



# The Pomfret School

CHALLENGING THE MIND ★ ENCOURAGING THE HEART

**CODE: D11**

## Mandatory Drug Alcohol Testing of Transportation Employees Policy

### **Policy**

It is the policy of the Pomfret School District to require drug and alcohol testing of all transportation employees, as necessary to comply with the Omnibus Transportation Employee Testing Act of 1991.

### **Procedures**

Attached is a copy of the current Drug and Alcohol Testing Policy for Transportation Employees in effect for First Student which is under contract with Windsor Central Supervisory Union.

*Date Warned: April 9, 2007*

*Date Adopted: May 14, 2007*

*Legal Reference(s): 49 U.S.C. §§ 5331, 31306 (Omnibus Transportation Employee Testing Act of 1991)*

*Legal Reference(s): 49 C.F.R. Parts 40, 382, 391, 392, 395 and 653*

*Cross Reference:*



## **Drug & Alcohol Policy**

DOT – Regulated Employee and Driver Agreement



## Background and Overview

In 1988, Ryder now First Student, Inc., implemented its first drug testing program for employees in safety-sensitive positions. Since that time, we have continued to adhere closely to increasingly tougher federal, state and community standards in this area.

The U.S. Department of Transportation issued revised drug-testing and new alcohol-testing regulations effective January 1, 1995. These regulations significantly affect all First Student personnel who serve in safety-sensitive positions. In response, First Student's drug testing programs were revised and expanded to include alcohol testing and apply to a wider range of employee groups for testing purposes.

- 9 First Student's Drug & Alcohol programs are intended to identify substance abuse within the safety-sensitive employee population and to discourage future drug and/or alcohol misuse. The procedures mandated by these programs will help improve worker safety, performance and morale, thereby preventing accidents, injuries and production losses.

## First Student's Drug and Alcohol Policy

As a leading provider of transportation services, First Student will comply fully with local, state and federal authorities in regard to laws and regulations on drug abuse and alcohol misuse. We will maintain zero-tolerance programs that hold all employees accountable to clear personal and professional standards.

### **Policy Summary**

Employees who violate First Student's Drug & Alcohol Policy are subject to disciplinary action, up to and including termination.

Employees or applicants **regulated** by the Department of Transportation are subject to drug and alcohol testing.

Employees in safety-sensitive positions that are not regulated by the Department of Transportation are subject to drug and alcohol testing.

Employees **not regulated** by the Department of Transportation are subject drug testing. Additionally, all applicants are required to take and pass a pre-employment drug test as part of the requirements for employment with First Student.

Employees who use, are in possession of, are under the influence of, or are involved in the sale of or purchase of any substance covered under the Federal Controlled Substance Act, while on First Student property, First Student business or operating First Student equipment (including at lunch and break times), are considered to be in violation of First Student's Drug & Alcohol Policy.

Employees' use of any prescribed or over-the-counter medications that are legally obtained but not used as prescribed is prohibited. Prohibited conduct also includes an employee's possession or use of medications prescribed for individuals other than the employee.

First Student is not required to provide rehabilitative services to any employee group. However, employees will be made aware of such services if and when available.

First Student reserves the right to conduct unannounced searches for controlled substance or alcohol anywhere on First Student property (including the employee's belongings.)

First Student will cooperate fully with local, state and federal authorities in matters pertaining to the use, possession, or sale of controlled substances by anyone on First Student premises.

First Student policy also applies to independent contractors, owner/operators, contract personnel, leased and transfer drivers.

### **Controlled Substances**

Controlled substances are any substances identified by the Federal Controlled Substances Act. These substances are illegal for sale or consumption.

The term also applies to prescribed or over-the-counter medications that are legally obtained but not used as prescribed. Further, any prescribed or over-the-counter drug that causes an individual to be impaired or to act in an unfit manner is considered a controlled substance.

At present, First Student's drug testing procedures are primarily intended to test for the presence of marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). Other classes of drugs may be added in the future.

First Student reserves the right to modify its Drug & Alcohol Policy at any time.

### **Employees Affected**

As defined by the Department of Transportation, the designation "safety-sensitive employee" includes holders of Commercial Driver's Licenses who operate commercial motor vehicles. Also included are individuals who perform safety-sensitive functions involving a mass transit vehicle or vehicles. This would include vehicle operators, mechanics, controllers and supervisors who perform safety-sensitive functions.

A commercial motor vehicle is a vehicle used to transport passengers or property if the vehicle:

Has a gross vehicle weight rating of 26,001 or more pounds.

Is designed to transport 16 or more passengers (including the driver).

Is any size and used to transport hazardous material requiring placards.

A mass transit vehicle is a vehicle used to transport large number of passengers. This includes buses, electric buses, vans, automobiles, rail cars, trolley cars, trolley buses or vessels.

In addition, First Student Drug & Alcohol Policy covers full and part-time driver employees in all First Student companies including casual, lease and transfer drivers, contractors and owner/operators.

### **Prohibited Conduct**

Employees covered by First Student Drug & Alcohol Policy shall not:

Use a controlled substance without medical authorization.

- Report for or remain on duty performing safety-sensitive function while having a breath alcohol concentration of 0.02 or greater.

Use alcohol while performing safety-sensitive functions.

Be on duty to operate a commercial motor vehicle or mass transit vehicle while possessing alcohol unless the alcohol is manifested and transported as a part of the shipment.

Perform safety-sensitive functions within four hours of using alcohol.

Use alcohol for eight hours following an accident unless the employee has been given a post-accident test.

Refuse to take a required drug or alcohol test.

### **Testing**

First Student cooperates fully with local, state and federal authorities in regard to laws and regulations on drug and alcohol misuse. Consistent with these regulations, First Student will conduct, as necessary and where by law, the following:

Urine tests to determine the presence of illegal drugs.

Breath Alcohol Tests for employees in safety-sensitive positions.

Pre-employment Test for drugs and alcohol for final candidates in any safety-sensitive position within First Student, or for an individual who transfers from a non safety-sensitive position to a safety-sensitive position prior to the individual assuming his or her new position.

Post-Accident Drug & Alcohol Test following an accident that involves a commercial motor vehicle or mass transit vehicle, and if

- The accident involved a fatality, or
- The driver received a citation for a moving traffic violation arising from the accident (a drug test is required within thirty-two (32) hours following the accident and breath alcohol test is required within eight (8) hours following the accident.)
- Any vehicle was towed from the scene of the accident.

Random Drug and Alcohol Tests as determined by a non-biased computer selection (due to the nature of the random selection process, an employee could be required to test for drug and/or alcohol misuse more than once a year).

Reasonable Suspicion Drug & Alcohol Tests based on exhibited behavior, speech, appearance, and/or body odor as observed by a trained supervisor.

Return to Duty Drug & Alcohol Tests following any type of leave of 90 days or more including, but not limited to, leave for Worker's Compensation, pregnancy, personal reasons, or to serve in the military.

Full Facility Drug Tests, upon approval of senior management, at any First Student facility.

**9 While supervisors' will received training to recognize the symptoms of drug and alcohol abuse, they will not personally conduct test. All tests will be conducted and processed by independent authorized testing facilities.**

### **Consequences**

Employees who violate, or refuse to cooperate with, the implementation of First Student's Drug & Alcohol Policy will be subject to immediate termination.

### **Adulterated Drug Tests**

First Student takes a serious stance on employees who try to succeed in altering or tampering with samples taken for drug testing purposes. This practice is called adulteration. Testing laboratories have the technology to screen for this practice.

**If it is determined that an employee's urine sample has been adulterated in any fashion, this action will be considered a refusal to test and the employee will be subject to immediate termination.**

### **Positive Drug Tests**

If an employee's drug test comes back positive, a Medical Review Officer (MRO) will notify the employee --- a licensed physician designated by First Student who has the knowledge and training to interpret and evaluate confirmed positive test results. The MRO will review the test results with the employee to determine alternative medical explanations for the positive results (such as certain prescription or over-the-counter drugs that were being taken at the time).

**The company will not be informed of a positive test result until MRO contact procedures have been completed.**

Once the MRO has made a final determination, employees who test positive for drug and/or alcohol will be referred to a Substance Abuse Professional --- a licensed physician, licensed or certified psychologist, social worker, employee assistance professional, or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Employees who test positive will be allowed 72 hours following notification of their drug test results to request a *re-test of the original test sample* by a government-approved testing facility. Any re-test will be at the employee's expense. The employee will be suspended without pay until the re-test results are received by the First Student location.

If re-test results are negative, initial test results will be cancelled. The employee will be fully reinstated with back pay. However, in the event the re-test is positive, or if a re-test is not requested within the designated time period, the employee will be subject to immediate termination.

### **Positive Alcohol Tests**

Depending on the level of alcohol in the employee's system, the Department of Transportation requires First Student to act as follows:

0.02 to 0.039 The employee will be prohibited from performing a safety-sensitive function for 24 hours. The First Student location supervisor will be notified and the employee must be driven home from the collection site. The employee will be prohibited from performing these functions until he or she has submitted to another test and has tested below 0.02.

0.04 or greater The employee will be suspended from duty pending an investigation by First Student management. The employee will be given the name and phone number of a Substance Abuse Professional.

**9 In addition to federal regulations, and at management's discretion, a breath alcohol reading at any level under the conditions outlined in the "Prohibited Conduct" section of this document may be subject the employee to disciplinary action --- up to and including termination.**

### **Confidentiality**

All drug and alcohol tests will be conducted according to Department of Transportation regulations that ensure accuracy, reliability, employee privacy and confidentiality. Test results remain the private and confidential property of the testing laboratory, the MRO and the company. Release of the results to anyone other than the employee, the MRO and the employer is prohibited unless the employee signs a written release.

### **Finding Help**

The effects of drugs and alcohol on health, work and personal life:

The hazards of drug and alcohol misuse extend far beyond the individual user. Impaired employees endanger themselves, fellow workers, and other users of our highways. Alcohol and drug abusing employees increase the costs related to lost productivity, absenteeism, accidents, loss of trained personnel, theft and deterrence programs. In addition, medical costs are higher and are passed on to the employer in the form of higher health insurance rates.

*Alcohol remains the number one abused drug in this country.*

Even low doses of alcohol can impair the judgment and coordination required for driving. Very high doses cause respiratory depression and death. If combined with other depressant drugs, much lower doses of alcohol can produce the effects just described.

### **Signs and Symptoms of Drug or Alcohol Problem**

Some of the most noticeable signs of drug abuse are drowsiness, respiratory depression, constricted pupils, nausea, slurred speech, excitement, loss of appetite, poor perception of time and distance, relaxed inhibitions, disoriented behavior, watery eyes, runny nose, chills and sweats, convulsions, apathy, depression and the use of drug paraphernalia.

Some signs and symptoms of alcohol misuse are the odor of alcohol, slurred speech, staggering, tremors, vomiting, cramps, delirium, loss of appetite, using arms for balance, leaning against walls and doorways, confusion and swaying while maintaining balance.

Multiple substance abuses are especially dangerous because different substances interact with each other to produce unexpected effects. Multiple substance abuses are abuse of more than one drug, either at the same time or over a period of time. In addition, people who abuse one substance are at a high risk for developing dependence and tolerance for other controlled substances.

### **Methods of Intervention**

Drug and Alcohol abuse is a complex problem calling for specialized supervision and care.

- Don't make excuses for a person who you think has an alcohol or drug problem.
- Don't do their work for them.
- Don't enable them to continue the alcohol or drug abuse.

Do leave the treatment and counseling of persons with drug and/or alcohol misuse problems to the professionals.

- 9 **Department of Transportation regulations regarding drug and alcohol abuse do not require First Student to provide rehabilitation benefits. Nor is First Student required to hold an employee's job open or to pay his or her salary while the employee undergoes treatment for drug and/or alcohol misuse.**

**Employees can consult with their supervisors for information regarding the availability of these services, or look in the Yellow Pages under *Alcoholism Information* or *Drug Abuse and Addiction Information*. Alcoholics Anonymous or Narcotics Anonymous may also be listed.**



## Driver Acknowledge of Company Drug Policy

I, \_\_\_\_\_, acknowledge that I have received a copy of the Company's drug policy and understand that a violation of the drug policy is grounds for my immediate termination from employment. I further acknowledge that I have never been subject to and refused to take and/or failed a First Student administered drug screen test for any reason at any time during my employment with First Student prior to the date listed below.

I further agree that, in accordance with the federal Drug-Free Workplace Act of 1988, if I am convicted of any violation of a criminal drug statute resulting from an action occurring in the workplace, I must notify the appropriate Company supervisor within five (5) days of such conviction.

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_____	_____	_____
Signature	Date	Social Security Number



**Employee Acknowledgement** \_\_\_\_\_

After you have read and understand First Student's Drug & Alcohol Policy, complete the information requested on the Employee Acknowledgement Form (below). Then, sign and return the form to your supervisor or location manager.

If you have questions or concerns regarding drug and alcohol testing procedures, call your supervisor.

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**Drug & Alcohol Policy Employee Acknowledgement Form**

Name \_\_\_\_\_

Social Security Number \_\_\_\_\_

Company/District/Location Code \_\_\_\_\_

Position \_\_\_\_\_

**By signing below, I acknowledge that I have received, read and understand the First Student Drug & Alcohol Policy dated January, 1995.**

Signature \_\_\_\_\_

Date \_\_\_\_\_

(Detach at perforation and return this form to your supervisor for inclusion into your personnel file.)