

POLICY NO. 4400
Adopted: 1-24-96

DRUG AND ALCOHOL TESTING PROGRAM

POLICY:

The Board of Directors of Lake Stevens School District recognizes that it has a paramount duty in providing safe transportation of students; therefore, the Board establishes programs and procedures as mandated by and in accordance with Federal Highway Administration (FHWA) controlled substances and alcohol testing rules.

DRUG AND ALCOHOL TESTING PROGRAM

PROCEDURES:

The purpose of this procedure is to implement a drug and alcohol testing program pursuant to the United States Department of Transportation and Federal Highway Administration (FHWA) regulations and district policy.

This procedure applies to employees who, as part of their job duties, operate commercial motor vehicles and are subject to commercial driver's license requirements.

I. Prohibitions

The following alcohol and controlled substance-related activities are prohibited for employees who, as part of their job duties, operate commercial motor vehicles:

- A. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of .04 or greater.
- B. Being on duty or operating a vehicle while the driver possesses alcohol.
- C. Using alcohol while performing safety-sensitive functions.
- D. When required to take a post-accident alcohol test, using alcohol within eight (8) hours following an accident or prior to undergoing a post-accident alcohol test.
- E. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, return to duty, or follow-up testing requirements.
- F. Using alcohol within four hours of going on duty, operating or having physical control of a vehicle requiring a CDL to operate.
- G. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who had advised the driver and the District that the substance does not adversely alter the driver's ability to safely operate a vehicle.
- H. Reporting for duty, remaining on duty, or driving if the driver tests positive for controlled substances.

II. Testing Objectives and Requirements

- A. For the purpose of this procedure, the following are subject to testing:
 - 1. Marijuana
 - 2. Opiates
 - 3. Cocaine
 - 4. Amphetamine
 - 5. Phencyclidine
 - 6. Alcohol
- B. The use of drugs which are lawfully obtained and properly used shall be permitted provided that their use does not interfere with the individual's proper and safe work performance.
- C. Pre-employment drug tests shall be conducted on applicants for positions covered by this procedure. Following an offer of hire, applicants will be directed to report to the collection site as soon as practicable. Offers of hire will be made contingent upon a negative test result. A refusal to test or a positive test result shall be the basis for withdrawing the offer of hire.
- D. Reasonable suspicion means suspicion based on specific personal observations that a district representative can describe concerning the appearance, behavior, speech, and breath odor of the employee. Reasonable suspicion will be documented in writing at or near the time of observation. Observation will be by two (2) individuals, if possible, but in any case by at least one (1) supervisor trained in accordance with the procedure in the detection of probable drug use and alcohol misuse by observing behavior. Reasonable suspicion will subject the affected employee to testing as outlined in this procedure.
- E. All drivers involved in an accident shall be tested for alcohol and controlled substances as soon as practicable following the accident if (a) it results in the loss of a human life; or (b) the driver receives a citation under state or local law for a moving traffic violation arising from the accident and a person is injured requiring immediate medical attention away from the scene of the accident. Urine samples for post-accident drug testing must be obtained within thirty-two (32) hours of the accident. Breath samples must be obtained within eight (8) after an accident unless they have already submitted to post-

accident testing for the accident, or the District has determined they were not at fault.

- F. Employees are subject to random drug and alcohol testing as required by federal regulations. The testing will be at an annual rate of 50% for drugs and 25% for alcohol. The selection will be through the use of a computer-based number generated program and all employees in the random pool have an equal chance of being selected each time a selection is made.
- G. An employee subject to post-accident and reasonable suspicion drug and alcohol testing will be transported to the location of such testing by the District. After a post-accident and/or reasonable suspicion test is completed, the employee will be transported by the District, or at District expense, to his/her residence, or, if applicable, back to the workplace.

III. Consequences

- A. Should the results be negative for drugs, but positive for alcohol at a level of at least .02, but less than .04, the employee shall be prohibited from driving for twenty-four (24) hours beginning from the time the test was taken. The employee shall be suspended during that twenty-four (24) hour period.
- B. Should the test results be positive for drugs or positive for alcohol at or above the .04 level, the employee shall not be permitted to return to work until the employee has been evaluated by a Substance Abuse Professional (SAP). If the SAP recommends treatment that prevents the employee from working or requires that the employee be held out of service while treatment is pursued, the employee may request a medical leave of absence, without pay, until the SAP authorizes the employee's return to work, provided the employee may use accrued leave as appropriate. Any employee testing positive will be permitted to return to work only if the employee has signed and complied with all of the provisions of an "Agreement for Continuation of Employment."
- C. The District will apply the rehabilitation provision of this procedure to an employee on only one (1) occasion. Positive drug and/or alcohol tests thereafter will result in immediate termination.

- D. Notwithstanding any other section of this procedure, the District reserves the right to discipline employees for cause. Alcohol and drug abuse violations in the workplace may be subject to disciplinary measures, up to and including discharge.

IV. Employee Notification and Cooperation

- A. The Employer will inform the employee that he/she is subject to testing and will state whether the testing is reasonable suspicion, post-accident, or random testing.
- B. If the testing is for reasonable suspicion, the District administrative representative will explain that because of the observations of the employee's behavior, it is necessary to verify the employee's physical capability at that point in time.
- C. If the employee refuses promptly to take the test or sign the mandated forms, as updated, the District shall:
 - 1. Make it clear to the employee that the request to sign the required form(s) and to take the test is a direct order and thereby mandatory.
 - 2. Ask the employee if he/she understands the order. If the employee responds that he/she does not understand the order, the supervisor shall explain the order again.
 - 3. Explain to the employee that failure to comply with the order will result in the employee being treated as having tested positive for the substance or substances for which testing was requested, and will cause the employee to be relieved from duty and subject to employee evaluation.

V. Testing Procedures

- A. Both drug and alcohol testing will be performed in accordance with the procedures provided in 49 CFR, Part 40.
- B. The District will contract with Providence Occupational Medicine or another qualified contractor for random selection of employees for testing, specimen collection and breath alcohol testing, laboratory analysis, recordkeeping, the services of a Medical Review Officer (MRO), and another services related to drug and alcohol testing.