

DRUG AND ALCOHOL TESTING FOR COMMERCIAL DRIVER'S LICENSED EMPLOYEES

Commercial Driver's Licensed (CDL) drivers who operate a motor vehicle requiring a commercial driver's license are subject to a drug and alcohol testing program that fulfills the requirements of the federal regulations.

These district regulations 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 specifically addressed in Federal regulation. 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 drugs and controlled substances are interchangeable and have the same meaning. Drugs refer to marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines).

REQUIRED TESTING

Drivers shall be subject to pre-employment/pre-duty drug testing and to reasonable suspicion, random, post-accident, return-to duty and follow-up alcohol and drug testing pursuant to procedures set out in the Federal regulations. The procedures use an evidential breath testing device for alcohol testing. For controlled substances testing, urine specimen collection testing by a laboratory certified by the U.S. Department of Health and Human Services shall be required.

PRE-EMPLOYMENT TESTS

Drug tests will be administered before a driver performs any safety-sensitive functions for the District.

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

POST-ACCIDENT TESTS

Alcohol and controlled substance tests will be conducted as soon after an accident in conformance with Federal regulations.

No driver involved in an accident may use alcohol for eight (8) hours after the accident or until after he/she undergoes a post-accident alcohol test, whichever occurs first.

If an alcohol test is not administered within two (2) hours or if a drug test is not administered within thirty-two (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 driver operates a commercial motor vehicle, the District will provide him/her 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 throughout 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, a driver must immediately proceed to a collection site to provide a urine specimen. The District shall provide or make available transportation to the collection site for the employee to be tested.

Drivers will be selected by a scientifically valid random process, and each driver will have an equal chance of being tested each time selections are made. The number of CDL drivers selected for random testing will be in accordance with Federal regulations.

An employee covered by the Federal regulations may not refuse to take a required test. Such refusal shall result in termination.

REASONABLE SUSPICION TESTS

Tests must be conducted when a properly trained supervisor or District official has reasonable suspicion that the driver has violated the District's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver'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 driver must comply with alcohol prohibitions. If an alcohol test is not administered within two (2) 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 (8) 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/her observations leading to a reasonable suspicion drug test within twenty-four (24) hours of the observed behavior or before the results of the drug test are released, whichever is earlier. The employee to be tested shall be transported to the collection site.

CONSEQUENCES IF TESTING INDICATES DRUG OR ALCOHOL MISUSE

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions in accordance with the Federal regulations.

The Board retains the authority consistent with State and Federal law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the employee's qualifications for the performance of his/her job.

The District is not required under Federal law requiring drug and alcohol testing to provide rehabilitation, pay substance abuse treatment or to reinstate the employee. All employment decisions involving termination or dismissal shall be made in accordance with applicable District policies.

RECORDS

The District shall maintain records in compliance with the Federal regulations in a secure location with controlled access. With the driver's consent, the District may obtain any of the information concerning drug and alcohol testing from the driver's previous employer. A driver shall be entitled upon written request to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances including information pertaining to alcohol or drug tests.

Employee drug and alcohol test results and records will be maintained under strict confidentiality and released only in accordance with law. Upon written request, a driver 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 driver.

NOTIFICATIONS

Each driver 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. The information will identify:

1. The person designated by the district to answer driver questions about the materials.
2. Categories of drivers who are subject to the drug and alcohol testing requirements.
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear for what period of the work day driver compliance is required.
4. Specific information concerning driver conduct that is prohibited.
5. Circumstances under which a driver 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 driver and the integrity of the testing processes, safeguard the validity of test results and insure that test results are attributed to the correct driver.
7. The requirement that a driver submit to drug or 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 attendant consequences.
9. Consequences for drivers found to have violated the drug and alcohol prohibitions including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment.
10. Consequences for drivers 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 a 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 driver must sign a statement certifying that he has received a copy of the above materials.

The District will inform drivers before drug and alcohol tests are performed.

The District will notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his employment application.

The District will notify a driver 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 driver which controlled substances were verified as positive.

Drivers will inform their supervisors 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 driver that it will not adversely affect his ability to safely operate a commercial motor vehicle.

ENFORCEMENT

Any driver who refuses to submit to post-accident, random, reasonable suspicion tests will not be allowed to perform or continue to perform safety-sensitive functions.

A driver who in any other way 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 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 driver needs in resolving such a problem. All cost for such treatments will be at the employee's expense.

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

Adopted:

Revised: