

DRUG SCREENING

It is the policy of the board of education to comply with the Omnibus Transportation Testing Act of 1991 and to establish programs that help prevent accidents and injuries resulting from misuse of alcohol and controlled substances by drivers of school vehicles. This policy and the regulations that follow apply to all school employees holding a Commercial Driver's License and using school vehicles.

Every employee of this school district needs to understand the dangers of drug and alcohol abuse and be aware of new federal requirements concerning substance abuse.

Policy Objectives

1. To create and maintain a safe, drug-free environment for all employees.
2. To encourage any employee with a dependence on, or addiction to, alcohol or other drugs to seek help in overcoming the problem.
3. To reduce problems of absenteeism, tardiness, carelessness and/or other unsatisfactory matters related to job performance.
4. To reduce the likelihood of incidents of accidental personal injury and/or damage to students, property, equipment or buses.

Implementation

The board will not tolerate employees who use, possess, manufacture, distribute or make arrangements to distribute illegal drugs while at work or on school district property. Further, outside conduct of a substance abuse-related nature which affects an employee's work is prohibited. The board insists that all employees report to work without any alcohol or illegal or mind altering substances in their systems.

Employees must inform their supervisor when they are legitimately taking medication which may affect their ability to work, in order to avoid creating safety problems and violating the federal laws.

REGULATION: DRUG SCREENING

Enforcement of the drug screening policy requires that all drivers/employees who operate school vehicles be tested on a random basis. The board reserves the right to require aforementioned employees who operate transportation vehicles to submit, at any time an employee is on duty, to drug tests to determine the presence of prohibited substances.

Employees will undergo testing on a random basis without advance notice. Employees may be tested at any time the superintendent has reasonable cause to request testing. The district will pay for all requested tests. Once results of the test are available, the board has the final decision as to personnel actions to be taken. A positive result is just cause for immediate termination of employment.

The board reserves the right to search desks, cabinets, tool boxes, vehicles, including personal vehicles brought on school property, bags or any other property at the school or in vehicles when the board has reasonable cause to believe an employee has violated alcohol and drug policies.

Violation of these rules, including by testing positive, will subject the employee to discipline, including discharge. Refusal to cooperate with the board in any test investigation will result in discipline, including discharge as appropriate under federal and state laws. Such behavior includes refusal to take the test (ss 382.211); inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation; tampering with or attempting to adulterate the specimen; interfering with the collection procedure; not immediately reporting to the collection site; failing to remain at the collection site until the collection process is complete; having a test result reported by an MRO as adulterated or substituted; or leaving the scene of an accident without a valid reason before the tests have been conducted.

REGULATION:
DRUG SCREENING CONSENT FORM

I have read the Drug Screening Policy and Drug Screening Regulation 1 and agree to abide by the board's drug and alcohol rules. I agree to submit to drug and alcohol tests at any time as a condition for my initial or continued employment. I authorize any laboratory or medical provider to release test results to Alva Independent School, its board and its superintendent.

I expressly authorize the board to release any test related information, including positive results, to the Oklahoma Unemployment Compensation Commission or other government agency investigating my employment or the termination thereof.

I understand that this agreement in no way limits my right to terminate my employment or be terminated in accordance with federal and state law.

Employee

Date

Superintendent or Designee

Date

CERTIFICATE OF RECEIPT

I have received a copy of Alva Independent School District's controlled substances and alcohol policies and procedures.

Date

Driver's Signature

Driver's Name (printed)

Driver Identification

Please Sign and Return This Form

REGULATIONS: DRUG TESTING

General Information

Notice to Employees: The superintendent or designee shall, before performing an alcohol or controlled substance test, notify the driver that the test is required.

Alcohol Concentration: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. A driver testing less than 0.04 but more than 0.02 cannot return to work until at least 24 hours have passed and a new test shows the alcohol concentration has dropped below 0.02.

Behavior or Appearance: No driver shall report to duty requiring the performance of safety-sensitive functions or remain on such duty if exhibiting characteristics through behavior or appearance of alcohol or other controlled substance use.

Alcohol Possession: No driver shall be on duty or operate a school-owned vehicle while the driver possesses alcohol or other controlled substances.

On-Duty Use: No driver shall perform safety-sensitive functions within four (4) hours after using alcohol or other controlled substances.

Pre-Duty Use: No driver shall perform safety-sensitive functions within four (4) hours after using alcohol or other controlled substances.

Alcohol Use Following Accidents: No driver who has an accident while performing safety-sensitive functions shall use alcohol for eight (8) hours following the accident, unless the driver has been given a post-accident test.

Test Procedures: Testing may be conducted by the employer, outside contractor, a consortium or any other entity.

1. Alcohol Testing: A Certified Breath Alcohol Technician (BAT) will use evidential breath test devices (Bets) with the following capabilities:
 - a. Printing three copies of each test result
 - b. Numbering each test consecutively
 - c. Processing an air blank (test of ambient air) with printed record
 - d. External calibration
 - e. Distinguishing alcohol from acetone at a 0.02 concentration

2. Controlled Substance Testing: “Drugs” or illegal substances containing the following: Amphetamine/Methamphetamine, Cannabinoids (Marijuana), Cocaine metabolites, Opiates (Heroin, Morphine, or Codeine), PCP (Phencyclidine) will all be screened. A medical technician trained in urine sample collection in an approved location will take samples. Samples will be transported to a HAS (formerly NIA) laboratory to be tested. Results of the test will be given to a Medical Review Officer (MRO) who will determine disposition.

If the district has actual evidential knowledge that a driver is guilty of alcohol concentration above 0.04 or greater, alcohol possession, pre-duty use of alcohol or controlled substances, or demonstrates behavior or appearance of alcohol or other controlled substance use, the district shall not permit the driver to perform or continue to perform the safety-sensitive function.

No driver shall refuse to submit to alcohol or controlled substance post-accident testing, random tests, reasonable suspicion tests, return to duty tests or follow-up tests. Such behavior includes refusal to take the test (ss382.211); inability to provide sufficient quantities of breath, saliva, or urine to be tested without a valid medical explanation; tampering with or attempting to adulterate the specimen; interfering with the collection procedure; not immediately reporting to the collection site; failing to remain at the collection site until the collection process is complete; having a test result reported by an MRO as adulterated or substituted; or leaving the scene of an accident without a valid reason before the tests have been conducted.

Required Testing

At a minimum the district shall purchase or have access to an evidential breath test device. More invasive testing techniques may be required by the district at no cost to the employee.

Pre-employment and Pre-Duty Testing: Prior to the first time a driver performs safety-sensitive functions, the driver shall undergo testing for alcohol/controlled substances. The district may test during the hiring process, just before starting the safety-sensitive function or both.

Post-Accident Testing: As soon as practical during the 8 hours following an accident involving a school-owned vehicle, the district shall test the driver for the presence of alcohol and controlled substances. Post-accident testing will be required if

- (a) there is a fatality
- (b) one or more persons requires medical treatment away from the accident scene
- (c) one of the vehicles must be towed from the scene
- (d) the driver receives a citation arising from the accident

If the test is not administered within 2 hours following the accident, the school district must prepare and maintain on file a record stating why the test was not promptly administered. After 8 hours has passed, the district must cease attempts to administer the test and record why the district was unable to administer the test. A driver who is subject to post-accident testing who leaves the scene of an accident without a valid reason prior to submission to such test may be deemed by the district to have refused to submit to testing.

Nothing in this subsection shall be construed to require a delay of necessary medical attention for injured persons or seeking of assistance in responding to the accident. The district shall provide drivers with necessary post-accident information, procedures and instruction prior to the driver operating a vehicle, so that drivers will be able to comply with these requirements.

Random Testing of Drivers: The district shall, at various times, randomly select drivers for an unannounced alcohol testing or controlled substance test. The selection of drivers to be tested shall be by a scientifically valid method so that each driver shall have an equal chance of being tested each time testing occurs.

1. The dates for the unannounced testing of randomly-selected drivers shall be spread reasonably throughout the year.
2. The number of drivers to be tested shall equal an annual rate of 50% for controlled substances and 25% for alcohol of the total number of drivers employed by the district or as specified by governing agencies.
3. The district shall require that each driver who is notified of selection for random testing to proceed to the testing site immediately.

Reasonable Suspicion Testing: The district shall require any driver to submit to an alcohol test or test for controlled substances when the district has reasonable suspicion to believe the driver has violated the prohibitions in this regulation.

1. The district's determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the behavior, appearance, speech or body odors of the driver. The required observations shall be made by a supervisor who is trained in detecting the symptoms of alcohol and/or controlled substance misuse.
2. Alcohol and/or controlled substance testing is authorized only if the observations are made during or just preceding the period of the work day. The covered driver may be required to undergo reasonable suspicion testing while the driver is driving, just before the driver performs his/her safety-sensitive function or just after he/she has driven.

Return to Duty Testing: The district requires that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by these regulations, the driver shall be suspended without pay and shall undergo a return-to-duty alcohol or controlled substance test and be qualified to resume the safety-sensitive function. Drivers who test positive a second time will be terminated.

Follow-up Testing: Following a determination that a driver is in need of assistance in resolving problems associated with alcohol or controlled substance misuse, the district will ensure that the driver is subject to unannounced follow-up alcohol/controlled substance testing as directed by a substance abuse professional.

Maintenance of Records

The district shall maintain records of its alcohol/controlled substance misuse prevention program. The period of retention for these records shall be as follows:

1. Five years:
 - a. Records of driver alcohol/controlled substance tests with positive results
 - b. Documentation of refusals to take required tests
 - c. Calibration tests for EBTs (evidential breath test devices)
 - d. Driver evaluation and referrals
2. Two years: Records related to the collection process and training.
3. One year: Records of negative test results

Adopted: December 05, 2005

Revised:

Legal Reference:

Cross Reference: