

Policy of the Lancaster Board of Education

Personnel

LANCASTER COMMUNITY SCHOOL DISTRICT

DRUG/ALCOHOL RULES

I. SCOPE

This policy applies to all vehicle operators when on duty; whenever performing, or just about to perform, a safety-sensitive function.

Safety sensitive functions are defined as any on duty activity and include the following:

- (1) all time driving, including all layover time;
- (2) all time inspecting equipment;
- (3) all time waiting to be dispatched;
- (4) all time in or on a School Bus or CMV;
- (5) all time loading and unloading students, equipment or supplies;
- (6) all time spent performing requirements relating to accidents;
- (7) all time repairing, assisting or attending a disabled School Bus.
- (8) all time spent providing breath sample, urine specimen, including travel time to and from the collection site, in order to comply with testing as directed by the employer.

II. DEFINITIONS

A. The definition of on premises includes any work location, vehicle, property or office which is serviced or used by the School District.

B. The term illicit drugs i so-called look-alike and designer drugs; legally obtained drugs which are used in a manner other than that prescribed by a physician, and any substance which can affect a person's perceptions or motor functions.

C. The persons affected by this policy will be tested for at least the following substances: Amphetamines, Cannabinoids, Cocaine, Opiates, Phencyclidine (PCP), and Alcohol.

III. PROCEDURES

A. Pre-Employment:

All offers by the School District to hire an applicant for a driver position are conditioned upon:

- (1) completing the School District's general consent and release to be tested for drugs forms;
- (2) taking a drug test as directed by the School District and passing tests;
- (3) completing the School District's authorization to obtain past drug test results form from previous employer(s);
- (4) passing the DOT-required physical exam;
- (5) complying with any other School District conditions or requirements at time of offer.

B. Failure to Appear for Testing:

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

C. Reasonable Suspicion Testing:

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

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

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

D. Random Testing:

The School District is required to perform unannounced, random drug and alcohol testing of all covered employees. Every driver will have an equal chance to be selected each and every time a selection is conducted.

Whenever a driver is randomly selected to be tested, they will be notified of this in writing and instructed to report to the collection site immediately.

Any driver who tests positive for controlled substances or alcohol will be considered unqualified to drive and/or perform any other safety-sensitive function and will be subject to disciplinary action, up to and including discharge.

E. Post-Accident Testing:

A driver who has an accident while performing a safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible.

A driver must always submit to a post-accident test as soon as possible after an accident which involves the death of a human being.

A post-accident drug and alcohol test is required whenever a driver receives a citation for a moving violation involving the accident and either; (I) a person is injured because of the accident and the injuries require immediate medical attention to the person away from the accident scene; or (ii) one or more motor vehicles involved in the accident receive disabling damage and must be removed from the accident scene by a tow vehicle or another vehicle.

Following an accident under the above circumstances, all employees will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Employees involved in accidents must refrain from alcohol use for eight hours following the accident or until a drug/alcohol test has been administered. Employees who leave the scene of an accident without appropriate authorization prior to testing will be considered to have refused the test and be subject to discipline, up to and including discharge. Any other employee whose performance may have contributed to accident under this section will be tested, for example, maintenance or dispatching employees.

F. Compliance with testing

Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately. Refusal can include an inability to provide an adequate urine specimen or breath/saliva sample without valid medical reason or delaying arrival at the collection site, or engaging in any conduct which clearly obstructs

the testing process. Such refusals will be treated as insubordination and recorded as a positive test, with the employee subject to disciplinary action up to and including discharge.

IV. TEST PROCEDURES AND CONFIDENTIALITY

To ensure the integrity and accuracy of each test, all specimen collection, 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 drivers 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 test;
- (4) the use of as laboratory which has been certified by Substance Abuse and Mental Health Services Administration (SAMHSA);
- (5) the confirmation of an initial positive drug screen by second analysis using gas chromatography/mass spectrometry (GCMS); (vi) the confirmation of an initial positive alcohol screen by a second analysis; (vii) School District appointment of a qualified Medical Review Officer (MRO) to review drug test results before they are reported to the School District s designated contact person.

V. COLLECTION PROCEDURES

All drug tests will be administered using split sample procedures required by DOT. Under these procedures, the driver must provide at least 45 milliliters(ml) of urine in a specimen container. The specimen will then be divided into two specimen bottles by the collector. Thirty (30) ml will be poured into one bottle and fifteen (15) ml into the second bottle. Both bottles will be sent to the laboratory.

The bottle containing 30 ml will be analyzed as the driver's primary specimen. The second bottle will be held by the laboratory, to be sent to another lab at the drivers request in the event that the primary specimen is verified as positive. In the event the primary specimen is verified as positive, the driver will be notified by the School District's MRO or by the School District of the positive test and given the option to have the second bottle sent to a different laboratory for analysis. To exercise this option, the driver must advise the School District's MRO within 72 hours of being told that the primary specimen was positive. A POSITIVE drug test may be determined to be NEGATIVE by the MRO if the driver can prove that the substance was prescribed by a

licensed physician. This determination will be made by the School District MRO.

This policy is not intended to prohibit the use of medication legally prescribed by a licensed physician, who is familiar with the driver's medical history and specific safety-sensitive duties, and who has advised the driver that the prescribed medication will not adversely affect the driver's ability to operate a motor vehicle. Medications prescribed for someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.

All alcohol tests conducted under this policy require that the driver must provide a breath/saliva specimen for any test conducted by the School District. If the alcohol test is conducted by a law enforcement officer following an accident, the driver must provide either a breath or blood specimen.

Prior to being tested for alcohol, each driver will be required to;

- (1) present their personal identification,
- (2) complete a DOT Breath Alcohol Test Form provided by the BAS/SST. A driver who fails to provide identification, refuses to complete form, or otherwise fails to cooperate will be treated as though they has tested positive and will be subject to disciplinary action, up to and including discharge.

Prior to each alcohol breath/saliva test conducted by the School District, the BAT/SST will instruct the driver on how the test will be conducted.

VI. ALCOHOL

- (1) No employee shall consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within 4 hours before going on duty or operating, or having physical control of, or performing any safety-sensitive function; or
- (2) Consume an intoxicating beverage regardless of its alcoholic content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol, while on duty, or operating, or in physical control of a School District vehicle, or while performing any safety-sensitive function; or
- (3) Be on duty, or operate, or in physical control of a School District vehicle, or perform any safety-sensitive function while in possession an intoxicating beverage (including medications which contain alcohol) regardless of its alcoholic content.

VII. REFERRAL, EVALUATION AND TREATMENT

A driver who registers 0.02 or more but less than 0.04 will, at a minimum, be suspended without pay until their next regular duty period, but for no less than 24 hours, and must undergo a return to duty alcohol test with a result of less than 0.02. A driver may also be subject to additional disciplinary action by the School District, up to and including discharge.

A driver who registers 0.04 or greater or has a verified positive test result for a controlled substance will, at a minimum be suspended without pay until their next regular duty period, but for no less than 24 hours, and must undergo a return to duty alcohol or drug test with an acceptable result. In addition a driver must be released for duty by a Substance Abuse Professional. A driver may also be subject to additional disciplinary action by the School District, up to and including discharge.

VIII. EMPLOYEE ASSISTANCE PROGRAM (EAP)

The School District believes that the EAP and awareness along with comprehensive drug testing are the most effective approach to promote safety and reduce alcohol and drug abuse in the transportation industry. The School District has established a policy on Employee Assistance (523.16). Copies are available in all school offices and teachers' lounges. A copy will be provided to individuals upon request.

IX. DRUG AND ALCOHOL INFORMATION

Any Driver who engages in any conduct prohibited under the Policy may be provided with information regarding resources available to evaluate and resolve a drug or alcohol problem.

Such information will include names, addresses and telephone numbers of substance abuse professional counseling and treatment programs available in the area.

Information to ensure that all employees are aware of the effects and consequences of alcohol or controlled substance use on personal health, safety, and the work environment will be shared as considered prudent and/or available.

All questions concerning the educational materials provided by the School District, or about this policy, should be directed to Dan A. Dahlgren.

Adopted December 13, 1995

