

PERSONNEL

Alcohol and Controlled Substances Program

Snohomish School District has a vital interest in maintaining a safe, healthful, and productive environment for its employees and students. In this regard and to comply with the Department of Transportation (DOT), Federal Highway Administration Regulations, an alcohol and controlled substances testing program is being established for those employees required to have a Commercial Driver's License (CDL).

To achieve as safe a workplace as possible, Snohomish School District employees who hold a Commercial Driver's License must be free from the effects of alcohol and controlled substances that impair job performance. This does not include drugs prescribed by a licensed medical practitioner and used according to instructions.

I. Definitions

- A. Alcohol is the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohols.
- B. Alcohol Use is the consumption of any beverage, mixture or preparation, including any medication containing alcohol.
- C. Alcohol Concentration (or content) is the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
- D. Controlled Substance (drug) means narcotics, depressants, stimulants, hallucinogens, cannabis (marijuana and hashish) that can alter the mood, perception, pain level, judgment or the ability of the employee to perform his/her duties in a safe and efficient manner. Includes all substances listed on Schedules 1 through V (21 CFR 12308).
- E. Prescribed Drug is any controlled substance, except methadone, lawfully prescribed for therapeutic use for the individual having possession of it.
- F. Safety-Sensitive Function means operating a commercial motor vehicle under conditions which require a Commercial Driver's License. All school bus driver positions are safety-sensitive positions.
- G. Performing a Safety-Sensitive Function is any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
- H. Accident is an occurrence involving death, injury and/or loss.
- I. Under the Influence for purposes of this policy means:
 - 1. Alcohol - having an alcohol concentration of 0.04 or greater.

2. Controlled Substance - a positive test result unless the Medical Review Officer determines a legitimate reason exists for the presence of a controlled substance in the CDL holder's system.
 3. Symptoms - the symptoms of influence are not confined to misbehavior or obvious impairment of physical or mental ability. They include, without limitation, drowsiness, hyperactivity, slurred speech, red or tearing eyes, dilated and constricted pupils. However, the final determination of influence will be established by a scientifically valid test.
- J. Workplace includes all work locations, desks, lockers, parking lots used by CDL holders while working and any vehicle engaged in school district business.
- K. Medical Review Officer (MRO) is a licensed physician (medical doctor or doctor of osteopathy) with knowledge of drug abuse disorders. The MRO will review all controlled substance test results; will determine if the positive test results are correct and if there are legitimate reasons for the CDL holder to have controlled substances in his/her system.
- L. Substance Abuse Professional (SAP) is a licensed physician (medical doctor or doctor of osteopathy), a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of a clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.
- M. Evidential Breath Testing Device (EBT) is a device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath for alcohol concentration.
- N. Breath Alcohol Technician (BAT) is an individual trained in the alcohol testing process and operates an EBT.
- O. On-Duty Time includes all time spent providing a breath sample or urine specimen, including travel time to and from the testing and collection site, in order to comply with the random, reasonable suspicion, post-accident or follow-up testing required by this policy.
- P. Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle 1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of 26,001 or more pounds; or 2) has a gross vehicle weight rating of 26,001 or more pounds; or 3) is designed to transport sixteen or more passengers, including the driver; or 4) is of any size used in the transportation of materials found to be hazardous for the purposes of the Hazardous Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

II. Regulations

- A. Snohomish School District will not employ individuals who use illegal controlled substances in any amount. Accordingly, the use, possession, sale, distribution, dispensation, or the manufacture of illegal controlled substances is prohibited in the workplace.

- B. CDL holders shall not report for duty or remain on duty if they are under the influence of controlled substances, except when the use is pursuant to the instructions of a licensed physician.
- C. CDL holders having any reason to believe a controlled substance prescribed for their therapeutic use may present a potential safety problem are to report such use to their supervisor. A decision may be made to temporarily change their job function to ensure their safety, students' safety, and that of school district property.
- D. CDL holders shall not perform safety-sensitive functions within four hours after using alcohol.
- E. CDL holders shall not report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. Any CDL holder tested who has an alcohol concentration of 0.02 but less than 0.04 will not be permitted to perform a safety-sensitive function until 24 hours after the administration of the test.
- F. Any CDL holder tested who is found to have an alcohol concentration of 0.04 or greater is considered to be under the influence and in violation of this policy.
- G. CDL holders shall not be on duty while in possession of alcohol.
- H. CDL holders required to take a Post-Accident alcohol test shall not use alcohol for eight hours following the accident, or until they undergo a Post-Accident alcohol test, whichever occurs first.
- I. Managers or supervisors having knowledge a CDL holder is in violation of this policy shall not permit that CDL holder to perform a safety-sensitive function and are subject to disciplinary action up to and including termination.
- J. CDL holders violating any provision of this policy are subject to termination.
- K. CDL holders violating this policy shall be evaluated by a Substance Abuse Professional (SAP), who will determine what assistance, if any, the individual needs in resolving their alcohol or controlled substance problem.
- L. If a CDL holder is allowed to return-to-duty after violating this policy, the CDL holder shall undergo a Return-To-Duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substance test with a verified negative result. In addition, each CDL holder identified as needing assistance in resolving an alcohol and/or controlled substance problem will be evaluated by the SAP to determine if the CDL holder properly followed the prescribed rehabilitation program.
- M. CDL holders refusing to take an alcohol test or a controlled substances test when instructed by a supervisor or management official will not be permitted to perform a safety-sensitive function. Such refusal will be treated as a positive test unless a legitimate medical reason exists. Any one of the following actions by a CDL holder will be considered a refusal to test for alcohol or controlled substances:
 - 1. CDL holder refuses to complete and sign the Federal Drug Testing Custody & Control Testing Form provided at a district named medical facility.

2. CDL holder refuses to provide an adequate amount of breath for alcohol testing, unless a doctor determines the failure is due or probably due to a medical condition.
3. CDL holder fails to provide a urine specimen.
4. CDL holder fails to cooperate with the testing process in a way that prevents the completion of the test.

III. Testing Requirements

- A. The health and well-being of CDL holders and the safe and efficient operation of school buses are very important. To help management in this regard, alcohol and controlled substances testing will be used in the following situations:
 1. Pre-Employment Testing - All driver applicants will be tested for controlled substances prior to performing any safety-sensitive functions, unless an exception is authorized by the regulations.
 2. Reasonable Suspicion Testing - When a supervisor or management official believes a CDL holder's actions, appearance, conduct, or work performance indicates the possible use of alcohol and/or controlled substances in violation of this policy, the employee will be tested.
 3. Post Accident Testing - All CDL holders involved in an accident shall be tested for alcohol and controlled substances, as required by law and deemed necessary by the District.
 4. Random Testing - CDL holders will be randomly selected for unannounced alcohol and controlled substances testing. The selection will be through the use of a computer based number generated program. All CDL holders have an equal chance of being selected each time a selection is made.
 5. Return-To-Duty Testing – Before a CDL holder who has engaged in conduct in violation of the alcohol and controlled substances policy can return to duty, a test will be conducted including the performance of a safety-sensitive function. The alcohol test must indicate an alcohol concentration of less than 0.02. The controlled substances test result must indicate the verified negative.
 6. Follow-up Testing - When a CDL holder has engaged in conduct in violation of the alcohol and controlled substances policy, has passed the Return-To-Duty test and is allowed to return to a safety-sensitive position, a Follow-Up test will be conducted. The CDL holder is subject to Follow-Up testing for a maximum of five years. A minimum of six unannounced alcohol and controlled substances tests will be conducted during the first 12 months after returning to work. The number thereafter will be based on the recommendation of the SAP.
- B. When CDL holders are required to take Reasonable Suspicion testing, or in certain accident situations stipulated by state law and outlined in district procedures, a CDL holder will not be allowed to return to work following an accident until test results are known. They will be offered transportation to their home and will be given specific instructions to follow until the test results are received. CDL holders will continue to be paid for their regularly scheduled shift at their current rate of pay until the test results are available. If the tests are negative, the CDL holder may return to work.

- C. CDL holders required to take Random alcohol and controlled substances tests through the random selection process will resume their duty status after completion of the alcohol test and submitting their urine specimen, if appropriate. If the final test is positive, the CDL holder's pay will terminate upon receipt of the test results and written official notice by the immediate supervisor.
- D. When a urine specimen is provided by a CDL holder, it will be divided into a "split sample". If the controlled substance test is positive, the CDL holder may within 72 hours of being notified of the positive result by the MRO, request the second part of the split sample be analyzed by another laboratory. Should the second test result be positive, the CDL holder must pay all costs for the test. If it is negative, the entire test is considered negative and the school district will pay all costs.
- E. Only qualified medical and laboratory personnel will conduct alcohol tests, urine specimen collections, and laboratory analyses. The laboratory used will be certified by the U.S. Department of Health and Human Services (DHHS). All alcohol tests indicating an alcohol concentration of 0.02 or above will undergo a second confirmation test. Each positive initial test for controlled substances will undergo a second confirmation test using a gas chromatography/mass spectrometry (GC/MS) technique to ensure the validity of the initial screening result.
- F. When a controlled substances test has been conducted, the MRO will further evaluate the test result before forwarding it to the school district. The MRO will discuss each positive test with the CDL holder to determine if there is any legitimate reason for the positive result. The MRO will contact the CDL holder by telephone as soon as possible after receiving the results from the laboratory. If the MRO cannot contact the CDL holder within two days, the MRO will notify the school district and a supervisor will instruct the CDL holder to telephone the MRO. If the CDL holder does not contact the MRO within five days after being advised to do so, the MRO will verify the positive test result and the school district will be notified.

IV. Rehabilitation

- A. Rehabilitation is the responsibility of each CDL holder. However, should a CDL holder require in-patient or out-patient treatment for alcohol or controlled substances abuse, he/she is eligible to receive those benefits allowed under the school district medical and insurance plan.
- B. Confidential support is available through the District Employee Assistance Program for any CDL holder who believes he/she needs assistance.
- C. A CDL holder's decision to seek help for an alcohol or controlled substances problem will not be used as a basis for disciplinary action, nor will it jeopardize continued employment if the individual immediately stops using alcohol and controlled substances in violation of this policy.

V. Re-Hiring

- A. Any CDL holder terminated for violating this policy, who wants to be re-hired, can be assured that the circumstances surrounding the violation and his/her work record will be carefully evaluated. Any decision on re-employment is entirely within the discretion of school district management.

