

Downey Unified School District

ADMINISTRATIVE SERVICES

TRANSPORTATION -

AR 6625

DRUG AND ALCOHOL TESTING FOR SAFETY-SENSITIVE AND OTHER POSITIONS

The safety of school students, staff, and others using public roads and present at district locations requires that persons employed in safety-sensitive and other specific positions in the District be free from the influences of drug and/or alcohol.

In order to ensure the safety of the students and others, and to comply with Federal Highway Administration regulations, the District implements the following administrative regulations relating to the testing for drug and/or alcohol of persons employed in safety-sensitive positions who are required to possess a commercial motor vehicle license, effective January 1, 1996, and all employees in Unit II.

Drug Program Coordinator

The individual designated as having primary responsibility for coordination of the drug-testing program is known as the Drug Program Coordinator. The individual designated as the Drug Program Coordinator is the Director, M.O.T. Services.

Covered Individuals

Employees covered by this regulation are those performing safety-sensitive functions who are required to possess a commercial motor vehicle license, and employees in Unit II. Safety-sensitive functions are defined as loading, unloading, operating, dispatching, or maintaining a commercial motor vehicle, which is defined as a motor vehicle designed to transport sixteen or more passengers, including the driver. An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

Notice

All employees subject to testing for controlled substances and alcohol shall be individually notified, in advance and in writing, that they are subject to reasonable suspicion, post-accident, random, return to duty, and follow-up testing while on duty.

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#### Notice – continued

Covered employees shall receive and sign for copies of the District Policy and Administrative Regulations related to drug and alcohol testing, and the Drug and Alcohol Testing Program Guidelines for Implementation. Included in these documents are the consequences to the employee of a positive test. They will also receive information concerning the effects of drugs and alcohol on an individual's health, work, and personal life; signs and symptoms of a drug or alcohol problem; and available methods of intervening when a drug or alcohol problem is suspected.

A covered employee using a prescribed controlled substance may not continue working in his/her regular safety-sensitive or other position unless the employee's physician has advised that use of the prescribed substance will not adversely affect his/her ability to safely perform the duties of his/her position.

#### Training

All employees subject to this article shall receive training on alcohol misuse and controlled substance abuse. In addition, all C.S.E.A. Transportation stewards shall receive the same training provided to supervisors for reasonable suspicion determinations.

#### Self-referral

Covered employees may refer themselves for treatment using the District's employee assistance program or to a private physician or program before being notified of random test selection. Employees who self-refer and require treatment may use their sick leave (including the remainder of their 100 days ½ pay), vacation leave, and/or unpaid leave during the term of their treatment, to a maximum of six (6) months. This provision may not be construed as an attempt to circumvent the purposes of the "random," "post-accident," or "reasonable suspicion" tests. Financial responsibility for any such referral, treatment, counseling, rehabilitation or hospitalization will be in accordance with the health and welfare benefits as provided in the collective bargaining agreement.

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continued

### Prohibited Behavior

The use of alcohol which results in a blood alcohol level of greater than .02, and the use of controlled substances which includes, but is not limited to the following, is prohibited: cannabinoids (ie., marijuana), cocaine metabolite, opiates, amphetamines/ methamphetamines, and phencyclidine (PCP). In addition, employees in safety-sensitive positions who are taking controlled substances prescribed by their physician for any purpose which adversely affects their ability to safely perform their duties, must notify their supervisors immediately and may not assume the duties of their position.

Other prohibited behaviors include, but are not limited to: possession or use of alcohol or controlled substances while on duty; use of alcohol within four hours prior to reporting for duty; use of alcohol within eight hours following an accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first; refusal to submit to a test for alcohol or controlled substances; reporting for duty following a test for controlled substance with a positive result, or following an alcohol test when found to have had a blood alcohol level exceeding the parameters as established by the Federal Highway Administration Regulations published 1994.

The adoption of these administrative regulations in no way limits the Board of Education in imposing discipline in instances where employees have committed prohibited acts or exhibited unacceptable behavior as listed in Personnel Commission Rules and Regulations section 60.900.2.

### Testing Program

Testing will be conducted in accordance with procedures established to comply with Federal Highway Administration regulations, and shall include pre-employment testing, random testing, reasonable suspicion testing, post-accident testing, return-to-duty testing, and follow-up testing. The testing is implemented pursuant to, and shall conform with, requirements of the Code of Federal Regulations, Title 49, Parts 40 and 382. A description in brief of testing procedures follows. A complete description is found in the Drug and Alcohol Testing Program Guidelines for Implementation, a copy of which is provided to each covered employee.

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Testing Program - continued

The testing laboratory for controlled substance testing will be a forensic laboratory certified for such testing by the U.S. Department of Health and Human Services.

Procedures

Covered employees shall be required to present photo identification (California Driver's License, California Identification Card, District employee identification badge, or student identification card) when appearing for a drug or alcohol test.

Collection of urine samples will be conducted in a private setting and with no direct observation by a site collection person, except for the reasons stated in Title 49 of the Code of Federal Regulations, section 40.25, subdivision (e), and then only by a same gender collection site person who is not employed by the employer.

The collector will have a custody and control form, which will bear identification of the donor. Following collection, the donor will observe the collector transfer the sample to the specimen bottle, evaluate the specimen for temperature and quantity, and will observe placement of the tamper-proof seal over the specimen bottle cap and down the sides of the bottle. Seals will contain the date of collection, name of collection official and required donor identification information. Donor will initial the seals on the specimen bottle. The collector will complete the custody and control form, copies of which will be distributed as noted on the form.

If an employee fails to appear for collection as directed, the Drug Program Coordinator will be notified and will document the failure to appear in the employee's personnel file. If the employee can document a reasonable basis for failing to appear, the Drug Program Coordinator will remove the documentation from the employee's file and will reschedule the employee, informing the employee of the time, date, and place of the rescheduled test.

If the employee fails to appear for collection and cannot document a reasonable basis for failing to appear, the employee will be considered to have refused to provide a specimen and will be treated accordingly.

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Procedures - continued

Refusal by an employee to submit to a drug or alcohol test constitutes a verified positive test result. Such an employee will be immediately removed from duty and referred to a Substance Abuse Professional.

If the employee appears for the test but fails to provide a specimen of at least 45 milliliters, the employee will be asked to drink fluids to facilitate urination, and be given reasonable time to provide a specimen.

The annual percentage rate for random alcohol testing is 25% of the safety-sensitive and other covered positions on record as of October 1 of each calendar year. The annual percentage rate for random controlled substance testing is 50% of the safety-sensitive and other covered positions on record as of October 1 of each calendar year.

Prior to the employment of anyone in a safety-sensitive or other specific position, s/he shall undergo testing for alcohol and controlled substances. Pre-employment testing shall take place after a person has been offered a position, but prior to the first day of employment. The District reserves the right not to employ persons who test positive.

An employee covered under this administrative regulation who is involved in an accident during the performance of his/her duties which results in the loss of human life, or results in the issuance of a citation under State or local law for a moving traffic violation arising from the accident, will be required to submit to a test for alcohol and controlled substance(s). An employee subject to post-accident testing shall remain readily available for such testing for the period of time specified in the Federal Highway Administration Regulations published in 1994, or will be deemed to have refused to submit to testing.

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Consequences for Positive Result

Alcohol

Employees covered under this administrative regulation who test positively for a blood alcohol level of .02 or greater, but less than .04, shall be immediately removed from duty and shall not be returned to duty until 24 hours have passed. Employees may use earned paid leave during this 24-hour period, or may be assigned to duties other than safety sensitive or duties not including the operation of potentially hazardous machinery or district vehicles. Prior to returning to duty the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than .02. During the 24-hour period the employee shall have the option of consulting with the District's Substance Abuse Professional (SAP), and may use earned paid leave to do so.

Covered employees who test positively for a blood alcohol level of .04 or greater shall be immediately removed from duty and referred to, and evaluated by, a Substance Abuse Professional (SAP) who shall determine whether the employee is in need of assistance in resolving problems associated with prohibited alcohol use. If the Substance Abuse Professional requires the employee to be absent from duty, the employee may use his/her sick leave (including the remainder of the 100 days ½ pay), vacation leave, and/or unpaid leave during the term of the treatment, to a maximum of six (6) months.

Before the employee returns to duty requiring the performance of safety-sensitive duties, or duties involving the operation of potentially hazardous machinery, including but not limited to driving a district vehicle, s/he will be evaluated by a Substance Abuse Professional to determine that s/he has properly followed any prescribed rehabilitation program. Prior to returning to duty the employee shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than .02. The employee shall also be subject to unannounced follow-up alcohol tests administered following return to duty, with at least six tests in the first twelve months following return to duty.

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Controlled Substances

Covered employees who test positively for a controlled substance shall be immediately removed from duty and referred to, and evaluated by, a Substance Abuse Professional (SAP) who shall determine whether the employee is in need of assistance in resolving problems associated with prohibited use of controlled substance(s). If the Substance Abuse Professional requires the employee to be absent from duty, the employee may use his/her sick leave (including the remainder of the 100 days ½ pay), vacation leave, and/or unpaid leave during the term of the treatment, to a maximum of six (6) months.

Before the employee returns to duty requiring the performance of safety-sensitive duties, or duties involving the operation of potentially hazardous machinery, including but not limited to driving a district vehicle, s/he will be evaluated by a Substance Abuse Professional to determine that s/he has properly followed any prescribed rehabilitation program. Prior to returning to duty the employee shall undergo a return to duty test for controlled substance(s) with a negative result. The employee shall also be subject to unannounced follow-up controlled substance tests administered following return to duty, with at least six tests in the first twelve months following return to duty.