

ADMINISTRATIVE PROCEDURE POLICY FOR ENFORCEMENT
OF DRUG AND ALCOHOL FOR CDL PERSONNEL

The purpose of this policy is to provide information to employees who are subject to a Federal drug and alcohol testing law. It restricts the use of alcohol and controlled substances by District employees who operate commercial motor vehicles as part of their jobs.

The Brandon Valley School District will comply with the provisions of Drug and Alcohol Testing requirements outline in Part VII, Department of Transportation, Federal Highway Administration, 49 CFR Part 382, et seq.

1. PERSON TO CONTACT FOR MORE INFORMATION

The Transportation Director is available to answer your questions about this alcohol and drug use testing program.

2. DRIVERS WHO ARE SUBJECT TO TESTING

Any person who has a Commercial Driver's License (CDL) as a requirement to perform any part of the employee's job will be subject to testing.

3. PERIOD OF THE WORK DAY COVERED

A. PRE-DUTY USE

No person may operate a commercial motor vehicle within four hours after using alcohol. No supervisor having actual knowledge that a driver has used alcohol within four hours shall permit the driver to perform or continue to perform safety-sensitive functions. No person may operate a commercial motor vehicle after consuming a controlled substance.

B. ON-DUTY USE

No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol or a controlled substance. No driver may use alcohol or a controlled substance while on duty. No supervisor having actual knowledge that a driver possesses or is using alcohol or a controlled substance while on duty shall permit the driver to perform or continue to perform safety-sensitive functions. The driver will be taken home by district personnel.

C. USE FOLLOWING AN ACCIDENT

A driver required to take an alcohol or drug test following an accident may not use alcohol for eight hours following the accident or until the driver has undergone the post-accident test.

4. PROHIBITIONS BASED ON TEST RESULTS

A. ALCOHOL CONCENTRATIONS

A driver with a measurable and detectable blood alcohol concentration that is prohibited under 49 CFR, part 382.505 but less than 0.04 shall not perform safety-sensitive functions for a minimum of twenty-four hours. No driver shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater. No supervisor having actual knowledge that a driver has a prohibited level of blood alcohol concentration shall permit the driver to remain on duty. Alcohol test results of 0.04 and above will require that the employee be suspended from duty without pay and be referred to a Substance Abuse Professional (SAP) for evaluation. Return to duty will be subject to compliance with the recommendations of the SAP and a negative BAC test. The District is responsible for the cost of the initial referral to a substance abuse professional. The driver will be responsible for the cost of any follow-up counseling or treatment.

5. TEST CATEGORIES

Beginning on January 1, 1996 and each year after, the following tests will be given to employees who must have a commercial driver's license to perform their job.

A. PRE-EMPLOYMENT OR PRE-DUTY TESTING

Before a driver performs safety-sensitive functions for the District, the driver must undergo testing for controlled substances. Persons applying for a position requiring a CDL will be subject to drug testing after being given a conditional offer of employment. Applicants who fail the test will be informed that the offer of employment is withdrawn. The District is responsible for the cost of this test.

B. POST-ACCIDENT TESTING

As soon as practical after an accident involving the loss of life or the issuance of a moving traffic violation the driver of the commercial motor vehicle will be tested for use of alcohol and controlled substances. The driver must remain available for the tests. If the driver is not available for the testing, the Administration will consider the employee to have refused to submit to the test. The District is responsible for the cost of this test. A background check regarding past DOT testing will be completed on all applicants who must list all previous employers from the past two (2) years.

C. RANDOM TESTING

A selection process will be used to ensure each covered work unit has an equal chance of being selected for testing. Testing will be conducted on all employees assigned to safety sensitive jobs within a work unit, when the work unit is selected for testing. This process will ensure the number of drug tests conducted annually will be at least equal to 50 percent of the number of employees in safety sensitive jobs within the District's pool. 50 percent of those persons selected for drug testing will also be tested for alcohol. The District is responsible for the cost of these tests.

D. REASONABLE SUSPICION TESTING

Drug or alcohol testing will be conducted when a trained supervisor or Department official observes behavior or appearance that is characteristic of alcohol or drug misuse. The District is responsible for the cost of this test.

E. RETURN-TO-DUTY TESTING

After a driver has tested positive for alcohol or controlled substance use, the driver will be tested before the driver returns to duty. The return to duty test for alcohol must be considered negative under the standards in 49 CFR 382 et seq for alcohol concentration. The return to duty test for controlled substances must result in a verified negative result for controlled substance use. The driver is responsible for the cost of this test. Testing may include both drug and alcohol upon recommendation of SAP.

F. FOLLOW-UP TESTING

A driver will be subject to unannounced follow-up testing if the District or SAP determines that the driver needs assistance with alcohol misuse or use of controlled substances. The driver will be subject to unannounced follow-up testing after returning to duty at least 6 times in the first 12 months. The follow-up testing may be extended for up to 60 months following return to duty. The driver is responsible for the cost of each follow-up test. Testing may include both drug and alcohol upon recommendation of SAP.

6. PROCEDURES

A. Drug testing will be conducted for marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP). Urine specimens will be used to test for these drugs. Specimen collection, handling, and testing procedures will be conducted according to the U.S. Department of Health and Human Services (DHHS) and the National Institute for Drug Abuse (NIDA) guidelines. To ensure the accuracy of drug test results, the District will utilize independent laboratories that conform to DHHS and NIDA guidelines. Each urine specimen will be split into 2 parts. One of the 2 parts will be tested. If the first part tests positive for drug concentrations, the second part of the specimen will be tested at a different conforming laboratory. The district is responsible for the cost of these tests.

To ensure accuracy of alcohol test results, tests will be conducted using testing devices approved by the National Highway Traffic Safety Association (NHTSA). The tests will be performed by a trained and certified breath alcohol technical (BAT). If the alcohol concentration is positive under 49 CFR 382 et seq, a second confirmation test must be conducted. The confirmation test if required, must be conducted using an EBT that prints out the results, date and time, and sequential test number, and the name and serial number of the EBT to ensure the

reliability of the results. The confirmation test results determine any actions to be taken.

Applicants and employees required to take drug and alcohol tests will be positively identified before testing. The collection site and procedures will be designed to allow individual privacy and preserve the dignity of each person tested. Direct observation of the urine sample collection will not be required but may be necessary if there is reason to believe a specimen could be tampered with or substituted. The observer, if used, will be the same sex as the person being tested. If a driver tests positive on the alcohol test, district personnel will take the driver home.

All positive drug tests will be reviewed by a medical review officer (MRO), who is a licensed physician with knowledge of substance abuse disorders. The MRO will interpret and evaluate the results of each test, along with relevant medical information about each employee, to determine whether or not a positive test resulted from illegal drug use.

7. REFUSAL TO SUBMIT AND THE CONSEQUENCES

Any employee who refuses to take a required test, fails to report for a test when scheduled, or fails to successfully complete a required rehabilitation program will be terminated. Aforementioned "refusals" also include any verified adulterated or substituted test.

8. CONSEQUENCES FOR VIOLATIONS

The following will be used as guideline for disciplinary actions resulting from drug and alcohol use by employees in safety sensitive positions as defined by USDOT and FHWA Regulations.

ALCOHOL-MISUSE

Employees convicted of DUI while operating a District vehicle will be terminated.

DUI Conviction with Work Permit Issued must complete State imposed or Court recommendations prior to return to work.

DUI Conviction with Loss of License:

Less than 45 days – Refer to SAP and reassignment or Leave Without Pay (LWOP).

More than 45 days – Termination

<u>Type of Test</u>	<u>1st Positive</u>	<u>2nd Positive</u>	<u>3rd Positive</u>
Random	Refer to SAP	*LWOP or Termination	Termination
Reasonable Suspicion	Refer to SAP	*LWOP or Termination	Termination
Return to Duty	N/A	Termination	N/A
Follow-up	N/A	Termination	N/A
Post Accident	Termination	N/A	N/A

*Criteria for determining discipline:

- a. Time frame since first offense (Under 1 year termination)
- b. Performance record (marginal or poor performance termination)

Employees who test between .02 and .039 will be subject to the following:

- a. 1st offense – 1 workday or 24 hour period LWOP
- b. 2nd offense – LWOP of 2 to 5 days plus referral to SAP
- c. 3rd offense – Termination

Employees who are unable to respond to call back due to alcohol consumption:

- a. 1st offense – verbal warning noted to personnel file
- b. 2nd offense – written reprimand
- c. 3rd offense – LWOP of 1 to 5 days
- d. 4th offense – termination

DRUGS ON THE JOB

Employees who test positive for drugs on the job will be terminated and may face legal consequences.

<u>Type of Test</u>	<u>1st Positive Test</u>
Random	Termination
Reasonable Suspicion	Termination
Return to Duty	N/A
Follow-Up	N/A
Post Accident	Termination

Employees who fail a test will be informed of the results of their test. Employees who fail a test will be required to comply with all specified consequences as a condition of their continued employment.

9. GRIEVANCE

Any employee, who has a grievance due to the application of this policy to the employee's conditions of employment, may file a grievance under the appropriate departmental grievance procedure.

(ADOPTION DATE: January 9, 1996)

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