

**ALCOHOL AND CONTROLLED SUBSTANCE TESTING FOR EMPLOYEES
REQUIRED TO POSSESS A COMMERCIAL DRIVER'S LICENSE (CDL)**

1. **Employees Subject to Policy:** All employees of the Granton Area School District who are required as a condition of their employment to have a Commercial Driver's License (CDL) are subject to this policy. For the purposes of this policy, the word "employee(s)" shall refer only to those persons subject to the provisions contained herein.
2. **Periods of Compliance:** Employees are required to be in compliance with this policy while performing any safety-sensitive function and/or while on duty. Safety-sensitive refers to any on-duty functions as explained in 49 CFR part 3952 (Federal Register), and includes as follows:
 - A. all time at a shipper or carrier, etc., waiting to be dispatched
 - B. all time inspecting equipment
 - C. all driving time
 - D. all time in or on a CMV except resting time
 - E. all time loading or unloading
 - F. all time spent performing driver requirements relating to accidents
 - G. all time repairing, assisting, or attending a disabled CMV
 - H. performing any other work in the employ or service of Granton Area School District
 - I. performing any compensated work for Granton Area School District
 - J. all time spent providing a breath sample or urine specimen, including travel time to and from collection site, to comply with testing as directed by employer
3. **Prohibited Employee Conduct:** Employees are prohibited and the Granton Area School District is prohibited from using an employee to perform safety-sensitive functions after an alcohol test result indicating any Blood Alcohol Concentration (BAC), or a positive controlled substance test result. Employees are prohibited from using alcohol or illegal drugs while on duty, and may not perform safety-sensitive functions within four hours after using alcohol. Additionally, employees required to take a post-accident alcohol test may not use any alcohol until the test is completed, or until eight hours after the accident. If the supervisor has knowledge that an employee has any BAC, they may not permit the employee to perform or continue to perform safety-sensitive functions. Employees or employers who violate these provisions can be subject to a fine up to \$10,000 for each offense.
4. **Consequences of Positive Test:** If the testing confirms any alcohol concentration levels or the presence of a controlled drug, the employee shall be removed immediately from safety-sensitive functions in accordance with federal regulations and Board policy chapter 7, Section J. Before a driver is reinstated, if at all, the driver shall undergo an evaluation by a substance abuse professional, comply with any required rehabilitation and undergo a return-to-duty test with verified test results.

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 controlled drugs affects the employee's qualifications for and performance of his/her job.

The District is not required under the federal law requiring drug or alcohol testing to provide rehabilitation or pay for substance abuse treatment, or to reinstate the

employee.

5. Circumstances for Employee Testing: The Granton Areas School District must conduct (1) pre-employment, (2) post-accident, (3) random, (4) reasonable suspicion, (5) return to duty, and (6) follow-up testing of employees for the misuse of alcohol or use of controlled substances in conformance with CDL requirements.

A. Pre-Employment

All offers by the District to hire an applicant for a driver position are conditioned upon: (1) completing the District's general consent and release to be tested for drugs form; (2) taking a drug test as directed by the District and pass the test; (3) completing the District's authorization to obtain past drug and alcohol test results from previous employer(s) form; (4) passing the DOT-required physical exam; (5) complying with any other District conditions or requirements at the time of offer.

Any applicant who refuses or fails to complete the District's consent and release to be drug tested form, who refuses or fails to complete the District's authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment/pre-duty drug test, or whose result is positive, will not be considered eligible to work for the District.

B. Reasonable Suspicion Testing

Each driver is required to submit to a drug and/or alcohol test whenever the District has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT regulations and/or this policy. In the event a supervisor finds reasonable suspicion to test (based on personal observation and documented by a supervisor who has received training on performance indicators of probable drug and alcohol use) a drug and/or alcohol test of the employee will be required.

Whenever a driver is notified that there is reasonable suspicion to be tested, the driver must report to the collection facility immediately.

Drivers who are required to submit to a reasonable suspicion test will be escorted by a District official to the collection site for a drug and alcohol test.

If the driver refuses the District's efforts and insists on driving their own vehicle, or a District vehicle, the District reserves the right to take whatever appropriate action to prevent this action, including contacting law enforcement officials. Failure to abide by District policy may result in severe disciplinary action including suspension or dismissal.

C. Random Alcohol and Drug Tests

The District will conduct tests on a random basis at unannounced times throughout the year. Random alcohol testing shall be limited to the time period surrounding the performance of safety-sensitive functions which includes just before or just after the employee performs the safety-sensitive function. Random tests for drugs do not have to be conducted in the immediate time proximity to performing safety-sensitive functions. Once notified of selection for testing, a driver must proceed immediately to a designated collection site to provide a urine and/or breath specimen.

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 bus drivers selected for random testing will be in accordance with federal regulations.

Any driver who tests positive or who refuses to submit to a test will be considered to be medically unqualified to drive and/or perform any other safety-sensitive function and will be subject to disciplinary action, up to and including discharge.

D. Post-Accident Testing

As soon as practical following an accident involving an employee in operation of a CMV, but within 8 hours for controlled substance testing, that employee is required to undergo alcohol and controlled substance testing, provided one or more of the following had occurred:

1. the employee was performing a safety-sensitive function with respect to the vehicle involved in the accident and the accident involved the loss of human life
2. the employee receives a citation under state or local law for a moving violation arising from the accident and there is bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident
3. the employee receives a citation under state or local law for a moving violation arising from the accident and one or more vehicles incurring disabling damage as a result of the accident, requires a vehicle to be transported away from the scene by a tow truck or other vehicle.

E. Return to Duty Testing

Employees who have tested positive for alcohol will be required to undergo an alcohol test and receive a negative result before reinstatement will be considered.

Employees who have tested positive for controlled substance will be required to undergo a controlled substance test and receive a negative result before reinstatement will be considered.

F. Follow-up Testing

An employee identified as needing assistance in resolving problems associated with alcohol misuse or controlled substance use will be subject to at least six unannounced follow-up tests in the first twelve months following employee's return to duty. A Substance Abuse Professional, as defined in 49 CFR part 382.107, may direct additional testing during the twelve month period or for an additional period not to exceed sixty months.

Any assistance required will be on the employee's own time and at the employee's expense.

6. Procedure for Testing: Employees will be directed to a designated provider of testing services. To ensure the analysis and laboratory procedures will be performed in accordance with DOT protocols and safeguards as set forth in Part 40 of Title 49 of the Federal Code of Regulations. This will include: (1) procedures to ensure identity of driver at time of specimen collection; (2) strict chain-of-custody

procedure to ensure that the driver's specimen is not tampered with; (3) the use of a trained Breath Alcohol Technician (BAT) and National Highway Transportation Safety Administration (NHTSA) approved testing equipment for conducting alcohol tests; (4) the use of a laboratory which has been certified by Substance Abuse and Mental Health Services Administration (SAMHSA); (5) the confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GCMS); (6) the confirmation of an initial positive alcohol screen by a second analysis; (7) District appointment of a qualified Medical Review Officer (MRO) to review drug test results before they are reported to the District's designated contact person.

References to "tests" in these regulations include both drug and alcohol tests unless the context specifies otherwise. "Drugs" refer to cannabinoids, cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamine).

7. Procedures to Protect Employee Confidentiality: The Granton Area School District will maintain confidential records regarding the alcohol and controlled substance testing program. Said location will be secured, with restricted access to the information. Records will be released to the employee or other person authorized in writing by the employee, upon request.

The following records will be accurately maintained to help ensure the confidentiality and reliability of test results:

INDIVIDUAL RECORDS

- A. alcohol test results indicating a BAC of 0.02% or greater
- B. verified positive controlled substance test results
- C. employee refusals of required alcohol and/or controlled substance tests
- D. calibration information regarding the tests
- E. employee evaluations and resulting referrals
- F. records related to both supervisor and employee training
- G. alcohol test results indicating a BAC of less than 0.02%
- H. negative and/or canceled controlled substance test results

GROUP RECORDS

- A. records related to the alcohol and controlled substance testing collection process
 - B. a calendar year record survey summary of all individual test results
8. Testing Safeguards: The professional testing services provider hired by the employer to administer the alcohol and controlled substance testing program will be required to submit for approval, testing procedures that will assure the integrity and confidentiality of the testing program, safeguard the validity of test results, and ensure that those results are attributed to the correct employee.
 9. Refusal of Testing: This policy and federal law prohibits employees who have CDLs as a condition of employment from refusing to submit to any required tests. The Granton Area School District will inform any employees selected for alcohol and/or controlled substance testing that a refusal to submit to testing is considered a positive test. In addition, any employee potentially subject to post-accident testing must remain readily available for such testing. "Readily available" means at a location the employee's supervisor or employer's designee has approved, where the employee may be immediately reached by phone or two-way radio. An employee subject to post-accident testing who leaves the scene of an accident before a test is administered or fails to remain available for testing, may be deemed by the Granton

Areas School District to have refused to submit to testing. Any refusal will be considered as a positive test result and will subject the employee to consequences listed in Article IV of this policy.

10. Any employee who believes he/she may have an alcohol or controlled substance use problem is encouraged to seek assistance by contacting his/her physician, county or community human services program, or area substance abuse counseling center. The District will work to ensure that employees receive appropriate assistance and treatment, while protecting the employee's right to confidentiality.
 - A. According to the law, an employee is responsible for immediate reporting of any possible changes in CDL status to his/her employer. Failure to comply with the law may result in disciplinary action, up to and including immediate discharge. It is also the employee's responsibility to make every reasonable attempt to maintain his/her CDL license.
 - B. The employer may not necessarily grant a leave of absence to an employee who has lost his/her CDL. The leave of absence request will be evaluated based upon the length of time requested and the staffing needs.

Any questions concerning educational materials provided by the District or the Alcohol and Controlled Substance Policy, should be directed to the District Administrator.

Adopted:	December 12, 1995
Revised:	December 9, 2013

Legal References:
