

EMPLOYEE ALCOHOL AND DRUG TESTING
(District Both Provides and Contracts for Transportation Services)

Provisions Applicable to All Employees

Alcohol and Drug Prohibitions

No employee may manufacture, use, possess, sell, distribute or be under the influence of alcohol or drugs in violation of the district's Drug-Free Workplace policy.

All employees may be tested for alcohol and drugs if the district has reasonable suspicion that the employee has consumed alcohol or drugs in violation of Board policy and after any accident or injury.

Alcohol

Possession or drinking of any alcoholic beverage on the districts' property, including the parking lot, driveways and in the district's vehicles, at any time, including during breaks or lunch is prohibited. Also, reporting for work while under the influence of alcohol is prohibited. An individual who is found to have a concentration level of alcohol in the body in excess of .02 is considered impaired and disciplinary action will be taken.

Controlled Substances (Drugs)

Possession, use, distribution, purchase, sale or offering for sale of narcotics or any controlled or illegal substance, on the district's property, including the parking lot and the district's vehicles, at any time, including breaks or lunch is prohibited.

Reporting for work or working while under the influence of any controlled or illegal substance, except a drug prescribed for the employee by a physician and used by the employee as prescribed, will be disciplined. If there is a question as to whether or not a drug has been prescribed by a physician, the burden of proof shall be on the employee.

Definitions

Alcohol -- Intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol.

Drug -- Any controlled substance listed under section 102(6) of the Controlled Substances Act, 21 U.S.C. 802(6) as specified by the administrator of the federal department of transportation.

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Reasonable Suspicion -- A suspicion based on specific personal observations concerning the appearance, speech, or behavior of an employee, and reasonable inferences drawn from those observations in the light of experience. Information provided by a reliable source, if based on personal knowledge, shall constitute reasonable suspicion.

Program Coordinator

The superintendent or designee will serve as the program coordinator to implement the alcohol and drug testing program of the district within the guidelines of this policy.

Training

All staff who have supervisory duties over other staff members will be provided training on the effects of drug and alcohol use. The training will include physical, behavioral, speech and performance indicators of drug and alcohol use. Supervisors of employees who operate district transportation will be trained in accordance with federal law.

Reasonable Suspicion Tests

Any supervisor who has reasonable suspicion to believe that an employee has violated the alcohol or drug prohibitions of the district shall immediately report those findings to the superintendent or director of human resources. The report will include all physical symptoms and background information that created the reasonable suspicion. The superintendent or director of human resources and supervisor of employee will determine if a drug or alcohol test is appropriate. If a supervisor is the suspected employee the superintendent or director of human resources may determine whether a drug test is appropriate.

Alcohol testing is authorized for reasonable suspicion only if the required observations are made just before, during or just after the period of the work day when the employee must comply with alcohol prohibitions. No drug or alcohol test may be administered by the person who determines reasonable suspicion exists to conduct such a test. Alcohol and drug tests will be administered as soon as possible.

Testing Program

The district will use testing facilities with appropriately trained personnel for alcohol and drug testing. The testing facility shall have the responsibility to provide individual privacy in the collection of specimen samples to the maximum extent possible. The testing facility shall also be responsible for collection procedures and chain of custody that ensures that the specimen security, proper identification and integrity are not compromised. Contracted services will be responsible

for the cost of administering tests for their employees.

Refusal to Submit to Tests

Drug or alcohol tests administered pursuant to this policy are mandatory. An employee who refuses to provide adequate breath, urine or other specimens for testing when notified of the need to do so clearly obstructs the testing process.

Consequences

Employees who refuse to submit to a test, who test positive for prohibited substances or who take deliberate action to falsify test results will be subject to discipline, including termination, in accordance with Board policy and law.

Treatment

In addition to any disciplinary action taken, the district will provide employees a list containing the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs to any employee who has tested positive for drug or alcohol or refuses to be tested. This information will also be available at any time upon request of the employee.

District Records and Reports

Alcohol and drug test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, an employee shall receive copies of any records pertaining to his or her use of alcohol or drugs, including any records pertaining to his or her tests. The district shall maintain records and reports of its alcohol and drug prevention program as required by law.

Notification to Employees

The program coordinator shall ensure that all employees receive written materials explaining the district's drug and alcohol policies, including copies of or access to applicable policies, procedures or handbooks.

Employees shall sign statements certifying that they have received the materials.

Provisions Applicable to Drivers

In addition to the drug testing provisions applicable to all employees, the district employs

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operators of commercial motor vehicles ("drivers"). The district is required to implement a drug and alcohol testing program that fulfills federal requirements. This comprehensive program shall include conducting pre-employment drug testing and reasonable suspicion, random and post-accident testing for use of alcohol or drugs by drivers; notifying drivers of the requirements and consequences of the program; maintaining appropriate records; and complying with Missouri Department of Revenue's reporting requirements. The district will use laboratories certified by the U.S. Department of Health and Human Services to conduct drug specimen analysis.

As required by law, no driver shall report for duty within four (4) hours of using alcohol. No driver required to take a post-accident test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident alcohol test, whichever comes first.

Records of drug and alcohol tests and other related records shall be made available to a subsequent employer only as expressly authorized in writing by the employee.

Application to Contracted Services Drivers

In addition to the drug testing provisions applicable to all employees, the district, will only contract for transportation services with a company that follows the guidelines of the Omnibus Transportation Employee Testing Act and complies with state reporting requirements. In meeting these guidelines the company must provide a comprehensive program that includes conducting pre-employment drug testing and reasonable suspicion, random and post-accident testing for use of alcohol or drugs by operators of commercial motor vehicles; notifying such operators of the requirements and consequences of the program; maintaining appropriate records; and complying with Missouri Department of Revenue's reporting requirements. The contract between the company and the district will specify this condition.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted: 10/08/1998

Revised: 04/13/1999; 12/08/2005; 05/11/2006

Cross Refs: AC, Nondiscrimination and Anti-Harassment
EEA, Student Transportation Services

Legal Refs: § 287.120, RSMo.
Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 31306
Controlled Substances Act, 21 U.S.C. § 802(6)
49 C.F.R. Parts 40, 382, and 383

Nixa R-II School District, Nixa, Missouri