SUMNER-BONNEY LAKE SCHOOL DISTRICT

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Regulations & Procedures No. 5202P

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION MANDATED DRUG AND ALCHOL TESTING PROGRAM

This regulation is intended to implement the federally mandated drug and alcohol testing program for applicants for, or employees in, positions in which the individuals must possess a commercial driver's license (CDL), Non-CDL drivers and those considered to hold safety-sensitive positions. Federal regulations regarding this program supersede this regulation if this regulation is inconsistent.

Prohibited Alcohol and controlled Substance-Related Conduct: The following alcohol and controlled substance-related activities are prohibited by the District for employees required to possess a Commercial Driver's License (CDL) as part of their job responsibilities. Violations shall result in appropriate corrective action ranging from removal from the performance of safety-sensitive functions up to and including discharge:

1. Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration in excess of the standard set by the Federal Motor Carrier Safety Association (FMCSA).
2. Being on duty or operating a vehicle while the employee possesses alcohol.
3. Using alcohol or controlled substances while performing safety-sensitive functions.
4. When required to take a post-accident alcohol test, using alcohol within eight (8) hours following the accident or prior to undergoing a post-accident alcohol test, whichever comes first.
5. Refusing to submit to an alcohol or controlled substance test required by post-accident, random reasonable suspicion, or follow-up testing requirements.
6. Using alcohol, or being under the influence of alcohol within four (4) hours of going on duty, operating or having physical control of a vehicle requiring a CDL to operate.
7. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the employee and the District that the substance does not adversely affect the employee's ability to safely operate a vehicle. Employees are required to notify the District of use of any medication that could affect an employee's safe job performance and/or any medication prohibited while working.
8. Reporting for duty, remaining on duty, or performing a safety-sensitive function if the employee tests positive or has adulterated or substituted a test specimen for controlled substances.

Previously Policy No.1118
Revised 11/2005, 2/2012, 2/2019

Testing Requirements
The superintendent/designee is responsible for the development and implementation of procedures for conducting the tests and administering the exemptions consistent with federal rules. The following identify the occasions on which a CDL driver will be subject to alcohol or controlled substances testing.

1. Pre-employment testing: Prior to the first time a driver performs a safety-sensitive function for the district, the driver will undergo testing for controlled substances. This testing requirement may be waived under FMCSA rules for CDL drivers recently employed elsewhere for whom testing records are available from their previous employers.

2. Post-accident testing: Each surviving driver of an accident, as defined by the FMCSA, will be tested for alcohol and controlled substances.

3. Random testing: Annually the district will arrange for the unannounced random alcohol and controlled substances testing of its drivers. Fifty percent (50%) of the district's drivers must be randomly selected for controlled substances testing each year, and ten percent (10%) of its drivers for alcohol testing (or whatever level of testing is required in a given year by the FMCSA). Alcohol testing under this program will take place just prior to, during or immediately after the driver engages in a safety-sensitive function for the district.

4. Reasonable suspicion testing: A driver must submit to alcohol or controlled substance testing whenever a trained supervisor has a reasonable suspicion of alcohol misuse or controlled substance use based on specific, contemporaneous and articulable observations concerning the appearance, behavior, speech or bodily odors of the driver. Observations related to using alcohol must be made just prior to, during or immediately after the driver engages in a safety-sensitive function for the district, and the alcohol test must be given within eight hours following the determination of reasonable suspicion.

5. Return-to-duty testing: If a driver is to be returned to performing safety-sensitive functions for the district after violating this policy or the federal regulations, the driver will be evaluated by a substance abuse professional (SAP) who will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and use of controlled substances. SAPs must require education and/or treatment in all such cases. If a driver is to be returned to performing safety-sensitive functions for the district following a violation of this policy or the federal regulations, the driver will first be evaluated by a SAP to determine that the driver has properly followed any rehabilitation proscribed. Before a driver could be returned to performing safety-sensitive

functions for the district following a violation of this policy and/or the federal regulations, the driver will undergo a return-to-duty alcohol and/or controlled substances test resulting in an alcohol concentration below 0.02 alcohol concentration and/or a negative controlled substances test. The District retains the right to solely determine whether an employee who has violated this policy will be returned to performing safety sensitive functions.

6. Follow-up testing: Any driver who continues performing safety-sensitive functions for the district, following a determination of the alcohol or controlled substances prohibited conduct, will be subject to a follow-up testing.

Record Retention And Reporting
Records collected under this policy will be secured and retained with controlled access and for the time periods established by the federal regulations. The data collected under this policy will be reported as required by the federal regulations.

Education, Training And Referral Services
Educational materials that explain the requirements of this policy and the federal program will be distributed to each driver prior to the start of the testing program and to each driver subsequently hired or transferred into a position covered by this policy. Each driver, after receiving a copy of the materials, will sign a certificate of receipt and the district will maintain the original of the receipt. The collective bargaining representative of the drivers, if any, will be notified of the availability of this information. The educational materials will include:

1. A copy of this procedure and the accompanying policy;

2. The name of the person designated to answer questions about the materials;

3. The categories of employees covered by the policy;

4. A description of safety-sensitive functions, so that drivers will know which part of their tasks will be covered by this policy;

5. A specific description of conduct prohibited by this policy and the federal program;

6. The circumstances under which a driver is subject to testing;

7. The procedures used in the testing program, especially those that protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver;

8. The requirement that drivers must submit to testing required by this policy and the federal program, and a description of what constitutes refusal to submit to required testing and the consequences of refusal;

9. The consequences for drivers who violate this policy and the federal program, including immediate removal from conducting safety-sensitive functions;

10. The consequences for drivers found to have alcohol concentrations between 0.02 and 0.04; and

11. Information about the effects of alcohol and controlled substances on an individual's health, work and personal life and methods of intervening when a problem with alcohol or a controlled substance is suspected, including confrontation, referral to the staff assistance program and referral to management.

Supervisors designated to determine if reasonable suspicion exists that a driver is under the influence of alcohol or controlled substances must have at least sixty minutes of training on alcohol misuse and at least sixty minutes of training on use of controlled substances. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

The employed driver who violates this policy or the federal regulations will be informed of resources available for evaluation and resolving problems associated with the misuse of alcohol and use of controlled substances, including the names, addresses, and telephone numbers of SAPs and counseling and treatment programs. Costs incurred by the driver for evaluation and/or rehabilitation are the driver's responsibility (other policies may apply).