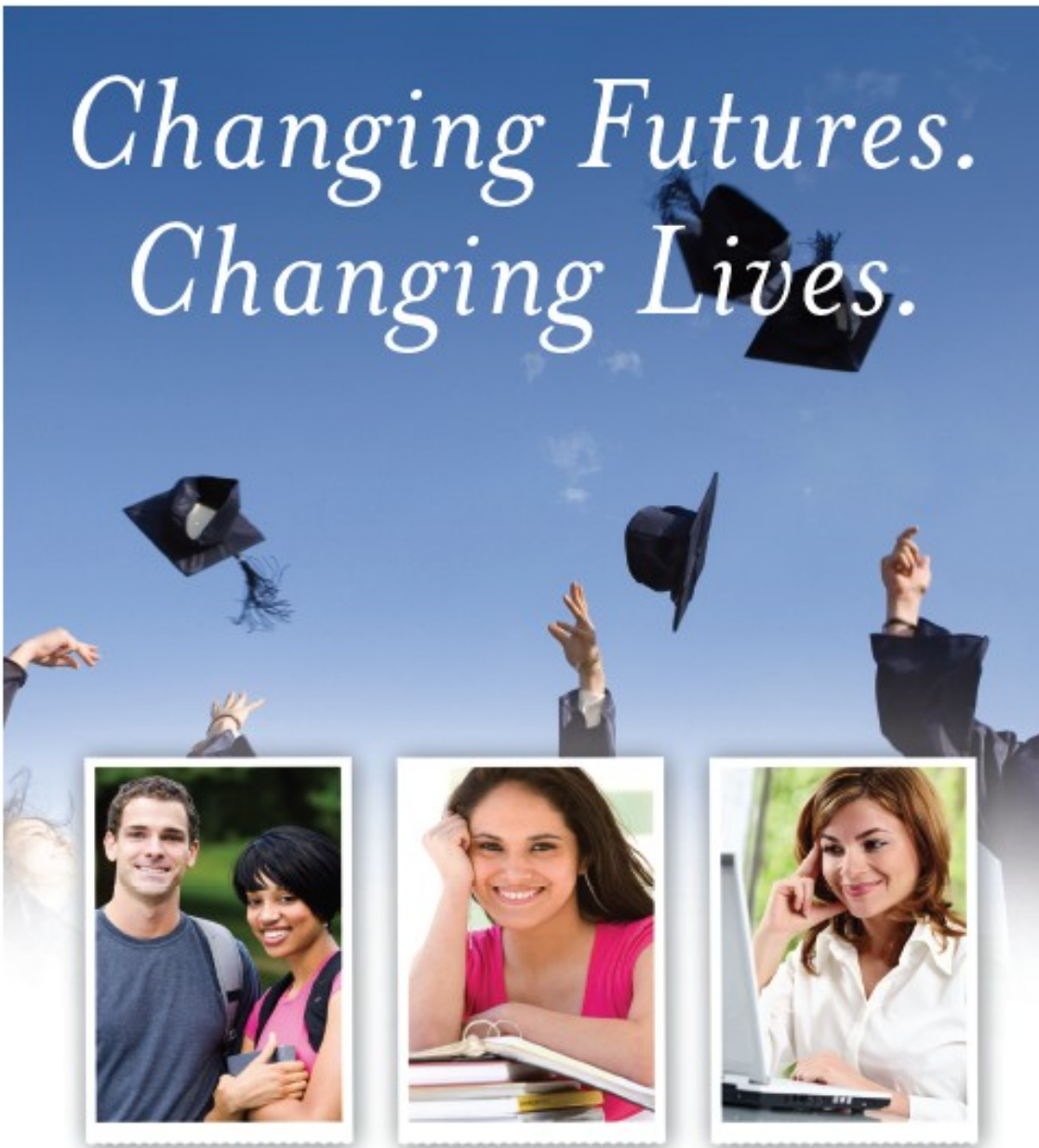


*Changing Futures.
Changing Lives.*



**DRUG AND ALCOHOL HANDBOOK
FOR
CDL STAFF AND STUDENTS**

Revised July 2014

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PURPOSE

This handbook is to be used as an extension of Drug and Alcohol guidelines for staff and students performing safety-sensitive functions of the School's Commercial Driver License ("CDL") programs. It extends, but does not negate, other existing employee or student code of conduct policies.

GOALS

The goals of the School CDL drug and alcohol policy and testing program are as follows:

- To enhance safety in the workplace and learning environment;
- To comply with the federal regulations related to alcohol and drug testing of staff and students covered by the federal Omnibus Transportation Employee Testing Act and U.S. Department of Transportation regulations;
- To comply with federal and state regulations related to positions requiring a Commercial Driver's License (CDL);
- To appropriately protect the rights, confidentiality, and privacy of those individuals subject to testing;
- To provide referral to rehabilitation services to those who are experiencing an alcohol or chemical dependency problem; and
- To take appropriate corrective action when the test of a covered employee shows the presence of alcohol or controlled substances.

OUR "ZERO TOLERANCE" POLICY

Delta Career Education and its affiliated CDL institutions are proud to abide by a "Zero Tolerance" policy for its CDL staff, CDL students, and any driver performing safety-sensitive functions. Therefore, a positive result will result in ineligibility for employment or admission or result in termination or dismissal. Furthermore, consideration for future re-employment or program re-entry will require completion of an US DOT-certified substance abuse program.

OVERVIEW

Background

In 1991, the federal government recognized a need for a drug and alcohol free transportation industry and passed The Omnibus Transportation Act. This act applies to employees or students who perform safety-sensitive functions. In addition to the federal requirements, Delta Career Education Corporation has established specific practices for its employees who are in a safety-sensitive position (called CDL covered employees). These practices are outlined in this Delta CDL Drug and Alcohol Testing Handbook.

Both initiatives mandate participation on programs designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances. Drug and alcohol testing and training are a requirement of both the federal government and your employer. This handbook serves to communicate the policies that apply to you as a Commercial Driver and an employee of Delta Career Education Corporation.

Specifically, the handbook will address the rules, required tests, testing procedures, test results and their consequences.

Testing of CDL-covered employees and students is required at the following times:

- Pre-employment / Pre-Admission
- Reasonable suspicion
- Random
- Post Accident
- Return-to-Duty
- Follow-up

Testing positive for drugs and/or alcohol, refusal to submit to testing, and tampering with a drug or alcohol test all have serious consequences. Accuracy and your privacy are important. For that reason, measures are taken to ensure the validity of the testing procedures and the confidentiality of the results.

The reason this law was enacted is to increase the safety of the public and prevent vehicular accidents caused by drugs or alcohol. The act also created opportunities for education and treatment for individuals struggling with addictions.

Problem Statement

Operating motorized equipment, particularly CDL covered vehicles requires the operator to be functioning at a highly responsive level that includes eye/hand coordination, reaction speed, decision-making, sound judgment and concentration. Should any one of these elements be diminished you pose a risk to yourself and others and should not be operating motorized equipment. A person operating a motor vehicle after using even a small amount of alcohol or other drugs likely experiences:

- Reduced reaction time due to the impact on brain functioning.
- Delayed/impaired decision-making. For example, a reduction on the ability to brake or maneuver due to the interference with normal brain activity.
- Overreactions due to the stimulating effects of drugs. This may cause skidding, jack-knifing, or a rollover to the vehicle and potentially deadly consequences to other motorists.
- Increased daydreaming/lack of focus.
- Being tense or nervous from the physical withdrawal effects can lead to reacting with an outburst of anger and aggressive driving in response to the driving of others.
- Falling asleep behind the wheel as a result of the mental and physical fatigue brought on by repeated alcohol or other drug episodes.
- Blurred or distorted vision (such as seeing double).
- Being overly confident or aggressive, and impairing good judgment as to when to yield or extending highway courtesy.

Even after a person discontinues using alcohol or other drugs the individual can still exhibit diminished performance for hours and even days afterwards. Combining drugs (illegal or over the counter) with alcohol compounds the effects and can be even more hazardous.

Safety-Sensitive Functions

Safety-sensitive means all time from when a CDL covered employee or student begins to work or is required to be in readiness to work until the time the employee or student is relieved from work and all responsibility from performing work.

Safety-sensitive functions Include:

- 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;
- All time inspecting equipment as required by the Federal motor Carrier Safety Regulations or otherwise inspecting, servicing, or conditioning, any commercial motor vehicle (“CMV”) at any time;
- All time spent at the driving controls of a CMV in operation;
- All time, other than driving time, on or upon any CMV (except time spent resting in a sleeper berth);
- All time loading or unloading a CMV, 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 from shipments loaded or unloaded;
- All time spent performing the driver requirements associated with accident and;
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Applicability

The Omnibus Transportation Employee Testing Act of 1991 is a federal law that applies to the transportation industry. You are subject to the requirements if you operate on a safety-sensitive function. The drug and alcohol rules apply to every person who operates a commercial motor vehicle on interstate or intrastate commerce and who is subject to the commercial drivers’ license (CDL) requirements.

A commercial motor vehicle (“CMV”) is one used to transport passengers or property if it:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport sixteen (16) or more passengers, including the driver; or
4. Is of any size and is used in the transportation of materials found to be hazardous and is required to be placarded.

The federal rules preempt any state or local law, rule, regulation, or order. However, state or local governments can establish policies that exceed these requirements.

PROHIBITED CONDUCT FOR CDL EMPLOYEES AND STUDENTS

Drug and Alcohol Usage

Drugs and Controlled Substances

- You cannot report for duty or remain on duty requiring the performance of safety-sensitive functions when you have used any drugs or controlled substances. The only exception is under the instruction of a physician who has advised you that the substance does not adversely affect your ability to safely operate a commercial motor vehicle.
- Screened drugs include:
 - Marijuana metabolites/THC
 - Cocaine metabolites (including crack)
 - Amphetamines (including methamphetamines)
 - Opiates including (codeine, heroine, morphine)
 - Phencyclidine (PCP)
- Prescription and non-prescription drugs are not permitted to be carried in a CMV unless are manifested. The only exception is when use does not impair the ability of the driver to safely operate a CMV.

Alcohol

- You may not use alcohol while assigned to or performing safety-sensitive functions.
- You may not perform safety-sensitive functions within four (4) hours after using alcohol.
- You may not be on duty or operate a commercial motor vehicle while you possess alcohol, unless the alcohol is manifested and transported as part of a shipment. In addition, materials containing alcohol (such as mouthwash, cough medication, etc.) are not allowed to be carried in a CMV unless it is manifested.
- If you are required to take a post-accident alcohol test, you may not use alcohol for eight (8) hours following the accident or until you undergo a post-accident test, whichever occurs first.

Self-Disclosure of Alcohol Misuse or Drug Use

Self-disclosure happens if you tell your supervisor or instructor that you are misusing alcohol or using a controlled substance (in any other capacity other than one that is prescribed for you by a physician). An employee or student who self-discloses misuse of alcohol and/or controlled substance use is not subject to the CDL referral, evaluation, treatment and testing provisions found in the federal regulations, provided that both of the following requirements are met:

- You have not self-disclosed in order to avoid drug and/or alcohol testing.
- You make the self-disclosure prior to performing safety-sensitive duties during that work shift (generally before reporting for duty).

If you self-disclose misuse of alcohol and/or controlled substance use that meets the above requirements, the following will occur:

- You will be removed from safety-sensitive duties,
- You will not have a DOT reportable violation; however,
- You will still be considered for termination or dismissal under School's "zero tolerance" policy.

Prescribed Medications & Over the Counter ("OTC") Drugs

Prescribed medications and over the counter ("OTC") drugs may affect your fitness for duty or ability to perform your duties safely. It is your responsibility to know how the medications you take for health reasons affect your ability to perform your job in a safe manner. For this reason, it is suggested that you always ask your medical provider how any medication(s) you are taking will affect your ability to function safely. You may use prescribed medications and OTC drugs and still perform your safety-sensitive duties; however, you must meet the following standards:

- A **prescription medication** must be prescribed to you by a licensed physician, such as your personal doctor.
 - The substance must be used at the dosage prescribed or authorized.
 - If you are being treated by more than one physician at least one of the treating doctors must be informed of all prescribed and over the counter medication and

have determined that the use of the medications is consistent with the safe performance of your duties.

- If it is determined that the medications could cause impairment to safe performance of your duties, documentation is required through a note completed by your physician.
- An **over-the-counter medication** must not prevent you from safely performing your job, and must be used at the dosage prescribed or authorized. If a misuse occurs:
 - You will be removed from safety-sensitive duties, and
 - You will still be considered for termination or dismissal under the School's "zero tolerance" policy.

TESTING PROCEDURES

Type of Tests for Drugs and Alcohol

There are two types of tests that are covered by the act.

1. **Alcohol** is tested via a breath specimen, which is analyzed for its breath alcohol level. A breath alcohol level of equal to or greater than 0.02 will have consequences to you.
2. **Drug tests** are conducted using urine specimens. The urine content is analyzed for the following drugs and metabolites:
 - Marijuana metabolites/THC
 - Cocaine metabolites (including crack)
 - Amphetamines (including methamphetamines)
 - Opiates including (codeine, heroine, morphine)
 - Phencyclidine (PCP)

Required Testing Events

Pre-employment / Pre-Admission

- Controlled substance testing must be done prior to the first time an employee performs safety-sensitive functions associated with the School. No pre-employment or pre-admission alcohol test is required.
- If an employee or student has been out of the random testing pool for 30 days or longer, a pre-employment or re-admission test is required.
- If a student has dropped a course and re-enters within 30 days of drop date, a pre-admission test is not required.
- A student's passed pre-admission drug test shall be deemed valid for enrollment for 60 days. Therefore, if the student's program start date is delayed and is greater than 60 days from the test, another pre-admission test is required.

Random

- Covered employees and students are subject to random, unannounced drug and alcohol testing spread reasonably throughout the calendar year.
- Random controlled substance testing will be conducted at an annualized rate of 50 percent of the average number of active covered employees and students.
- Random alcohol testing will be conducted at an annualized rate of ten percent of the average number of active covered employees and students.
- Random tests of employees or students will be determined solely by the testing contractor using a scientifically valid method to ensure randomness. The random testing rate is based on standards of the federal Highway Administration and may be adjusted from time to time.
- If selected, an employee or student will submit to a drug or alcohol screening at the School's authorized facility immediately or at the soonest possible time not to exceed six (6) hours. The School will make reasonable efforts to ensure that notification is given when it generally feasible for employee or student to accommodate a time window notwithstanding the general inconvenience of missed work or training time.
- Alcohol and controlled substance tests must be unannounced.
- Employees/students are put back into the random testing pool after being picked so the chance of being picked is the same each time.

Reasonable Suspicion

- The School shall require an alcohol and a controlled substance test when a supervisor observes that a driver's appearance, behavior, speech or body may indicate that the employee or student is unfit for duty or training.
- In such instances, the employee or student will be transported to the School's authorized testing site.

Post-Accident

- If a CDL covered employee or student is involved in an on-duty motor vehicle accident, testing is required when:

- An accident involves a fatality; or
- The driver receives a moving violation AND
 - A vehicle must be towed; or
 - An injury requires treatment away from the scene

- Following such an accident, the School will arrange for testing the employee or student as soon as possible (ideally within two hours, but not to exceed eight hours for alcohol testing and 32 hours for drug testing). If after normal business hours, many authorized clinics offer “after-hour” services and will strive to be utilized where available.

- Employees or students involved in accidents must remain available for testing and must refrain from alcohol and drug use following the accident until a drug and alcohol test is administered. However, this does not require the delay of necessary medical attention for injuries or prohibit a covered employee or student from leaving the scene of an accident if necessary to obtain assistance to respond to the accident or to obtain emergency medical care. In such instances, the employee or student will be transported to the testing site. Employees or students who leave the scene of an accident inappropriately will be considered to have refused the test and will be subject to appropriate corrective action, up to and including dismissal.

Return-to-Duty

- Due to the School’s “Zero Tolerance” policy, a Return-to-Duty testing procedure is not applicable.

Follow-up

- Due to the School’s “Zero Tolerance” policy, a Follow-up testing procedure is not applicable.

Procedures for Drug Testing

The collection of urine will be conducted under the procedures required by mandatory regulations of the Federal Department of Transportation. These regulations allow for individual privacy unless there is reason to believe that a particular individual may alter or substitute the urine specimen to be provided. The collecting onsite person(s) will take precautions to ensure that an employee or student’s specimen is not adulterated or diluted during the collection procedure. The specimen collection must also follow strict chain of custody and security procedures.

Procedure

- If screen is a scheduled screen (e.g. pre-employment, pre-admission) and your School participates with online scheduling; you will receive an email allowing you to select an authorized DOT clinic convenient to you. After confirming your clinic, you will be issued an ePassport to print and bring with you to the clinic.
 - If your School does not participate in online scheduling, you will receive a printed Cover Sheet with instructions.
- Additionally, ahead of time, you will be given a Federal Drug Testing Chain of Custody and Control Form (CCF) by your hiring manager, admissions representative, or education consultant.
- When you arrive at the clinic, you must present your photo identification (CDL License, if applicable), the ePassport or Drug and Alcohol Testing Program Cover Sheet (completed by the supervisor), and a Federal Drug Testing Chain of Custody and Control Form (CCF) to the collection site.
 - You will be asked to remove any unnecessary outer garments such as a coat and jacket. You will be required to empty the contents of your pockets. All personal belongings like briefcases will remain within the outer garments. A wallet may be retained.
 - You will be required to wash and dry your hands prior to providing a specimen.
 - Your specimen will be provided in the privacy of a stall or otherwise portioned area that allows for individual privacy unless your collection must be witnessed.
 - After handing the specimen bottle to the collector, you should keep the specimen in full view at all times until it is sealed and labeled. This protects you against the wrong label being put on the bottle or someone possibly tampering with the specimen.

You will be asked to initial the identification label on the specimen you provide.

- If the collection site person has reason to believe that you may have altered or substituted the specimen, the person will notify a higher-level supervisor. Should you in any way attempt to tamper with, adulterate, substitute, or dilute the specimen, the collection site person will collect a second specimen under direct observation by a same gender collection site person.

Procedures for Alcohol Testing

A breath alcohol test will be conducted under the procedures required by mandatory regulations of the Federal Department of Transportation. Evidential breath testing is reliable and highly accurate at detecting low alcohol concentrations.

Procedure

- You must present your photo ID (CDL License, if applicable) and the Drug and Alcohol Testing Program Cover Sheet (completed by the supervisor) at the testing site.
 - The breath alcohol technician (BAT) will complete Step 1 on the Breath Alcohol Testing Form. You will be asked to complete Step 2 and scan the certification. Refusal to scan the certification will be regarded as a refusal to take the test.
 - An individually sealed mouthpiece will be opened and attached to the evidential breath-testing device (EBT). You will be asked to blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.
 - The BAT will show you the displayed results of the screening test and record the results on the testing form. If the result is a breath alcohol concentration of less than 0.02, the BAT will date the form and sign the certification on Step 3.
 - If the result of the screening test is an alcohol concentration of 0.02 or greater, a confirmation test will be performed.
 - Prior to the confirmation test, you will be instructed not to eat, drink, put any object or substance into your mouth, and, to the extent possible not belch during a waiting period before this confirmation test. This instruction is for your benefit as these actions could lead to an artificially high reading. The test will be conducted at the end of the waiting period, even if the above instructions have been disregarded.
 - This waiting period begins with the completion of the screening test and shall not be less than 15 minutes. The confirmation test will be conducted within 30 minutes of the completion of the screening test.
 - Prior to the confirmation test, the EBT device will be cleared and a new mouthpiece will be used. The above procedures will be followed.
 - The confirmation test result is deemed to be the final result. The results will not be released to anyone other than the employer without your written consent.

Validity Testing

This refers to testing conducted by a laboratory to identify any attempt to tamper with a specimen, such as adulteration or substitution. All specimens are tested for dilution, substitution, and adulteration.

If the laboratory has identified the specimen as adulterated or substituted, the laboratory will not report the result as negative or positive, only adulterated or substituted with remarks as to the adulterant or interfering substance. The Medical Review Officer (“MRO”) will contact the employee or student to discuss the adulterated or substituted specimen and to offer testing of the split specimen. After this is verified that the specimen was adulterated or substituted, the MRO will report to the School that the specimen was adulterated or substituted, **either of which constitutes a refusal to test.** Federal Guidelines state that employers must treat adulterated or substituted specimens as a positive test result and the employee must be referred to a SAP for evaluation.

- An **adulterated specimen** is one that contains a substance that is not expected to be present in human urines or contains a substance expected to be present, but is at a concentration so high that it is not consistent with human urine.
- A **substituted** specimen is one with content values that are inconsistent with human urine. This is done by adding water to the specimen to decrease the concentration of a drug or by substituting another fluid for the specimen to produce a drug free specimen. A substitute specimen may also be the urine of another individual.

Occasionally a test cannot be completed because of interfering substances that cannot be identified. This is called an **Invalid Test**. If the MRO determines there is a medical explanation, no additional testing is required unless a negative test is needed (pre-employment, return-to-duty, and follow-up tests). If no medical explanation is found, a witnessed collection will be ordered and will be done as soon as possible without notice to the employee or student.

Handling Result, Confidentiality, and Retention of Records

You may be concerned about how the records are maintained.

- The Vendor maintains confidential records of the School’s alcohol and controlled substance testing program, including all testing results and records related to the

collection process, such as the list of random names selected.

- The employer representative, designated by each Agency, keeps documentation of training of supervisors and drivers.
- The employer representative, designated by each Agency, keeps documentation of the justification for reasonable suspicion and post-accident testing and verbal results of testing as communicated by the vendor.
- SAP keeps all evaluation and referral documentation. All records are maintained in a secure location with limited access. No one is permitted to release any drug and alcohol testing information without proper authorization. Anyone found releasing confidential information without proper authorization faces disciplinary action.

CONSEQUENCES OF POSITIVE RESULTS

Zero Tolerance Policy

The School or CDL institution abides by a “Zero Tolerance” policy for its CDL staff, CDL students, and driver performing safety-sensitive functions. Therefore, a positive result will result in termination or dismissal. Furthermore, consideration for future re-employment or program re-entry will require completion of an US DOT-certified substance abuse program.

Definition of Positive Result

Positive Results Include:

- Any refusal to take an alcohol and/or drug test (reasonable suspicion, random, post-accident, return to duty, or follow-up) is considered a positive test result.
- Except for extreme circumstances as acknowledged by the School, any random, post-accident, return to duty, or follow-up test never taken, forgotten, or not taken within the time allotment as indicated in “Testing Procedures” section.
- An adulterated or substituted test is considered a refusal and treated the same as a positive test result.
- An alcohol test result of 0.040 or greater.
- A positive test for drugs prohibited in the “Testing Procedures” section.

Consequences of a Positive Drug Test

Upon a positive test result of a drug test, the employee or student will be removed from safety-sensitive functions and will be subject to administrative actions. Under the School’s “Zero Tolerance” policy, the employee will be terminated or the student will be dismissed.

Consequences of a Positive Breath Alcohol Test

Upon a test result of 0.040 breath alcohol level or greater, the employee or student will be removed from safety-sensitive functions and will be subject to administrative actions. Under the School's "Zero Tolerance" policy; the employee will be terminated or the student will be dismissed.

Consequences of a 0.020-0.038 Breath Alcohol Level

A test result of 0.020-0.038 breath alcohol level is considered a negative test result. However, the employee or student will be removed from safety-sensitive duties for a minimum of twenty-four (24) hours. A return-to-duty test is not required, but the employee or student may be subject to administrative actions as determined by their supervisor.

RESPONSIBILITIES

Management

Management's responsibilities are as follows:

- Promote a work environment free from drugs and alcohol;
- Provide the resources necessary to carry out this policy;
- Ensure the contents of this policy are communicated to affected staff;
- Ensure that supervisors receive training to understand the provisions of this policy and to recognize behaviors which may indicate substance abuse; and
- Remove employees and students from safety sensitive work and take appropriate corrective action as warranted by positive test results and in accordance with this policy, and with federal and state regulations.

Supervisors

Supervisors include, but are not limited to, CDL Program Directors and CDL Driver Trainers.

Supervisors' responsibilities are as follows:

- Attend training in order to explain the provisions of this policy and how to recognize behaviors which may indicate substance abuse;
- Inform all current and future covered employees and students about the School's drug and alcohol abuse policy, educational materials, and information on rehabilitation services available;
- Enforce and comply with the provisions of this policy;
- Serve as a positive role model; and
- Remove employees and students from safety sensitive work and take appropriate corrective action as warranted by positive test results and in accordance with this policy, and with federal and state regulations.

Employees and Students

Employees and students' responsibilities are as follows:

- To comply with School policy and federal regulations which prohibit being under the influence of drugs and/or alcohol while in school, on the job, or in a paid standby capacity;
- To report any impairment that affects the ability to perform safety sensitive work to the supervisor, including the effect of prescribed drugs;
- Submit to alcohol and drug testing when required to do so in accordance with federal regulations;
- Immediately notify their supervisor of any criminal conviction involving drugs or alcohol in the workplace or learning environment;
- Immediately notify their supervisor of any conviction for driving under the influence of drugs or alcohol; and
- Immediately notify their supervisor of any accidents, regardless of who may be at fault, that occur while operating a vehicle for which possession of a Commercial Driver's License is required.

Human Resources Department

The Human Resources Department's responsibilities are as follows:

- Promote a drug and alcohol-free workplace by informing applicants for CDL employment of the School's policy and testing program;
- Implement a training program for supervisors and managers of covered employees and students subject to drug and/or alcohol testing which covers this policy, the effects of drugs and/or alcohol in the workplace and behavioral symptoms of impairment;
- Provide caregiver referral services to employees who may need assistance to overcome drug or alcohol dependency;
- Provide referral for substance abuse professional services; and

- Assist supervisors and/or appointing authorities in planning and implementing corrective action plans for employees who have positive test results.

Testing Contractor

The testing contractor's responsibilities are as follows:

- Determine random testing to be accomplished;
- Carry out random, pre-employment, pre-admission, post-accident, reasonable suspicion, and follow-up sample collection and testing, while protecting personal privacy in accordance with federal regulations;
- Establish and maintain chain of custody, transport, and test samples;
- Provide Medical Review Officer (MRO) services meeting the separation of function requirements pursuant to 49 CFR §40.33(b)(1) and (2);
- Exercise confidentiality when reporting test results;
- Maintain all dated records and notifications pursuant to 49 CFR §382.409;
- Develop and implement a record keeping and reporting system meeting the requirements of the U.S. Department of Transportation pursuant to 49 CFR §382.401; and
- Provide Management Information System (MIS) reports and other reports as required by federal regulations.

[ACCESS TO HELP](#)

The School cares about its employees and students, encourages them to seek treatment voluntarily, and will arrange for referral to an appropriate substance abuse professional upon request. Please contact your Human Resources representative for assistance.