

6.80 - Drug and Alcohol Testing of Designated Employees

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DRUG AND ALCOHOL TESTING OF DESIGNATED EMPLOYEES 6.80

INTRODUCTION

The Alexander City Board of Education recognizes that our employees are our greatest asset. Our employees are the indispensable key to our goal of providing the best possible education program for our students. To achieve our goal and to maximize the skills and talents of our employees it is important that every employee of our School System understand the dangers of drug and alcohol abuse and be aware of the new federal requirements concerning substance abuse. This policy statement should clarify our position on employee drug and alcohol use.

Designated employees are currently defined as employees who hold a CDL and school bus driver's licenses and drive a School System bus/vehicle to transport students and employees in safety-related positions to include maintenance workers and custodians.

In compliance with the Omnibus Transportation Employee Testing Act of 1991, as a condition of employment, the Board reserves the right to require designated employees to sign an Application/Employee Consent Form and to submit, at any time they are on duty or following their involvement in a reportable vehicular accident, to drug tests to determine the presence of prohibited substances.

OBJECTIVES

The objectives of this policy are:

1. To reduce the likelihood of incidents of accidental personal injury and/or damage to pupil transportation, students, or property.
2. To comply with Federal regulations and requirements of the Omnibus Transportation Employee Testing Act of 1991.
3. To create and maintain a safe, drug-free working environment for all employees serving the goals of public education.
4. To encourage any employee with a dependence on, or an addiction to, alcohol or other drugs to seek help in overcoming the problem.
5. To reduce problems of absenteeism, tardiness, carelessness, and/or unsatisfactory matters related to job performance.
6. To reduce the likelihood that school property will be used for illicit drug activities.
7. To provide a positive image of the School System and its employees.

Substance abuse is a serious threat to the School System, its employees, and students. Though the percentage of substance abusing employees may be relatively small, practical experience and research indicate that appropriate precautions are necessary. It is the belief of the Board that the benefits derived from the policy objectives outweigh the potential inconvenience to employees. The Board earnestly solicits the understanding and cooperation of all employees in implementing this policy.

The Board requires that all employees report to work without any alcohol or illegal or mind-altering substances in their systems. The Board also prohibits employees from using, possessing, manufacturing, distributing or making arrangements to distribute illegal drugs while at work or on School System property.

Further, outside conduct of a substance abuse-related nature that affects an employee's work or the Board's relationship with the government is prohibited. Employees must inform their supervisor when they are legitimately taking medication that may affect their ability to work, in order to avoid creating safety problems and violating the Drug and Alcohol Policy.

ENFORCEMENT

As a condition of employment, the Board requires all designated employees to submit, at any time they are on duty or following their involvement in a reportable vehicular accident, to drug tests to determine the presence of prohibited substances.

Pursuant to Board policy and procedures, designated employees will undergo testing:

- (1) At the time of initial employment;
- (2) When the Board or its designee has reasonable cause to believe an employee has violated its drug and alcohol policies;
- (3) On a random basis without advance notice;
- (4) Following any reportable accident;
- (5) Following rehabilitation, employees who return to work will be required to undergo random testing in addition to the general Board testing requirements.

The Board also reserves the right to search desks, cabinets, toolboxes, vehicles, including personal vehicles of designated employees brought on the School System's property, bags, or any other property at the school or in the designated employee's personal vehicle.

Violation of these rules, including testing positive, will subject the employee to discipline, including discharge. Refusal to cooperate with the School System's procedures in any test investigation will result in discipline, including discharge.

- (1) Procedures for implementing the required drug testing will be developed and approved by the Board.
- (2) Results of drug testing shall not be released by the Board, beyond the Medical Review Officer (MRO), and the School System's management without the individual's written authorization. All employees are required to sign a release so that results, including positive, will be made available to the Unemployment Commission or other governmental agency investigating employment or termination.

SCREENING OF APPLICANTS

Substance screening is required for all designated final applicants. Applicants are required to sign a consent/release form before submitting to screening. Applicants will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

SCREENING OF CURRENT DESIGNATED EMPLOYEES

1. Reasonable Cause

All designated employees will be required to submit to screening whenever a supervisor observes circumstances he/she believes indicate an employee has used a controlled substance or otherwise violated the substance abuse rules. Among other things, reasonable cause testing may result from supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in a workplace or vehicular accident, or other actions that indicate a possible error in judgment or negligence, or other violations of the drug or other School Board policy.

The supervisor(s) requesting testing shall prepare and sign written documents explaining the circumstances and evidence upon which they relied within 24 hours of the testing, or before the results of the tests are released, whichever is earlier. While one supervisor may request a reasonable cause test, when feasible, supervisors are encouraged to obtain a second supervisor as a witness.

1. Random Testing

The Board will conduct random unannounced screening of all designated employees, regular and substitute. The Board will administer tests of employees in a number equal to or greater than 50 percent of the designated employees without advance notice - in the first 12 months of testing. There will be no maximum number of samples that any one individual will be required to provide. Subsequent testing will be conducted at levels equal to or greater than the initial testing

level. A testing firm will provide computerized random sample lists to the Superintendent or designee. The list of employees in the random pool will be updated on a monthly basis. Employees will be required to report to the Board designated collection site for testing as soon as possible but in no case later than two (2) hours following notification. The tests will be spread reasonably over the 12 months.

1. Post Accident Testing

Employees are required to immediately notify the Superintendent or designee of any reportable accident. Any reportable accident requires employees involved in the accident to undergo substance screening within three (3) hours of the accident or as soon as possible thereafter. The Board will discipline, including discharge, any employee who fails to report an accident or submit to substance screening where required by law or this policy.

The Superintendent or designee shall complete an Accident Report in compliance with required Board policy.

1. Return to Duty Testing

All employees who are suspended for abuse of substances covered under this policy will be subject to additional unannounced testing

1. Testing Procedures

1. General Guidelines

The Board and its Medical Review Officer (MRO) and laboratory shall rely, when practical, on the guidance of the Federal Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs.

1. Substances Tested for All Designated Employees

Designated employees will regularly be tested for: alcohol, amphetamines, cannabinoids, cocaine, opiates, and phencyclidine. Employees may be tested for other substances without advance notice as part of a separate test performed by the School Board for safety purposes. Such tests will be coordinated with the Superintendent or designee.

1. Testing Procedure

The Board reserves the right to utilize blood, hair, breath, saliva, or urinalysis testing procedures. Only urinalysis will be utilized in the pre-employment and random testing. All initial positive urine specimens will be confirmed by gas chromatography/mass spectrometry (GC/MS).

Alcohol testing will be conducted by a certified Breath Alcohol Technician (BAT) using a DOT approved evidential breath testing (EBT) instrument.

1. Collection Sites

The Board or designee will designate collection sites in areas where it maintains facilities or job sites where individuals may provide specimens.

1. Collection Procedures

The Board, the program management firm/Medical Review Office (MRO), and the laboratory shall develop and maintain a documented procedure for collecting, shipping and accessing urine specimens. The program management firm and the laboratory will utilize a standard Urine Custody and Control Form for all employee testing. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will also be used.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure as reasonable. Alcohol testing will be done by having the subject exhale into a DOT approved evidential breath-testing device. If the initial test reading is .02 or greater, the subject must wait 15 minutes and repeat the test. Refusal of the subject to wait for the confirmation test will be considered a positive test.

All designated employees will also be required to complete the Board's Applicant/Employee Consent Form.

1. Occasions when the Collection Personnel Should Directly Observe the Specimen Being Provided

The Board has adopted the direct observation procedures as set out in Section 40.25 of the Department of Transportation regulations. An employer or medical representative at the collection site may directly observe the employee actually provide the specimen when there is reason to believe that an individual may alter or substitute the specimen. Section 40.25 (e) (2) sets out the only four circumstances when direct observation is appropriate:

1. The employee has presented a urine specimen that falls outside the normal temperature range, and the employee declines to provide a measurement of oral body temperature by sterile thermometer, or the oral temperature does not equal or exceed that of the specimen.

2. The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2 g/L.

3. The collection site person observed conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.).

4. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted as a part of a rehabilitation program or on return to service after any required rehabilitation.

A second specimen should be obtained under direct observation wherever there is reason to believe that the individual may have altered or substituted the specimen. When necessary, medical personnel may obtain a specimen outside of a designated collection site (such as, at a public rest room at an accident investigation).

1. Evaluations and Return of Results to the Board

The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the results of all tests to the School Board's MRO. The MRO will be responsible for reviewing the quantified test results of employees and confirm that the individuals testing positive have used drugs in violation of Board policy. Prior to making a final decision, the MRO shall give the individuals an opportunity to discuss the result either face to face or over the telephone. The MRO shall then promptly provide the Superintendent or designee with the names of employees or applicants who test positive.

1. Release of Test Results

Test results shall not be released by the Board, beyond the MRO and Board's management without the individual's written authorization. However, all employees will be required to complete a consent/release form permitting the School Board to release test results and related information to the Unemployment Compensation Commission or other relevant government agency. The MRO shall retain the individual test results for positive specimens for five (5) years and negative for 12 months.

1. Discipline

The Board will discipline, including discharge, employees for any violation of the policy, including refusing to submit to screening, to execute a release, or otherwise cooperate with an investigation or search by management.

All current employees who test positive will be subject to discipline up to and including discharge. Rehabilitation will be limited to the degree of treatment provided within the Board's regular employee benefit plan. The Superintendent or designee should be contacted for guidance and information.

No employee may be returned to regular duty after rehabilitation or testing positive unless certified as safe and not using drugs by the Board's MRO and presentation of required certification, i.e., CDL, SDE Certificate, State Driver's licenses, etc. Any employee returned to duty after violating the policy or testing positive will be subject to aftercare and random testing as set out in a written Probation Agreement which he/she will be required to execute. Any employee dismissed as a result of violating policy or testing positive may reapply for any employment position for which he/she is qualified.

1. Employee Assistance Program (EAP)

The Board EAP shall make available information for employees and supervisors regarding drugs and alcohol and the effects and consequences of drug and alcohol abuse.

1. Investigation/Searches

When a supervisor suspects that an employee has violated the substance policy, he/she may inspect vehicles (including vehicles which an employee brings on the School Board's property), lockers, work areas, desks, purses, briefcases, toolboxes, and other locations or belongings without prior notice in order to ensure a work environment free of prohibited substances. An employee must be present to remove a personal lock. Refusal to open a personal lock will result in discipline, including discharge. The Board may release any illegal, or controlled drugs, or paraphernalia to appropriate law enforcement authorities. All searches shall be coordinated with the Superintendent or designee.

1. These procedures should not be construed as contractual in any nature. They represent the Board's current procedures for dealing with a developing problem under evolving laws and facts, and may be changed without advance notice.

REFERENCE(S):

**CODE OF ALABAMA
16-1-18.1, 349 CFR PART 40, DOT,
49 CFR PARTS 382 & 391,
FEDERAL HIGHWAY ADMINISTRATION**

HISTORY:

**ADOPTED: JUNE 12, 1996
REVISED: JULY 13, 2010
FORMERLY: GAMBCD**