



DIOCESE OF VENICE IN FLORIDA

Human Resources Department

Policy on Drug and Alcohol Testing of Employees, Applicants and Volunteers Who Hold a Commercial Driver's License and Operate Diocesan Vehicles

The Diocese of Venice, in conformity with the requirements of federal law, adopts the following provisions regarding the drug and alcohol testing of applicants, employees and volunteers who hold a CDL and operate a diocesan commercial motor vehicle:

1. Administrator of Drug and Alcohol Testing Program: The Diocesan Attorney (whose office is located in the Catholic Center (941) 484-9543) shall be the primary administrator of the testing program, and shall be available to answer questions associated with the program and the procedures identified herein.

2. Applicability-Covered Drivers:

All teachers, coaches, administrators or other Diocesan employees and volunteers who operate Diocesan owned/leased vehicles and are required to hold a commercial drivers license are subject to the testing requirements of this policy. Any driver who has a positive drug/controlled substance test or an alcohol test with a result of BAC.02 or greater will be prohibited from performing any safety sensitive function associated with a Diocesan owned/leased vehicle at any time. All covered drivers shall, prior to testing, receive a copy of the Diocesan policy and the provisions of 49 CFR Part 382 relating to controlled substances and alcohol use and testing, as well as 49 CFR Part 40 relating to procedures for said testing.

3. Prohibited Conduct:

Controlled substances or drugs: No driver of a diocesan vehicle shall report for duty or remain on duty when the driver uses any controlled substance, except a prescription medication for that driver. However, no driver shall report for duty or remain on duty while taking a prescription which impairs safe driving. Any therapeutic drug use must be reported to the supervisor. No driver shall use or possess a controlled substance (other than prescription) while on duty, or if involved in an accident, for 8 hours following said accident or until testing is completed.

Alcohol: No driver of a diocesan owned, leased, or rented vehicle shall report for duty or remain on duty while having an alcohol concentration of BAC.02 or greater. No driver shall use or possess alcohol while on duty or report for duty within four hours after using alcohol. If involved in an accident, the driver must refrain from alcohol use for 8 hours following said accident or until testing is completed.

4. Circumstances under which a driver will be tested:

A. Pre-employment Testing

All applicants for employment for positions requiring a commercial drivers' license shall undergo testing prior to employment except as otherwise specified pursuant to 49 CFR 382.301(c). Written documentation must be provided by the candidate for employment to substantiate the exception.

B. Random Testing

Covered drivers will be subject to random, unannounced drug and alcohol testing. This includes all drivers who operate a commercial motor vehicle or who perform a safety sensitive function (as these terms are defined in 49 CFR 382.107)

Annually, 25% of covered drivers shall be tested for alcohol use and 50% of covered drivers shall be tested for drug/controlled substance use.

C. Reasonable Suspicion Testing

Covered drivers may be subject to alcohol or drug testing if reasonable suspicion of alcohol misuse or controlled substance use exists. A supervisor or designee who has been trained in accordance the 49 CFR 382.603 shall require an employee to submit to an alcohol or drug test when the supervisor has reasonable suspicion to believe that the driver has violated the prohibitions of 49 CFR 382.201-215.

The reasonable suspicion determination of the supervisor (trained in accord with 49 CFR 382.603(a)) must be based on documented, specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

D. Post Accident Testing

Alcohol and drug testing shall be administered following an accident involving a Diocesan owned or leased vehicle under the following circumstances:

1. The accident resulted in the loss of human life **OR**
2. The driver received a citation from a law enforcement officer and
 - A. A driver, passenger or pedestrian received immediate medical attention away from the scene of the accident, or
 - B. One of the vehicles involved was to be towed from the scene.

Post accident testing for controlled substances must be conducted with 32 hours after the accident; Post accident alcohol testing shall be conducted within two hours following the accident, but if not administered within that time frame, must be administered within

eight hours following the accident after which all attempts to administer the test must cease.

E. Return to Duty Testing

Any employee of the Diocese who previously tested positive on an alcohol or controlled substance test and was not terminated, must submit to a return to duty test. Results of controlled substance test must be negative and alcohol test results must be less than Breath Alcohol Concentration (BAC) of .02. The employee will pay for any such testing by certified check or money order payable to the Diocese of Venice.

5. Testing Procedures:

A. Notice

The Diocesan Attorney or his/her designee will provide written notice of the required testing to the supervisor of the affected driver(s) and said supervisor shall provide oral and written notice to the driver at the time of actual testing. If only a drug/controlled substance test is required, the driver shall report to the identified testing site immediately. A driver may only be tested for alcohol immediately before or after performing safety-sensitive functions.

B. Specimen collection

The Diocese recognizes the need to protect individual dignity, privacy and confidentiality in the program and all testing is to be conducted in a manner that ensures a high degree of accuracy and reliability. Specimen analysis shall be conducted by laboratory facilities which are certified by the U.S. Department of Health and Human Services in accord with the provisions of 49 CFR Part 40.

B. Testing protocol

Drug/Controlled Substances:

The Diocese of Venice tests for the presence of the following drugs: amphetamines, cannabinoids, cocaine, phencyclidine, and opiates, as more specifically identified in Appendix B. A positive drug test exists when the confirmation test equals or exceeds the cut-off levels identified in the Appendix B.

Initial Screening - An enzyme immunoassay screen of the sample is conducted to eliminate "negative" urine specimens from further consideration. If a positive result is identified, the sample is submitted for a confirmation test.

Confirmation - The urine specimen is submitted to a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from

that of the screen test in order to ensure reliability and accuracy (Gas Chromatography/Mass Spectrometry (GC/MS). If a positive result is obtained, the result is transmitted to the Medical Review Officer (MRO).

Medical Review Officer- The MRO contacts the driver or applicant directly regarding clarification of any positive test results. He/she verifies positive test results by ruling out positives due to ethical use of legitimate medication or dietary artifact.

Appeal - Any driver who questions the results of a required drug test may request that a test of the split urine sample be conducted. This test must be conducted at a different testing laboratory. The cost of such additional testing shall be borne by the driver as arranged between the driver and the Medical Review Officer. Likewise, any other testing conducted at the option of the driver such as a DNA test or other non-routine confirmatory test will be performed at the expense of the driver.

Breath Alcohol Testing:

Initial screen - The driver shall provide a breath specimen and the evidentiary breath testing device (EBT) prints the test result. If the result is less than .02 and the test is valid, no further testing is authorized. If the test result is greater than .02, a confirmatory test is required.

Confirmatory Test - If the initial test was greater than .02, after waiting at least 15 minutes a confirmatory test or second test is conducted to provide quantitative data of alcohol concentration. The confirmation test is deemed to be the final result on which action shall be taken and this result is transmitted confidentially to the employer.

Invalid Tests - A test may be declared invalid based on the circumstances identified in 49 CFR Part 40, Section 40.79.

6. Consequences of Confirmed Positive Test Results

A. Pre-employment:

The Diocese will not employ any applicant who has an alcohol test result of BAC.02 or greater or who tests positive for any controlled substance. Any applicant who fails to promptly report for pre-employment testing or who alters a test shall not be employed regardless of the test results. No applicant who fails a pre-employment drug/alcohol test may reapply or be retested until one year following the date of rejection of the prior application.

B. Random or reasonable suspicion:

Any driver who tests positive for any controlled substance, who receives a test result of Blood Alcohol Content .02 or greater, who refuses to submit to a test or engages in conduct that obstructs the testing process, will be precluded from any further performance of a safety sensitive function including operation of a diocesan owned/leased vehicle as well as precluded from volunteer transport of other students/passengers in his/her own motor vehicle. If the operation of a diocesan vehicle is an essential element of the driver's employment, his/her employment shall be terminated. In those cases in which operation of the commercial motor vehicle is incidental to the driver's regular employment for the Diocese, termination is within the discretion of the immediate supervisor.

C. Post Accident:

In addition to the consequences identified in the above paragraph "B", a positive post-accident test result for a controlled substances, drug or alcohol for an employee may result in the reduction or loss of worker's compensation benefits in accord with provisions of state law.

D. Referral to Substance Abuse Specialist:

Any driver receiving a positive test result shall be provided with a list of national hotlines that offer assistance and/or referrals to substance abuse professionals and programs. (Appendix C).

7. Records Retention

The Diocesan Attorney shall maintain records of the diocesan alcohol misuse and controlled substances use prevention programs in accord with the requirements of 49 CFR 382.401. Said records shall be maintained in a secure location with controlled access.

8. Definitions

A) alcohol use - the consumption of any beverage, mixture, preparation (including medication prescribed or over the counter) that contains alcohol.

B) commercial motor vehicle - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- 1) has a gross vehicle 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 16 or more passengers, including the driver (regardless of whether it actually contains sufficient seating for transport of this number of persons).

C) diocesan owned/leased vehicle- any commercial motor vehicle the title to which is in the name of either the Diocese of Venice or any diocesan entity including all parishes, schools, daycare or social programs or any commercial motor vehicle that is leased by the above diocesan entities on a regular basis.

D) EBT - Evidentiary Breath Testing Device which measures concentration of alcohol in the driver's system by analysis of breath sample.

E) Medical Review Officer - a physician with knowledge of substance abuse disorders and who has appropriate medical training to interpret and evaluate drug test results.

F) Refusal to submit (to an alcohol or controlled substances test) means that a driver 1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provision of this part; or 2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, or 3) engages in conduct that obstructs the testing process.

G) Safety sensitive functions includes all on-duty functions performed from the time a driver begins work or is required to be ready to work until he/she is relieved from work including, but not limited to, driving, waiting to be dispatched, inspecting and servicing equipment, supervising, performing or assisting in loading and unloading, repairing or waiting for or with a disabled vehicle; and performing driver requirements related to accident.

APPENDICES:

APPENDIX A - 49 CFR (Code of Federal Regulations) Part 382 and Part 40 (Appendices excluded)

APPENDIX B - ALCOHOL AND CONTROLLED SUBSTANCES TESTED

APPENDIX C - NATIONAL HOTLINES FOR SUBSTANCE ABUSE ORGANIZATIONS

APPENDIX B

Initial/Confirmation Cut-off Levels

ALCOHOL

Positive = \geq .02/ .02g/o

All liquid medication containing ethyl alcohol (ethanol) and all alcoholic beverages. (Please read medication labels for alcohol content, e.g. Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof)

AMPHETAMINES

Positive = /> 500 / 250 ng/ml

Adderall, Obetrol, Biphetamine, Desoxyn, Dexedrine, DextroStat, Didres; crank, crystal meth.

CANNABINOIDS

Positive = /> 50 / 15 ng/ml

Marinol (dronabinol, THC); marijuana, grass, weed, pot, Mary Jane, hemp, joint, reefer, hash, doobie, dope

COCAINE

Positive = /> 150 / 100 ng/ml

Cocaine HCl topical solution (Roxanne); snow, crack, coke, uptown, toot, flake, snort

PHENCYCLIDINE

Positive = /> 25 / 25 ng/ml

Not legal by prescription; PCP

OPIATES

Positive = /> 2000/ 2000 ng/ml

Paregoric, Parapetolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspiring with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.; LSD, acid, Cid, sheets, heroin, smack

6-ACETYLMORPHINE

Positive = /> 10.0/ 10.0 ng/ml

This test is to detect Heroin use

APPENDIX C

Alcohol and Drug Referral Hot Line	1-800-252-6465
Al-Anon	1-888-425-2666
American Council on Alcoholism Helpline	1-800-527-5344
National Council on Alcoholism	1-800-622-2255
National Institute on Drug Abuse Hot Line	1-800-662-HELP

The federal regulations governing drug and alcohol testing mandated in the diocesan policy are available by going to Cornell University's Code of Federal Regulations Web site at <http://cfr.law.cornell.edu/cfr/> Click citation and enter 49 for the Title and 382 for the Part. Further information is available at the same Web site by entering 49 for the Title and 40 for the Part. For more information contact: Diocese of Venice Legal Department, 941-484-9543