



Administrative Regulations

South San Antonio Independent School District

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Employee Standards of Conduct Drug Free Workplace - 2023	

Reasonable Suspicion Searches

The District reserves the right to conduct searches when the District has reasonable suspicion to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Searches that reveal a violation of the District's standards of conduct may result in disciplinary action.

Reasonable Suspicion Alcohol and Drug Testing

The District may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of District policy. The determination of reasonable suspicion may be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol testing shall be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.

A District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion shall be subject to disciplinary action, up to and including termination.

A District employee confirmed to have violated the District's policy pertaining to alcohol or drugs may be subject to disciplinary action.

“Safety Sensitive” Positions

Federally Required Department of Transportation (DOT) Testing

The following constitute drug-related violations under the DOT rules:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or controlled substances test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
4. Testing positive for controlled substances in a post-accident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
7. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.



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8. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above shall not be eligible for reinstatement as a driver.

Alcohol Results between 0.02 and 0.04

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended from driving duties for at least 24 hours.

[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at District-Imposed Consequences, below.]

Employees covered under this regulation are classified as operating in "safety-sensitive" positions. "Safety-sensitive employees" are defined by the federal law as drivers of vehicles having a gross vehicle weight rating of 26,001 lbs. or more, or who operate vehicles designed to transport more than 15 persons. The safety-sensitive employee must act as a responsible representative for the District and a law-abiding citizen. It is his or her responsibility to report known manufacture, distribution, dispensing, possession, sale, purchase, or use of drugs or alcohol on District premises or in District vehicles to his or her immediate supervisor.

Employees are prohibited from consuming an intoxicating beverage regardless of its alcohol content within four hours before going on safety-sensitive duty. This prohibition extends to any prescription or over the counter medication that contains alcohol. If an employee has used such a medication within four hours of duty, he or she should report this to his or her supervisor.

Safety-sensitive employees shall inform their supervisor of any use of prescribed medicine that could affect their performance. It is the employee's responsibility to determine from the physician whether or not the prescribed drug would impair the employee's job performance. When reporting such use, the employee is required to have a written statement from his or her physician regarding the prescription's effect on the employee's performance of job duties and present it to his or her supervisor.

When there is a risk of accident, the employee shall be directed to take leave, (regardless of whether paid leave is available), or be reassigned to an existing vacant position until the use of prescription medication is discontinued. Paid leave may be charged to sick leave and/or current vacation time if either is available.



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Each supervisor/manager shall become familiar with the substance abuse policy and its administration and shall keep good records of employee performance. Any situation involving an employee under the influence of drugs or alcohol, or the use, sale possession, or distribution of drugs should be reported immediately to the Director of Transportation. It is the supervisor's responsibility to document suspected or actual drug/alcohol use.

Specific Alcohol and Drug Testing Guidelines and Rules

Only employees who agree and consent to participate in a drug and/or alcohol screen and to provide a sample for testing will be tested. All employees recognize that, by continuing their employment with the District, they have consented to the District's adoption of a drug/alcohol-testing program.

Refusal to submit a urine and/or breathe sample or specimen will be considered a violation of policy; the employee will be subject to the same disciplinary action enforced when submitting a positive sample. Failure to produce an adequate sample without a valid medical reason or engaging in conduct that clearly obstructs the collection process will be considered a refusal to test. This policy is not intended to and will not limit testing or search for drugs and/or alcohol by authorized law enforcement personnel in the performance of their duties.

Testing Procedures

Taking a urine or breath sample, then subjecting it to chemical analysis, is permissible if it is done in such a way that privacy interests are respected. There need be no warning in advance for a test if the suspicion of drug use or alcohol misuse is strong enough and can meet objective criteria for that. Employees will complete a pre-testing consent form each time a test is conducted as part of the drug/alcohol testing procedure. This is in addition to any signed acknowledgment forms that may have been obtained at the time of employment or any other occasion. When sending an employee who shows overt signs of impairment or intoxication to the collection site or home, the District will offer transportation to preclude the employee from driving or will get assistance from a taxi, employee, family member, or the police.

Drug Testing

The District will utilize a DHHS-approved laboratory in performing urinalysis for drug detection. The laboratory will provide chain-of-custody procedures and documentation necessary to meet federal standards. The specimen collection procedures and chain-of-custody ensure that the specimen's security, proper identification, and integrity are not compromised. The employee will provide a urine



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specimen in a location that affords privacy. The collector will seal and label the specimen, complete a chain-of-custody document, and prepare the specimen and accompanying paperwork for shipment to the drug-testing laboratory. Each urine specimen will be subdivided into two bottles and labeled as "primary" and a "split" specimen. Both bottles will be sent to a laboratory where only the primary specimen is opened and used for testing while the split specimen remains sealed and is stored for confirmation purposes. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee will have 72 hours to request that the split specimen be sent to another DHHS-certified laboratory for analysis. The employee shall be responsible for any additional testing unless the second test does not detect the presence of the prohibited substance. In such case, the District will reimburse the employee for the second test. Sample testing procedures shall conform to scientifically accept analytical methods and procedures and shall include confirmation of any positive test result by gas chromatography/mass spectrometry (GS/MS) before the results of any test may be used as a basis for any action. If a positive test result occurs, a Medical Review Officer (MRO) will be employed to determine if the test is indeed positive due to illicit drugs or over-the-counter drugs or food substances. The table below shows the detection limits (amount of the drug that can be reliably detected by the laboratory) that will be used to determine a positive test result.

Initial Screening Confirmation:

DRUG (Class)	Detection Levels	Detection Levels
Amphetamine	1000 NG/ML	* 500 NG/ML
Cocaine Metabolite	300 NG/ML	150 NG/ML
Marijuana Metabolite	100 NG/ML	15 NG/ML
Opiate	300 NG/ML	300 NG/ML
Phencyclidine (PCP)	25 NG/ML	25 NG/ML

* Nanogram (billionths of a gram) per milliliter. Source: U.S. Department of Transportation

Alcohol Testing

Alcohol testing will be conducted either on District premises or at a specimen collection site. Alcohol testing will be conducted utilizing an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). Two breath tests will be conducted to determine if a person has a prohibited alcohol concentration. If the alcohol concentration is 0.02 or greater on the initial test, a second or confirmation test will be conducted. In post-accident testing, FHWA permits the



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use of police alcohol breath or blood tests in lieu of a motor carrier test where police will make results available.

Types of Testing

- Job applicants are required to undergo drug before they are hired, after an offer to hire, or when on probation or having limited rights prior to full employment status, but before actually performing safety-sensitive functions for the first time. Pre-employment testing is also required when an employee transfers to a safety-sensitive position. The purpose of this pre-screening effort is to minimize internal corrective actions and possible accidents related to drugs and/or alcohol
- The District reserves the right to screen applicants for all positions or just those applying for safety sensitive positions. All positive test results will be confirmed by an alternative test method of higher quality. If a positive result occurs, candidates may re-apply for a job after completing an evaluation and any necessary rehabilitation as determined by a Substance Abuse Professional (SAP).
- Any employee who undertakes a rehabilitation program and does not complete it or who cannot maintain a drug and alcohol-free status on the job is subject to disciplinary action, up to and including job termination.

Reasonable Suspicion Testing

Reasonable suspicion that an employee may be using drugs or alcohol may be a cause for drug and/or alcohol testing. Reasonable suspicion exists when a specific contemporaneous event or observation points to recent alcohol or drug use. Objective documentation of delinquent job performance must include specific, observable facts and reasonable inferences that suggest the employee is experiencing personal problems and/or using drugs or alcohol. All documentation will be made by a trained supervisor.

If the necessity for a search (urine/breath test) of an individual is deemed sufficiently important to justify intruding upon that person's privacy, then the search may proceed on the basis of "reasonable suspicion." Any employee may be tested for drug or alcohol use based on reasonable suspicion when:

- Employee is observed on duty by the employee's immediate supervisor or higher-ranking supervisor and the observation is confirmed by another supervisor/manager trained to



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recognize the symptoms of drug and/or alcohol abuse, impairment, or intoxication. These observations shall be documented by the observers.

- Employee behavior is recognized and accepted as symptomatic of intoxication or impairment caused by controlled substances or alcohol, or addiction to or dependence upon controlled substances. Symptoms of such impairment could be slurring of speech, dilated pupils, loss of balance, inability to do ordinary physical tasks, or unusual risk-taking behavior
- Employee behavior is not reasonably explained as resulting from causes other than the use of controlled substances (such as fatigue, lack of sleep, side effect of prescription or over-the-counter medications, reaction to noxious fumes or smoke, etc.).

Accident Definition

Under this policy, an accident is defined as:

- A fatality.
- Bodily injury to a person who, because of the injury, immediately receives medical treatment away from the scene of the accident.
- One or more motor vehicles incurring disabling damage because of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Post-Accident Testing

Any employee may be tested for drug or alcohol use when one or more of the following has occurred:

1. Employee's performance could have contributed to an accident.
2. Applicable, accident thresholds and conditions set according to governmental regulations are violated by the employee. Three circumstances that require mandatory post-accident testing are:
 - a. A fatality; and/or
 - b. The safety-sensitive employee receives a citation for a moving traffic violation because of the accident and someone immediately receives medical treatment away from the scene of the accident; and/or
 - c. The safety-sensitive employee receives a citation for a moving traffic violation as a result of the accident, and one or more vehicles are towed from the scene of the accident.



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3. Employee leaves the scene of an accident without a valid reason for not being tested. He or she will be deemed to have refused a test and subsequent action will be taken; and/or
4. A DWI conviction has occurred which requires a one-year to lifetime suspension from safety-sensitive work duty. The suspension depends on the nature of the offense, prior convictions, and specific job duties. Drivers who test positive or refuse to be tested after a fatal accident will be disqualified from their safety-sensitive duties for one year.
5. Testing will be conducted only when ordered by the Superintendent, supervisor, or other appropriate District personnel.
6. Applicable, accident thresholds and conditions set according to School District transportation department:
 - a. Students are on board at the time of the accident

Random Testing

The District reserves the right to randomly test employees in safety-sensitive positions such as: operating vehicles/equipment or working in proximity of facilities, equipment, or terrain that is generally considered as potentially dangerous and/or jobs that entail maintenance and repair of equipment.

Testing will be conducted at 50 percent of the number of people in the pool.

"Random selection" means that some employees may be tested more than once each year; some may not be tested at all.

"Random testing" for alcohol will be conducted in immediate time proximity to performing safety-sensitive functions; drug testing may or may not. Once notified of selection for testing, however, an employee must proceed immediately to a collection site.