

# Drug & Alcohol Testing Policy

Federal law prohibits alcohol misuse and the use of controlled substances that could affect the performance of a safety-sensitive function by employees. This policy implements the requirements of Federal Law.

This policy shall be applicable only to those employees of the Lynwood Unified School District who hold or who are required to obtain a commercial driver's license which is necessary to perform job-related duties such as operating a commercial motor vehicle is necessary to perform job-related duties such as operating commercial motor vehicle (a "covered employee")

## Prohibited Conduct

1. No covered employee 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.
2. No covered employee shall remain on duty, or operate a commercial motor vehicle, while that employee possesses alcohol. This include that possession of medicines containing alcohol (prescription or over-the-counter) unless the packaging seal is unbroken.
3. No covered employee shall use alcohol during on-duty time, or while performing safety-sensitive functions.
4. No covered employee shall perform safety-sensitive functions within four hours after using alcohol.
5. No covered employee who is required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he or she undergoes a post-accident alcohol test, whichever occurs first.
6. No covered employee shall refuse to submit to any test required by law, or this policy. Any employee who refuses to take a required post-accident alcohol or reasonable suspicion alcohol or controlled substances

test, or a follow-up alcohol or safety-sensitive functions, and shall be subject to appropriate disciplinary action, up to and including dismissal.

7. No covered employee shall report for duty, or remain on duty requiring the performance of safety-sensitive functions, when the covered employee uses or possesses any controlled substances, except when the use or possession is pursuant to the instructions of a physician who has advised the covered employee that the substance does not adversely affect the covered employee's ability to safely operate commercial vehicle.
8. No covered employee shall report for duty, remain on duty or perform a safety-sensitive function if the covered employee tests positive for controlled substances.

### **Other Alcohol Related Conduct**

1. No covered employee tested pursuant to this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 perform or continue to perform safety-sensitive functions until the start of the covered employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. The District has the sole discretion to determine whether to assign the covered employee to perform non-safety sensitive functions during the time he or she is prohibited by this section from performing safety-sensitive functions.
2. Other than as specified in paragraph 1 of this part, no action shall be taken against a covered employee under this part bases solely on the test results showing an alcohol concentration less than 0.04. This does not prohibit the District from taking any appropriate disciplinary action which may otherwise be authorized by statute, law, Board Policy, or the Rules and Regulations of the Personnel Commission.

### **Consequences of Prohibited Conduct**

1. No covered employee shall return to duty of remain on duty requiring the performance of safety-sensitive functions if the covered employee has engaged in conduct prohibited by this Policy, unless and until the covered

employee successfully fulfills the conditions for rehabilitation and return to duty set forth in this Policy.

2. Any covered employee tested under this Policy who is found to have an alcohol concentration equal to or greater than 0.04, or who tests positive on a verified controlled substances test, shall not continue to perform safety-sensitive functions performance of safety-sensitive functions until the employee produces a Return-to-Duty test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, and/or a result indicating a negative result for controlled substances use if the conduct involved controlled substances.
3. Any covered employee discovered to have engaged in prohibited conduct shall be subject to an evaluation by a substance abuse professional (SAP) to determine what, if any, assistance the employee needs in resolving problems associated with alcohol misuse and controlled substances use. The SAP shall be a person who is qualified for that position in accordance with applicable Federal requirements.
4. If, after an evaluation, an employee is diagnosed as needing assistance and directed to an assistance program, that employee may not return to duty unless and until the SAP determines that the employee has properly followed any rehabilitation program prescribed.
5. Each covered employee identified by a SAP as needing assistance in resolving problems associated with alcohol misuse or controlled substances use shall be subject to follow-up controlled substances tests administered by the District after the covered employee's return to duty.
6. Every covered employee who has engaged in prohibited conduct as defined herein shall be advised of the resources available to that employee in evaluating and resolving problems associated with the misuse of alcohol and controlled substances test with a certified positive result. Such prospective employees are not eligible for employment.
7. The choice of the substance-abuse professional who shall conduct the evaluation is reserved to the District.
8. The cost of any treatment and/or rehabilitation program prescribed by the SAP shall be borne by the employee. The employee assistance program

(EAP) where applicable. The employee may utilize the benefit component of the District-provided health insurance program, if the health insurance program in which the employee is enrolled provides such benefits, and if the treatment and/or rehabilitation program is approved by the District.

### **Post-Accident Testing**

As soon as practicable following an accident involving a commercial motor vehicle, the District shall test the following individuals for alcohol and controlled substances: (1) any covered employee who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life, and/or (2) any covered employee who receives a citation under state or local law for a moving violation arising from the accident.

### **Random Testing**

The District shall randomly select covered employees for alcohol and controlled substances testing during each calendar year, in accordance with applicable Federal law. The minimum annual percentage rate for random alcohol testing shall be twenty-five (25) percent of the average number of covered employee, until further notification is received from the Federal

Department of Transportation. The minimum annual percentage rate of controlled substance testing shall be fifty (50) percent of the average number of covered employees, until further notification is received from the Federal Department of Transportation. Each employee has an equal chance of being selected from random testing.

### **Reasonable Suspicion Testing**

The District shall require a covered employee to submit to an alcohol and/or controlled substance test, as appropriate, when the District has reasonable suspicion to believe that the employee has engaged in prohibited conduct as defined in this Policy.

The District's determination that reasonable suspicion exists must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the covered employee. In the case of controlled substances, reasonable suspicion may also be based on observations which include indications of the chronic and withdrawal effects of controlled substances.

### **Return to Duty and Follow-Up Tests**

Before a covered employee returns to duty that requires performance of the safety-sensitive function, after engaging in prohibited conduct he/she shall undergo a return-to-duty alcohol test and achieve a result indicating an alcohol concentration of less than .02 if the conduct involved alcohol and/or a controlled substance test with the verified negative result if the conduct involved a controlled substance. In addition to a return-to-duty test, the employee is also subject to follow-up testing as required by Federal regulations.

### **Disciplinary Action**

The District reserves that right to impose any appropriate disciplinary action, up to and including discharge, if and when an employee produces a test result indicating an alcohol concentration equal to or greater than 0.02 or if an employee produces a controlled substances test with a verified positive result, or if an employee refuses to submit to a test required by the Policy.