

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTINGDHE
(REGULATION)

GENERAL STANDARDS FOR DRUG AND ALCOHOL TESTING All District employees are subject to reasonable suspicion testing. Employees in safety-sensitive positions are subject to pre-employment, post-accident, random, and reasonable suspicion testing. A signed consent form for drug and/or alcohol testing is required prior to testing [see DHE(EXHIBIT)-A]. Dependent upon whether the employee's position is identified as a safety-sensitive position [see DHE(LOCAL)], the employee may undergo such testing:

1. At the time of preemployment,
2. At the time of reasonable suspicion,
3. After the accident, or
4. On a random basis.

PREEMPLOYMENT Prior to initial employment or transfer, each affected person who has been selected for a safety-sensitive position will be required to undergo a drug test by urinalysis and an alcohol test using an Evidential Breath Testing (EBT) machine. Both of these tests should be conducted, and results of a negative test should be obtained prior to performing any safety-sensitive functions for the District. All pre-employment tests will be paid for by the District.

REASONABLE SUSPICION At any time, a District Supervisor determines that "reasonable suspicion" exists, a District employee will be required to undergo a drug test by urinalysis, and/or an alcohol test with an EBT machine, as designated and paid for by the District. "Reasonable suspicion" means a belief that can be articulated based on specific facts and reasonable inferences drawn from those facts that a staff member is under the influence of drugs or alcohol. Circumstances that constitute a basis for determining "reasonable suspicion" may include, but are not limited to, the following:

1. A pattern of abnormal or erratic behavior;
2. Information provided by a reliable and credible source;
3. Direct observation of drug or alcohol use;
4. Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, slurred speech, poor coordination or reflexes); or occurrence of a traffic accident, depending on circumstances surrounding the accident; or
5. Smell of alcoholic beverage or drugs on breath or body.

Supervisors are required to detail in writing the specific facts, symptoms, or observations that formed the basis for their determination that reasonable suspicion existed to warrant the testing of a District staff member. This documentation will be forwarded directly and confidentially to the Executive Director of Talent. The supervisor's documentation will be made on the appropriate form

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(REGULATION)

[see DHE(EXHIBIT)–B]. The Supervisor and the Executive Director of Talent will maintain the confidentiality of the supervisor's documentation.

POST ACCIDENT

A drug test by urinalysis and an alcohol test by EBT machine, as designated and paid for by the District, will be administered to each person while operating a District-owned, -leased, or -rented motor vehicle if there is:

1. A human fatality;
2. Bodily injury to any person who requires immediate medical treatment away from the accident scene;
3. Any vehicle that requires towing from the accident scene; or
4. A need for the District driver to receive a citation.

Alcohol tests will be administered within two hours following the accident. If not, the Supervisor will prepare a record stating the reason(s) the test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, an alcohol test will not be administered, and the Supervisor will prepare and maintain the same record. Records will be submitted to the Associate Superintendent of Talent.

Controlled substance tests will be administered within eight hours following the accident. If not, the Supervisor will prepare a record stating the reason(s) the test was not promptly administered. If the controlled substances test is not administered, within 32 hours following the accident, a controlled substances test will not be administered, and the Supervisor will prepare the same record. Records will be submitted to the Associate Superintendent of Talent. The person being tested will not drive a District vehicle until negative test results are obtained.

RANDOM

Fifty percent of District employees employed in safety-sensitive positions will be annually subjected to drug testing on a random basis by urinalysis for the presence of drugs, as designated and paid for by the District.

Ten percent of District employees employed in safety-sensitive positions will also be annually subjected to alcohol testing on a random basis by the EBT machine, as designated and paid for by the District.

A staff member selected for a random test will be eligible for selection in subsequent random testing selections. If a staff member refuses a random test, he or she will be subject to termination.

SUPERVISOR
TRAINING

The District will develop or purchase from a District vendor a program of training to assist supervisory personnel in identifying drug and alcohol use among staff members. Such training will include

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTINGDHE
(REGULATION)

information that will help supervisors recognize the conduct and behavior that gives rise to a reasonable suspicion of drug or alcohol use.

DRUGS FOR WHICH
TESTING WILL BE
CONDUCTED

When drug or alcohol screening is required under the provisions of this administrative regulation, a urinalysis and/or an EBT screening test will be given to detect the presence of alcohol. A Substance Abuse Mental Health Services Administration (SAMHSA) laboratory will be used to test the specimens provided by the District employee as well as an approved EBT device under the National Highway Traffic Safety Administration (NHTSA). The following are the drug groups for which tests may be conducted:

Initial test analyte	Initial test cut-off concentration	Confirmatory test	Initial test analyte
Marijuana metabolites	50 ng/mL	THCA ¹	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL
Opiate metabolites			
Codeine/Morphine ²	2000 ng/mL	Codeine	2000 ng/mL
		Morphine	2000 ng/mL
6–Acetylmorphine	10 ng/mL	6–Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines ³			
AMP/MAMP ⁴	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine ⁵	250 ng/mL
MDMA ⁶	500 ng/mL	MDMA	250 ng/mL
		MDA ⁷	250 ng/mL
		MDEA ⁸	250 ng/mL
Alcohol	0.02		0.02

¹Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA).

²Morphine is the target analyte for codeine/morphine testing.

³Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cut-off.

⁴Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

⁵To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

⁶Methylenedioxymethamphetamine (MDMA).

⁷Methylenedioxyamphetamine (MDA).

⁸Methylenedioxyethylamphetamine (MDEA).

CONFIRMATION OF DRUG TEST RESULTS	<p>The initial drug screening will be by the enzyme immunoassay techniques (EMIT) test. In the event the drug test yields a positive result, a second test will be conducted immediately using a gas chromatography/mass spectrometry (GS/MS) test. The second test will use a portion of the same test sample withdrawn from the individual for use in the first test. If the second test confirms the positive test result, the staff member will be contacted by the drug-testing company to determine if the staff member is using medication(s) that might have produced the positive result.</p> <p>If the use of medication(s) is not the cause of the positive result, the staff member will be notified of the results in writing by the Executive Director of Talent within five working days. The letter of verification will identify the particular substance found.</p> <p>Specimens that test positive will be retained by the laboratory for one year. Specimens that test negative will be retained for one week.</p>
ALCOHOL	<p>The initial alcohol screening will be conducted by the use of an EBT device given by a properly trained and certified Breath Alcohol Technician (BAT). If positive, a second alcohol test will be conducted after 15 minutes. A staff member who has a positive test result will be considered in violation of the District's drug and/or alcohol policy.</p>
CONFIDENTIALITY OF TEST RESULTS	<p>All information from an individual's drug or alcohol test is confidential, and only those with a need to know will be informed of test results by the Executive Director of Talent. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the individual tested. All records relating to the taking of a drug or alcohol test will be deemed confidential unless written authorization has been obtained from the individual who was tested or the records become the subject of an administrative or judicial proceeding.</p> <p>All records relating to the taking or ordering of a drug or alcohol test will be kept in a separate file in the human resources department. Procedures will be implemented to prevent the unauthorized distribution of the results of or the order to take a drug or alcohol test.</p> <p>The results of a positive drug or alcohol test will not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results will be handled in accordance with all applicable laws and regulations. The District will require the testing laboratory to maintain appropriate confidentiality of test requests and results.</p>
PRIVACY IN DRUG OR ALCOHOL TESTING	<p>Urine samples will be provided in a private restroom stall or similar enclosure at the testing facility so that the individual may not be</p>

viewed while providing the sample. Street clothes, bags, brief-cases, purses, and other containers may not be carried into the test area. The water in the commode may be colored with blue dye to protect against dilution of test samples. The District reserves the right to instruct the laboratory to conduct an observed collection when there is reason to believe an individual will attempt to contaminate or substitute the specimen.

TESTING
PROCEDURES

All drug or alcohol testing of individuals will be conducted either at a site within the District or at medical facilities or laboratories selected and approved by the District. A medical facility or laboratory must maintain written procedures approved by the District that will be used to maintain test samples. These procedures will, at a minimum, include:

1. Testing procedures that ensure privacy to individuals consistent with the prevention of tampering;
2. Methods of analysis that ensure reliable test results, including the use of EMIT and GS/MS to confirm positive drug test results, and/or EBT for screening and blood alcohol test for confirmation of positive alcohol test results;
3. Chain-of-custody procedures that ensure proper identification, labeling, and handling of test samples; and
4. Retention and storage procedures that ensure reliable results on confirmatory tests of original samples.

PROCEDURES FOR
REASONABLE
SUSPICION

Any staff member whose supervisor determines that “reasonable suspicion” exists to believe that the staff member has used or has been under the influence of drugs or alcohol while at work or at a District-sponsored activity while attending to the duties of his or her position will be directed to consent to an alcohol screening test or a urinalysis. The procedure will be as follows:

1. The Supervisor with one Administrator as a witness will complete the documentation for drug or alcohol testing [see DHE(EXHIBIT)-B].
2. The Supervisor and other Administrator witness will meet with the staff member in private to inform him or her of their observations.
3. The Supervisor will notify the Executive Director of Talent of the situation and forward a copy of documentation for drug and alcohol testing.
4. The Supervisor will direct the staff member to submit to an alcohol or drug test.

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(REGULATION)

5. The Executive Director of Talent or his or her designee will contact the drug-testing company to come to the site to administer the test.
6. Following the completion of the test, the Administrator will make arrangements to have the staff member transported home. The staff member will not be allowed to drive himself or herself home.
7. The staff member will be instructed to remain at home on paid administrative assignment until he or she is contacted by the Executive Director of Talent.
8. A recommendation regarding employment status will be made after the test results have been reported to the Executive Director of Talent.
9. If the staff member suspected of being under the influence of drugs or alcohol refuses to submit to the required test, the staff member will be transported to his or her home where he or she will remain on paid administrative assignment until his or her employment status is determined.

CONSEQUENCES OF
REFUSAL TO
CONSENT

A staff member who refuses to consent to a drug or alcohol test as required by this administrative regulation will be subject to termination. The reasons for the refusal will be considered in determining the appropriate action. The hiring process will be terminated for an applicant who refuses to consent to a drug or alcohol test.

CONSEQUENCES OF A
CONFIRMED POSITIVE
TEST RESULT

Staff members (not applicants) who test positive for the use of a controlled substance, a dangerous drug, alcohol, or other drug will be referred to a substance abuse professional who may recommend treatment.

Applicants testing positive for the use of a controlled substance, dangerous drug, alcohol, or other drug on a required preemployment drug or alcohol test will not be hired or assigned to a safety-sensitive position.

Staff members testing positive for the use of a controlled substance, a dangerous drug, alcohol, or other drug in a drug or alcohol test based on reasonable suspicion, post-accident, or random testing will be subject to termination.

Persons testing positive for the use of a legal drug (such as a prescribed medication or an over-the-counter legal medication) that could influence the person's ability to safely operate a motor vehicle will not be hired or assigned to a safety-sensitive position without the approval of the medical review officer (MRO).

An applicant who has a positive test result after an initial drug screening by the EMIT test and a confirmatory test using the

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(REGULATION)

GC/MS and/or who tests positive on an EBT device will not be eligible for hire by the District until the expiration of one year from the date of the testing. An applicant who has tested positive will be eligible to reapply for District employment upon the expiration of such one-year period, provided, however, that the applicant will be subject to retesting prior to employment.