



**Western Pacific  
Truck School**

# **DOT Drug Testing Policy**

**For DOT-Regulated Student Drivers  
subject to DOT Drug and Alcohol Testing**

## Purpose and Coverage

The U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA), an agency within the DOT, have issued regulations (49 CFR, Parts 40 & 382, hereinafter referred to as “DOT regulations”) which govern the use of drugs and alcohol by student who hold a Commercial Driver’s License (CDL) and drive a Commercial Motor Vehicle (CMV). The DOT requires Western Pacific Truck School. (“School”) to conduct drug and alcohol testing of certain of its DOT drivers at the times and under the conditions described in this Policy. The regulations apply to every person who operates a CMV in interstate, foreign, or intrastate commerce, to all employers of such persons and to all states. Please direct all questions regarding this Policy to the Safety Department, currently

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It is the School’s intention to comply fully with DOT regulations. In the event DOT regulations are amended or revised, the Policy and the applicable terms, conditions, and/or requirements shall be deemed to have been amended automatically. Redrafting will not be necessary in order to reflect and be in compliance with DOT regulations. The School reserves the right to apply any amendments or revised requirements immediately, without giving prior notice to students covered by this Policy, unless DOT regulations or other applicable law requires such notice.

The goal of the Student’s DOT Policy and the testing of students is to ensure a drug and alcohol-free transportation and school environment, to reduce and eliminate drug and alcohol related accidents, injuries, fatalities, and damage to School property. For the purpose of this Policy, any students performing under the definitions described below will be referred to as “driver/student driver/student.”

In this Policy, School policies/actions based on School’s authority independent of DOT regulatory requirements is underlined. driver

## Criteria for Student Subject to Testing

Under this Policy and DOT Federal Motor Carrier Safety Administration (FMCSA) regulations, students who hold a CDL and drive a CMV are subject to the drug and alcohol testing in accordance with federal regulations. CMV means a motor vehicle or a combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- having a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
- having a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, whichever is greater; or
- is designed to transport 16 or more passengers, including the driver; or
- is of any size and is used in the transportation of hazardous materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to have a placard under the Hazardous Materials Regulations.

All students enrolling at School are subject to DOT testing or for a safety-sensitive position, which includes driving, will be notified of this Drug-Free Program (DFP) at the time of enrollment.

## Definition of “Safety Sensitive”

Safety-sensitive function means all time, from the time a driver begins to 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.

For the purpose of this Policy and the Student’s DOT drug and alcohol testing program, student are considered to be performing a safety-sensitive function and subject to drug and/or alcohol testing at the following times:

- All time at the School’s terminal, facility, or other property, or on any public property, waiting to be dispatched for training, unless the student has been relieved from duty by the School;
- All time inspecting equipment as required by 49 CFR §§ 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
- 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
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## Definitions

Definitions as used under this Policy are set forth below and in greater detail in 49 CFR §§ 40.3 and 382.107.

Drug:

For purposes of this Policy, “drug” means a controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC § 812. Pursuant to DOT regulations, all DOT-required drug tests must test for the following substances identified in 49 CFR § 40.85: marijuana, cocaine, amphetamines, opioids and phencyclidine.

Confirmation Test:

Alcohol: A second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

Drugs: A second analytical procedure to identify and quantify the presence of a specific drug or metabolite that is independent of the screening test.

Disabling Damage:

Damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

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| Included: | 1. Damage to motor vehicles that could have been driven but would have been further damaged if so driven.   |
| Excluded: | <ol style="list-style-type: none"> <li>1. Damage which can be remedied temporarily at the scene of the accident without special tools or parts.</li> <li>2. Tire disablement without other damage even if no spare tire is available.</li> <li>3. Headlight or taillight damage.</li> <li>4. Damage to turn signals, horn, or windshield wipers, which makes them inoperative.</li> </ol> |

**Dilute Specimen:**

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

**Student:**

Any person who holds a CDL and operates a CMV, which falls under the specific DOT criteria. This includes, but is not limited to, full-time or part-time, regularly active drivers.

**Refuse to Submit:**

A refusal to submit to a required drug and/or alcohol test means that a driver:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the School, consistent with applicable DOT agency regulations, after being directed to do so by the School. This includes the failure of a driver to appear for a test when called by the School's Consortium/Third-Party Administrator (C/TPA);
2. Fails to remain at the testing site until the testing process is complete.
3. Fails to provide a specimen(s) for any drug and/or alcohol test required by Part 382 or other DOT agency regulations.
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;
5. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Fails or declines to take a second test the School or collector has directed the driver to take (see, for instance, 49 CFR §40.197(b));
7. Fails to undergo a medical examination or evaluation as directed by the MRO as part of the verification process, or as directed by the DER pursuant to 49 CFR § 40.193 or § 40.265(c);
8. Fails to sign the certification at Step 2 of the ATF;
9. Fails 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); or
10. Is reported by the MRO as having a verified adulterated or substituted test result.

Any driver who refuses to submit to a required drug and/or alcohol test or otherwise fails to cooperate with any part of the testing process is in violation of this Policy. Any driver who refuses such a test will be subject to the consequences described in the "Consequences for Policy Violations" section.

#### Substituted Specimen:

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

### Tests Required

In general, DOT regulations require that the School conduct, and a driver submit to, drug and/or alcohol tests at the following times and under the following conditions:

### Enrollment

A drug test is required before any driver will be enrolled to perform a safety-sensitive function. A drug test will also be required before any current student in a non-regulated position will be assigned, transferred or otherwise permitted to operate a commercial motor vehicle on behalf of the School for the first time. Prior to taking a pre-employment drug test, the applicant will be told a date and time for which to report to the drug testing facility. All students enrolling in School are conditioned upon the applicant:

- Signing the Certificate of Receipt attached to this Policy
- Taking a drug test as directed by the School and a negative test result;
- Passing DOT-required physical exam required for driver positions;

Note: Effective January 6, 2020 the following personal information collected and maintained under DOT FMCSA motor carrier drug and alcohol testing regulations will be reported to a DOT-established Commercial Driver's License Drug and Alcohol Clearinghouse database:

- (i) A verified positive, adulterated, or substituted drug test result;
- (ii) An alcohol confirmation test with a concentration of 0.04 or higher;
- (iii) A refusal to submit to any test required by DOT motor carrier regulations;
- (iv) An employer's report of actual knowledge, as defined by DOT motor carrier regulations of:
  - (A) On duty alcohol use (pursuant to 49 C.F.R. §382.205);
  - (B) Pre-duty alcohol use (pursuant to 49 C.F.R. §382.207);
  - (C) Alcohol use following an accident (pursuant to 49 C.F.R. §382.209); and
  - (D) Controlled substance use (pursuant to 49 C.F.R. §382.213);

- (v) A DOT substance abuse professional report of the successful completion of the return-to-duty process;
- (vi) A negative return-to-duty test; and,
- (vii) An employer's report of completion of follow-up testing.

Prior to the first time a current driver performs a safety-sensitive function for the School, the driver will undergo a drug test. The School will not allow a driver to perform a safety-sensitive function unless and until the School has received a negative test result for the student.

A verified positive drug test will disqualify a student from a safety-sensitive position and the student's enrollment status will be withdrawn. Before a student with a verified positive DOT drug test may be reconsidered for enrollment at the School, the student must complete the DOT-required Post-Violation.

### **Post-Accident**

A driver who is performing a safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible after any occurrence that meets the description of a "DOT Accident." For purposes of this Policy and the Student's drug and alcohol testing program, a "DOT Accident" is defined as an occurrence involving a commercial motor vehicle operating on a public road in commerce which results in:

- A loss of human life; **or**
- The driver receiving a citation under state or local law for a moving traffic violation arising from the accident if the accident involved:
  - Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or;
  - One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

A driver may be directed to submit to a drug and/or alcohol test at the accident scene by a federal, state, or local law enforcement officer. Whenever a test is conducted by a law enforcement officer, the driver is required to immediately contact his/her instructor or other School official to report the drug and/or alcohol test result and to provide the School with the name, badge number, and telephone number of the law enforcement officer who conducted the test.

Whenever a driver is involved in a DOT accident and is not tested for drugs and/or alcohol by a law enforcement official, the driver is required to immediately contact his/her instructor or other School official and remain available to be tested. A driver who is subject to post-accident testing must remain available for testing or the School may consider the driver to have refused to submit to testing.

### **Alcohol:**

Tests should be administered within two (2) hours of an accident. If unable to test within the two (2) hour time period, the school administrator must document the reason(s) for the time delay. If the test was not

performed within eight (8) hours, cease attempts to administer the test and document the reason(s) why the test was not conducted.

The driver must refrain from consuming alcohol for eight (8) hours after an accident and/or until the test has been completed. A driver who is subject to post-accident testing must remain available or the school may consider the driver to have refused to submit to testing.

#### **Drugs:**

Tests should be administered within thirty-two (32) hours after an accident. If the test was not performed within thirty-two (32) hours, the school will cease attempts and prepare and maintain a record stating the reason(s) why the test was not conducted.

In the event of a DOT Accident that involves a traffic citation, the citation must have been issued within the foregoing prescribed time periods (8 hours for alcohol and 32 hours for drugs from the time of the accident) to trigger a referral for a DOT post-accident test. In the event a traffic citation is not issued within the prescribed time periods and no DOT post-accident test is performed, the School reserves the right, as recognized by the DOT, to require a non-DOT post-accident test based on its independent authority and discretion, and within the limits, if any, of applicable law.

#### **Random**

Every student shall submit to random testing as directed by the School pursuant to DOT regulations. All such tests will be unannounced and performed at reasonable intervals throughout the year. Whenever a student is randomly selected to be tested, he/she will be notified of their selection and instructed to immediately report to the collection site. A student who tests positive or refuses to submit to a test is medically unqualified to drive and/or perform any other safety-sensitive function.

Each student selected for random testing shall be tested during the selection period. If a student selected for random testing is on vacation, temporary layoff, medical leave or otherwise not at work, the student must be referred for a random test upon his/her return to school. The School will not skip or select an alternate in the event a selected student is unavailable for testing on any particular day during the random selection period. If a student selected for random testing does not return to school before the beginning of a new random selection period (i.e., the next random draw), the School will ensure that a sufficient number of students are subsequently selected so the annual testing rate is not less than the minimum annual percentage rates established by the FMCSA for random drug and alcohol testing.

#### **Alcohol:**

The annual rate for random alcohol testing is set by the FMCSA. Students may be tested just before, during, or just after performing a safety-sensitive function.

#### **Drugs:**

The annual rate for random drug testing is set by the FMCSA. Students may be tested at any time while the student is at attending the School.

#### **Reasonable Suspicion**

Each student is required to submit to a drug and/or alcohol test whenever the School has reasonable suspicion (also referred to as “reasonable cause”) to believe that a student has used drugs/alcohol in violation of DOT regulations. Reasonable suspicion will exist when a student’s appearance, behavior, speech, and/or body odors indicate drug/alcohol use, or the chronic and withdrawal effects of drugs/alcohol. Whenever a student is notified that there is reasonable suspicion to be tested, the student is expected to report to the test/collection site immediately and will be escorted. Documentation of the student’s conduct and/or appearance leading to a reasonable suspicion drug/alcohol test must be prepared and signed by the instructor or School official who made the observations within twenty-four (24) hours of the observed behavior, or before the results of the drug/alcohol test are released, whichever is earlier.

### **Policy Prohibitions**

Student involvement with drugs and/or alcohol can adversely affect the school environment, performance, and safety of all students. Violation of the prohibitions of this Policy will be considered to be serious misconduct and may result in a drop.

#### **Drug Prohibitions:**

The regulations prohibit any drug use that could affect performance of a safety-sensitive function. Listed below are the prohibitions with respect to drug use.

- No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the student uses any drugs, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver that the drug will not adversely affect the student’s ability to safely operate a CMV.
- No School 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.
- The School may require a driver to inform the School of any therapeutic drug use.
- No driver shall report to perform a safety-sensitive function if the driver tests positive for controlled substances. No School having actual knowledge that a driver has tested positive for controlled substances shall permit the student driver to perform or continue to perform safety-sensitive functions.
- No driver shall refuse to submit to a drug test required pursuant to DOT regulations.

#### **Alcohol Prohibitions:**

The regulations prohibit any alcohol use that could affect performance of a safety-sensitive function. Listed below are the prohibitions with respect to alcohol use.

- No driver shall report for school or remain at school requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- No driver shall use alcohol while performing safety-sensitive functions or perform such functions within four (4) hours after using alcohol. No school having actual knowledge that a student has used alcohol while performing safety-sensitive functions or used alcohol within four (4) hours immediately preceding the performance of such functions, shall permit a student to perform or continue to perform safety-sensitive functions.



- No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- No driver shall refuse to submit to an alcohol test required pursuant to DOT regulations.

**NOTE:** A DOT-regulated driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least twenty-four (24) hours.

### **Consequences for Policy Violations**

#### **Removal from Safety-Sensitive Function/Temporary Non-Safety Sensitive Relief Work:**

Student drivers shall not perform, nor be permitted to perform, a safety-sensitive function, including driving a commercial motor vehicle as previously defined in this Policy, if any of the above prohibitions, or the drug and/or alcohol rule of another DOT agency, are violated

#### **Post-Violation/Return-to-Duty Procedures:**

A student driver who has violated a DOT drug and/or alcohol regulation cannot again perform any DOT safety-sensitive duties for the School or any DOT-regulated employer until and unless the student driver has completed the SAP evaluation, referral and education/treatment process. For purposes of this Policy, a DOT drug and/or alcohol regulation violation includes a verified positive DOT drug test, a DOT alcohol test with a result indicating an alcohol concentration of .04 or greater, a refusal to test (including by adulterating or substituting a urine specimen) or any other violation of the prohibition on the use of alcohol or drugs under a DOT agency regulation.

Before a student driver who has violated a DOT drug and/or alcohol regulation can return to a safety-sensitive position, he or she must:

- Meet with a Substance Abuse Professional (SAP) for an initial evaluation;
- Properly follow all SAP evaluation recommendations for assistance and referrals, to an education and/or treatment program;
- Meet with the SAP for a follow-up evaluation to determine whether the individual has successfully complied with the SAP's education and/or treatment recommendations;
- Take and provide a negative return-to-duty drug and/or alcohol test; and
- Be subject to post-rehabilitation/follow-up testing as determined by the SAP for up to sixty (60) months, to include a minimum of six (6) follow-up tests in the first twelve (12) months after the return-to-duty test with an alcohol concentration of less than 0.02 and a negative drug test. The SAP may terminate the requirement for the follow-up testing at any time after the first six (6) tests have been administered, if the SAP determines that such testing is no longer necessary.

### **Student Discipline:**

Student driver who engage in any of the prohibited conduct listed above are in violation of this Policy and are subject to discipline, up to and including being dropped, at the School's sole discretion pursuant to the School's authority independent of DOT requirements.

While the discipline imposed will depend on the circumstances, and the School reserves the right to determine, in its discretion, discipline imposed, the School has ZERO TOLERANCE for the following Policy violations, and the student drivers who commit those violations will be dropped immediately: possession, sale or use of illegal drugs on School premises or during operating hours, having an unsatisfactory result (e.g., a confirmed positive test result) on any test, other than a random test, requested or required under this Policy, refusing to submit to testing, or attempting to switch, adulterate or tamper with a specimen. Based on the School's authority independent of DOT regulations, an student with a pre-placement drug test result that is unsatisfactory to the School (e.g., a confirmed positive test result) , who refuses to submit to testing or attempts to switch, adulterate or tamper with a specimen will not be enrolled.

Students whose enrollment is terminated as result of violating this Policy must take another pre-placement drug test and submit satisfactory results to the School.

### **Voluntary Admission of Drug/Alcohol Use**

The School encourages all students who need assistance in dealing with alcohol abuse or drug dependency problems to seek appropriate counseling and/or treatment through various private and public organizations that are available. Accordingly, students who voluntarily come forward and admit to alcohol misuse or drug use will not be subject to disciplinary action. Rather, student who self-identify their need for assistance will be allowed sufficient opportunity to seek evaluation, education or treatment to establish control over their drug or alcohol problem.

Students must make any such admission or self-identification of a drug and/or alcohol problem prior to performing a safety-sensitive function (i.e. prior to reporting for duty). Students may not self-identify a drug or alcohol problem to avoid testing required under DOT regulations. Students also may not escape discipline by self-identifying a drug or alcohol problem after being referred for testing or after a DOT drug and alcohol regulation violation has occurred. Costs associated with any counseling or treatment program may be covered by the student's medical insurance plan (if any); however, any costs not covered by the student's medical insurance plan and which are not otherwise required to be paid by any applicable plan are entirely the student's sole responsibility. The School will comply with any applicable medical leave law, disability discrimination law or applicable leave law in the event a leave is requested.

### **Summary of Alcohol Testing Procedures**

The DOT regulations discuss alcohol testing procedures in greater detail in 49 Code of Federal Regulations, Part 40, which the School will adhere to with respect to DOT alcohol testing.

1. Alcohol testing is done at locations determined by the School in a private setting. The testing technician, who has been trained, will ask test subjects to verify their identity. Student must cooperate with that request. Students may ask the technician for identification also. The student's identity will be recorded on a DOT alcohol testing form.
2. A breath or saliva testing device approved by the federal government will be used for all alcohol tests. A screening test will be done first. If a breath-testing device is used, student drivers will be instructed to exhale forcefully into the mouthpiece of the screening device. If a saliva-testing

- device is used, a swab will be placed in the student's mouth and saturated with saliva. After the saliva is collected, the swab will be inserted into the saliva-testing device.
3. The technician will show the result displayed on the screening device to the student driver. If the reading is less than 0.02, the driver has passed the alcohol test and the DOT alcohol testing form will be completed.
  4. If the screen test result is more than 0.02, a confirmation breath test, using a federally approved evidential breath-testing device, will be performed after at least a 15-minute waiting period from the completion of the screening test. During that time, for their own protection, student drivers should not eat or drink anything.
  5. For the confirmation test, the student driver will have to exhale into the evidential breath-testing device until the technician tells the driver to stop. The student driver will be shown the printed and displayed results.
  6. A confirmation test result under 0.02 means the driver has passed. A confirmation alcohol concentration level of 0.02 or higher will result in the student driver's removal from safety-sensitive functions. The DOT prohibits any student driver whose confirmation test registers 0.02 or greater but less than 0.04 from performing or from continuing to perform a safety-sensitive function until the student driver's next regularly scheduled class period, but for no less than twenty-four (24) hours. If the confirmation level is 0.04 or more, or if the student driver refuses to cooperate, the student driver is in violation of DOT alcohol regulations and subject to the Consequences for Policy Violations.
  7. If a student driver tries but fails to provide a breath specimen adequate for testing, the student driver will be asked to try again. If the student driver still does not provide an adequate specimen, the student driver's failure will be noted on the DOT alcohol testing form and the School's DER will be informed. The student driver will be removed from performing "safety-sensitive" functions for a 24-hour time period and required to see a doctor, acceptable to the School, within five days for an evaluation. If the doctor provides a written statement to the school concluding that it is highly probable a medical condition prevented the student driver from providing an adequate breath specimen, the student driver will not be disciplined for refusing to cooperate.

### **Summary of Drug Testing Procedures**

The DOT regulations discuss drug-testing procedures in greater detail in 49 Code of Federal Regulations (CFR), Part 40, which the School will adhere to with respect to DOT drug testing, including but not limited to with respect to initial and cutoff testing concentrations as established and as may be updated by DOT from time to time in 49 CFR § 40.87.

1. Student drivers subject to drug testing will be directed to provide a urine specimen at a School designated facility. In return, a student may ask collection site personnel to disclose their identity.
2. The student driver's urine specimen will be collected by a trained collection site person (the Collector) in accordance with DOT rules, using a DOT Custody and Control Form (CCF), also known as chain-of-custody form. To protect themselves, drivers should ensure that the entries on the form are accurate, that their collected urine specimens have been sealed, and that their specimens are labeled with the same number as appears on the CCF and are placed in a container with copies of the correct CCF.
3. The Collector shall require student to remove unnecessary outer garments that might conceal items used to tamper with the collection process. The Collector shall also retain personal belongings like briefcases and purses during the collection process. Student drivers may keep

- their wallets and ask for a receipt for any belongings they surrender. The Collector will direct the student driver to empty his or her pockets and display the items in them and the student driver must allow the Collector to make this observation.
4. Student drivers will be given a collection container and allowed to provide a urine specimen in private unless: the laboratory reports a specimen was invalid and the MRO reports there was no adequate medical explanation for the result; the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed; the laboratory reports a specimen as negative-dilute – a specimen with a low creatinine concentration greater than or equal to 2 mg/dL and less than or equal to 5 mg/dL and the MRO reports the specimen as negative and dilute; the School directs a return-to-duty test or follow-up test be performed under direct observation; the Collector observes materials brought to the collection site and determines that they were brought there with the intent to alter the specimen or the driver's conduct clearly indicates an attempt to tamper with a specimen; the temperature on the original specimen was out-of-range; or the original specimen appeared to have been tampered with. In such circumstances, the DER will be notified, and student drivers will be required to provide a specimen while being observed.
  5. If the student driver does not provide a sufficient amount of urine for testing (at least 45 ml), the Collector will discard the specimen, tell the student driver to drink additional fluids, wait up to three (3) hours and try again to provide a specimen. If the student driver refuses to drink those fluids or provide another specimen, the Collector shall notify the School's DER of the student driver's refusal to cooperate. If the student driver cooperates, but still does not provide an adequate specimen, testing will stop and the student driver will be sent to a doctor acceptable to the School's MRO within five working days for an evaluation. If that doctor states in writing to the School's MRO that it is highly probable that a medical condition prevented the student driver from providing an adequate specimen, the student driver will not be disciplined on grounds of refusing to provide a specimen.
  6. If the student driver does provide an adequate specimen, it will be inspected by the Collector and its temperature will be measured. If there is a reason to believe an altered or substituted specimen has been provided, the DER will be notified and a second, observed specimen will be collected. Collected specimens will be poured into two containers (i.e. a split-specimen collection). The student driver will then be told to initial a label for the containers and the containers will be sealed and labeled with a unique specimen number in the student driver's presence.
  7. Both specimen containers will be sent to a federally certified laboratory designated by the School. The lab will review the CCF and check the specimens for apparent tampering. Any apparent tampering or CCF problems will be reported to the DER.
  8. If the specimens appear to be in order, the lab will run an initial screening test on the primary specimen. If the screening test is negative, the lab will report the result as negative and the student driver has passed the drug test. If the screening test is positive, the lab will conduct a confirmation test and analyze the specimen using Gas Chromatography/Mass Spectrometry (GC/MS). The laboratory will send the test results to the School's Medical Review Officer (MRO).
  9. The MRO is a trained doctor the School has retained to review test results and to evaluate any explanation a student driver may have for a positive, adulterated, substituted with a creatinine concentration of less than 2 mg/dL, or invalid drug test result. The MRO will telephone student driver at the numbers given on the CCF. If a student believes a mistake was made at the collection site or lab, or on a CCF, or that the drug test result is caused by lawful substance use, the student driver should tell the MRO. Student drivers should cooperate with the MRO. If a student driver

does not cooperate, the School will be notified, and the student driver may be removed from duty and disciplined or discharged pursuant to the School's independent authority.

10. If the MRO informs the School that a negative drug test was dilute, the following will apply.

- **Dilute Negative with Low Creatinine:** If the MRO indicates that a recollection under direct observation is required because the creatinine concentration of the specimen was equal to or greater than 2 mg/dL but less than or equal to 5 mg/dL, the School must immediately instruct the student driver to undergo a recollection under direct observation. The DOT's stated purpose for this requirement is so that people who may naturally produce low creatinine levels will not be reported to student driver as having substituted their specimens.
- **Other Dilute Negative:** Otherwise, if the creatinine concentration of the dilute specimen is greater than 5 mg/dL but less than 20 mg/dL, the School will direct the particular individual to take another test immediately for all test types (i.e., pre-employment, post-accident, random, reasonable suspicion, return-to-duty or follow-up). Such recollections will be unobserved, unless there is another basis for use of direct observation (see for instance 49 CFR §40.67(b) and (c)).
- **Requirements Applicable to Both Dilute Negatives with Low Creatinine and Other Dilute Negatives:** The requirement to undergo a recollection/retest because of a dilute negative will uniformly apply to all individuals subject to a particular test type; in other words, the School will treat all student drivers subject to the particular test type the same with respect to a recollection/retest. A refusal to submit to the second test as directed by the School will be deemed a test refusal and a violation of DOT drug regulations. The result of the second test – not the original dilute result – will be the test of record upon which the School will rely. If the second test is also a dilute negative, the School will not make the student driver take a third test because the second test was dilute, and the test will be treated as a negative test result for DOT purposes. Nonetheless, the School reserves the right, based on its authority separate and independent of DOT regulations, to take adverse action based on a second dilute test result, unless otherwise limited by applicable law.

The DOT prohibits any student driver who has a verified positive, adulterated or substituted drug test result, from performing or from continuing to perform a safety-sensitive function until he/she has met the proper DOT requirements as described in the "Post-Violation/Return-to-Duty Procedures" section above under Consequences for Policy Violations.

### **Certificate of Receipt**

The regulations require that each student driver sign a statement certifying that he or she has received a copy of this policy. Accordingly, please sign the Certificate attached to this Policy and return the original of the Certificate to your immediate administrative representative. You may keep a copy of the Certificate for your own records if you desire.

### **Automatic Amendments and Reservation of Rights**

This Policy automatically incorporates any changes to DOT or FMCSA regulations (49 CFR, Parts 40 and 382) or related regulations or statutes that govern the use of drugs and alcohol by student drivers who

hold a CDL and drive a CMV. Nothing in this Policy is a promise or guarantee or should be construed as a promise or guarantee that the School will follow in any particular circumstances any particular disciplinary course of action or other course of action not mandated by DOT regulations.

### **Signs and Symptoms of a Drug-Alcohol Problem**

Drugs and alcohol can result in such work-related problems as absenteeism and tardiness, lower productivity, missed deadlines, poor work quality, unsafe driving, and increased injuries and accidents. Problems relating to or communicating with supervisors, co-workers or customers, following directions, concentrating or remembering things may also indicate a drug or alcohol problem.

Drugs and alcohol slow reaction times, cause confusion, harm coordination and motor skills and can impair decision-making and memory. People misusing alcohol and using illegal drugs may be withdrawn, lethargic, depressed, erratic, “hyper” or unusually anxious, hostile or paranoid.

Drugs and alcohol misuse can also result in health problems like chronic gastritis, headaches, chronic respiratory infections and liver problems. They may also show up as poor hygiene, a sloppy appearance, financial problems, DUIs or family problems.

Evidence of use can include paraphernalia such as pipes, syringes, foil packets, pills, powders and empty alcohol containers. Physical symptoms of use can include:

- Marijuana and alcohol odors
- Puffy or droopy eyelids, bloodshot eyes, dilated or pinpoint pupils
- Nosebleeds, excessive sniffing, chronic sinus problems, nasal sores
- Needle tracks or blood spots on clothing
- Tremors, racing or irregular heartbeats
- Slurred or incoherent speech
- Confusion, anxiety, paranoia
- Coordination problems
- Lethargy and sleepiness

### **Effects of Alcohol and Drugs**

Drugs and alcohol can harm health and the workplace in a variety of ways.

#### **Alcohol:**

Alcohol is a central nervous system depressant that acts like a poison if used in large quantities. Each year the lives of tens of thousands of Americans are shortened or ended by alcohol misuse.

Alcohol quickly reaches the brain after drinking. It impairs self-control and other learned behaviors. This loss of self-control can lead to aggressive driving (or overly cautious driving), as well as the other kinds of aggressive behaviors associated with drinking. Even small doses of alcohol, i.e. a single drink, can harm driving performance. In large doses, alcohol significantly impairs coordination, memory and judgment.

Over time, alcohol misuse damages the liver, the heart, the digestive system and can cause permanent brain damage. On average, alcoholics shorten their life span by about 10 years.

Alcohol misuse harms the ability to think clearly, harms judgment and can affect the ability to get along with and work constructively with co-workers and customers. Alcoholics often have attendance and work performance problems and get fired because of the consequences of alcohol misuse. Because of its adverse effects on coordination, reflex time, vision, driving ability, judgment and the ability to evaluate and quickly process information, alcohol is especially dangerous for drivers of commercial motor vehicles.

A small glass of wine, a can of beer and a one and one-half ounce shot of liquor all contain about the same amount of alcohol. It takes the body about one hour to metabolize and eliminate each “drink” of alcohol. Coffee, exercise and cold showers do not speed up this process or magically produce sobriety. While individuals differ greatly, each drink on an empty stomach by an average-sized adult male may lead to an alcohol concentration of about .02. Thus, drinking more than two drinks raises a serious risk of having an alcohol concentration in excess of DOT rules, especially for people with low body weights. Any drinking while on duty or during the 4 hours before working violates DOT rules.

### **Cocaine:**

Cocaine is a powerful stimulant that can be inhaled up the nose, injected or smoked. It greatly increases heart rate and blood pressure. Partly because of its effects on the circulatory system, cocaine use can lead to seizures. Every time cocaine is used, there is some unquantifiable risk of a fatal stroke or heart attack. Cocaine can also cause tremors, convulsions, vomiting and raises body temperature to dangerous levels. Repeated snorting damages nasal tissues, sometimes permanently. Needle use carries risks of infection and overdose.

Initially, cocaine use brings a rush of euphoria and exaggerated overconfidence. Sometimes these effects are so strong that safe driving is impossible. Cocaine wears off in about an hour after it is snorted and in just a few minutes after it is smoked. When it wears off, the user may become depressed, anxious, paranoid and exhausted.

Cocaine users may exhibit rapid mood swings and changes in activity level. They may grind their teeth, repeatedly wash their hands or engage in other compulsive behaviors.

### **Amphetamines:**

Amphetamines, also known as “speed,” are powerful stimulants that are often abused by truck drivers because they make it easy to stay awake. Amphetamines, however, are dangerous drugs with a high potential for abuse. Amphetamines may also be known as uppers, black beauties, white crosses or dexies.

Use brings feelings of alertness and a loss in appetite. The user may also become very talkative or physically active or feel very strong after ingesting amphetamines. In a few hours however, the amphetamines wear off and restlessness, anxiety, paranoia and headaches set in.

In large doses, amphetamines can produce serious toxic effects. The user’s blood pressure can rise to the point where strokes or heart attacks occur. Long-term users often have acne, tooth problems and may exhibit symptoms of permanent brain damage.

**Marijuana:**

Marijuana is a hallucinogen that alters the user's sense of time and reduces the user's ability to perform tasks requiring coordination, swift reactions and concentration. Taken in large quantities, marijuana can act like a depressant.

While some people may regard marijuana as harmless, there is evidence its use is unhealthy and dangerous for the driver. Marijuana causes significant increases in blood pressure and pulse rate and, thus, can aggravate or cause heart disease. Marijuana smoke also contains a number of known carcinogens. Many experts believe that marijuana is unhealthier to smoke than tobacco.

Studies have shown that smoking marijuana affects the ability to perform tasks like driving, which require both thinking and motor skills, for at least 24 hours. Users, however, often believe that all the impairing effects of smoking have worn off after 4 to 6 hours. Marijuana significantly impairs short-term memory and can harm the user's ability to concentrate or plan for and achieve long-term goals. There is also significant evidence that marijuana harms the reproductive systems of men and women and is dangerous for children and non-smokers who live with the user.

**Opioids:**

Opioids, including opiates, are a class of narcotics and sedatives derived from the opium poppy plant. Heroin is the strongest opiate. Heroin use has been increasing in recent years because of the availability of cheap, strong heroin from Asia. This new stronger heroin can be smoked or snorted. Heroin can also be injected using needles.

Morphine and codeine are opiates that are often used to relieve pain or induce sleep. However, they can be stolen from hospitals or pharmacies and abused.

Opiate misuse causes a number of health problems. Because of variations in dosages and strength, heroin use carries a risk of overdose and death. Addicts who use needles also risk contracting AIDS or hepatitis. Heroin is often contaminated with other drugs or toxins or combined with other narcotics.

Opiate use slows down and depresses a number of body functions, including brain functioning. Heroin users may act sleepy or euphoric for a while and then become anxious or irritated after the heroin wears off. Heroin users tend to have a number of related health problems and tend to also abuse alcohol and tobacco. Together, these drugs and the unhealthy lifestyles of heroin users result in decreased life expectancy.

Finally, effective January 1, 2018, DOT by regulation added four semi-synthetic opioids (hydrocodone; hydromorphone; oxycodone and oxycodone) to the mandatory DOT testing panel -- DOT's first formal attempt to address the mounting opioid crisis. "The opioid crisis is a threat to public safety when it involves safety-sensitive employees involved in the operation of any kind of vehicle or transport," explained Secretary Elaine L. Chao in an agency press release. "The ability to test for a broader range of opioids will advance transportation safety significantly and provide another deterrence to opioid abuse, which will better protect the public and ultimately save lives."



**PCP:**

Phencyclidine, or PCP, is also called angel dust or dust. PCP is an extremely dangerous hallucinogen that has unusual and unpredictable side effects. It was developed as an anesthetic in the late 1950's and used for a while as a tranquilizer both for humans and animals. Because of its dangers, it now has no legal uses and is no longer legally manufactured. Rather, PCP is manufactured in underground laboratories. It often contains dangerous adulterants but is very dangerous all by itself.

PCP can produce violence and bizarre behavior in anyone who uses it. Occasionally, PCP users attack nurses and policemen or jump out of windows because they believe they can fly. PCP somehow scrambles the brain's internal stimuli and seriously changes how users feel, see and deal with their environment.

In low doses, PCP produces a feeling of numbness. Increased doses produce excitement, confusion and delirium. The user's body may become rigid or go into convulsions. Routine activities like driving become dangerous and unpredictable.

Users may walk with strange uncoordinated steps. PCP users may have a blank stare, sweat heavily, have thick slurred speech or engage in some of the violent and bizarre behaviors mentioned above.

**Methods of Intervening When an Alcohol or a Drug Problem Is Suspected**

The School recognizes that drug abuse, alcoholism and alcohol misuse are problems throughout America. There are several good reasons why student drivers should be concerned if any of their peers are using illegal drugs or alcohol on the job or in violation of DOT rules:

- The student driver, his or her peers, and superiors and the general public's health and safety may be at risk;
- Misuse by one student driver may negatively impact the income of another;
- Creation of a negative work environment;
- There may be legal compliance issues (and monetary penalties) for the School and the student driver.

No matter what the student driver's position is in the organization, there are things that can be done to ensure that we minimize the risks arising from drug and alcohol abuse. Acceptance of any substance abuse and misuse puts the student driver, the School, and the public at risk.

Accordingly, students who observe any signs or symptoms of illegal drug use or alcohol abuse on the job or that violates DOT rules should report that information to a student's immediate advisor. Alternatively, students may report any signs or symptoms to the School's Designated Employer Representatives (DERs).

## Certificate of Receipt

I certify that I have received, read and understand the School’s DOT Drug-Free Workplace Policy, required by the Department of Transportation. Specifically, I certify that I have received detailed information setting forth: (1) the identity of the person designated to answer questions; (2) who is covered by the regulations; (3) what is meant by “safety-sensitive functions” so that I understand when I am required to be in compliance with the regulations; (4) what is prohibited by the regulations and by School’s policy; (5) the circumstances under which I will be tested; (6) the procedures for testing; (7) the requirement that I submit to testing as required by the regulations and School policy; (8) an explanation of what constitutes a refusal to submit to testing and the consequences for refusing to submit to testing; (9) the consequences under the regulations and the consequences as a matter of School policy if I violate the regulations, refuse to be tested and/or test positive; (10) the consequences if I test positive for alcohol at the level of .02 or greater; and (11) information concerning the effects of alcohol and controlled substances use on my health, work and personal life, signs and symptoms of alcohol or controlled substances problems and intervention methods. I understand that if I am concerned about my use of alcohol and controlled substances or the use of alcohol or controlled substances by a co-worker, I can and should seek assistance from the School’s EAP or from any assistance program in my community.

I certify that I have read and understand the materials provided to me by the School.

I further certify that as a condition of employment, I will comply with and abide by the School’s policies, including the substance-abuse prevention policies and materials which I have received.

I understand that I may have a copy of this Certificate if I so request.

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Date

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Student’s Signature

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Student’s Printed Name