

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(LOCAL)

**Reasonable
Suspicion Searches**

The District reserves the right to conduct searches when the District has reasonable suspicion to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the District's standards of conduct may result in disciplinary action. [See DH]

**Reasonable
Suspicion Alcohol
and Drug Testing**

The District may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of District policy. The determination of reasonable suspicion may be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol testing shall be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.

A District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination.

A District employee confirmed to have violated the District's policy pertaining to alcohol or drugs may be subject to disciplinary action. [See DF series and DH]

Note: The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

**Federally Required
DOT Testing
Program**

In accordance with DOT rules, the District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

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Drug-Related
Violations

The following constitute drug-related violations under the DOT rules:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
8. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above shall not be eligible for reinstatement as a driver.

Alcohol Results
between 0.02 and
0.04

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at District-Imposed Consequences, below.]

Reasonable
Suspicion DOT
Testing

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the ob-

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served behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

Clarification

Where policy DHE(LEGAL) denotes certain exceptions to post-accident testing pursuant to 49 C.F.R. 382.303(f), item number 3 is hereby clarified to refer only to exception as to an occurrence in the course of operating a passenger car or a multipurpose passenger vehicle while not on duty transporting passengers.

**District-Imposed
Consequences**

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances, including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, shall be subject to District-imposed discipline, as determined by his or her supervisor and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the District may be considered.

Note: The following provisions address the District's drug- and alcohol-testing program.

**District Drug- and
Alcohol-Testing
Program**

Under its own authority, the District shall conduct drug and alcohol testing for employees in safety-sensitive positions with the primary purpose to prevent impaired employees from performing safety-sensitive functions. Safety-sensitive positions include mechanics and mechanics' helpers, employees operating District vehicles or machinery as part of their daily duties, employees who transport students, District police department employees, and school nurses and LVN health specialists.

Additional District
Requirements for
General
Suspicionless
Testing

In addition to the testing requirements established by federal law, the District shall, under its own authority and as a condition of employment, require returning employees in safety-sensitive positions each school year to submit to random breath or blood testing for alcohol and urine testing for controlled substances.

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Post-Accident /
Post-Occurrence
Suspicionless
Testing

The District may also, as a condition of employment in a safety-sensitive position, require additional random tests throughout the school year beyond the minimal percentage required by federal regulations, provided the selection and administration procedures comport with such regulations. [See DHE(LEGAL)]

In addition and in the same manner as post-accident testing required by federal regulations, without necessity nor implication of individual suspicion, the District shall test any driver or other employee in a safety-sensitive position who is involved in an on-duty accident or occurrence from which any person is injured, any vehicle or other property is damaged, any citation is issued the employee under state or local law for a moving traffic violation, or the safety of any person or property is deemed by the employee's supervisor to have been subjected to inordinate risk.

Furthermore, such an accident or occurrence as described in the preceding paragraph may, at the discretion of the supervisor of transportation or Superintendent, trigger department-wide and/or District-wide suspicionless testing of all employees in safety-sensitive positions within one working day following the event or as soon thereafter as practicable.

The Board believes that these post-accident suspicionless testing procedures, by ensuring that employees in safety-sensitive positions know they will be subject to testing upon the occurrence of an unpredictable triggering event, significantly increase the deterrent effect of administrative penalties associated with prohibited drug and alcohol use, as well as help the District obtain invaluable information about the causes of accidents and take appropriate measures to safeguard students, employees, and the general public.

Medications

Prior to or upon reporting for duty, employees who perform safety-sensitive functions shall be required to inform the immediate supervisor of any use of prescription or over-the-counter medications known or labeled as having potentially adverse effects upon alertness, driving performance, and/or operation of machinery when such medications are taken within 72 hours prior to duty or are to be taken while on duty. If the supervisor, department director, or Superintendent reasonably determines that use or after-effects of such medications may indeed adversely affect performance of safety-sensitive job functions, the employee may be reassigned, be required to take any leave to which he or she may be entitled, or take leave without pay, until the conclusion of such use and any after-effects.

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Consequences of
Positive Test
Results

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances shall be subject to District-imposed discipline, as determined by his or her supervisor(s) and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

For purposes of employee standards of conduct in policy DH, any employee in a safety-sensitive position who tests positive for any trace of controlled substances or alcohol at a concentration of 0.02 or greater in the District's drug/alcohol screening shall be considered sufficiently "under the influence" to be in violation of policy and therefore disciplinary action, up to and including termination of employment, shall be warranted. Use or consumption of legal hemp products shall not excuse the presence of trace amounts of THC or cannabinoids, commonly associated with marijuana, which are considered "controlled substances" for purposes of this policy and are therefore prohibited.

Alcohol Results
between 0.02 and
0.04

An employee in a safety-sensitive position tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall at least be suspended without pay from driving duties for 24 hours.