

ARTICLE 20
DRUG AND ALCOHOL TESTING

20.1 Policy Statement

- 20.1.1** Every unit member of the Piner-Olivet Union School District is expected to render service without being impaired or under the influence of alcohol or drugs of any kind. The safety and health of students, staff, and the public require that every reasonable precaution be taken to discourage substance abuse to prevent impaired individuals from rendering service to the District.
- 20.1.2** It shall be the policy of the Piner-Olivet Union School District to comply with the Drug Free Work Place Act and Title 49, CFR Parts 382, 391, 392 and 395, which specifically outline the Federal Omnibus Employee Testing Act of 1991.
- 20.1.3** The Piner-Olivet Union School District will comply by contracting for oversight with a professional drug and alcohol testing management company, or by joining a consortium of local school districts to provide such oversight. All unit members of the District who hold a commercial driver's license and who drive a commercial vehicle in the course of employment with the District shall be subject to testing.
- 20.1.4** Testing will be for alcohol and controlled substances at the following times and covers any safety sensitive function during any time in which the driver is actually performing, ready to perform, or immediately available to perform any safety sensitive function.
- 20.1.5** The Piner-Olivet Union School District designates the Transportation Director as the administrator designed to answer questions about this policy.

20.2 Types of Testing

- A. Pre-employment screening.
- B. Post-accident—where accident is defined to be: a school bus accident, or any accident where there is injury, or there is estimated seven hundred fifty dollars (\$750) or more of damage as a result.
- C. Random testing—to be twenty-five percent (25%) of the total number of people in the agreed upon consortium for alcohol testing and fifty percent (50%) of the employees in the agreed upon consortium for drug testing, to be randomly selected by the company providing oversight on an annual basis.

- D. Reasonable suspicion testing—a properly trained supervisor may require a unit member to submit to an alcohol or drug test for controlled substances when, in their determination, there exists reasonable suspicion that the unit member may be impaired when the unit member is on duty or reporting for duty. This prerogative shall not be exercised by the supervisor arbitrarily or capriciously.
- E. Return-to-duty/follow-up testing—the District shall ensure that before a unit member that has tested positive for an alcohol level of 0.02 or higher, or the presence of controlled substances, and has undergone treatment for the use thereof, returns to duty, the unit member shall undergo a return-to-duty test for alcohol or drugs as indicated. A unit member who has undergone treatment for alcohol misuse or controlled substance use and has had a negative result on a return-to-duty test, shall be subject to at least six (6) unannounced follow-up alcohol and/or drug tests within six (6) months or as determined by the substance abuse professional, in accordance with the provisions of 49 CFR 382.605(c)(2)(ii).

20.3 Testing for Alcohol

All unit members of the Piner-Olivet Union School District covered by this Agreement shall be subject to testing for alcohol use. All unit members of the District covered by this Agreement will be prohibited from the use of any alcohol for four (4) hours prior to rendering service to the District. After an accident, the unit member is prohibited from using alcohol for a period of eight (8) hours or until a test is done, whichever is first. The unit member must be tested for alcohol use within eight (8) hours of the accident. Any unit member who tests positive with an alcohol blood level of 0.02 or higher will be prohibited from rendering service to the District.

20.4 Alcohol Testing Procedure

Alcohol testing will be accomplished by using Evidential Breath Testing devices (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). The breath alcohol testing technicians will be provided by the testing management company that the District or a consortium of school districts will contract with and will not be District unit members. The contracting testing management company will be responsible for testing procedures that ensure accuracy, reliability and confidentiality of test results. These procedures shall include training and proficiency requirements for the breath alcohol testing technicians, quality assurances plans for the evidential breath testing devices, including calibration of the EBTs. The EBTs used shall print out the results, date and time, a sequential test number, and the type and serial number of the EBT. To ensure the reliability of the test results, all EBTs used shall be calibrated for accuracy, and a record shall be kept of the calibration test which the unit member will be able to inspect.

Any unit member who tests positive for an alcohol blood level of 0.02 or higher, will be tested again with another EBT to verify the initial reading. In post-accident testing the unit member may request a blood test be taken to ensure that an accurate blood alcohol level is recorded. The unit member requesting a blood test may be sent to a medical facility. Request for the blood test is not required by the federal regulation. The unit member will bear the cost of the blood test if requested and the confirming blood test is positive. However, the District will pay if the confirming blood test is negative.

20.5 Testing for Controlled Substances

All unit members of the Piner-Olivet Union School District who are required to have a commercial driver's license and who drive a commercial vehicle in the course of employment with the District shall be subject to testing for use of controlled substances (or drugs). Drug testing will be accomplished by analysis of a sample of the unit member's urine conducted at a professional testing laboratory certified and monitored by the Department of Health and Human Services (DHHS). All urine specimens will be analyzed for the following drugs.

- A. Marijuana (THC metabolite)
- B. Cocaine
- C. Amphetamines
- D. Opiates (including heroin, codeine and morphine)
- E. Phencyclidine (PCP)

Each unit member's urine sample will be subdivided into two bottles labeled as "primary" and "split" specimens. Only the primary specimen will be opened and used for urinalysis. The split specimen bottle will remain sealed and will be stored at the laboratory. If the drug screening test(s) indicates the presence of one or more of these drugs, then a confirmation test will be performed for each identified drug using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis. If the analysis of the primary specimen shows the presence of an illegal controlled substance, the unit member shall be notified by the MRO, and the MRO will notify the individual they will have seventy-two (72) hours to request the split specimen be sent to another DHHS certified laboratory for analysis. Such will be done at the unit member's own expense if the confirming test is positive, but the District would pay if the confirming test is negative.

20.6 Chain of Custody Procedures

The parties recognize that the key to chain of custody integrity is the immediate sealing and labeling of the specimens in the presence of the tested unit member. The transportation container and the specimen containers must be received undamaged at the laboratory properly sealed, labeled, and initialed, consistent with Department of Transportation (DOT) regulations, as certified by the laboratory. Therefore, the District may take disciplinary action against a unit member based only upon properly obtained laboratory samples.

All specimens collected for drug testing shall follow the Department of Health and Human Services/Department of Transportation (DHHS/DOT) specimen collection procedures. Urine specimens shall be collected directly into a wide-mouthed, single-use specimen container which shall be sealed in shrink-wrap when received by the unit member. The specimens are to remain in full view of the unit member until they are transferred to tamper-resistant urine sample bottles, and then sealed and labeled in the presence of the unit member. As per DOT regulations, it is the unit member's responsibility to initial the specimen containers after labeling. After the specimen containers are labeled and initialed, they shall be placed in the transportation container together with the appropriate copies of the chain of custody form. The transportation container shall then be sealed in the unit member's presence. The specimen samples shall then be sent to the designated testing laboratory on the same day, or the next normal business day, by the fastest available method.

20.7 Reporting Test Results

All drug test results will be reviewed and interpreted by a physician Medical Review Officer (MRO). If the laboratory reports a positive result to the MRO, the MRO will contact the unit member by telephone, and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the unit member's urine specimen. If the unit member provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug, the drug test result is reported as negative to the District. In all cases, the MRO will maintain confidentiality and will report only those test results that are confirmed positive by scientific analysis using gas chromatography/mass spectrometry, and reviewed with the unit member for medical explanation, directly to the Superintendent or his designee. The Superintendent will follow up with the unit member to discuss those positive results.

20.8 Consequences

Any unit member refusing to submit to an alcohol or drug test shall be immediately removed from service, shall be considered insubordinate and will be subject to discipline under Article 12 of the Collective Bargaining Agreement or the discipline policies stated elsewhere in Board Policy. Refusal to submit means that a driver (1) fails to provide

adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for the breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he/she has received notice of the requirement for urine testing, or (3) engages in conduct that clearly obstructs the testing process.

Any unit member who tests positive for controlled substances, or for a blood alcohol level of 0.02 or higher, on a return-to-duty or follow-up test, or in a post-accident test where there has been injury or death involved, shall be subject to dismissal under Article 12 of this Agreement or stated elsewhere in Board Policy. In these circumstances, the unit member shall immediately, following the Skelly meeting on the notice of charges, be suspended without pay or benefits, pending the unit member's appeal request.

In all other circumstances outlined in the types of testing "B" through "D" in section 19.5 above, the unit member who tests positive for controlled substances, or for a blood alcohol level of 0.02 or higher, will be subject to discipline under Article 12 of the Collective Bargaining Agreement, or as stated elsewhere in Board Policy. The unit member may be subject to a suspension, without pay or benefits, of up to thirty (30) calendar days during which the unit member shall be required to enroll in, and complete at his/her own expense, a substance abuse rehabilitation program. After the unit member has successfully completed the rehabilitation program, as verified by his/her substance abuse counselor, the unit member shall undergo a return-to-duty test for alcohol or drugs, as indicated, and shall be subject to unannounced follow-up alcohol and/or drug tests.