



**ADMINISTRATIVE REGULATION
AND PROCEDURE**

Title: DEPARTMENT OF TRANSPORTATION – FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION CONTROLLED SUBSTANCES AND ALCOHOL USE TESTING PROGRAM	Code: EE0305
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Policy Reference: N/A

I. PURPOSE AND GOALS

MATC offers a Truck Driving technical diploma program subject to the regulatory requirements concerning commercial drivers set forth by the Federal Motor Carrier Safety Administration (FMCSA) of the U.S Department of Transportation (DOT). FMCSA has determined that alcohol abuse and illegal drug use pose specific dangers to the safety and welfare of drivers and the public. In order to achieve the goal of ensuring a drug-free and alcohol-free transportation system, as well as to comply with requirements of the Omnibus Transportation Employee Testing Act of 1991 and the Federal Motor Carrier Safety Regulations, MATC's Truck Driving academic program has an alcohol and controlled substance testing program designed to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by drivers of commercial motor vehicles. The potential effects of alcohol and other drug abuse are substantial in terms of lives lost, personal injuries, property damage, business losses (lost productivity, absenteeism, increased health care costs, etc.) and environmental damage.

MATC's Truck Driving program's drug and alcohol testing program is designed to create a drug-free and alcohol-free transportation system, and to provide assistance to those employees teaching within the program who may have chemical dependency problems. As an employer who trains commercial drivers to operate commercial motor vehicles on public roads, MATC is required to implement an alcohol and other drug abuse Program, including a drug and alcohol testing program. This Program also covers any MATC employee whose employment with MATC requires an active commercial driver's license and whose position requires the employee to operate commercial motor vehicles on public roads.

II. SCOPE

A. Individuals Subject To Testing

The alcohol and other drug testing required under this Program will apply to any individual who operates a commercial motor vehicle (CMV) in interstate or intrastate commerce and who is required to possess a commercial driver's license (CDL) for the operation of the CMV also referred to herein as "drivers." This includes all students enrolled in MATC's Truck Driving technical diploma program.



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B. Substances for which MATC Tests

The drug testing required under this Program will test for drug and drug metabolites (other than alcohol) included in the following drug classes:

- Marijuana
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

Alcohol testing will detect beverage alcohol, ethyl, methyl and isopropyl alcohol concentrations in the saliva or breath.

III. DEFINITIONS

- A. Actual knowledge - Actual knowledge by MATC that a driver (employee or student) has used alcohol or other drugs based on direct observation of the driver, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or another drug or a driver's admission of alcohol or other drug use, except as provided in the regulations.
- B. Adulterated Specimen – A specimen that has been altered, as evidenced by test results showing either a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance. For example, finding a substance not expected to be found in human urine, or a substance that is expected to be present but is at a concentration so high that it is not consistent with human urine.
- C. Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
- D. Alcohol concentration (or content) – The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.



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- E. Alcohol use – The consumption of any beverage, liquid mixture, or preparation (including any medication) containing alcohol.
- F. Canceled Test – A drug or alcohol test whose result cannot be considered valid under DOT rules. A canceled test either a positive or a negative test result.
- G. Commercial motor vehicle (CMV) – A motor vehicle or combination of motor vehicles used to transport passengers or property which:
 - 1. Has a gross vehicle rating of 26,001 or more pounds; or
 - 2. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross motor vehicle weight rating of more than 10,000 lbs.; or
 - 3. Is designed to transport 16 or more passengers, including the driver; or
 - 4. Is of any size and is used in the transportation of hazardous materials required to be placarded under the Hazardous Materials Transportation Act.
- H. Drugs other than Alcohol – A drug other than alcohol or a controlled substance means one of the following five drugs or classes of drugs:
 - 1. Marijuana metabolites
 - 2. Cocaine metabolites
 - 3. Opiate metabolites
 - 4. Amphetamines
 - 5. Phencyclidine (PCP)
- I. Dilute Specimen – A specimen with creatinine and specific gravity values that are lower than expected for human urine.
- J. Driver – Any person who operates a CMV, including but not limited to faculty who operate a CMV as part of their instructional responsibilities within MATC's Truck Driving program, substitutes for such faculty members and students enrolled in MATC's Truck Driving educational program.



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- K. Direct observation – observation of alcohol or other drug use.
- L. Medical Review Officer (MRO) – The MRO is a licensed physician who is responsible for receiving and reviewing laboratory results generated by MATC's drug testing program and evaluating medical explanations for certain drug test results. Such individual shall have knowledge of substance abuse disorders and be trained and certified by the appropriate licensing agency.
- M. Refusal To Test – A refusal to test includes:
1. Failing to provide adequate breath or saliva for alcohol testing, without a valid medical explanation, after receiving notice of a required breath test;
 2. Failing to provide an adequate urine sample for controlled substance testing, without a genuine inability to provide a specimen (as determined by a medical evaluation), after receiving notice of a required urine test;
 3. Failing to cooperate with any part of the testing process, including failing to permit direct observation or monitoring of specimen collection where required or to sign the appropriate certifications.
 4. Submitting a substituted or adulterated specimen.
 5. Failing to report for required testing or to report within a reasonable time after being notified to do so.
 6. Failing to remain at the testing site until the testing process is completed.
 7. Failing to submit to a medical examination when required as part of the test result verification process, or as directed for evaluation of a claimed inability to provide an adequate urine, breath, or saliva specimen.
 8. Failing or declining to undergo a second test after being notified to do so.
- N. Safety-Sensitive Functions – "Safety-sensitive functions" include:
1. Waiting at a MATC or shipper plant, terminal, facility, or other property, or on any public property, to be dispatched, unless the driver has been relieved from duty by MATC;



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2. Inspecting equipment as required by 49 C.F.R. §§392.7, .8 or otherwise inspecting, servicing, or conditioning any CMV at any time;
 3. Being at the driving controls of a CMV in operation;
 4. Otherwise being in or upon any CMV, except resting in a sleeper berth conforming to the requirements of 49 C.F.R. §393.76;
 5. 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 giving or receiving receipts for shipments loaded or unloaded;
 6. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- O. Split Specimen – A part of the urine specimen that is sent to the laboratory and retained unopened in secure storage until a driver whose test is positive, adulterated or substituted requests that the specimen be transferred to a second laboratory for re-confirmation.
- P. Substance Abuse Professional (SAP) – A licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, marriage or family therapist, or drug and alcohol counselor who has knowledge of and clinical experience in the diagnosis and treatment of alcohol and other drug-related disorders, and who has completed the DOT’s qualification training. The SAP’s role is to evaluate drivers who apparently have violated the DOT’s drug and alcohol regulation and make recommendations concerning education, treatment, follow-up testing, and aftercare.
- Q. Substituted specimen – A specimen with creatinine and specific gravity values that are so diminished or divergent that they are inconsistent with human urine.

IV. QUALIFICATIONS FOR PARTICIPATION IN MATC’S TRUCK DRIVING PROGRAM AND/OR EMPLOYMENT BY MATC IN A POSITION THAT REQUIRES OPERATION OF A CMV

A. Prohibited Conduct

The following conduct with respect to the operation of a CMV is prohibited:



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1. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater in one's system.
2. Using alcohol while performing safety-sensitive functions.
3. Performing safety-sensitive functions within four hours after having used alcohol.
4. After having been required to take a post-accident alcohol test under this Program, using alcohol for eight hours following the accident or until the driver undergoes a post-accident alcohol test, whichever occurs first.
5. Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions after or while using any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in 49 C.F.R. § 382.107, who has advised the driver that the substance will not adversely affect the driver's ability to operate a CMV safely.
6. Reporting for duty, remaining on duty or performing a safety-sensitive function if the driver has tested positive for a drug.
7. Refusing to submit to any alcohol or other-drug test required under this Program.

In the event MATC has actual knowledge that a driver has violated any of the above prohibitions, it will prohibit him/her from performing any safety-sensitive functions and may take disciplinary action, up to and including termination/dismissal. Students who are non-compliant with the above prohibitions will be removed from the Truck Driving education program immediately. For employees, disciplinary action may be taken up to and including termination of employment, consistent with any applicable collective bargaining agreement as provided in Section X, below.

B. Removal From Program/Service

A student driver who has engaged in any prohibited conduct will be immediately removed from the Truck Driving program and/or driving related service for MATC and disqualified from the performance of all safety-sensitive functions, including driving a CMV.



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An employee driver who has engaged in any prohibited conduct will be immediately removed from driving related service for MATC and disqualified from the performance of all safety-sensitive functions, including driving a CMV, unless and until that driver has complied with the return-to-work requirements, as described in Section VIII, below. The driver will also be subject to any discipline in accordance with Section X, below.

Any driver requested to submit to an alcohol test required under this Program and found to have an alcohol concentration of at least 0.02 percent, but less than 0.04 percent, will be disqualified from performing or continuing to perform any safety-sensitive functions, including driving a CMV, until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test.

C. Prescribed Medications

Use of a controlled substance pursuant to the instructions of a licensed medical practitioner, who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a CMV is permitted.

D. Alcohol and Other-Drug Background Check

Any driver whom MATC intends to hire or use to perform a safety-sensitive function, including faculty hired to teach in the Truck Driving academic program, will be required to undergo a background check for any conduct constituting a violation of DOT alcohol and other drug-testing regulations during the previous two years. All drivers will be required to sign an appropriate consent form authorizing previous employers to release this information to MATC. MATC will then obtain information on the driver's history of alcohol test results reflecting a concentration result of 0.04 or greater, verified positive drug test results and refusals to be tested within the preceding two years from all of the driver's employers during that time period.

No driver will be allowed to perform a safety-sensitive function if MATC discovers that he/she has had an alcohol test result reflecting a concentration of 0.04 or greater, has had a verified positive drug test result or has refused to be tested, unless and until MATC confirms that the driver has complied with the return-to-duty requirements of the regulations.



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V. TESTING CIRCUMSTANCES**A. Pre-Placement**

For students seeking to enter the Truck Driving program, prior to placement confirmation in the program, all students will be required to undergo testing for controlled substances as a condition of placement in the program. Only students with verified negative results received from the MRO will be permitted placement in the Truck Driving program.

For employees seeking employment with MATC in a position that requires a CDL and operation of a CMV, including faculty seeking to teach in the Truck Driving program, prior to the first time a driver performs a safety-sensitive function for MATC (including job applicants for, and employees transferring into, positions requiring the operation of a CMV), he/she will be required to undergo testing for controlled substances, and such individuals will not be allowed to perform any such function unless a verified negative result is received from the MRO for controlled substance use. A background check will also be completed, as described above.

B. Post-Accident

As soon as practicable following an accident, MATC will require any surviving driver to submit to tests for alcohol and other drugs if:

1. The driver was performing safety-sensitive functions at the time of the accident and the accident involved the loss of human life; or
2. The driver received a citation for a moving traffic violation arising from the accident and the accident involved:
3. Bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident; or
4. One or more motor vehicles incurred disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Drivers are prohibited from using alcohol for eight hours following any accident or until the required post-accident alcohol test is administered, whichever occurs first. Every effort will be made to conduct post-accident drug and alcohol tests



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within two hours following an accident. Any driver involved in an accident must therefore remain readily available for testing and will be considered to have refused to submit to testing if he fails to do so.

This requirement will not, however, require a driver to delay any necessary medical attention to others following an accident or to remain at the scene of an accident when his/her absence is necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

If an alcohol test is not administered within eight hours following an accident, MATC will make no further effort to administer one and will document the reasons why the test was not promptly administered. In the event a test for drugs other than alcohol is not administered within 32 hours following an accident, MATC will make no further effort to administer one and will document the reasons why the test was not promptly administered.

The result of any breath or blood test for the use of alcohol or of a urine test for the use of other drugs conducted by Federal, State, or local officials having independent authority for the test will be considered to meet the requirements of this section, provided such tests conform to applicable Federal, State or local requirements and the results of the tests are obtained by MATC.

In any post-accident testing circumstance, an MATC representative or designee, including MATC Public Safety staff, may transport the driver to an appropriate testing facility and await the completion of the testing procedure. If this occurs, the MATC representative or designee will then transport the driver back to MATC's premises. If the test results indicate that the driver is under the influence of drugs or alcohol, a spouse or family member of the driver or other individual designated by the driver will be contacted to transport the driver to his/her off-duty quarters. In the event no such individual is available, or if the driver refuses to agree to any of these procedures and attempts to operate his/her own vehicle, MATC will make appropriate efforts to discourage the driver from doing so, up to and including contacting local law enforcement officials.

C. Random

MATC will conduct random alcohol and other-drug testing of a minimum annual percentage of its average number of drivers, including both drivers employed by MATC and drivers/students enrolled in MATC's Truck Driving academic program. The annual percentage will be established by the FMCSA. The random selection process will be completely objective and anonymous and will utilize a



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scientifically valid method. The tests will be unannounced, and the dates for testing will be reasonably spread throughout the course of the year. All drivers will have an equal chance of being tested at any time, regardless of the number their previous selections.

Any driver notified of his/her selection for random alcohol and/or other-drug testing must proceed to the test site immediately. If a driver is performing a safety-sensitive function, other than driving, at the time of his/her notification of a random test requirement, he/she will be required to cease performing the safety-sensitive function and proceed to the testing site as soon as possible.

D. Reasonable Suspicion

Whenever MATC has reasonable suspicion to believe that a driver has engaged in prohibited conduct, the driver must submit to an alcohol and/or other-drug test. Any such suspicion must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver, which may include indications of the chronic and withdrawal effects of controlled substances, made during, just preceding or just after the period of the work day that a driver is required to be in compliance with this Program. Every effort will be made to conduct a reasonable

suspicion alcohol test within two hours following MATC’s statement to the driver that he/she will be subject to reasonable suspicion testing. If an alcohol test is not administered within eight hours following the reasonable suspicion determination, MATC will no longer attempt to administer one and will document the reasons for its inability to do so.

Notwithstanding the above testing requirements, a driver is prohibited from reporting for duty or remaining on duty requiring the performance of a safety-sensitive function if that driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol abuse. Student drivers are prohibited from participating in educational experiences which involve the performance of safety-sensitive functions until a negative test result has been confirmed.

In any reasonable suspicion testing circumstance, an MATC representative will transport the driver to an appropriate testing facility and await the completion of the testing procedure. MATC’s representative will then transport the driver back to MATC’s premises. If the test results indicate that there is a violation of this Program, a spouse or family member of the driver or other individual designated



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by the driver will be contacted to transport the driver to his/her off-duty quarters. In the event no such individual is available, or if the driver refuses to agree to any of these procedures and attempts to operate his/her own vehicle, MATC will make appropriate efforts to discourage the driver from doing so, up to and including contacting local law enforcement officials.

If the test result is negative, the driver will be allowed to return to work/class. MATC employees who receive negative test results will be paid for any lost time. Any driver failing to cooperate with any of the above procedures will be subject to discipline in accordance with Section X, below.

E. Return-To-Duty

Before any employee driver who has engaged in any conduct prohibited by this Program will be allowed to return to duty to perform a safety-sensitive function, he/she will be required to complete any SAP-required education and or treatment and must undergo a return-to-duty alcohol and/or other-drug tests, whose results must indicate an alcohol concentration of less than the amount prescribed by the SAP and a verified negative for other drugs, respectively. This paragraph shall not be construed in any manner to restrain MATC’s ability to exercise any action provided in Section X, below, including, but not limited to dismissal for a violation of this procedure.

F. Follow-Up

Any employee driver who has engaged in prohibited alcohol or other drug-related misconduct and who is subsequently reinstated will be subject to unannounced follow-up testing for alcohol and/or controlled substances for up to 60 months after return to safety-sensitive duties. Such testing shall be done in accordance with the recommendations of the SAP.

VI. ALCOHOL TESTING PROCEDURES

A. Alcohol Testing Personnel and Equipment

All alcohol testing will be conducted by qualified Breath Alcohol Technicians (BATs) and/or Screening Test Technicians (STTs) using approved Alcohol Screening Devices (ASD) or Evidential Breath Testing (EBT) devices.



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B. Alcohol Testing Procedures

All alcohol testing conducted under this Program will be done in accordance with DOT procedures. After providing photo identification to the BAT or STT, the driver and the BAT/STT will complete an Alcohol Testing Form (ATF). Any driver who refuses to sign the acknowledgment in Step 2 of the ATF will be considered to have refused to test. The driver must follow the BAT/STT’s instructions and provide a breath or saliva sample for the initial test. If the result of the test is less than 0.02 percent alcohol concentration, the test is negative and the process is complete.

If the initial alcohol test result is at least 0.02 percent, a confirmation test will be conducted. After a waiting period of at least 15 minutes, during which the driver will be observed and requested not to take anything by mouth, he/she will be asked to provide a breath sample. If the confirmation test result is at least 0.02 percent, the test is positive. If the confirmation test result is less than 0.02 percent, the test is negative. Regardless of the result, the driver and the BAT will complete and sign a copy of the form, including the test results, and a copy will be provided to the driver. An employee’s refusal to sign the form will not constitute a refusal to test. The BAT will immediately transmit the results of the test directly and confidentially to MATC’s designated employer representative (DER).

C. Inability to Provide a Sample

In the event a driver is unable to provide, or alleges he/she is unable to provide, a breath or saliva sample, the driver will be required to make two attempts to complete the testing process. If the driver cannot provide a saliva sample for the screening test, he/she will be required to submit to a breath alcohol test. If the driver cannot provide a breath sample for the initial test and a saliva alcohol-screening device is available, he/she will be required to submit to a saliva-screening test. If the driver cannot provide an adequate breath sample after two attempts, the BAT/STT will discontinue the testing process and notify MATC’s representative, and the driver shall, as soon as is practicable (but within 5 calendar days), be evaluated by a physician designated by MATC. The physician will determine whether there is a medical condition or diagnosis that prevents the driver from providing an adequate breath sample. If the physician is unable to document a medical condition or diagnosis responsible for the driver’s failure to provide an adequate sample, the failure will be considered a refusal to submit to testing.



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VII. CONTROLLED SUBSTANCE TESTING

A. Specimen Collection Procedures

Testing for drugs other than alcohol will be conducted using a urine specimen collected by qualified collection personnel at a collection site located at a laboratory service center or medical clinic. For all FMCSA required testing, a Federal custody and control form (CCF) will be used to document the collection process. The driver will be required to present photo identification to the collector at the start of the collection process and to empty the contents of his/her pockets (other than his/her wallet), remove all outer clothing (jackets, hats, etc.) and leave all hand carried items outside the toilet enclosure. In circumstances where only a multi-stall restroom is available, the collector will accompany the driver into the restroom. The collector will remain outside the toilet stall/enclosure, and the driver will be required to provide the specimen while in the toilet stall with the stall door closed.

In certain circumstances the driver will be required to provide his/her urine specimen while being directly observed. Observation of urination will be only by an individual who is the same gender as the driver. The following circumstances will require a direct observation:

1. The driver presents a specimen that is outside the usual temperature range (90-100 °F).
2. The driver presents a specimen that the collector believes is adulterated or substituted, or has specimen adulterant or substitution materials in his/her pockets.
3. A previous specimen provided by the driver was invalid for testing and there was no medical explanation for the specimen's invalidity
4. A previous specimen provided by the driver was verified as positive, adulterated, or substituted and the split specimen was unavailable for reconfirmation.
5. A previous specimen provided by the driver had a creatinine level of 2-5 mg/dL and specific gravity of more than 1.001, but less than 1.003.

Chain of custody procedures will be followed throughout the sample collection process.



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If the driver is unable to urinate, or provides an insufficient quantity of urine (<45mL), the driver will be provided fluids to drink (up to 40 oz.) and up to three hours to provide an adequate specimen. If the driver is unable to provide an adequate specimen after three hours, the collection process will be terminated. The collector will inform MATC, and MATC will direct the driver to be evaluated by a Company-designated physician as soon as is practicable. If the MRO determines, after review of the physician's findings of the examination of the driver, that there is no medical explanation for the driver's failure to provide an adequate specimen, the driver will be considered to have refused to test.

The collector and driver will complete the CCF, and the driver will be required to submit to testing. The driver will be provided a copy of the CCF. Collection site personnel will arrange shipment of the specimens to the drug-testing laboratory.

If the driver refuses to cooperate during the collection process, collection site personnel will inform MATC and document the driver's conduct on the CCF. Drivers are required to exercise good faith and to cooperate during the collection process. Failure to do so will subject the driver to discipline in accordance with Section X, below, independent and regardless of the result of any drug test.

B. Laboratory Analysis

All urine specimens tested for drugs other than alcohol under this Program will be analyzed by a laboratory certified by the U.S. Department of Health and Human Services (DHHS) under the National Laboratory Certification Program.

All specimens will be tested for drugs other than alcohol by a screening drug test—one which differentiates a negative specimen from one that requires further testing for drugs or drug metabolites. The screen will apply approved cut-off levels to eliminate negative specimens from further consideration. Any specimen that is concluded not to contain a drug or a drug metabolite above the cut-off level will be reported by the laboratory as negative. Any initial positive test result will be subject to confirmation testing to verify the results and confirm the concentration of the controlled substance. Assuming the

confirmation test confirms the result at a level above the cutoff concentration for the drug, the report will reflect that the specimen was "confirmed positive" and, in some cases, report the confirmed amount of the controlled substance in the sample.



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The laboratory also will conduct analyses to determine if the specimen has been adulterated, diluted, or substituted. If the laboratory identifies an adulterant, the laboratory will report the specimen as having been adulterated. If the laboratory determines that the specimen’s characteristics are inconsistent with human urine, the laboratory will report the specimen as substituted. If the laboratory determines that the specimen has been diluted, the laboratory will report it as dilute. If the laboratory is unable to obtain a valid screening or confirmation analysis, the laboratory will report the specimen as invalid.

The laboratory will report all test results confidentially to the designated MRO.

Negative specimens will be destroyed and discarded by the laboratory after results are reported to the MRO. Non-negative specimens (Positive, Adulterated, Substituted, Invalid) will be retained in frozen storage for a minimum of one (1) year.

C. Test Results

All test results will be reported by the laboratory to MATC’s designated MRO. The MRO will review and consider possible alternative medical explanations for non-negative test results and will review CCFs to ensure that they are complete and accurate. MATC will designate an MRO for purposes of this Program.

The MRO makes the final determination regarding the laboratory results. The MRO will issue one of four determinations:

1. Canceled: means that the test could not be concluded because the results were invalid. The MRO will consider whether to send the primary specimen to another laboratory. The MRO also may require that the employee provide another sample for testing with little or no advance notice.
2. Negative: means that the test was determined not to contain or not to contain an amount of the controlled substance in excess of the cut-off level.
3. Positive: means that the test sample contained an amount of a controlled substance in excess of the cut-off level.



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4. Refusal to test: means that the driver engaged in conduct evidencing an unwillingness to submit a sample for examination. For examples, see the Definitions Section.

In addition to the above categories, the MRO may note that the sample was adulterated, substituted or dilute, e.g., negative-dilute.

Prior to determining that a final test result is positive, adulterated, substituted, or dilute, the MRO will give the driver an opportunity to discuss the test result. The MRO will contact the driver directly, on a confidential basis, to determine whether the driver wishes to discuss the test result. If, after making and documenting three attempts to contact the driver directly, the MRO is unable to reach the driver, the MRO will contact MATC's designated employee representative (DER), who will direct the driver to contact the MRO as soon as possible. If, after making all reasonable efforts, the DER is unable to contact the driver, MATC will place him/her on temporary medically unqualified status until the driver is contacted for the MRO interview.

In the verification process for an opiate positive or an adulterated or substituted result, the MRO may direct the driver to submit to a medical examination by a physician of the driver's choosing who is acceptable to MATC. If the driver refuses to undergo the medical examination, the MRO will report the case as a refusal to submit to testing or a refusal to submit to testing because of adulteration or substitution, as applicable.

The MRO may verify a test without having communicated directly with the driver about the results in three circumstances:

1. If the driver expressly declines the opportunity to discuss the test with the MRO;
2. If MATC's DER has successfully made and documented a contact with the driver and instructed him/her to contact the MRO, and more than 72 hours have passed since the driver was successfully contacted by the DER; or
3. If neither the MRO nor MATC's DER has successfully contacted the driver after 10 days of reasonable effort.

The MRO will not disclose to any third party medical information provided by the driver to the MRO as part of the test verification process, except as provided below:



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1. The MRO will disclose such information to MATC, a Federal agency or a physician responsible for determining the medical qualification of the driver under an applicable DOT regulation, if in the MRO's reasonable judgment the information could result in the driver's being determined to be medically unqualified under a DOT rule; or
2. The MRO will disclose such information to MATC, if in the MRO's reasonable medical judgment the information indicates that continued performance by the driver of his or her safety-sensitive function could pose a significant safety risk.

If the MRO discloses a medication under the provisions above, the driver may contact the prescribing physician concerning alternative medications. If the prescribing physician contacts the MRO within 5 days and has changed the medications, thereby removing the safety risk or medical qualification issue, the MRO will report the changed circumstances to the third party to whom the original disclosure was made.

If the MRO determines that there is a legitimate medical explanation for a confirmed positive test result, the MRO will report the test as negative. If the MRO determines that there is no legitimate medical explanation for a positive test result, the MRO will report the test as positive and provide the name of drug(s) detected.

If the MRO determines that there is a legitimate physiological explanation for the adulterated or substituted specimen, the MRO will report the result as a canceled test. If the MRO determines that there is no medical or physiological explanation for an adulterated or substituted specimen, he/she will report the result as a refusal to submit to testing, and provide the adulteration or substitution criteria identified.

If the MRO determines that a specimen reported as invalid is due to medication interference or other legitimate medical circumstances, the MRO will cancel the test. If the MRO determines that there is no medical explanation for the specimen's invalidity, the MRO will cancel the test and inform MATC that another specimen must be collected immediately under direct observation.

D. Request for Split Specimen Testing

Each driver whose drug-test result is verified as positive, adulterated, or substituted will have 72 hours in which to request a test of the split specimen. If



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the driver requests an analysis of the split specimen within 72 hours of receiving notice from the MRO of that right, the MRO will direct the laboratory in writing to provide the split specimen to another DHHS-certified laboratory for analysis. The cost of the split specimen testing will be paid by the driver.

If a driver has not contacted the MRO within 72 hours of the MRO’s notice to the driver of the positive drug test, or the refusal to test because of adulteration or substitution, the driver may still obtain a split specimen test if he/she presents the MRO with information documenting that a serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the driver from making timely contact. If the MRO concludes that the driver has offered a legitimate explanation, the MRO will direct that an analysis of the split specimen be performed.

If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or fails to reconfirm the adulteration or substitution finding, the MRO will cancel the test and report the cancellation and the reasons for it to MATC and the driver. If the split specimen is unavailable or unsuitable for reconfirmation, the MRO will cancel the test and inform MATC that another specimen must be recollected immediately under direct observation.

VIII. CONFIDENTIALITY

A. Confidentiality

The results of any tests administered under this Program and/or any other information generated pursuant to this Program will not be disclosed or released to anyone without the express written consent of the driver, except where otherwise required or authorized by federal regulation or law. MATC’s designated service agents will maintain all test records in confidence.

However, MATC may disclose information required to be maintained under this Program to the tested driver, a decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the driver, and arising from the results of an alcohol and/or drug test administered under this Program, or based upon MATC’s determination that the driver engaged in conduct prohibited by this Program (including, but not limited to, a worker’s compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver).



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B. Access to Facilities and Records

Upon written request by any covered driver, MATC will promptly provide him/her with copies of any records pertaining to the driver’s use of alcohol or other drugs, including any records pertaining to his/her alcohol or other-drug tests. Records also will be made available to an identified person or a subsequent prospective employer or employer of the driver upon receipt of a written request from the driver, but only as expressly authorized and directed by the terms of the driver’s written consent.

MATC also will permit access to information on all facilities utilized and alcohol or other drug testing documents generated in complying with the requirements of any DOT agency with regulatory authority over MATC or any of its covered employees or to State or local oversight agencies. When requested by the National Transportation Safety Board as part of an accident investigation, MATC will disclose information related to its administration of a post-accident alcohol and/or drug test administered following the accident under investigation.

IX. EMPLOYEE ASSISTANCE PROGRAM/SUBSTANCE ABUSE PROFESSIONAL

A. Driver Education

MATC will provide drivers with information concerning the effects of drug abuse on an individual’s health, work, and personal life; signs and symptoms of a drug problem (the employee’s or a co-worker’s); and available methods of intervening when a drug problem (the employee’s or a co-worker’s) is suspected, including confrontation, referral to an employee assistance or counseling program and/or referral to management.

Copies of the above materials and this Program information will be distributed to each driver hired or transferred into a position requiring the performance of a safety-sensitive function. Each driver who receives a copy of these materials will be required to sign a statement certifying that he/she has received a copy of same. MATC will retain the original of the signed certificate and will provide a copy to the driver, if requested.

B. Substance Abuse Professional Referral, Evaluation and Treatment

1. Available Resources



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Any driver who engages in conduct prohibited by this Program will be provided with information about the resources available for evaluating and resolving problems associated with alcohol or other drug abuse, including the names, addresses, and telephone numbers of qualified substance abuse professionals (SAPs) and counseling and treatment programs.

2. Substance Abuse Evaluation

Drivers who believe they may have a substance abuse problem are strongly encouraged to undergo an evaluation by an appropriate SAP, who will determine what assistance the driver needs in resolving problems associated with alcohol or other drug abuse before the driver tests positive.

Ordinarily a violation of this Program will result in the termination of the driver's employment and/or dismissal from the Truck Driving educational program. However, for employees, MATC has discretion to preserve a driver's employment. If it exercises this discretion, the driver who tests positive for a violation of this Program will be required to complete an evaluation with a SAP and any subsequent recommended education or treatment which the SAP determines is necessary before the driver will be permitted to once again perform safety-sensitive duties for MATC. Further, under the FMCSA, any driver who is terminated but seeks to work in a safety sensitive position for another employer must complete a SAP evaluation and any subsequent recommended education or treatment.

X. DISCIPLINE/DISMISSAL FROM PROGRAM

In addition to removing a driver from the performance of safety-sensitive functions, MATC will take the following disciplinary action against any driver who violates this Program.

A. Applicant Drivers

An individual who tests positive on a pre-placement drug test or who adulterates or substitutes a specimen provided for a pre-placement drug test will not be eligible for placement in the Truck Driving program, and, if applicant for a position of employment with MATC in a position subject to this Program, such individual will not be hired.



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B. Employee Drivers

Any driver who tests positive for alcohol, at a concentration level of 0.04 percent or greater, or for another drug will be subject to disciplinary action, up to and including discharge. However, MATC retains its discretion to preserve a driver's employment. If it exercises this discretion, the driver who tests positive for a violation of this Program will be required to complete an evaluation with a SAP and any subsequent recommended education or treatment which the SAP determines is necessary before the driver will be permitted to once again perform safety-sensitive duties for MATC. Further, under the FMCSA, any driver who is terminated but seeks to work in a safety sensitive position for another employer must complete a SAP evaluation and any subsequent recommended education or treatment.

Any driver whose alcohol test result is at least 0.02 percent, but less than 0.04 percent alcohol concentration will be removed from a safety-sensitive function for at least 24 hours or until his/her next regularly scheduled shift, whichever is longer. All such time off will be without pay.

Any employee whose position subjects them to the requirements of this Program, who engages in any conduct that constitutes a refusal to submit to alcohol or other drug testing required under this Program will be subject to disciplinary action, up to and including discharge.

Any driver whose conduct results in damage or injury or constitutes a violation of any other Program of MATC will be subject to discipline, up to and including discharge irrespective of the result of any test conducted under this Program.

C. Student Drivers

Any driver who tests positive for alcohol or for any other drug under this Program while enrolled as a student in MATC's Truck Driver education program will be dismissed immediately from the Truck Driving technical diploma program. Students dismissed from the Truck Driving technical diploma program may apply for readmission upon the student's completion, at the student's own expense, of evaluation by a qualified SAP employed by IMPACT, Inc. (414-256-4808; www.impactinc.org), completion of all treatment and other recommendations of the SAP and satisfaction of all return-to-work requirements stated in the DOT regulations. All testing following dismissal from the Truck Driving program will be at the student's own expense, including testing required under the return-to-work regulations.



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Any student driver who fails to cooperate with the testing requirements of this Program will be subject to academic discipline, up to and including dismissal from the Truck Driving program. Refusal by students to participate in the requirements of this Program may also result in a failing grade for the course.

XI. RECORDKEEPING AND REPORTING

A. Retention of Records

MATC will maintain records relating to this Program as required by the Regulations and in a secure location with controlled access for the specified periods of time.

B. Management Information System Reporting

When required by the FMCSA, MATC will prepare and submit an annual statistical report, in the format prescribed by the FMCSA, detailing MATC's alcohol and other-drug testing program activity.

Office of Responsibility: School of Technology & Applied Sciences