



## **EEAEAB - DRUG AND ALCOHOL USE BY AND TESTING FOR NON-COMMERCIAL DRIVER'S LICENSED (CDL) DISTRICT DRIVERS**

### APPLICABILITY

This policy applies to all District employees who drive vehicles as part of their work duties and are not CDL (Commercial Driver's License) drivers.

### DEFINITIONS

1. Tests. References to "tests" include both drug and alcohol tests unless the context specifies otherwise.
2. Drug/Controlled Substance. The term "drug" and "controlled substances" are interchangeable and have the same meaning. "Drugs" refer to marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamines).
3. On the job. For purposes of this policy, (1) a nonexempt employee is on the job while he or she is being paid by the District; (2) an exempt employee is on the job while he or she is under the control or supervision of the District and is performing tasks, functions, or duties at the request of or for the benefit of the District.

### PROHIBITED CONDUCT

1. No employee shall have prohibited concentrations of alcohol (0.02 or greater) in his or her body while on the job.
2. No employee shall have any detectable quantities of controlled substances in his or her body while on the job, except as stated below.
3. No employee shall possess or consume alcohol or possess or use any controlled substance (except as stated below) on the job, on call, on school premises or other sites where employees may be assigned, while driving a District vehicle or a personal vehicle on District business or as part of any school sponsored or sanctioned activity.

The prohibitions in 2 and 3 above do not apply when the controlled substance is being used pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect his or her ability to safely operate a motor vehicle and has provided a written statement of these facts to the employee's supervisor.

## REQUIRED TESTING

Employees shall be subject to reasonable suspicion alcohol and drug testing. Testing procedures shall be the same as those followed by the District for bus operators and CDL drivers as specified in the federal regulations applicable to those employees. These procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection and testing by a laboratory certified by the U.S. Department of Health and Human Services shall be required.

## REASONABLE SUSPICION TESTS

Reasonable suspicion tests will be conducted when a properly-trained supervisor or District official has reasonable suspicion that an employee has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, breath, or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.

Alcohol tests will be authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the employee must comply with alcohol prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the District will prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will terminate after eight hours.

An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or District official who makes a finding of reasonable suspicion also must make a written record of his or her observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

## CONSEQUENCES IF TESTING INDICATES DRUG OR ALCOHOL MISUSE

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance (except controlled substances authorized by a physician as described in this policy), the employee shall be removed immediately from his or her job functions and shall be subject to other disciplinary action up to and including discharge.

The Board retains the authority, consistent with state and federal law, to discipline or discharge any employee who is an alcoholic or is chemically dependent and whose current use of any alcohol or drugs affects the employee's qualifications for and performance of his or her job. The District is not required to provide rehabilitation, to pay for substance abuse treatment, or to reinstate the employee. All employment

decisions involving reinstatement, termination, or dismissal shall be made in accordance with applicable District policies and negotiated agreements.

## RECORD RETENTION

The District shall maintain drug and alcohol test records in a secure location with controlled access. With the employee's consent, the District may obtain any of the information concerning drug and alcohol testing from the employee's previous employer.

An employee shall be entitled upon written request to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or controlled substance tests.

Records shall be made available to a subsequent employer upon receipt of a written request from the employee.

## NOTIFICATIONS

Employees will receive applicable educational materials that explain the testing procedures together with a copy of the District's policy and regulations concerning drug and alcohol use and testing. Representatives of employees' organizations will be notified of the availability of this information. This information will identify:

1. The persons designated by the District to answer questions about the materials.
2. Specific information concerning conduct that is prohibited.
3. Circumstances under which an employee will be tested for drugs and/or alcohol.
4. Procedures that will be used to test for the presence of drugs and alcohol, protect the employee and the integrity of the testing processes, safeguard the validity of test results, and ensure that test results are attributed to the correct employee.
5. The requirement that the employee submit to drug and alcohol tests administered in accordance with District policies.
6. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendant consequences.
7. Consequences for employees found to have violated the drug and alcohol prohibitions, including the requirement that the violating employee be removed from job functions and the procedures for referral, evaluation, and treatment.

8. Information concerning the following:

- Effects of drugs and alcohol on an individual's health, work, and personal life;
- External and internal signs and symptoms of a drug or alcohol problem; and
- Available methods of intervening when a drug or alcohol problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to administrative officials.

Each employee must sign a statement certifying that he or she has received a copy of the above materials.

If reasonably possible, the District will inform employees before drug and alcohol tests are performed.

The District will notify employees of the results of reasonable suspicion tests if the test results are verified positive. The District also will tell the employee which controlled substances were verified as positive. Upon request by the employee, the District shall forward the second, duplicate specimen to any laboratory of the employee's choosing, so long as the laboratory chosen is U.S. Department of Health and Human Services certified.

#### REFUSALS TO SUBMIT TO TESTING

It is prohibited conduct to refuse to submit to a controlled substance or alcohol test required under this policy. A refusal to submit is defined as follows:

1. Failure to provide adequate breath for alcohol testing without a valid medical explanation and after the employee has received notice of the requirement of a breath test in accordance with this policy;
2. Failure to provide adequate urine for a controlled substance test without a valid medical explanation after the employee has received notification of the requirement for urine testing in accordance with this policy; or
3. Engaging in conduct that clearly obstructs the testing process.

#### ENFORCEMENT

Any employee who refuses to submit to reasonable suspicion tests will not be allowed to perform his or her job functions and shall be subject to other disciplinary action up to and including discharge.

An employee who in any other way violates District prohibitions related to drugs and alcohol will receive from the District the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs available to

evaluate and resolve drug and alcohol-related problems. The violating employee shall also be subject to other disciplinary action up to and including discharge.

Any substance abuse professional who determines that an employee needs assistance will not refer the employee to a private practice, person, or organization in which he or she has a financial interest except under circumstances allowed by law.

Before an employee is returned to duty, if at all, the District must ensure that the employee:

1. Has been evaluated by a substance abuse professional; and
2. Has complied with any recommended treatment.

#### OTHER PROVISIONS

The District shall take steps to ensure that supervisors receive proper training to administer the controlled substance and alcohol tests required by this policy and that employees receive the notifications described in this policy.

Adopted: August 23, 1999