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D300

ALCOHOL AND CONTROLLED SUBSTANCE POLICY FOR COMMERCIAL DRIVER'S LICENSE (CDL) AND SAFETY SENSITIVE POSITIONS

It is the policy of the Frankin Community School Corporation that its drivers (CDL Drivers) and employees in safety sensitive positions be free of substance abuse and alcohol abuse. Employees who hold a CDL license (Commercial Driver's License) and who drive a school bus or other vehicle that qualifies under 49 C.F.R. Part 382, and employees in safety sensitive positions, must participate in the Corporation's controlled substance and alcohol testing program. Participation in this program is a requirement of each qualified employee and is a condition of employment. A copy of this policy and information packet regarding the harmful effects of controlled substances and alcohol (Drivers Packet) will be provided to all employees. The Transportation Director is designated to answer questions regarding this policy.

FCSC Transportation
Director: 317-346-8770
750 E. Street Rd. 44, Franklin, IN 46131

SAFETY-SENSITIVE FUNCTION (Categories of employees subject to testing)

A driver or employee in a safety sensitive position may be tested at any time s/he performs a safety sensitive function. ***Safety-sensitive function*** includes all time spent either waiting to be dispatched; inspecting equipment or otherwise inspecting, servicing, and/or conditioning any commercial motor vehicle; driving; in or upon a commercial motor vehicle; loading/unloading a vehicle, supervising or assisting in the loading/unloading process, attending a vehicle being loaded/unloaded, remaining in readiness to operate a vehicle, or giving or receiving receipts for shipments loaded/unloaded; performing accident-related duties; or repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. A supervisor, mechanic or clerk, etc., who is on call to perform safety-sensitive functions may be tested at any time they are on call, ready to be dispatched while on-duty (§382.305).

TESTING PROGRAM

Participation includes initial screening for existing employees, pre-employment screening, participation in a random testing program, post-accident analysis, return to duty testing, and follow-up testing associated with alcohol or controlled substance misuse, and employees who are suspected of controlled substance and/or alcohol use. Any driver who tests positive will be subject to a minimum of six (6) follow-up tests in the first twelve (12) months. The follow-up testing period shall not exceed sixty (60) months.

All individuals hired for safety-sensitive positions will be subject to a pre-employment query of the Commercial Driver's License Drug and Alcohol Clearinghouse prior to beginning employment. In addition, all individuals hired for safety-sensitive positions will be subject to a pre-employment screening.

Refusal to submit to alcohol/controlled substance testing will be recorded as a positive test. An employee refuses to take a drug test if they fail to appear for a test within a reasonable amount of time; fail to remain at the testing site until the testing process is complete; fail to provide a urine specimen or sufficient specimen without an adequate medical explanation for the failure; fail to permit the observation or monitoring of the provision of a specimen; fail to take an additional drug test as directed by the Corporation or a collector; fail to undergo a medical evaluation as directed by the Medical Review Officer (MRO); fail to cooperate; fail to follow directions during collection; or is reported by the MRO as having a verified adulterated or substituted test result.

It is incumbent on the driver to report to his/her supervisor use of any prescription or over-the-counter controlled substances that may affect job performance or the safety of others.

Transportation supervisors and mechanics will be trained in the detection of alcohol and controlled substance use. Information obtained in the course of testing drivers is confidential and will not be made part of the driver's personnel file or made available to a third party (excluding corporation legal counsel) without direct written consent of the driver.

If a driver is involved in an accident while driving a Corporation vehicle, the driver must immediately contact the Supervisor regarding appropriate transport and testing under the DOT post-accident testing protocols.

The Corporation will strictly adhere to all standards of confidentiality and assures that drivers' testing records and results will be released only to those authorized under §382.405.

Detailed information on the following Corporation testing procedures can be found in the Corporation's FMCSA/DOT DRUG AND ALCOHOL TESTING PROGRAM Manual, which is incorporated into this policy by reference and will be the subject of annual training for transportation staff:

- Procedure for performance of controlled substance tests, including split specimen collection and analysis for controlled substances
- Procedure for performance of alcohol tests, including whether breath or saliva screening tests will be performed
- Employee privacy protections
- Testing process integrity
- Procedures for assuring test results will be attributed to the correct driver

The following is the contact information for the Medical Review Officer:

Director of Health Services
998 Grizzly Cub Drive
Franklin, IN 46131
317-346-8747

DRIVERS WITH AN ALCOHOL CONCENTRATION OF 0.02 OR GREATER BUT LESS THAN 0.04

Consistent with 49 C.F.R. 382.505, any driver who has an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform or continue to perform safety-sensitive functions for an employer until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. No employer shall take any action against a driver based solely on test results showing an alcohol concentration of less than 0.04. This provision is listed in compliance with Federal Motor Carrier Safety Administration ("FMCSA") regulations and does not prohibit the Corporation from taking any action otherwise consistent with the law.

No action shall be taken under FMCSA or DOT authority against the driver based solely on test results showing an alcohol concentration of less than 0.02. Alcohol concentration results of less than 0.02 are considered negative for the purposes of this employer testing program. No employer may penalize a driver based on a test result of less than 0.02 alcohol concentration conducted under Federal requirements.

COSTS

All Corporation employees who test positive for controlled substances and/or alcohol, will assume responsibility for all incurred testing fees. This includes positive results on Pre-employment, Probable Cause, Random, Post-Injury and Post-Accident testing.

All employees who request that split specimens be forwarded to another laboratory will be responsible for the cost.

Any employee who tests positive and is referred for an evaluation by a Substance Abuse Professional (SAP), will be required to incur the costs for the Return to Duty testing and all Follow-up testing required by FMCSA/DOT and/or Corporation. Corporation will pay for all negative controlled substance and alcohol testing.

PROHIBITED BEHAVIOR

The following shall be considered "prohibited conduct" for purposes of this policy:

- No employee shall report for duty or remain on duty while having an alcohol concentration greater than 0.00.

- No employee shall use alcohol while performing safety-sensitive functions.

- No employee shall perform safety-sensitive functions within eight (8) hours after using alcohol. FMCSA regulations require four (4) hours; however, the Corporation is choosing a more stringent requirement for the safety of all students.

- No employee required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

- No employee shall refuse to submit to a post-accident, a random, a reasonable suspicion, return-to-duty, follow-up, or post-injury breath alcohol or urine-controlled substance test.

- No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to operate a commercial motor vehicle or perform a safety-sensitive function.

If the Corporation has actual knowledge or has reason to believe that an employee has engaged in prohibited conduct, the Corporation may require the employee to submit to controlled substance and/or alcohol testing. If an employee engages in prohibited conduct, the employee is not qualified to drive a commercial motor vehicle or to perform a safety-sensitive function and shall be immediately removed from service. Corporation may in its discretion, at the request of the employee, keep the employee's position open while such employee attempts to become re-qualified. Corporation may also, at its discretion, take action against the employee up to and including termination.

All employees and other members of the school community are required to report suspicious behavior to their supervisor, the Transportation Director, or the Superintendent.

CONSEQUENCES

The Board mandates that drivers and other employees covered under 49 C.F.R. Part 382, must cooperate with school officials in the execution of Alcohol and Controlled Testing Procedures. Failure to cooperate with school officials or their agent(s) will be considered insubordination and the driver shall be terminated as a driver subject to applicable laws. Drivers or other employees who have a positive controlled substance test result or have an alcohol concentration of 0.04 or greater shall be immediately removed from his or her safety-sensitive function and subject to discipline, which may include termination of employment, an unpaid suspension, or administrative leave/paid suspension. Any driver who has a verified positive controlled substances test result, has an alcohol concentration of 0.04 or greater, or refuses to submit to a test must also be evaluated by a substance abuse professional.

EMPLOYEE TRAINING

Corporation shall provide educational materials that explain the requirements of 49 C.F.R. 382.601, consequences of violating the regulations, materials that explain the harmful effects of alcohol and controlled substance abuse, and the employer's policies and procedures with the respect to meeting these requirements. The materials supplied to employees may include information on the effects of alcohol misuse and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol problem; and available methods of intervening when an alcohol and/or controlled substance problem is suspected; available methods of intervening when an alcohol or controlled substance problem is suspected, including confrontation, referral to any employee assistance program and/or referral to management; additional employer policies with respect to the use or possession of alcohol or

controlled substances, for example, the consequences for an employee found to have a specified alcohol or controlled substances level based on the employer's authority independent of 49 C.F.R. 382.601.

Employees who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis, and may contact the Human Resources Office for a list of available resources.

COMMERCIAL DRIVER'S LICENSE DRUG AND ALCOHOL CLEARINGHOUSE

The Corporation will collect, maintain, and report to the Commercial Driver's License Drug and Clearinghouse the following personal information:

a. A verified positive, adulterated, or substituted drug test result;

b. An alcohol confirmation test with a concentration over 0.00;

c. A refusal to submit to any test required by subpart C of this part;

d. An employer's report of actual knowledge, as defined at 49 C.F.R. 382.107:

e. On duty alcohol use pursuant to 49 C.F.R. 382.205;

f. Pre-duty alcohol use pursuant to 49 C.F.R. 382.207;

g. Alcohol use following an accident pursuant to 49 C.F.R. 382.209; and

h. Controlled substance use pursuant to 49 C.F.R. 382.213;

i. A SAP report of the successful completion of the return-to-duty process;

j. A negative return-to-duty test; and

k. An employer's report of completion of follow-up testing.

The Corporation shall ensure that each employee is required to sign a statement certifying that he/she has received a copy of these materials described in 49 C.F.R. 382.601.

The Superintendent is authorized to develop administrative guidelines to implement this policy.

49 C.F.R. Part 382
Federal Motor Carrier Safety Administration - *Implementation Guidelines for Alcohol and Drug Regulations in Highway Transportation*
FMCSA/DOT Drug and Alcohol Testing Program Manual

Franklin Community School Corporation

Adopted: 5-13-24
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