and subsequent action taken if adverse results were received.
If a driver, attendants, and/or helpers has reason to believe he or she is unfit to perform safety sensitive functions and voluntarily seeks assistance, due to a drug and/or alcohol problem, the driver, attendants, and/or helpers must contact the QACPS Drug & Alcohol Testing Program DER and request a temporary leave from duty. The driver, attendants, and/or helpers may not return to the performance of duties, including safety sensitive functions for school bus drivers, until a qualified drug and alcohol counselor has approved him or her to do so, after completing an evaluation, and all recommended treatment/education. The driver, attendants, and/or helpers must also submit a QACPS mandated negative return to duty drug test and/or alcohol test, prior to the commencement of any duties.

The driver, attendants, and/or helpers remains subject to all personnel policies, including those related to drugs and/or alcohol while undergoing treatment. The driver, attendants, and/or helpers is subject to termination if found to be violating the Drug & Alcohol Testing Policy, notwithstanding the fact that he or she may be receiving treatment.

The cost of any treatment, education, as well as follow up and return to duty testing, will be the employee’s financial responsibility.

**Education and Training Requirements**

All covered school bus drivers must acknowledge receiving a copy of the QACPS Drug & Alcohol Testing Policy and detailed information concerning the effects of alcohol and controlled substance use on an individual’s health, work, and personal life; signs and symptoms of an alcohol or controlled substance problem; and available methods of intervening when a problem is suspected.

All supervisors, particularly those who might conceivably be involved in reasonable suspicion determination, *must* receive at least 60 (sixty) minutes of training on alcohol misuse and an additional 60 (sixty) minutes of training on controlled substances use. This training includes
the physical, behavioral, speech, and performance indicators of probable alcohol misuse and the use of controlled substances.

Quality Assurance Program
In order to insure the sensitivity and reliability of the County’s Drug and Alcohol Testing Policy, QACPS’ TPA (Third Party Administrator) constantly monitors test cancellation rates, collection site errors, BAT errors, random testing rates, and other program components to ensure adherence to regulations outlined in US DOT 49 CFR Parts 40 & 382 as amended.

Policies and Procedures
General Program Guidelines & Prohibited Behaviors
School bus drivers are prohibited from performing safety sensitive functions while under the influence of alcohol and/or illegally prescribed or illegally used controlled substances.

Any school bus driver must inform any physician prescribing medication, that the employee is enrolled in a drug free workplace program. Any employee must inform any physician prescribing medication, prior to actually using any medication, that the employee’s duties include the performance of safety sensitive functions.

Any school bus driver using prescription medication must obtain confirmation said usage does not pose any safety concerns from the prescribing physician, or QACPS’s MRO. If a medically legitimate prescription, that would preclude or inhibit the performance of job duties, is dispensed to an employee, he or she will be placed on medical leave until the cessation of the prescribed medication is indicated. QACPS requires all prescription medication is kept in the original container.

Prohibited substances addressed by this policy include the following:

Controlled Substances and Illicit Drugs: Illegally used controlled substances, or drugs under the Drug-Free Workplace Act of 1988, any
drug or any substance identified in Schedules I thru V of Section 202 of the Controlled Substances Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 thru 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U. S. Drug Enforcement Administration or the U. S. Food and Drug Administration. Illegal use includes usage of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. The medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy. Federal Motor Carrier Safety Administration (FMCSA) drug testing regulations 49 CFR Parts 40 and 382, as amended require that all covered school bus drivers be tested for: controlled substances outlined in those regulations, on a pre-employment, post-accident, reasonable suspicion, return to duty, follow up, and random basis as required in 49 CFR Parts 40 and 382 as amended. Illegal use of these substances is prohibited at all times, and thus covered school bus drivers may be tested for these drugs anytime that they are on duty.

Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited. An alcohol test can be performed on a covered employee under 49 CFR Parts 40 and 382, as amended just before, during, or just after the performance of safety-sensitive job functions.

Substitute school bus drivers CANNOT perform safety sensitive duties if they have consumed alcohol within 4 (four) hours of reporting for duty. If you are on-call, and you consume alcohol, you MUST advise a supervisor you have done so PRIOR to reporting for duty. The OACPS reserves the right to perform an alcohol screen PRIOR to determining a driver is not able to perform on-call duties.
QACPS considers the following behaviors prohibited and will result in immediate removal from safety sensitive duties and subsequent disciplinary action taken which may include termination of employment.

- On duty use or possession of alcohol.
- Pre-duty use of alcohol within 4 (four) hours of reporting for duty.
- Use of alcohol within 8 (eight) hours of a reportable accident, or until post-accident alcohol testing has been conducted.
- Refusal to submit to a required alcohol or controlled substances test.
- Use of controlled substances, unless a physician has advised the employee that the medication or substance does not adversely affect their ability to safely operate a motor vehicle or perform other safety sensitive functions.

In addition to the prohibited behaviors listed above, QACPS also considers the following behaviors prohibited and grounds for immediate termination:

- Possessing, using, selling, transferring, or exchanging controlled substances, whether on or off duty.
- Misuse or being impaired while on duty by any prescribed medication, which may affect work performance or pose a danger to the safety of the employee or others.
- Report for duty or remain on duty while taking a medication that has not been verified by the MRO or the employee’s own private physician; as “acceptable” for use during working hours without posing any safety concerns.
- Possessing, using, selling, transferring, or exchanging controlled substances in the workplace, on or in QACPS property, including but not limited to, QACPS facilities, parking lots, equipment, and vehicles.
- Possessing, using, selling, transferring, or exchanging substances, and/or products, including but not limited to prosthetic devices used to carry clean urine, and/or any other attempt to evade drug detection, and/or adulterate or substitute a specimen sample.
QACPS reserves the right to search, at any time QACPS property used by school bus drivers, attendants, and/or helpers, i.e. desks, work areas, motor vehicles, lockers, etc. for the presence of controlled substances and/or alcohol.

Drug/DUI Arrests and Convictions: All school bus drivers, attendants, and/or helpers are required to notify the County of any criminal drug statute and/or DUI arrest/conviction within 5 (five) days after such arrest or conviction.

Failure to comply with this provision shall result in immediate termination of employment.

Pre-Employment Testing

All applicants for employment with a CDL license, or occupation responsible for the movement, repair, or maintenance of a commercial vehicle and/or safety sensitive machinery, will be notified at the time of their application that as a condition of employment, they will be required to submit a drug screen with a negative result, prior to the performance of any duties considered safety sensitive by 49 CFR Parts 40 and/or 382 as amended, and the QACPS Drug & Alcohol Testing Policy. This testing will be conducted utilizing a Federal chain of custody form.

All applicants for employment with positions as attendants and/or as helpers will be notified at the time of their application that as a condition of employment, they will be required to submit a drug screen with a negative result, prior to the performance of any duties. This testing will be conducted utilizing a non-DOT chain of custody form.

The specimen collector will collect the specimen, following protocols set forth in 49 CFR Part 40 as amended. A negative test result is required, and cancelled tests must be repeated before any safety sensitive functions can be performed.
School bus drivers who were hired before the requirement for pre-
employment testing was introduced and are under consideration for
transfer to a position which 49 CFR Part 40 as amended, requires a negative
pre-employment test result, prior to the commencement of safety sensitive
functions.

An employee who has, for reasons of disability, leave of absence, or any
other reason, been excluded from the random testing pool of School bus
drivers and employees of entity's contracting with the County, for 30
(thirty) or more preceding days, will be required to take a pre-employment
drug screen prior to performing any duties.

In the event of a negative, but "dilute" specimen, the donor must
immediately submit another sample for testing. If any pre-employment
drug test is verified positive, the applicant will be notified his or her
candidacy will not receive further consideration.

The State of Maryland will de-certify any driver from operating a school bus
when there is a confirmed positive drug screen, refusal to test, and/or
alcohol concentration of 0.04 or greater for a period of 10 years.

If any pre-employment test is cancelled, the applicant will be instructed to
repeat the test immediately.

Upon consideration of a job offer, QACPS is responsible for directing
applicants to the collection site for a drug screen. No applicant shall be
allowed to begin the performance of duties until QACPS reports a negative
drug screen result.

All DOT covered School bus drivers and employees of entity's contracting
with the County will be asked to complete and sign a statement concerning
prior positive pre- employment test results and sign a release form. This
release form allows the County to obtain from prior employers, a record of
the applicant's results and participation in a previous drug &
alcohol-screening program. So as to avoid delays in employment, applicants
will be permitted to begin performance of duties prior to receipt of this
requested information. PLEASE NOTE: QACPS reserves the right to reverse
any employment decision, if adverse information is received from a previous employer.

**Random Testing**

All DOT School bus drivers are subject to random unannounced alcohol and drug testing. The frequency is determined by the Department of Transportation (FMCSA 49 CFR Part 382 as amended) on an annual basis. Random testing will occur at intervals spaced equally throughout the year, equally throughout all shifts, and equally throughout all days of the week.

All attendants helpers, and non-CDL drivers, are subject to County mandated non-DOT random drug and/or alcohol testing.

All School bus drivers are tested following protocols set forth in 49 CFR Parts 40, & 382 as amended.

All school bus drivers are tested just prior to, during, or immediately after performance of duties. All School bus drivers and employees of entity’s contracting with the County are to report directly to the collection site upon notification any of required testing. Failure to report for testing after notification is considered a refusal to test, and grounds for immediate dismissal.

**Post-Accident Testing**

If the involved employee is considered safety sensitive and the following circumstances apply, the drug testing must be performed in accordance with 49 CFR Parts 40 & 382 as amended, using Federal drug testing form (CCF):

- Any accident involving a fatality.
- Any accident in which any vehicle was towed from the scene, and the
- County’s employee was issued a citation within 32 hours.
- Any accident in which any person was taken from the scene via ambulance, and/or received medical attention, and the County’s employee was issued a citation within 32 hours.
If the involved employee is considered safety sensitive and the following circumstances apply, the alcohol testing must be performed in accordance with 49 CFR Parts 40 & 382 as amended, using Federal alcohol testing form (ATF):

- Any accident involving a fatality.
- Any accident in which any vehicle was towed from the scene, and the County’s employee was issued a citation within 8 hours.
- Any accident in which any person was taken from the scene via ambulance, and/or received medical attention, and the County’s employee was issued a citation within 8 hours.

Post-accident testing should be performed immediately. School bus drivers and employees of entity’s contracting with the County must remain readily available and refrain from any alcohol use until the testing has been performed. If an employee subject to post-accident testing, does not remain readily available for testing, including notifying the County of his or her location if he or she leaves the scene of the accident prior to submitting to testing, he or she may be deemed to have refused testing.

Alcohol testing should occur within 2 (two) hours of the accident. If not promptly administered, The County will prepare and maintain on file, a record stating the reasons for not administering the test. If a post-accident alcohol test is not administered within 8 (eight) hours following an accident, the County shall cease attempts to administer the test, and prepare and maintain the same explanatory record.

Drug testing should also occur immediately following an accident but must be performed no more than 32 hours after the accident. At no time shall any employee be delayed or denied medical attention or be prohibited from leaving the scene of an accident, for the period necessary, to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. If an employee cannot participate in the collection process due to injury or state of consciousness, the employer may accept test results performed by Federal, State, or Local officials, if the results are released. If the results are not released, or testing is not performed, the County will prepare and maintain an explanatory record.
If an employee subject to post accident testing does not remain readily available for testing, including notifying the County of his or her location if he or she leaves the scene of the accident prior to post accident testing, he or she may be deemed to have refused testing.

QACPS may require post accident testing for any accident or incident where there is damage to property and/or where medical attention is rendered, and/or a worker's compensation claim is filed, and/or the police respond, and/or incidents where QACPS is concerned about potential liability and determines the decision to test prudent. This testing is performed under QACPS policy and will be collected utilizing Non-Federal testing forms. QACPS also reserves the right to perform expanded panel testing for Non-Federal testing.

**Reasonable Suspicion**

Any employee exhibiting behavior or conduct that has been observed by at least one supervisor who has received 2 (two) hours of training for drug & alcohol awareness, gives reasonable suspicion to suspect drug or alcohol use, he or she must submit to reasonable suspicion drug & alcohol testing. The trained supervisor must document the observed behavior and/or conduct within 24 (twenty-four) hours of the observation. The employee will be removed from duty and requested to submit to reasonable suspicion drug & alcohol testing. A refusal to submit to testing will be treated as a positive result, and grounds for immediate termination. The supervisor will escort the employee directly to the collection site for drug & alcohol testing.

Under no circumstances will an employee who requires reasonable suspicion drug & alcohol testing be permitted to drive his or herself to the collection site.

All attendants, helpers, and non-CDL drivers, are subject to QACPS mandated non-DOT reasonable suspicion drug and/or alcohol testing.

**Consequences of a POSITIVE Test Result**
Any employee with a confirmed breath alcohol concentration greater than 0.02 will be IMMEDIATELY removed from duty for a period of no less than 24 (twenty-four) hours.

Any school bus drivers, attendants, and/or helpers with a confirmed positive drug test will be IMMEDIATELY removed from duty and terminated.

Any school bus drivers, attendants, and/or helpers who refuses to submit to any drug and/or alcohol test will be considered positive and immediately terminated.

Any DOT covered school bus driver with a confirmed positive drug test, confirmed alcohol test of 0.04 or greater (STAGE II), a refusal to test, or any other drug/alcohol policy violation of 49 CFR Parts 40 & 382 as amended, will be immediately removed from duty, deemed ineligible to drive, and referred to a substance abuse professional.

The State of Maryland will de-certify any driver from operating a school bus when there is a confirmed positive drug screen, refusal to test, and/or alcohol concentration of 0.04 or greater for a period of 10 years.

Refusal to Test

The following behaviors are considered a refusal to test and carry the same consequences as a positive test result immediate termination;

- Failure to appear for any test (except pre-employment) within a reasonable time after being notified to do so.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a specimen for any drug or alcohol test required by DOT/FMCSA rules.
- Refusal to allow the observation or monitoring of a specimen collection when it is required.
- Failure to provide a sufficient urine or breath sample without an adequate medical explanation for the failure.
- Failure to take a second test that the employer or collector has directed the employee to take.
- Failure to undergo a medical exam as directed by the employer or the MRO as part of the verification process, or “shy bladder” or “shy lung” procedures.
- Failure to cooperate with the testing process (Examples: refusal to empty pockets when requested, behaving in a confrontational manner that disrupts the process, or failure to wash hands after being directed to do so by the collector).
- For a direct observation collection; failure to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants to mid-thigh, and to turn around to allow the observer to see if employee is wearing a prosthetic or similar device that could be used to interfere with the collection process.
- Possession or wearing of a device or product intended to help the employee pass the drug test.
- Admitting adulteration or substitution of the specimen to the collector or the MRO.
- If the MRO reports a verified adulterated or substituted test result.
- In alcohol testing, refusal to sign Step 2 of the Alcohol Testing Form.
- An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying QACPS of his or her location if he or she leaves the scene of the accident prior to submission to a test.

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Observed Collections

Consistent with The Department of Transportation 49 CFR Part 40 as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

a. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports there was not a valid medical explanation for the result; or
b. The MRO reports the original positive, adulterated, or substituted specimen had to be cancelled because the test of the split specimen could not be performed.

c. The collector observes materials brought to the collection site, or the employee’s conduct clearly indicates an attempt to tamper with a specimen; or

d. The temperature of the original specimen was out of range; or

e. The laboratory reports to the MRO, validity testing revealed an invalid “dilute” specimen with a creatinine of less than or equal to 5mg/dL and the specific gravity is less than or equal to 1.001 or greater than or equal to 1.020

f. A return to duty or follow up test is required.

During observed collections, observers will check for items such as prosthetic devices designed to carry clean urine, with both male and female donors. The observer will follow procedures outlined in 49 CFR Part 40 as amended, which includes have the donor raise and lower clothing, then put them back into place for the observed collection.

Confidentiality and Recordkeeping

Confidentiality will be maintained to the fullest extent possible with regards to drug and alcohol testing. All correspondence written or verbal, between QACPS’ DER, TPA, and QACPS’ MRO, is further protected from breaches in confidentiality by utilization of a password, known only to these individuals, prior to the exchange of any information.

The traditional doctor/patient relationship does not exist when the MRO is acting within the scope of duties assigned under QACPS’ Drug & Alcohol Testing Policy. Individuals are advised, information provided to the MRO during the verification process of a confirmed laboratory positive test result, may be disclosed to third parties. No testing information will be furnished to a third party, without express written consent provided by the employee/donor. The MRO will notify the donor in writing, if test results are furnished to any third party other than DOT auditors and/or investigators.
Test results will not be disclosed by the DER, the MRO, the TPA, or the testing laboratory, to anyone outside of QACPS, including law enforcement agencies except when the following circumstances occur:

a. The Department of Transportation regulations require such disclosure.
b. The decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, including a worker’s compensation claim, unemployment compensation claim, or any other proceeding relating to a benefit sought by the employee require such.
c. As a requirement of any Federal, State, or Local regulation or statute.
d. When results are requested by a potential employer and the appropriate authorization form signed by the employee or applicant has been provided.

Specimen Validity Testing and Medical Evaluations

All DHHS certified laboratories are required to perform validity and adulteration testing of all samples. Validity testing is conducted to insure the sample is consistent with human urine, and adulterants, substitutions, and dilutions have not been utilized in an attempt to corrupt the testing process and/or results. For specimens deemed invalid due to adulteration or substitution, the result will be treated as a positive, and the employee subsequently terminated. If the urine is reported as “dilute”, it is still a valid test, either positive or negative. In the event of a negative, but “dilute” specimen, the donor must immediately submit another sample for testing.

In the event an employee is unable to produce a sufficient amount of specimen urine, breath, and/or saliva, the MRO will arrange for a medical evaluation to determine if a medical condition accounts for such. In the absence of a medical condition or legitimate medical explanation, insufficient samples will be treated as a refusal to test, and the employee will be subsequently terminated.
If the laboratory reports the presence of drug metabolites to the MRO that cause “safety concerns”, as part of the verification process, the MRO may ask the donor to have the prescribing physician contact the MRO to discuss the use of the medication. The MRO once the verification process is complete will report the result to the employer prior to any discussion with the prescribing physician.

If after 5 (five) days, the MRO has not spoken to the prescribing physician, the MRO may issue a “Safety Concern” letter to the employer recommending a “Fitness for Duty” evaluation, concerning the medication usage. The driver will be instructed to report to the physician who completed the DOT Physical exam to clear any medications that triggered the safety concern. The examining physician may contact the MRO to discuss laboratory results and may also contact the prescribing physician.

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Approved:

Dr. Andrea Kane
Superintendent

Policy History: Adopted on 8/1/2018