



ALBANY
Technical College

Transportation Division Drug and Alcohol Testing Procedures (Students)

Overview

Albany Technical College's Transportation programs are committed to providing a safe environment and fostering the well-being and health of its students and employees. For purposes of this policy, the programs will be referred to as Commercial Truck Driving (CTD). That commitment is jeopardized when any student of the college illegally uses drugs, comes to school under the influence, possesses, manufactures, distributes or sells drugs or abuses alcohol while enrolled at Albany Technical College. In accordance with Federal Motor Carrier Safety Regulation Part 382, the following policy has been established.

It is our policy to (1) assure that students are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a learning environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage students to seek professional assistance at any time with personal problems, including alcohol or drug dependency, that adversely affect their ability to perform their assigned duties.

Students who fail to follow or violate any of the provisions of this policy will be dismissed from the CTD program for **one full semester** before being eligible to reapply to the program. A student who violates this policy a second time will result in permanent dismissal from the program. **Any student who violates any of the provisions set forth in this policy will also receive a course grade of "F" for the course(s) currently enrolled and of which a grade has not already been earned/recorded and a grade of "0" for work ethics.**

Purpose

The purpose of this policy is to assure student fitness for school and to protect our students, employees, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable Federal regulations governing workplace drug and alcohol programs in the transportation industry. The Federal Motor Carrier Safety Administration (FMCSA) of the U.S. Department of Transportation has published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens. In addition, the Federal government published 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug-free workplace policies and the reporting of certain drug related offenses. This policy incorporates those requirements for safety sensitive students and others when so noted.

Applicability

This policy applies to all ATC CTD students when they are on ATC property or when performing ANY ATC related business including off-site instructional activities. This policy also applies to off-site lunch periods or breaks when a student is scheduled to return to class.

Participation as a Requirement of Enrollment

Students will not be allowed to perform safety sensitive functions in the CTD program or continue in the program without participating in mandatory drug testing and/or random drug/alcohol testing. Students must show a photo I.D. before testing.

PROHIBITED SUBSTANCES:

Prohibited substances addressed by this policy include the following:

Illegally Used Controlled Substances or Drugs

The use of any illegal drug or any substance identified in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), as further defined by 21 CFR 1300, 11 through 1300.15 is prohibited at all times unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legal prescribed drugs (reviewed by a medical review officer), and use of illegally obtained prescription drugs.

Legal Drugs

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance that carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to the drug and alcohol testing center. In addition, the student must obtain a written release from the attending physician releasing the person to perform his/her school duties any time he/she obtains a performance altering prescription.

A legally prescribed drug means that an individual has a prescription or other written approval from a physician for the use of a drug in the course of medical treatment. It must include the patient's name, the name of the substance, quantity/amount to be taken, and the period of authorization. The misuse or abuse of legal drugs while performing college business is prohibited. **According to FMCSA (DOT) regulation Part 382.213 (a), "No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.**

Alcohol

The use of beverages containing alcohol or substances including any medication, mouthwash, food, candy, or any other substance such that alcohol is present in the body while performing classroom activities is prohibited. The concentration of alcohol is expressed in terms of alcohol per 210 liters of breath as measured by an evidential breath testing device.

PROHIBITED BEHAVIOR:

Manufacture, Trafficking, Possession and Use

CTD students are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances on college premises, in ATC owned/leased

vehicles, or at an off-site instructional activity. Students who violate this provision will be dismissed from the CTD Program for one full semester before being eligible to reapply. Law enforcement may be notified, as appropriate, where criminal activity is suspected.

Intoxication/Under the Influence

Any CTD student who is reasonably suspected of being intoxicated, impaired, under the influence of a prohibited substance, or not fit for school shall be suspended from school duties pending an investigation and verification of condition. Students found to be under the influence of a prohibited substance or who fail to pass a drug or alcohol test shall be dismissed from the CTD Program for one full semester before being eligible to reapply. A drug or alcohol test is considered positive if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in 49 CRF Part 40, as amended.

Alcohol Use

No CTD student shall report to ATC or any off-site instructional activity when his/her ability to perform assigned safety sensitive functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.01 or greater. No CTD student shall use alcohol while at ATC or any off-site instructional activity. CTD students shall not use alcohol within eight (8) hours of reporting for class or during the hours that they are in class. Violation of these provisions is prohibited and punishable by dismissal from the CTD program for one full semester before being eligible to reapply.

Compliance with Testing Requirements

All CTD students will be subject to urine drug testing as a condition of program enrollment. Any CTD student who refuses to comply with a request for testing shall be dismissed. Any CTD student who is suspected of providing false information in connection with a test, or who is suspected of falsifying test results through tampering, contamination, adulteration, or substitution will be required to undergo an observed collection at the student's expense. Verification of a positive test will result in the student being dismissed from the CTD program for one full semester before being eligible to reapply. Refusal can include an inability to provide a sufficient urine specimen, saliva sample, or a breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.

Behavior that Constitutes a Refusal to a Test

Failure to submit to a required substance abuse test within the required timeframe or submitting a verified adulterated or substitute drug test constitutes a refusal and will be viewed as a positive result: **“Such behavior includes refusal to take the test (382.211); inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation; tampering with or attempting to adulterate the specimen; interfering with the collection procedure; not immediately reporting to the collection site; failing to remain at the collection site until the collection process is complete; having a test result reported by an MRO as adulterated or substituted; or leaving the scene of an accident without a valid reason before the tests have been conducted.”**

Treatment Requirements

All students are encouraged to make use of the available resources for treatment for alcohol misuse and/or illegal drug use problems. The cost of any treatment or rehabilitation services will be borne by the student. Students who test positive will be dismissed from the CTD program, and provided with contact information of an approved DOT Substance Abuse Professional for assessment at the students' expense.

Proper Application of the Policy

ATC is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/instructors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/instructor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to students, shall be subject to disciplinary action, up to and including termination.

TESTING PROCEDURES:

Students, who notify the Medical Review Officer (MRO) of their desire to request a split sample test and subsequently change their mind, are responsible for the \$300-\$500 retesting cost, if they do not contact the MRO within the specified timeframe of their intent to cancel the request.

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. While enrolled in the CTD program, all students shall be subject to drug testing, for reasonable suspicion, and following an accident as defined in the Post Accident Section of this policy. CTD students shall also be subject to drug and alcohol testing on a random, unannounced basis. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (DHHS). All testing will be conducted consistent with the procedures put forth in 49 CFR Part 40 as amended.

Controlled Substance test will be a NIDA 5 split specimen. The drugs that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine. An initial drug screen will be conducted on each urine specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts present are above the minimum thresholds established in 49 CFR Part 40, as amended. In instances where there is a reason to believe a student is abusing a substance other than the five drugs listed above, ATC reserves the right to test for additional drugs under its own authority using standard laboratory testing protocols.

Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA) approved testing device operated by a trained technician. If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test will be performed using a NHTSA approved evidential breath testing device (EBT) operated by a trained breath alcohol technician.

Any CTD student that has a confirmed positive drug or alcohol test will be dismissed from the CTD program, and informed of educational and rehabilitation programs available. ATC affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. The privacy of individuals taking these tests will be maintained consistent with policies of ATC, and records will be maintained by the academic affairs office. No student will be notified of any results until his/her identity has been verified.

Student Requested Testing

Any CTD student who questions the results of a required drug test may request that the split sample be tested. The student has to request the split specimen be sent to another DHHS-certified laboratory for analysis. The test must be conducted on the split sample that was provided by the student at the same time as the original sample. All costs for such testing are paid by the student. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended.

Students who test positive will be contacted by the Medical Review Officer from the DOT approved lab. If the student is unavailable and an answering machine is available, a message will be left with a telephone number for the student to return the call. If no contact is made, the Medical Review Officer will attempt to call the student several times. If unsuccessful, the Medical Review Officer will contact the ATC Academic Affairs office with the results. The student's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. The request may be verbal or in writing. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the student. Failure to respond to a medical review officer regarding drug/alcohol test results will result in a positive reading which will result in dismissal from the program.

Pre-Employment Drug Testing

All CTD students will undergo testing for the presence of drugs. After acceptance into the program, students will be notified when to report for drug/alcohol testing.

Students will be required to submit voluntarily to a **urinalysis test**, and by signing consent agreement attached to this policy will release ATC from liability. The cost for this test will be paid by the student.

Reasonable Suspicion Testing

All CTD students may be subject to a "fitness for school" evaluation, and urine and/or breath testing when there are reasons to believe that drug or alcohol use is adversely affecting class performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the short-term effects of substance abuse or alcohol misuse. Examples of reasonable suspicion include, but are not limited to, the following:

1. Physical signs and symptoms consistent with prohibited substance use or alcohol misuse.
2. Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, drugs, alcohol, or other prohibited substances.
3. Occurrence of a serious or potentially serious accident that may have been caused by prohibited substance abuse or alcohol misuse.
4. Fights (to mean physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operating procedures.

Reasonable suspicion referrals must be made by an ATC administrator and/or instructor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that a student may be adversely affected or impaired in his/her classroom performance due to possible prohibited substance abuse or alcohol misuse. If the test is positive, the student is responsible for the cost of the test and the student will be dismissed from the CTD program. If the test is negative, ATC will assume the cost.

Post Accident Testing

All CTD students will be required to undergo drug and alcohol testing if they are involved in an accident with an ATC owned/leased vehicle which results in a fatality or involved in a non-fatal accident resulting in bodily injury of a person and they receive medical treatment away from the scene, or one or more motor vehicles incur disabling damage and has to be towed and the driver receives a citation under state or local law for a moving traffic violation arising from the accident. This includes all surviving CTD students that are operating in the vehicle and any others whose performance could have contributed to the accident. If the test is positive, the student is responsible for the cost of the test and the student will be dismissed from the CTD program. If the test is negative, ATC will assume the cost.

Following an accident, the CTD student will be tested at the nearest approved location as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any CTD student involved in an accident must refrain from alcohol use for eight hours following the accident or until he/she undergoes a post-accident alcohol test. Any CTD student who leaves the scene of the accident without justifiable explanation prior to submission to drug and alcohol testing will be considered to have refused the test and their enrollment in CTD is terminated. Students tested under this provision will also include any other covered student whose performance could have contributed to the accident.

Random Testing

Students in CTD will be subject to unannounced drug and alcohol testing. The selection of students for random drug and alcohol testing will be made using a scientifically valid method that ensures each covered student that he/she will have an equal chance of being selected each time selections are made. The random tests will be unannounced and performed while the student is enrolled in CTD classes.

If the test is positive, the student is responsible for the cost of the test and the student will be dismissed from the CTD program. If the test is negative, ATC will assume the cost with the exception of a split sample drug test that the student requests. Students will be directed to a specified site and must report for random testing within one hour from time of notification unless the student is on the road and is to be notified after coming off the road.

Students who are selected in a random pool but subsequently are withdrawn for an attendance violation must be tested if the student appeals and is reinstated into the program. Students will be notified of the date/time of testing.

Return-to-School, Follow-Up-Testing

Students who fail to follow or violate any of the provisions of this policy will be dismissed from the CTD program for one full semester before being able to reapply to the program. All CTD students who previously tested positive on a drug or alcohol test must attend drug/alcohol rehabilitation prior to reapplying to the CTD program. Students must test negative (below 0.02 for alcohol) on a return-to-school test and be evaluated and released by the Substance Abuse Professional before returning to school. Documentation (signed by a substance abuse professional) of rehabilitation training must be submitted at the time of student reapplying to school. A student who violates this policy a second time will result in permanent dismissal from the program.

Substance Abuse Assessment

Any CTD student who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in 49 CRF Part 40, as amended, is dismissed from ATC, and referred for evaluation by an approved DOT Substance Abuse Professional (SAP). A SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol-related disorders or drug abuse. The SAP will evaluate each student to determine what assistance, if any, the student needs in resolving problems associated with prohibited drug use or alcohol misuse. This will be at the student's expense.

Assessment by a SAP or participation in a Substance Abuse Program does not shield a student from disciplinary action or guarantee reinstatement to the CTD program at ATC.

If a CTD student is allowed to return to the CTD program, he/she must properly follow the rehabilitation program prescribed by the SAP. The student must have negative return-to-school

drug tests and be subject to unannounced follow-up testing as required by SAP. The cost of the drug tests and any treatment or rehabilitation services will be paid directly by the student.

Consequences for Drivers with an Alcohol Concentration of 0.02 or Greater

The consumption or possession of alcoholic beverages on ATC premises, in ATC owned/leased vehicles, or while engaging in any off-site instructional activity is prohibited. A student whose normal faculties are impaired due to the consumption of alcoholic beverages, or whose blood alcohol level tests 0.02 or greater shall be guilty of violating policy and will be dismissed from the CTD program. The student will be able to reapply to the program after one full semester. A student whose blood alcohol level tests 0.04 or greater must attend alcohol rehabilitation through an approved DOT Substance Abuse Professional (SAP) prior to reapplying to the program. The student is responsible for the cost of the rehabilitation. Documentation (signed by a substance abuse professional) must be submitted at the time of reapplication. A second violation of this policy will result in permanent dismissal from the program.

Consequences of use of Controlled Substances and Misuse of Alcohol

Failure to follow the policies contained herein will result in dismissal from the program, program failure, and possible legal action. *It is the policy of Albany Technical College that any student who violates any of the provisions set forth in this policy will also receive a course grade of "F" for the course(s) currently enrolled and of which a grade has not already been earned/recorded and a grade of "0" for work ethics.*

Re-Entry Contracts

Students who re-enter the Commercial Truck Driving program must agree to the following and be responsible for ensuring that all stipulations are met. That contract may include (but is not limited to):

1. A release to work statement from the Substance Abuse Professional,
2. A negative test for alcohol/drugs.
3. Unannounced frequent follow-up testing as required by SAP
4. Follow specified after care requirements with the understanding that violation of the re-entry contract is grounds for dismissal.

Information Disclosure

1. ATC shall release information regarding a covered student's record as directed by specific, written consent from the student authorizing release of the information to an identified person.
2. A covered student is entitled, upon written request, to obtain copies of any record pertaining to his/her use of prohibited substances, including any records pertaining to his/her test results.
3. ATC may disclose information that is required to be maintained to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the student tested without the student's written permission.
4. When requested by the National Transportation Safety Board as part of an accident investigation, ATC shall disclose information related to its administration of drug and alcohol tests following the accident investigation.
5. Records shall be made available to subsequent employers upon receipt of written request from the student.
6. ATC shall disclose data for its drug and alcohol testing program and any other information pertaining to its anti-drug program, when requested by the Secretary of Transportation or any DOT agency with regulatory authority over ATC.

Rehabilitation Contact Information

Substance Abuse Professional

National Substance Abuse Professional (SAP) Network
(800) 879-6428

Appeal Rights and Process

The DOT lab results are final. Therefore, there is no student appeals process at ATC. However, the student may request a split specimen test from the drug testing agency. The student is responsible for the cost.

Reference:

Federal Motor Carrier Safety Regulation 382.601

**Verification of Receipt of Substance Abuse Policy and Procedures
And
Federal Motor Carrier Safety Regulations**

This is to certify that I, _____, have received a copy of the
PRINT NAME

Albany Technical College Commercial Truck Driving Program Substance Abuse Policy and Procedures. I have also received a copy of the Federal Motor Carrier Safety Regulations as required by FMCSR Part 382.

I consent to the required drug/alcohol testing and understand that ATC assumes no liability for the drug/alcohol screen. I understand that I must comply with the requirements for drug/alcohol testing as a student in the Commercial Truck Driving program or I will be dismissed from the program. I also understand that I may be subject to random drug testing while enrolled in the Commercial Truck Driving program.

I consent for the alcohol/drug screens to be disbursed and shared with the Academic Affairs Administrative Office at ATC. I consent for the pass/fail status to be reported to the program instructor and/or program chairperson.

I understand that any violation of any of the provisions set forth in this policy will result in my receiving a course grade of “F” for the course(s) currently enrolled and of which a grade has not already been earned/recorded and a grade of “0” for work ethics.

Please *print* the following information:

Student’s Name: _____ ID# _____

Current address: _____ Phone number(s): _____

Please *sign* below:

STUDENT SIGNATURE

DATE

PROGRAM INSTRUCTOR’S SIGNATURE

DATE