

**General Standards
for Drug and Alcohol
Testing**

Each person who is required to have a commercial driver's license (CDL) to drive or maintain a school bus or police vehicle will be subject to drug and alcohol testing. Instances for which persons may undergo such testing include:

1. Preemployment,
2. Reasonable suspicion on the basis of behavior,
3. Post-accident,
4. On a random basis,
5. Return to duty, and
6. Follow-up.

Preemployment

Prior to initial employment, each affected person will be required to undergo a drug test by urinalysis and, prior to performing a safety-sensitive function, an alcohol test on an Evidential Breath Testing (EBT) alcohol screening device, as designated and paid for by the District, to detect the usage of controlled substances, dangerous drugs, alcohol, or other drugs that could influence the person's ability to operate safely or maintain a school bus or police vehicle. For the purposes of this administrative regulation, "influence the person's ability to operate safely or maintain a school bus or police vehicle" will be defined as the presence of alcohol or a drug at a level above those designated in Section C.

**Reasonable
Suspicion**

Any District staff member, on the basis of behavior, will be required to undergo a drug and/or alcohol test by urinalysis, or an EBT screening device, as designated and paid for by the District, at any time the staff member's supervisor determines that "reasonable suspicion" exists to believe the staff member has used or been under the influence of a controlled substance, a dangerous drug, alcohol, or other drug influencing the staff member's ability to perform safely the duties of his or her job while at work. "Reasonable suspicion" means an articulable belief based on specific facts and reasonable inferences drawn from those facts that a staff member is under the influence of drugs or alcohol. Circumstances that constitute a basis for determining "reasonable suspicion" may include, but are not limited to, the following:

1. A pattern of abnormal or erratic behavior;
2. Information provided by a reliable and credible source;
3. Direct observation of drug or alcohol use;

4. Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, slurred speech, poor coordination or reflexes); or occurrence of a traffic accident, depending on circumstances surrounding the accident; and
5. Smell of alcoholic beverage or drugs on breath or body.

Supervisors are required to detail in writing the specific facts, symptoms, or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of a staff member. This documentation will be forwarded directly and confidentially to the assistant superintendent for human resources. The supervisor's documentation will be made on the appropriate form [see DHE(EXHIBIT)-A]. The supervisor and assistant superintendent for human resources will maintain the confidentiality of the supervisor's documentation.

Post-Accident

A drug test by urinalysis and an alcohol test by EBT device, as designated and paid for by the District, will be administered to each affected person involved in a motor vehicle accident while driving within the scope of employment if:

1. There is a human fatality;
2. Bodily injury to any person requires immediate medical treatment away from the accident scene;
3. Any vehicle requires towing from the accident scene; or
4. The District driver is given a citation.

Post-accident alcohol testing should be done within two hours of the accident. A person being tested will not drive a District vehicle until negative results are obtained.

Random

Fifty percent of eligible staff members will be annually subjected to drug testing on a random basis by urinalysis for the presence of drugs, as designated and paid for by the District.

Ten percent of eligible staff members will be annually subjected to alcohol testing on a random basis by the EBT screening device for alcohol, as designated and paid for by the District.

A staff member selected for a random test will be eligible for selection in subsequent random testing selections. If a staff member refuses a random test, he or she will be subject to termination.

Return-to-Duty

In the event that a driver is allowed to return to duty, the driver will undergo a return-to-duty alcohol test with a negative result before returning to duty.

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(REGULATION)

In the event a driver is allowed to return to work, before a driver returns to duty after engaging in conduct prohibited by the corresponding policy concerning controlled substances, the driver will undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

Follow-Up

In the event the driver who has engaged in conduct prohibited in the corresponding policy is allowed to return to work and in the event a determination is made that the driver is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, the District will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by a substance abuse professional.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

Supervisor Training

The District will develop a program of training to assist supervisory personnel in identifying drug and alcohol use among staff members. Such training will include information that will help supervisors recognize the conduct and behavior that gives rise to a reasonable suspicion of drug or alcohol use.

Drug and / or Alcohol Testing Conducted Within a Reasonable Period of Time

Staff members who are required to undergo drug and/or alcohol testing as specified in Section A must submit to such testing within a "reasonable" period of time upon being given notification in the case for preemployment, reasonable suspicion, and random testing. A reasonable period of time for the purposes of this guideline is considered to be 45 minutes from the time notice is given to report to the testing laboratory.

Drugs for Which Testing Will Be Conducted

When drug or alcohol screening is required under the provisions of this administrative regulation, a urinalysis and/or an EBT screening test will be given to detect the presence of alcohol and the following drug groups:

DRUG GROUP	EMIT Test Level ng/ml	GC/MS CONFIRMATION Test Level ng/ml
Amphetamine	1,000	500
Cannabinoid Metabolites *1	100	15
Cocaine Metabolite *2	300	150
Opiate	300	300
Phencyclidine (PCP)	25	25
Alcohol		.02

*1 Delta-THC-9 tetrahydrocannabinol-9-carboxylic Acid (Marijuana) Metabolite. (Test levels optional)

*2 Benzoylencogonine (Cocaine) Metabolite

Confirmation of Test Results

Drugs

The initial drug screening will be by the enzyme immunoassay techniques (EMIT) test. In the event the drug test yields a positive result, a second test will be conducted immediately using a gas chromatography/mass spectrometry (GS/MS) test. The second test will use a portion of the same test sample withdrawn from the individual for use in the first test. If the second test confirms the position test result, the staff member will be contacted by the drug testing company to determine if the staff member is using medication(s) that might have produced the positive result.

If the use of medication(s) is not the cause of the positive result, the staff member will be notified of the results in writing by the assistant superintendent for human resources within five working days. The letter of verification will identify the particular substance found.

Specimens that test positive will be retained by the lab for one year. Specimens that test negative will be retained for one week.

Alcohol

The initial alcohol screening will be conducted by the use of an EBT device given by a properly trained and certified Breath Alcohol Technician (BAT). If positive, a second alcohol test will be conducted after 15 minutes and before 20 minutes. A staff member who has a positive test result will be considered in violation of the District's drug and/or alcohol policy. The assistant superintendent for human resources will notify the individual of the results in writing within five working days after receipt of test results.

Confidentiality of Test Results

All information from an individual's drug or alcohol test is confidential, and only those with a need to know will be informed of test results by the assistant superintendent for human resources. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the individual tested. All records relating to the taking of a drug or alcohol test will be deemed confidential unless written authorization has been obtained from the individual who was tested or the records become the subject of an administrative or judicial proceeding.

All records relating to the taking or ordering of a drug or alcohol test will be kept in a separate file in the human resources department. Procedures will be implemented to prevent the unauthorized distribution of the results of or the order to take a drug or alcohol test.

The results of a positive drug or alcohol test will not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results will be handled in accordance with all applicable laws and regulations. The District will require the testing laboratory to maintain appropriate confidentiality of test requests and results.

Privacy in Drug or Alcohol Testing

Urine samples will be provided in a private restroom or similar enclosure at the testing facility so that the individual may not be viewed while providing the sample. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode may be colored with blue dye to protect against dilution of test samples. The District reserves the right to instruct the lab to conduct an observed collection when there is reason to believe an individual will attempt to contaminate or substitute the specimen.

Testing Procedures

All drug or alcohol testing of individuals will be conducted either at a site within the District or at medical facilities or laboratories selected and approved by the District. A medical facility or lab must maintain written procedures approved by the District that will be used to maintain test samples. These procedures will, at minimum, include:

1. Testing procedures, which ensure privacy to individuals consistent with the prevention of tampering;
2. Methods of analysis, which ensure reliable test results, including the use of EMIT and GS/MS to confirm positive drug test results, and/or EBT for screening and blood alcohol test for confirmation of positive alcohol test results;
3. Chain-of-custody procedures, which ensure proper identification, labeling, and handling of test samples; and
4. Retention and storage procedures, which ensure reliable results on confirmatory tests of original samples.

Procedures for Reasonable Suspicion

Any staff member whose supervisor determines that "reasonable suspicion" exists to believe that the staff member has used or been under the influence of drugs or alcohol while at work or at a District-sponsored activity while attending to the duties of his or her position will be directed to consent to an alcohol screening test or a urinalysis. The procedure will be as follows:

1. The supervisor, with one administrator as a witness, will complete the Documentation for Drug or Alcohol Testing form [see DHE(EXHIBIT)-A].

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(REGULATION)

2. The supervisor and other administrator witness will meet with the staff member in private to inform him or her of their observations.
3. The supervisor will notify the assistant superintendent for human resources of the situation and forward a copy of the Documentation for Drug and Alcohol Testing form.
4. The supervisor will direct the staff member to submit to an alcohol or drug test.
5. The supervisor will contact the drug-testing company to come to the site to administer the test.
6. Following the completion of the test, the administrator will make arrangements to have the staff member transported home. The staff member will not be allowed to drive himself or herself home.
7. The staff member will be instructed to remain at home on administrative assignment (with pay) until he or she is contacted by the assistant superintendent for human resources.
8. A recommendation regarding employment status will be made after the test results have been reported to the assistant superintendent for human resources.
9. If the staff member suspected of being under the influence of drugs or alcohol refuses to submit to the required test, the staff member will be transported to his or her home where he or she will remain on administrative assignment (with pay) until his or her employment status is determined.

**Notification
Requirements**

The District will provide written notice of its drug and alcohol testing policy and administrative regulations to all affected individuals with a copy of policy DHE(LOCAL) and this administrative regulation.

All affected individuals will be notified annually and within 30 days after any amendment in this administrative regulation or relevant parts of policy DHE(LOCAL).

**Consequences of
Refusal to Consent**

A staff member who refuses to consent to a drug or alcohol test as required within this administrative regulation is subject to termination. The reasons for the refusal will be considered in determining the appropriate action. An applicant who refuses to consent to a drug or alcohol test will have the hiring process terminated.

**Consequences of a
Confirmed Positive
Test Result**

Staff members (not applicants) testing positive for the use of a controlled substance, a dangerous drug, alcohol, or other drug will be referred to a substance abuse professional who may recommend treatment.

Applicants testing positive for the use of a controlled substance, dangerous drug, alcohol, or other drug on a required pre-employment drug or alcohol test will not be hired or assigned to operate or maintain a school bus or police vehicle.

Staff members testing positive for the use of a controlled substance, a dangerous drug, alcohol, or other drug in a drug or alcohol test based on reasonable suspicion, post-accident, or random testing will be subject to termination.

Persons testing positive for the use of a legal drug (such as a prescribed medication or an over-the-counter legal medication), which could influence the person's ability to safely operate a motor vehicle, will not be hired or assigned to operate a school bus or police vehicle without the approval of the medical review officer (MRO).

An applicant who has a positive test result after an initial drug screening by the EMIT test and a confirmatory test using the GC/MS and/or who tests positive on an EBT device will not be eligible for hire by the District until the expiration of one year from the date of the testing. An applicant who has tested positive will be eligible to reapply for District employment upon the expiration of such one-year period, provided, however, that the applicant will be subject to retesting prior to employment.