



MANDATORY DRUG AND ALCOHOL TESTING POLICY

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MANDATORY DRUG AND ALCOHOL TESTING POLICY

POLICY OVERVIEW

I. Authority

This Policy outlines the practice and procedures designed to correct instances of identified alcohol and/or drug use in the workplace. The Human Resources (“HR”) Department is responsible for the administration and enforcement of this Policy.

CentroNía and DC Bilingual Public Charter School (DC Bilingual) have a longstanding commitment to providing a safe, quality-oriented and productive work environment consistent with the standards of the community in which we operate. Alcohol and drug abuse pose a threat to the health and safety of CentroNía’s and DC Bilingual employees, children and families, and compromises the security and proper functioning of our equipment and facilities. For these reasons, CentroNía and DC Bilingual are committed to the elimination of drug and/or alcohol use and abuse in the workplace. In compliance with the Drug-Free Workplace Act of 1988 and the Child and Youth, Safety and Health Omnibus Amendment Act (“CYSHA”) of 2004, CentroNía and DC Bilingual hereby establish a Mandatory Drug and Alcohol Testing Policy. This policy is effective immediately.

II. Affected Individuals

CentroNía and DC Bilingual employees occupying “safety-sensitive” positions (hereinafter “covered employees”) shall be subject to drug and alcohol testing. Under CYSHA, a “safety sensitive” position is defined as “employment in which the . . . employee has direct contact with children or youth; is entrusted with the direct care and custody of children or youth; and whose performance of his/her duties in the normal course of employment may affect the health, welfare, or safety or children or youth.”

All positions are considered “safety-sensitive” and therefore all staff shall be deemed “covered employees.” This Policy also applies to prospective employees. Independent contractors or consultants retained by CentroNía or DC Bilingual, whose services are considered “safety-sensitive” under CYSHA, are also covered under this Policy. All covered employees shall be notified that they are subject to this Policy before being directed to undergo drug or alcohol testing.

III. Substances Tested

Covered employees shall be subject to testing for alcohol and the following controlled substances: 1) Marijuana; 2) Cocaine; 3) Opiates; 4) Amphetamines; and 5) Phencyclidine. All testing shall be conducted by a certified Third Party Administrator, as further explained in this Policy.

IV. Notification

Each covered employee and certain independent contractors or consultants shall be provided a copy of the Notification of Drug and Alcohol Testing (“Notification”), indicating that he/she is subject to drug and alcohol testing. This Notification shall be provided at least thirty (30) days prior to the start of testing. All of the above individuals shall sign an acknowledgement that he/she received the Notification. Refusal to sign shall be documented by HR, after which HR shall be permitted to

proceed with testing. A copy of the Notification is included in the Appendix of this Policy. At the end of the initial thirty-day notification period, all covered employees, excluding those who have disclosed a drug or alcohol problem and are participating in a counseling and rehabilitation program (as set forth under Section IV(a)(iii) below), shall be subject to drug and alcohol testing.

a. Disclosure of Drug or Alcohol Problem Prior to Testing

- i. Right to Disclose Problem: A covered employee who, during the time periods set forth in Section IV (a)(iii) below, notifies his/her supervisor or HR that he/she has a drug or alcohol problem shall be provided one opportunity to seek treatment for his/her drug or alcohol problem, and shall be subject to the policies set forth in Section IV (a)(iii). Such a covered employee shall not be subject to drug or alcohol testing by HR while undergoing approved treatment as explained below.
- ii. Timing of Disclosure: To be exempted from drug or alcohol testing while undergoing treatment, a covered employee must disclose his/her drug or alcohol problem: 1) within thirty (30) days of receiving the Notification and a copy of this Policy, or 2) prior to the employee being directed by a Third Party Administrator to submit to drug or alcohol testing.
- iii. Policies Concerning Disclosure: An employee who discloses a drug or alcohol problem within the time periods specified in Section IV (a)(ii) shall be subject to the following policies:
 1. HR shall give the employee a mandatory referral to the Employee Assistance Program (EAP) provided by The Standard through Long Term Disability coverage. Employees can also be referred to their current health provider. An employee must follow the treatment plan developed by the EAP or his/her health provider, as well as any drug or alcohol counseling and rehabilitation program plan to which he/she is referred to.
 2. After consultation with the employee's supervisor, HR shall place the employee on medical leave until he/she completes successfully any drug or alcohol counseling and rehabilitation program.
 3. HR shall not subject the employee to drug or alcohol testing until after he/she completes any drug or alcohol counseling and rehabilitation program to which he/she is referred by the EAP or health provider.
 4. Before being permitted to return to work in his/her safety-sensitive position, the employee must successfully complete any drug or alcohol counseling and rehabilitation program, and show all pertinent documentation.
 5. After HR receives certification from the EAP or the health provider that the employee has successfully completed his/her counseling and rehabilitation program, the employee shall be required to submit to drug and alcohol testing before returning to work. The employee must test negative for drugs and alcohol before being allowed to return to his/her safety-sensitive position.
 6. After successful completion of the counseling and rehabilitation program, the employee shall be required to participate in periodic

follow-up testing. Covered employees shall be required to participate in reasonable suspicion, post-accident, return-to-duty, and follow-up drug and alcohol testing, as described below.

V. Circumstances for Testing

a. Reasonable Suspicion Testing

Drug and alcohol testing is required when a supervisor has a reasonable belief that an employee is: 1) under the influence of illegal drugs or alcohol; 2) impaired in his/her ability to perform his/her duties due to the use of any drug (including prescription medication) or alcohol; 3) in possession of any controlled substance or related paraphernalia while on duty or on CentroNía/DC Bilingual property; 4) in possession of alcohol while on duty or on CentroNía/DC Bilingual property; or 5) in possession of alcohol in a CentroNía vehicle.

b. Random Testing

All covered employees shall be subject to Random Drug and Alcohol Testing every year in compliance with this Policy. All random testing is to be conducted in a manner that is consistent with Section X below and that is otherwise fully respectful of the rights of the individual being tested.

c. Post-Accident Testing

Drug and alcohol testing is required after an employee is involved in a vehicular or other type of accident while on duty that results in personal injury, property damage, or both, and in which the cause of the accident could reasonably be believed to have been, in whole or in part, the employee's use of drugs or alcohol.

d. Return-to-Duty Testing

Drug and alcohol testing is required after a covered employee has completed drug or alcohol counseling and rehabilitation, but before that employee is permitted to return to a safety-sensitive position.

e. Follow-Up Testing

A schedule for drug and alcohol testing shall be developed following successful completion of a counseling and rehabilitation program by a covered employee who previously disclosed to HR a drug or alcohol problem.

VI. Prohibited Conduct

a. Alcohol Possession

A covered employee is prohibited from possessing alcohol, while on duty, during business hours.

b. Alcohol Use

A covered employee is prohibited from having an alcohol concentration of 0.04 micrograms or more per milliliter of breath while on duty.

c. Controlled Substances Possession

A covered employee is prohibited from possessing, while on duty, any controlled substance or related paraphernalia, with the exception of medication that is approved

by a licensed physician.

d. Controlled Substances Use

A covered employee is prohibited from using, while on duty, any controlled substance or related paraphernalia without medical authorization. This includes a covered employee's use of a controlled substance without a prescription and an employee's use of a prescribed medication not in accordance with the terms of the prescription.

e. Refusal to Submit for Testing

A covered employee is prohibited from refusing to submit to drug or alcohol testing when directed by HR to do so. The following actions by a covered employee shall be considered a refusal to submit to drug or alcohol testing:

- i. Failure to appear for a required test;
- ii. Failure to remain at the collection site for a required test;
- iii. Failure to provide a specimen for a required test;
- iv. Failure to permit direct observation of a drug or alcohol test when required by HR or the Third Party Administrator;
- v. Failure to provide sufficient urine for a drug test or adequate breath for alcohol testing without valid medical evidence and explanation of the inability from a licensed physician;
- vi. Failure to take a second test when required;
- vii. Failure to undergo a medical exam when required; or
- viii. Failure to cooperate with any part of the testing process.

f. Tampering with the Testing Process

A covered employee is prohibited from tampering with the testing process in any way.

g. Failure to Comply with Treatment

A covered employee who discloses a drug or alcohol problem as set forth in Section IV (a) above is required to comply with the recommendations of the EAP, his/her health provider, or any drug or alcohol counseling and rehabilitation program in which he/she participates. Failure to do so is prohibited.

VII. Consequences

a. Termination

CentroNía or DC Bilingual shall have the right to terminate any covered employee, including independent contractors or consultants, who engage in any of the prohibited conduct outlined in Section VI.

b. Ineligibility for Rehire

An employee or independent contractor/consultant who is terminated as a result of this Policy shall be denied subsequent appointment to a position or contract work within CentroNía or DC Bilingual for a period of three years from the date of the termination.

c. Fitness for Duty Evaluation

Covered employees who are believed to be impaired in their ability to perform the duties of their job due to the legitimate use of medication shall not be subjected to

discipline, but may be required to undergo a Fitness for Duty examination by an independent medical provider, and may be placed on leave during the period of impairment. After consultation with the employee's supervisor, HR shall have the discretion to determine whether the employee is placed on leave.

VIII. Duty to Report

a. Duty

CentroNía and DC Bilingual employees shall be required to report any suspected drug or alcohol abuse on the part of another employee to a supervisor, or directly to HR.

b. Confidentiality

The identity of the employee making the report shall be held confidential to the full extent permitted by law.

TESTING TYPES AND METHODS

IX. Reasonable Suspicion Testing

a. Grounds for Testing

A supervisor shall make a "reasonable suspicion referral" if he/she has a reasonable belief that an employee is:

- i. Under the influence of illegal drugs or alcohol;
- ii. Impaired in his/her ability to perform his/her duties due to the use of any drug (indicating prescription medication) or alcohol;
- iii. In possession of any controlled substance or related paraphernalia while on duty or on CentroNía/DC Bilingual property;
- iv. In possession of a container of alcohol, while on duty, on CentroNía/DC Bilingual property, or in a CentroNía vehicle.

b. Testing Location

The covered employee shall be required to complete reasonable suspicion testing at a Third Party Administrator facility.

c. Testing Procedure

i. Training for Supervisors

Supervisors of employees in safety-sensitive positions shall be trained in drug and alcohol abuse detection and documentation. The training shall:

1. Include at least two (2) hours of instruction focused on the indicators of abuse and alcohol; and
2. Be provided by HR, or by a qualified vendor approved by CentroNía.

ii. Scheduling a Reasonable Suspicion Test

Following an observation of suspicious behavior, the supervisor must receive a second opinion from another supervisor trained in drug and alcohol abuse detection and documentation prior to making a reasonable suspicion referral. The first supervisor shall contact HR immediately following the observations of

suspicious behavior to schedule a reasonable suspicion test.

HR will immediately send the employee for testing at a Third Party Administrator facility. The supervisor shall remove the covered employee from his/her safety-sensitive position and the employee shall be directed or driven to a testing facility. If the employee drove to work, the supervisor shall call a family member or friend to drive the employee to the testing site. If the employee refuses contacting a family member or friend and insists on driving, the supervisor shall offer alternate transportation or drive the employee to the testing site.

iii. Recording and Submitting Observations

Supervisors shall document their observations in writing, and submit them to HR using an Observation Checklist, approved by and available from HR. Observations must be submitted with 24 hours of the suspicious behavior.

iv. Notifying Employee of Testing

The supervisor shall notify the covered employee as soon as reasonably possible that the employee must submit to testing. The covered employee shall remain with the referring supervisor until a drug and alcohol testing is scheduled with the Third Party Administrator.

v. Placing the Employee on Leave

After the covered employee has completed reasonable suspicion testing and further testing is required, he/she shall immediately be placed on administrative leave and shall not return to the worksite. HR will make a case-by-case determination on whether the covered employee is allowed to receive paid or unpaid administrative leave.

d. Test Result

The covered employee shall be notified of the test result within seven (7) business days. The reasonable suspicion test result must be negative in order for the covered employee to return to duty and remain employed at CentroNía or DC Bilingual. If the test result is positive, the employee shall be subject to termination.

X. Random Testing

a. Grounds for Testing

To promote a drug-free and alcohol-free work environment, all covered employees will be subject to random testing for drugs and alcohol each year in compliance with this Policy.

b. Testing Location

The covered employee shall be required to complete random testing at a Third Party Administrator facility.

c. Testing Procedure

i. Selection

A Third Party Administrator will select employees for random testing using a computer-based random number generator that is matched with payroll

identification numbers.

ii. Timeframe for Testing

Once the computer-based program generates a random list of covered employees, HR will notify those employees of their selection for random drug and alcohol testing. The employees must report for testing within 24 hours after receiving notification from HR. Failure to participate in random testing is grounds for termination.

The employee's Supervisor shall be timely and confidentially notified of those who are to be randomly tested so that arrangements can be made to perform the essential functions of the employee's job during the time of testing.

d. Test Result

The covered employee shall be notified of the test result within seven (7) business days. The random test result must be negative in order for the covered employee to return to duty and remain employed at CentroNía or DC Bilingual. If the test result is positive, the employee shall be subject to termination.

XI. Post-Accident Testing

a. Grounds for Testing

A supervisor shall refer a covered employee for testing following an accident that resulted in personal injury or property damage, and that could reasonably be believed to have been caused, in whole or in part, by the employee's use of drugs or alcohol. The covered employee shall be placed on administrative leave immediately.

b. Testing Location

The covered employee shall be required to complete post-accident testing at the site of the accident, or at a site designated by HR.

c. Testing Procedure

i. Medical Attention

Necessary medical attention for injuries following an accident shall not be delayed for the purpose of post-accident testing.

ii. Timeframe for Testing

When a required post-accident test has not been administered within the timeframes listed below, the following actions shall be taken:

I. Alcohol Testing

The covered employee must complete testing within two (2) hours following the accident. If this does not occur, HR shall prepare and maintain a file stating the reason a test was not promptly administered.

Regardless of any delay, the covered employee must complete testing within eight (8) hours following an accident. Only under few medical circumstances approved by HR, attempts to administer the alcohol test shall cease and a file as described above shall be prepared and

maintained.

2. Drug Testing

The covered employee must complete testing within 24 hours following an accident. If this does not occur, HR will prepare a file and reserves the right to re-test the covered employee under the Reasonable Suspicion guidelines described above.

d. Test Result

The covered employee shall be notified of the test result within seven (7) business days. The post-accident test result must be negative in order for the covered employee to remain employed at CentroNía or DC Bilingual. If the test result is non-negative, the employee shall be subject to termination.

XII. Return-to-Duty Testing

a. Grounds for Testing

Return-to-duty testing is required after a covered employee has completed drug or alcohol counseling and rehabilitation as determined by the EAP or health provider as set forth in Section IV, but before that employee is permitted to return to a safety-sensitive position.

b. Testing Location

The covered employee shall be required to complete return-to-duty testing at a site designated by HR.

c. Testing Procedure

The covered employee shall be required to complete return-to-duty drug through the direct observation collection procedure testing before returning to duty. In a direct observation collection, a same-gender collector or observer accompanies the employee into the stall/toilet area and observes the act of urination.

d. Test Result

The covered employee shall be notified of the test result within seven (7) business days. The return-to-duty test result must be negative in order for the covered employee to remain employed at CentroNía or DC Bilingual. If the test result is positive, the employee shall be subject to termination.

XIII. Follow-Up Testing

a. Grounds for Testing

Following successful completion of a counseling and rehabilitation program by a covered employee who disclosed a drug or alcohol problem, a schedule for drug and alcohol testing shall be developed by the health provider, EAP professionals or any drug or alcohol counseling and rehabilitation program to which the covered employee is referred.

b. Testing Location

Covered employees shall be required to complete follow-up testing at a site designated by HR.

c. Testing Procedure

- i. Covered employees shall be required to complete follow-up drug testing through the direct observation procedure. In a direct observation collection, a same-gender collector or observer accompanies the donor into the stall/toilet area and observes the act of urination.
- ii. A minimum of 2 follow-up tests shall be administered during the first 12 months following the completion of a drug or alcohol counseling and rehabilitation program. If deemed necessary by the treatment professional, follow-up testing may extend for up to 24 months.
- iii. A follow-up test may be conducted any time a covered employee who is subject to follow-up testing is on duty.

d. Test Result

The covered employee shall continue to report to duty while awaiting follow-up test results. The covered employee shall be notified of the test result within seven (7) business days. Each follow-up test result must be negative in order for the covered employee to remain employed at CentroNía or DC Bilingual. If any follow-up test result is positive, the employee shall be subject to termination.

XIV. Testing Methods

a. Certified Laboratory

HR shall ensure that all testing be performed by an external laboratory certified by the United States Department of Health and Human Services (HHS) to conduct job-related drug or alcohol forensic testing.

b. Collection Procedures

- i. Each covered employee shall submit to breath and urine specimen collection at his/her scheduled test date, time, and place.
- ii. Prior to specimen collection, the covered employee shall present government-issued picture identification to the collector.
- iii. Employees are not entitled to representation during the collection or testing processes, and collection shall not be delayed to permit an employee to obtain representation.
- iv. Specimen collection shall be done at a site that affords visual and aural privacy to the employee being tested.
- v. The covered employee shall provide a urine specimen in the privacy of a stall/toilet area, except where a direct observation is required for reasons listed elsewhere in this Policy.

c. Alcohol Testing

i. Initial Test

Initial testing for the presence of alcohol shall be conducted using an evidentiary breath testing (EBT) device, commonly referred to as a "breathalyzer." An EBT test shall be deemed positive if one milliliter of the employee's breath

(consisting of substantially alveolar air) contains 0.04 micrograms or more of alcohol.

ii. Confirmation Test

If the initial test is positive, following a fifteen-minute waiting period, a second breathalyzer test shall be conducted. The confirmation test result shall be the official test result.

d. Drug Testing

i. Initial Test

Initial testing for drugs including Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine shall be conducted using the Enzyme-Multiplied-Immunoassay Test (EMIT). If the result of this initial screening test is negative, no additional testing for the presence of drugs or drug metabolites shall be done, unless adulteration is suspected.

ii. Confirmation Test

If the initial test is positive for the presence of drugs or drug metabolites, the positive result shall be confirmed using the Gas Chromatography/Mass Spectrometry (GC/MS) testing method. The covered employee is responsible for the fees associated in conducting the GC/MS test.

iii. Medical Review Officer Evaluation

If a confirmation test is positive for the presence of drugs or drug metabolites, the covered employee may consult at his/her expense with an external, licensed physician trained to interpret drug test results to determine whether the confirmed test result could be a false positive or whether the employee has a legitimate medical reason for testing positive (e.g., the employee is using an otherwise prohibited drug in accordance with a prescription). The Third Party Administrator can also refer covered employees to a medical review officer (MRO) certified by the Department of Transportation (DOT). In the event that a positive test result is determined to be a false result or the external licensed physician determines a legitimate medical reason exists for the positive result, the Third Party Administrator shall certify the test as negative. Reimbursement for additional testing or evaluation costs, however, is not available.

iv. Split Sample Test

If the test is verified as positive by an external licensed physician, the covered employee may make a request within 72 hours of his/her positive result that the Third Party Administrator send the split sample specimen to an HHS-certified laboratory of his/her choice for testing. Testing of the split sample shall be at the employee's expense.

If the test result of the split sample specimen is negative, the test shall be considered negative, regardless of the results of the initial test, and HR shall rescind adverse actions taken against the donor, if any. Reimbursement for additional testing or evaluation costs, however, is not available.

e. Specimen Integrity

The Third Party Administrator shall take every precaution to ensure that a urine specimen is not adulterated or diluted during the collection process. All of the following steps shall be taken:

- i. The covered employee to be tested shall remove unnecessary outer garments such as coats or jackets that might conceal items or substances that could be used to tamper or adulterate a sample.
- ii. Personal belongings such as purses or briefcases shall remain outside the testing area.
- iii. The covered employee shall be instructed to wash and dry his/her hands.
- iv. The covered employee shall not have access to any adulterating agents.
- v. Where practicable, there shall be no other source of water in the enclosure where urination occurs.
- vi. The Third Party Administrator shall make note of any unusual behavior by the covered employee.

f. Direct Observation Collections

Direct observation collections are required under certain circumstances. In a direct observation collection, a same-gender collector or observer accompanies the covered employee into the stall/toilet area and observes the act of urination.

- i. The reasons for a direct observation collection are identified below:
 1. The specimen temperature of the original specimen is outside the acceptable range;
 2. The employee presents a specimen that appears to be adulterated, such as the specimen is of unusual smell or color, or is foaming, among other things;
 3. The Third Party Administrator observes materials brought into the collection site to be used for the purpose of adulteration, or the employee's conduct clearly indicates an attempt to tamper with his/her specimen;
 4. HR is required to direct the employee to have an immediate, direct observation collection (with no advance notice) because: a) the laboratory reported to the MRO that the specimen was invalid and that the MRO reported to HR that there was not an adequate medical reason for this; or b) the MRO reported that an original positive, adulterated, or substituted test result had to be cancelled because the test of the split sample (as discussed elsewhere in this Policy) could not be performed; or
 5. The drug and/or alcohol test is required for the purpose of return-to-duty or follow-up testing.
- ii. Should an employee be required to submit a urine sample under direct observation, he/she shall be required to submit the sample before leaving the testing site.
- iii. It is the responsibility of HR to notify the Third Party Administrator when a direct observation collection is required.

g. “Shy Bladder” Protocol

If the employee being tested is unable to provide the minimum amount of urine necessary to permit drug testing, the Third Party Administrator shall follow the protocol detailed below:

- i. Instruct the employee to drink no more than 40 ounces of fluid within a three-hour period, and to then attempt to provide a complete sample using a fresh collection container.
- ii. If the next sample is of a sufficient quantity, the collection shall be properly packaged and forwarded to the laboratory. However, if the next sample is of an inadequate quantity, the employee shall be given an opportunity to submit a doctor’s statement that adequately explains the employee’s inability to provide adequate urine. The Third Party Administrator can also refer covered employees to a medical review officer certified by DOT. The employee must submit the doctor’s statement to HR and the Third Party Administrator within three (3) business days in order for it to be considered.
- iii. The statement shall remain on file and shall be updated as determined by HR. In the event that the employee fails to provide a doctor’s statement, or should the doctor’s statement provided be rendered unacceptable, the employee shall be considered to have failed to provide adequate urine or a valid medical explanation for the drug test.
- iv. Failure to provide adequate urine for drug testing without a valid medical explanation shall be considered a refusal to submit to a test.

h. Dilute Specimens

If the Third Party Administrator informs HR that a negative test was dilute, HR shall take the following action, in accordance with this Policy and/or guidance provided by the Third Party Administrator:

- i. If the MRO requires that a recollection take place under direct observation, HR will instruct the Third Party Administration to do so immediately.
- ii. If retesting is required, the employee shall be given the minimum possible advance notice that he/she must submit another sample. The result of the retest, not the result of the first test, shall be considered the final result.
- iii. If the second test is also negative-dilute, that test shall be the test of record, and shall be treated the same as a physician-verified positive result.
- iv. If the employee declines to take a retest required because of a dilute specimen, the action shall be considered a “refusal to test” and shall be treated the same as a physician-verified positive result.
- v. If the Third Party Administrator informs HR that a positive test was dilute, the test shall be treated as a physician-verified positive result.

EMPLOYEE ASSISTANCE AND RIGHTS

XV. Employee Assistance Program (EAP)

a. Services Provided

The EAP will provide counseling through the phone and three in person sessions. The health provider selected by a covered employee shall offer confidential counseling, and shall make referrals, as appropriate, to drug and alcohol abuse counseling and rehabilitation programs, crisis intervention programs, and other follow-up services.

b. Availability of Service

Employees shall be able to access EAP services on their own via referral from a supervisor or HR. If a covered employee needs to enroll in a drug or alcohol counseling and rehabilitation program, he/she must consult with HR to determine whether or not to use sick/personal leave. In the case of certain independent contractors or consultants, HR will provide them a referral to the EAP. All costs associated with participation in counseling and rehabilitation program shall be covered by the independent contractor or consultant. For information on how to contact the EAP, please visit the HR office during work hours.

c. Confidentiality of Service

EAP services shall be confidential, with the following exception: Employees who receive mandatory referrals to the EAP or health provider after disclosing a drug or alcohol problem to HR must consent to HR receiving periodic updates from the EAP or health provider regarding the employee's progress toward recovery and the employee's compliance with the directives of the EAP and any counseling and rehabilitation program.

XVI. Recordkeeping and Confidentiality

a. Recordkeeping

HR shall keep a record showing the type of test, date of collection, name of the entity performing the collection, name of the laboratory performing the test, name of the licensed physician evaluating the test, and results of the test for each covered employee.

b. Confidentiality

All matters relating to test results for covered employees shall be confidential. All records relating to drug and alcohol testing shall be kept by the HR separate from the employees' official personnel folders.

The results of a drug or alcohol test shall not be turned over to any law enforcement agency without the subject's written consent, unless required by a subpoena from a law enforcement agency.

OTHER

XVII. Savings Clause

In the event that any provision of this Policy is determined to be contrary to law or otherwise invalidated by a court of law, all other provisions of this Policy shall continue in effect.

XVIII. Pre-Employment Mandatory Drug Testing Policy

Individuals seeking employment at CentroNía or DC Bilingual, including independent contractors or consultants whose services fall under CYSHA's covered employee definition, are subject to pre-employment mandatory drug testing. If tentatively selected for a position, a candidate shall be required to submit to testing for illegal drug use prior to employment, and employment shall be contingent upon negative test results.

XIX. Definitions

- a. **Alcohol Use:** The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication) that contains alcohol as an intoxicating agent (e.g., beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl or isopropyl alcohol).
- b. **Applicant:** A person, independent contractor or consultant who applies for work at CentroNía or DC Bilingual, and includes a person who has received a job offer made contingent on the person passing a drug test.
- c. **Breathalyzer:** An evidentiary breath testing (EBT) device that tests for the presence of alcohol.
- d. **Children:** Persons 12 years of age and under.
- e. **“CentroNía/DC Bilingual property”** includes, but is not limited to, all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by CentroNía or on any site on which CentroNía or DC Bilingual is conducting business.
- f. **Confirmation Test:** For alcohol testing, a second test following the initial positive breathalyzer test with a result of 0.04 micrograms or more of alcohol per one milliliter of breath that provides quantitative data of alcohol concentration. For drug testing, a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial screening test and which uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy.
- g. **Controlled Substances:** Drugs whose general availability is restricted or outlawed because of their potential for abuse or addiction, as defined by the Controlled Substances Act. Controlled substances include any prescription drugs that are governed by the Controlled Substances Act.
- h. **Dilute Specimen:** A urine specimen with a creatinine level of less than 20 g/dl and a specific gravity of 1.003 or less. When a urine specimen is “dilute”, it is possible that drugs in one's system may not be detected.
- i. **Drug:** A habit-forming medicinal or illicit substance, including a controlled substance and over-the-counter medication.
- j. **Employee:** a person employed at CentroNía or DC Bilingual
- k. **Employee Assistance Program (EAP):** A health services counseling program provided by the Standard or a health provider of the covered employee's choice that

will provide consultation, resources and action plan to help the employees address their alcohol and drug problem.

- l. Independent Contractor:** A person who is contracted to provide certain direct services to children and youth at CentroNía or DC Bilingual.
- m. Random Testing** means a method of random selection of employees for drug and alcohol testing, performed by a Third Party Administrator using a computer-based program that is matched with payroll identification numbers.
- n. “Refuse to Cooperate”** means to obstruct the collection or testing process; to submit an altered, adulterated, or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.
- o. “Under the Influence of Alcohol”** means an alcohol concentration equal to or greater than 0.04, or actions, appearance, speech or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
- p. “Under the Influence of Drugs”** means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly over-the-counter) where there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken, and the period of authorization).
- q. Enzyme-Multiplied Immunoassay Technique (EMIT):** The methodology used for initial urine sample drug tests.
- r. Gas Chromatography/Mass Spectrometry (GC/MS) Testing Method:** The methodology used for all confirmation urine sample drug tests.
- s. Reasonable Suspicion:** A reasonable belief by a trained supervisor that an employee in a safety-sensitive position is: 1) under the influence of illegal drugs or alcohol; 2) impaired in his/her ability to perform his/her duties due to the use of any drug (including prescription medication) or alcohol; 3) in possession of any controlled substance or related paraphernalia while on duty or on CentroNía property; 4) in possession of alcohol while on duty or on CentroNía property; or 5) in possession of alcohol in a CentroNía vehicle.
- t. Reasonable Suspicion Referral:** A referral of an employee in a safety-sensitive position to a Third Party Administrator for testing of alcohol and/or drugs due to reasonably suspicious behavior.
- u. Split Sample Testing:** The process of separating the urine specimen in drug testing into two separate containers. The primary (first) specimen is used for the immunoassay test and gas chromatography/mass spectrometry test. The split (second) specimen is used if the employee being tested requests a confirmation test after being informed of an initial confirmed positive drug test. When tested, the split specimen is the test of record for the employee.
- v. Youth:** Persons between 13 and 17 years of age, inclusive

APPENDIX

NOTIFICATION OF DRUG AND ALCOHOL TESTING

Part I – Notification

CentroNía and DC Bilingual have a longstanding commitment to providing a safe, quality-oriented and productive work environment consistent with the standards of the community in which we operate. Alcohol and drug abuse pose a threat to the health and safety of CentroNía and DC Bilingual employees, children, and families, and compromises the security and proper functioning of our equipment and facilities. For these reasons, CentroNía and DC Bilingual are committed to the elimination of drug and/or alcohol use and abuse in the workplace. In compliance with the Drug-Free Workplace Act of 1988 and the Child and Youth, Safety and Health Omnibus Amendment Act (“CYSHA”) of 2004, CentroNía and DC Bilingual hereby establish a Mandatory Drug and Alcohol Testing Policy, which is included with this Notification of Drug and Alcohol Testing. This policy is effective immediately.

All employees occupying “safety-sensitive” positions (hereinafter “covered employees”) shall be subject to drug and alcohol testing. Under CYSHA, a “safety sensitive” position is defined as “employment in which the . . . employee has direct contact with children or youth; is entrusted with the direct care and custody of children or youth; and whose performance of his/her duties in the normal course of employment may affect the health, welfare, or safety of children or youth.”

All positions are considered “safety-sensitive” and employees occupying those positions shall be deemed “covered employees.” This Policy also applies to prospective employees. Independent contractors or consultants retained by CentroNía or DC Bilingual, whose services are considered “safety-sensitive” under CYSHA, are also covered under this Policy. All covered employees shall be notified that they are subject to this Policy before being directed to undergo drug or alcohol testing.

Pursuant to this Policy, you will be required to participate in drug and/or alcohol testing upon reasonable suspicion of drug or alcohol use while on duty, once selected for random testing, before being permitted to return-to-duty after seeking drug or alcohol treatment, on a periodic basis as a follow-up to drug or alcohol treatment, and after an accident while on duty. Testing may begin 30 days following your receipt of this Notification.

As discussed in this Policy, employees who have a drug or alcohol problem will have an opportunity to seek treatment if they notify HR of such a problem within 30 days of receipt of this Notification. While engaged in treatment, employees shall be removed from their “safety-sensitive” duties and will not be subjected to drug or alcohol testing by HR until after completing treatment. Employees who fail to disclose a drug or alcohol problem within 30 days of receipt of this Notification will be subject to testing and all related consequences.

All employees are expected to comply with the requirements of this Policy, including those who refuse to acknowledge receipt of the Policy. Employees who test positive for drugs or alcohol, without legitimate medical reason, or who refuse to submit to testing when so instructed, shall be subject to termination.

Part II – Acknowledgment

By signing below, I acknowledge that I have received this Notification and the Policy.

Employee Name (Print Clearly) Last Four Digits of SSN

Employee Signature Date

Part III – If the Employee Refuses to Sign Acknowledgment

The employee identified below has received this Notification and the Policy, but the employee has elected not to acknowledge receipt of these documents. By signing below, I attest that the employee identified below received this Notification and the Policy.

Employee Name (Print Clearly)

Witness Name (Print Clearly) Date Witness Title

Witness Signature Date