

Drug and Alcohol Testing Policy for Staff Who Need a Commercial Driver's License

The Board of Education seeks to create a safe environment for all students and staff and to comply with federal legislation concerning staff who are required to have a commercial driver's license as part of their job function. The Superintendent shall develop Administrative Regulations which are in compliance with federal mandates and serve to protect the students and the staff of the District.

ADMINISTRATIVE REGULATION FOR DRUG AND ALCOHOL TESTING FOR STAFF REQUIRED TO HAVE A COMMERCIAL DRIVER'S LICENSE

In order to provide a safe environment for students and staff and to meet the requirements of the Federal Transportation Testing Act of 1991 (Acct), the District will provide reasonable assurances that employees who operate motor vehicles covered by the Act are not under the influence of any substance, legal or illegal, which can in any way adversely affect their ability to safely and competently perform their driving duties.

A. PROHIBITIONS

1. **Controlled Substances** - An employee must not engage in the illegal possession, manufacture, sale, delivery or use of controlled substances either on or off the job.

2. **Alcohol** - Employees shall (1) not drink alcoholic beverages during work hours, (2) not drink alcoholic beverages during a meal period if the person is to return to work after the meal, (3) not report for a scheduled work assignment evidencing any effects of alcoholic beverage consumption, (4) not transport or bring alcoholic beverages onto District property or be in possession of alcoholic beverages while on District property, and (5) not consume alcohol within an abstinence period of at least four hours preceding any scheduled work assignment.

3. **Abuse of Legal Drugs** - An employee must not engage in the abuse of legal drugs. Legal drugs are defined as over-the-counter medications and medications prescribed for the employee.

B. EMPLOYEE TESTING

1. **Random** - All employees to whom this regulation applies are subject to random testing which may be administered at any time for controlled substances. Random tests will be performed without advance notice.

2. **Periodic** - Employees will be required to be tested at least once every two years commencing with the employee's first medical examination required under the ACT unless otherwise excluded.

Employees excluded under this provision are those previously tested under random, pre-transfer or periodic testing requirements of this regulation.

3. **For Cause** - If management has reasonable suspicion to believe that an employee is using controlled substances and/or alcohol in violation of this regulation, management may require that

employee to participate in a medical evaluation by a physician approved by the District. The medical evaluation shall be at the District's expense and may include, but not be limited to, a test for controlled substances and/or alcohol.

4. Pre-Transfer-Promotions - Prior to a transfer or promotion to a job to which this regulation applies, an employee will be required to take and pass a test for controlled substances.

5. Absent from Work - An employee who has been absent from work for any reason for more than 30 consecutive days may be required to take and pass a test for controlled substances.

6. Post-Rehabilitation - An employee who returns to duty after rehabilitation for a drug or alcohol violation shall be subject to a program of follow-up unannounced testing for controlled substances for not more than 60 months after his/her return to duty.

7. Post-Accident - The District will require testing for controlled substances of an employee who is involved in a reportable accident. Such testing must take place within 2 hours of the accident.

A reportable accident includes the following:

- a. There is a death.
- b. Personal injury occurs which requires immediate medical treatment away from the scene of the accident.
- c. The employee received a citation.

In all cases of testing, if an employee's test for controlled substances is determined to be positive, the employee may, within 72 hours of notification of the final test results, make a written request for testing of the original sample by a laboratory approved by the District. This additional testing shall be performed at the employee's sole expense.

C. EFFECT OF VIOLATIONS

1. Controlled Substances - Any employee who violates this regulation with respect to controlled substances shall be subject to discharge.

2. Alcohol - Any employee who violates this regulation with respect to alcohol shall be subject to appropriate disciplinary action up to an including discharge.

3. Abuse of Legal Drugs - Any employee who violates this regulation with respect to the abuse of Legal drugs shall be removed from duty and subject to appropriate disciplinary action, up to an including discharge.

4. Immediate Action - Any employee who violates this regulation shall be immediately removed from any position to which the regulation applies.

5. Refusal to Follow Procedures - Any employee who refuses to follow the procedures required for evaluation or testing under this regulation shall be discharged from employment.

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