

It is the intent of the board of trustees to promote an alcohol and drug-free workplace, thereby enhancing workplace safety and increased productivity. Consistent with Policy 403, the purpose of this procedure is to establish guidelines to be followed in the drug and alcohol testing of and employees.

## **DEFINITIONS**

Terms defined in Policy 403 shall have the same meaning in this procedure.

## **PROGRAM RESPONSIBILITY**

The superintendent or designee (such as a medical review officer (“MRO”)) has the overall responsibility for the district’s drug and alcohol testing program. The superintendent’s or designee’s responsibilities include: (a) reviewing the results of drug tests; (b) reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation for the positive result; (c) conducting an interview with the individual testing positive to determine if the positive result was caused by legally prescribed medication; (d) requiring a retest of the original specimen if the superintendent or designee deems it necessary; and (e) verifying that the laboratory report and the specimen are correct. If a MRO is authorized by the board or superintendent to oversee the district’s drug and alcohol testing program, the MRO is expected to follow the Medical Review Officer Manual published by the U.S. Department of Health and Human Services for tests conducted under this policy.

If the superintendent or designee other than a medical review officer (“MRO”) determines that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the superintendent or designee will conclude that the test is negative and will not take any further action.

If the MRO determines that a particular test is scientifically insufficient or there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the MRO will conclude the test is negative, communicate the negative test result to the superintendent or designee, and no further action will be taken. If the MRO determines that there is no legitimate explanation for the positive test other than the use of a prohibited drug, the MRO will conclude the test is positive and communicate the positive test result to the superintendent or designee, who will notify the employee in writing of the positive test result.

## **REQUIREMENTS FOR SAMPLE COLLECTION AND TESTING**

The superintendent or designee shall designate an entity or entities to provide the collection and testing services necessary to implement this. The collection site for collection urine specimens will be at the designated laboratory or the district office. Further, the superintendent or designee

is responsible for ensuring that all procedures for sample collection and testing comply with the following requirements:

1. The collection of samples shall be performed under reasonable and sanitary conditions.
2. The individual employed by the collection site or laboratory who is responsible for collecting the sample will be instructed as to the proper methods of collection.
3. Samples shall be collected and tested with due regard to the privacy of the individual being tested and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
4. Sample collection shall be documented, and the documentation procedure shall include: (a) labeling of samples so as to reasonably preclude the possibility of misidentification of the person tested in relation to the test result provided; and (b) handling of samples in accordance with reasonable chain-of-custody and confidentiality procedures.
5. Sample collection, storage, and transportation to the testing laboratory shall be performed so as to reasonably preclude the possibility of sample contamination and/or adulteration.
6. Sample testing shall conform to scientifically accepted analytical methods and procedures.
7. Drug testing shall include a confirmatory test before the result of any test is used as a basis for disciplinary action by the district. A confirmatory test refers to the mandatory second or additional test of the same sample that is conducted by a laboratory utilizing a chromatographic technique such as gas chromatography-mass spectrometry or another comparable reliable analytical method.
8. Positive alcohol tests resulting from the use of an initial screen saliva test must include a confirmatory test that utilizes a different testing methodology meant to demonstrate a higher degree of reliability, such as a gas chromatography test. The test will be considered positive if the BAC results are between .02 and .08 or more.
9. Positive alcohol tests resulting from the use of a breath test must include a confirmatory breath test conducted no earlier than fifteen (15) minutes after the initial test; or the use of any other confirmatory test meant to demonstrate a higher degree of reliability, such as a gas chromatography test. The test will be considered positive if the BAC results are between .02 and .08 or more.

All employees subject to testing are required to sign any documents necessary to authorize the testing and disclosure of information to the Medical Review Officer (MRO) or other qualified person, and the superintendent or designee. An employee who refuses to be tested, alters or attempts to alter the sample, or otherwise obstructs the collection of the sample will be subject to the consequences of a positive test.

The approved collection site or laboratory will collect the necessary samples from the employee and perform the required drug and/or alcohol test in accordance with the standards specified above. A trained individual will explain the drug and/or alcohol screening procedure to the employee, obtain authorization for the testing, assist the employee in completing any necessary forms, and monitor the sample collection.

**REFUSAL TO TEST**

The following constitutes a refusal to test:

1. Refusing to sign any of the following forms: (a) Statement that a copy of the alcohol and drug testing procedures and policy has been given and explained; or (b) agreement to be tested according to the alcohol and drug testing procedures and policy.
2. For alcohol testing:
  - a. Refusal by any employee to complete and sign the breath alcohol testing form;
  - b. Failure to provide adequate breath without a valid medical explanation in writing; or
  - c. Failure of an employee to remain readily available for testing for eight (8) hours following an accident that requires testing.
3. For drug testing:
  - a. Failure to provide a urine sample within four (4) hours, without a valid medical explanation in writing;
  - b. Conduct that clearly obstructs testing procedures; or
  - c. Failure of an employee to remain readily available for testing for 32 hours following an accident requiring testing.

**DRUG AND ALCOHOL TESTING FOR EMPLOYEES**

Once the determination has been made that an employee is to be tested based upon reasonable suspicion, the superintendent or designee should transport the employee to the collection site or make other appropriate arrangements for transportation. The collection site personnel should be notified that the reason for testing is reasonable suspicion.

Upon arriving at the collection site, the employee will be asked to sign a release for testing and to assist in completing the necessary forms for testing. After the employee has signed the necessary releases for testing, then the standard procedures for drug and alcohol testing should be followed by the collection site personnel.

Once the procedure has been completed, the employee should be transported back to the superintendent's or designee's office where the employee will be placed on administrative leave with pay until the results of the test are available.

If the employee refuses to sign the release or refuses to be tested by the designated laboratory, the employee should be advised that refusal under board policy is considered insubordination. If the employee continues to refuse, the employee should be transported back to the superintendent's or designee's office. The superintendent or designee will place the employee on administrative leave

with pay with instructions to call his or her office before the normal reporting time for that employee on the following workday.

If the superintendent or designee believes that the employee is in no condition to operate a vehicle, then the employee should be transported home or other arrangements made to ensure the employee returns home safely. Under no circumstances should the employee be allowed to drive. If the employee insists, the superintendent or designee should tell the employee that if he or she gets in a vehicle to drive that law enforcement will be called to alert them to the situation, including providing the employee's name, location, vehicle description and license plate number.

In the event of positive test results, the superintendent or designee will review other records of the employee and work out proper disciplinary procedures, if any, in accordance with board policy and state law.

Once the employee has been scheduled for testing, if the employee refuses to test, the employee will be considered insubordinate and subject to further disciplinary action in accordance with board policy and state law. If an employee has been notified to submit to testing and fails to show up for the test, failure to submit to testing will be considered the same as a refusal to test unless a medical emergency or accident prevents the employee from testing, in which case credible documentation will be required that substantiates the reason for being absent from the testing. If, at the sole discretion of the superintendent or designee, the employee is allowed to be tested at a later date, the above procedure will be repeated. In no case will an employee be allowed more than one (1) opportunity to be rescheduled for testing.

Employees who refuse to be tested or who do not appear for testing and who do not have a documented credible reason for being absent from the testing time will be subject to disciplinary action. The collection site personnel should notify the superintendent or designee in the event an employee refuses to test or does not arrive for testing.

### **RIGHT TO EXPLAIN POSITIVE TEST RESULT AND REQUEST RETEST**

Any employee who tests positive for drugs or alcohol will receive written notice of that test result, specifically identifying the substance for which he or she tested positive. The employee will be given an opportunity to discuss and explain the positive test result with the superintendent or designee, an MRO, or other qualified person.

Any employee who has a positive test result may request that the same sample be retested by a mutually agreed upon laboratory. A request for retest must be made within seven (7) working days from the date of the first confirmed positive test notification and will be paid for by the employee requesting the test. If the retest results are negative, the district will reimburse the cost of the retest and compensate the employee for lost pay, if suspended without pay. If terminated solely because of the positive test, the employee shall be reinstated with back pay.

**REMEDIAL ACTION**

If the district determines that an employee has violated this policy, the district may take disciplinary action up to and including suspension, with or without pay, and/or termination from employment due to misconduct. Termination for work-related misconduct may result in the denial of unemployment benefits. Additionally, workers' compensation benefits may be reduced by 50% for injury due to intoxicants.

The district may also require the employee to enroll in and successfully complete a district-approved rehabilitation, treatment, or counseling program, which may include additional drug and/or alcohol testing, as a condition of continued employment. An employee's willingness to enroll in a rehabilitation, treatment, or counseling program may be considered when determining what, if any, personnel action will be taken.

The district may grant sick and personal leave for an employee enrolled in a rehabilitation or treatment program until the leave is exhausted and then may grant leave without pay for a period not to exceed one (1) year. The district will not pay the cost of medical or rehabilitation services for the employee. Such costs are the sole responsibility of the employee and/or the employee's insurance provider.

**TESTING COSTS**

The district will pay all costs of drug and alcohol testing, unless the test is a retest requested by the employee. If the retest establishes a negative test result, the district will reimburse the employee for the cost of such test.

District employees will be compensated at their regular rate of pay for the time during which they are undergoing any drug or alcohol testing, including transportation time.

**SCHOOL BUS DRIVERS**

District employed school bus drivers operating under a commercial driver's license (CDL) must meet the U.S. Department of Transportation's (DOT) drug and alcohol testing requirements, which are addressed in Bus Driver Drug and Alcohol Testing Program, Policy 744. The district shall comply with this policy as well as Policy 744 regarding bus drivers.



**LEGAL REFERENCE:**

Federal Law and Regulations

41 U.S.C. §81 *et seq.*, as amended (the Drug-Free Workplace Act of 1988)

29 CFR §94.205 – What must I include in my drug-free workplace statement?

34 CFR Part 84 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)

Idaho Code Sections

23-105 – Alcoholic Liquor Defined

23-1001(a) – Beer Defined

23-1303 – Wine Definitions

37-2701 *et seq.* – Uniform Controlled Substances

72-1701 *et seq.* – Alcohol and Drug Free Workplace Act

**ADOPTED: May 13, 2013**

**AMENDED: March 12, 2018; October 13, 2025**

**Note:** This policy is optional, insofar as Idaho school districts are not required to adopt an employee drug and alcohol testing program (with the exception of bus drivers, which is addressed in Policy 744). However, if the school district elects to implement a drug and alcohol testing program for other employees, it must adopt a policy which is consistent with the requirements of Idaho Code Section 72-1701, *et seq.* The provisions of Policy 403P1, as drafted, meet the statutory requirements.