

**Employee Drug Testing – CDL Required Drivers
(Alcohol and Controlled Substances)**

Effective January 1, 1996, in compliance with the requirements of the Federal Omnibus Transportation Employee Testing Act of 1991, the District will implement a drug and alcohol testing program for all employees who are subject to commercial driver's license (CDL) requirements. This program includes drug and alcohol testing of drivers for reasons of (1) condition of employment (prior to first day of work), (2) random testing, (3) reasonable suspicion, and (4) post accident.

The Board has designed the Transportation Supervisor as program coordinator in charge of implementing testing within the program guidelines.

Definition of Terms

Alcohol – The intoxicating agent in beverage alcohol, ethyl alcohol or low molecular weight alcohols including methyl and isopropyl.

Drug – Includes any of the following controlled substances, marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

Driver – Any person who operates a commercial motor vehicle. Includes: full-time, part-time, casual, intermittent, or occasional driver status.

Safety Sensitive Function – Includes all on-duty functions performed from a time a driver begins work or is required to be ready to work until driver is relieved from work and all responsibility for performing work.

Alcohol and Drug Prohibitions

No driver shall report for duty, remain on duty, or operate a commercial motor vehicle:

1. While having an alcohol concentration of 0.02 or greater;
2. While being in possession or using alcohol;
3. While having consumer alcohol within the past four hours;
4. While using or being under the influence of a controlled substance;
5. While using a prescription or over the counter drug that adversely affects the driver's ability to safely perform safety sensitive functions; or
6. If the driver tests positive for drugs or alcohol.

No driver required to take a post accident test shall use alcohol for eight (8) hours following the accident or until he/she has completed the test.

Refusal to Submit to Testing

Refusal to submit to testing under this policy shall result in termination of employment as a driver. Failure to provide adequate breath or urine for testing will be considered a refusal to submit to testing. Any action that impedes the proper administration of a test will result in termination of employment as a driver.

Condition of (Pre) Employment

Offers of employment are contingent on successful passing of drug/alcohol test. Testing shall be conducted prior to the first day of work. A refusal to submit to drug testing and/or refusal to release information as required by the District shall void offer of employment. A positive test result will void offer of employment.

Random

Testing shall be conducted on a random basis at unannounced times throughout the year in accordance with Federal requirements. Testing shall be conducted just before, during or just after the performance of safety sensitive functions. Employees will be selected by a scientifically valid random process with each driver having an equal chance of being tested each time selections are made.

Reasonable Suspicion

Any supervisor of a driver subject to this policy who has reasonable suspicion that a driver has violated the alcohol/drug prohibitions of the District, or receives reports from a reliable source of suspected violation, shall require the driver to submit to reasonable suspicion 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 workday when the driver must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines reasonable suspicion. Tests for reasonable suspicion of alcohol shall terminate after eight hours.

Post Accident

Alcohol and drug tests shall be conducted as soon as practicable after an accident on any driver who:

1. Was performing a safety sensitive function with respect to a District vehicle if the accident involved loss of life; or
2. Receives a citation under state or local law for a moving traffic violation arising from a reasonable accident. (A recordable accident includes; (a) bodily injury requiring immediate treatment away from the accident scene; and/or (b) disabling damage to one or more vehicles requiring the vehicle to be towed away from the scene.)

After an accident, drivers shall make themselves available for testing unless such driver has the need for immediate medical attention. No driver required to take a post accident test shall use alcohol for eight (8) hours following the accident or until he/she has completed all testing.

Post accident testing may be fulfilled by properly administered tests conducted by federal, state and/or local law enforcement officials as long as the results of those tests are provided to the District.

Testing Procedures

The District shall follow the Federal guidelines and standards of the Department of Health and Human Services and the Department of Transportation regarding testing and laboratory procedures. This shall include:

1. Selection of sites with appropriately trained personnel to conduct alcohol and drug testing;
2. Selection of a laboratory certified by the Department of Health and Human Services to conduct drug specimen analysis; and
3. Selection of a Medical Review Officer (licensed medical doctor or doctor of osteopathy) to verify laboratory drug test results.

The specimen collection procedures and chain of custody shall ensure that specimen security, proper identification, and integrity are not compromised.

Enforcement and Verification of Positive Test Results

In the event a driver tests positive for a controlled substance, the driver shall have the right to have the split specimen (collected at the same time as the test specimen) retested by providing, written notice to the Medical Review Officer within seventy-two hours of being notified of the positive test result. The driver will be removed from all safety sensitive duties until confirmation is received by the District from the Medical Review Officer.

A driver testing positive for a controlled substance will be terminated from employment as a driver.

In the event a driver tests at an alcohol level 0.02 or greater just before, during, or just after performing a safety sensitive duty, the driver shall be removed from all safety sensitive duties and will be terminated from employment as a driver.

Confidentiality of Employee Records

Driver test records shall be maintained in strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to driver's use of alcohol or drugs and test results.

Records shall be made available to any subsequent employer or to other identified persons **only as expressly requested in writing** by the driver. Test records shall be maintained in a separate locked file at the District's Human Resource Office.

Notification

The program coordinator shall ensure that all covered employees receive educational materials that explain the requirements of the Code of Federal Regulations Title 49, Part 382 and Part 40, together with a copy of the District's Policy GBCD. Included:

1. Identify the program coordinator (Transportation Supervisor), a contact person knowledgeable about the materials, policy, administrative regulations and the Omnibus Act;
2. Categories of employees covered;
3. Specific information concerning prohibited conduct;
4. Circumstances under which employees will be tested;
5. Procedures used in the testing process;
6. Requirements that a driver submit to alcohol and drug tests administered in accordance with Federal Law;
7. Explanation of what constitutes a refusal to submit to testing; and,
8. Consequences for drivers found to have violated the drug and alcohol prohibitions of this policy.

The District shall notify a driver in writing of the results of pre-employment, random, reasonable suspicion, and post accident drug and alcohol tests if the tests are verified positive.

District Records and Reports

The District shall maintain records of its alcohol and drug prevention programs as required by Federal Law in 49 CFR 382.401.

Adopted: September 12, 1995

CROSS REFS.: GBCB Staff Conduct (Alcohol and Drugs)
GBCC Drug-Free Awareness Program
GBCCA Drug-Free Workplace
GBCCE Notice to Employees of the Drug-Free Workplace
GDP Support Staff Termination of Employment
GCP Professional Staff Termination of Employment