

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(LOCAL)

Random Testing

*Selection for and
Notification of
Testing*

Employees in safety-sensitive positions shall be tested at random during the calendar year. Two random sampling pools shall be established consisting of the following groups of employees:

1. Employees who operate commercial motor vehicles and who are required to hold a commercial driver's license by the DOT.
2. All other employees in safety-sensitive positions.

An employee may be tested for alcohol only while the employee is performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions.

Separate draws shall be pulled for alcohol and controlled substance testing. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employees' social security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made.

The District shall make an effort to ensure that random alcohol and controlled substances tests conducted under this policy are unannounced and that the dates for administering random alcohol and controlled substances tests are spread reasonably throughout the calendar year.

Each employee who is notified of selection for random alcohol and/or controlled substances testing shall proceed to the test site immediately; however, if the driver is performing a safety-sensitive function at the time of notification, the District shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.

**Required Nature of
Tests**

No employee subject to testing shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, or a reasonable suspicion alcohol or controlled substances test. The District shall not permit an employee who refuses to submit to such tests to perform or continue to perform his or her job. Such an employee shall be subject to termination.

Prohibitions

No employee shall report for duty or remain on duty while having an alcohol concentration of 0.04 or greater. If the District has actual knowledge that an employee has an alcohol concentration of 0.04 or greater, the employee shall not be permitted to continue working and shall be subject to termination.

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No employee shall be on duty or shall perform a safety-sensitive function while the employee possesses alcohol. If the District has actual knowledge that an employee possesses alcohol, the employee shall not be permitted to remain on duty or perform a safety-sensitive function and shall be subject to termination.

No employee shall use alcohol while on duty or while performing safety-sensitive functions. If the District has actual knowledge that an employee is using alcohol while on duty or while performing safety-sensitive functions, the employee shall not be permitted to remain on duty or perform safety-sensitive functions and shall be subject to termination.

No employee shall perform safety-sensitive functions within four hours after using alcohol. If the District has actual knowledge that an employee has used alcohol within four hours, the employee shall not be permitted to perform or continue to perform safety-sensitive functions.

No employee required to take a post-accident alcohol test shall use alcohol for eight hours or until he or she undergoes a post-accident alcohol test, whichever occurs first.

**Other Alcohol-
Related Conduct**

No employee tested under the provisions of this policy who is found to have an alcohol concentration of 0.02 or greater shall remain on duty or perform safety-sensitive functions for the District, including driving a commercial motor vehicle, nor shall the District permit the employee to perform or continue to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period or 24 hours, whichever is greater. The employee shall not receive pay and shall be subject to other disciplinary action, including possible termination.

**Prohibitions on Use
of Controlled
Substances by
Employees**

No employee shall report for duty, remain on duty, or perform a safety-sensitive function when the employee uses any controlled substances (illicit or prescribed), as defined by law, except when the use is pursuant to the written instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to perform his or her job and/or safely operate a commercial motor vehicle. This written statement from the physician must be filed with the employee's department before the employee begins work.

- The District shall require an employee to inform the employer of any therapeutic drug use, except that no notification is required for such drug use that does not induce drowsiness or impair employment performance.

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Failure to report such therapeutic drug use may result in termination.

No employee shall report for duty, remain on duty, or perform a safety-sensitive function if the employee tests positive for controlled substances. If the District has actual knowledge that an employee has tested positive for controlled substances, the employee shall not be permitted to perform or continue to perform his or her duties and/or safety-sensitive functions and shall be subject to termination.

**Consequences of
Positive Test Results**

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances shall be subject to termination. [See DH]

The following conduct is in violation of the alcohol and controlled substances policy and shall result in termination of employment:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or substituted specimen on an alcohol or drug test.
3. Testing positive for alcohol, at a concentration of 0.02 or above.
4. Testing positive for controlled substances.

Referral

Each employee who has engaged in conduct prohibited by this policy shall be advised by the District of the resources available to the employee in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

Records

The District shall maintain records of its alcohol misuse and controlled substances use prevention programs. The records shall be maintained in a secure location with controlled access.

Reports

The District shall prepare and maintain an annual calendar year summary of the results of its alcohol and controlled substances testing programs performed under this policy. By March 15 of each year, the District shall complete the annual summary covering the previous calendar year.