

## Policy Information

### Series 4000 - Personnel

#### **Alcohol and Drug Testing of Employees in Safety-sensitive Positions**

Policy # 4115.1

Recognizing the dangers inherent in alcohol and drug use by employees, especially those in safety-sensitive positions, and to ensure the safety of its students and staff, the Board, in accordance with Federal Law and Regulations, hereby requires alcohol and drug testing of all employees in safety-sensitive positions.

The District shall implement and conduct a program to provide alcohol and drug testing of employees in safety-sensitive positions.

Drug tests shall be conducted at the time of employment and drug and/or alcohol tests shall be conducted at the time of transfer to a safety-sensitive position. Thereafter, drug and/or alcohol tests shall be conducted randomly throughout the school year, as recommended by the Federal Highway Authority. In addition, testing will be ordered if the supervisor or other appropriately trained school official has a "reasonable suspicion" that the employee has engaged in prohibited drug or alcohol use (including but not limited to frequent absences, tardiness, mood swings, failure to follow directions, appearance, behavior, speech or body odors characteristic of controlled substance or alcohol use or misuse), after a determination by the superintendent that the "reasonable suspicion" standard has been met. All employee drug and alcohol testing records shall be kept confidential.

An employee in a safety-sensitive position will not be permitted to perform safety-sensitive functions, including driving, if:

- The employee possesses alcohol or uses alcohol or drugs while on duty;
- The employee uses alcohol within four (4) hours of driving duty;
- The employee has an alcohol concentration of .04 or higher or tests positive for drugs;
- The employee uses alcohol within eight (8) hours after being involved in an accident in which there was a fatality or in which the bus driver received a moving violation and there either was an injury treated away from the scene or a disabled vehicle was towed from the scene;
- There is a reasonable suspicion that the employee has engaged in prohibited alcohol or drug use; or
- The employee refuses to take a required alcohol or drug test.

If the employee has a small amount of alcohol in his/her system (.02 or greater, but less than .04), s/he will not be permitted to perform the safety-sensitive function (such as driving) until the start of the employee's next regularly scheduled duty period, but no less than 24 hours following administration of the test.

If an employee in a safety-sensitive position has engaged in prohibited alcohol use (.04 or greater) or drug use, s/he may not return to duty unless s/he has been evaluated by a substance abuse professional; has complied with any recommended treatment program; and has satisfactorily passed required alcohol and/or drug tests. Thereafter, s/he will be subject to unannounced follow-up testing.

Notwithstanding the above, it shall be the policy of the Board to discipline all employees who violate this policy, in accordance with law, District Policy and any applicable collectively negotiated agreement.

This policy and any implementing regulations, the testing requirements of the Federal Regulations and information on alcohol and drug abuse and treatment resources shall be provided to all employees in safety-sensitive positions at the start of each school year or upon hire or transfer to a safety-sensitive position. Such employees shall also be advised of the consequences of a positive alcohol and/or drug test and the individual to contact within the District from whom to seek further information and/or assistance.

The Transportation Supervisor shall maintain records of alcohol and substance abuse prevention and training programs annually, on a calendar year basis. Such records will be made available, upon request,

for submission to the federal government by March 15<sup>th</sup>.

For transportation services which are contracted for, the District shall audit the contractor's drug and alcohol abuse testing program.

The Superintendent shall establish regulations to implement this policy.

**Policy References:**

Omnibus Transportation Employee Testing Act of 1991

49 USC §521(b)

49 CFR Part 382, Part 40 and §395.20

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