

## **EMPLOYEE ALCOHOL AND DRUG TESTING** *(Testing Procedures for Drivers)*

In accordance with Board policy, the following procedures apply to drug and alcohol testing of drivers.

### **Definitions**

For the purposes of this procedure, the following terms are defined:

*Driver* -- Any person who operates a commercial motor vehicle. This includes full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and independent, owner-operated contractors.

*Safety-Sensitive Function* -- Includes responsibilities such as time on duty waiting to be dispatched; driving time; assisting or supervising loading or unloading; and repairing, obtaining assistance for or remaining in attendance upon a disabled vehicle. All time spent providing drug and alcohol samples, including travel time to and from the collection or testing site as needed to comply with random, reasonable suspicion, post-accident or follow-up testing will also be considered safety-sensitive functions.

*Alcohol* -- Intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

*Drug* -- Any controlled substance listed under section 102(6) of the Controlled Substances Act as specified by the administrator of the federal department of transportation.

*Substance Abuse Professional* -- A licensed physician or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol- and drug-related disorders.

*Reasonable Suspicion* -- Specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of an individual.

*Qualified Supervisor* -- An employee or driver supervisor who has completed at least 60 minutes of training on alcohol misuse and at least 60 minutes of additional training on controlled substance use.

### **Program Coordinator**

The superintendent shall serve as the program coordinator to implement the alcohol and drug testing program of the district.

## **Pre-Employment Tests**

The district will not allow a driver to perform a safety-sensitive function for the district unless the district has a verified negative test result for the driver. The district will not consider for employment any applicant who refuses to submit to drug testing and/or refuses to release information as required by the district.

The district may not require a new test if the driver has participated in a drug testing program required for operators of commercial vehicles within the previous 30 days or has participated in a random selection program for the previous 12 months, provided that the district has been able to make all verifications required by law.

## **Post-Accident Tests**

Alcohol and drug tests shall be conducted on a driver as soon as practical after any accident involving a district vehicle if such driver:

- ▶ Was performing safety-sensitive functions with respect to the vehicle and the accident involved loss of human life.
- ▶ Receives a citation under state or local law for a moving traffic violation arising from the accident if the accident involved bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
- ▶ Receives a citation under state or local law for a moving traffic violation arising from the accident if one (1) or more motor vehicles incurs disabling damage as a result of the accident, requiring the motor vehicle(s) to be transported away from the scene by a tow truck or other motor vehicle.

All post-accident alcohol and drug testing shall be conducted within the required time periods. If a test is not conducted within the appropriate period then the test will not be given, and the program coordinator shall prepare and maintain a file documenting the reasons the test was not promptly administered. Tests for drugs must be administered within 32 hours following the accident and tests for alcohol should be administered within two (2) hours and must be administered within eight (8) hours following the accident.

A properly administered post-accident test conducted by federal, state and/or local law enforcement officials meets post-accident testing requirements as long as the results of those tests are provided to the district.

## **Random Testing**

Alcohol and drug testing shall be conducted on a random basis at unannounced times throughout the year in accordance with federal regulations. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive functions. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made.

## **Reasonable Suspicion Tests**

Any qualified supervisor who has reasonable suspicion to believe that a driver has violated the alcohol or drug prohibitions of the district shall require the driver to submit to the appropriate testing.

Alcohol testing is authorized for reasonable suspicion only if the required observations are made just before, during or just after the period of the work day when the driver must comply with alcohol prohibitions. The person who determines reasonable suspicion exists to conduct a drug or alcohol test will not administer the actual test. If an alcohol test is not administered within two (2) hours of a determination of reasonable suspicion, the qualified supervisor shall prepare and maintain a record explaining why this was not done. Attempts to conduct alcohol tests shall terminate after eight (8) hours, and the qualified supervisor will state in the record the reasons for not administering the test.

Drug and alcohol testing shall include documentation by a qualified supervisor who makes a finding of reasonable suspicion. He or she shall create and sign a written record of his or her observations leading to a reasonable suspicion test within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

## **Consequences**

Employment actions up to and including termination may be instigated in accordance with Board policy and law for any driver who tests positive for prohibited substances.

The program coordinator shall notify the director of the Missouri Department of Revenue (DOR) of any driver who has failed to pass any drug, alcohol or chemical test administered pursuant to Board policy and these procedures. Notification shall consist of the driver's name and any other relevant information required by the director of the Missouri DOR. Such notification shall be made within ten (10) days of discovering that the driver failed to pass such tests.

## **Return-to-Duty Tests**

Any driver who is not terminated as a result of a positive test must receive an evaluation from a substance abuse professional at the employee's expense and successfully pass an alcohol or drug test before the driver will be permitted to perform safety-sensitive duties. The substance abuse evaluation must be conducted in accordance with federal law and by a properly credentialed substance abuse professional.

## **Follow-up Tests**

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

## **Testing**

All testing will be conducted in accordance with federal law. The district will use only qualified collectors and testing facilities certified or approved by the U.S. Department of Health and Human Services. Drivers will be drug-tested for marijuana metabolites, cocaine metabolites, amphetamines, opiate metabolites and phencyclidine (PCP). Alcohol testing will be conducted by qualified collectors at facilities that meet federal standards.

## **Notification**

The program coordinator shall ensure that all drivers receive written materials explaining the district's drug and alcohol misuse prevention program, including copies of or access to applicable policies, procedures, handbooks or other resources that include:

1. The identity of the program coordinator, who will have knowledge of the materials, policy, administrative procedures and the Omnibus Act.
2. Categories of employees covered.
3. Information about the safety-sensitive functions and what period of the work day the employee is required to be in compliance.
4. Specific information concerning prohibited conduct.
5. Circumstances under which drivers will be tested.

6. Procedures used in the testing process.
7. Requirements that drivers submit to alcohol and drug tests administered in accordance with federal law.
8. Explanation of what constitutes a refusal to submit to a drug and/or alcohol test.
9. Consequences of violations (e.g. discipline up to and including dismissal, removal from safety-sensitive functions as required by the Omnibus Act, referral to substance abuse professional for evaluation, treatment and follow-up testing as required).
10. Information on the effects of drug use and alcohol misuse on personal life, health and safety in the workplace.

Drivers shall sign statements certifying that they have received the materials.

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***Note: The reader is encouraged to review policies and/or forms to related information in this administrative area.***

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Cole County R-I School District, Russellville, Missouri