

## **RANDOM DRUG TESTING POLICY FOR OPERATORS OF STUDENT TRANSPORTATION VEHICLES**

Applicability: This policy applies to all employees (direct support staff, program assistants, group home managers, nurses, and other employees identified by Oak Hill administrators) who are required to hold a Public Service License (“PSL”) as a condition of employment in order to be able to operate a Student Transportation Vehicle (“STV”).

### **I. BACKGROUND.**

In accordance with Sections 31-51x and 14-276a of the Connecticut General Statutes, as amended in 2007, any employee who operates an STV is required to submit to urinalysis drug testing on a random basis. The vans that we use to transport children from residential programs to school, and from school into the community, are STVs. Thus, Oak Hill is required to implement a random drug testing program for all drivers of STVs. Oak Hill appreciates the efforts that all of our employees make to transport our program participants safely and seeks to ensure the ongoing safety of our employees, program participants and the public at large in this regard by implementing the following random drug testing policy.

Oak Hill has contracted with a third-party vendor, Foley Services, Inc., to administer all aspects of its impartial and confidential random drug testing program. This random drug testing process will be administered in accordance with federal Department of Transportation regulations.

### **II. POLICY.**

#### **A. Selection for Testing.**

All employees that hold PSLs are subject to urinalysis random drug testing. State law requires that fifty percent (50%) of the average number of driver positions (all employees who hold PSLs) be subject to testing in any calendar year. Because the names are generated randomly by a computer program, it is possible that – in a given year – one person may be subject to testing more than once, while others are not selected at all. Employees will only be subject to testing during scheduled hours.

A supervisor will direct each selected employee to submit to a random drug test and will provide the employee with information about where the test will be administered. The employee must proceed immediately to the testing area without any delay. Oak Hill will arrange for coverage if needed.

B. Drugs subject to Testing.

The testing will look for the presence of the following classifications of drugs – marijuana, cocaine, PCP, opiates and amphetamines (hereinafter “the Proscribed Drugs”).

C. Confidentiality of Test Results

Oak Hill’s Director of Compensation and Benefits will receive the results of the tests and will maintain the results in each employee’s confidential medical file. Oak Hill will not receive any other medical information provided by the employee to the Medical Review Officer (see below). If an Oak Hill employee seeks employment in a position at another school where the employee may drive students, and the school requests the results of the drug tests, Oak Hill will be required to provide the test results to that school.

**III. PROCEDURES.**

A. Collection Sites.

Employees will be directed to go to a specified laboratory or medical provider to give the specimen. Employees will not be given advance notice of being tested. At all locations, the employee will be accorded privacy. No Oak Hill employee shall observe the specimen collection process.

B. Collection Procedures.

Every employee subject to testing will be required to provide to the technician photo identification prior to testing. Privacy will be ensured at the facility by means of voiding in a private enclosure that has been secured by the technician to avoid opportunities for tampering with the specimen. Proper chain of custody procedures will be followed to ensure that the specimen submitted is indeed the specimen that belongs to the employee. The specimen will be sealed to prevent tampering during transport to the laboratory.

Each specimen will be subdivided into two bottles: one will be identified as the “primary” and one will be identified as the “split”. Both bottles will be sent to the laboratory. The primary specimen will be tested and the split specimen will be held in storage and tested only in the event of a positive test result.

If the employee cannot provide a sufficient amount of urine at the time of collection, the insufficient specimen will be discarded and a new collection will begin. There is then a three-hour period during which time the employee may consume up to 40 fluid ounces of fluid, which will be reasonably distributed. The employee may decline to drink fluids if he or she wishes without it being considered a refusal-to-test. However, if the employee cannot provide the

required amount of urine by the end of the three-hour period, he or she will be in what is called a “shy bladder” situation.

If this occurs, the employee will be directed to obtain, within five days, an evaluation concerning his or her inability to provide an adequate amount of urine. The evaluation must be performed by a licensed physician who is acceptable to the Director of Human Resources. The physician will provide the MRO with his or her conclusions. The MRO will make a final determination and provide a written report of his or her findings to the Director of Human Resources. If the MRO determines, in his or her reasonable medical judgment, that there was a valid medical reason for the shy bladder, the test is cancelled. If the MRO determines that there is no medical explanation, the test will be recorded as a Refusal-to-Test (see below).

#### C. Testing Procedures.

The vendor will send both specimen bottles to an independent laboratory certified by the Substance Abuse Mental Services Health Administration (“SAMSHA”) for testing. The testing is a two-step process. First, a screening test is performed on the primary specimen. If it is positive for one or more of the Proscribed Drugs, then a confirmation test is performed on the primary specimen for each of the Proscribed Drugs using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that normal prescription drugs, cold medications, poppy seed bagels/muffins, etc. do not get identified as Proscribed Drugs.

#### D. Confirmation of Test Results by MRO.

All laboratory tests are reviewed by an independent Medical Review Officer (“MRO”). The MRO will issue a determination as to whether the results are positive for the presence of the Proscribed Drugs or negative. If there is a confirmed positive result (meaning that the MRO cannot rule out a legitimate reason for the presence of the Proscribed Drugs), the MRO will call the individual before the results are reported to Oak Hill to discuss whether any medications or other situations exist that could have impacted the test.

Oak Hill will be given a copy of the results. The vendor will maintain all records of testing.

#### E. Protection against “False Positives”.

If the MRO confirms that a test is positive, Oak Hill will request that the “split” specimen be tested at its expense. The “split” specimen will be sent to a different, independent laboratory, for testing. Such test shall use GC/MS methodology or a methodology which has been determined by the Commissioner of Public Health to be as reliable as or more reliable than the GC/MS methodology. The employee will be accommodated in his/her current position

pending the results of the test on the split specimen. If the result of the split specimen is positive for the presence of the Proscribed Drugs, the employee will be laid off.

F. Negative-Dilute Drug Test Result Requirements

Oak Hill requires an employee who has a negative-dilute drug test result to submit to a second specimen collection. Failure to cooperate fully may result in disciplinary action up to and including termination.

**IV. Consequences of Failing a Random Drug Test.**

Any employee who has a confirmed positive test result (based on testing the split specimen) will be laid off immediately as state law prohibits such an employee from operating an STV for two years after a positive test result.

Under the terms of the applicable collective bargaining agreement, an employee who is laid off has recall rights. An employee who is laid off in accordance with this policy may be eligible for recall upon the following terms and conditions:

1. the employee completes an appropriate and verifiable drug abuse education/counseling and/or treatment program (at the employee's expense);
2. the employee takes a return-to-duty drug test at Oak Hill's direction, and the test result is negative;
3. there is a vacant position for which the employee meets all qualifications at the time of being recalled that does not require operation of a STV; and
4. the employee will be subject to follow-up random drug testing for the first 24 months after being returned to work. The employee will be subject to at least six (6) tests within the first twelve (12) months, and thereafter at a frequency to be determined by Oak Hill.

An employee who fails a second random drug test (as confirmed by testing the split specimen), shall be discharged, *provided, however*, Oak Hill may elect to lay off the employee in lieu of discharge after taking into consideration the employee's prior work record, length of service, and any other relevant mitigating factors. In the event that the employee is laid off, the employee will be eligible for recall upon the terms and conditions set forth above.

Any employee who fails a third random drug test shall be discharged.

Any employee who fails to comply with any return-to-work conditions set forth above shall be subject to discharge.

## **V. Refusal to submit to a test.**

An employee's refusal to submit to a test will be deemed to result in a positive test and will subject the employee to disciplinary action up to and including discharge. Under Federal DOT drug testing procedures, "refusal to submit to a test" means that an employee has engaged in one of the following:

- (1) failed to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
- (2) failed to remain at the testing site until the testing process is complete;
- (3) failed to provide a urine specimen for any drug test;
- (4) failed 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;
- (5) failed or declined to take a second test the employer or collector has directed the employee to take;
- (6) failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process;
- (7) failed to cooperate with any part of the testing process (e.g., refused to empty pockets when so directed by the collector, behaved in a confrontational way that disrupts the collection process); or
- (8) was reported by the MRO as having a verified diluted, adulterated or substituted test result.

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## **VI. INFORMATION.**

All employees subject to random drug testing will be provided with a copy of this policy. In addition, Oak Hill will provide educational material which describes the effects of alcohol and/or controlled substances use or abuse on the individual's health, work and personal life, as well as, information on the signs and symptoms of an alcohol or controlled substances problem.

Cross-reference: Drug and Alcohol Free Workplace Policy

This policy was approved on January 6, 2010.  
Revisions to this policy were approved on July 7, 2010  
Revisions to this policy are effective July 16, 2010.

**ACKNOWLEDGMENT:**

I certify that I have received a copy of the Oak Hill's Random Drug Testing policy and educational material concerning the effects of alcohol and controlled substance on an individual's work and personal life, signs and symptoms of a drug or alcohol problem, and the methods to deal with a substance abuse problem.

Employee's Signature:

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