

Section I: Instruction

IHAIA Alcohol and Controlled Substances Testing for Student Drivers

Adult Education Commercial Driver License Alcohol and Controlled Substances Testing for Student Drivers

STATEMENT OF POLICY:

The safety of our students, employees and the general public requires that our student drivers perform their duties free from the effects of alcohol and/or drugs. A driver who uses or abuses alcohol and/or drugs is a hazard to the school, the general public, other employees and him/herself.

DRIVERS SUBJECT TO TESTING:

All Commercial Driver License (CDL) student drivers/applicants are subject to federal regulations concerning the use of alcohol and /or drugs as required by the Code of Federal Regulations CFR Parts 40 and Part 382. These regulations include testing for alcohol and drugs; the tests required include Application/Pre-employment; Random; Post Accident; and Reasonable Suspicion. The requirements of these regulations shall be implemented by the Region 8 Director who has the authority to adopt and impose consequences for violations of the rules and regulations. CDL student drivers who fail the initial substance testing will be reimbursed their prepaid tuition minus individual costs incurred by Region 8.

PROGRAM ADMINISTRATOR:

A trained administrator has been designated as the Alcohol/Drug Testing Program Administrator. Questions concerning the testing program should be directed to the Program Administrator.

The program administrator will handle all information on all tests of student drivers as confidential. The program administrator may provide such information as necessary to the supervisor to enable him/her to take proper disciplinary action as warranted.

DRIVERS COMPLIANCE WITH REGULATION:

All student drivers must comply with this policy and federal regulations during any training, including but not limited to: driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents.

SUBSTANCES TESTED FOR:

The following substances will be tested to determine their presence: alcohol; marijuana; cocaine; opiates; phencyclidine (PCP); and amphetamines.

PROHIBITED CONDUCT:

Drivers shall not:

- 1) Report to and/or remain on duty* with any concentration of alcohol for persons under 21 or a concentration of alcohol of 0.02 or greater for persons age 21 and over.
- 2) Possess any alcohol while on duty*;
- 3) Use any alcohol while on duty*;
- 4) Use any alcohol within four hours before going on duty* for persons 21 years of age and older;
- 5) Use any alcohol for eight hours after an accident which will require the driver to be tested for alcohol or until tested, whichever occurs first, only for persons 21 years of age and older;
- 6) Refuse to submit to a required alcohol and/or controlled substance test;
- 7) Report to or remain on duty* when using any controlled substance, except when under physician's orders and the physician has informed the driver that the use will not effect the safe operations of a commercial vehicle;
- 8) Report to or remain on duty* if he/she has tested positive for controlled substance.

*On duty means anytime spent in the classroom, on school property, or during any related training.

TEST REQUIRED:

All drivers who are required to be tested for alcohol and/or controlled substance use or misuse will be tested under the following circumstances:

- 1) **Application/Pre-employment:** Tests will be administered before a student driver performs any safety-sensitive function. Enrollment is conditional upon the applicant receiving negative alcohol and drug tests results.
- 2) **Random:** All drivers are subject to random alcohol and controlled substance testing. Currently ten percent 10% of all drivers will be selected to submit to unannounced random alcohol testing and fifty percent 50% for controlled substances, which will be spread throughout the calendar year (unless the Federal Motor Carrier Safety Administration, FMCSA, announces another testing level). The company has entered into a consortium pool including drivers from other companies and the 10 and 50 percent levels will apply to the entire pool of drivers.

- 3) **Post Accident:** Drivers will be tested as soon as possible after any accident: (a) involving a fatality or (b) if the driver received a summons for a moving traffic violation as a result of the accident.
- 4) **Reasonable suspicion.** All drivers who exhibit signs and/or symptoms of alcohol and/or controlled substance use or misuse, which are observed by trained staff, while performing safety sensitive functions will be required to submit to an alcohol and/or controlled substance test.

TESTING PROCEDURES:

Region 8 has contracted with Affiliated Healthcare Systems to administer/manage the alcohol testing and collection of the urine specimen(s) for controlled substance testing.

Once a driver has been directed to submit to an alcohol and/or controlled substance test, he/she will proceed immediately to the testing area. Drivers must comply with the lawful request to the technician doing the alcohol and/or controlled substance test. Failure to comply with the regulations of this policy will be grounds for disciplinary action up to and including dismissal.

REQUIREMENT THAT DRIVERS MUST SUBMIT TO TESTS:

All student drivers who are required by Federal Motor Carrier Safety Administration - FMCSA 49 CFR (Code of Federal Regulations) Parts 40 and 382 regulations and this policy to be subjected to alcohol and/or controlled substances tests must fulfill that requirement when so directed by the alcohol/drug testing program administrator or trained supervisor.

REFUSAL TO TEST:

The following circumstances will be construed as refusing to submit to a test:

- 1) Fail to appear for any test within thirty (30) minutes of being notified to submit to a required test.
- 2) Failure to provide a sufficient sample to be tested, either breath or urine as the case may be, unless medically determined impossible to do so.

RECORDS:

Student driver drug and alcohol test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, a student driver shall receive copies of any records pertaining to his/her drug or alcohol tests. Records shall be made available to a subsequent employer or other identified person only as expressly requested in writing by the driver.

USE OF PRESCRIPTION DRUGS:

Student drivers shall inform the Program Administrator if at any time they are using a controlled substance which their physician has prescribed for therapeutic

purposes. Such a substance may be used only if the physician has provided documentation that it will not adversely affect his/her ability to safely operate a vehicle.

ENFORCEMENT:

Any student driver who violates either the Federal Motor Carrier Safety Regulations or this policy may be subject to disciplinary action up to and including dismissal.

Any student driver who tests positive for any alcohol concentration for persons under 21 years of age and .02 for persons 21 years of age or older or controlled substance shall immediately be relieved from duty.

INFORMATION:

Region 8's Program Administrator will provide each student driver subject to the Federal Motor Carrier Safety Regulations with a copy of this policy. In addition the school will provide printed material which describes the effects of alcohol and controlled substances use on an individual's health, work and personal life; signs and symptoms of an alcohol or a controlled substances problem.

ACKNOWLEDGMENT:

I certify that I have received a copy of the Region 8 Adult Education Commercial Driver License Student Alcohol and Controlled Substances Testing Policy and other printed material explaining the effects of an alcohol and/or controlled substance problem. This statement allows the drug testing company to release the test results directly to Region 8.

Driver's Signature

Date

Driver's Name Printed

Parent's Signature for driver under 18

Date

Legal References: 49 C.F.R. Part 382, 391, 392, 395
26 M.R.S.A §681(8)(B); 685(2); 689

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