

## **PROCEDURES FOR ALCOHOL AND DRUG TESTING FOR DRIVERS**

The purpose of these procedures is to provide guidance to supervisors and notice to drivers concerning the implementation of alcohol and drug testing required by federal regulations. These procedures and the substance abuse testing which it requires are mandated by federal law and regulation; except as required by federal law and regulation, the District does not, nor shall it require, suggest or request any substance abuse testing restricted by state law. This procedure does not attempt to provide a complete overview of or to limit or modify federal regulations, which should be referred to for more detailed information concerning testing procedures and consequences.

### **Section 1. Program Administrator**

The Superintendent has been designated as the Alcohol/Drug Testing Program Administrator. Questions concerning the testing program should be directed to the Superintendent.

### **Section 2. Substances Tested**

References to tests in this rule include both drug and alcohol tests unless the context specifies otherwise. The terms “drugs” and “controlled substances” are interchangeable and have the same meaning. Drugs refer to illegal substances as specified in federal regulations: marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamines). Inappropriate use of prescription drugs or other medications that may impede alertness are addressed in Section 11 of this procedure.

### **Section 3. Employees Subject to Testing**

All drivers who must have a Commercial Driver’s License to perform their duties will be subject to the random testing as outlined in these procedures and required by 49 CFR part 382.

### **Section 4. Employee Compliance**

All employees must comply with this procedure and federal regulations during any portion of the work day that they perform any safety-sensitive duties relating to driving including, but not limited to: driving as in Section 3 above, waiting to be dispatched, inspecting and servicing equipment, repairing or obtaining and waiting for help with a disabled vehicle, performing driver requirements related to accidents.

### **Section 5. Prohibited Conduct**

Drivers shall not:

1. Report to or remain on duty with an alcohol concentration of 0.02 or greater;
2. Possess any alcohol while on duty;
3. Use any alcohol while on duty;
4. Use any alcohol within four (4) hours before going on duty;
5. Use any alcohol for eight (8) hours after an accident which will require the driver to be tested for alcohol, or until tested after such an accident, whichever occurs first;
6. Refuse to submit to a required alcohol or drug test;

7. Report to or remain on duty when using any drug, except when used under a physician's orders and the physician has informed the driver that the use will not affect the safe operation of a vehicle;
8. Report to or remain on duty after testing positive for drugs.

## Section 6. Tests Required

All drivers who are subject to testing will be tested under the following circumstances. Tests performed under parts 2, 3, and 4 will be at District expense.

1. Pre-employment. Tests will be administered before a driver performs any safety-sensitive functions for the District. The tests will be required of an applicant upon being offered the position. Employment is conditional upon the Superintendent receiving negative alcohol and drug test results for the applicant.
2. Post-accident. Drivers will be tested as soon as possible after any accident involving a fatality, or if the driver receives a citation for a moving traffic violation as a result of the accident.
3. Reasonable Suspicion. Tests shall be conducted when a district official trained in accordance with federal regulations has reasonable suspicion that the driver has violated the prohibitions of Section 5 above, except Section 5 part 2. This reasonable suspicion will be based on specific observations concerning the driver's appearance, behavior, speech or body odors. The observations may include indications of the chronic and withdrawal effects of drugs.

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 driver must meet alcohol prohibitions. If an alcohol test is not administered within two (2) 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 (8) hours, and the District shall record the reasons for not administering the test.

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

4. Random. Tests shall be conducted on a random basis at unannounced times throughout the year. The District has entered into a consortium including drivers from other school districts. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. The number of drivers selected for random alcohol testing will at least 25% of the number of drivers in the consortium. The number of random drug tests annually will be at least 50% of the number of drivers in the consortium. Drivers will be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.
5. Return to Duty. If the Board determines that a driver who has violated the District's drug or alcohol prohibition should be considered eligible to return to performing safety-sensitive duties, the driver must first produce a negative test result: negative for drugs and meeting federal and district standards for alcohol.

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103 6. Follow-up. A driver who violates one of the prohibitions in Section 5 above, and  
104 who is subsequently identified by a substance abuse professional as needing  
105 assistance in resolving a drug or alcohol problem shall be subject to unannounced  
106 follow-up testing as directed by the substance abuse professional in accordance  
107 with the law. Follow-up alcohol testing shall be conducted just before, during or  
108 just after the time when the employee is performing safety-sensitive functions. A  
109 driver who previously tested positive, has been identified as needing assistance in  
110 resolving a drug or alcohol problem and has returned to duty must submit to at  
111 least six (6) alcohol or drug tests during the first year after returning to work.  
112 Follow-up tests will be unannounced and may continue for up to five years after  
113 the employee returns to work.  
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#### 115 Section 7. Training for Supervisors/Managers

116 The Superintendent has the authority to determine whether reasonable suspicion exists to require  
117 a driver to undergo a test. Before making any such determination, the Superintendent and  
118 Transportation/Facilities Manager shall each receive at least sixty (60) minutes of training on  
119 alcohol misuse and at least sixty (60) minutes of additional training on drug use. The training  
120 shall cover the physical, behavioral, speech and performance indicators of probable alcohol  
121 misuse and use of drugs.  
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#### 123 Section 8. Testing Procedures

124 The District will arrange to have testing performed by persons and at facilities having adequate  
125 expertise to protect the driver and the integrity of the testing process, safeguard the validity of  
126 the results, and ensure that the results are attributed to the correct driver. All testing for alcohol  
127 will be conducted by trained Breath Alcohol Technicians (BATs), using measurement of expired  
128 breath with an Evidential Breath Test Device (EBT). Drug tests will be based on a urine  
129 specimen  
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#### 131 Section 9. Testing Requirements

132 All drivers as specified in this procedure must submit to testing when required by the  
133 Superintendent. Once so directed, the driver must proceed directly to the specified testing area  
134 and comply with the lawful requests of the technician performing the test. Failure to comply  
135 with federal regulations or this procedure will be grounds for disciplinary action up to and  
136 including dismissal. The following will be considered refusal to submit to a test:

- 137 1. Failure to report to the designated testing area within sixty (60) minutes of being  
138 notified to submit to a required test; or
- 139 2. Failure to provide a sufficient sample to be tested, either breath or urine as the  
140 case may be, unless it is medically determined that it is impossible to do so.  
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#### 142 Section 10. Records

143 Employee drug and alcohol test results and records shall be maintained under strict  
144 confidentiality and released only in accordance with the law. Upon written request a driver shall  
145 receive copies of any records pertaining to the driver's own test results. Records shall be made  
146 available to subsequent employers only as expressly requested in writing by the driver.  
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#### 148 Section 11. Prescription Drugs

149 Drivers shall inform the Transportation/Facilities Manager if at any time they are using a  
150 controlled substance which their physician has prescribed for therapeutic purposes. Such a  
151 substance may be used only if the physician has advised the driver that it will not adversely  
152 affect the ability to perform safety-sensitive functions.

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Section 12. Enforcement

The rules in this section are based on the general authority of MSAD 15 as an employer. The following consequences for violations are in effect in MSAD 15 as of January 1, 1996:

1. General Rule. Any driver who violates either federal regulations or this procedure will be subject to disciplinary action up to and including dismissal, except to the extent that any state or federal law requires otherwise.
2. Removal from Duty. Any driver who tests positive for alcohol concentration of 0.02 or above and less than 0.04, or drug use shall immediately be relieved from duty without pay, for a minimum of twenty-four (24) hours; and shall be subject to other disciplinary action, up to and including dismissal, except as limited by law.
3. Dismissal. Any driver who tests positive for alcohol concentration of 0.04 or above, or a positive test for drugs shall be dismissed from employment except to the extent that any state or federal law requires otherwise or the Superintendent determines that compelling mitigating circumstances exist.
4. Referral. Any driver who violates prohibitions listed in Section 5 above will be given the names, addresses and telephone numbers of substance abuse professionals and counseling programs available to evaluate and resolve drug or alcohol problems. The driver shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with drug or alcohol misuse.
5. Conditions of Reinstatement. Before an employee is returned to safety-sensitive duties, if at all, the employee must: have been evaluated by a substance abuse professional; have complied with any recommended treatment; and have a return-to-duty test with alcohol concentration less than 0.02 or a verified negative test for drugs, as appropriate.
6. Other Rules. Nothing contained in this procedure shall prevent the District from establishing and enforcing independent rules relating to the possession, being under the influence of, distribution, sale or use of alcohol or drugs or any misconduct associated therewith, and the penalties for violations of these rules, up to and including dismissal.

Section 13. Information

The Superintendent will provide each driver each year with a copy of this policy and procedure. In addition, the Superintendent will provide printed material which describes the effects of alcohol and drug use or abuse on an individual's health, work and personal life, as well as information on the signs and symptoms of an alcohol or drug problem. Each driver must sign a statement certifying receipt of a copy of this policy, procedure and accompanying materials.

Section 14. Notification

The District will notify a driver of the results of a pre-employment drug test, if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application. The District will notify a driver of the results of a drug test if the

203 results are verified positive. The District will also tell the driver which drugs were verified as  
204 positive.

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207	Cross Reference:	EEAEAA	Alcohol and Drug Testing of Drivers
208		GBEC	Drug-Free Workplace Policy
209		ADC	Tobacco Use & Possession on School Property