

## Board Policy

Code No. 403.6R1

### TRANSPORTATION EMPLOYEES DRUG AND ALCOHOL TESTING

#### Background Information

Each employee of the Bettendorf Community School District who performs a safety sensitive function such as Bus Driver is required to comply with the regulations promulgated by the Department of Transportation (DOT) and Federal Transportation Administration (FTA) 49 (CFR) Parts 40, 653, 654.

This rule requires employers to test employees who operate or control the movement of a vehicle requiring a CDL, for the use of alcohol and illegal controlled substances. Employees must be in compliance any time they are in control of the Bettendorf Community School District vehicle. All full-time, part-time and seasonal employees of the school district are required to fulfill these testing requirements. Questions on any of the information contained in this material should be directed to the Transportation Supervisor.

#### Prohibited Conduct

Under this act, employees are prohibited from performing safety sensitive functions while having an alcohol concentration of 0.04 or greater, being on duty or operating a motor vehicle while in possession of any alcohol, using alcohol while performing a safety sensitive function, using alcohol within eight hours following an accident (or until undergoing a post-accident alcohol test), refusing to submit to a drug or alcohol test, performing a safety sensitive function while using a controlled substance, reporting to duty within four hours of using alcohol, or remaining on duty or performing a safety sensitive function if tested positive for a controlled substance.

#### Pre-Employment Testing

All new employees or current employees who transfer to a classification that requires a commercial driver's license (CDL) will be required to submit to both a drug and alcohol test prior to performing any safety sensitive function. (For example, a safety sensitive function is bus driver or operation or control of a maintenance vehicle requiring a CDL license.)

#### Post-Accident Testing

Post-accident tests will be required after any accident involving a loss of life or any accident where the driver of the vehicle is a covered employee and is issued a moving traffic violation. As soon as practicable, following such an accident, a covered employee will be required to submit to drug and alcohol testing. An employee is prohibited from drinking alcohol for eight hours following an accident or until undergoing a post-accident alcohol test. Any employee who unnecessarily leaves the scene of an accident before the required tests are administered or fails to remain readily available for testing will be deemed as having refused to submit to the testing and will be subject to disciplinary action up to and including discharge. An accident is defined as any incident involving a fatality, an injury requiring treatment away from the scene, or the need to tow a vehicle from the scene.

### Random Testing

The Bettendorf Community School District will be conducting random drug and alcohol testing through the Bi-State Drug and Alcohol Testing Consortium. Therefore, all of our covered employees will be placed in a testing pool that includes numerous employers from our bi-state region.

During each twelve-month period not less than ten percent of the average number of employees in this testing pool will be tested at various times for unannounced alcohol testing. Such testing for alcohol may occur at any time immediately before, immediately after, or during the time the employee is performing the safety sensitive function.

During each twelve-month period, not less than fifty percent of the average number of employees in this testing pool will be tested at various times for unannounced drug testing. Such testing for drugs may occur at any time an employee is on duty.

### Reasonable Suspicion Testing

If there is reasonable suspicion to believe that an employee is under the influence of drugs or alcohol while on duty, such employee will be instructed to submit to a drug or alcohol test. Reasonable suspicion will be based on specific observation made by a supervisor or district employee trained in detection of the symptoms of drug and alcohol abuse. Observations will identify the appearance, behavior, speech or body odor of the employee that indicates a reasonable suspicion and must be reported within twenty four hours of the incident to the Director of Operations.

### Return-to-Duty Testing

Any employee whose previous alcohol test indicated a concentration greater than 0.02 must undergo an alcohol test resulting in an alcohol concentration of less than 0.02 before returning to a safety sensitive function. Similarly, an employee who tested positive for a controlled substance or was charged with performance of any prohibited conduct must submit to a testing that results in a negative finding for drugs and an alcohol concentration less than 0.02 prior to returning to work.

### Follow-Up Testing

Any employee who had been identified by a substance abuse professional (SAP) as needing assistance in resolving a drug or alcohol problem will be required to submit to a minimum of six follow-up tests during the first twelve months following their return to work. If required by the Substance Abuse Professional, such employee may be required to undergo additional drug and alcohol testing for up to sixty months.

In all cases, a refusal to submit to an alcohol or controlled substance test will lead to disciplinary action up to and including discharge.

### Testing Procedures

Prior to administering a required drug or alcohol test, the employee will be informed that such test is required by the DOT rules and will be provided either the Breath Alcohol Testing Form or the Controlled Substances Testing Custody and Control Form.

### Alcohol Testing

Upon arrival at the designated testing site, the breath alcohol technician (BAT) will require the employee to provide positive identification via a picture ID, or identification by an employer representative. At the request of the employee, the BAT is required to provide a similar form of identification to the employee.

Following proof of identification, the BAT is required to explain the testing procedures to the individual to be tested. The BAT may provide this information verbally and/or in writing.

The BAT completes Step 1 on the Breath Alcohol Testing Form, including employee's name; social security number or employee ID number; address and telephone number; and reason for test (i.e. pre-employment, random, reasonable suspicion/cause, post-accident, return-to-duty, or follow-up test). The employee must then complete Step 2 of the form by signing the certification. Failure to sign the certification is regarded as a refusal to take the test.

In view of the employee, the BAT will open an individual sealed mouthpiece and attach it to the evidential breath testing device (EBT) in accordance with the manufacturer's instructions.

The BAT will instruct the employee that he or she is to blow forcefully in the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained. The BAT will show the employee the test result.

If the results of the screening test indicate an alcohol concentration of 0.02 or greater, a confirmation test is required. The confirmation test will be conducted no less than fifteen and no more than twenty minutes following the initial screening test. Such confirmation testing will be performed using the same method as the initial test. The BAT will discuss with the employee the reason for the waiting period and acceptable behavior during the period. The BAT will also conduct an "air blank" test on the EBT to assure proper calibration of the EBT unit.

The results of the confirmation test will be sent confidentially to the Director of Operations.

### Refusal to Take the Test

If an employee refuses to sign the confirmation test certification or takes any action intended to circumvent any requirement, provides an inadequate amount of breath, or otherwise refuses to cooperate in the testing process, the BAT will inform the district representative and document such non-cooperation. Refusal or non-cooperation with the process will be considered refusal to take the test and will lead to disciplinary action up to and including discharge.

### Drug Testing

Employees will be asked to provide a urine specimen that will be tested for five drugs of abuse by a laboratory certified by the Department of Health and Human Service (DHHS).

The five drugs of abuse are: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

Upon arrival at the collection site, the employee will be required to provide a positive identification via a picture ID or identification by an employer representative. At the request of the employee, the collection site individual performing the test must present positive identification to the employee.

The employee will be instructed to remove any unnecessary clothing and leave all other belongings with test site personnel. The employee may request a receipt for personal belongings and may retain his/her wallet.

The employee will be instructed to wash their hands, then will be instructed to provide at least forty five ml. of urine into a specimen bottle. In most cases, the employee will provide the urine sample in the privacy of a stall or partitioned area. In the event such an area is unavailable, a collection site person of the same sex will observe the employee during the collection.

In the presence of the employee, collection site personnel will pour the urine into two specimen bottles. Both bottles will be placed in a shipping container and the employee will be instructed to sign a certification statement on the chain of custody form and initial the identification label on the specimen bottle certifying that such specimen was collected from him or her.

In the event the results of the test are confirmed as positive after a second independent analytical procedure (GC/MS), the medical review officer (MRO) will notify the employee of the findings and determine if the employee wishes to discuss the test results. The MRO will also notify the employee that he or she may request analysis of the split specimen by another DHHS certified laboratory within seventy two hours from notification to verify the initial test results. (If such testing also results in a positive finding, the employee will be responsible for all costs associated with the testing of the split sample.)

All test results will be reported confidentially to the Director of Operations by the MRO. The employee will be notified of any positive test results.

#### Refusal to Take the Test

If an employee fails or refuses to cooperate with the collection process, the collection site personnel will inform the district representative and document such non-cooperation. Refusal or non-cooperation with the process may lead to disciplinary action up to and including discharge.

#### Consequences of a Positive Test Result

EBT test results between 0.02 and 0.03999 will result in the employee's immediate removal from the safety sensitive position. Such employee will be sent home for a period of at least eight hours. During the eight- hour period, the employee will be deemed temporarily unqualified for his position and will be placed in a no-pay status. Such time will be considered an unjustifiable absence from work, and appropriate disciplinary action will be taken up to and including immediate dismissal.

If the administration determines an employee may come back to work, prior to returning to work, such employee must successfully complete a return-to-duty alcohol test resulting in an alcohol concentration of less than 0.02.

#### EBT Test Result of 0.04 or Greater for Alcohol Concentration and/or a Positive Drug Test

An employee who tests positive for drugs or who has an EBT test result indicating an alcohol concentration of 0.04 or greater will be provided an opportunity for treatment through a referral to a substance abuse professional (SAP). If it is determined by the SAP that the employee requires assistance in resolving problems associated with alcohol misuse and/or substance abuse, the employee must follow the prescribed rehabilitation program and may be subject to unannounced follow-up testing for up to sixty months following their return to work. In all cases, an employee must

submit to a return-to-duty drug and/or alcohol test. All costs incurred for rehabilitation are the responsibility of the employee.

Any employee who has a second positive finding for drugs and/or a second EBT test result of 0.04 or greater for alcohol concentration or who fails to follow the treatment program prescribed by the SAP, will be subject to disciplinary action up to and including discharge.

Legal Reference: Omnibus Transportation Employee Testing Act of 1991

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