DRUG AND ALCOHOL TESTING

Training and Awareness for Supervisors and Employees

Coordinator / Director of Drug and Alcohol Testing

919-934-6031 • 919-934-6032
Extension 8015
Introduction

This booklet provides a general overview of the Department of Transportation rules on alcohol misuse and drug use. A review of the effects of alcohol and certain drugs on the body is also included. Throughout this booklet the terms alcohol abuse, drug use and substance abuse are used interchangeably.

Included in this booklet you will receive a copy of your company’s alcohol and drug policy and the name of the person who can answer any questions you may have about the alcohol, drug rules and policies.

Abbreviations and Terms You Should Know

BAT  Breath Alcohol Technician
CDL  Commercial Driver’s License
CMV  Commercial Motor Vehicle
DHHS Department of Health and Human Services
DOT  Department of Transportation
EAP  Employee Assistance Program
EBT  Evidential Breath Testing
MRO  Medical Review Officer

Definitions

Alcohol - Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Concentration (or content) - Alcohol in a volume of breath (shown as grams of alcohol/210 liters of breath) as indicated by an evidential breath test.

Alcohol Use - Consumption of any beverage, mixture, or preparation, including medication, containing alcohol.

Breath Alcohol Technician (BAT) - An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing (EBT) device.

Confirmation Test - In alcohol testing: A second test, following a screening test with a result of greater than 0.00 that provides quantitative data of alcohol concentration. In controlled substances testing: A second test to identify the presence of metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principal from that of the screening test.

Controlled Substances - In this regulation, the terms ‘drugs’ and ‘controlled substances’ are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to:

- marijuana
- cocaine
- opioids
- phencyclidine (PCP)
- amphetamines, including methamphetamines

Driver - Any person who operates a commercial motor vehicle (CMV), including:

- full time, regularly employed drivers
- casual, intermittent or occasional drivers
- independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle (CMV) at the direction of or with the consent of an employer

Evidential Breath Testing (EBT) Device - A device used for alcohol breath testing that has been approved by the National Highway Safety Administration.

Medical Review Officer (MRO) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual’s confirmed positive test, medical history and other relevant biomedical information.

Performing (a safety-sensitive function) - A driver is considered to be performing a safety-sensitive function when he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

Screening Test (initial Test) - In alcohol testing: A procedure to determine if a driver has a prohibited concentration of alcohol in his or her system. In controlled substances testing: A screen to eliminate ‘negative’ urine specimens from further consideration.
Substance Abuse - Refers to patterns of use that result in health consequences or impairment in social, psychological, and occupational functioning.

Who is Covered by the Alcohol and Drug Rule?

The Federal Highway Administration, Department of Transportation Alcohol and Drug ruling applies to every person who operates a commercial motor vehicle (CMV) in interstate commerce, and is subject to the commercial drivers’ license (CDL) requirements of part 383.

The following DOT agencies also have alcohol and drug rules for employees who perform safety-sensitive functions:

Federal Aviation Administration - flight crews, attendants, instructors, air traffic controllers, aircraft dispatchers, maintenance, screening and ground security coordinator personnel

Federal Railroad Administration - hours of Service Act employees, engine, train and signal services, dispatchers, and operators

Federal Transit Administration - mass transit vehicle operators, controllers, mechanics and armed security personnel

Research and Special Programs Administration - pipeline operations, maintenance and emergency response personnel

United States Coast Guard

What is a Safety-sensitive Function?

Safety-sensitive functions for operators of commercial motor vehicles (CMVs) are listed under Part 395.2, on-duty time, paragraphs one through seven. This includes the following times and/or activities:

• at a carrier or shipper plant, terminal, facility, or property, or on any public property, waiting to be dispatched, unless the driver is relieved from duty by the motor carrier
• inspecting the following equipment:
  - service brakes, including trailer brake connections
  - parking (hand) brakes
  - steering mechanism
  - lighting devices and reflectors
  - tires
  - horn
  - windshield wipers
  - rear vision mirrors
  - coupling devices
  - fire extinguisher
  - spare tires
  - warning devices for stopped vehicles
• inspecting servicing, or conditioning any commercial motor vehicle (CMV) at any time
• at the driving controls of a commercial motor vehicle (CMV) in operation
• while in or upon any commercial motor vehicle, (CMV)
• supervising or assisting in loading or unloading a vehicle
• attending a vehicle being loaded or unloaded
• while in readiness to operate the vehicle
• when giving or receiving receipts for shipments loaded or unloaded
• performing the driver requirements of sections 392.40 and 392.41 of part 392, Driving Motor Vehicles, related to accidents
• repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

What Are the Alcohol and Drug Prohibitions?

The DOT refers to the restrictions for the use of both alcohol and controlled substances as prohibitions.

Alcohol prohibitions are tied to the performance of safety-sensitive functions:
1. A driver may not report for duty or stay on duty:
   a. According to Johnston County Public Schools Board of Education Policy 5145, in all cases an employee will be in violation of Board Policy when testing reveals a blood content or breath alcohol level higher than 0.00.
   b. If in possession of alcohol.
   c. If using alcohol.
   d. Within six to eight hours of using alcohol.
2. A driver who has an accident may not use alcohol until post-accident testing is done or for a period of eight hours, whichever comes first.
3. Drivers cannot refuse to submit to alcohol testing.
4. Employers who know about any of the above acts cannot permit the driver to perform a safety-sensitive function.

The Federal Highway Administration bans the use of controlled substances by drivers.

Drug prohibitions:
1. Drivers may not report for duty or stay on safety-sensitive duty while using any controlled substances. **There may be an exception to this ruling if a physician has prescribed a substance that does not interfere with your ability to safely operate a motor vehicle with your knowledge.**
2. Drivers may not report for duty or stay on safety-sensitive duty if they have tested positive for a controlled substance.
3. Employers who know about either of the above acts cannot permit the driver to perform a safety-sensitive function.

What Tests are Required and When will I Be Tested?

There are five situations where testing can be done to determine the presence of alcohol and/or drugs.

1. **Pre-employment**
   **When:** Before a new hire can perform any safety-sensitive duties or when a person transfers into a safety-sensitive function from elsewhere in the company.

2. **Post-Accident**
   **When:** Following an accident where -
   • a life was lost
   • the driver was cited for a moving traffic violation.
   Post-accident alcohol testing should be done as soon as possible after the accident. If a test cannot be done within eight hours, it should not be done. Post-accident drug testing should be done within 32 hours, or not done at all.

3. **Random**
   Unannounced **random** testing is required on a certain percentage of drivers each year.
   **How:** The random selection process used must ensure that each driver has an equal chance of being tested each time selections are made. One method may be a computer generated system using your Social Security number, or other identifying number.
   **When:** Drivers are randomly selected from the pool. Random testing for alcohol must be completed just before, during or immediately after performing safety-sensitive work.

   Random testing for drugs can be done any time you are at work for your employer. Once you are notified that you have been selected for testing, you must proceed immediately to the test site.

   **Random testing is done as follows:**
   • 10% of all drivers must be randomly tested for alcohol during the first year of the testing program. The number to be randomly tested in following years depends on the percentage of positive tests for the entire industry.
   • 50% of drivers must be randomly tested for controlled substances during each year of the testing program.

4. **Reasonable suspicion**
   **When:** If the employer has reason to believe that your behavior or appearance may indicate alcohol or drug use.

   Testing for reasonable suspicion must be based on:
   • the observations of a trained supervisor
   • specific, clearly stated observations concerning your appearance, behavior, speech, or body odor
   • observations for alcohol testing must be made just before, during, or after the performance of a safety sensitive function.

   **Important points:**
   • The supervisor who makes the observation and determines that reasonable suspicion testing should be done, **may not conduct the alcohol test on the driver.**
   • Alcohol testing for reasonable suspicion must be done as soon as possible from time of the observation. Tests that cannot be done within eight hours of the observation should not be done.
   • You cannot report for duty or stay on the job while under the influence of alcohol or while impaired by alcohol as shown by behavior, speech or performance that indicates alcohol misuses. Your employer cannot allow you to continue to perform safety-sensitive duties until:
   1. According to Johnston County Public Schools Board of Education Policy 5145, alcohol concentration must be 0.00
   2. 24 hours have passed from the time of the initial observation.
What Happens If I Refuse to be Tested?

As part of the alcohol and drug rule, you must submit to alcohol and drug testing. If you refused to be tested you cannot continue on the job.

**Refusal to test is any time you:**
- fail to provide enough breath for alcohol testing or urine for controlled substances testing without a valid medical reason after being notified of the testing requirements
- clearly obstruct the testing process.

How is Alcohol Testing Done?

1. All alcohol is done by a certified Breath Alcohol Technician, or BAT, in a private setting where no one but you and the BAT can see or hear the test results. An evidential breath testing device (EBT) approved by the National Highway Safety Administration must be used.
2. The BAT will ask for identification. You may ask for the BAT's identification as well.
3. To complete the test, you must blow forcefully into the mouthpiece of the testing device. The BAT must show you the test result on the testing device.
4. A **screening** test is done first. If the reading is 0.00, you will sign the certification and fill in the date on the form.
5. If the reading is over 0.00, a **confirmation** test must be done (after 15 minutes but within 20 minutes of the first test). You will be asked not to eat, drink, belch, or put anything in your mouth. These steps prevent the buildup of mouth alcohol, which could lead to an artificially high result.
6. If the screening and confirmation test results are not the same, the confirmation test result is used.

If you refuse to be tested or sign the testing form, the BAT will immediately notify your employer.

How is Drug Testing Done?

1. Drug testing is done by analyzing a urine sample, which is collected in a private location.
2. Urine specimens are divided into two containers by the collection site person in your presence. These two samples, called 'primary' and 'split,' are sent to a testing laboratory certified by the Department of Health and Human Services.
3. At the laboratory a **screening** test is performed on the 'primary' sample. If this test is positive for drugs, a confirmation test using the 'split' sample is required.
4. The **confirmation** test must be a specialized procedure called gas chromatography/mass spectrometry, to ensure that over-the-counter drugs are not reported as positive.
5. If the first test is positive, the Medical Review Officer (MRO) will notify you to find out if there is a medical reason for the drug use. If you can document why the substance is being taken and if the MRO finds it is a legitimate medical use, the test may be reported as negative to the employer.
6. After being notified that the first test was positive, you have 72 hours to request a test of the 'split' specimen. If you make this request, the split specimen is sent to another DHHS-certified laboratory for the test.
   - If you do not contact the MRO within 72 hours but can prove to the MRO that you had a legitimate reason for not doing so, the MRO can order a 'split' specimen test.

Please note that removal from safety-sensitive duty as required by the DOT following a positive drug test is not delayed to await the result of the split specimen test.

7. If the analysis of the 'split' sample does not confirm the presence of a drug, the MRO cancels the test and reports this to the DOT, the employer and to you.

What are the Consequences of Violating the Alcohol or Drug Prohibitions?

**Alcohol:**
- a. Removal from safety-sensitive functions.
- b. Following a violation, a driver cannot return to a safety-sensitive function until an evaluation has been done and any recommended treatment has been completed.

**Drug:**
- a. Removal from safety-sensitive functions.
- b. The driver cannot return to duty, unless completed, and a verified negative drug test is produced.
Where Can I Go for Help?

The alcohol and drug rule requires that your employer provide you with an opportunity for treatment. The ruling does not, however require an employer to pay for rehabilitation or to hold a job open for you. How these issues are handled depends upon your company’s alcohol and drug policy.

If you have not violated alcohol or drug prohibitions but would like information or assistance on alcohol or drug issues, you can do so - on a confidential basis - through your Employee Assistance Program. (See page seven)

What are the Effects of Alcohol and Drugs on the Body?

ALCOHOL

Alcohol, a central nervous system depressant, is the most widely abused drug. About half of all auto accident fatalities in this country are related to alcohol abuse.

Fact: A 12-ounce can of beer, a 5-ounce glass of wine and a 1 1/2-ounce shot of hard liquor all contain the same amount of alcohol. Coffee, cold showers, and exercise do not quicken sobriety. Each one ounce of alcohol takes the average body about one hour to process and eliminate with a healthy liver.

Alcohol first acts on these parts of the brain that affect self-control and other learned behaviors. Low self-control often leads to the aggressive behavior associated with some people who drink. In large doses, alcohol can dull sensation and impair muscular coordination, memory, and judgement. Taken in larger quantities over a long period of time alcohol can damage the liver and heart and can cause permanent brain damage. On the average, heavy drinkers shorten their life span about ten years.

Other Effects:
- greatly impaired driving ability
- reduced coordination and reflex action
- impaired vision and judgment
- inability to divide attention
- lowering of inhibitions
- overindulgence (hangover) can cause:
  - headaches
  - nausea
  - dehydration
  - unclear thinking
  - unsettled digestion
  - aching muscles

MARIJUANA

Marijuana is also called ‘grass,’ ‘pot,’ ‘weed,’ Acapulco Gold,’ ‘joint,’ ‘roach,’ among other street names.

Fact: While alcohol dissipates in a matter of hours, marijuana stays in the body up to 30 days. Marijuana alters the sense of time and reduces the ability to perform tasks requiring concentration, swift reactions, and coordination. The drug has a significant effect on judgement, caution, and sensory/motor abilities.

Other Effects:
- driving ability impaired for at least four to six hours after smoking one ‘joint’ (cigarette)
- restlessness
- inability to concentrate
- increased pulse rate and blood pressure
- rapidly changing emotions and erratic behavior
- altered sense of identity
- impaired memory
- dulling of attention
- hallucinations, fantasies and paranoia
- reduction or temporary loss of fertility.

Note: This includes any product (medication, etc.)

COCAINE

Cocaine is a stimulant drug, which increases heart rate and blood pressure. As a powder, cocaine is inhaled (snorted), ingested, or injected. It is known as ‘coke,’ ‘snow,’ ‘nose candy,’ and ‘lady.’ Cocaine known as ‘crack’ or ‘rock’ is smoked. It acquired its name from the popping sound heard when it is heated.

Fact: Many people think that because crack is smoked, it is ‘safer’ than other forms of cocaine use. It is not. Crack cocaine is one of the most addictive substances known today. The crack ‘high’ is reached in four to six seconds and lasts about 15 minutes.

The most dangerous effects of crack is that it can cause vomiting, rapid heartbeat, tremors and convulsive movements. All of this muscle activity increases demand for oxygen, which can result in a cocaine-induced heart attack. Since the heat regulating center in the brain is also disrupted, dangerously high body temperatures can occur. With high doses, brain functioning, breathing and heart beat are depressed - leading to death.

Other Effects:
- a ‘rush’ of pleasurable sensations
- heightened, but momentary, feeling of confidence, strength and endurance
• accelerated pulse, blood pressure and respiration
• impaired driving ability
• paranoia, which can trigger mental disorders in users prone to mental instability
• repeated sniffing/snorting causes irritation of the nostrils and nasal membrane
• mood swings
• anxiety
• reduced sense of humor
• compulsive behavior such as teeth grinding or repeated hand washing.

AMPHETAMINES
Amphetamines are drugs that stimulate the central nervous system and promote a feeling of alertness and an increase in speech and general physical activity. Some common street names for amphetamines are ‘speed,’ ‘upper,’ ‘black beauties,’ ‘bennies,’ ‘wake-ups,’ ‘footballs,’ and ‘dexies.’

Fact: People with a history of sustained low-dose use quite often become dependent and believe they need the drug to get by. These users frequently keep taking amphetamines to avoid the ‘down’ mood they experience when the ‘high’ wears off.

Even small, infrequent doses can produce toxic effects in some people. Relentlessness, anxiety, mood swings, panic, heart beat disturbances, paranoid thoughts, hallucinations, convulsions, and coma have been reported. Long-term users often have acne resembling measles, trouble with their teeth, gums, and nails, and dry, dull hair. Heavy, frequent doses can produce brain damage resulting in speech disturbances.

Other Effects:
• loss of appetite
• irritability, anxiety, apprehension
• increased heart rate and blood pressure
• difficulty in focusing eyes
• exaggerated reflexes
• distorted thinking
• perspiration, headaches, and dizziness
• short term insomnia

OPIOIDS
Opioids, including heroin, morphine, codeine, hydrocodone, oxycodone, hydromorphone and oxymorphone are narcotics used to relieve pain and induce sleep. Common street names are ‘horse,’ ‘hard stuff,’ ‘morpho,’ ‘M,’ ‘brown sugar,’ ‘Harry,’ and ‘Mr. H.’ Sometimes narcotics found in medicines are abused. This includes pain relievers containing opium and cough syrups containing codeine. Heroin is illegal, and cannot even be obtained with a physician’s prescription.

Other Effects:
• short-lived state of euphoria
• impaired driving ability
• drowsiness followed by sleep
• constipation
• decreased physical activity
• reduced vision
• change in sleeping habits
• possible death
• impaired driving ability

PCP
Phencyclidine or PCP, also called ‘angel dust,’ ‘rocket fuel,’ ‘super kools,’ and ‘killer weed’ was developed as a surgical anesthetic in the late 1950’s. Later, due to its unusual side effects in humans, it was restricted to use as a veterinary anesthetic and tranquilizer. Today it has no lawful use and is no longer legally manufactured.

Fact: PCP is a very dangerous drug. It can produce violent and bizarre behavior in people not otherwise prone to such behavior. More people die for accidents caused by the erratic and unpredictable behavior produced by the drug than from the drug’s direct effect on the body.

PCP scrambles the brain’s internal stimuli and alters how users see and deal with their environment. Routine activities like driving and walking become very difficult. Low doses produce a rush, sometimes associated with a feeling of numbness. Increased doses produce an excited, confused state including any of the following: muscle rigidity, loss of concentration and memory, visual disturbances, delirium, feelings of isolation, and convulsions.

Other Effects:
• impaired driving ability
• drowsiness
• perspiration
• repetitive speech patterns
• incomplete verbal responses
• blank stare
• thick, slurred speech
• involuntary eye movement

Name and phone number of person in charge of the Johnston County Public Schools Alcohol and Drug Program.

Coordinator/Director of Alcohol and Drug Testing
Human Resources
919-934-6032 Extension 8015
What is the Employee Assistance Program?

As employees, we are the State’s most valuable resource. When we are working at our best, the State is operating at its best. Coping with a problem is a normal part of life. We have all experienced personal problems that caused us to feel uncomfortable. With the help of family and friends, we are usually able to resolve these problems before they have a serious impact on our lives.

However, there may be a time when you feel that a problem is getting the best of you. You may be feeling the pressure at home or at work. At a time like this, Employee Assistance Program is available to lend you a helping hand.

The Employee Assistance Program is a confidential service designed to help you resolve your personal problems before they disrupt your personal or work life.

Confidentiality

Your visit with the Employee Assistance Program Consultant will be confidential. There may be instances where an employee requests the Employee Assistance Program Consultant to disclose information to the workplace. This can only be done with written permission from the employee.

In an emergency situation, there may be a need to disclose limited information but this would only occur in a life threatening situation. In this instance, only information essential to the emergency would be released.

Problems Covered

The Employee Assistance Program provides assistance for a wide variety of personal concerns. This service seeks to help employees define problems and identifies problems solving resources. As a part of the service, it may be important for employees to understand governing policies, procedures and benefits. Your Employee Assistance Program Consultant can help you by providing clarity to such issues. Services are available in the following areas:

- Emotional
- Alcohol/Drug
- Family
- Financial
- Marital
- Legal
- Stress
- Elder Care
- Job Related
- Medical

Self-Referral

Employees and family members are encouraged to use the Employee Assistance Program service through their own initiative whenever the need arises. If you or a member of your family are experiencing a personal problem, call the Employee Assistance Program office nearest you to schedule an appointment.

You are encouraged to use the Employee Assistance Program service before a personal problem, call the Employee Assistance Program office nearest you to schedule an appointment.

You are encouraged to use the Employee Assistance Program service before a personal problem affects your ability to do your job. Remember, without proper intervention, a small problem may become overwhelming.

Supervisory Referral

Sometimes you may not be the first person to recognize the seriousness of your problem. Your supervisor may observe such things as: declining job performance, increased absenteeism or changes in your work habits.

When your work is affected, your supervisor must talk with you about the work issues. Your supervisor may encourage you to use the Employee Assistance Program service to help handle your personal concerns. If disciplinary action is taken, the referral to the Employee Assistance Program will be considered a supervisory referral.

Leave

Employees are not charged leave time for their appointment with the Employee Assistance Program. You will need your supervisor’s approval to schedule leave time from work; however, you do not have to discuss your personal problems with your supervisor. If you prefer not to let anyone know that you are using the Employee Assistance Program service, then vacation leave, sick leave or other arrangement must be made.
Cost
There is no cost for services provided by the Employee Assistance Program. Any cost for other resources will be your responsibility. Your Employee Assistance Program Consultant will provide information regarding your health insurance coverage and procedures for obtaining services.

Assessment
The time you spend with the Employee Assistance Program Consultant is called an assessment. The purpose of this meeting is to determine the nature of your concerns and to help identify appropriate solutions. Working together, you and the Employee Assistance Program Consultant will explore ways to resolve your concerns. At times, it may be necessary for you to seek additional assistance from another resource. Your Employee Assistance Program Consultant is knowledgeable about resources within State government and in your community. Your Employee Assistance Program is committed to putting you in touch with the professionals who can provide services to meet your specific needs.

Employee Assistance
1-800-327-2251 or
www.bhsonline.com
username: JCS

DRUG-FREE WORKPLACE ENVIRONMENT
Policy Code: 5140

It is the policy of the Johnston County Board of Education that a drug-free workplace shall be maintained. The Board prohibits the unlawful manufacture, transmission, conspiring to transmit, distribution, dispensation, possession, use, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids, alcoholic or other intoxicating beverage, counterfeit substances, other intoxicants of any kind, or any other controlled substance as defined in Schedule I through V of Section 202 of the Controlled Substances Act (21U.S.C.§812) and further defined by regulation at 21 CFR 1300.11 through 1300.15. In addition, no employee shall exude the odor of any alcoholic beverage or controlled substance while acting within the course and scope of his/her employment. The Board prohibits the possession, use, transmission, or conspiring to transmit drug paraphernalia.

This policy shall govern each employee before, during or after school hours, while on any property owned or leased by the Board, at any time during which the individual employee is acting in the course and scope of his/her employment with the Board, and at any other time that the employee’s violation of this policy has a direct and adverse effect upon the performance of his or her job.

No employee shall be impaired by the excessive use of prescription or nonprescription drugs in the workplace. The proper use of a drug authorized by a valid medical prescription from a legally authorized health care provider shall not be considered a violation of this policy when the drug is taken by the person for whom the drug was prescribed. Any employee with prior knowledge that the use of a prescribed medication under a doctor’s direction or an over-the-counter medication could alter the employee’s ability to perform the duties and responsibilities of his/her position must notify the appropriate supervisory person. An employee is responsible for finding out from a health care professional the effects of any prescribed drug being taken. Failure to take such action may result in disciplinary action under this policy.

If in the opinion of the employee’s supervisor, an employee’s action and/or behavior are considered unsafe as a result of the proper use of medication, the employee may be sent home. A conference shall be conducted with the employee prior to the employee’s resuming his/her duties. Prior to the employee’s returning to work, the employee must provide written assurance that:

A. The medication’s use has been terminated; or
B. The medication has been adjusted/modified to avoid impairment.

Each employee shall be given a copy of this policy and shall be responsible for knowing and adhering to the requirements of this policy.

An employee having reasonable grounds to believe that another employee is using or in possession of any illegal drug, or is under the influence of or in possession of alcohol while in the workplace, or is impaired by the use of prescription or nonprescription drugs while on duty shall immediately report the facts and circumstances to a supervisor/principal. Any employee
who has been convicted of violating any criminal drug statute shall notify his/her supervisor within five (5) days of such conviction.

Violation of this policy shall subject an individual to personnel action by the Board up to and including termination of employment with the Johnston County Public Schools and referral for criminal prosecution or the requirement that the employee participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by the Board and a federal, state or local health law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation, and re-entry programs shall be provided to employees.

The Board has a strong commitment to assist any employee who voluntarily asks for help. It is the employee’s responsibility to seek help for drug and alcohol problems before they must be addressed at the workplace or otherwise become apparent as unsatisfactory job performance and/or work habits. Such action on the part of the employee shall be viewed as responsible and shall be supported by the Board and the supervisor to the extent that this is consistent with protecting the safety and welfare of students, staff, and the public.

Where there are reasonable grounds to believe that an employee is in violation of the Board’s Drug-Free Workplace Environment Policy, the Superintendent may require that the employee submit to a medical examination, including a drug or alcohol assessment. The drug or alcohol assessment will be conducted to determine whether the employee has been under the influence of illegal drugs, under the influence of alcohol while on duty, or impaired by the use of prescription or nonprescription drugs while on duty. If the drug or alcohol assessment is positive and there is no legitimate medical explanation for the results, the employee may be subject to disciplinary action, including termination of employment. Any drug testing shall conform with state law governing administration of controlled substance examinations.

Any employee who refuses a drug or alcohol screening test may be terminated.

The Superintendent may devise procedures to implement this policy.

21 U.S.C. § 812; G.S. ch. 95, art. 20

Adopted: September 11, 1990
Amended: November 9, 1999; August 13, 2002

JOHNSTON COUNTY PUBLIC SCHOOLS

DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS
Policy Code: 5145

The purpose of this policy is to help ensure safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program of drug and alcohol testing for school bus drivers and all other commercial motor vehicle operators and those considered to be working in safety sensitive positions, as defined by DOT, or are employed by the Johnston County Board of Education.

Applicability
Persons subject to this policy include any employee, or independent contractor who operates a commercial motor vehicle in the course of duties for the Johnston County Board of Education, including anyone who regularly or intermittently drives a school bus, activity bus, or other vehicle designed to transport sixteen or more people, including the driver.

Prohibited Acts
Commercial motor vehicle operators, employed by the Board of Education, shall not be impaired by alcohol, drugs, and/or prescription or nonprescription medications while on duty or while operating any motor vehicle. Any prescription medication used by an operator must be in the name of the operator and used in the amount and manner prescribed, consistent with any usage warnings. Any over the counter medication must be used in accordance with manufacturer directions and warnings. Each operator is responsible for finding out from a health care professional the effects of any prescribed drugs and assuring that at no time does
the operator perform any duty or responsibility while taking medications that may impair his/her abilities.

In any such case, the operator is responsible for informing the appropriate supervisor that the operator is taking medication that may impair his/her abilities. In all cases, an operator will be considered impaired and in violation of the policy when testing reveals the presence of any alcohol or drugs.

Further, no operator will be permitted to perform safety sensitive functions if evidence exists of alcohol consumption or if the employer knows the operator has consumed any alcohol. Commercial motor vehicle operators shall not commit any act prohibited by Controlled Substance and Alcohol Use Testing (49 C.F.R. part 382), by this policy and its regulations, or by the board’s Drug-Free Workplace Environment Policy. Further, anyone who supervises commercial motor vehicle operators shall be responsible for enforcing the foregoing provisions.

**Testing**

The administration shall carry out pre-employment testing for drugs, and post-accident, random, reasonable suspicion, return-to-duty and follow-up testing for drugs and alcohol as required by 49 C.F.R. part 382 drug and alcohol testing provisions. School bus drivers and others employed by the board for the primary purpose of operating a commercial motor vehicle shall undergo pre-employment testing. Employees whose duties include occasional driving will not be subject to pre-employment testing but must undergo all other testing required by 49 C.F.R. part 382. Refusal of any test required pursuant to this policy or 49 C.F.R. part 382 shall be cause for dismissal.

All employees must undergo drug and alcohol testing before driving a commercial motor vehicle for the Johnston County Board of Education.

**Employee and Pre-employment Inquiries**

All applicants who would be subject to this policy if employed shall consent in writing to the release of any information gathered pursuant to 49 C.F.R. part 382 by any of the applicant’s previous employers and must give written or electronic consent to any query by school officials of the federal Commercial Driver’s License Drug and Alcohol Clearinghouse (“Clearinghouse”). Before employing any applicant covered by this policy or 49 C.F.R. part 382, the administration shall obtain, pursuant to written consent, all records maintained by the applicant’s previous employer(s) of prohibited acts by the applicant that have taken place in the three years prior to the inquiry date.

If school officials obtain information from the applicant's previous employer or from the Clearinghouse that the applicant committed a violation of Part 49 C.F.R. part 382 and has not subsequently completed the return-to-duty process required under federal law, the applicant may be disqualified from employment.

School officials shall conduct a limited query of the Clearinghouse at least once per year for each employee subject to this policy, pursuant to the employee’s written or electronic consent, to determine whether information exists about the employee regarding violations of 49 C.F.R. part 382. If information exists about the employee, school officials shall obtain the information in the Clearinghouse within 24 hours of conducting the limited query, subject to the employee’s electronic consent submitted through the Clearinghouse.

**Training and Education**

Each commercial motor vehicle operator and supervisory employee, including principals and assistant principals, shall be provided with educational materials that inform the employees of drug testing procedures, prohibited acts, consequences, and other aspects of 49 C.F.R. part 382, this policy and any attached regulations. The information also shall identify a school system employee who will be responsible for providing information on substance abuse. Each employee shall sign a statement certifying receipt of these materials.

Each supervisor responsible for overseeing the performance of commercial motor vehicle operators, including principals and assistant principals, shall undergo at least one hour of training concerning alcohol misuse and an additional hour of training concerning drug abuse.

**Referrals**

Each motor vehicle operator who violates acts prohibited by 49 C.F.R. part 382, other than provisions governing pre-employment testing, shall be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information shall include names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.
Penalties
Employees found in violation of this policy and the attached regulations, or 49 C.F.R. part 382, will be subject to disciplinary action up to and including dismissal.

Procedures
The superintendent shall enact appropriate regulations and procedures to ensure compliance with the collection and testing procedures outlined in the Federal Highway Administration’s “Procedures for Transportation Workplace Drug and Alcohol Testing Programs” (49 C.F.R. part 40), and to ensure compliance with testing, reporting, record retention, training, confidentiality, and other requirements of 49 C.F.R. part 382.

Legal References: 49 U.S.C. 31306; 49 C.F.R. parts 40 and 382; and American Trucking Association, Inc. v. FHWA, 51 F.3d 405 (4th Cir. 1995)

Adopted: December 13, 1994
Amended: November 9, 1999; August 13, 2002, June 11, 2013, January 14, 2020

JOHNSTON COUNTY PUBLIC SCHOOLS

REGULATIONS AND PROCEDURES

Appendix B
Pursuant to 49 C.F.R. and 382.601

Information for Drivers

This handout is designed to answer your questions about Johnston County Public Schools rules concerning the use of drugs and alcohol and the system’s testing program.

Q: Why does Johnston County Public Schools test drivers for the use of alcohol and controlled substances?
A: Regulations that enforce the Omnibus Transportation Employee Test Act require all employers to test anyone who drives a commercial motor vehicle before that person is employed, at random, and after any qualifying accident. In addition, the school board wishes to ensure the safety of students, employees and members of the public.

Q: Who can answer my questions about the school system’s alcohol and controlled substance regulation?
A: Human Resources has been designated by the school administration to answer questions. The telephone number for that office is 919-934-6032 extension 8015. Also, you are expected to read and understand the regulations attached to Board Policies 5140 and 5145.

Q: When am I required to be in compliance with the policy?
A: At all times when you are responsible for driving a school bus, activity bus or other commercial motor vehicle, or performing any other duty listed under the definition of safety-sensitive function the regulations attached to Board Policies 5140 and 5145.

Supervisors’ duty—No supervisor shall allow a driver to perform a safety-sensitive function if the supervisor is aware that the driver would violate any of the above prohibitions.

Q: When will I be tested for alcohol misuse or controlled substance use?
A: Before you are employed by the school system, at random after you are employed, and after certain accidents. Accidents that trigger testing requirements are any accident that results in a fatality, or any accident in which the driver is cited and a person requires off-site medical care or a vehicle is towed away from the scene. It is your responsibility to make yourself available for testing after such an accident.

Q: How will I be tested for alcohol or controlled substance?
A: Alcohol testing will be conducted with an evidential testing device, whenever possible. Controlled substances testing will be based on urinalysis, which will require you to produce a urine sample under controlled conditions.

Q: Must I comply with testing requirements?
A: Regulations implementing the Omnibus Transportation Employee Testing Act of 1991, as well as Board policy and regulations require you to submit to testing once you are employed by the board. Applicants for full-time driving positions will not be considered for employment if they refuse to undergo pre-employment testing.
Q: What constitutes refusal to submit to testing and what are the consequences?
A: Refusal to submit to an alcohol or controlled substances test occurs when a driver:
(1) Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of a requirement for breath testing pursuant to these regulations;
(2) Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of a requirement of urine testing in accordance with these regulations; or
(3) Engages in conduct that clearly obstructs the testing process.
The failure of a full-time driver to submit to testing may result in immediate dismissal.

Q: What will happen if I violate the Board’s alcohol and controlled substance rules for drivers?
A: Drivers will be subject to disciplinary action up to and including dismissal for violations of the Board’s policy or attached regulations.

Q: What should I do if I suspect that a co-worker may be under the influence of controlled substances or alcohol while on the job?
A: Immediately report your suspicion to a supervisor.

Q: What acts are prohibited by this policy and the attached regulations?
A: The following acts are prohibited:
**Alcohol concentration** - No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having a measurable alcohol concentration.

**Alcohol possession** - No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is contained in a first-aid kit and used solely for the purposes of first aid.

**On-duty use** - No driver shall use alcohol while performing safety-sensitive functions.

**Pre-duty use** - No driver shall perform safety-sensitive functions within four hours after using alcohol.

**Use following an accident** - No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test.

**Refusal to undergo testing** - No currently employed driver shall refuse to submit to any testing required by these regulations.

**Controlled substance use** - No driver shall report for duty requiring the performance of safety-sensitive functions when the driver uses a controlled substance, unless the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver’s ability to safely operate a commercial motor vehicle.

**Notice of controlled substance use** - All drivers must inform a supervisor of any therapeutic drug use prior to driving a commercial motor vehicle.

**Driving after a positive test** - No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.