

Michigan Educational Transportation Services, Inc.  
Controlled Substance and Alcohol Policy  
For Commercial Motor Vehicle Drivers

**I. PURPOSE**

Michigan Educational Transportation Services, Inc. (“M.E.T.S.”) Controlled Substance and Alcohol Policy (the “Policy”) was approved and adopted on September 20, 2010 by Michigan Educational Transportation Services, Inc. and is established to comply with the United States Department of Transportation (DOT) Regulations, specifically 49 CFR Parts 40, and 382. This policy is not intended to supersede any collective bargaining agreement except where Federal and State law takes precedence. In the absence of any Federal or State law, collective bargaining agreement or other legal requirement, this policy is to maintain a safe, healthful and efficient working environment for our employees and clients, to protect M.E.T.S. and client district property, equipment and operations, and to protect the motoring public from the negative effects of alcohol and drugs taken for medical and non-medical purposes.

The use and effects of controlled substances and alcohol pose very serious problems. This is particularly true in the transportation industry, which is subject to extensive government regulation. Not only can the use and/or abuse of drugs or alcohol jeopardize the health, safety and well being of the individual user and all of our employees, it can also endanger the safety of the general public, jeopardize the safety of the highways and cause serious accidents and casualties. In view of these problems, Michigan Educational Transportation Services, Inc. wants to clearly state its policy to accurately detect and to deter the use of drugs and alcohol in our transportation and work environment, either through testing, cessation of use, or termination of employment.

*Items printed in italics are based on the independent authority of Michigan Educational Transportation Services, Inc. and are in addition to the provisions mandated by the DOT.*

*With this policy Michigan Educational Transportation Services, Inc. establishes a ZERO TOLERANCE to any violation of this policy. Employees who engage in prohibited activity will be subject to termination.*

**Regulatory Requirements:**

All drivers who operate commercial motor vehicles that require a commercial driver's license under 49 CFR Part 383 are subject to the FMCSA's drug and alcohol regulations, 49 CFR Part 382.

Designated Employer Representative (DER) Kim Badder

This policy will take effect on October 1, 2010

## **Michigan Educational Transportation Services, Inc. policy is as follows:**

### **II. APPLICATION**

The Policy applies to all Michigan Educational Transportation Services, Inc. safety sensitive employees (full- or part-time) when performing any M.E.T.S. related business on M.E.T.S. premises or the premises of client district.

#### **Definitions for purposes of this Policy:**

- “Adulterated specimen” A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.
- “Commercial Motor Vehicle” (§382.107) a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle – 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 is designed to transport 16 or more passengers, including the driver or is of any size and is used in transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations(49 CFR part 172, subpart F).
- “Confirmatory drug test” A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.
- “M.E.T.S. Premises” includes but is not limited to all property, whether owned, leased or used by M.E.T.S or client district. This policy also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment.
- “Controlled substances” DOT agency drug testing programs require that employers test for marijuana, cocaine, opiates (6AM-Heroin added), amphetamines (expanded to include MDMA-Ecstasy) and phencyclidine (§ 40.85).
- “Designated Employer Representative” (DER) (§382.107) is an individual identified by the employer as able to receive communications and test results from service agents and who is authorized to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual must be an employee of M.E.T.S., Service agents cannot serve as DERs.
- “Driver” means any person who operates or maintains a commercial motor vehicle. This includes, but is not limited to: Full time, regularly employed drivers; casual, substitute, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.
- “Follow-up testing” Drivers who have tested positive and have been referred by a SAP must submit to a minimum of 6 unannounced follow-up tests in the 12 months of safety-sensitive duty following the employee’s return to safety-sensitive functions. The Substance Abuse Professional may recommend a longer period of time, not to exceed five years and is in addition to the other types of testing. (§ 40.307) The collections must be done under direct observation.
- “Initial drug test (also known as a “Screening drug test”)” The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.
- “Invalid drug test” The result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.
- “Laboratory” Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.
- “Limit of Detection (LOD)” The lowest concentration at which a measurement can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

- “Limit of Quantification” For quantitative assays, the lowest concentration at which the identity and concentration of the measurement can be accurately established.
- “Medical Review Officer” (MRO). A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.
- “Negative result” The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen.
- “Performing” (a safety-sensitive function) means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- “Positive result” The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.
- “Prohibited Substances” has the meaning defined by 21 U.S.C. section 802 and includes all substances listed on Schedule I (21C.F.R. Part 1308) or identified in Appendix D of the Federal Motor Carrier Safety Regulations; an amphetamine or any formulation thereof; a narcotic drug or any derivative thereof; and any other substance which renders an employee incapable of operating a motor vehicle.
- “Reasonable suspicion” is the determination, by a Supervisor trained in accordance with 382.603, that the driver has violated the prohibitions concerning alcohol and/or controlled substances. The determination must be based on Specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver.
- “Reconfirmed” The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.
- “Rejected for testing” The result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.
- “Refusal to submit” (to an alcohol or controlled substances 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 employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (see §40.61(a) of this title);
  - 2) Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see §40.63(c) of this title) a pre-employment test is not deemed to have refused to test.
  - 3) Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see §40.63(c) of this title) for a pre-employment test is not deemed to have refused to test;
  - 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 (see §§40.67(l) and 40.69(g) of this title);
  - 5) For an observed collection, fail to follow the observer’s instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
  - 6) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
  - 7) Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2) of this title);
  - 8) Fails or declines to take a second test the employer or collector has directed the driver to;

- 9) 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 under §40.193(d) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment,
  - 10) Fail 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
  - 11) Is reported by the MRO as having a verified adulterated or substituted test result.
- “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/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:
    - 1) 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;
    - 2) All time inspecting equipment as required by §§392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
    - 3) All time spent at the driving controls of a commercial motor vehicle in operation;
    - 4) All time, other than driving time, in or upon any commercial motor vehicle;
    - 5) 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
    - 6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
  - “Split specimen collection” A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).
  - “Substance Abuse Professional” (SAP) is a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. M.E.T.S. will provide a listing of SAPs to each employee who violates a DOT drug and alcohol regulation.
  - “Third Party Administrator” (TPA) – Michigan Educational Transportation Services, Inc. will use the following as primary service agents to fulfill the needs of all Controlled Substances and Alcohol testing. Other laboratories, collection sites, or SAP services may be utilized in the event of special circumstances or needs, as they are identified.

<p>OMS Compliance Services, Inc          562 South M-75          PO Box 699          Boyne City, MI 49712          231-582-5898</p>	<p>Dr John Cametas, MRO          Pembroke Occupational Health          23076 N Parham Road          Richmond, VA 23229          800-733-1676</p>
<p>Medtox Laboratories, Inc          402 W County Rd D          St. Paul, MN 55112          800-832-3244</p>	<p>Catholic Human Services          Miscellaneous locations          800-779-0449</p>

### III. PROHIBITIONS

Michigan Educational Transportation Services, Inc. policy prohibits:

1. Use or being under the influence of a prohibited controlled substance while on duty, or operating, or in physical control of, a motor vehicle and/or on M.E.T.S. or client district premises, property or worksite.
2. Prescription and Non-Prescription medicine use that impairs an employee's ability to perform the duties of his or her position. (See Section V).
3. Consuming an intoxicating beverage, regardless of its alcohol content, within four (4) hours of reporting for work or operating or having physical control of a motor vehicle; and for eight (8) hours following an accident or until a post-accident alcohol test is performed.
4. Consuming or being under the influence of an intoxicating beverage, regardless of its alcohol content while on duty, or in physical control of an operating motor vehicle on M.E.T.S. or client district premises, property or worksite.
5. Refusing to submit to an alcohol or controlled substances test as required by this policy.
6. Refusing to sign consent or release form authorizing an inquiry for alcohol and controlled substance information from a previous employer.
7. *Refusing to fulfill the requirements of the Drug and Alcohol programs at client district.*

### IV. IMPLEMENTATION AND ENFORCEMENT OF POLICY

#### DRUG TESTING

Michigan Educational Transportation Services, Inc. may not require a pre-employment drug test if the following conditions are met:

The driver has participated in a drug testing program meeting the requirements of Part 382 within the previous 30 days; and while participating in this program the driver must have been tested for controlled substances in the previous 6 months.

M.E.T.S. must also ensure that no prior employer of the driver has a record of violations of any DOT controlled substance use rule for the driver in the previous 6 months.

M.E.T.S. (per part 40.25) must contact the previous DOT-regulated employers who have employed the employee during the three years before the date of the employee's application prior to using the driver in a safety-sensitive position and obtain the following information:

1. The name and address of the program (usually the driver's prior and/or current employer);
2. Verification that the driver participates or participated in the program;
3. Verification that the program conforms with the required procedures set forth in 49 CFR Part 40;
4. Verification that the driver is qualified under this rule, including that the driver has not refused to submit to an alcohol or drug test;
5. The date the driver was last tested for alcohol or drugs; and
6. The results of any drug or alcohol test administered in the previous 6 months, and any violations of the alcohol misuse or drug use rules.

A. Testing. Employees performing safety-sensitive functions are required to submit to urine analysis testing for prohibited substances under the following circumstances:

1. To be considered for employment.
2. Where a trained supervisor, not necessarily an employee of M.E.T.S., has reasonable suspicion that an employee is under the influence of a prohibited substance while on duty.
3. Following an accident, per the following chart:

Type of accident involved	Citation issued to the CMV driver	Test required
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

4. As part of a transfer/promotion to a safety-sensitive position.
5. As part of a random selection process per § 382.305.
6. Return-to-duty, following the referral, evaluation and treatment as described in part (§ 382.605) by a substance abuse professional (SAP) the employee must take a drug test with a verified negative results before the employee may be returned to any safety sensitive position. This collection must be performed under direct observation.
7. Follow-up testing, after an employee has a confirmed positive test, they must under go follow-up drug testing. Minimum of 6 tests in a 12-month period (per SAP instructions). This collection must be performed under direct observation.
8. *Under the independent authority of M.E.T.S. 'Zero Tolerance policy' the employer will not utilize Return-To-Duty and Follow-up tests.*

- B. Post-Accident Testing. A driver shall provide a urine specimen to be tested for prohibited substances as soon as practicable after a reportable accident but in no case later than thirty-two (32) hours after the accident.

*Under the independent authority of Michigan Educational Transportation Services, Inc. a driver shall submit to testing as required by the School bus driver policy of the district they are driving for at the time of the accident. If the test is not specifically required by DOT regulations, the controlled substances test is to be conducted using a Non-DOT CCF - 10 Panel test. The alcohol test will be conducted using a Non-DOT Alcohol testing form.*

- C. Availability of Test Results. The results of any drug test and records connected with the testing procedure will be made available to the individual tested upon written request. Licensed physician, Medical Review Officer (MRO), who has the knowledge of substance abuse disorders, reviews the results of the tests. If the tests are positive the individual tested will be advised of the results and the type of drug or drugs discovered.

The individual tested will be given the opportunity to discuss the test results with the licensed physician prior to the time the results are made available to M.E.T.S. After notification of the MRO's final positive determination, the employee has seventy-two (72) hours to request a test of the "split specimen" at another Department of Health and Human Services (DHHS) certified laboratory.

The documentation of the results of the test will not be made available to other parties except upon written request of the individual tested, or when an applicable DOT regulation requires such disclosure, or if in the MRO's reasonable judgment the information could result in the employee being medically unqualified to perform their duties, or if the information would cause a safety risk.

- D. Negative Dilute Procedure. When Michigan Educational Transportation Services, Inc. receives an MRO verified Negative-Dilute test result; the employee will be required to submit to another collection, with minimal advance notice. The second collection result will be used as the result of record. If an employee declines to take another test, then the employee has refused to test for purpose of this part.
- E. Retesting of Split Specimen. The employee may request of the MRO in writing, to have the "split specimen" of a positive test retested at another DHHS certified laboratory selected by the employee. Should the results of the retest confirm a positive result, M.E.T.S. shall seek reimbursement, from the employee, for all or part of the cost of the retest.

Should the results of such retest be negative, the employee shall not suffer any discipline as a result of the initial positive test, and will be made whole for any lost time or benefits suffered as a result of preliminary actions taken by M.E.T.S. based on the initial positive tests results.

- F. Collection Site Procedures will be employed to assure compliance with this policy. All testing will follow DOT regulation 49 CFR Part 40.

The collection of your urine specimen will be conducted under the procedures required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs dated April 11, 1988. (Revised August 1, 2001) These procedures allow for individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided. The collection site person will take precautions to ensure that your specimen is not adulterated or diluted during the collection procedure. Your specimen collected must follow strict chain of custody and security procedures. In addition:

- Photo identification (e.g., driver's license, photo ID, agency badge) must be presented at the collection site. You must be positively identified as the donor.
- You will be asked to remove any unnecessary outer garments such as coat, jacket and hat. All personal belongings like purses or briefcases will remain with the outer garment. You may retain your wallet.
- You will be asked to empty your pockets and display the contents to insure that no items are present which could be used to adulterate the specimen, after displaying the items you may place them back in your pockets.
- You will be instructed to wash and dry your hands prior to providing a specimen.
- During the collection the toilet will be blued and you will have no access to water.
- The collection site person working with you will be of the same gender as yourself during an observed collection.
- In the case of a Directly Observed collection, the donor will be asked to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show, by turning around, that they do not have a prosthetic device.
- Your specimen will be provided in the privacy of a stall or otherwise partitioned area that allows for individual privacy.
- 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 your bottle or someone tampering with your specimen.
- If the collection site person has reason to believe that you may have altered or substituted the specimen, they will require that a collection take place immediately under direct observation. The collection site will also notify the M.E.T.S. DER that a collection took place under direct observation.
- Should you tamper, adulterate or in any other way attempt to dilute your specimen, the collection site person must require that a second collected specimen be done under direct observation by a same gender collection site person.
- You will be asked to initial the identification label on the specimen bottle for the purpose of certifying that it came from you.
- Your sample will be tested for: Cannabinoids, Cocaine, Amphetamines, Opiates and Phencyclidine (PCP) as revised October 1, 2010.
- If, after laboratory analysis, the specimen is found to contain any drugs of abuse, the results will be disclosed only to your M.E.T.S.'s Medical Review Officer (MRO). Prior to making a final decision to verify a positive test result, the MRO shall give you an opportunity to discuss the test results and submit medical documentation of legally prescribed medication.

## ALCOHOL TESTING

The following procedures will be employed to assure compliance with this policy. All testing will follow DOT regulation CFR 49 part 40.

A. Testing Employee's performing safety-sensitive functions are required to submit to breath testing for alcohol under the following circumstances:

1. Where a trained supervisor, not necessarily an employee of M.E.T.S., has reasonable suspicion to believe that an employee is under the influence of alcohol while on duty.
2. Following an accident, per the following chart:

Type of accident involved	Citation issued to the CMV driver	Test required
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away	YES	YES
	NO	NO

3. As part of a random selection process per § 382.305.
4. Return-to-duty, following the referral, evaluation and treatment as described in part 382.605 by a substance abuse professional (SAP) the employee must take an alcohol test with a verified negative results before the employee may be returned to any safety sensitive position.
5. Follow-up testing, after an employee has a confirmed positive test, they will agree to undergo follow-up alcohol testing. Minimum of 6 tests in a 12-month period (per SAP instructions).
6. *Under the independent authority of M.E.T.S. 'Zero Tolerance policy' the employer will not utilize Return-To-Duty and Follow-up tests.*

B. Post-Accident Testing. No driver required to take a post accident alcohol test shall use alcohol for eight hours following the accident or until he/she undergoes a post-accident alcohol test.

Post-accident alcohol test should be administered as soon as practical, but in no case later than 8 hours following the accident involving a CDL holder. If the test is not administered within 8 hours all attempts to perform the test shall cease.

If the test is not administered within two hours, M.E.T.S. will prepare and maintain on file a record stating the reason(s) the test was not promptly administered.

*Under the independent authority of Michigan Educational Transportation Services, Inc. a driver shall submit to testing as required by the School bus driver policy of the district they are driving for at the time of the accident. If the test is not specifically required by DOT regulations, the controlled substances test is to be conducted using a Non-DOT CCF - 10 Panel test. The alcohol test will be conducted using a Non-DOT Alcohol testing form.*

C. Testing procedure. A trained screening test technician (STT) and/or a breath alcohol technician (BAT) meeting their respective requirements (part 40.211) will conduct all alcohol tests.

- The testing will be performed in a private setting. Only authorized personnel will have access, and are the only individuals who can see or hear the test results.
- When the driver arrives at the testing site, the technician will ask for identification.
- The driver may ask the technician for identification.
- The technician will then explain the testing procedure to the driver. The technician may only supervise one test at a time, and may not leave the testing site while the test is in progress.
- A screening test is performed first. The STT can conduct only alcohol screening test, but a BAT can conduct alcohol screening and confirmation tests.

- When using an evidential breath-testing device (EBT) the mouthpiece of the EBT used in the test must be sealed before use, and opened in the driver's presence.
  - The driver must blow forcefully into the mouthpiece of the testing device for at least 6 seconds or until an adequate amount of breathe has been obtained.
  - Once the test is completed, the BAT must show the driver the results. The results may be printed on a form generated by the EBT or may be displayed on the EBT. If the EBT does not print results and test information, the BAT is to record the displayed result, test number, testing device, serial number of the testing device, and time on the breath alcohol testing form. If the EBT prints results, but not directly onto the form, the BAT must affix the printout to the breath alcohol testing form in the designated space.
  - If the reading is less than 0.02, both the driver and the BAT must sign and date the result form. The form will then be confidentially forwarded to M.E.T.S. If the reading is 0.02 or more, a confirmation test must be performed. An EBT must be used for all confirmation tests.
  - The test must be performed after 15 minutes have elapsed, but within 30 minutes of the first test.
  - The BAT will instruct the driver not to eat, drink, belch, or put anything into his/her mouth.
  - These steps are intended to prevent the buildup of mouth alcohol, which could lead to an artificially high result.
  - A new, sealed mouthpiece must be used for the new test.
  - If the results of the confirmation test and screening test are not the same the confirmation test will be used.
  - Refusal to complete and sign the testing form or refusal to provide breath will be considered a failed test, and the driver will be removed from all safety-sensitive functions until the matter is resolved.
  - A non-evidential breath testing or saliva testing device may be used for the screening test. The STT must follow the same procedures as the BAT with the following differences:  
For saliva testing a sealed swab, rather than a mouthpiece, is used; (the swab is used to collect an adequate amount of saliva, and is then inserted into a testing device) and a non-evidential testing device may not be used for a confirmation test. An EBT is required.  
Results: According to FMCSA regulation, the BAT will transmit all results to the employer in a confidential manner and must be done in a timely fashion so M.E.T.S. can prevent the driver who fails an alcohol test from performing any safety-sensitive functions.
- D. Penalties. Any driver who has a confirmed breath test greater than 0.02 percent but less than 0.04 percent must be removed from duty, until the start of the driver's next regularly scheduled duty period, but not less than twenty four (24) hours from the time the test was performed.
- E. Any driver who performs a safety sensitive duty and has a confirmed alcohol concentration of 0.04 or greater will be removed from their duties and deemed medically unqualified to perform those duties until a substance abuse professional (SAP) has evaluated them and has properly followed any rehabilitation program prescribed and tested negative for drugs and alcohol.
- F. Voluntary Disclosure. Employees who seek voluntary assistance for alcohol and substance abuse may not be disciplined for seeking such assistance. Requests from employees for such assistance shall remain confidential and shall not be revealed to other employees or management personnel without the employee's consent. Employees enrolled in substance abuse programs shall be subject to all employers' rules, regulations and job performance standards with the understanding that an employee enrolled in such a program is receiving treatment for an illness.

## **V. PRESCRIPTION AND NON-PRESCRIPTION MEDICINE**

After the drug test is given, the employee or prospective employee may, but is not required to, note the use of any prescription or non-prescription medications on the back of the employee copy only of the chain of custody. The laboratory procedures will report the significant presence of prescription and non-prescription drugs. The driver may need the information pertaining to the prescription to discuss with the MRO.

*Under the independent authority of Michigan Educational Transportation Services, Inc., an employee may be suspended without pay for not notifying the employer of a prescribed medication, until M.E.T.S. is provided with a copy of the prescription, the name of the physician prescribing the medication and a statement from the employee's physician describing the effects of the medication and indicating that the medication will not affect the employee's ability to safely operate a motor vehicle or otherwise perform the duties of his or her position without creating a risk of harm to himself or others.*

*Depending on the circumstances involved, the Michigan Educational Transportation Services, Inc. may, at its sole discretion, offer employees who voluntarily request help with a drug or alcohol problem, the option of rehabilitation in lieu of discharge. The employee's request must come before any notification of testing is given. Employees offered this option will be referred to a qualified professional or employee assistance program. The employee will be expected, as a condition of continued employment, to sign a return to work agreement, to follow the counselor's advice or any recommended program of rehabilitation, and to agree to follow up testing. Failure to do so, or any positive test result within a period of up to 60 months after the completion of the rehabilitation program, will result in disciplinary action, up to and including discharge.*

## **VI. CONDITION OF EMPLOYMENT**

Compliance with the Michigan Educational Transportation Services, Inc. Substance Abuse Policy is a condition of employment. Failure or refusal of an employee to cooperate fully or submit to any inspection or drug test as provided will be grounds for termination.

Questions regarding this policy should be directed to the (DER)  
Designated Employer Representative.

## VII. CONSEQUENCES FOR VIOLATION OF THIS POLICY

Drivers who are known to have engaged in prohibited behavior, with regard to alcohol misuse or use of controlled substances, are subject to the following consequences per the DOT rules and regulations.

1. Immediately after receiving written notice from the MRO or a consortium/third party administrator (C/TPA) that a covered employee has a verified positive drug test result, or refused to submit to a drug test, M.E.T.S. shall require the employee to cease performing safety sensitive functions.
2. Any employee who has a confirmed positive drug test will be medically unqualified to perform safety sensitive functions, for any DOT regulated employer, until they complete an approved substance abuse program, have a negative Return to Duty drug test and have agreed to Follow-Up testing as prescribed by the substance abuse professional (SAP).
3. Immediately after receiving written notice of a positive confirmed alcohol test or an employee refuses to submit to an alcohol test, the employer shall require the employee to cease performing safety sensitive functions.
4. Any employee who has a confirmed positive alcohol test (0.04% concentration or greater) will be medically unqualified to perform safety sensitive functions, for any DOT regulated employer, until they complete an approved substance abuse program, have a negative Return to Duty alcohol test and have agreed to Follow-Up testing as prescribed by the substance abuse professional (SAP).
5. Any employee who tests between 0.02% but less than 0.04% will be removed from safety-sensitive duties until their next scheduled duty period, but not less than 24 hours from the administration of the breath test.

*Under the independent authority of Michigan Educational Transportation Services, Inc. ZERO TOLERANCE policy, for any concentration levels that exceed .000 the employer shall require the employee to cease performing safety sensitive functions. Furthermore, the driver will be subject to termination of employment.*

6. *Under the independent authority of the Michigan Educational Transportation Services, Inc., any employee who tests positive on a drug or alcohol test or refuses to submit to a drug or alcohol test, ordered per this policy, will be subject to termination of employment.*
7. *Any driver who is disqualified from driving because of a motor vehicle violation or who has their CDL suspended, revoked, or cancelled will be subject to termination of employment.*
8. *Any prospective employee who refuses to submit to pre-employment drug testing or who receives a verified positive test result will not be hired.*
9. *Any prospective employee who refuses to sign and authorize a previous employer Alcohol & Drug Test Information Request Form will not be hired.*

## EMPLOYEE ASSISTANCE PROGRAMS (“EAP”)

Michigan Educational Transportation Services, Inc.  
Supports the Employee Assistance Programs.

### ASSISTANCE TO EMPLOYEES IN UNDERSTANDING ALCOHOL OR DRUG ABUSE

To assist employees in understanding alcohol and drug use and abuse, the Michigan Educational Transportation Services, Inc. has established an Employee Assistance Program (“EAP”). The EAP includes a training program, which consists of the following:

1. The effects and consequences of prohibited substance use on personal health, safety and the work environment;
2. The manifestation and behavioral causes that may indicate prohibited substance use or abuse.
3. Review of Michigan Educational Transportation Services, Inc. Controlled Substance and Alcohol Policy.
4. Documentation of training given to all personnel.
5. ***Depending on the circumstances involved, the Michigan Educational Transportation Services, Inc. may, at its sole discretion, offer employees who voluntarily request help with a drug or alcohol problem, the option of rehabilitation in lieu of discharge. The employee’s request must come before any notification of testing is given. Employees offered this option will be referred to a qualified professional or employee assistance program. The employee will be expected, as a condition of continued employment, to sign a return to work agreement, to follow the counselor’s advice or any recommended program of rehabilitation, and to agree to follow up testing. Failure to do so, or any positive test result within a period of up to 60 months after the completion of the rehabilitation program, will result in disciplinary action, up to and including discharge.***
6. Supervisor’s training for Reasonable Suspicion, which includes a minimum of 60 minutes for training on Alcohol misuse and 60 minutes of training on controlled substances use. (382.307)

This policy supports the treatment of employees for drug and alcohol abuse. Michigan Educational Transportation Services, Inc. will supply employees with information about treatment programs on a timely basis. Michigan Educational Transportation Services, Inc. will not be financially responsible for any rehabilitation treatment.