

DRUG & ALCOHOL TESTING FOR EMPLOYEES

This exhibit reflects several requirements of the federal drug testing regulations for covered employees. It serves as a shorthand guide to these regulations and is not intended in any way to modify or limit the procedures for drug and alcohol testing specifically addressed in federal regulations. District personnel must adhere to the detailed provisions of federal regulations when administering the district's drug and alcohol program.

Controlled Substance and Alcohol Use Restrictions

Employees are prohibited from:

1. Using alcohol while performing safety sensitive functions.
2. Performing safety-sensitive functions within four hours after using alcohol.
3. Using alcohol for eight hours following an accident or until the employee has undergone post-accident alcohol tests, whichever occurs first.
4. Reporting for duty or remaining on duty when the employee has used a controlled substance, except when use is pursuant to instruction of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to perform safety-sensitive functions.

Employees must inform their supervisors if, at any time, they are using a controlled substance that 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 the ability to safely perform safety-sensitive functions. Hemp product consumption is not an acceptable alternative medical explanation for a positive marijuana result.

Pre-Employment Tests

Applicants offered a covered position must undergo controlled substance testing prior to performing a safety-sensitive function except:

An applicant may be exempt from the pre-employment drug test if the applicant has participated in a drug testing program within 30 days prior to the application for employment and while participating in that program 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 as soon after an accident as practicable on any employee who:

1. Was performing safety-sensitive functions with respect to the vehicle if the accident involved loss of human life.
2. Who receives a citation within eight hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:

3. Bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident; or
4. One or more motor vehicles incurred 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.

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 driver operates a vehicle designed to transport ten or more passengers, the District must provide the driver 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 an immediate time proximity to performing safety-sensitive functions. Once notified of selection for drug testing, an 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/or 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 workday 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.

The person who determines that reasonable suspicion exists may not conduct an alcohol test.

A supervisor or district official who makes a finding of reasonable suspicion also must make a written record of the 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

If an employer chooses to reinstate an employee who has violated the drug and/or alcohol testing policy, the employee must:

1. Take a return to duty test only after a substance abuse professional has determined that the employee has successfully complied with prescribed education and/or treatment.
2. Have a negative drug test result and/or an alcohol test with concentration of less than .02 before resuming safety-sensitive duties.

Follow-Up Tests

If an employer chooses to reinstate an employee who has violated the drug and/or alcohol testing policy, and a substance abuse professional (SAP) determines that an employee requires follow-up testing, the employer must:

1. Follow SAP's testing requirements. An employee cannot continue to perform safety-sensitive functions unless complying with follow-up testing.
2. Follow-up tests must be unannounced with no discernable patterns in testing dates/times.
3. Tests conducted for other purposes (e.g. to meet the Department of Transportation random testing requirements) cannot be substituted for follow-up tests.

Educational Material Requirements & Notification

Each employer shall provide educational materials that explain the requirements of this part and the employer's policies and procedures with respect to meeting these requirements.

1. The employer shall ensure that a copy of these materials is distributed to each driver prior to the start of alcohol and controlled substances testing under this part and to each driver subsequently hired or transferred into a position requiring driving a commercial motor vehicle.
2. Each employer shall provide written notice to representatives of employee organizations of the availability of this information.
3. The materials to be made available to drivers shall include detailed discussion of at least the following:
 - a. The identity of the person designated by the employer to answer driver questions about the materials.
 - b. The categories of drivers who are subject to the provisions of this part.
 - c. Sufficient information about the safety-sensitive functions performed by those drivers to make clear what period of the work day the driver is required to be in compliance with this part.
 - d. Specific information concerning driver conduct that is prohibited.

- e. The circumstances under which a driver will be tested for alcohol and/or controlled substances, including post-accident testing.
- f. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures and instructions.
- g. The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this part.
- h. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences.
- i. Consequences for drivers found to have violated 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.
- j. Consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- k. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program, and/or referral to management.

The employer shall ensure that each driver signs a statement certifying that he or she has received a copy of these materials described in this section. Each employer shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver. Each employee must sign a statement certifying the receipt of a copy of the above materials.

Testing Notification

The District will notify an applicant of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the 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.

Referral

An employee 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 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 the substance abuse professional has a financial interest except under circumstances allowed by law.

End of Dickinson School District #1 Exhibit DBBA-E