

ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY
School District of Neillsville
614 East 5th Street
Neillsville, WI 54456

PURPOSE

The School District of Neillsville recognizes the problem of substance abuse in today's society. This problem poses particular concern to a trucking industry employer, who is subject to extensive governmental regulations and owes a special duty of care for the safety of the general public. Not only does a substance-impaired employee jeopardize his/her own health and well-being, but also that of every person who uses the highways in the United States. In order to make our roads and work environment safer, the provisions of this policy are intended to comply with the Omnibus Transportation Employees Testing Act of 1991, 49 USC 2717, and relevant U.S. Department of Transportation (DOT Rules and Regulations, 49 CFR 382). At the same time the School District of Neillsville recognizes that the abuse of alcohol and controlled substances is a treatable illness and the School District of Neillsville will make reasonable efforts to provide assistance to employees in need of treatment and rehabilitation. A Designated Employer Representative (DER) is available to employees with personal problems, including those associated with alcohol or controlled substance abuse.

EMPLOYEES SUBJECT TO POLICY

Effective January 1, 1996, all employees of the School District of Neillsville who are required as a condition of their employment to have a Commercial Drivers' License (CDL) and operate a Commercial Motor Vehicle (CMV) are subject to this policy.

The Federal Highway Administration of the United States Department of Transportation requires certain drivers to undergo drug and alcohol testing. The drivers who must be tested are those required to have a CDL.

Employees who must have a CDL and be tested that drive a motor vehicle are:

- *Vehicles with a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds.
- *Vehicles with a gross vehicle weight rating of 26,001 pounds or more.
- *Vehicles designed to transport 16 or more passengers.
- *Vehicles of any size that are used to transport hazardous material which requires the vehicle to be placarded under the hazardous materials regulations.

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PERIOD OF COMPLIANCE

Employees are required to be in compliance with this policy while performing any safety-sensitive function. Safety-sensitive refers to those on-duty functions set forth in 49 CFR 395.2(1-7), and includes the following:

- all time waiting to be dispatched
- all time inspecting equipment
- all driving time
- all time in or upon a CMV
- all time loading or unloading a vehicle, assisting or attending the loading or unloading of a vehicle, and remaining in a readiness to operate a vehicle
- all time spent performing driver requirements relating to accidents
- all time repairing, assisting, or attending a disabled CMV
- all time spent providing a breath sample or urine specimen, including travel time to and from the collection site, to comply with testing as directed by the School District of Neillsville

PROHIBITED EMPLOYEE CONDUCT

No employee shall report for, or remain on duty when performing, a safety-sensitive function while having a blood alcohol concentration (BAC) greater than 0.00%. No employee shall possess or use alcohol while on duty or operating a CMV. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol. Employees required to take a post-accident alcohol test shall not use alcohol for 8 hours following the accident, unless the driver has been given a post-accident test. No employee shall refuse to submit to an alcohol or controlled substances test required under the Federal Law (49USC sec. 2717) (49 CFR 382), involving post-accident, random, reasonable suspicion, or follow-up testing. If the School District of Neillsville has knowledge that an employee has a BAC greater than 0.00% or has tested positive for controlled substances, it may not permit the employee to perform or continue to perform safety-sensitive functions. Employees or employers who violate these provisions can be subject to a fine up to \$10,000 for each offense.

CIRCUMSTANCES FOR EMPLOYEE TESTING

The School District of Neillsville must conduct (1) pre-employment, (2) post-accident, (3) random, (4) reasonable suspicion, (5) return to duty, and (6) follow-up testing of employees for the misuse of alcohol or use of controlled substances in conformance with CDL requirements.

Pre-Employment Testing

Upon the conditional offer of a position requiring a CDL to a prospective employee, the prospective employee will be required to submit to a controlled substance test. Prospective employees include applicants and current School District of Neillsville employees who transfer from a position not requiring a CDL to one which requires such a license.

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Employees who return to work after a layoff period during which they are not subject to random testing will also be required to undergo controlled substance testing before beginning work. Testing must be done at the designated collection site.

Post-Accident Testing

As soon as practical (within 2 hours) following an accident involving a commercial motor vehicle, the School District of Neillsville shall test for alcohol and controlled substances each surviving employee if:

- there is a fatality
- the accident results in death or bodily injury to a person who immediately receives medical treatment away from the accident site
- any one of the involved vehicles is towed from the scene
- the driver receives a citation under state or local law for a moving traffic violation

If an alcohol test is not administered within two hours following the accident, the School District of Neillsville shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Testing for alcohol must be done within eight (8) hours of a qualifying accident. Testing for controlled substances must be done within thirty-two (32) hours of a qualifying accident. In addition, any employee potentially subject to post-accident testing who leaves the scene of an accident before a test is administered must remain readily available for such testing.

Random Testing

All employees with CDL's will be required to undergo random alcohol and controlled substance testing. The alcohol testing rate shall initially involve 10% of employees, and the minimum rate of random controlled substance testing shall be 50% of employees. Alcohol tests must be performed just before an employee is to perform safety-sensitive functions, or just after an employee has ceased performing such functions. Controlled substance testing may be performed at any time the employee is at work for the School District of Neillsville. The testing must be unannounced, and will be dispersed throughout the calendar year. Each covered employee will have an equal chance of being tested under the random selection process used.

Reasonable Suspicion Testing

An employee may be required to undergo alcohol and/or controlled substance testing if the School District of Neillsville has reasonable suspicion that he/she has violated the rules concerning alcohol or controlled substance use. Reasonable suspicion means that the School District of Neillsville believes that the driver's appearance or conduct is indicative of the use of alcohol and/or drugs. The actions or observations of the driver must occur while the driver is on duty or just preceding the work period. The supervisor in charge who has been trained to recognize the signs that indicate testing is necessary will make the determination that testing is necessary. The test(s) will be administered within two hours following the determination of reasonable suspicion. The School District of Neillsville's determination that reasonable suspicion exists must be

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based on specific, contemporaneous, articulate observations concerning appearance, behavior, speech or body odors. A written record shall be made of the observations leading to an alcohol or controlled substance reasonable suspicion test, signed by the supervisor or employee who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substance tests are released, whichever is earlier.

In the case of suspected alcohol use, the test must be done as soon as possible. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the breath alcohol test on the driver. No anonymous tips shall ever form the sole basis of reasonable suspicion that an employee has used alcohol or controlled substances. Where possible, a reasonable suspicion test can be ordered only after two supervisors have authorized it. The School District of Neillsville shall ensure that the driver is transported to the collection site testing.

Return to Duty Testing

An employee who returns to duty after violation of the alcohol misuse provisions will be required to undergo an alcohol test, with a resulting BAC of 0.00% necessary for reinstatement. An employee who returns to duty after a violation of the controlled substance use provisions will be required to undergo a controlled substance test, with a negative result necessary before the employee returns to duty requiring the performance of a safety-sensitive function.

Follow-up Testing

Any employee identified under 49 CFR 382.605(b) as needing assistance in resolving problems associated with alcohol misuse or controlled substance use shall be subject to at least six (6) unannounced follow-up tests in the first twelve (12) months following the employee's return to duty in accordance with the provisions of 49 CFR 382.605(c)(2)(ii). However, a substance abuse professional may direct additional testing during the twelve (12) month period, or for an additional period not to exceed sixty (60) months from the date the employee returns to duty. Any employee identified as needing assistance shall be required to seek that assistance on his/her own time. In addition, the School District of Neillsville will not compensate the employee for any time spent traveling to and from tests, or actually undergoing the tests as required, or will they reimburse the employee for any direct or indirect expense incurred in connection with the tests. Substance abuse professional as defined in 49 CFR 382.107 of the federal register means: licensed medical doctor, licensed 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 disorders.

DRUG TESTING PROCEDURES

Employees will be directed to a designated provider of testing services in conformance with procedures as defined. The testing program for drugs is limited to five (5) drug types. All drug testing is done from urine specimens collected under highly controlled conditions. Driver protection is built into

the testing procedures. The designated collection site is the School District of Neillsville. In order to meet federal requirements, MedTox Laboratories is the testing lab that the Substance Abuse and Mental Health Services Administration certified and they have met all of the guidelines established by the Department of Health and Human Services. After the urine specimen has been forwarded to the laboratory, two tests may be performed.

The five classes (and subclasses) of drugs tested for are:

Marijuana metabolites

Delta-9-THCA

Cocaine metabolites

Benzoylecgonine

Opiate metabolites

Codeine

Morphine

6-acetylmorphine

Hydrocodone

Hydromorphone

Oxycodone

Oxymorphone

Phencyclidine (PCP)

Amphetamines

Amphetamine

Methamphetamine

Methylenedioxymethamphetamine (MDMA)

Methylenedioxyamphetamine (MDA)

If the results of the initial test are negative, the testing laboratory will advise one of the School District of Neillsville's Medical Review Officers (MRO) who are at Western Pathology Consultants, Inc. (WPCI). No additional tests on the specimen will be done.

If the results are positive, that is, if the results exceed the test levels for any of the five drug classes, a second (confirmation) test is performed. An employee who tests positive for drugs:

- cannot perform a safety-sensitive function
- must be evaluated by a substance abuse professional
- must comply with treatment recommendations
- must undergo a return to duty drug test with a negative test result

The positive-tested employee will also be subject to unannounced follow-up drug tests for up to five years, depending on the evaluation of the substance abuse professional.

The School District of Neillsville will keep a record in the driver's file showing the type of test (pre-employment, periodic, etc.); date and location of collection; entity performing the collection; name of the lab; name of MRO; and the test results.

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DIRECT OBSERVATION COLLECTIONS

Effective August 31, 2009, mandatory direct observation (DO) for return to duty and follow-up testing on and after the effective date must have their collections observed. This includes employees currently in follow-up testing programs and will still be in those programs on or after August 31, 2009. Direct observation must be performed by the same gender; the observer can be a different person from the collector and need not be a qualified collector. As a collector, you must request the employee to raise his/her shirt, blouse, or dress/skirt as appropriate above the waist, and clothing and undergarments to show you by turning around that they do not have a prosthetic device. After you have determined that the employee does not have such a device, you may permit the employee to return their clothing to its proper position.

As the observer, you must watch the employee urinate into the collecting container. Specifically, you are to watch the urine go from the person's body to the collection container. As the observer, but not the collector, you cannot take the container from the employee, but you must watch the employee give the collection to the collector. As a collector when someone else has observed the collection, you must include their name in the remarks section. As an employee, if you decline to allow direct observation under this section to occur, this is a refusal to test.

ALCOHOL TESTING PROCEDURES

Alcohol testing is done by breath, at the designated collection site. Breath is the most easily obtained bodily substance and the results will be displayed and printed in terms of grams of alcohol per 210 liters of breath. The testing device is an Evidential Breath Testing Device (EBT). The EBT will print three copies of each test result and the test results will be numbered. If the initial test result is greater than 0.00%, a confirmation test will be done. Before the confirmation test, a 15 minute waiting period will be observed. If the initial test result shows a reading of 0.00%, the test is recorded as "negative". The Q.E.D. saliva alcohol test may be administered in place of the breath-testing device to indicate an accurate quantitative determination of alcohol in saliva. If this test indicates a reading of 0.02% or higher, an EBT must be used to confirm the test results within 30 minutes after initial testing for alcohol using the saliva test. A driver who tests 0.04% or above:

- cannot perform a safety-sensitive function
- will be made aware of resources for solving alcohol problems
- must be evaluated by a substance abuse professional
- must comply with treatment recommendations
- must undergo a return to duty drug test with a negative test result

The positive-tested driver will also be subject to unannounced follow-up tests for up to five years, depending on the evaluation of the substance abuse professional.

Employees who are found to have a BAC greater than 0.00% but less than 0.04% shall not perform safety-sensitive functions until the start of the employee's next scheduled duty period.

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REFUSAL OF TESTING

This policy and the federal law prohibit employees having CDL's as a condition of employment from refusing to submit to any required tests, which include post-accident, reasonable suspicion, follow-up testing and employees randomly selected for alcohol and/or controlled substance testing. A refusal to submit to testing is considered a positive test, and the School District of Neillsville is required not to let the employee perform or continue to perform safety-sensitive functions.

EMPLOYEE ASSISTANCE PROGRAM

The School District of Neillsville will provide drivers with 60 minutes of education and training on the effects and consequences of controlled substance and alcohol use on personal health, safety, and on the work environment. Supervisory training will consist of 120 minutes that covers the manifestations and behavioral changes that may indicate alcohol or controlled substance use or abuse. The DER is Dale Erickson.

CONFIDENTIAL PROCEDURES

The employee will be instructed by the School District of Neillsville to report to a designated collection site properly trained to collect the urine specimen or breath test under the federal regulation. The laboratory will only release the results of the urine drug test and/or alcohol breath test to the Medical Review Officer (MRO) designated by the School District of Neillsville.

Collection site will be: Properties of the School District of Neillsville

Laboratory will be: MedTox Laboratories, St. Paul, MN

Medical Review Officers: Nationwide Medical Review, Indianapolis, IN

All employee records regarding the alcohol and controlled substance testing program will be secured with restricted access to the information. The only individuals with direct access to these records are: (1) authorized Designated Employer Representatives (DER) and (2) the employee or other person authorized in writing by the employee upon request.

The School District of Neillsville shall permit access to the Secretary of Transportation, any DOT agency, or any state or local officials with regulatory authority over the School District of Neillsville or any of its employees. In addition, the School District of Neillsville may disclose information required to be maintained under this part to the decision maker in a lawsuit, grievance, or other proceeding initiated by, or on behalf of, the employee and arising from test results, or in a proceeding arising from the School District of Neillsville's determination that the employee violated this law (includes worker's compensation, unemployment compensation or any other proceeding relating to a benefit sought by the employee).

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EMPLOYEE TREATMENT

Creating a healthy and safe work environment is a top priority of the School District of Neillsville. This program has been established to help keep employees healthy, productive and free of injury. This policy demonstrates our commitment to our employees and our belief that drug and alcohol abuse pose a serious risk not only to the individual but to other employees and the district's future as well. The School District of Neillsville recognizes that substance abuse and alcohol misuse are diseases and we are concerned about the treatment of our employees. The district does not have an in-house treatment center therefore our employees are advised of the following resource:

NAME: Marshfield Clinic - Neillsville
ADDRESS: N3708 River Avenue
Neillsville, WI 54456
PHONE: 715-743-3101

MANAGEMENT RIGHTS

The policies set forth herein do not in any way limit what personnel actions the School District of Neillsville may take under its independent authority with respect to an individual who tests positive for drug or alcohol use.

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Addendum to Employment Application for Bus Drivers

49 CFR 40.25(5)(J)

As a prospective employer, we must ask any applicant for a driving position with the School District of Neillsville whether he/she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the applicant applied for, but did not obtain, "safety-sensitive transportation work" (driving a commercial motor vehicle) during the past two years.

Yes, I have tested positive for drugs/alcohol, or refused to take a pre-employment drug/alcohol test in the two years preceding the date of this application.

No, I have not tested positive for drugs/alcohol, or refused to take a pre-employment drug/alcohol test in the two years preceding the date of this application.

DOT regulations prohibit our utilizing you to perform a "safety-sensitive function" (driving a commercial motor vehicle) if you had a positive test, or a refusal to test, until and unless you provide documents showing successful completion of the return-to-duty process in accordance with DOT regulations.

This certifies that I completed this addendum to the employment application, and that all information therein is true and complete to the best of my knowledge. I also understand that misrepresentation or omission of information or facts may result in my rejection or dismissal.

Date

Applicant Signature

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General Consent for Limited Queries of the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse

I, _____, hereby provide consent to the School District of Neillsville to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse.

This consent is valid for the duration of employment with the School District of Neillsville.

I understand that if the limited query conducted by the School District of Neillsville indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the School District of Neillsville without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for the School District of Neillsville to conduct a limited query of the Clearinghouse, the School District of Neillsville must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

Date

Employee Signature

Employee Name (printed)

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**CONFIRMATION OF RECEIPT
ACKNOWLEDGMENT**

I have received a copy of the School District of Neillsville's drug and alcohol policies and procedures for employees holding a Commercial Drivers' License.

Date

Employee Signature

Employee Name (printed)

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