

1.0 Purpose

To provide a safe, healthy, and drug-free workplace for all employees and students. This program implements uniform policies and procedures as established by the Federal Department of Transportation regulations pursuant to the Omnibus Transportation Employee Testing Act of 1991. The regulations require testing for the illegal use of controlled substances and misuse of alcohol for all employees who are required to obtain a Commercial Driver's License (Class A and B inclusive).

2.0 Scope

This program shall include any employee who possesses a Commercial Driver's License (Class A and B inclusive).

3.0 Definitions [See 49 C.F.R. Sections 40.3, 107, 390.5, 395.2]

3.1 Accident

An occurrence involving a commercial motor vehicle operating on a public road which results in (i) a fatality; (ii) bodily injury requiring immediate medical treatment away from the scene of the accident; or (iii) one or more motor vehicles incurring disabling damage requiring that the vehicle be towed from the accident scene. [49 C.F.R. Section 390.5.]

3.2 Alcohol

Under this policy, alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

3.3 Alcohol Concentration

The concentration of alcohol in a person's blood or breath. When expressed as a percentage, it means grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath. [49 C.F.R. Section 390.5.]

3.4 Alcohol Use

Consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. [See 49 C.F.R. Section 382.107.]

3.5 Aliquot

A portion of a specimen used for testing.

3.6 Blood Alcohol Testing

Authorized only under the following circumstances:

- (a) Where post-accident or reasonable suspicion testing is appropriate, and an EBTD (See 3.7) is not readily available for either screening and/or confirmation tests.
- (b) Where the employee attempts and fails to provide an adequate test amount of breath for EBTD testing. [49 C.F.R. Section 40.71.]

If the initial blood test results are positive, showing an alcohol concentration of .04 or greater, the laboratory shall analyze a second aliquot of the blood specimen using gas chromatography. If this test result also is .04 or greater the employee may request confirmatory testing within 72 hours of notification of the positive results. [49 C.F.R. Section 40.77.]

3.7 Breath Alcohol Testing - "EBTD"

An Evidential Breath Testing Device (EBTD) will be used to detect the presence of alcohol in the system. Any reading at .02 or higher will be considered positive.

All employees testing positive shall be required to submit to a second breath analysis after 15 minutes. [49 C.F.R. Section 40.65.]

Should an employee test at .02 or greater but less than .04, a confirmatory test will be conducted after 15 minutes. If that test also shows an alcohol concentration at .02 or greater but less than .04, the employee will be removed and/or prevented from performing safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following the administration of the test. [49 C.F.R. Section 40.63(4)(f); 49 C.F.R. Section 382.505.]

If the initial screen and confirmatory test show alcohol concentration above .04, the employee will be immediately removed and/or prevented from performing safety-sensitive functions and must meet the requirements of 49 C.F.R. Section 382.605 (See Section 7.2 below). [49 C.F.R. Section 382.501-503.] In addition, the employee may be subject to disciplinary action pursuant to applicable Personnel Commission Rules, including those governing the use or misuse of alcohol and/or controlled substances.

3.8 Certified Laboratory

Laboratory certified in accordance with the Department of Health and Human Services Guidelines, adhering to strict guidelines with respect to test evaluations and procedural safeguards, including "chain of custody" procedures which account for each specimen from the point of collection to final disposition. (See 49 C.F.R. Sections 40.23(a)-40.31.)

3.9 Controlled Substance

Drug or other substance, or its immediate precursor, included on drug schedules listed under Part B, 21 U.S.C. Section 812. The District's policy provides for testing to detect the presence of the following drugs and/or their metabolites: (1) marijuana; (2) cocaine; (3) opiates; (4) amphetamines; and (5) phencyclidine.

3.10 Drug Screen

An initial urinalysis using an immunoassay screen to eliminate "negative" urine specimens. The procedure utilizes split sample testing, with the initial specimen containing at least 30 ml of urine, and the second sample, 15 ml. If the test results of the primary specimen are positive, the employee may request that the MRO arrange for confirmatory testing of the secondary specimen at a different certified laboratory. However, the employee must make this request within 72 hours of receiving notice of the verified positive test results. The second confirmatory test shall be conducted by GC/MS procedure (See 3.10.) [49 C.F.R. Sections 40.25-40.33.]

The cut-off thresholds for positive test results are as follows:

<u>Substance</u>	<u>Initial Test Cut Off Level</u>	<u>Confirmatory Test Cut Off Level</u>
Marijuana metabolites ¹	50 ng/ml	15 ng/ml
Cocaine metabolites ²	300 ng/ml	150 ng/ml
Opiate metabolites	300 ng/ml ³	300 ng/ml - Morphine 300 ng/ml - Codeine
Phencyclidine	25 ng/ml	25 ng/ml
Amphetamines	1000 ng/ml	500 ng/ml (Amphetamine) 500 ng/ml (Methamphetamine) ⁴

[49 C.F.R. Section 40.29(e)(f), revised August 19, 1994.]

- 1 Delta-9-tetrahydrocannabinol-9-carboxylic acid.
- 2 Benzoyllecgonine.
- 3 -25 ng/ml if immunoassay specific for free morphine.
- 4 Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml.

3.11 Employee

For the purpose of this policy only, any person employed by the Anaheim Union High School District who is required to have a valid Commercial Driver License as a condition of employment.

3.12 Gas Chromatography Mass Spectrometry (GC/MS) Test

Any confirmation testing procedure that utilizes the most specific methodology to detect the presence of drugs and/or their metabolites.

3.13 Intoxicating Beverage

Any beverage containing alcohol, including but not limited to beer, wine and other forms of distilled liquor. [49 C.F.R. Sections 382.107; 383.5; and 392.5.]

3.14 Job Applicant

For the purpose of this policy only, any person who has received a job offer from the Anaheim Union High School District for a position requiring a Commercial Driver License. These offers are contingent on passing a pre-employment physical which includes a drug/alcohol screen.

3.15 Medical Clinic

A medical facility designated by the Anaheim Union High School District to perform medical examinations and drug/alcohol screens for pre-employment, reasonable suspicion, random, return-to-duty and follow-up testing, Medical Certificate renewal and post accident situations. The facility will collect testing samples and make determinations as to fitness for work, utilizing a Department of Health and Human Services certified laboratory for testing samples.

3.16 MRO - Medical Review Officer

A licensed physician responsible for receiving laboratory results from the employer drug-testing program. The doctor shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate positive test results in relation to the employee's medical history and other relevant information. [49 C.F.R. Section 40.3.]

3.17 Metabolite

An organic compound of a controlled substance the presence of which is detected by urinalysis or blood analysis.

3.18 Reasonable Suspicion

Reasonable suspicion sufficient to require an employee to undergo an alcohol and/or controlled substance test must be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. A trained supervisor will make the determination regarding whether there is reasonable suspicion to require a driver to undergo testing, based on observations made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. [49 C.F.R. Section 382.307.]

3.19 Refusal To Submit To Testing

Refusing to submit to either alcohol or controlled substance testing includes situations where a driver (1) fails to provide adequate breath for testing without a valid medical explanation after receiving notice of the requirements for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after receiving notice of the requirements for urinalysis, or (3) engages in conduct that clearly obstructs the testing process. [49 C.F.R. Section 382.107.]

3.2 Return To Duty After Lay-off

Pre-employment/pre-duty testing of drivers will be done each time a driver returns to work after a lay-off period where the driver has not been subject to random drug testing during the lay-off period or where the driver has been employed by another entity. (See Preamble, Subpart C, Section 382.301.)

3.21 Safety-Sensitive Functions

Drivers who are performing, ready to perform, or immediately available to perform on-duty work functions as follows:

- (1) all time waiting to be dispatched, unless the driver has been relieved from duty;
- (2) all time inspecting equipment or inspecting, servicing, or conditioning the vehicle;
- (3) all driving time;
- (4) all time, other than driving time, in or upon the commercial motor vehicle;
- (5) all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (6) all time spent performing the requirements for commercial drivers relating to accidents (49 C.F.R. Sections 392.40-41);
- (7) all time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. [49 C.F.R. Section 107; 49 C.F.R Section 395.2(1)-(7).]

4.0 Responsibilities

4.1 Employee

Complying with this policy and procedure.

4.2 Supervisor/Management Personnel

Complying with and enforcement of this policy and procedure. Managers trained in detection of probable alcohol misuse and/of controlled substance use shall make determinations regarding "reasonable suspicion" testing of drivers.

4.3 Personnel Services

Interpretation and administration of this policy and procedure, including maintaining all records required under the law. [49 C.F.R. Sections 382.401-404.]

4.4 MRO/Medical Review Officer

Contacting the employee to discuss test results prior to verifying a positive test to ascertain whether there are any other relevant facts and/or medical conditions which may have affected the test results. Arranging confirmatory testing upon timely request by employee. Maintaining records as required under the law.

5.0 Provisions and Conditions

- 5.1 All employees, rehires, and job applicants will be notified of this policy. Written notice of this procedure will be posted on District bulletin boards and a written summary shall be provided. Educational materials that explain the prevention requirements of the policy with respect to alcohol and controlled substance abuse, as well as information regarding the District's policies shall be made available to employees. [49 C.F.R. Section 382.601.] All job applicants who are required to obtain a Commercial Driver License will be advised of this policy by notice printed on the Anaheim Union High School District's employment application form and with any offer of employment.
- 5.2 All job offers made to applicants, including new hires and rehires who are required to obtain a Commercial Driver License, are conditional offers of employment requiring consent to and successfully passing a pre-employment physical examination which will include a drug/alcohol screen.
- 5.3 Job applicants, rehires, and drivers returning to duty have the right to refuse to submit to the drug/alcohol screen. Refusal will result in disqualification from consideration for employment and/or continued employment. [49 C.F.R. Section 382.507.]
- 5.4 This policy and procedure measures conduct and is not for purposes of establishing the status of any employee and/or applicant as an alcoholic and/or drug addict.
- 5.5 Employees who violate any provision of this policy will be removed and/or prevented from performing safety-sensitive functions. Employees testing positive for controlled substance use and/of alcohol concentration levels at greater than .04 must also meet the requirements under 49 C.F.R. Section 382.605 (See Section 7.2 below). [49 C.F.R. Sections 382.501-503.] Additionally, the employee may be subject to disciplinary action pursuant

to the applicable Personnel Commission Rules, including those governing the use or misuse of alcohol and/or controlled substances.

- 5.6 Employees who refuse to comply with a supervisor's request as it relates to this procedure will be removed and/or prevented from performing safety-sensitive functions and may be subject to disciplinary action pursuant to the applicable Personnel Commission Rules, including those governing the use or misuse of alcohol and/or controlled substances. [49 C.F.R. Section 382.211.]
- 5.7 Results obtained by the Anaheim Union High School District from any form of drug/alcohol testing are confidential and will not be shared with any party other than District management and the affected employee or applicant without written consent of the affected employee or applicant except as required by law, or in any proceeding in which the results may be relevant. [49 C.F.R. Section 382.401.]
- 5.8 The medical clinic designated by the Anaheim Union High School District will maintain records and professionally perform procedures for specimen collection, chain of custody records, testing, confidentiality and reporting in compliance with the approved licensing standards.
- 5.9 The District directs that all positive drug/alcohol split samples will automatically be sent to a Department of Health and Human Services certified laboratory for GC/MS confirmatory retest.
- 5.10 Employee-Requested Retesting [49 C.F.R. Section 40.33.]
 - 5.10.1 In situations where a single sample method of collection is used, the employee within 72 hours of being informed of a verified positive result may request that the MRO direct a reanalysis of the original sample at a certified laboratory approved by the Anaheim Union High School District.
 - 5.10.2 Where split sample collection is used, the employee within 72 hours of being informed of a confirmed positive test may request that the MRO direct that the second sample be tested at a different certified laboratory. The employee is not authorized to request a reanalysis of the primary specimen.

5.10.3 If the employee does not contact the MRO within 72 hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive result, or other circumstances unavoidably prevented compliance with the time limitation for requesting confirmatory testing. The MRO shall direct the applicable retesting procedure where there is a legitimate explanation for the employee's failure to timely comply.

6.0 Prohibited Conduct

- 6.1 No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of .04 or greater. [49 C.F.R. Sections 382.201; 382.501-503.]
- 6.2 No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances. [49 C.F.R. Sections 382.215; 382.501-503.]
- 6.3 No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. [49 C.F.R. Section 382.204.]
- 6.4 No driver shall use alcohol while performing safety-sensitive functions. [49 C.F.R. Section 382.205.]
- 6.5 No driver shall perform safety-sensitive functions within four hours after using alcohol. [49 C.F.R. Section 382.207.]
- 6.6 If the employer has actual knowledge of a driver's conduct as set forth in 6.1 through 6.5 shall not permit the driver to perform or continue performing safety-sensitive functions. [49 C.F.R. Sections 382.201-215.]
- 6.7 No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident or until testing, whichever occurs first. [49 C.F.R. Section 382.209.]
- 6.8 No driver shall refuse to submit to post-accident alcohol or controlled substances testing, random alcohol or controlled substances testing, reasonable suspicion alcohol or controlled substances testing, or follow-up alcohol or controlled substances testing. The District shall not permit a driver who refuses to submit to testing to perform or continue to perform safety-sensitive functions. [49 C.F.R. Section 382.211.]

- 6.9 No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a doctor who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. The driver is required to advise Anaheim Union High School District of any therapeutic drug use unless the driver's doctor has advised that such use does not adversely affect the driver's ability to operate a commercial motor vehicle. [49 C.F.R. Section 382.213.]
- 6.10 No driver who tests at .02 or greater but less than .04 for alcohol concentration shall be permitted to perform safety-sensitive functions until his/her next regularly scheduled shift, but not less than 24 hours have passed since the test administration. [49 C.F.R. Section 382.505.]
- 7.0 Consequences For Violations
- 7.1 Drivers who violate the policy by engaging in prohibited conduct shall not perform safety-sensitive functions, including driving a commercial motor vehicle. [49 C.F.R. Section 382.501(a)(b).]
- 7.2 No driver who has engaged in prohibited conduct shall perform safety-sensitive functions, including driving a commercial motor vehicle, without meeting the requirements under 49 C.F.R. Section 605, including:
- (1) Undergoing evaluation by a substance abuse professional;
 - (2) Prior to returning to duty requiring the performance of safety-sensitive functions, undergoing an alcohol test with results below .02 of alcohol concentration and/or undergoing a controlled substance test with a verified negative result;
 - (3) If the driver is identified by the substance abuse professional as needing assistance in resolving problems associated with alcohol misuse and/or controlled substance use, the substance abuse professional shall determine that the driver has properly followed any rehabilitation program; and
 - (4) The driver shall be subject to unannounced follow-up testing. [49 C.F.R Sections 382.503, 382.605.]

- 7.3 Drivers testing at an alcohol concentration rate at .02 or greater but less than .04 shall not perform or continue to perform safety-sensitive functions, nor shall the driver be permitted to perform such functions until the start of his/her regularly scheduled duty period, but not less than 24 hours after the administration of the test. [49 C.F.R. Section 382.505.]
 - 7.4 Drivers refusing to submit to a post-accident test after a fatal accident will be disqualified for one year. [49 C.F.R. Sections 382.211, 382.507, 386.]
- 8.0 Testing Procedures
- 8.1 Pre-employment Testing [49 C.F.R. Section 382.301]
 - 8.1.1 The Personnel Department shall notify all job applicants who are required to obtain a Commercial Driver's License that the Anaheim Union High School District maintains a drug-free workplace and all offers of employment are contingent upon successfully passing a pre-employment physical and drug/alcohol screen.
 - 8.1.2 The Personnel Department will make arrangements for both the pre-employment physical and drug/alcohol screen for all new hires, rehires and drivers returning after lay-off (where appropriate) to be conducted by the medical clinic.
 - 8.1.3 The medical clinic selected by the Anaheim Union High School District for pre-employment physical examinations shall be responsible for collecting specimens for drug/alcohol screens for all job applicants.
 - 8.1.4 Job applicants who refuse to submit to the pre-employment physical and/or the drug/alcohol screen will be disqualified from consideration for employment which requires the performance of safety-sensitive functions. [49 C.F.R. Section 382.211.]
 - 8.1.5 The medical clinic will notify the Anaheim Union High School District's Personnel Department, Director of Personnel, of the results of the pre-employment physical immediately, and of the results of the drug screen within 48 hours.
 - 8.1.6 The Director of Personnel, or the designee, shall inform job applicants who have tested positive of the results of the drug/alcohol screen and inform job applicants that they will not be considered for employment by the Anaheim Union High School District pursuant to applicable Personnel

Commission Rules. The District shall maintain records including the number of applicants who test positive or refuse to submit to the drug/alcohol screen. [See 49 C.F.R. Sections 382.401-413.]

8.1.7 The Director of Personnel or designee shall also inform the job applicant with a positive test result of the following:

1. If the job applicant is currently using a controlled substance/drug found in his or her system which has been prescribed by a physician, he or she may discuss this with the MRO at the medical clinic for reconsideration.
2. If the job applicant wishes to have the split sample urine specimen tested he or she may do so subject to the provisions outlined in Section 5.10 of this policy.
3. If the applicant's alcohol test results show a concentration at .02 or greater but less than .04, the applicant may not start work requiring the performance of safety-sensitive functions until at least 24 hours have passed since the administration of the test. [49 C.F.R. Sections 382.301, 382.505.]

8.2 Reasonable Suspicion Testing - Being Under The Influence [49 C.F.R. Section 382.307]

8.2.1 If a supervisor or company official trained in detecting alcohol misuse and controlled substance use (49 C.F.R. Section 382.603) determines that there is reasonable suspicion to believe that the driver has violated the prohibitions under this policy (except for Section 382.204 pertaining to possession of alcohol), the driver is required to undergo testing. [49 C.F.R. Section 382.307 (a).]

8.2.2 The employer's determination that reasonable suspicion exists to require alcohol or controlled substance testing must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances. [49 C.F.R. Section 382.307 (b).]

8.2.3 Reasonable suspicion alcohol testing is authorized only if the required "observations" are made during, just preceding, or just after the period of the work day that the driver is required to be in compliance with the policy.

A driver may be directed to only undergo reasonable suspicion testing while the driver is performing safety-sensitive functions, just before the driver is to perform such functions, or just after ceasing to perform such functions. [49 C.F.R. Section 382.307 (d).]

- 8.2.4 If an alcohol test is not administered within two hours following the determination of reasonable suspicion, records shall be prepared and maintained explaining why the test was not promptly conducted. If the test is not administered within eight hours after the determination of reasonable suspicion, the employer shall not administer an alcohol test and shall state in the record why the test was not timely administered.

Notwithstanding the absence of a reasonable suspicion alcohol test, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by behavioral, speech and performance indicators, nor shall the employer permit the driver to perform until:

- (a) an alcohol test is administered and the results measure less than .02 alcohol concentration; or (b) 24 hours have elapsed since the reasonable suspicion determination was made. [49 C.F.R. Section 382.307(e)(1)(2).]

- 8.2.5 Except as provided above (See 8.2.4, paragraph 2), the employer shall not take any action against a driver based solely on the driver's behavior and appearance with respect to alcohol use in the absence of an alcohol test. [49 C.F.R. Sections 382.307(e)(3); 382.505 (b).]

- 8.2.6 The person making the determination regarding reasonable suspicion shall not conduct the alcohol testing of the driver. A written record must be made of the observations leading to a controlled substance reasonable suspicion test, signed by the observing supervisor. [49 C.F.R. Section 382.307(c)(f).] The District requires the supervisor who observes signs of alcohol misuse or controlled substance use to immediately direct the employee away from the work area (e.g., into a private office.) A supervisor's observation will then be witnessed by another member of management where possible.

- 8.2.7 The District requires the supervisor to ask the employee to explain the cause of the employee's behavior, if possible. If there is a reasonable suspicion that the employee has used a controlled substance (drug) or alcohol, the supervisor shall inform the employee that his or her behavior warrants a drug and/or alcohol screen.
- 8.2.8 Management and supervisors are to restrict conversation concerning possible violations of this policy to those persons who are participating in any questioning, evaluation, investigation or disciplinary action and those who have a need to know about the details of the drug/alcohol investigation. Management and supervisors are to instruct other employees (except as stated above), not to discuss this investigation and/or reasonable suspicion testing.
- 8.2.9 Any employee who refuses to submit to a drug/alcohol screen will be immediately removed and/or prevented from performing safety-sensitive functions and may be subject to disciplinary action pursuant to the applicable Personnel Commission Rules, including those governing the use or misuse of alcohol and/or controlled substances. [49 C.F.R. Sections 382.501-503.]
- 8.2.10 The supervisor shall arrange for transportation to the medical clinic for the employee undergoing drug/alcohol screen. Under no circumstances will the employee be allowed to transport himself/herself to and from the medical clinic. The supervisor will make every attempt to have another member of management and union representation present when they transport the employee to and from the clinic.
- 8.2.11 If the results of the drug/alcohol screen reveal amounts of a controlled substance and/or alcohol at the threshold levels defined in Sections 3.7 and 3.10 of this policy, the employee will be immediately removed and/or prevented from performing safety-sensitive functions and must meet the requirements of 49 C.F.R. Section 382.605 (See Section 7.2). [49 C.F.R. Sections 382.501-503.] In addition, the employee may be subject to disciplinary action pursuant to the applicable Personnel Commission Rules, including those governing the use or misuse of alcohol and/or controlled substances.

- 8.2.12 If the condition or behavior of the employee creates a reasonable suspicion that the employee should not be allowed to return to his/her regular work assignment, the supervisor shall inform the employee that he or she is immediately removed and/or prevented from performing safety-sensitive functions pending the results of the drug/alcohol screen. The supervisor shall then make arrangements to transport the employee home. In addition, the employee may be subject to disciplinary action pursuant to the applicable Personnel Commission Rules, including those governing the use or misuse of alcohol and/or controlled substances.
- 8.2.13 Should the employee refuse to accept District-provided transportation and insist on driving home, the supervisor shall make every effort to convince the employee to allow the District to provide transportation. Whenever possible, the District will make every effort to involve a union representative in the situation to assist in the effort to avoid potential injury to the employee and/or others and to assure the safe transport of the employee to his or her home. Should the employee persist in refusing transportation and appear to be under the influence and/or incapable of driving safely, the supervisor shall, in the presence of another management employee, advise the employee that the District will notify the appropriate police agency or the California Highway Patrol and inform them of the situation. This is to be done in an effort to prevent the employee from possibly injuring himself or herself or someone else.
- 8.3 Random Testing [49 C.F.R. Section 382.305.]
- 8.3.1 The Director of Personnel shall ensure that 50% of all eligible employees submit to a urine test for controlled substances (drugs) each calendar year. The substances for which the District tests are detailed in Section 3.8 of this policy.
- 8.3.2 The Director of Personnel shall ensure that 25% of all eligible employees submit to a breath test for alcohol each calendar year.
- 8.3.3 Any alcohol breath analysis reading at .02 or higher will be considered as positive. Should an employee's breath analysis result be .02 or higher, the employee will be required to submit to a second breath analysis after 15 minutes.

Should the screen and confirmatory breath analysis show alcohol concentration levels of .02 or higher, but less than .04, the employee shall not be permitted to perform safety-sensitive functions until the beginning of his/her next regularly scheduled shift, but not less than 24 hours after the administration of the test. [49 C.F.R. Section 382.505.]

8.3.4 The Director of Personnel shall ensure the tests detailed in Sections 8.3.1 and 8.3.2 are totally secure and random.

8.3.4.1 Employees whose test results show alcohol concentration levels greater than .04 or whose test results are positive for controlled substances shall be removed and/or prevented from performing safety-sensitive duties and must meet the requirements of 49 C.F.R. Section 605 (See Section 7.2). [49 C.F.R. Sections 382.501-503.] In addition such employees may be subject to disciplinary action pursuant to applicable Personnel Commission Rules, including those governing the use.

8.3.5 Any employee who refuses to submit to a drug/alcohol screen will be immediately removed and/or prevented from performing safety-sensitive functions. In addition, the employee may be subject to disciplinary action pursuant to applicable Personnel Commission Rules, including those governing the use or misuse of alcohol and/or controlled substances.

8.4 Post-Accident Testing [49 C.F.R. Section 382.303.]

8.4.1 Any employee who is involved in an accident while driving a District vehicle, whether chargeable or not, will be required to submit to a drug/alcohol screen. An alcohol test must be administered within two hours and not later than eight hours following the accident. A controlled substance test must be administered within 32 hours following the accident.

8.4.2 A driver subject to post-accident testing shall remain readily available for testing or may be deemed to have refused to submit to testing. This section shall not be construed to require the delay of necessary medical attention for injured persons following the accident.

8.4.3 Any alcohol breath analysis reading at .02 or higher will be considered as positive. Should an employee's breath analysis test results show an alcohol concentration of .02 or higher but less than .04, the employee will be required to submit to a second breath analysis after 15 minutes.

Should the results of the second breath analysis test also be positive, the employee shall be removed and/or prohibited from performing safety/sensitive functions until the start of his/her next regularly scheduled shift, but not less than 24 hours after the test administration. [49 C.F.R. Section 382.505.]

- 8.4.4 Any positive drug screens or breath analysis results at .04% or higher shall be subject to provisions established in this policy under Sections 5.9-10 and 7.1-2, inclusive.
- 8.4.5 If the results of the drug/alcohol screen reveal amounts of a controlled substance (drug) and/or alcohol at the threshold levels defined in Sections 3.7 and 3.10 of this policy, the employee will be immediately removed and/or prevented from performing safety-sensitive functions must meet the requirements of 49 C.F.R. Section 382.605 (See Section 7.2). In addition, the employee may be subject to disciplinary action pursuant to the applicable Personnel Commission rules, including those governing the use or misuse of alcohol and/or controlled substances.
- 8.4.6 Any employee who refuses to submit to a drug/alcohol screen will be immediately removed and/or prevented from performing safety-sensitive functions. In addition, the employee may be subject to disciplinary action pursuant to applicable Personnel Commission Rules, including those governing the use or misuse of alcohol and/or controlled substances.
- 8.4.7 Drivers refusing to submit to a post-accident test after a fatal accident will be disqualified for one year. [49 C.F.R. Sections 382.211, 382.507.]
- 8.5 Return-to-Duty Testing [49 C.F.R. Section 382.309]
 - 8.5.1 Drivers who return to duty after having engaged in prohibited conduct related to alcohol must undergo an alcohol test. Test results must reflect alcohol concentration levels less than .02. Employees who return to duty after having engaged in prohibited conduct related to controlled substances are required to undergo a controlled substance test and obtain a verified negative result.

- 8.5.2 Pre-employment/pre-duty testing of drivers will be done each time a driver returns to work after a lay-off period where the driver has not been subject to random drug testing during the lay-of period or where the driver has been employed by another entity. (See Preamble, Subpart C, Section 382.301.)
- 8.6 Follow-Up Testing [49 C.F.R. Section 382.311.]
- 8.6.1 Drivers who engage in prohibited conduct shall be evaluated by a substance abuse professional, who shall determine what assistance the employee needs to resolve problems associated with alcohol misuse and/or controlled substance use.
- 8.6.2 The driver returning to duty after engaging in conduct prohibited under this policy will be subject to unannounced follow-up alcohol and/or controlled substance testing by the substance abuse professional. Follow-up alcohol testing shall be conducted only when the employee is performing safety-sensitive functions, or just prior to being or just after ceasing the performance of such functions.
- 9.0 Referral, Evaluation, and Treatment
- 9.1 The District shall advise any employee engaging in prohibited conduct of the resources available to the employee in evaluating and resolving problems related to alcohol misuse and the use of controlled substances. Such information shall include the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs. [49 C.F.R. Section 382.605 (a).]
- 9.2 Each employee engaging in prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in connection with alcohol misuse and/or use of controlled substances. [49 C.F.R. Section 382.605 (b).]
- 9.3 Prior to returning to work after engaging in prohibited conduct, the employee must undergo an alcohol test and obtain a result of less than .02 and/or pass a controlled substance test with a verified negative result. [49 C.F.R. Section 382.605(c)(1).]
- 9.4 Each employee identified as needing assistance in resolving problems associated with alcohol misuse and/or controlled substance use shall be evaluated by a substance abuse professional to determine adherence to any rehabilitation program and shall be subject to unannounced follow-up

testing. Such testing shall be directed by the substance abuse professional, and consist of a least six tests in the first 12 months following the employee's return to duty, and shall not exceed 60 months from the date of the employee's return to duty. [49 C.F.R. Section 382.605 (c)(2).]

9.5 The District is not required to provide or pay for rehabilitation or to hold a job open for a driver, with or without salary. (See Preamble, Subpart F, Section 382.605.)

9.6 The District is not required to refer for evaluation any applicant who refuses to submit to a pre-employment drug/alcohol test or whose test results indicate an alcohol concentration of greater than .04 or positive for controlled substance use. [49 C.F.R. Section 382.605 (f).]

10.0 Special Consideration

10.1 If an employee wishes to seek confidential counseling for drug/alcohol related problems, the employee should contact the Director of Personnel for reference to an Employee Assistance Program (EAP). The Employee Assistance Program may refer the employee to a Substance Abuse/Alcohol Rehabilitation Program. The Employee Assistance Program may be provided through the District's employee benefit insurance programs. Employees who voluntarily seek counseling may be monitored for successful completion of the program.

10.0 No employee who violates this policy can avoid the consequences set forth herein for such violations by rehabilitation program.

11.0 Validity

In the event any portion of this policy is rendered invalid by any new laws, the remainder of this policy shall remain valid.

Board of Trustees
December 5, 1994
Reviewed: December 10, 1998