

SCHOOL DISTRICT OF WAUZEKA-STEUBEN

**EMPLOYEE ALCOHOL AND DRUG TESTING
(Including school bus driver alcohol and drug testing)**

Circumstances for Employee Testing

The District must conduct (1) pre-employment, (2) post-accident, (3) random, (4) reasonable suspicion, (5) return to duty, and (6) follow-up testing of employees for the misuse of alcohol or use of controlled substances in conformance with CDL requirements.

Pre-employment Testing: Upon the conditional offer of a position requiring a CDL to a prospective employee, the prospective employee will be required to submit to controlled substance testing. Prospective employee includes applicants and current employees who transfer from a position not requiring a CDL to one which requires such a license. Employees who return to work after a layoff period during which they are not subject to random testing will also be required to undergo controlled substance testing before beginning work.

Post-accident Testing: As soon as practical following an accident involving an employee in operation of a CMV, but within 9 hours (preferably 2 hours) for alcohol and within 32 hours for controlled substance testing, that employee is required to undergo alcohol and controlled substance testing, provided one or more of the following had occurred:

1. the employee was performing a safety-sensitive function with respect to the vehicle involved in the accident and the accident involved the loss of human life; or
2. the employee receives a citation under state or local law for moving violation arising from the accident and there is bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
3. the employee receives a citation under state or local law for a moving violation arising from the accident and one or more vehicles incurring disabling damage as a result of the accident, requires a vehicle transported away from the scene by a tow truck or other vehicle.

Random Testing: All employees with CDLs will be required to undergo random alcohol and controlled substance testing. The alcohol-testing rate shall initially involve 25% of employees, and the minimum rate of random controlled substances testing shall be 50% of employees. Alcohol tests must be performed just before an employee is to perform safety-sensitive functions, while an employee is performing safety-sensitive functions, or just after an employee has ceased performing such functions. Controlled substance testing may be performed at any time the employee is at work for the School District of Wauzeka-Steuben. The testing must be unannounced, and will be dispersed throughout the school calendar year.

Reasonable Suspicion Testing: An employee may be required to undergo alcohol and/or other controlled substance testing if the District has reasonable suspicion that s/he has violated the prohibitions of these rules, or if the employee's behavior and appearance indicate alcohol misuse. The test(s) will be administered within two (2) hours following the determination of reasonable suspicion.

Return to Duty Testing: An employee who returns to duty after violation of the alcohol misuse provisions will be required to undergo an alcohol test, with a resulting BAC of less than 0.02% necessary for reinstatement. An employee who returns to duty after violation of the controlled substance use provisions will be required to undergo a controlled substance test, with a negative result necessary for reinstatement.

Follow-up Testing: Any employee identified as needing assistance in resolving problems associated with alcohol misuse or controlled substance use shall be subject to at least 6 (six) unannounced follow-up tests in the first 12 months following the employee's return to duty. However, a Substance Abuse Professional may direct additional testing during the 12 month period, for an additional period not to exceed 60 months from the date the employee returns to duty. An employee identified as needing assistance shall be required to seek that assistance on his/her own time. In addition, the District will not compensate the employee for any time spent traveling to and from tests, or actually undergoing the tests as required, nor will they reimburse the employee for any direct or indirect expense incurred in connection with the tests. Substance abuse professional as defined in 49 CFR part 382.107 of the federal register means: licensed medical doctor; licensed psychologist; social worker employee assistance professional; or certified addiction counselor with knowledge of the clinical experience in the diagnosis and treatment of alcohol and controlled substance disorders.

Procedures for Testing

Employees will be directed to a designated provider of testing services to be tested in conformance with procedures as defined by the vendor and consistent with federal regulations.

Post-Violation Procedures

Alcohol Misuse Provisions: When an employee has an alcohol test result indicating 0.04% BAC or greater, the employee will be removed from, and not allowed to return to, safety-sensitive functions until:

1. the employee undergoes evaluation, and where necessary, rehabilitation;
2. a Substance Abuse Professional determines that the employee has successfully complied with any required rehabilitation; and
3. the employee undergoes a return-to-duty test indicating a result of less than 0.02% BAC.

An employee with an alcohol test result indicating a BAC of at least 0.02%, but less than 0.04% is not permitted to perform safety-sensitive functions until the next scheduled duty period, but not less than 24 hours following administration of the test.

Controlled Substance Use Provisions: When an employee has a positive test result indicating the use of a controlled substance, the employee will be removed from, and not allowed to return to safety-sensitive functions until:

1. the employee undergoes evaluation, and where necessary, rehabilitation;
2. a Substance Abuse Professional determines that the employee has successfully complied with any required rehabilitation; and
3. the employee undergoes a return-to-duty test indicating a verified negative result.

Note: The rules do not confer any rights or consequences upon applicants or employees who have a positive result in a pre-employment test.

Procedures to Protect Employee Confidentiality

The District will maintain confidential records regarding the alcohol and controlled substance testing program. Said location will be secured, with restricted access to the information. Records will be released to the employee or other person authorized in writing by the employee upon request.

The following records will be accurately maintained to help ensure the confidentiality and reliability of test results:

Individual Records

- a. alcohol test results indicating a BAC of 0.02% or greater;
- b. verified positive controlled substance test results;
- c. employee refusals of required alcohol and/or controlled substance tests;
- d. calibration information regarding the tests;
- e. employee evaluations and resulting referrals;
- f. records related to both supervisor and employee training;
- g. alcohol test results indicating a BAC of less than 0.02%; and
- h. negative and/or cancelled controlled substance test results;

Group Records

- a. records related to the alcohol and substance testing collection process; and
- b. a school calendar year record survey of all individual test results.

Testing Safeguards

The professional testing services provider hired by the employer to administer the alcohol and controlled substance testing program will be required to submit for approval testing procedures that will assure the integrity and confidentiality of the testing program, safeguard the validity of test results, and ensure that those results are attributed to the correct employee.

Refusal of Testing

This policy and federal law prohibits employees having CDLs as a condition of employment from refusing to submit to any required test. The District will inform any employees selected for alcohol and/or other controlled substance testing, a refusal to submit to testing is considered a positive test. In addition, any employee potentially subject to post-accident testing must remain readily available for such testing. Readily available means at a location the employee's supervisor/department head, elected officials who serve as department heads, or designee has approved, where the employee may be immediately reached by phone, cell phone, text, two-way radio, etc. An employee subject to post-accident testing who leaves the scene of an accident before a test is administered, or fails to remain available for testing, may also be deemed by the District to have refused to submit to testing.

Disciplinary Action

Failure to abide by this policy shall result in disciplinary action(s) in accordance with the current employee agreement or other procedures established by the Board including, but not limited to:

1. Written warning with notice to the Board of Education and letter placed in employee's personnel file
2. Five (5) day suspension without pay and referral to assistance agency
3. Termination of employment

Information on the Effects of Alcohol and Controlled Substance Use

Pamphlet entitled 'Substance Abuse Employee Handbook' is attached, and shall collectively be referred to as Addendum "A" of this policy. This information will help to explain the effects of alcohol misuse and controlled substance use on an individual's health, work, and personal life. The pamphlet empathizes the signs and symptoms of an alcohol or controlled substance problem and available methods of intervention when such a problem is suspected. Any employee who believes s/he may have an alcohol or controlled substance use problem is encouraged to seek assistance by contacting his/her department head or the district administrator who will work to ensure that employees receive appropriate assistance and treatment, while protecting employee's right to confidentiality.

1. According to the law, an employee is responsible for immediate reporting of any possible changes in CDL status to his/her employer. Failure to comply with the law may result in disciplinary action, up to and including immediate discharge. It is also the employee's responsibility to make every reasonable attempt to maintain his/her CDL license.
2. The employer may not necessarily grant a leave of absence to an employee who has lost his/her CDL. The leave of absence request will be evaluated based upon the length of time requested, and the staffing needs.

Legal References:

Cross References:

Adoption Date: 3/17/2014

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Date Reviewed: