

DRUG & ALCOHOL TESTING PROCEDURES

Description of tests

1. **Alcohol:** Alcohol testing is required, when reasonable suspicion exists, after an accident, at random, and when return-to-duty and/or follow-up testing is required. Alcohol testing is performed using an evidential breath testing device (EBT) approved by the National Traffic Safety Administration. All alcohol breath tests shall be conducted on an approved evidential breath testing device (EBT) by a trained breath alcohol technician (BAT). EBT's shall be able to distinguish alcohol from acetone at the 0.02% alcohol concentration level and shall be capable of testing an air blank prior to each collection of breath and performing an external calibration check. In order to be used in either screening or confirmation alcohol testing, an EBT shall have a quality assurance plan (QAP) developed by the manufacturer.
2. **Drug testing:** Drug testing is required pre-employment, when reasonable suspicion exists, after an accident, at random, and when return-to-duty and/or follow-up testing is required. Drug testing is conducted by analyzing a urine specimen for the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine. All drug test results are reviewed and interpreted by a medical review officer (MRO) before the results are reported to the District.

General testing procedures

The following procedures apply anytime a covered or safety-sensitive employee is subject to drug or alcohol tests:

1. **Alcohol:**
 - a. Breath alcohol testing will be conducted at a location that affords visual and aural privacy to the employee being tested sufficient to prevent unauthorized persons from seeing or hearing the test results. In some unusual circumstances, such as when it is essential to conduct a test at the scene of an accident, a test may be conducted at a location that provides visual and aural privacy only to the extent practicable.
 - b. All necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is conducted.
 - c. The employee will complete all required paperwork and be required to properly identify him/herself. The test administrator shall document refusal to complete required paperwork.
 - d. The employee will be directed to blow into a breathalyzer and will be shown the results of the test.
 - e. If the test is positive, as defined by federal standards, the employee will be required to submit to a confirmation test. The employee shall be instructed not to eat, drink, or put any object or substance in his/her mouth until after the confirmation test. The test administrator shall also explain the test will be conducted even if the employee has disregarded these instructions. Confirmation test

results are deemed to be the final results upon which any action under the drug and alcohol testing policy or regulations shall be based.

- f. The test administrator shall transmit all results to the District in a confidential manner.
- g. The test administrator shall also inform the District of any refusal to test.
- h. If the employee attempts and fails to provide an adequate amount of breath, the District shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician acceptable to the District concerning the employee's medical ability or inability to provide an adequate amount of breath. If the physician determines, in his/her reasonable medical judgment, that a medical condition has, or could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take the test. If a licensed physician is unable to make such a determination, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal.

2. **Controlled substances:**

To ensure the appropriate chain of custody and specimen control are maintained, the collection of urine specimens will proceed as follows:

- a. Upon the employee's arrival at the designated collection site, the collector will request the employee to provide identification and complete required paperwork, including listing prescriptions. The collector will document refusal to complete paperwork.
- b. The employee will be required to leave personal belongings including, but not limited to, coats and purses outside the collection area. The employee will be required to wash and dry his/her hands before the test is administered. The employee will then remain in the collection area and not have access to any other material that could be used to adulterate the specimen. Any transfer of the specimen from the collection container to another specimen bottle will be observed by the employee.
- c. If the test result is positive, the employee may request the medical review officer (MRO) direct the split specimen be tested in a different Department of Health and Human Services-certified laboratory. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result. The MRO will take all steps necessary to ensure the specimen is clearly identified and document the chain of custody when the specimen is transferred to a different lab. The cost of the split specimen testing shall be borne by the employee.
- d. Upon notification by the collection site that an employee has failed to appear for his/her scheduled collection, the District will inquire of employee the reason(s) for failing to appear. If the employee provides a legitimate reason for failing to report, no disciplinary

action will be taken against the employee. If the employee does not provide a legitimate reason for failing to report, disciplinary action, in accordance with policy, may be taken. The Superintendent shall determine whether or not legitimate reasons exist.

- e. In the event an employee refuses to provide a specimen, the collection site and/or the District shall advise the employee that refusal to provide a specimen shall result in disciplinary action. In the event the employee still refuses to provide a specimen, the employee shall be subject to disciplinary action in accordance with policy.
- f. In the event an employee fails to provide a sufficient quantity of urine, the collection site and/or the District will meet with the employee to see if she/he has a legitimate reason, and s/he will be required to take the drug test within four hours of the meeting. If the employee does not have a legitimate reason, the failure to provide a sufficient quantity of urine shall be treated as a refusal to provide a specimen.
- g. In the event an employee is unable, or alleges she/he is unable, to provide a sufficient quantity of urine because of a medical condition, the District shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician acceptable to the District concerning the employee's medical ability or inability to provide a sufficient quantity of urine. If the physician determines, in his/her reasonable medical judgment, that a medical condition has, or could have, precluded the employee from providing a sufficient quantity of urine, the employee's failure to provide a sufficient quantity of urine shall not be deemed a refusal to take the test. If a licensed physician is unable to make such a determination, the employee's failure to provide a sufficient quantity of urine shall be regarded as a refusal.

Pre-employment/job applicant testing procedure

1. All job applicants considered a covered or safety sensitive employee under policy DBAA will receive a copy of this policy and regulation prior to testing.
2. If an applicant's pre-employment drug test is positive, a confirmation test will immediately be conducted by the laboratory with the existing sample.
3. An additional confirmation test will be conducted, at the applicant's expense, if a request is made to the MRO within 72 hours of the applicant having been notified of a verified positive test result. If an additional confirmation test is requested, no action will be taken on the applicant's employment until the result of the additional confirmation test is available.
4. In the event an applicant's pre-employment drug test is confirmed positive, or, if requested, an applicant's additional confirmation test is positive, the applicant will not be employed.
5. Upon written request, a copy of the additional confirmation test will be supplied to the applicant at the applicant's expense.

An applicant may be exempt from the pre-employment drug test if the applicant has participated in a drug testing program within 30 days prior to the application for employment and while participating in that program was tested for drugs within the last 6 months (from the date of application) or participated in a random drug testing program in the previous 12 months, provided that the District has been able to make all verifications required by law.

Random testing

1. Pursuant to Department of Transportation regulations, commercial bus drivers must be randomly tested for both drugs and alcohol, and the District requires other school vehicle drivers to submit to random testing. The number of random tests for commercial bus drivers must equal fifty percent (50%) of the number of employees in the random testing pool for drugs and ten (10%) of the number of employees in the random testing pool for alcohol.
2. Random testing periods shall be spread reasonably throughout the school year.
3. Any employee selected for random testing shall be assured his/her selection does not mean the District suspects usage of alcohol and/or drugs.
4. An employee must proceed to the test site immediately upon receiving notice that s/he has been selected for random testing unless in the process of performing a safety-sensitive function. The employee must complete his/her safety-sensitive duties or receive direction from a supervisor to cease such duties before proceeding to the test site. In the event an employee is unavailable for testing on the dates selected by the District, at the election of the District, s/he will be tested within the testing period but will not be notified until available.
5. Employees will only be randomly tested for alcohol just before or just after performing safety sensitive functions.
6. If the employee's random test is positive for alcohol and/or drugs, the employee is subject to discipline in accordance with policy.
7. Refusal to submit to a random test shall be treated as a positive test result and subjects the employee to discipline in accordance with policy.

Reasonable suspicion testing

When there is reasonable suspicion to believe an employee subject to the drug and alcohol testing policy or regulations has engaged in abuse and/or untimely use of alcohol and/or a controlled substance, the employee may be required to undergo a drug and/or alcohol test.

Reasonable suspicion may be based on the employee's appearance, behavior, speech, or body odor. District personnel designated to determine if reasonable suspicion exists must receive training concerning the physical, behavioral, speech, and performance indicators of alcohol misuse and additional training on indicators of drug abuse. A written record of these observations shall be made within 24 hours or before test results are released (whichever occurs first).

Alcohol tests based upon reasonable suspicion are authorized only if the required observations are made during, just before, or just after the period of the

work day when the employee must comply with alcohol prohibitions. If the alcohol test is not administered within two hours of the determination of reasonable suspicion, the District shall prepare and maintain a written record explaining why the testing was not done.

When the District reasonably suspects the abuse and/or untimely use of alcohol or controlled substance by an employee subject to drug and alcohol testing, the District shall proceed as described below:

1. All conversations should, whenever possible, involve a witness:
2. The employee's supervisor or district administrator should solicit an explanation from the employee for any behavior that creates a reasonable suspicion of a violation of the policy or regulations. If the employee cannot satisfactorily explain the behavior, the employee may be requested to undergo a drug and/or alcohol test.
3. Reasonable suspicion tests must be conducted by a person other than the person who determines reasonable suspicion exists.
4. If the employee agrees to be tested, she/he will complete the district consent form and a specimen/test result will be obtained.
5. If the employee refuses to undergo the test or complete the consent form, she/he will be advised that such refusal may subject the employee to discipline in accordance with policy. If the employee still refuses to undergo testing or to complete the consent form, s/he will be directed to the Superintendent for disciplinary purposes.
6. If a positive drug test is not confirmed, the employee will return to his/her safety-sensitive position.
7. If the employee's test is positive for abuse and/or untimely use of alcohol or controlled substance, s/he is subject to discipline in accordance with policy and s/he will be referred to a substance abuse professional.

Employee post-accident testing

The District shall require an employee subject to the policy and regulations to undergo drug and alcohol testing after an accident if:

1. There is a fatality;
2. One or more persons require medical treatment either at or away from the accident scene; or there is extensive damage to property, disabling a motor vehicle.
3. The District employee receives a citation arising from the accident.

The procedure set forth in the reasonable suspicion testing will be followed for post-accident tests, except the employee shall be advised the tests are required as part of the accident investigation.

A covered or safety-sensitive employee involved in an accident shall make him/herself readily available for testing, absent the need for immediate medical attention.

If an alcohol test is not administered within two hours, or if a drug test is not administered within 32 hours, the District shall prepare and maintain written records explaining why the tests were not conducted. Tests will not be given if

not administered within 8 hours after the accident for alcohol or within 32 hours for drugs.

Tests conducted by authorized federal, state, or local officials will fulfill district post-accident testing requirements provided the tests conform to applicable legal requirements, and the results are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill drug testing obligations.

If the employee's drug test is confirmed positive, and the employee makes a request to the MRO within 72 hours of the employee having been notified of a verified positive test result that an additional confirmation test be conducted (which is conducted at the employee's expense), the employee will be placed on paid leave of absence pending the results of the additional confirmation test. If a positive drug test is not confirmed, the employee may be returned to his/her job as a driver.

Return-to-duty/follow-up testing

In the event the District returns an employee who is subject to the policy and regulations to a safety-sensitive position:

1. The employee must have been evaluated by a substance abuse professional.
2. The employee must have complied with any recommended treatment;
3. The substance abuse professional must have provided a written statement to the District stating the employee has successfully completed the rehabilitation program that was prescribed for him/her;
4. The employee has taken a return-to-duty alcohol/drug test and has a verified negative result for alcohol and controlled substance use; and
5. The employee is subject to unannounced follow-up testing. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional but shall occur a minimum of 6 times in 12 months.

End of McClusky School District #19 Administrative Regulation DBBA-AR