

DRUG TESTING FOR EMPLOYEES REQUIRED TO HOLD A COMMERCIAL DRIVER'S LICENSE

District personnel who operate a motor vehicles requiring a commercial driver's license are subject to a drug and alcohol testing program that fulfills the requirements of federal regulations.

The regulations will reflect several requirements of the federal drug testing regulations but are not intended in any way to modify or limit the procedures for drug and alcohol testing. District personnel will adhere to the detailed provisions of federal regulation in administering the district's drug and alcohol program.

References to tests in these regulations include both drug and alcohol tests unless the context specifies otherwise. The terms drug and controlled substances are interchangeable and have the same meaning. Drugs refer to marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines (including methamphetamine).

Pre-Employment tests

Tests will be administered before an employee performs any safety-sensitive functions for the district.

The tests will be required of an applicant only after he has been offered the position. Employment with the district is conditional upon the applicant receiving a negative alcohol and drug test result.

Exceptions may be made if the employee has had an alcohol test administered in accordance with federal regulations within the previous six months and the district insures that no prior employer of whom the district has knowledge has records showing a violation of the alcohol use rules within the past six months.

An employee also may be exempt from the pre-employment drug test if he has participated in a drug testing program within 30 days prior to the application for employment and while participating in that program either was tested for drugs within the last six 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.

Post-Accident Tests

Alcohol and controlled substance tests will be conducted in the time limits imposed by federal regulations after an accident on any driver who:

1. Was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life.
2. Received a citation under state or local law for a moving traffic violation arising from the accident.

No driver involved in an accident may use alcohol for eight hours after the accident or until after he undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours or if a drug test is not administered within 32 hours after the accident, the district will prepare and maintain records explaining why the test was not conducted.

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

Before any employee operates a commercial motor vehicle, the district will provide him with post-accident procedures that will make it possible to comply with post-accident testing requirements.

Random Tests

Tests will be conducted on a random basis at unannounced times through the year. Random tests for alcohol will be conducted just before, during, or just after the performance of safety-sensitive functions. Random tests for drugs do not have to be conducted in immediate time proximity to performing safety sensitive functions. Once notified of selection for drug testing, the employee must proceed to a collection site to provide a urine specimen.

Employees will be selected by a scientifically valid random process, and each employee will have an equal chance of being tested each time selections are made. The number of employees selected for random testing will be in accordance with federal regulations.

Reasonable Suspicion Tests

Tests must be conducted when a properly trained supervisor or district official has reasonable suspicion that the employee has violated the district's alcohol and drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the employee's appearance, behavior, speech, or body odors. The observations may include indications of chronic and withdrawal effects of controlled substances.

Alcohol tests will be authorized for reasonable suspicion 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 an alcohol test is not administered within two hours of a determination of reasonable suspicion, the district will prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests will terminate after eight hours.

An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or district official who makes a finding of reasonable suspicion also must make a written record of his observations leading to a reasonable suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

Return To Duty Tests

A drug or alcohol test must be conducted if and when an employee who has violated the district's drug or alcohol prohibition returns to performing safety sensitive duties.

Employees whose conduct involved misuses of drugs may not return to duty in a safety sensitive function until the return to duty drug test produces a verified negative result.

Employees whose conduct involved alcohol may not return to duty in a safety sensitive function until the return to duty alcohol test produces a verified result that meets federal and district standards.

Follow-Up Tests

An employee who violates the district's drug or alcohol prohibition and is subsequently identified by a substance abuse professional as needing assistance in resolving a drug or alcohol problem will be subject to unannounced follow-up testing as directed by the substance abuse professional in accordance with law. Follow-up alcohol testing will be conducted just before, during, or just after the time when the employee is performing safety sensitive functions.

Records

Employee drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Upon written request, an employee will receive copies of any records pertaining to his use of drugs or alcohol, including any records pertaining to his drug or alcohol tests. Records will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the employee.

Notifications

Each employee will receive educational materials that explain the requirements of the Code of Federal Regulations, Title 49, Part 382, together with a copy of the district's policy and regulations for meeting these requirements. Representatives or employee organizations will be notified of the availability of this information. The information will identify:

1. The person designated by the district to answer employee questions about the materials.
2. Categories of employees who are subject to the drug and alcohol testing requirements.
3. Sufficient information about the safety sensitive functions performed by employees to make clear for what period of the work day employee compliance is required.
4. Specific information concerning employee conduct that is prohibited.
5. Circumstances under which an employee will be tested for drugs and/or alcohol.
6. Procedures that will be used to test for the presence of drugs and alcohol, protect the employee and the integrity of the testing processes, safeguard the validity of test results and insure that test results are attributed to the correct employee.
7. The requirement that an employee submit to drug and alcohol tests administered in accordance with federal regulations.
8. An explanation of what constitutes a refusal to submit to a drug or alcohol test and the attendance consequences.
9. Consequences for employees found to have violated the drug and alcohol prohibitions including the requirement that the employee be removed immediately from safety sensitive functions and the procedures for referral, evaluation, and treatment.
10. Consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04.
11. Information concerning the effects of drugs and alcohol on an individual's health, work and personal life, external and internal signs and symptoms of drug or alcohol problem, and available methods of intervening when a drug or alcohol problem is suspected including

confrontation, referral to an employee assistance program and/or referral to administrative officials.

Each employee must sign a statement certifying that he/she has received a copy of the above materials.

The district will inform employees before drug and alcohol tests are performed.

The district will notify an employee of the results of a pre-employment drug test if the employee requests such results within 60 calendar days of being notified of the disposition of his/her employment application.

The district will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The district also will tell the employee which controlled substances were verified as positive.

Employees will inform their supervisor if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the employee that it will not adversely affect his ability to safely operate a commercial motor vehicle.

Enforcement

An employee who violates district prohibitions related to drug and alcohol will be terminated. Any employee who refuses to submit to post-accident, random, reasonable suspicion or follow-up tests will be terminated.

An employee who violates district prohibitions related to drugs and alcohol will receive from the district the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs available, at the employee's expense, to evaluate and resolve drug and alcohol-related problems. The employee will be evaluated by a substance abuse professional who will determine what help, if any, the employee needs in resolving such a problem.

Any substance abuse professional who determines that an employee needs assistance will not refer the employee to a private practice, person, or organization in which he/she has a financial interest except under circumstances allowed by law.

If an employee is ever returned to safety sensitive duties, the employer must insure that the employee:

1. Has been evaluated by a substance abuse professional;
2. Complied with any recommended treatment;
3. Has taken a return-to-duty drug and alcohol test with a result indicating an alcohol concentration level of less than 0.02;
4. Is subject to unannounced follow-up drug and alcohol tests. The number and frequency of such follow-up testing will be as directed by the substance abuse professional and consist of at least six tests in the first 12 months following the employee's return to duty;
5. Has maintained insurability under the Board's fleet insurance carrier, holds and maintains an Ohio CDL with school bus endorsement, and holds and maintains bus certification granted by the Educational Service Center of Lorain County.

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Columbia Local Schools, Columbia Station, Ohio

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