

**Administrative Procedure for Policy #4210 (Supporting Services) Regarding
School Vehicle Driver Alcohol and Controlled Substances Testing Program**

I. Definitions

- A. School Vehicle: Any motor vehicle that is used for the exclusive transportation of children, students, teachers or faculty for educational purposes or in connection with a school activity and is either a Type I or Type II school vehicle as defined in the Transportation Article of the Annotated Code of Maryland
- B. School Vehicle Driver: Any individual who is employed by Calvert County Public Schools (CCPS) or any entity contracting with CCPS to provide school vehicle drivers, or is an owner-operator of a school vehicle
- C. Alcohol: Alcoholic beverages including, but not limited to: brandy, whiskey, rum, gin, cordial, beer, ale, foster, stout, wine, cider and any other spirituous, vinous malt or fermented liquor, liquor or compound, by whatever name called, containing one-half of one percent or more of alcohol by volume. For the purposes of this procedure, alcohol also includes any product containing alcohol whether intended to be consumed as a beverage or not.
- D. Commercial Motor Vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:
 - 1. Has a gross combination weight rating of 26,001 or more pounds,
 - 2. Inclusive or a towed unit with a gross vehicle weight rating of more than 10,000 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
 - 5. Hazardous for the purposes of the Hazardous Materials Act (49 USC 5103(b)), and which require the motor vehicle to be placarded under the Hazardous Materials regulations (49 CFR Part 172, subpart F).
- E. Controlled Dangerous Substance/Drug/Medication: Any substance recognized in the official U.S. Pharmacopoeia, National Formulary, or any supplement to them; substances intended for use in diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; and substances (other than food) intended to effect any function of the body of man or other animals
- F. Performing Safety Sensitive Function: 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 function.
- G. Reasonable Suspicion for Controlled Dangerous Substance/drug; specific, contemporaneous, articulable observations concerning the appearance, behavior,

speech or body odors of the driver. The observations may include indications of the chronic effects and the withdrawal effects of controlled substances.

- H. Reasonable Suspicion for Alcohol: specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.
 - I. Safety Sensitive Function(s): All time from the time a driver begins work or is required to be in readiness to work, until the time he or she is relieved from work, and all responsibility for performing work.
 - J. School Property: Any Calvert County Public Schools building and/or grounds, and any CCPS leased or owned vehicles, including school buses when they are in use for official school business. This includes any location used for co- or extra-curricular activities, including any field trips
- II. School Vehicle Driver Alcohol and Controlled Substances Testing Program
- A. The Designated Employer Representative (DER) for CCPS is;

Director of Transportation
Calvert County Public Schools
1305 Dares Beach Road
Prince Frederick, MD 20678
 - 1. This is the person that can answer any questions concerning the CCPS drug and alcohol policy. This is also the person responsible for removing anyone who violates the policy from the performance of safety sensitive duties.
 - B. The CCPS Alcohol and Controlled Substances Testing Program shall meet the substantive and procedural requirements established by Federal Law. These laws include but are not limited to provisions made by the U.S. Department of Health and Human Services (DHHS), the U.S. Department of Transportation (DOT) and the Federal Highway Administration (FHA). [49 CFR Part 40; 382 and 391.1as amended].
 - C. This program shall meet or exceed the requirements set forth by the Code of Maryland Regulations (COMAR), [13A.06.07.10, as amended].
 - D. All school vehicle drivers, or potential school vehicle drivers, of school vehicles, either in the employ of CCPS or any entity contracted with CCPS, who are required to have a commercial driver's license (CDL) in order to perform their job duties, are subject to testing as required by the U.S. Department of Transportation 49 CFR Parts 40 & 382 as amended. The Federal Motor Carrier Safety Administration (FMCSA) requires testing of school system employees and of employees of entity's contracting with the school system performing duties deemed to be safety sensitive.
 - E. The CCPS Alcohol and Controlled Substances Testing Program shall be contracted to a Third Party Administrator (TPA) to run, manage and maintain all components of the Testing Program. This TPA must also provide or subcontract the services of a Medical Review Officer (MRO) who meets the qualifications outlined in 49 CFR 40.121, as amended.

1. CCPS reserves the right to require a designated supervisor escort any employee or employee of an entity contracting with CCPS who has been directed to test, to the collection site.
2. A non-negative test automatically undergoes a confirmation and validity test at the laboratory for confirmation prior to notification to the MRO.
3. The MRO interviews the donor (driver) of the non-negative result and provides him or her the opportunity to explain any medication or circumstances that may further explain the non-negative result. The MRO will contact the donor at the telephone number they provided on the control and custody form/chain of custody form (CCF) at the time of testing. If the MRO is unable to contact the donor after 24 hours, the DER for CCPS will be notified. The MRO has the right to request verification of prescriptions or to speak to donor's physicians. The donor is required to comply.
4. The MRO and TPA release the positive test result to CCPS and the entity employing the driver. A positive test is one without a medically valid explanation, as verified by the MRO. CCPS and the entity employing the driver get only verified results.
5. The donor (driver) may request a re-test of the split specimen by a separate laboratory by contacting the MRO. Re-testing must be requested by the donor (driver) within 72 hours and all costs of this re-testing are the responsibility of the donor (driver). A donor cannot be denied re-testing of sampled collected under the authority of 49 CFR Part 40 due to an inability to pay.
 - a. A school vehicle contractor may choose to reimburse the (donor) driver for the cost of the re-test.
 - b. CCPS will honor the results of the re-test and reimburse the costs associated with the re-test only if the results are contrary to the original (positive) results.

III. Scope of Testing

- A. As a condition of school vehicle driver certification, all persons employed or pursuing employment as school vehicle drivers for any entity contracting with CCPS for the purpose of transporting students will participate in the alcohol and controlled substances testing program outlined in this procedure. These tests include any pre-employment, post-accident, random selection, and reasonable suspicion under the authority of US DOT 49 CFR Part 40, as amended. Follow-up, return-to-duty, incident-triggered, and reasonable suspicion testing for both drugs and alcohol may be conducted under the authority of CCPS utilizing non-federal testing forms. Alcohol testing does not apply to Pre-Employment. US DOT 49 CFR Part 40 testing also applies to CCPS employees who must hold a Commercial Driver's License as a condition of their employment/job description.
 1. School vehicle drivers, including substitute drivers, are prohibited from ingesting, imbibing, possessing, transporting, distributing, selling, using, or

being under the influence of any alcohol, alcohol containing products, illegal or illicit substance, including prescription drugs (except as explained in III.E of this procedure), while performing their duties or any safety-sensitive functions.

2. All school vehicle drivers who are required to possess a valid Commercial Driver's License (CDL) and CCPS Department of Transportation employees who are required to possess a valid Commercial Driver's License (CDL) are deemed to be safety-sensitive positions subject to the provisions of this procedure.
3. Post-Accident Testing: All school system employees and employees of entities contracting with the school system covered under this section of the alcohol and controlled dangerous substance policy will be required to undergo alcohol and controlled dangerous substance testing as soon as practical following an accident involving a commercial vehicle operating on a public road, if as a result:
 - a. a person suffers a fatal injury
 - b. an individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident, and the driver of the school vehicle was issued a citation within 8 hours, alcohol testing is required. If the driver is issued a citation within 32 hours, drug testing is required.
 - c. One or more vehicles incur disabling damage as the result of the accident, and are transported away from the scene by a tow truck or other vehicle, and the driver of the school vehicle was issued a citation within 8 hours, alcohol testing is required. If the driver is issued a citation within 32 hours, drug testing is required.
4. A driver is performing a safety-sensitive function when actually performing, ready to perform, or is immediately able to perform;
 - a. All time physically on or aboard the vehicle.
 - b. All time at an employer, terminal, facility, or other property or any public property, waiting to be dispatched, unless the driver has been relieved from duty by the contractor employing the driver or a designee of the Superintendent of Schools
 - c. All time inspecting, repairing, servicing, or conditioning any commercial vehicle.
 - d. All time spent operating or at the driving controls of a commercial motor vehicle in operation.
 - e. All time other than driving time, in or upon any commercial motor vehicle, except for time spent resting in a sleeper berth that meets the requirements of the U.S. Department of Transportation.
 - f. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded.

- g. All time remaining in readiness to operate a commercial motor vehicle.
 - h. All time spent performing duties and services at the scene of an accident.
 - i. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle (whether or not passengers are on board).
5. Any school vehicle driver must inform any physician prescribing medication that the driver works in a drug-free workplace program. The driver must inform any physician prescribing medication, prior to using any medication, that the driver's duties include performance of safety-sensitive functions. The driver using prescription medication must obtain confirmation said usage does not pose any safety concerns from the prescribing physician and by the MRO. If a medically legitimate prescription is dispensed to a driver, he or she will be placed on leave and shall not be permitted to engage in safety sensitive functions, including operating the school vehicle, until the cessation of the prescribed medication is indicated. All prescription medication must be kept in the original container.
6. Other prohibited behaviors requiring immediate removal and termination of safety sensitive functions include:
- a. Use, possession or consumption of alcohol and/or controlled substances and/or drugs while on duty
 - b. Possession of alcohol, controlled substances, drugs or other mind-altering agents and substances while on duty or prior to reporting to duty, on or in CCPS property, including, but not limited to CCPS facilities, parking lots, grounds, equipment, CCPS owned vehicles, and school vehicles used to provide transportation services to CCPS.
 - c. Use or ingestion of alcohol, alcohol containing products, controlled substances or drugs within four (4) hours prior to reporting to duty
 - d. Use of alcohol, alcohol containing products, controlled substances or drugs within eight (8) hours of a reportable accident or until after the driver had completed post-accident alcohol and drug testing
 - e. Refusing to submit to required alcohol and controlled substances testing, or refusal to cooperate with any aspect of the testing procedure
 - f. Use of a prescription medication that has not received clearance from the TPA in consultation with the MRO stating that the substance does not adversely affect the driver's ability to safely operate a vehicle, before engaging in a safety sensitive functions. Since many prescription medications can cause a positive test result, drivers are required to submit to the TPA, confidentially, a list of their prescription medications. The TPA, in consultation with the MRO, will advise drivers regarding precautions or prohibitions on prescription medications.
 - g. Misuse of a prescription medication whether or not the driver has received clearance from the TPA in consultation with the MRO that the

substance does not adversely affect the driver's ability to safely operation a vehicle.

- h. Possessing, using, selling, transferring or exchanging substances, and/or products, including but not limited to prosthetic devices used to carry clean urine, and/or any other attempt to evade drug detection, and/or adulterate or substitute a specimen sample.
- 7. Any school vehicle driver prescribed controlled substances or other medications that may adversely affect his or her performance is required to submit this information to the TPA who may consult the MRO for clearance. Drivers will be temporarily suspended until a medical clearance report has been issued by the TPA in consultation with the MRO and received by CCPS.
- 8. Individuals who serve as substitute school vehicle drivers and have ingested alcohol or controlled substances or drugs within four (4) hours of notification of the need for services must report they are medically unable and unqualified to drive. Violators will face additional testing, disciplinary action up to and including disqualification as a school vehicle driver.

IV. Testing Requirements

- A. All school vehicle drivers and trainees must undergo drug and alcohol testing in accordance with the State and Federal guidelines and regulations referenced previously.
- B. Controlled dangerous substance screening is collected, tested and reviewed following procedures outlined in US DOT 49 CFR Part 40, as amended. The specimen is tested for the presence of metabolites of the following substances listed below at thresholds as established by federal and/or state and/or local law. If the list of prohibited substances is expanded by Federal or State mandate, drivers will be advised of such.

- 1. Type of Drug or Metabolite

- a. Marijuana Metabolites

- 1) Delta-9-tetrahydrocannabinol-9-carboxylic acid

- i. The medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this procedure.

NOTE: Hemp products can cause a positive test for marijuana CCPS employees and drivers employed by entities contracting with CCPS, covered by the controlled dangerous substance and alcohol testing program should not use hemp products, as per federal DOT advisory. In accordance with federal DOT policy, hemp use will not negate an MRO verified positive test.

- 2) Cocaine Metabolites (Benzoylecgonine)

- 3) Phencyclidine (PCP)

- 4) Amphetamines

- i. Amphetamines
 - ii. Methamphetamine
 - 5) Opiate Metabolites
 - i. Codeine
 - ii. Morphine
 - iii. 6acetylmorphine
- C. Any person seeking school vehicle certification who tests positive on a Pre-Employment urine drug screen, refuses or fails to comply with the requirements of this procedure or testing, or is identified through the clearinghouse driver database as ineligible, will receive no further consideration for qualification as a school vehicle driver for entities contracting with CCPS. If any pre-employment test is cancelled, the applicant for qualification will be instructed to repeat the test immediately.
- D. Any person seeking qualification as a school vehicle driver must disclose any controlled substance statute convictions and/or any previous history of drug abuse or treatment prior to commencement of training with CCPS.
- E. In the event of a negative, but “dilute” specimen, the donor must immediately submit another sample for testing.
- F. All potential CCPS employees for positions requiring a CDL with school vehicle driver endorsements and school vehicle driver certification, as well as potential employees of entities contracting with CCPS who are required to have a CDL with school vehicle driver endorsements and school vehicle driver certification will be asked to complete and sign a statement concerning prior positive pre-employment test results and sign a release form. This release form allows CCPS to obtain from prior employers, a record of the applicant’s results and participation in a previous alcohol and controlled dangerous substance screening program.
- G. CCPS reserves the right to request periodic controlled dangerous substance and/or alcohol testing in cases or situations where CCPS believes it is in the best interest of safety. This testing is conducted under CCPS authority utilizing non-federal testing forms.
- H. Except as limited by IV. C., CCPS reserves the right to determine whether qualification/certification of the individual will be offered or maintained and if qualification/certification of the individual poses a threat to the safety to him/her or others. A continued offer of qualification/certification may be contingent upon the requiring the individual to:
 - 1. Provide evidence of successful completion of a US Department of Transportation (DOT) compliant education, treatment and/or rehabilitative program;
 - 2. Submit to Direct Observed Return-to-Duty urine test with a verified negative result. This testing is conducted under CCPS authority utilizing non-federal testing forms.

3. Submit to Direct Observed Follow-Up testing for a period of up to five (5) years in addition to continued participation in the random pool. This testing is conducted under CCPS authority utilizing non-federal testing forms.I.

Any current school vehicle driver will be permanently disqualified for testing positive on a urine drug screen test or alcohol test, for the abuse of prescription or other mind-altering substances; failing to comply with the requirements or procedures of testing, refusal to test, or being identified as a non-qualified driver on the Maryland State Department of Education (MSDE) database.

I. Random Testing

1. Drivers are subject to random, unannounced alcohol and drug testing as administered through the TPA throughout the year.
 - a. 50% of the drivers included in the random pool will be tested for controlled substances and/or drugs annually
 - b. 10% of the drivers included in the random pool will be tested for alcohol annually.

J. Reasonable Suspicion

1. If there is reasonable suspicion of the use of or impairment via alcohol or controlled substances and/or drugs by a school vehicle driver reported to the Director of Transportation/designee, the driver can be removed from duty and will be requested to submit to reasonable suspicion alcohol and/or controlled substances/drug testing, and be grounds for immediate disqualification as a school vehicle driver. The Director of Transportation/designee will escort the driver to the collection site for testing. A refusal to submit to testing will be treated the same as a positive result. If there is a positive result, the driver will be immediately removed from safety sensitive functions and added to the list of disqualified drivers.
2. The Director of Transportation/designee or the entity employing the driver must document the observed behavior and/or conduct within twenty-four (24) hours of the observation.

K. Post-Accident

1. A non-USDOT alcohol and controlled substances/drug test may be performed on the school vehicle driver for any vehicular accident involving a school vehicle or CCPS vehicle. This testing is conducted under CCPS authority utilizing non-federal testing forms.
2. Post-accident testing shall not interfere with anyone receiving appropriate medical care following an accident. If a driver cannot participate in the collection process due to injury or state of consciousness, CCPS and the entity employing the driver may accept test results performed by Federal, State or Local officials, if the results are released. If the results are not released, or testing is not performed, CCPS will prepare and maintain an explanatory record.

3. Post-accident testing should be performed immediately. Drivers must remain readily available and refrain from any alcohol use until the testing has been performed. If a driver is subject to post-accident testing and does not remain readily available for testing, including notifying CCPS of his or her location if he/she leaves the scene of an accident prior to submitting to testing, he/she may be deemed to have refused testing.
4. Alcohol testing should occur within two (2) hours of an accident. If not promptly administered, CCPS will prepare and maintain on file, a record stating the reasons for not administering the test.
 - a. If post-accident test is not administered within eight (8) hours following an accident, CCPS shall cease attempts to administer the test and maintain the same explanatory record.
 - b. Controlled dangerous substances testing should also occur immediately following an accident meeting the criteria in IV.L.iii, but must be performed no more than 32 hours after the accident.

V. Refusal to Test

- A. Failing to test within two (2) hours of being notified under Section IV of this procedure shall constitute a refusal to test, treated as a positive result for alcohol and controlled substances, and will result in disqualification of the driver across the State of Maryland. Additional penalties may also apply.
- B. Failure of the school vehicle driver to notify the bus contractor and the Department of Transportation immediately if for some reason the timeline cannot be met; including but not limited to;
 1. Failure to appear for any test (except pre-employment) within a reasonable time after being notified to do so.
 2. Failure to remain at the testing site until the testing process is complete.
 3. Failure to provide a specimen for any drug or alcohol test required by DOT/FMCSA rules.
 4. Refusal to allow the observation or monitoring of a specimen collection when it is required.
 5. Failure to provide a sufficient urine or breath sample without an adequate medical explanation for the failure.
 6. Failure to take a second test that the employer or collector has directed the employee to take.
 7. Failure to undergo a medical exam as directed by the employer or the MRO as part of the verification process, or “shy bladder” or “shy lung” procedures.
 8. Failure to cooperate with the testing process (Examples: refusal to empty pockets when requested, behaving in a confrontational manner that disrupts the process, or failure to wash hands after being directed to do so by the collector).

9. For a “direct observation” collection; failure to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants to mid-thigh, and to turn around to allow the observer to see if employee is wearing a prosthetic or similar device that could be used to interfere with the collection process.
10. Possession or wearing of a device or product intended to help the employee pass the drug test.
11. Admitting adulteration or substitution of the specimen to the collector or the MRO.
12. If the MRO reports a verified adulterated or substituted test result.
13. In alcohol testing, refusal to sign Step 2 of the Alcohol Testing Form.
14. An employee who is subject to post accident testing who fails to remain readily available for such testing, including notifying CCPS their location if he or she leaves the scene of the accident prior to submission to a test.

VI. Positive Test Results

- A. If a controlled dangerous substance test result is verified by the MRO as positive for a driver candidate, that candidate will receive no further consideration for qualification as a school vehicle driver by CCPS and disqualified as school vehicle driver in the State of Maryland.
- B. If a controlled dangerous substance test result is verified by the MRO as positive for a driver, that driver will be disqualified from driving a school vehicle and disqualified as school vehicle driver in the State of Maryland.
- C. A positive urine controlled dangerous substance test result or an alcohol test with a Breath Alcohol Concentration (BAC) of 0.02 or greater will result in disqualification of the school vehicle driver in the State of Maryland.
- D. Any driver who refuses to submit to any controlled dangerous substance and/or alcohol test will be considered as having a positive test result, and immediately disqualified as a school vehicle driver in the State of Maryland.
- E. Additionally, the following behaviors are prohibited and grounds for immediate disqualification:
 1. Possessing, using selling, transferring or exchanging controlled substances, whether or off duty, in the workplace, on or in CCPS property, including but not limited to parking lots, equipment, and vehicles.
 2. Misuse or being impaired on duty by any prescribed medication, which may affect work performance or pose a danger to the safety of the driver or others.
 3. Possessing, using, selling transferring or exchanging substances and /or products including but not limited to prosthetic devices used to carry clean urine and/or any other attempt to evade drug detection, and/or adulterate or substitute a specimen sample.

4. Report for duty or remain on duty while taking a medication that has not been verified by the MRO or the employee's own private physician as "acceptable" for use during work hours without posing any safety concerns.
5. School vehicle drivers are to report to CCPS any criminal controlled dangerous substances statute and/or DUI arrests, charges or convictions within 48 hours after the event. Failure to comply with this provision shall result in the immediate disqualification of the driver in the State of Maryland.

VII. Self Reporting

- A. CCPS does not consider a request for assistance with a controlled dangerous substance and/or alcohol problem after a driver is required to report for testing as a "voluntary" or "self report." In this case, the driver would still be required to submit to any requested controlled dangerous substance and/or alcohol testing, and subsequent action taken if adverse results were received.
- B. A driver who has reason to believe that he/she is unfit to perform safety sensitive functions and voluntarily seeks assistance must contact the testing program Designated Employer Representative and request a temporary leave from duty. The driver may not report to the performance of safety sensitive functions until a qualified alcohol and controlled dangerous substance counselor has approved for him or her to do so, after completing an evaluation, and all recommended treatment/education. The driver must also submit to a negative return to duty controlled dangerous substance and/or alcohol test, prior to the commencement of any safety sensitive functions.
- C. While the driver may still be qualified as a school vehicle driver, the entity employing the driver does not have to guarantee a position to the driver. The driver remains subject to all policies and procedures, including those related to controlled dangerous substance and/or alcohol while undergoing treatment. The driver is subject to disqualification in the State of Maryland if found to be violating this procedure, notwithstanding the fact that he or she may be receiving treatment.
- D. The cost of any treatment, education, as well as follow up and return to duty testing will be the responsibility of the school vehicle driver. This testing is conducted under CCPS authority utilizing non-federal testing forms.

VIII. Observed Collections

- A. During observed collections, observers will check for items such as prosthetic devices designed to carry clean urine, with both male and female donors. The observer will follow procedures are outlined in 49 CFR Part 40 as amended, which includes having the donor raise and lower clothing, then put the clothing back in place for the observed collection. Consistent with USDOT 49 CFR Part 40 as amended collection under direct observation (by a person of the same gender) with no advance notice will occur if:
 1. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports there was not a valid medical explanation for the result; or
 2. The MRO reports the original positive, adulterated or substituted specimen had to be cancelled because the test of the split specimen could not be performed.

3. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen; or
4. The temperature of the original specimen was out of range; or
5. The laboratory reports to the MRO that validity testing revealed an invalid "dilute" specimen with a creatinine of less than or equal to 5mg/dL and the specific gravity is less than or equal to 1.001 or greater than or equal to 1.020.
6. A return to duty or follow up test is required.

IX. Employee Assistance Program

- A. The assistance plan required by the USDOT will be limited to the training and education component given to all supervisory personnel and individuals employed as school vehicle drivers for any entity contracting with CCPS.
 - B. The training program will include the following elements:
 1. The effects and consequences of drugs and alcohol use on personal health, safety and the work environment
 2. The manifestations, behavioral and emotional actions that may indicate drug and alcohol use and/or abuse
 3. Documentation of training provided to drivers and supervisory personnel
 4. Resources available for the treatment of drug and alcohol use, abuse and addiction when requested
 5. Free, confidential access and referrals to a Substance Abuse Professional for individuals concerned about drug and alcohol addiction will be made available through the TPA.
- X. All contracts with CCPS for student transportation services are subject to the requirements of this procedure. CCPS assumes no responsibility for liability of school vehicle contractors related to other motor carrier requirements as outlined in USDOT regulations.