

Appendix A: Laboratory Testing Procedures

A. Testing Procedures for Alcohol

1. Alcohol tests shall be administered by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing device (EBT) except that if the Department of Transportation Federal Highway Administration approves administration of tests by persons other than BAT's or approves the use of other methods or technologies for detecting the presence of alcohol then the administration of tests by such other persons and/or use of such other methods or technologies shall be permitted under this policy.
2. Alcohol testing shall be conducted in accordance with procedures set out as follows:
 - a. A driver directed to undergo alcohol testing shall proceed immediately to the designated test site as instructed.
 - b. The driver shall follow all procedures and instructions given by the BAT including completing, signing, initialing and/or dating any required forms or log books. Failure to do so shall be considered a refusal to test, except that it shall not be considered a refusal to test when a driver tests less than 0.02 alcohol concentration and the driver fails to: (1) sign the certification in Step 4 of the Breath Alcohol Testing Form, or (2) fails to initial the log book entry for a test.
 - c. The testing site shall provide visual and aural privacy to the covered employee, sufficient to prevent unauthorized persons from seeing or hearing test results. All necessary equipment, personnel and materials for breath testing shall be provided at the location where the testing is conducted.
 - d. No unauthorized persons shall be permitted access to the testing location when the Evidential Breath Testing Device remains unsecured or, in order to prevent such persons from seeing or hearing test results, at any time when testing is being conducted.
 - e. In unusual circumstances (for example, when it is essential to conduct a test outdoors at the scene of an accident), a test may be conducted at a location that does not fully meet the requirements of paragraph c, above. In such cases, the driver shall be provided visual and aural privacy to the greatest extent practicable.
 - f. The BAT shall supervise only one driver's use of the EBT at a time and shall not leave the alcohol testing location while the testing procedure for a given driver is in progress.
 - g. Upon entering the test site, the driver shall be required to provide the BAT with positive identification. Positive identification may take the form of a photo ID card or identification by a supervisor or other University official.

On request of the driver, the BAT shall provide positive identification to the driver.

- h. If the result of a screening test of a driver indicates a breath alcohol concentration of less than 0.02, no further alcohol testing of that driver will be conducted during this testing event.
- i. If the result of a screening test of a driver indicates a breath alcohol concentration of less than 0.02, the BAT will transmit the result to the University's designated representative in a confidential manner. The University's representative will receive and store the information as to ensure that confidentiality is maintained.
- j. If the result of a screening test of a driver indicates a breath alcohol concentration of 0.02 or greater, the driver shall be required to undergo a confirmation test.
- k. If the confirmation test will be conducted by a different BAT, the BAT who conducts the screening test shall complete and sign the Breath Alcohol Testing Form and log book entry. The BAT shall provide the driver with Copy 2 of the form.
- l. If the BAT other than the one who conducted the screening test is conducting the confirmation test, the driver shall be required to provide positive identification in accordance with paragraph g. above, to the new BAT and the driver may request positive identification of the new BAT.
- m. The driver shall not eat, drink, put any object or substance in his or her mouth, and, to the extent possible, not belch during a waiting period before the confirmation test. This waiting period begins with the completion of the screen test and shall not be less than 15 minutes.
- n. The confirmation test shall be conducted within 20 minutes of the completion of the screening test.
- o. If a BAT other than the one who conducted the screening test is conducting the confirmation test, the new BAT shall initiate a new Breath Alcohol Testing Form. The driver shall then complete Step 2 on the form, signing the certification. Refusal of the driver to sign the certification shall be deemed a refusal to test.
- p. Refusal by the driver to complete and sign the Breath Alcohol Testing Form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test shall be noted by the BAT in the "remarks" section of the form. The testing process shall be terminated and the BAT shall immediately notify the UW-Madison Designated Representative (UDR) who, in turn, will notify the Divisional Personnel Representative (DPR).
- q. Refusal by the driver to complete and sign the Breath Alcohol Testing Form (step 2), to provide breath, to provide an adequate amount of

breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test shall be deemed a refusal to test.

- r. If a screening confirmation test cannot be completed, or if an event occurs that would invalidate the test, the BAT shall, if practicable, begin a new screening or confirmation test, as applicable, using a new Breath Alcohol Testing Form with a new sequential test number.
- s. If a driver is unable, or alleges that he or she is unable to provide an amount of breath sufficient to permit a valid breath test because of a medical condition, the BAT shall again instruct the covered employee to attempt to provide an adequate amount of breath.
 - (1) If the driver refuses to make the attempt, the BAT shall immediately inform UW-Madison Designated Representative (UDR) who will, in turn, notify the Divisional Personnel Representative (DPR).
 - (2) If the driver attempts and fails to provide an adequate amount of breath, the BAT shall so note in the "remarks" section of the breath alcohol form and immediately inform the UW-Madison Designated Representative (UDR) who will, in turn, inform the Divisional Personnel Representative (DPR).
 - (3) If the driver attempts and fails to provide an adequate amount of breath, the Divisional Personnel Representative (DPR) shall, in consultation with the UW-Designated Representative (UDR), direct the driver to obtain, as soon as practicable after the attempted provision of breath, an evaluation from a licensed physician who is acceptable to the employer concerning the driver's medical ability to provide an adequate amount of breath.
 - (4) If the licensed physician determines, in his or her reasonable medical judgment that a medical condition has, or with a high degree of probability, could have precluded the driver from providing an adequate amount of breath, the driver's failure to provide an adequate amount of breath shall not be deemed a refusal to take a test. The physician shall provide, to the University of Wisconsin-Madison, a written statement of the basis for his/her conclusion.
 - (5) If the licensed physician, in his/her reasonable medical judgment, is unable to determine that a medical condition has, or with a high degree of probability, could have precluded the driver from providing an adequate amount of breath, the driver's failure to provide an adequate amount of breath shall be deemed a refusal to take a test. The physician shall provide, to the employer, a written statement of the basis for his/her conclusion.

B. Testing Procedures for Controlled Substances

Controlled substances testing shall be conducted by a laboratory certified by the U.S. Department of Health and Human Services (DHHS) and in accordance with procedures set out as follows:

1. Drivers directed to undergo a controlled substances test shall proceed immediately to the designated collection site as instructed.
2. Upon entering the test site, the driver shall be required to provide the technician with positive identification. Positive identification may take the form of a photo ID card or identification by a supervisor or other University official. On request of the driver, the technician shall provide positive identification to the driver.
3. Drivers shall follow all procedures and instructions given by the collection site person. Failure to do so shall be considered a refusal to test.
4. The collection site person shall collect a urine sample from the covered employee in accordance with DHHS-approved procedures.
5. Drivers shall provide at least 45 ml of urine for testing. Drivers who fail to provide at least 45 ml of urine shall be subject to the provisions of paragraph 18 below.
6. The collection site person shall divide the specimen into two containers. One container shall contain at least 30 ml of urine and shall be the primary specimen. The other container shall contain at least 15 ml of urine and shall be the split specimen.
7. Both containers shall be shipped in a single shipping container, together with copies 1 and 2 and the split specimen copy of the chain of custody form to the laboratory.
8. The laboratory shall log in the split specimen with the split specimen seal remaining in tact. The laboratory shall store the split specimen securely in accordance with approved procedures.
9. The primary specimen shall undergo a screening test for the presence of controlled substances. If the screening test detects the presence of controlled substances, the primary specimen shall undergo a confirmation test.
10. If the result of the test of the primary specimen is negative, the laboratory may discard the split specimen.
11. The Medical Review Officer (MRO) shall review all primary specimen results. If the result of the test of the primary specimen is confirmed positive for the presence of controlled substances, the MRO shall notify the driver that he or she has 72 hours in which to request a test of the split specimen if the confirmed positive test is verified as positive. If the result of the test of the primary specimen is negative, the MRO shall have the authority to direct the driver to undergo a retest for the presence of controlled substances if, upon review of those results, the MRO has reason to believe the primary specimen has been adulterated.
12. If the primary specimen tests confirmed positive for the presence of controlled substances, the driver may request, in writing that the MRO direct that the split

specimen be tested in a different DHHS certified laboratory for presence of the drug(s) or drug metabolite(s) for which a positive test result was obtained in the test of the primary specimen. The MRO shall honor such a request if it is made within 72 hours of the driver having been notified of a verified positive test result. The driver shall be responsible for any and all costs associated with having the split specimen tested.

13. If the driver has not contacted the MRO within 72 hours, the driver may present to the MRO information documenting that 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 timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the driver's failure to contact the MRO within 72 hours, the MRO shall direct that the reanalysis of the primary specimen or analysis of the split specimen, as applicable, be performed. The driver may not request a reanalysis of the primary specimen.
14. If the result of the test of the primary specimen is positive, the laboratory must retain the split specimen in frozen storage for 60 days from the date on which the laboratory acquires it. Following the end of the 60 day period, if not informed by the MRO that the driver has requested a test of the split specimen, the laboratory may discard the split specimen.
15. If the MRO directs the first laboratory in writing to forward the split specimen to a second DHHS certified laboratory, the second laboratory shall analyze the split specimen by GC/MS to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen. Such GC/MS confirmation shall be conducted without regard to the cutoff levels established by DHHS. The split specimen shall be retained in long-term storage for one year by the laboratory conducting the analysis of the split specimen (or longer if litigation concerning the test is pending).
16. The result of the test of the split specimen shall be transmitted by the second laboratory to the MRO.
17. 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 if the split specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the UW-Madison Designated Representative (UDR), the driver and to the DOT.
18. A driver whose primary specimen tests positive for the presence of controlled substances and who requests, in accordance with paragraph 11 above, the split specimen be tested, shall not be permitted to perform safety sensitive duties pending the outcome of such test. The driver may be assigned to other appropriate non-safety sensitive duties if they are available. If not, the driver will be released from duty pending the outcome of the test. However, if the driver is relieved from duty and the test of the split specimen does not reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the driver shall be paid his/her straight time salary for all regularly scheduled shifts he or she would have worked and shall be reimbursed for the costs associated with having the split specimen tested.

19. a. If the driver is unable to provide the required 45 ml of urine, the driver shall be instructed to drink not more than 24 ounces of fluids and, after a period of up to two hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded.
- b. If the driver is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the laboratory shall notify the UW-Madison Designated Representative of the driver's inability to provide an adequate sample.
- c. The MRO will refer the driver for a medical evaluation to develop pertinent information concerning whether the driver's inability to provide an adequate specimen is genuine or constitutes a refusal to test. Upon completion of the examination, the MRO shall report his/her findings to the UW-Madison Designated Representative (UDR) in writing. The UW-Madison Designated Representative (UDR) will inform the Divisional Personnel Representative (DPR).

[Note: In a pre-employment testing situation, the University's Representatives will determine whether or not to finalize hiring of the employee, and the MRO is not required to make such a referral.]

- d. If the MRO determines that the driver's inability to provide an adequate specimen is not genuine, the driver shall be deemed to have refused to test.