

Administrative Regulation

Drug and Alcohol Testing, Employees in Safety Sensitive Positions

Introduction

The Garden Grove Unified School District has a long standing commitment to maintain the highest standards for employee safety and health, particularly for drivers of district vehicles. The use of drugs and/or the misuse of alcohol is contrary to these high standards.

Board Policy No. 4028, Administrative Regulation No. 4028.1, and the district's DOT Drug/Alcohol Testing Program Manual are collectively intended to bring the district into compliance with the requirements of the Department of Transportation (DOT), Federal Highway Administration (FHWA), Controlled Substances and Alcohol Use and Testing Rule, Code of Federal Regulations (CFR), Title 49, Part 382. The purpose of the testing policy is to reduce or prevent accidents, injuries, fatalities, and property damage which result from the use of a drug or misuse of alcohol. Implementation of this policy and supporting documents is effective January 1, 1995.

Responsibilities

The personnel director shall act as program coordinator and be responsible for questions related to this policy or its implementation. Supervisors shall be responsible for observing performance and/or behavior as well as documenting of events to determine when testing for a drug or alcohol is necessary for reasonable cause. Each district employee governed by this policy has the responsibility to be knowledgeable of and to fully comply with the policy.

Definitions

For the purpose of this regulation all applicable definitions in the DOT Drug/Alcohol Testing Program Manual apply.

Who Is Covered by the Policy

Every district employee required to possess a commercial driver's license and who operates a commercial motor vehicle as defined in the DOT Drug/Alcohol Testing Program Manual is subject to this policy.

Notification to Employees Covered by the Policy

The district shall notify each employee affected by this policy that a drug and alcohol test is required and each employee shall receive a copy of the DOT Drug/Alcohol Testing Program Manual and acknowledge that receipt by his/her signature. The DOT Drug/Alcohol Testing Program Manual shall also be available and readily accessible in prominent visible locations at the Maintenance and Operations Office and the Classified Personnel Office.

Testing Procedures

All specimen collections for drugs and alcohol shall comply with 49 CFR, Part 40. A urine specimen will be collected to test for drugs. A breath sample will be collected to test for alcohol, using an Evidential Breath Testing Device (EBT) and evaluated by a certified Breath Alcohol Technician (BAT).

Substances Which Will Be Tested

- Alcohol
- Cocaine
- Opiates
- Amphetamines
- Marijuana
- Phencyclidine (PCP)

Drug Testing Laboratory

The district shall use a testing laboratory certified under the guidelines in 53FR 11970 (4/11/88) and subsequent amendments and who provides services in compliance with Part 40 and Part 382, CFR. The name and address of each SAMHSA laboratory used by the district shall be listed in the DOT Drug/Alcohol Testing Program Manual.

Time Period Testing Is Conducted

Employees covered by this policy may be tested just before, during, or just after their assigned work shift as enumerated in the DOT Drug/Alcohol Testing Program Manual.

Types of Tests Required

- A. Pre-Employment Testing - A drug and alcohol test shall be conducted before a new employee performs a safety sensitive function, transfers to a position that performs a safety sensitive function, or returns to a safety sensitive function from a leave of more than thirty (30) days due to illness, layoff, injury, etc. A negative test result is required prior to the employee performing safety sensitive functions.

Employees covered by this policy may be excused from pre-employment testing for drugs and/or alcohol if certain preconditions exist or prior testing has been performed. These exceptions are specified in the district's DOT Drug/Alcohol Testing Program Manual.

- B. Post-Accident Testing - Following an accident, as defined in FMCR 390.5 and in the DOT Drug/Alcohol Testing Program Manual, a post-accident drug and alcohol test shall be administered if the accident involves the loss of human life or the district employee received a moving traffic citation by state or local authorities as a result of the accident, or if one or more vehicles incur disabling damage requiring the vehicle to be transported by tow truck or other vehicle. The employee must be tested as soon as possible but no later than thirty-two (32) hours after the accident for drugs and no later than eight (8) hours after the accident for alcohol. If either of the tests is not conducted within the defined allowable period, the district shall prepare and maintain a record stating the reasons why the tests were not administered promptly. Post-accident breath, blood or urine tests completed by local, state or federal officials may fulfill this policy requirement, if their results are available to the district.

A driver who is subject to post-accident testing must remain readily available for such testing or may be deemed as refusing to submit to such testing. The district shall provide information to the driver on how to comply with the requirement. Post-accident testing obligations should not delay necessary medical attention to the employee nor prevent temporarily leaving the scene to summon assistance to the accident.

- C. Random Testing - Safety sensitive drivers shall, by federal regulation, be subject to drug and alcohol testing on an unannounced and random basis. The number of drug tests conducted shall be equal to at least 50 percent of the number of covered drivers, and the number of alcohol tests conducted shall be equal to at least 25 percent of the number of covered drivers spread reasonably over a 12 month period of time.

Selection of employees to be tested shall be made by a scientifically valid method, such as a computer generated random selection. Each employee covered by this policy shall have an equal chance of being tested each time the selection is made from the district's own pool group. Once the driver is notified of his/her selection the driver must be available for testing immediately.

Reasonable Suspicion Testing - A supervisor or district official, who is trained in detection of the possible symptoms of drug use and/or alcohol misuse, can request a test of a driver where there is reasonable cause to suspect an employee has violated this policy. Reasonable suspicion shall be determined upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odor of the suspected employee.

Return to Duty Testing - Each covered driver who has violated the prohibited standards related to drugs and/or alcohol shall be tested before returning to his/her safety sensitive function. Test results must verify a negative result for drugs and/or an alcohol level of 0.019 or less.

- F. Follow-up Testing - Each covered driver who has violated the prohibited standards related to drugs and/or alcohol shall be subject to unannounced follow-up testing as described in the DOT Drug/Alcohol Testing Program Manual. At least six (6) tests must be conducted in the first twelve (12) months following the employ-ee's return to duty.

PROHIBITED CONDUCT

- A. No driver shall refuse to submit to a required drug and/or alcohol test, including, post-accident, random, reasonable suspicion, or follow-up tests.
- B. No driver shall report to duty or remain on duty when the driver uses a drug, except when the substance is prescribed by a licensed physician and the prescribed drug does not adversely affect the employee's ability to perform safety sensitive functions.
- C. No driver whose breath alcohol concentration is 0.04 or greater shall remain on duty.
- D. No driver shall be permitted to have more than one occurrence of a breath alcohol concentration of 0.02 to 0.039.
- E. No driver may use or possess alcohol while on duty.

- F. No driver shall perform a safety sensitive function within four (4) hours after using alcohol.
- G. No driver shall use alcohol within eight (8) hours after an accident or until an alcohol test has been completed, whichever comes first.

CONSEQUENCES FOR PROHIBITED CONDUCT

- A. A driver who engages in prohibited conduct detailed in this policy or the DOT Drug/Alcohol Testing Program Manual shall not remain on duty.
- B. A driver shall not be hired if he/she refuses to submit to a pre-employment drug and/or alcohol test.
- C. A driver shall not remain on duty if he/she refuses to submit to a post-accident, reasonable cause, random or follow-up drug and/or alcohol test.
- D. A driver shall be removed from duty for a minimum of 24 hours if a positive alcohol breath test shows an alcohol concentration from 0.02 to 0.039. More than one occurrence of a breath alcohol concentration of 0.02 to 0.039 shall result in referral to a substance abuse professional for further evaluation.
- E. A driver with a breath alcohol concentration of 0.04 or greater may not return to a safety-sensitive function until he/she has been retested and found to have an alcohol concentration level of 0.019 or less and cleared to work by a Substance Abuse Professional acceptable to the district.
- F. Any driver who violates this policy and/or prohibited standards enumerated in the DOT Drug/Alcohol Testing Program Manual shall be subject to disciplinary action, up to and including dismissal.

REFERRAL, EVALUATION, AND TREATMENTS

Drivers engaged in conduct prohibited by this policy will be evaluated by a Substance Abuse Professional and provided with recommended resources or assistance to resolve problems associated with drug use or alcohol misuse.

MEDICAL REVIEW OFFICER (MRO)

The MRO, a licensed physician, with a knowledge of drug abuse and/or alcohol disorders, contracted by the district shall comply with the testing requirement of Part 40.33 and 382, CFR. The role of the MRO is to review and to interpret all test results obtained in the implementation of this policy. The district's contracted MROs are listed in the DOT Drug/Alcohol Testing Program Manual.

SUBSTANCE ABUSE PROFESSIONAL (SAP)

The SAP is a licensed physician, psychologist or other specially trained professional with a knowledge of and clinical experience in diagnosis and treatment of drug and alcohol related disorders. SAPs work with employees found in violation of this policy or who seek information regarding drug use and alcohol misuse as specified in the DOT Drug/Alcohol Testing Program Manual. The SAPs acceptable to the district to implement this policy will be provided to employees as necessary.

CONFIDENTIALITY

Information regarding any driver's test results will not be released, except to the district, without the driver's written consent. Any exceptions to the confidentiality policy are specifically enumerated in the DOT Drug/Alcohol Testing Program Manual.

The district may obtain, with the drivers written consent, any records relating to this drug and alcohol policy, from a previous employer as specified in the DOT Drug/Alcohol Testing Program Manual.