

# Drug and Alcohol Testing Policy

***This policy cannot be copied and/or duplicated in all or in part without the express written permission of Compliance Associates, Inc.***

## **POLICY STATEMENT**

Revised December 2005 (Pages 1 thru 16)

**North Coast Schools' Insurance Group** is strongly committed to providing a safe, drug-free workplace. An employee substance abuse testing program is mandated for all interstate employers regulated by [49 CFR Part 382](#). In addition all intrastate employers are subject to [49 CFR Part 382](#) as adopted by the State of California under vehicle code section 34520 to help prevent accidents and injuries resulting from the misuse of alcohol or the abuse of controlled substances by drivers of commercial motor vehicles. Controlled substances abuse and alcohol misuse has proven to be detrimental to a person's physical and mental health. For these reasons, we have initiated a program with Compliance Associates, Inc., a California Corporation (530) 241-2099 to comply with federal drug and alcohol testing regulations for "**safety sensitive function**" positions as prescribed in [49 CFR Part 382](#) of the Federal Motor Carrier Safety Regulations.

**North Coast Schools' Insurance Group** recognizes each individual's value and contribution to the services the company provides to their customers, therefore, this Policy is a "**zero tolerance**" policy. This Drug and Alcohol Testing Policy is intended to comply with Federal Motor Carrier Safety Administration (FMCSA) regulations, changes in which will supersede specific policy provisions. **North Coast Schools' Insurance Group** retains the right to administer and interpret this Policy as it applies to their employees. If your supervisor is unable to answer your questions regarding this policy, you may call our consortium manager Compliance Associates, Inc., at (530) 241-2099.

## **EFFECTIVE DATE**

This policy is effective April 13, 2007.

## **WHO WILL BE TESTED AND WHEN ([49 CFR 382 and 383](#))**

This policy concerns the activities of transportation employers, "safety sensitive function" positions, also referred to herein as "**covered drivers**," as prescribed by the Federal Motor Carrier Safety Administration under [49 CFR Part 382.107](#). This includes self-employed individuals, contractors and volunteers as covered by the U.S. Department of Transportation agency regulations.

**Safety sensitive function** is defined in [49 CFR 382.107](#), as all time from the time an individual who is required to hold a commercial motor vehicle driver's license for their job begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Covered drivers are operators of commercial motor vehicles or combination of vehicles requiring a commercial drivers license as prescribed by [49 CFR Part 383](#) which generally;

- 1) Single vehicles which are greater than 26,001 pounds GVWR, or vehicle combinations with a combined GVWR over 26,000.
- 2) Carry hazardous materials in quantities requiring the display of placards, or
- 3) Carry 16 or more passengers, including the driver.

Covered drivers may be tested for drugs or alcohol whenever they are **on duty**. For the purposes of this Policy, "on duty" is defined as any time on the job, since covered drivers are expected to be ready to perform safety-sensitive driving functions on short notice.

Conversely, time spent in association with drug testing specimen collection and/or alcohol testing is considered "on-duty" time.

**Safety sensitive functions** means all time from 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 responsibility for performing work. Safety-sensitive functions shall include:

- (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- (2) All time inspecting equipment as required by [49 CFR Part 392.7](#) and [49 CFR Part 392.8](#) of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All time spent at the driving controls of a commercial motor vehicle in operation;
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of [49 CFR Part 393.76](#);
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## **PROHIBITIONS and CONSEQUENCES**

### **CONTROLLED SUBSTANCES USE and TESTING ([49 CFR Part 382.213 & 382.215](#))**

This policy specifically prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace, as described in the Drug-Free Workplace Act of 1988. It also prohibits employees from reporting for duty or being on duty with evidence of alcohol, controlled substances or illegally obtained prescription medications, in their systems. Violation of these prohibitions will lead to administrative action, up to and including termination of employment.

No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances. No employer having actual knowledge that a driver has tested positive for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

- 1) No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in [49 CFR Part 382.107](#), who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.
- 2) 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.
- 3) An employer may require a driver to inform the employer of any therapeutic drug use.
- 4) Drivers must remain readily available for testing.

### **ALCOHOL USE and TESTING ([49 CFR Part 382.201](#), [382.205](#), [382.207](#) & [382.209](#))**

No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.

- 1) No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.
- 2) No driver shall perform safety-sensitive functions within four hours after using alcohol.
- 3) No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.
- 4) No driver required to take a post-accident alcohol test under [49 CFR Part 382.303](#) shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- 5) Drivers must remain readily available for testing.

### **REFUSAL TO SUBMIT TO A REQUIRED ALCOHOL or CONTROLLED SUBSTANCES TEST ([49 CFR Parts 382.211](#), [40.191](#) & [40.261](#))**

No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

Employees subject to safety sensitive function positions will be considered as a refusal to submit to a urine or breath specimen when the following conditions occur;

### **An employee has refused to take a drug test if:**

- 1) Fail to appear for any test (**except a pre-employment test**) within a reasonable time, as determined by **North Coast Schools' Insurance Group**, after being directed to do so by **North Coast Schools' Insurance Group**. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a consortium and/or third party administrator (C/TPA).
- 2) Fail to remain at the testing site until the testing process is complete; provided, that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- 3) Fail to provide a urine specimen for any required drug test; *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 a second test that **North Coast Schools' Insurance Group** or the collector has directed you to take;
- 7) Fail to undergo a medical examination or evaluation, as directed by the medical review officer as part of the verification process, or as directed by the designated employer representative. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment; or
- 8) Fail to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process).

### **An employee has refused to take an alcohol test if:**

- 1) Fail to appear for any test within a reasonable time, as determined by **North Coast Schools' Insurance Group**, after being directed to do so by **North Coast Schools' Insurance Group**. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a consortium and/or third party administrator(C/TPA);
- (2) Fail to remain at the testing site until the testing process is complete;
- (3) Fail to provide an adequate amount of breath for any alcohol test;
- (4) Fail to provide a sufficient breath specimen, and a physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (5) Fail to undergo a medical examination or evaluation, as directed by **North Coast Schools' Insurance Group** as part of the insufficient breath procedures outlined at [49 CFR Part 40.265\(c\)](#);
- (6) Fail to sign the certification at Step 2 of the alcohol testing form; or

(7) Fail to cooperate with any part of the testing process.

## **CONSEQUENCES OF A CONTROLLED SUBSTANCES TEST REFUSAL (49 CFR Part 382.501)**

### **Removal from safety-sensitive function.**

Refusal by employees subject to safety sensitive function positions to submit to a urine or breath alcohol specimen when required by federal regulations will result in the immediate removal of the employee from duty.

- (a) No driver shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in prohibited conduct.
- (b) No employer shall permit any driver to perform safety-sensitive functions, including driving a commercial motor vehicle, if the employer has determined that the driver has violated this section.

An employee that has been removed from a safety sensitive function position for a refusal or positive test result will be referred to a Substance Abuse Professional (SAP) and terminated.

## **EDUCATION AND TRAINING**

As required by 49 CFR Part 382.601(a),(b)(11),(d), information is provided in the appendix of this policy regarding the effects of alcohol and controlled substances use on an individual's health, work, and personal life along with signs and symptoms of an alcohol or controlled substances problem.

At the time of hire, new employees subject to safety sensitive function positions will receive a copy of the Drug and Alcohol Testing Policy and be informed of their responsibilities with respect to compliance with Federal drug and alcohol testing regulations. Employees will be required to sign a form acknowledging receipt of this information.

As required by 49 CFR Part 382.603, Employers and/or Supervisors of employees subject to safety sensitive function positions who may be required to make "reasonable suspicion" determinations will receive training on recognition of the physical, behavioral, speech and performance indicators of probable drug and alcohol use. The duration of the training will be at least sixty minutes EACH for controlled substances abuse and alcohol misuse recognition.

## **PRESCRIPTION MEDICATIONS (382.213 and 392.4(c))**

Independent of 49 CFR Part 382, therefore under this policy, employees subject to safety sensitive function positions are **specifically required** to notify their Employer And/or immediate Supervisors when they are taking medication with **warning labels** (i.e.: relating to the operation of a vehicle, heavy equipment, or machinery).

## **INVESTIGATION OF PREVIOUS TESTING (49 CFR Part 382.413)**

As a condition of employment under 49 CFR Part 382.413, applicants for safety sensitive function positions will be required to authorize previous employers to release specific information regarding previous controlled substances and alcohol tests for all employers in the preceding two years.

## **TYPE OF DRUG AND ALCOHOL TESTING REQUIRED**

The following are occasions for drug and/or alcohol testing under this Policy.

### ***Pre-employment testing (49 CFR Part 382.301)***

Pre-employment drug testing is required for all employees subject to safety sensitive function positions. No employer shall allow a driver, who the employer intends to hire or use, to perform safety-sensitive functions unless the driver has received a controlled substances test result from the MRO indicating a verified negative test result.

Drug test results, which are verified as positive for unauthorized use of controlled substances, will disqualify the applicant for a covered driver position.

If a positive drug test is dilute, it is simply treated as a verified positive test. If a negative drug test is dilute, it is considered a verified negative test and you are not required to take another test.

### ***Random Testing (49 CFR Part 382.305)***

*Definition of Random Test:* A random test is a test that is unannounced, and where every person in the random selection "pool" has an equal chance of being selected for testing each time a selection occurs. Random testing is considered to be an effective deterrent to substance abuse. Employees subject to safety sensitive function positions are required to be randomly tested under DOT regulations.

*Method of Random Selection:* Current percentage requirements state that number of drug tests equal to at least 50% of the number of individuals in the Compliance Associates, Inc. consortium will be performed.

This will be completed annually, as required by DOT drug testing regulations; current percentage requirements state that a number of alcohol tests equal to at least 10% of the number of individuals in the Compliance Associates, Inc. consortium will be completed annually.

*Procedure for Notification and Specimen Collection:* The Program Coordinator of Compliance Associates, Inc. will notify the employer(s) of which covered driver(s) came up in the random draw and must report to the clinic for testing. The employer(s) will notify the employee(s) of their report time to the designated clinic.

In instances of random selection for self-employed individuals who have no supervisor the Program Coordinator of Compliance Associates, Inc. will notify the individual when to report to the clinic for testing.

### **Reasonable Suspicion Testing (49 CFR Part 382.307)**

“Reasonable suspicion” means that an individual that has been trained in reasonable suspicion recognition has reason to believe that an employee may be impaired, intoxicated or under the influence of a controlled substance or alcohol.

The employer's determination that reasonable suspicion exists to require the driver to undergo a controlled substances and/or alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

A driver may be directed by **North Coast Schools' Insurance Group** to only undergo reasonable suspicion testing for alcohol while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions.

### **Post-accident Testing (49 CFR Pat 382.303)**

Under this policy any employee subject to a safety sensitive function position who is involved in a “reportable accident” will be required as soon as practicable following an occurrence involving a commercial motor vehicle, to provide a urine specimen for the purpose of drug screening and/or submit themselves to a Breath Alcohol Technician for an alcohol test.

A *reportable accident* under Federal Motor Carrier Safety Administration regulations is defined as an accident in which a covered driver was operating a commercial motor vehicle and in which:

**TABLE FOR 382.303 (a)(3)**

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
Human Fatality	YES	YES
	NO	YES
Bodily injury with immediate medical treatment away from the scene.	YES	YES
	NO	NO
Disabling damage to any motor vehicle requiring tow away.	YES	YES
	NO	NO

UNDER FMCSA REGULATIONS, employees involved in a reportable accident are required to be:

- Drug tested as soon as possible, but in no case later than 32 hours after the accident.
- Tested for alcohol as soon as possible, but in no case later than 8 hours after the accident.

An agent and/or employee who is seriously injured and cannot provide a specimen for testing may be requested to authorize the release of relevant hospital records and/or other documentation that would indicate whether there were any controlled substances in his/her system at the time of the accident.

### **Return to Duty (49 CFR Part 382.309)**

Under the “zero tolerance” policy there will be no return to duty testing.

### **Follow-up Testing (49 CFR Part 382.311)**

Under this “zero tolerance” policy there will be no follow-up testing.

## **DRUG AND ALCOHOL TESTING PROCEDURES (49 CFR Part 382.105)**

### **Drug Testing**

Urine specimen collection for drug testing will be performed by qualified individuals in conformance with current standards of practice under [49 CFR Part 40](#), using chain of custody procedures specified by FMCSA regulations. All testing will be performed with respect for the privacy and dignity of the person giving the specimen.

No unauthorized person(s) will be allowed in any part of the designated collection site(s) where specimens are collected or stored. Only collection site personnel may handle specimens prior to their securement in the mailing container.

Only laboratories certified by the Substance Abuse and Mental Health Administration (SAMHSA) of the U.S. Department of Health and Human Services will perform drug testing.

When an initial screening test for drugs is positive, a second, confirmatory test will automatically be performed. Confirmed positive drug tests will be reported by the testing laboratory to the Medical Review Officer (MRO) for verification. The MRO will then notify Compliance Associates, Inc., Program Manager who will in turn notify the employer.

### **Breath Alcohol Testing**

Breath Alcohol testing will be performed only by qualified Breath Alcohol Technicians (BAT) in conformance with current standards of practice under [49 CFR Part 40](#), using evidential breath alcohol testing devices listed on the Conforming Products List of the National Highway Traffic Safety Administration. All testing will be performed with respect for the privacy and dignity of the person giving the specimen.

No unauthorized person(s) will be allowed in any part of the designated collection site(s) where specimens are collected. Initial screenings tests for breath alcohol with results below 0.02 requires no further action.

Breath alcohol tests with results of 0.02 or above will be confirmed as follows:

- a) The individual being tested is instructed not to smoke, use mouthwash, drink or eat for a period of not less than 15 minutes or more than 30 minutes after the initial screening test.
- b) Within 30 minutes of completion of the initial screening test, a confirmation breath test is conducted per [49 CFR Part 40](#). The result is recorded in the "Confirmation Test Results" section of the Alcohol test form.
- c) In instances where a confirmation breath test must take place at another location the time of transit between sites counts toward the waiting period. The donor must be observed during the waiting period. If the waiting period exceeds 30 minutes during the time of transit a confirmation test must still be conducted under [49 CFR 40.253](#), not another screening test.

If the result of the *confirmatory* breath alcohol test is 0.02 or greater, the BAT must immediately notify the employer, who will arrange for transportation of the individual from the alcohol-testing site. The BAT will then forward a copy of the Alcohol Test Form to Compliance Associates, Inc. and a copy will be forwarded to **North Coast Schools' Insurance Group**.

### **DRUG TEST RESULTS REVIEW ([49 CFR Part 382.407](#))**

A *confirmed* positive test from a certified laboratory does not automatically identify an agent, employee or applicant as having used drugs in violation of a DOT regulation. The MRO brings detailed knowledge of possible alternate medical explanations to his or her review of the test results. This review is performed by the MRO prior to the transmission of *confirmed* results to employers and/or employer.

A drug test result on a covered driver will be considered positive ONLY if it is initially *confirmed* positive by gas chromatography-mass spectrometry (GC-MS) that has undergone review and final verification by the Medical Review Officer (MRO).

A POSITIVE drug test result is defined as the detection of any one or more of the substances listed in the table shown:

<b>Substance or Class</b>	<b>Initial Screening Cut-off</b>	<b>Confirmation Cut-off</b>
<b>Marijuana metabolites</b>	50ng/mL	
<i>THC</i>		15ng/mL
<b>Cocaine metabolites</b>	300ng/mL	150ng/mL
<b>Phencyclidine (PCP)</b>	25ng/mL	25ng/mL
<b>Amphetamines</b>	1000ng/mL	
<i>Amphetamines</i>		500ng/mL
<i>Methamphetamine</i>		500ng/mL
<b>Opiate metabolites</b>	2000ng/mL	2000ng/mL
<i>Codeine</i>		2000ng/mL
<i>Morphine</i>		2000ng/mL
<b>Ethanol (alcohol)</b>	16mg/dL	16mg/dL

## Medical Review Officer Role

The MRO is a licensed physician who is a doctor of medicine or osteopathy with knowledge of controlled substance abuse disorders, symptoms, treatment, and toxicology. The primary function of the MRO is to review, interpret and report positive test results of the agent, applicant or employee. The MRO or his/her authorized representative will also report negative test results.

Before reporting a positive drug result on a covered driver, the MRO will give the “donor” (agent, employee or applicant) a chance to discuss it. If a prescription drug is involved, the donor will be asked to provide the name of the medication and the prescribing physician’s name for verification.

The MRO may review the agent, employee, or applicant’s medical history, any relevant biomedical factors, and medical records made available by the agent, employee or applicant to determine whether a positive test resulted from legally prescribed medication before verifying a test as “positive” or “negative.”

The MRO may communicate a positive result on a covered donor to the Compliance Associates, Inc. Consortium Program Coordinator if:

1. The donor has told the MRO or his authorized representative that he/she does not wish to discuss the results of the test; or
2. The MRO has spoken with the donor, and has concluded that the positive drug test result indicates unauthorized use of a controlled substance; or
3. The MRO cannot reach the donor, and has asked the employer and/or Compliance Associates, Inc. Program Coordinator to contact the donor and relay the message to contact the MRO; and/or the donor has not responded within 5 days of documented receipt of the message.

**NOTE:** If a test is verified positive under the latter circumstances, the donor may give the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented him or her from contacting the MRO. On the basis of this information, the MRO may re-open the verification, allowing the donor to present information concerning a legitimate explanation for the positive test. If the MRO concludes that there is a legitimate explanation, the MRO shall verify the test as negative.

In compliance with [49 CFR Part 40.153](#), upon verifying a test as a confirmed positive, the MRO will inform the donor of the option of having the “split” portion of his or her specimen tested. The donor must notify the MRO of a desire to exercise this option within 72 hours of being notified of the positive result.

Payment for testing of the “split” specimen must be presented to the MRO or his designated representative in advance at which time the MRO will direct the testing laboratory to ship the “split” specimen to a second SAMHSA certified laboratory of the donor’s choice.

Independent of 49 CFR Part 382, therefore under this policy, **North Coast Schools' Insurance Group** company policy requires that the covered driver will be responsible for full payment for testing of the split specimen.

### **Communication of Results**

The MRO or his/her designated representative will report test results to the Compliance Associates, Inc. Program Coordinator. Confidentiality will be strictly maintained. If the result is positive, the MRO or his authorized representative will report the identity of the controlled substance.

Agents, employees and applicants may obtain copies of their test results by requesting them in writing from the MRO within 60 days of being notified of the results.

### **FAILURE TO COOPERATE (49 CFR Part 382.211)**

Any covered driver who refuses to take a drug or alcohol test to comply with FMCSA (49 CFR Part 382) will be immediately removed from duty performing a safety sensitive function as required by these federal regulations. A refusal under 49 CFR 382 is considered to have the same ramifications as a positive test result.

### **DISCIPLINARY ACTION AND PROCEDURES (49 CFR 382.111)**

**North Coast Schools' Insurance Group** has the right and obligation to determine levels of discipline for their employees under this Policy.

The following are the disciplinary actions and procedures that **North Coast Schools' Insurance Group** has adopted as their company policy:

1. An otherwise qualified applicant for a covered driver position whose drug test results are negative; will be considered qualified for the position offered.

Applicants with verified positive drug test results would be considered ineligible for the position.

2. Any covered driver found to be in violation of this Drug and Alcohol Testing Policy will be subject to termination.
3. A covered driver determined to have evidence of alcohol in his/her system of 0.01 but **below** 0.04g will be subject to prompt disciplinary action:
  - a. On the first occasion in any two-year period in which a covered driver has a breath alcohol test result of 0.01g or greater, but less than 0.04g, will be immediately removed from duty for a period of at least 24 hours. The time away from work may be considered leave of absence without pay. No further alcohol testing will be required prior to resuming work at the end of the 24-hour period.

- b. The second occasion in any two-year period in which a covered driver has a breath alcohol test result of 0.01g or greater, but less than 0.04g, will be considered a violation of this Policy, and will subject to termination.
4. Covered drivers who have had a verified positive drug test or a confirmed alcohol result of 0.04g or above will be immediately removed from their safety sensitive function position and referred to a Substance Abuse Professional and terminated.

## **RECORDKEEPING PROCEDURES (49 CFR Part 382.401)**

Compliance Associates, Inc. consortium will maintain drug and alcohol testing records in a secure filing system copies will be made available to employers.

A driver is entitled, *upon written request*, to obtain copies of any records concerning his/her use of alcohol or controlled substances. Requests for such information shall be directed to the employer.

Information regarding an individual's drug test results or rehabilitation may be released only upon written consent of the individual, except:

1. Such information must be released 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.
2. Must be released 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.
3. Such information may be disclosed in a lawsuit, grievance, or other proceeding initiated by or on behalf of the covered driver and arising from an alcohol test and/or verified positive drug test or from your employer determination that the driver engaged in conduct prohibited by FMCSA regulations.
4. When requested by the National Transportation Safety Board as part of an accident investigation, Compliance Associates, Inc. will disclose information regarding post accident alcohol and/or drug testing.

The employer shall release information regarding a covered driver's records to a subsequent employer ***only upon receipt of a written request*** specifically authorizing release of the records to an identified person.

## Record Retention

Compliance Associates, Inc. consortium and their authorized employer, will maintain the following schedule of RECORDKEEPING:

Negative and canceled drug test records; records of alcohol test results less than 0.02.	1 year minimum
Records related to the alcohol and controlled substances collection process.	2 years
Records related to the education and training of BAT's, STT's, and supervisors.	Indefinitely
Records related to the education and training of covered drivers shall be maintained by the employer while the individual performs the functions which require the training and for two years after ceasing to perform those functions.	Indefinitely/2 years
Records of verified positive drug test results; alcohol test results of 0.02 or greater; refusals to be tested for drugs and/or alcohol; SAP evaluations and referrals.	5 years
Records related to the administration of the alcohol and controlled substances testing program.	5 years
Documentation of EBT calibration.	5 years
Calendar year record of total number of employee's tested and the results of tests.	5 years

## GLOSSARY OF TERMS

### **ADULTERATED SPECIMEN:**

A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

### **ALCOHOL SCREENING TEST:**

An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

### **BAT: Breath Alcohol Technician:**

A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

### **CANCELED TEST:**

A drug or alcohol test that has problem identified that cannot be or has not been corrected, or which under Part 40 is required to be canceled. A canceled test is neither a positive nor a negative test.

### **CHAIN of CUSTODY:**

The procedure used to document the handling of the urine specimen from the time the employee gives the specimen to the collector until the specimen is destroyed.

### **CONFIRMED DRUG TEST:**

A confirmation test result received by an MRO from a laboratory.

### **CONSORTIUM/THIRD-PARTY ADMINISTRATOR (C/TPA):**

A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers C/TPA's typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs fit its members. C/TPA's are not "employers" for the purposes of Part 40.

### **DESIGNATED EMPLOYER REPRESENTATIVE (DER):**

An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of Part 40.

### **DILUTE SPECIMEN:**

A specimen with creatinine and specific gravity values that are lower than expected for human urine.

### **GVWR: Gross Vehicular Weight Rating:**

Size criterion for determining classification of a commercial motor vehicle under Federal regulations.

**INITIAL DRUG TEST:**

The first test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

**LABORATORY:**

Any U.S. laboratory certified by Health and Human Services (HHS) under the National Laboratory Certification Program that meets the minimum standards of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by the Department of Transportation.

**MRO: Medical Review Officer:**

The MRO is a licensed physician who is a doctor of medicine or osteopathy with knowledge of controlled substance abuse disorders, symptoms, treatment, and toxicology. The MRO is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanation for certain drug test results.

**ODAPC: Office of Drug and Alcohol Policy and Compliance.**

The office in the Office of the Secretary, DOT, that is responsible for coordinating drug and alcohol testing program matters within the Department and providing information concerning the implementation of this part.

**ON DUTY:**

Any time a covered 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.

**PRIMARY SPECIMEN:**

In drug testing, the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing.

**RANDOM TESTING:**

Computerized random selection and testing for drugs and alcohol in which each person in the computer database has an equal chance of selection each time a selection occurs, in accordance with regulatory requirements.

**REASONABLE SUSPICION:**

*"Reasonable suspicion"* means that an individual that has been trained in reasonable suspicion recognition has reason to believe that an employee may be impaired, intoxicated or under the influence of a controlled substance or alcohol.

**REFUSAL TO SUBMIT:**

No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

**SAMHSA: Substance Abuse and Mental Health Services Administration:**

A division of the U.S. Department of Health and Human Services (DHHS) which is responsible that is responsible for certifying laboratories to perform medical federal workplace drug testing.

**SERVICE AGENT:**

Any person or entity, other than an employee of the employer, who provides services to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, Substance Abuse Professionals, and C/TPAs.

**SPLIT SPECIMEN COLLECTION:**

In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

**SUBSTANCE ABUSE PROFESSIONAL:**

A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare.

**SUBSTITUTED SPECIMEN:**

A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

**QUALIFICATION TRAINING:**

The training required in order for a collector, BAT, MRO, SAP, or STT to be qualified to perform their functions in the DOT drug and alcohol-testing program. Qualification training may be provided by any appropriate means (e.g., classroom instruction, Internet application, CD-ROM, video).

**VERIFIED TEST:**

A drug test result or validity testing result from a HHS-certified laboratory that has undergone review and final determination by the MRO.