

ALCOHOL & CONTROLLED SUBSTANCE USE, ABUSE & TESTING POLICY

POLICY

It is the policy of Missouri State University to provide safe, dependable, and economical services to its students, faculty and staff and to provide safe working conditions for them and to comply with the requirements of federal law and regulations related to the Drug Free Work Place Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991. It is also the policy of Missouri State University to provide healthy, satisfying working environments for its employees.

To meet these goals, it is the policy of MSU to insure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a work place environment free from the adverse effects of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties.

PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect students, faculty, and staff and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable federal and state regulations governing work place alcohol and controlled substance abuse programs mandated under the above-noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for safety sensitive positions and prevent performance of safety-sensitive functions when there is a positive test result. The federal law has also established standards for collection and testing of urine and breath specimens, the reporting of certain drug-related offenses, protective measures for certain employees tested, for the preservation of confidentiality, and for certain reporting.

APPLICABILITY

This policy applies to all safety-sensitive employees, employed directly by MSU or contract employees employed by a contractor or subcontractor of MSU, who perform safety-sensitive functions as these persons and activities are defined in the Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations, including but not limited to persons who are required to possess a commercial driver's license (CDL) for the operation of a commercial vehicle. All contractors and subcontractors of MSU whose purpose renders them subject to the Omnibus Transportation Employee Testing Act of 1991 will adopt this policy statement and ensure its enforcement.

Section A. General Provisions of the Law

1. The Omnibus Transportation Employee Testing Act of 1991 was enacted by the U.S. Congress to increase transportation safety by requiring employers to test all safety-sensitive employees, who perform safety-sensitive functions as these persons and

activities are defined in the Act and its implementing regulations, including but not limited to persons who are required to possess a commercial driver's license (CDL) for the operation of a commercial vehicle, for the misuse of alcohol and illegal use of controlled substances.

2. According to this law a safety-sensitive employee is an employee or volunteer who:
 - a. Operates revenue service vehicles. (MSU shuttle buses are considered revenue service vehicles.)
 - b. Dispatches or controls revenue service vehicles.
 - c. Maintains revenue service vehicles or other equipment used in revenue service.
 - d. Provides security and carries a firearm while performing duties in conjunction with MSU's transit operations.
 - e. Holds a Commercial Driver's License (CDL) and performs a function requiring a CDL.
3. The Federal Transit Administration (FTA) also requires MSU contract service providers or maintenance providers to comply fully with the Act and its implementing regulations.
4. Missouri State University must comply with this law effective January 1, 1996.

Section B. Prohibited Conduct

1. Alcohol concentration:

No safety-sensitive employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

2. Alcohol possession:

No safety-sensitive employee shall be on duty or perform safety-sensitive functions while possessing alcohol.

3. On-duty use of alcohol:

No safety-sensitive employee shall use alcohol while on duty.

4. Pre-duty use of alcohol:

No safety-sensitive employee shall perform safety-sensitive functions within four hours after using alcohol.

5. Controlled substances use:

Use and ingestion of illegal controlled substances are prohibited at all times. No safety-sensitive employee shall report for duty or remain on duty when they use any controlled substance except when the substance is a prescribed medication and a physician has advised them that the substance does not adversely affect their ability to safely operate a commercial motor vehicle or perform their safety-sensitive functions. A safety-sensitive employee must notify their supervisor if they are using any prescription medication or over the counter substance that may adversely affect their ability to safely operate a commercial motor vehicle or perform their safety-sensitive functions. Safety-sensitive employees who fail to notify their supervisor will be subject to disciplinary action.

6. Controlled substances testing:

No safety-sensitive employee shall report for duty, remain on duty or perform a safety-sensitive function if they test positive for controlled substances.

7. Use of alcohol and/or controlled substances following an accident:

No safety-sensitive employee required to take a post-accident test shall use alcohol for eight hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first.

8. Refusal to submit to a required alcohol or controlled substances test:

No safety-sensitive employee shall refuse to submit to a post-accident, random, reasonable suspicion, return to duty, or follow-up alcohol or controlled substance test. No department shall permit a safety-sensitive employee who refuses to submit to such tests, or fails to provide an adequate specimen for testing, to perform or continue to perform safety-sensitive functions. Refusal to take a required test constitutes a verified positive drug test result and may result in disciplinary action, up to and including termination.

9. No employee may engage in unlawfully manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace consistent with the Drug-Free Workplace Act of 1988.

Section C. Tests Required

The Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations requires MSU to conduct pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing for the misuse of alcohol and illegal use of controlled substances

1. Pre-employment testing:

Prior to the first time an employee performs safety-sensitive functions for an employer, the employee shall undergo testing for controlled substances. This includes new hires and current MSU employees applying for a position covered by this law.

2. Post-accident testing:

- a. As soon as practicable following an accident the safety-sensitive employee shall be tested for alcohol and controlled substances. An accident is defined as an occurrence associated with the operation of a vehicle in which:
 - an individual dies.
 - an individual suffers bodily injury and immediately receives medical treatment away from the scene of an accident.
 - the mass transit vehicle involved is a bus, electric bus, van, or automobile in which one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle.
 - the mass transit vehicle involved is a railcar, trolley car, trolley bus, or vessel, and is removed from revenue service.
- b. The alcohol test should be administered within two hours following the accident. If it is not administered within two hours, a report must be prepared by the employee's immediate supervisor stating the reasons the test was not promptly administered, and the University must continue to attempt to have the testing done for up to eight hours after the accident. If tests for alcohol use are not completed successfully within eight hours, attempts to test must stop and the immediate supervisor must prepare a report explaining why the tests were not possible.
- c. The substance abuse test must be administered within 32 hours following the accident. If it is not administered within 32 hours, attempts to test must stop and a report must be prepared by the employee's immediate supervisor stating the reasons the test was not possible.
- d. Tests administered as a result of law enforcement investigation for a legal determination of the presence of drugs or alcohol cannot be used. The safety-sensitive employee must be administered post-accident tests in accordance with Federal Transit Administration (FTA) regulations.

- e. Nothing in these procedures should be construed to require the delay of necessary medical attention for injured persons following an accident, or to prohibit the employee from obtaining assistance as needed to respond to the accident or obtain necessary emergency care.

3. Random testing:

- a. Twenty-five percent (25%) of the safety-sensitive employees covered by this law will be selected for random alcohol testing and fifty percent (50%) of the safety-sensitive employees will be selected for random controlled substances testing annually. In future years the percentages could be increased or decreased by the U. S. Department of Transportation depending on the violation rate for the entire industry.
- b. The selection of safety-sensitive employees for random testing will be made by a scientifically valid random-number selection method such as a computer generated list whereby each safety-sensitive employee has an equal chance of being tested each time selections are made. The tests will be unannounced until the day of the test and will be spread throughout the calendar year.
- c. Each safety-sensitive employee who is notified of selection for random alcohol or controlled substance testing will be required to proceed to the test site immediately.
- d. An employee who is subject to performing safety-sensitive functions at any time during the day is considered eligible for random testing at any time of the day.

4. Reasonable suspicion testing:

- a. MSU may require an employee to submit to alcohol or controlled substances testing when properly trained supervisor(s) have reason to believe that the employee has violated the prohibitions that are outlined in Section B of this policy.
- b. The supervisor(s) must base this suspicion on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of the employee. The supervisor(s) will be trained to recognize the physical, behavioral, speech, odors and performance indicators of probable alcohol misuse and use of controlled substances. Supervisors who have knowledge or suspect that an employee is under the influence of alcohol or a controlled substance must remove the employee from their safety-sensitive duties immediately. A supervisor who fails to comply with this provision will be subject to disciplinary action.
- c. An employee may be directed to undergo reasonable suspicion alcohol testing only if the observations are made during, just before, or just after the period of the work day that the employee is required to be in compliance.

- d. The alcohol test should be administered within two hours of the reasonable suspicion determination. If it is not, the department must prepare a report stating the reasons why the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours, the department must cease attempts to administer the test. However, the employee may not return to duty to perform safety-sensitive duties until:
 - an alcohol test is administered and the alcohol concentration measures less than 0.02; or
 - 24 hours have elapsed since the reasonable suspicion determination
 - e. A reasonable suspicion test for controlled substances should be conducted within 24 hours of the recommendation for such testing. If the test cannot be administered within 24 hours, the immediate supervisor must prepare a report stating why the test was not possible.
 - f. A written report must be made of the observations leading to an alcohol or a controlled substance reasonable suspicion test, and signed by the supervisor(s) or department official who made the observations, within 24 hours of the observed behavior.
 - g. An employee who is tested for controlled substances based on reasonable suspicion will be placed on leave without pay until the results of the test are received. If the result is negative the employee shall be reimbursed for any loss of pay.
5. Return-to-duty testing:
- a. An employee, if not terminated pursuant to the University's disciplinary policy, must undergo a return-to-duty alcohol test with a result of an alcohol concentration of less than 0.02 before the employee can return to duty following engaging in conduct prohibited in Section B of this policy.
 - b. An employee, if not terminated pursuant to the University's disciplinary policy, must undergo a return-to-duty controlled substance test with a negative result before the employee can return to duty if the substance abuse professional determines that it is necessary following engaging in conduct prohibited in Section B of this policy.
6. Follow-up testing:

If an employee is not terminated pursuant to the University's disciplinary policy, when the employee returns to duty following completion of any rehabilitation program prescribed by the substance abuse professional, the employee will be subject to unannounced follow-up alcohol tests and could be subject to unannounced follow-up controlled

substances tests. The number and frequency of the tests will be determined by the substance abuse professional and will consist of at least six tests in the first 12 months following the employee's return to duty. Follow-up testing can continue for up to 60 months from the date of return to duty. Note: Rehabilitation programs are not funded by the University and all costs incurred by the employee participating in such a program must be borne by the employee.

Section D. Testing Procedures

1. Controlled substances:

- a. The total number of employees in the random selection process for controlled substances will be given to a contract laboratory along with the appropriate number of employees required by the University for testing per specified period. Actual selection will be made by the contracted laboratory and is accomplished using a scientifically valid random number selection method.
- b. Previously selected and tested employees will remain in the selection pool process and could be required to take a random drug screen test more than once in any calendar year, if selected.
- c. The cost for the testing will be paid by the University unless otherwise specified. Testing by the contract laboratory will include the random selection process, collection of the urine sample, analysis of the sample, review of the results by a qualified medical review officer, and reporting of the results.
- d. An employee selected for random testing must report to the collection site within two hours of being notified and may be accompanied by a supervisor to the collection site. This time will be counted as work time even if it extends beyond the employee's regular shift. Employees must bring a photo ID (preferably their CDL or MSU ID) with them to the collection site. Employees will be given a testing form to sign and must return a copy of the testing form to their supervisor upon return to the work site.
- e. The collection site will take precautions to avoid the possibility of specimen tampering such as bluing in the toilet, temperature strips on the specimen container, water faucets turned off and requiring that personal belongings remain outside the collection site. The specimen will be collected in private and will be a split specimen of 30 ml and 15 ml (45 ml total).
- f. The collection site will forward the specimen to a DHHS certified lab for analysis. Strict labeling and chain-of-custody procedures for collection, handling, transport and storage of specimens will be followed.

- g. A screening test will be performed to identify the presence of five controlled substances:

- marijuana (THC)
- cocaine
- opiates
- phencyclidine (PCP)
- amphetamines

If the screening test is positive, an independent confirmatory test will be performed using a different technique called GC/MS (gas chromatography/mass spectrometry). If it is positive then the result will be reviewed by a medical review officer (MRO) who is a licensed physician trained to interpret and evaluate "positive" test results. The MRO will contact the employee to give the employee the opportunity to provide a valid explanation.

- h. The employee has 72 hours after notification of a verified positive test result to request the split specimen be tested again. The employee's request for a retest must be made to the MRO. The MRO shall direct, in writing, the laboratory to ship the split specimen to another DHHS-certified laboratory for analysis. All costs for such tests will be paid by the employee unless the second test invalidates the original test.
- i. The laboratory will provide MSU with notification of negative test results within twenty-four (24) hours of receipt of the specimen at the laboratory. The laboratory will provide MSU with notification within seventy-two (72) hours of a confirmed positive result. Confirmatory testing will be in accordance with federal rules and regulations. Notification of test results will be done confidentially.

2. Alcohol:

- a. The method used to select employees for random alcohol testing is essentially the same as for controlled substances
- b. Employees selected for random testing will be accompanied by a supervisor to the collection site and must proceed there immediately. The alcohol test will be conducted on an evidential breath testing (EBT) device. Employees must bring a photo ID with them to the collection site. In the event the employee does not have a photo ID, identification can be made by a supervisor who accompanies the employee to the collection site.
- c. A Breath Alcohol Technician (BAT) will explain the testing procedure to the employee. The employee and the BAT each complete portions of a required form and both must sign it. The employee will receive a copy of the testing form and must

give a copy of the form to their supervisor upon return to the work site. A "screening test" will be conducted first. If the result is a breath alcohol concentration of less than .02, the test will be considered negative and the employee may return to work. The results will be forwarded to the employer representative in a confidential manner. If the result is .02 or greater, a "confirmation test" must be performed. The employee must not eat, drink, or put any substance in his or her mouth and must wait at least 15 minutes. Within 20 minutes of the completion of the screening test, the BAT will conduct the confirmation test. If the result of the confirming test is .02 or greater, the supervisor will send the employee home in a cab or escort the employee home.

Section E. Discipline

1. Employees who violate prohibited alcohol and drug use activities are subject to discipline, up to and including termination of employment.
2. The employee will be subject to termination if:
 - the controlled substance abuse test is positive; or
 - the breath alcohol concentration is .02* or greater; or (*this is University policy not FTA policy)
 - the employee attempts to adulterate, substitute, misidentify, or otherwise act to deceive the University regarding test samples; or
 - the employee retests "positive" with a breath alcohol concentration of .04 or greater during or after rehabilitation; or
 - the employee refuses to be referred for employee assistance or treatment; or the employee does not or cannot successfully complete the rehabilitation program prescribed by the substance abuse professional (SAP); or
 - the employee does not show up for testing or refuses to be tested or to sign the testing forms.
3. Each employee who engages in conduct prohibited in Section B of this policy will be advised of resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances including names, addresses and telephone numbers of a substance abuse professional and counseling and treatment programs. An employee who has a verified positive drug test result, an alcohol concentration of 0.04 or greater, or refuses to submit to a test must be evaluated by a substance abuse professional. The substance abuse professional will determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and controlled substances use. The substance abuse professional will determine whether the employee has followed any prescribed rehabilitation program. Note: Rehabilitation programs are not funded by the University and all costs incurred by the employee participating in such a program must be borne by the employee.

4. If the breath alcohol concentration is .02 or greater but less than .04, the employee will be removed from safety-sensitive duties for at least 24 hours, suspended for up to five days, and a supervisory referral will be made to the EAP.
5. Return to duty:

If an employee is not terminated pursuant to the University's disciplinary policy, the employee who successfully completes a rehabilitation program prescribed by the substance abuse professional shall be returned to duty after submitting the appropriate documentation. The employee shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than .02. The employee is subject to random follow-up testing to include at least six tests in the first 12 months following the employee's return to duty. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first 12 months of testing have been administered, if the substance abuse professional determines that such testing is no longer necessary. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty. Refusal to take a follow-up test is cause for termination. The recurrence of misuse of alcohol will result in termination.

Section F. Record Retention, Confidentiality and Training

1. Records Retention:
 - a. All records generated as a result of alcohol and drug testing will be retained according to federal requirements. These records may be maintained by the vendor providing contracted alcohol and drug testing services and/or by Human Resources, depending upon agreed-to contractual arrangements.
 - b. All material generated as a result of disciplinary actions, including documented oral warnings, will be retained in Human Resources.
 - c. The University will maintain records of its alcohol misuse and controlled substances use prevention programs in a secure location with controlled access.
2. Confidentiality:
 - a. The results of all alcohol and controlled substance tests will be treated as confidential with distribution of test results limited to Human Resources employees and operating department employees having a need for the information in order to process personnel actions including disciplinary actions and possible employee appeals.

- b. Records of an employee's alcohol and controlled substances testing results will be made available to a subsequent employer upon receipt of a written request or written authorization from the employee.
- c. An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's alcohol or controlled substances test. The University shall promptly provide the records requested by the employee.
- d. The University may disclose information required to be maintained pertaining to an employee, or to the decision maker in a lawsuit, or other proceeding initiated by or on behalf of the individual and arising from the results of an alcohol and/or controlled substance test.

3. Required Training

- a. All safety-sensitive employees will receive a minimum of 60 minutes of drug training. Additionally, the University will display and distribute informational material concerning the effects of drug and alcohol misuse, and a community service hotline telephone number to help employees who may be experiencing problems with drugs or alcohol.
- b. Supervisors designated to determine whether reasonable suspicion exists to require an alcohol and/or controlled substances test shall receive at least 60 minutes of additional training on alcohol misuse and an additional 60 minutes of training on controlled substance use. The training shall cover the physical, behavioral, speech, odors, and performance indicators of probable alcohol misuse and use of controlled substances.

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Questions regarding this policy should be referred to Human Resources at 836-5102.

TERMS AND DEFINITIONS

APPENDIX A

Accident	An occurrence associated with the operation of a vehicle if, as a result – - An individual dies; - An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; - With respect to an occurrence in which the mass transit vehicle involved is a bus, electric bus, van, or automobile, or any non-revenue service vehicle, one or more vehicles incurs disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, "disabling damage" means damage that precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage that can be remedied temporarily at the scene of the occurrence without special tools or parts; tire disablement without other damage even if no spare is available; or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative; - With respect to an occurrence in which the mass transit vehicle involved is a railcar, trolley car, trolley bus, or vessel, the mass transit vehicle is removed from revenue service.
Alcohol	The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol.
Alcohol Concentration	The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.
Blind Sample or Blind Performance Test Specimen	A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.
Breath Alcohol Technician (BAT)	An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.
Cancelled or Invalid Test	In drug testing, a drug test that has been declared invalid by a Medical Review Officer. A cancelled test is neither a positive nor a negative test. For purposes of this part, a sample that has been rejected for testing by a laboratory is treated the same as a cancelled test. In alcohol testing, a test that is deemed to be invalid under these regulations. It is neither a positive nor a negative test.
Chain of Custody	Procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition. With respect to drug testing, these procedures shall require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory (an) appropriate chain of custody form(s) account(s) for the sample aliquots within the laboratory.
Collection Container	A container into which the employee urinates to provide the urine sample used for a drug test.
Collection Site	A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.
Collection Site Person	A person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

Confirmation Test	In drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screening test and that uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy. (Gas chromatography/mass spectrometry [GC/MS] is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.) In alcohol testing, a second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration.
Contractor	A person or organization that provides a service for a recipient, subrecipient, employer, or operator consistent with a specific understanding or arrangement. The understanding can be a written contract or an informal arrangement that reflects an ongoing relationship between the parties.
Covered Employee	A person, including a volunteer, applicant, or transferee, who performs a safety-sensitive function for an entity subject to these regulations.
DHHS	The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.
DOT Agency	An agency of the United States Department of Transportation administering regulations related to drug or alcohol testing, including the United States Coast Guard (for drug testing purposes only), the Federal Aviation Administration, the Federal Railroad Administration, the Federal Highway Administration, the Federal Transit Administration, the Research and Special Programs Administration, and the Office of the Secretary.
Drug Test	The laboratory analysis of a urine specimen collected in accordance with 49 CFR part 40 and analyzed in a DHHS-approved laboratory.
EBT or Evidential Breath Testing Device	An EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).
Education	Efforts that include the display and distribution of informational materials, a community service hot-line telephone number for employee assistance, and the transit entity policy regarding drug use in the workplace.
Employee	An individual designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. As used in this part, "employee" includes an applicant for employment. "Employee" and "individual" or "individual to be tested" have the same meaning for purposes of this part.
Employee Assistance Program (EAP)	A program provided directly by an employer, or through a contracted service provider, to assist employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and reentry to the work force are usually arranged through an EAP.
Employer	A recipient or other entity that provides mass transportation service or which performs a safety-sensitive function for such recipient or other entity. This term includes subrecipients, operators, and contractors.
FTA	Federal Transit Administration.
Initial Test (Screening Test)	An immunoassay screen to eliminate "negative" urine specimens from further consolidation.
Medical Review Officer (MRO)	A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program, who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test results together with his or her medical history and any other relevant biomedical information.

Operator	A transit entity that is a recipient, directly or indirectly, of Federal funds under Section 3,9, or 18 of the UMT Act of 1964, as amended, or is a recipient of Federal assistance under Section 103(e)(4) of Title 23 of the United States Code.
Pass a Drug Test	An individual passes a drug test when a Medical Review Officer determines, in accordance with procedures in 49 CFR part 40, that the results of the test: - Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite - Showed evidence of a prohibited drug or drug metabolite for which there was a legitimate medical explanation - Were scientifically insufficient to warrant further action - Were suspect because of irregularities in the administration of the test, or observation, or custody and control procedures.
Performing a Safety-Sensitive Function	A covered employee is considered to be performing a safety sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.
Permanent Record Book	A permanently bound book in which identifying data on each specimen collected at a collection site are permanently recorded in the sequence of collection. May be used in conjunction with a modified urine custody and control form to document collection.
Post-Accident Test	A drug test administered to an employee when an accident (as previously defined) has occurred and the employee performed a safety-sensitive function that either contributed to the accident, or cannot be completely discounted as a contributing factor in the accident.
Pre-Employment Test	A drug test given to an applicant or employee who is being considered for a safety-sensitive position. The applicant or employee must be informed of the purpose for the urine collection prior to actual collection.
Prohibited Drug	Marijuana, cocaine, opiates, amphetamines, or phencyclidine.
Protocol	A procedure requiring strict adherence to achieve scientifically valid test results from specimen collection and laboratory testing of urine specimens.
Qualified Laboratory	A laboratory certified by the DHHS to conduct urine drug testing and which permits unannounced inspections by the recipient, operator, or FTA Administrator.
Random Test	A drug test annually to a predetermined percentage of employees who perform in safety-sensitive functions and who are selected on a scientifically defensible random and unannounced basis.
Reason to Believe	Objective information indicating that a particular individual may alter or substitute a urine specimen.
Reasonable Cause Test	A drug test given to a current employee who performs in a safety-sensitive position and who is reasonably suspected by a trained supervisor of using a prohibited drug.
Recipient	An entity receiving Federal financial assistance under Section 3,9, or 18, of the FT Act, or under Section 103(e)(4) of Title 23 of the United States Code.
Refuse to Submit (to an alcohol test)	A covered employee fails to provide adequate breath for testing without a valid medical explanation after he or she received notice of the requirement to be tested in accordance with the provisions of these regulations, or engages in conduct that clearly obstructs the testing process.

Refuse to Submit (to a drug test)	A covered employee fails to provide a urine sample as required by a 49 CFR part 40, without a valid medical explanation, after he or she has received notice of the requirement to be tested in accordance with the provisions of this subpart, or engages in conduct that clearly obstructs the testing process.
Return to Duty	An initial drug test prior to return to duty and additional unannounced drug tests (for a period up to 60 months) given to employees performing in safety-sensitive functions who previously tested positive to a drug test and are returning to safety-sensitive positions. A return-to-duty test is also required of an individual who has refused another type of test required by the FTA rule.
Revenue Service Vehicle	A vehicle used to transport passengers, including a bus, van, car, railcar, locomotive, trolley car, trolley bus, ferry boat, or a vehicle used on a fixed guideway or inclined plane.
Safety-sensitive Function	Any of the following duties: - Operating a revenue service vehicle, including when not in revenue service; - Operating a non-revenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; - Controlling dispatch or movement of a revenue service vehicle; - Maintaining a revenue service vehicle or equipment used in revenue service, unless the recipient receives section 18 funding and contracts out such services; - Carrying a firearm for security purposes.
Safety-Sensitive Position	A duty position or job category that requires the performance of a safety-sensitive function(s).
Screening Test (or initial test)	In drug testing, an immunoassay screen to eliminate "negative" urine specimens from further analysis. In alcohol testing, an analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath specimen.
Specimen Bottle	The bottle that, after being labeled and sealed, is used to transmit a urine sample to the laboratory.
Split Specimen	An additional specimen collected with the original specimen, to be tested in the event the original specimen tests positive.
Substance Abuse Professional (SAP)	A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge of and clinical experience in the diagnosis and treatment of drug- and alcohol-related disorders.
Training	Providing information about the effects and consequences of drug use on personal health, safety, and the work environment; about the work environment; and about the manifestations and behavioral cues that may indicate drug use and abuse.
Vehicle	A bus, electric bus, van, automobile, railcar, trolley car, trolley bus, or vessel. A "mass transit vehicle" is a vehicle used for mass transportation.
Verified Negative (drug test result)	A drug test result reviewed by a Medical Review Officer and determined to have no evidence of prohibited drug use.
Verified Positive drug test result)	A drug test result reviewed by a Medical Review Officer and determined to have evidence of prohibited drug use.

Violation Rate	The number of covered employees found during random tests to have an alcohol concentration of 0.04 or greater, plus the number of employees who refuse a random test required, divided by the total reported number of employees in the industry given random alcohol tests plus the total reported number of employees in the industry who refuse a random test.
Volunteer	A permanent, temporary, or part-time worker who is not compensated for his/her service and who is included in the requirements of the FTA drug and alcohol regulations.

LIST OF MSU SAFETY-SENSITIVE JOB FUNCTIONS & CORRESPONDING TITLES

Director of Procurement	Classification Number - 1350
Property Control Officer	Classification Number - 1426
Public Safety Officer	Classification Number - 5425
Maintenance General Mechanic	Classification Number - 8730

Contract Provided Job Functions:

Shuttle Bus Operators
 Shuttle Bus Dispatcher
 Shuttle Bus Maintenance Workers (may be contracted or sub-contracted positions)

EFFECTS OF ALCOHOL

Alcohol is a socially acceptable drug that has been consumed throughout the world for centuries. It is considered a recreational beverage when consumed in moderation for enjoyment and relaxation during social gatherings. However, when consumed primarily for its physical and mood-altering effects, it is a substance of abuse. As a depressant, it slows down physical responses and progressively impairs mental functions.

Signs and Symptoms of Use:

- Dulled mental processes
- Lack of coordination
- Odor of alcohol on breath
- Possible constricted pupils
- Sleepy or stuporous condition
- Slowed reaction rate
- Slurred speech

(Note: Except for the odor, these are general signs and symptoms of any depressant substance)

Health Effects:

The chronic consumption of alcohol (average of three servings per day of beer [12 ounces], whiskey [1 ounce], or wine [6 ounce glass]) over time may result in the following health hazards:

- Decreased sexual functioning
- Dependency (up to 10 percent of all people who drink alcohol become physically and/or mentally dependent on alcohol and can be termed "alcoholic")
- Fatal liver diseases
- Increased cancers of the mouth, tongue, pharynx, esophagus, rectum, breast, and malignant melanoma
- Kidney disease
- Pancreatitis
- Spontaneous abortion and neonatal mortality
- Ulcers
- Birth defects (up to 54 percent of all birth defects are alcohol related)

Social Issues:

- Two-thirds of all homicides are committed by people who drink prior to the crime.
- Two to three percent of the driving population is legally drunk at any one time. This rate is doubled at night and on weekends.
- Two-thirds of all Americans will be involved in an alcohol-related vehicle accident during their lifetime.
- The rate of separation and divorce in families with alcohol dependency problems is seven times the average.
- Forty percent of family court cases are alcohol problem related.
- Alcoholics are 15 times more likely to commit suicide than are other segments of the population.
- More than 60 percent of burns, 40 percent of falls, 69 percent of boating accidents, and 76 percent of private aircraft accidents are alcohol related.

The Annual Toll:

- 24,000 people will die on the highway due to the legally impaired driver.
- 12,000 more will die on the highway due to the alcohol-affected driver.
- 15,800 will die in non-highway accidents.
- 30,000 will die due to alcohol-caused liver disease.
- 10,000 will die due to alcohol-induced brain disease or suicide.
- Up to another 125,000 will die due to alcohol-related conditions or accidents.

Workplace Issues:

- It takes one hour for the average person (150 pounds) to process one serving of an alcoholic beverage from the body.
- Impairment in coordination and judgment can be objectively measured with as little as two drinks in the body.
- A person who is legally intoxicated is 6 times more likely to have an accident than a sober person.

Questions concerning MSU's drug and alcohol program may be addressed to:

Director
Safety and Transportation
Phone: (417) 836-5509

Persons needing information concerning available methods of intervening when an alcohol problem is suspected should contact the clinician on duty at:

MSU Counseling and Testing Center
Carrington Hall, Room 3I I
Phone: (417) 836-5116