

GALT JOINT UNION ELEMENTARY SCHOOL DISTRICT

AND

GALT JOINT UNION HIGH SCHOOL DISTRICT

CONTROLLED SUBSTANCES AND ALCOHOL POLICY

FOR TRANSPORTATION PERSONNEL

Pursuant to Board Policy 4112.42, 4212.42 & 4312.42

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SECTION I. INTRODUCTION

- A. District, (hereafter known as “the District”) has a long-standing commitment to maintain the highest standards for driver safety and health. The use of controlled substances and/or the misuse of alcohol are contrary to these high standards.
- B. The District’s controlled substance and alcohol testing program meets the requirements of the Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA), Controlled Substances and Alcohol Use and Testing Rule, Code of Federal Regulations (CFR), Title 49 Part 382.
- C. This policy is intended to bring the District into compliance with state law. The purpose of the controlled substance and alcohol policy is to reduce accidents that result from the use of controlled substances and misuse of alcohol, thereby reducing fatalities, injuries, and property damage.
- D. Implementation of the controlled substance and alcohol policy was effective for 50 or more drivers on January 1, 1995. The policy was effective for less than 50 drivers on January 1, 1996.

SECTION II. RESPONSIBILITIES

- A. Controlled Substance and Alcohol Program Coordinator: Appendix A contains the name, address, and phone number of the individual(s) designated by the District to answer driver questions related to the policy or implementation of the policy.
- B. Supervisors: Supervisors are responsible for observing the performance and behavior of drivers and observation/documentation of events suggestive of behavior that is prohibited by this part (i.e. controlled substance use and/or alcohol misuse). It is the supervisor’s responsibility to determine when testing for controlled substances and/or alcohol is necessary, based on reasonable cause.
- C. Drivers: Each driver has the responsibility to be knowledgeable of the requirements of the District's controlled substance and alcohol policy and to fully comply with the provisions of the policy. (See Section IV for the categories of drivers subject to this policy).

SECTION III. DEFINITIONS

For purposes of this controlled substance and alcohol policy the following definitions apply:

- A. Accident –Federal Motor Carrier Regulation 390.5 defines an accident as an occurrence involving a commercial motor vehicle operating on a highway in interstate or intrastate commerce which results in:
 - 1. A fatality;
 - 2. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or

3. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other vehicle.

The term accident does not include:

1. An occurrence involving only boarding and alighting from a stationary motor vehicle; or
2. An occurrence involving only the loading or unloading of cargo.

- B. Commercial Driver's License (CDL) - means a license issued by a State or other jurisdiction, in accordance with the standards contained in the FMCSA regulations, 49 CFR Part 383, to an individual which authorizes the individual to operate a class of commercial motor vehicle.
- C. Commercial Motor Vehicle (CMV) - means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle -
1. 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
 2. Has a gross vehicle weight rating of 26,001 or more pounds; or
 3. Is designed to transport 16 or more passengers, including the driver; or
 4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).
- D. Consortium - means an entity, including a group or association of employers or contractors that provides alcohol or controlled substances testing required by the FMCSA regulations, and acts on behalf of the employers.
- E. Driver – Any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and independent owner-operator contractors, who are either directly employed by, or under lease to, an employer or who operate a commercial motor vehicle at the direction of or with consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.
- F. Fail a Controlled Substance Test or Test Positive – the confirmation test result shows positive evidence of the presence under DOT procedures of a prohibited drug in the driver's or applicant's system.
- G. Pass a Controlled Substance Test or Test Negative – that initial testing or confirmation testing under DOT procedures does not show evidence of the presence of a prohibited drug in the driver's or applicant's system.
- H. Pass an Alcohol Test or Test Negative – The driver's alcohol level is .019 or less.
- I. Performing (a safety-sensitive function) - means 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.

- J. Prohibited Drug – marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.
- K. Refusal to Submit (to an alcohol or controlled substance test) – means that a driver (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with these regulations, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with these regulations, or (3) engages in conduct that clearly obstructs the testing process.
- L. Safety sensitive function (Covered Function) - means any of those on-duty functions as described in 49 CFR part 395.2 *On-duty time*. On duty time commences at the time a driver begins to work or is required to be in readiness to work, until the time he/she is relieved from work and all the responsibility for performing work.
- M. SAMHSA - Substance Abuse and Mental Health Services Administration (formerly National Institute on Drug Abuse) was established by the Department of Health and Human Services (DHHS) in 1986 to regulate laboratories performing analytical tests (drug tests) on human body fluids for employment purposes in the public sector.
- N. Substance Abuse Professional - means a licensed physician (Medical Doctor or Doctor of Osteopathy), a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of, and clinical experience in, the diagnosis and treatment of alcohol and controlled substances-related disorders.

SECTION IV. WHO IS COVERED BY THIS POLICY

A. Categories of Drivers

This policy applies to every person who operates a commercial motor vehicle in interstate or intrastate commerce, and is subject to the commercial driver's license requirements. (Commercial Motor Vehicle and Commercial Driver's License definitions are located in Section III.) The following categories of drivers are subject to this policy: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and independent owner-operator contractors, who are either directly employed by, or under lease to, an employer or who operate a commercial motor vehicle at the direction of or with consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

B. Time Period Testing Is Conducted

Performing a safety sensitive function means a driver is considered to be performing a

safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. A driver may be sent to be tested for controlled substances at any time during the driver's shift. Testing for alcohol must take place just before, during, or just after performing a safety sensitive or covered function.

SECTION V. NOTIFICATION TO DRIVER

A copy of the controlled substance and alcohol policy is distributed to each driver prior to the start of alcohol and controlled substances testing and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.

1. The District must notify the driver(s) that the alcohol or controlled substances test is required.
2. The District provides written notice to representatives of employee organizations of the availability of this policy.
3. Each District shall post the policy in a prominent location that is readily accessible to all covered drivers.
4. All covered drivers will be provided with a complete copy of the controlled substance and alcohol policy. Each driver may obtain, upon request, an additional copy of this policy for review by contacting the District Controlled Substance and Alcohol Program Coordinator.
5. Each driver will be required to sign a *certificate of receipt* certifying that he/she has received, read, and understand a copy of the controlled substance and alcohol policy. (See Appendix C)

SECTION VI. TESTING PROCEDURES

The following sections describe the procedures used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that the results are attributed to the correct driver.

A. Specimen Collection Requirements For Controlled Substance And Alcohol Testing

1. All specimen collections for controlled substances and alcohol are performed according to the specific guidelines as designated in 49 CFR, part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. A urine specimen will be collected to test for controlled substances and a breath sample will be collected to test for alcohol.
2. Preparation for each test includes proper training of collection personnel in order to assure the integrity of the testing process, safeguard the validity of the test results and ensure that those results are attributed to the correct driver. Instruction includes proper chain of custody completion, proper restroom control, employee ID verification, storage of specimens, and mechanism of secure and timely

transport of specimens to the laboratory.

3. In the event of the need for an emergency collection for post-accident or for cause testing (See Section VII B and D), the employee is brought to a collection site or arrangements are made for a mobile collector.
4. Alcohol tests will be administered using an Evidential Breath Testing Device (EBT) that is on the Conforming Products List published by the National Highway Traffic Safety Administration (NHTSA). The tests will be performed by a certified Breath Alcohol Technician (BAT).

B. Substances For Which Testing Must Be Conducted

The District will test for evidence of the following substances:

- Marijuana (THC)
- Cocaine Metabolites
- Amphetamines
 - Amphetamine
 - Methamphetamine
 - MDMA (Ecstasy)
 - MDEA (Ecstasy)
 - MDA (Ecstasy)
- Opiate Metabolites
 - Codeine
 - Morphine
 - 6-AM (Heroin)
- Phencyclidine (PCP)

The presence of these drugs is determined by laboratory analysis of a driver's urine specimen.

Breath analyzed for alcohol

An evidential breath testing device is used to test drivers for the presence of alcohol.

C. Drug Testing Laboratory

1. The District shall use a drug testing laboratory certified under DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; 53 FR 11970, April 11, 1988, and subsequent amendments.
2. The laboratory shall provide services in accordance with Part 40 and Part 382. The samples will be tested according to the Federal Regulations. Screening is performed using FDA approved immunoassay tests and confirmations of positives are performed by gas chromatography/mass spectroscopy (GC/MS). In addition, all specimens are screened for adulterants. Positive specimens are stored for one (1) year to assure availability for retesting. Additionally, all records will be maintained in accordance with the Federal Regulations.

3. The chain-of-custody form and tamper evident bag preserves specimen integrity and provides a record of specimen transfer from the collection to the arrival at the laboratory. The laboratory also maintains an internal chain-of-custody that records and documents the handling of the specimen from the time it enters the laboratory. Chain-of-custody work sheets document all internal handling procedures up to and including the ultimate disposal of the sample.
4. The results of the tests are transmitted to the Medical Review Officer. Negative results are typically transmitted within 24 hours and positive results within 48 to 72 hours. In the event of a positive, adulterated, invalid, or substituted result, the MRO will contact the employee directly. The MRO will notify the employee of his/her right to test the split sample. If the employee so requests, the MRO contacts the laboratory and instructs them to send the specimen to a second laboratory for analysis.

D. Confidentiality

All records are held in the strictest confidence. Records will not be released to any party other than the employer without the express written consent of the employee, except as required by the Federal Regulations.

SECTION VII. TYPES OF TESTS REQUIRED

A driver must submit to alcohol and controlled substances tests administered as described in the following sections.

A. Pre-Employment Testing

A pre-employment controlled substance test must be conducted before the first time a driver performs a safety sensitive function. A driver must also take a pre-employment controlled substance test when he/she transfers to a safety-sensitive position. This also applies to a driver returning from a leave of absence for more than 30 days due to illness, lay-off, and injury, etc., who has not participated in the controlled substance program and therefore, has not been subject to the random selection process. A negative test result is required prior to performing safety-sensitive functions.

1. Exception To Pre-Employment Controlled Substance Testing

A driver would not be required to take a pre-employment controlled substance test if the District verifies the following:

- a. The driver has participated in a controlled substance testing program that meets the requirements of this policy within the previous 30 days; and
- b. While participating in this program, was tested for controlled substances within the past six months or participated in a random program for the previous 12 months; and

- c. The District verifies with the driver's previous employers that within the past three (3) years the driver has not violated any part of this policy, nor has he/she violated the rules of other DOT agencies.

B. Post-Accident Testing

1. Following an accident, (including those defined by the Federal Motor Carrier Regulations 390.5 - See Section II), involving a Commercial Motor Vehicle, a post-accident controlled substances and alcohol test will be administered to each driver:
 - a. Who was performing safety sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
 - b. Who receives a citation under State or local law for a moving traffic violation arising from the accident,
 - c. Who was performing safety sensitive functions with respect to the vehicle, if the accident involved:
 - 1) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
 - 2) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
 - d. Whose performance cannot be excluded as a contributing factor based on information available at the time of the accident.
2. Controlled substances test - The driver must be tested for controlled substances as soon as possible but no later than 32 hours after the accident. If a driver is not tested for controlled substances within 32 hours after an accident, the District shall maintain a record stating the reasons why the test was not administered.
3. Alcohol test - The driver must be tested for alcohol as soon as possible but no later than 8 hours following an accident. If a driver is not tested for alcohol within 2 hours after an accident, the District shall maintain a record stating the reasons why the test was not administered promptly.
 - Records of alcohol tests that could not be completed in eight hours shall be submitted to the FMCSA upon request.
4. The District will provide the driver with information on how to comply with post-accident procedures prior to operating a commercial motor vehicle, so that drivers will be able to comply with the regulations.
5. Post-accident breath, urine or blood tests completed by local, state, or federal officials may fulfill the requirements of this policy.
6. A driver who is subject to post-accident testing must remain readily available for

such testing or may be deemed by the District as refusing to submit to testing. However, this requirement should not delay necessary medical attention for injured people following an accident or prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident.

C. Random Testing

1. The regulations require that safety-sensitive drivers shall be subject to controlled substance and alcohol testing on an unannounced and random basis. The District shall conduct a number of controlled substance tests equal to at least 50 percent of all covered drivers and alcohol tests equal to at least 10 percent of all covered drivers each calendar year, spread reasonably over a 12-month period. The selection of drivers to be tested shall be made by a scientifically valid method, such as a computer generated random selection, and each driver shall have an equal chance of being tested each time the selection is made.
2. Once the driver has been notified that he/she has been selected for testing, he/she must proceed to the collection site immediately.
3. Alcohol tests will be performed only just before, during, or just after performing a safety sensitive function.

D. Reasonable Suspicion Testing

Reasonable suspicion testing of a driver is required when there is reasonable suspicion to believe that the driver has violated the prohibitions of this policy (as described in Section IX). A supervisor or District official, who is trained in detection of the possible symptoms of controlled substance use and/or alcohol abuse, shall make the decision to test the driver.

1. Controlled Substances

- a. The determination that reasonable suspicion exists will be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indication of the chronic and withdrawal effects of controlled substances.
- b. A driver may be asked to submit to a reasonable cause controlled substance test at any time during the work period.

2. Alcohol

- a. The determination that reasonable suspicion exists will be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

- b. Alcohol tests for reasonable suspicion must be requested before, during, or just after the driver performs a safety sensitive function.
- c. The supervisor that makes the determination to test the driver may not administer the alcohol test.
- d. The driver will not be permitted to return to duty to perform safety-sensitive functions until:
 - 1). An alcohol test is administered with a result of less than .02, or
 - 2). Twenty-four hours have elapsed from the time the determination of reasonable suspicion was made.

3. Supervisor Training

Supervisory personnel responsible for those drivers covered under Part 382 will receive training under the controlled substance and alcohol policy. The training shall include at least one 60-minute period of training on alcohol misuse and at least an additional 60 minutes of training on controlled substances use. The training shall cover the specific, contemporaneous physical, behavioral, and performance indicators of probable controlled substance use and alcohol use, respectively. This training shall be for supervisors who may determine whether a driver must be tested for reasonable suspicion.

E. Return-to-Duty Testing

Each driver that has violated the prohibited conduct standards related to controlled substances and/or alcohol shall be tested for controlled substances and/or alcohol respectively, before returning to his/her safety sensitive function. The test results must indicate a verified negative result for controlled substances and/or an alcohol concentration of less than 0.02. Beginning on August 31, 2009, it is MANDATORY that all RETURN-TO-DUTY tests be collected under direct observation. The observers must check for prosthetic and other devices that could be used to cheat a drug test. The process for a direct observation collection is as follows: The observer requests the employee to raise his or her shirt, blouse or dress/skirt, as appropriate, above the waist, just above the navel: and lower clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have such a device.

F. Follow-up Testing

Following a determination by a Substance Abuse Professional (SAP) that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the employer shall ensure that the driver is subject to unannounced follow-up controlled substance and/or alcohol testing. The number and frequency of such testing shall be as directed by the SAP, and consist of at least six tests in

the first twelve months following the driver's return to duty. The SAP may direct the District to extend the follow-up testing for up to 60 months after the driver returns to duty. The Substance Abuse Professional will determine whether both a drug and alcohol test is required prior to returning to duty.

Beginning on August 31, 2009, it is MANDATORY that all FOLLOW-UP tests be collected under direct observation. The observers must check for prosthetic and other devices that could be used to cheat a drug test. The process for a direct observation collection is as follows: The observer requests the employee to raise his or her shirt, blouse or dress/skirt, as appropriate, above the waist, just above the navel: and lower clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have such a device.

SECTION VIII. PROHIBITED CONDUCT

A. Refusal To Submit To An Alcohol Or Controlled Substance Test

As an employee, you have refused to take a drug test if you:

1. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer;
2. Fail to remain at the testing site until the testing process is completed: Provided, that an employee who leaves the testing site before the testing process commences for pre-employment test is not deemed to have refused to test;
3. Fail to provide a urine specimen for any drug test required by this part of DOT agency regulations; Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
4. In the case of a directly observed or monitored collection in a drug test, fail to permit the observation or monitoring of your provision of a specimen;
5. Fail to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fail or decline to take an additional drug test if the employer or collector has directed you to take;
7. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER. In the case of a pre-employment test, the employee is deemed to have refused to test on the basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test: or
8. Fail to cooperate with any part of the testing process (e.g. refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
9. For an observed collection, fail to follow the observer's instructions to raise your

clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.

10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process
11. Admit to the collector or MRO that you adulterated or substituted the specimen.
 - a. As an employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
 - b. As an employee, if you refuse to take a drug test. You incur the consequences specified under DOT agency regulations for a violation of those DOT agency regulations.

B. Prohibited Conduct Related To Controlled Substances

1. No driver shall report for duty or remain on duty performing a safety sensitive function when the driver uses any controlled substance, except when the substance is prescribed by a physician, and the physician informs the driver that the substance does not adversely affect the driver's ability to perform the safety sensitive function.

No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.

2. No driver shall report for duty, remain on duty, or perform a safety sensitive function after testing positive for a controlled substance or having adulterated or substituted a test specimen for controlled substance.

C. Prohibited Conduct Related To Alcohol

1. No driver shall report to duty or remain on duty requiring the performance of a safety sensitive function with a breath alcohol concentration level of 0.04 or greater.
2. No driver shall use alcohol while performing a safety sensitive function.
3. No driver shall possess alcohol while on duty or operating a CMV.
4. No driver shall perform a safety sensitive function within 4 hours after using alcohol.
5. No driver shall use alcohol within 8 hours after an accident, or until an alcohol test has been completed, whichever comes first.

D. Other Alcohol-related Conduct

1. No driver who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall perform or continue to perform safety sensitive functions for

an employer, nor shall the driver be permitted to perform or continue to perform safety-sensitive functions, until the start of the next regularly scheduled duty period, but not less than 24 hours following administration of the test. Galt Joint Union School District would determine any additional consequences that would be imposed in such a situation.

2. Except as provided in paragraph 1 above, no employer shall take any action against a driver based solely on test results showing an alcohol concentration less than 0.04.

SECTION IX. – EFFECTS, SIGNS AND SYMPTOMS OF ABUSE (PERFORMANCE INDICATORS)

A. Effects of Alcohol and Controlled Substances Use

In order to comply with the regulations, the motor carrier must ensure that District officials and supervisors are capable of recognizing the “at risk” employee, without overreacting to unfounded suspicions of drug use that would infringe on an employee’s rights of privacy and confidentiality. Alcohol and controlled substances use may affect an employee’s health, work and personal life. Substance abuse, whether on or off the job, can impair the ability of drivers to safely operate motor vehicles and perform other duties. It can bring great harm to the user’s fellow employees, employer, family, and other members of society. An anti-drug and alcohol program should ensure that employers, supervisors, and drivers understand these implications and recognize the telltale signs of drug use.

B. General Signs and Symptoms of an Alcohol or Controlled Substances Problem

The first indicators of drug use and/or alcohol misuse are usually changes in general performance and behavior, such as deterioration in productivity, quality of work, and attitude. However, these indicators may erroneously point to substance abuse because they are similar to the effects of non-drug and alcohol related problems such as job stress, overwork, fatigue, or emotional problems. Moreover, non-drug related problems may be compounded by drug use or alcohol misuse. Thus, it is critical that drivers and supervisors be trained to recognize the various signs and symptoms as well as their limitations as indicators of drug and alcohol misuse.

1. General Indicators of Substance Abuse:

- **Absenteeism.** Tardiness or excessive use of sick leave may be observed. Drug and alcohol affected employees are absent an average of two or three times more often than the non-drug using employee.
- **Staff turnover.** Chemically dependent people have disorganized lives. Many quit rather than face detection. Others transfer or are fired for poor and unsafe performance.
- **Lower productivity.** Studies have shown drug and alcohol affected employees perform at about two-thirds of their actual work potential. Thus, any change in

productivity not attributable to other factors may be suspect.

- **Equipment breakdown.** Substance-abusing employees often do not adequately maintain their vehicles, because they either lose interest in their jobs, or look forward to having their equipment declared out of service as a means of avoiding work.
- **Poor work quality.** Shoddy work, rework, and material waste may be evident. In drivers, decreased mental and physical agility and concentration caused by substance abuse could result in greater numbers of traffic violations, passenger complaints, missed schedules and more traffic accidents (both non-reportable and reportable).
- **Poor morale.** Chronic drug abuse often creates wide mood swings, anxiety, depression, and anger. Non-drug using employees often see drug abusers as poor team workers and safety hazards.
- **Increased accidents and near misses.** Impaired employees are 3.6 times more likely to be involved in an accident. Even small quantities of drugs in the system, as well as the hangover effect, can cause a deterioration of alertness, clear-mindedness, and reaction time.
- **Theft of equipment and material.** Drugs are expensive. Cocaine costs up to \$135 a gram. One ounce of high potency marijuana costs \$85 to \$125. Coinciding with the drug abusers' need for money is the distortion of their value systems and judgment caused by the drug. These changes erode their loyalty and dedication to their employers.

Observing these indicators may be complicated because drug and alcohol-abusing employees often develop survival skills to make recognition more difficult. Initially, these performance indicators are best addressed through the routine performance monitoring and correction processes. Typically, a supervisor may confront an employee regarding job performance. This confrontation is based on objective, documented information related to performance deterioration, not the specific signs of substance abuse.

2. Physical Evidence of Use

- **Paraphernalia.** Needles, balloons, aluminum foil wrappers, cocaine sniffing tools, marijuana smoking pipes and holders, and drug containers obviously not used for legitimate purposes.
- **Presence of drugs.** Plastic sandwich bags of marijuana, small containers of tablets or capsules, vials or envelopes of powder, or empty beer, wine and liquor bottles

3. General Physical and Mental Effects of Drug Use

The physical and mental effects of substance abuse occur not only during intoxication (from under 1 hour to 24 hours after intake), but also show up in residual hangovers, fatigue rebounds, and mental impairment.

Physical and mental effects may include:

- Slow reactions
- Poor coordination
- Fatigue
- Delayed decision making
- Erratic judgment
- Confusion
- Learning difficulty
- Refusal to accept authority
- Poor memory
- Loss of concentration
- Depression or anxiety
- Difficulty in sorting out priority tasks from non-essential activity
- Neurotic or psychotic behavior

4. Behavioral Signs of Substance Abuse

General performance or behavior problems with an employee may indicate the involvement of drug or alcohol use. Examples of such behaviors include:

- A sudden change, usually for the worse, in attitude, work performance or behavior
- A “lackadaisical” or “I don’t care” attitude (often an indication of marijuana use)
- Deteriorating or erratic performance
- Hangover symptoms
- Drug culture jargon
- Secretive behavior (e.g., inappropriate whispering, wearing sunglasses indoors)
- Forgetfulness, indecision, and erratic judgment
- Impulsive and temperamental behavior
- Changes in personal appearance and hygiene
- Jitters, hand tremors, hyper excitability
- Carelessness
- Sleeping on the job
- Wanting to be alone, avoiding “straight” (non-substance abusing) workers.

Each symptom, by itself, may point to problems other than drug abuse. But, when a pattern begins to develop the supervisor or manager needs to be alert and act quickly. When fueled by drug or alcohol abuse, these behaviors can lead to greater absenteeism, higher operating costs, and a definite increase in accidents and health care costs.

5. Physical Symptoms of Substance Abuse

Observable physical signs and symptoms usually are not apparent until the employee’s abuse of drugs or alcohol has reached an advanced level. At advanced stages of drug use, the employee is less able to disguise the physical indicators, and often becomes careless because of a clouded mental state. Specific signs include:

- Blood spot on shirt-sleeves (indicating intravenous needle use)
- Bloodshot or watery eyes (usually caused by marijuana use)
- Changes in speech (e.g., slowed, slurred, or incoherent)
- Racing heart, irregular rhythms (cocaine and amphetamines often cause the heart to react unpredictably)
- Runny nose or sores around the nostrils (caused by chronic snorting)

- Hand tremors
- Intoxicated behavior, (e.g., swaying, staggering)
- Odor of alcohol on breath
- Odor of marijuana smoke
- Actual on-the-job, out-in-the open drug use
- Poor coordination
- of cocaine)
- Slow reactions
- Unsteady gait
- Very large or small pupils (Narcotics and depressants will cause the pupils to constrict. Cocaine and amphetamines will cause the pupils to dilate).

6. Common Job Sites where Drugs Are Used

Drug users tend to frequent certain job sites, which either allow for the privacy necessary to prevent detection or the anonymity, which may be provided by the cover of a crowded area. Some common areas include:

- Lunchroom and lounge areas
- Equipment or storage rooms
- Parking lots, cars, or other vehicles
- Remote areas of the worksite
- Restrooms

SECTION X. – STEPS FOR SUPERVISOR INTERVENTION

<p>STEP ONE - INFORM</p>	<p>It is important to ensure that employees be aware of the drug and alcohol policy.</p>
<p>STEP TWO - OBSERVE</p>	<p>The earlier a problem is identified and acted upon, the better the chances of resolution. The key to such identification often lies in changes in job performance or job related behavior. Accidents on or off the job are often caused by lack of concentration. This along with equipment damage and excessive use of sick leave are frequent signs of personal problems that can interfere with work performance. Other examples are difficulties with others, moodiness or mood swings as well as decline in productivity.</p>
<p>STEP THREE - DOCUMENT</p>	<p>It is important to document events so that a developing problem can be more easily identified. It is also vital to the confrontation process. When documenting, specific descriptive information should be recorded so that when action is taken objective data along with times and dates are available.</p>
<p>STEP FOUR - TAKE ACTION</p>	<p>Preparation: Often when a problem first appears, we hope it will go away by itself. A good rule is to consider intervention as soon as we think a pattern is developing.</p> <p>Confrontation: Confrontation should allow for the worker’s privacy and confidentiality to be protected. Remember in a confrontation, it is extremely important to observe the following: Express concern to facilitate trust and communication. Be specific about the problem - use your documentation-DO NOT ACCUSE OR DIAGNOSE - Stick to job related issues. Explain the consequences of the behavior. Keep calm. Don’t be manipulated by excuses and don’t back down.</p>

SECTION XI. CONSEQUENCES FOR PROHIBITED CONDUCT

- A. A driver that engages in prohibited conduct as detailed in Section VIII of this policy shall be removed from performing safety-sensitive functions.
- B. A driver will not be hired if he/she refuses to submit to a pre-employment controlled substance or alcohol test.
- C. A driver will be removed from a safety-sensitive function if he/she refuses to submit to a post accident, reasonable cause, random, or follow-up, controlled substance and/or alcohol test.
- D. A positive alcohol breath test between .02 and .04 will result in the removal of the driver from the safety-sensitive function for twenty-four hours.
- E. Drivers may be subject to additional discipline as determined by District policy.
- F. In addition, the District will provide for referral, evaluation and treatment as described below.

SECTION XII. REFERRAL, EVALUATION, AND TREATMENT

- A. Drivers who have engaged in conduct prohibited by this policy will be:
 - 1. Provided resources for evaluating and resolving problems associated with alcohol misuse and controlled substance use, including names addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.
 - 2. Evaluated by a Substance Abuse Professional (SAP) who will recommend assistance, if necessary, for the driver to resolve problems associated with alcohol misuse and controlled substance use.
 - 3. Evaluation and rehabilitation may be provided by the employer, the employer's SAP, or an SAP not affiliated with the employer, in accordance with employer/driver agreements and District policy. The employer must assure that there is no conflict of interest incumbent to the referral to the SAP.
- B. Before a driver returns-to-duty requiring the performance of a safety sensitive function, after engaging in conduct prohibited by this policy, he/she must undergo a return-to-duty drug and alcohol test with a result of less than 0.02 or a controlled substances test with a verified negative result.
- C. Each driver identified as needing assistance shall be evaluated by the SAP to determine that the driver has properly followed any rehabilitation program prescribed.
- D. Following a determination by a Substance Abuse Professional (SAP) that a driver is in

need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the employer shall ensure that the driver is subject to unannounced follow-up (mandatory direct observation collection) controlled substance and/or alcohol testing. Any such testing is performed in accordance with the requirements of 49 CFR Part 40. The number and frequency of such testing shall be as directed by the SAP, and consist of at least six tests in the first twelve months following the driver's return to duty. The SAP may direct the District to extend the follow-up (mandatory direct observation collection) testing for up to 60 months after the driver returns to duty. Follow up testing shall not exceed 60 months from the date of the driver's return to duty.

SECTION XIII. MEDICAL REVIEW OFFICER

- A. The MRO shall be a licensed physician with knowledge of substance abuse disorders. The function of the MRO is to review all negative and positive controlled substance test results. The MRO interviews drivers who test positive before results are transmitted to the District. A positive test result does not automatically identify a driver/applicant as having used controlled substances in violation of a DOT regulation. An individual with a detailed knowledge of possible alternate medical explanations is essential to the review of results.
- B. The role of the MRO is to review and interpret confirmed positive test results obtained through the Galt Joint Union School District testing program. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive, substituted or adulterated test result. This action could include conducting a medical interview with the individual and review of the individual's medical history, or review of any other relevant biomedical factors. The MRO shall review all medical records made available by the tested individual when a confirmed positive test could have resulted from legally prescribed medication. The MRO shall not, however, consider the results of urine samples that are not obtained or processed in accordance with DOT regulations.
- C. The MRO shall notify each employee who has a confirmed positive, adulterated or substituted test that the employee has 72 hours in which to request a test of the split specimen, if the test is verified as positive, adulterated or substituted. If the employee requests an analysis of the split specimen within 72 hours of having been informed of a verified positive test, the MRO shall direct, in writing, the laboratory to provide the split specimen to another DHHS-certified laboratory for analysis.
- D. The District has contracted with an MRO for the controlled substance testing program in accordance with the requirements of Parts 40.33 and 382. A listing of the District's MRO(s) which includes their name(s) and address(s) is contained in Appendix A.

SECTION XIV. CONFIDENTIALITY

- A. Release of Driver's Test Results
 - 1. Information regarding the driver's test results will not be released, except to the District, without the driver's written consent excepted as noted in 3, 4 and 5 below.

2. All records regarding the driver's controlled substance and alcohol test results are available to the driver at any time, upon written request. A driver may also, upon written request, have records released to subsequent employers or other individuals identified by the driver.
3. Access to records shall be permitted to the Secretary of Transportation, any DOT agency, or any state or local officials with regulatory authority over the employer or any of its drivers.
4. When required as part of an accident investigation, records regarding the District's administration of post-accident alcohol and controlled substances tests shall be made available to the National Transportation Safety Board.
5. The District may disclose records maintained as part of this policy pertaining to a driver, to the decisionmaker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the driver, and arising from the results of an alcohol and/or controlled substance test administered as per this drug and alcohol policy, or from the District's determination that the driver engaged in prohibited conduct (including but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver.

B. Previous Employer's Test Results

1. A District may obtain, with the driver's written consent, any records relating to this drug and alcohol policy, from the previous employer.
2. A District must obtain all positive test results for controlled substances and alcohol and records of refusal to test within the preceding two years. These records shall be obtained, with the driver's consent, from the driver's previous employer.
3. These records must be obtained and reviewed no later than 14 calendar days after the first time the driver performs a safety-sensitive function. If the records have not been obtained within fourteen days, the driver will not be permitted to continue to perform a safety-sensitive function.
4. A District may not use a driver to perform safety-sensitive functions if the employer obtains information on the driver's alcohol test with a concentration of .04 or greater, verified positive controlled substances test result, or refusal to be tested, by the driver, without obtaining information on a subsequent substance abuse professional evaluation and/or compliance with the return-to-duty testing section of this policy.

SECTION XV. SUBSTANCE ABUSE PROFESSIONAL

- A. The Substance Abuse Professional (SAP) provides information to the drivers regarding the following issues:

1. Effects of alcohol/controlled substance use on an individual's health, work, and personal life;
 2. Signs and symptoms of an alcohol or controlled substances problem;
 3. Methods of intervening when an alcohol or controlled substance problem is suspected; and
 4. Counseling and treatment programs available for controlled substances and alcohol.
- B. The SAP for the District is included in Appendix A.

APPENDIX A

CONTROLLED SUBSTANCE AND ALCOHOL PROGRAM PERSONNEL AND SERVICES

1. DISTRICT CONTROLLED SUBSTANCE AND ALCOHOL PROGRAM COORDINATOR

Galt Joint Union School District Transportation Supervisor
1019 Beaver Park Way
Galt, CA 95632
(209) 745-1059

2. MEDICAL REVIEW OFFICER (MRO)

Dr. Barbara L. Pohlman, MRO
525 Cabrillo Park Drive
#250
Santa Ana, CA 92701
(714) 852-5200
(714) 852-5201 Fax

3. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES (SAMHSA formerly NIDA) LABORATORY

Quest Diagnostics Laboratory

4. SUBSTANCE ABUSE PROFESSIONAL

Refer to Galt Joint Union School District Health Benefit Plans as appropriate.

APPENDIX B

**EMPLOYEE/SUPERVISORY POSITIONS SUBJECT TO
CONTROLLED SUBSTANCE AND ALCOHOL TESTING
(JOB TITLES)**

- 1. Transportation Supervisor**
- 2. Mechanic**
- 3. Bus Driver**
- 4. Dispatcher**
- 5. Trainer/Dispatcher**

APPENDIX C

CERTIFICATE OF RECEIPT

CONTROLLED SUBSTANCE AND ALCOHOL POLICY

GALT JOINT UNION ELEMENTARY SCHOOL DISTRICT

GALT JOINT UNION HIGH SCHOOL DISTRICT

I, _____ have been given a copy of my District's controlled
(EMPLOYEE PRINTED NAME)

substance and alcohol testing policy.

I understand that if I violate the prohibited conduct rules of this policy, I will be removed from my safety-sensitive position and not be allowed to return to that position until I have complied with the return-to- duty provisions provided in this policy.

Employee Printed Name

Employee Signature

Witness

Date