

POLICY

Board of Education of Queen Anne's County

Responsible Office: Operations

DOT Drug and Alcohol Testing Policy 250

I. PURPOSE

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

II. STATEMENT OF PURPOSE

QACPS believes that the use of alcohol or illicit drugs in the workplace is detrimental to public safety, employee morale, and productivity. Additionally, designated employees come 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 right 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 general public and QACPS employees. When a policy or procedure is mandated by the QACPS, rather than the FMCSA (49 CFR Part 382 as amended), underlined text will appear indicating it is a requirement of QACPS for employment by that entity, and not required by the U. S. Department of Transportation

III. 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).

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 employees covered under this section of QACPS'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.

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 where the determination is made that based on liability, it would be in the best interest of QACPS to require testing. All testing mandated by QACPS 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.

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

Any employee deemed a refusal to test will be immediately terminated.

- The employee fails to appear for any test (excluding pre-employment) within 2 hours after being directed to do so.
- The employee fails to appear for a pre-employment test within 2 business days after being directed to do so.
- The employee fails to remain at the collection site until the testing process is complete.
- The employee refuses to provide a urine or breath specimen for any drug or alcohol test required by Part 40 as amended or DOT agency regulations.
- The employee 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 employee 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 employee fails or declines to take a second test after the DER or collector has directed the employee to take such.

- The employee 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 employee 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 employee submits a specimen that has been verified as “adulterated” or “substituted” by the MRO.
- The employee is found to possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- The employee 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 employee admits to the collector or MRO that he/she adulterated or substituted the specimen.
- The employee 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.

Split Specimen: All urine/oral fluid samples collected from covered employees will be split into two aliquots for transport to the lab. Each aliquot will be sealed with a tamper

evident tape in the presence of the donor. If the MRO reports a result other than negative, or negative dilute to the employer, the donor has the right to have the second unopened aliquot retested at a second certified laboratory..

IV. IMPLEMENTATION

The Superintendent is responsible for drafting procedural guidelines for the implementation of this policy.

V. 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

VI. EFFECTIVE DATE

This policy is effective April 10, 2024.

Patricia Saelens, Ed.D.
 Superintendent, Queen Anne’s County Public Schools

HISTORY:

Initial Adoption	4/7/1993, Reformatted 8/1/2018	Revised		Reviewed		Next Review	
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