

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 screening 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.

**Drug-Related
Violations**

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

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1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a 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 required follow-up test.
8. Testing positive for controlled substances in a required follow-up test.
9. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
10. 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 may be reinstated as a driver if he or she successfully completes a return-to-duty test. The employee may also be subject to follow-up tests.

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 im-

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

**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**

The following sections of this policy apply to all District employees who are not governed by the DOT and Federal Highway Administration (FHWA) federal regulations, and who are in positions where safety of students or staff is a concern or who are in positions where security, as well as safety, is at issue.

The following conduct constitutes violation of District policy:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Testing positive for alcohol or controlled substances in a post-accident test.
3. Testing positive for alcohol or controlled substances in a random test.

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Statement of Need

The District is committed to providing a work environment free of substance abuse for its employees. "Substance abuse" refers to the use or dispensation of an illegal drug or the abuse of alcohol or the abuse of any drug (obtained by prescription, over-the-counter, by illegal means, or otherwise). The District shall maintain "zero tolerance" with regard to drugs and alcohol and therefore this substance abuse policy prohibits:

1. The manufacture, illegal distribution, illegal possession, illegal dispensation, sale, or use of any "controlled substance" as defined and prohibited by any state or federal law or regulation, or of any alcoholic beverage; and
2. Any employee from working for the District while impaired by drugs or alcohol.

Employees shall be subject to discharge for:

1. Alcohol abuse defined as possession, use, sale, purchase, providing for use by another person, or being impaired while under the influence of alcohol.
2. Controlled substance abuse defined as the manufacture, distribution, dispensing, possession, use, sale, purchase, or being impaired while under the influence of any controlled substance.
3. Prescription and over-the-counter drug abuse defined as personal misuse of drugs and/or controlled substances, whether or not prescribed by a licensed physician as part of a medical treatment program, and being under the influence and/or unable to satisfactorily perform their jobs, or assisting someone else while on school business to misuse drugs and/or controlled substances, whether or not prescribed by a licensed physician.

As a condition of new or continued employment, all employees shall:

1. Abide by all terms of this policy.
2. Notify the District no later than five days after any criminal drug statute conviction. This includes any finding of guilt, plea of no contest, or imposition of sentence in connection with any state or federal criminal statute involving the manufacture, distribution, use, misuse, or possession of any controlled substance or illegal drug.
3. Be subject to pre-employment drug screening, to drug/alcohol testing for reasonable cause, and to random testing.

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The District shall establish definite rules and regulations on substance abuse as part of the employee handbook and shall periodically conduct supervisory training and employee awareness programs.

Subject to Testing

Employees subject to testing shall include the following:

1. Security personnel shall be subject to this policy because their positions involve maintaining the safety and security of all students and District personnel.
2. Cafeteria personnel shall be subject to this policy because any impairment caused by use of drugs or alcohol during the preparation of food could affect the health and safety of the students. In addition, cafeteria personnel operate dangerous equipment, such as meat slicers, food processors, cleavers, and butcher knives; therefore, physical safety is affected by any impairment.
3. Custodial personnel shall be subject to this policy because their positions involve the operation of potentially dangerous equipment, such as lawn mowers, floor buffers, and waxers. In addition, custodians handle solvents, waxes, bleach, and other cleaners. Any impairment during the use of such equipment or solvents could threaten the safety of the individual employee, students, and other District personnel.
4. Maintenance personnel shall be subject to this policy because any impairment during the performance of their duties would directly affect the safety of students and District personnel who use District facilities and buses.

Procedure

Persons refusing to take the drug tests under the conditions listed below will not be hired or allowed to continue working for the District.

Pre-employment
Testing

After a prospective employee has been extended a job offer, and before the employee may start working, the person must successfully complete, with zero tolerance, the panel ten drug test as part of the background qualifications check.

Confidentiality

All management actions and results obtained shall be held in the strictest confidence, allowing access to only those who have a valid business reason to know.

Consequences of
Positive Test
Results

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

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of removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

Consideration for
Reemployment

Any employee who is terminated as a result of violating this policy may be considered for reemployment only if the employee can provide proof, acceptable to the District, that he or she tested negative for alcohol or controlled substances at least seven days prior to applying for reemployment.

Individuals who apply for reemployment under this policy shall be subject to pre-employment procedures in accordance with District policy.