

## Policy 4218.1 DRUG AND ALCOHOL TESTING POLICY FOR CDL EMPLOYEES

### Introduction

The Vineland Board of Education is committed to a safe, efficient and drug-free workplace, which protects the district's most valuable resource-its students-as well as the health and safety of its employees and the general public.

The Omnibus Transportation Employee Testing Act requires that all operators of commercial motor vehicles subject to the Commercial Drivers License (CDL) requirements, be tested for controlled substances and alcohol. Part 40 CFR 382.103 of the U.S. Department of Transportation regulations requires that school bus drivers as well as drivers of private carriers of passengers be required to submit to alcohol and controlled substance testing.

### Section 1

**Prohibited Substances:** The presence of any of the following controlled substances in the body, as evidenced by the results of the initial screening and subsequent confirmatory analysis provided in the policy, is prohibited for any employee assigned to a classification covered by this policy:

No driver at an work site will possess, manufacture, use, sell or distribute any quantity of any controlled substance, lawful or unlawful, which in sufficient quantity, could result in impaired performance, with the exception of substances administered by or under the instruction of a physician. "Work Site" means any motor vehicle, office, building, yard or other location at which the motor vehicle, office, building, yard or other location at which the driver is to perform work. "Possess" means either in or on the driver's person, personal effects, motor vehicle or areas substantially entrusted to the control of the driver. Any violation of this policy may result in discipline, up to and including termination.

Prohibited substances include:

- (a) marijuana
- (b) cocaine
- (c) opium or opiates [including heroin, morphine and codeine]
- (d) phencyclidine [pcp]
- (e) amphetamines or methamphetamine
- (f) other controlled substance
- (g) alcohol
- (h) a prescription drug for which the employee does not have current, valid, personal prescription or which is not authorized or approved for use while operating a motor vehicle.

The Vineland Board of Education retains the right to add or delete substances from the above list.

## Section 2

Categories of Testing: For the purpose of this policy, the occurrence of the following circumstances/instances shall require an employee to submit to a fitness-for-duty drug/alcohol screen:

### (a) Pre-Employment

An individual who has applied for and has been selected to operate a Vineland Board of Education vehicle shall, before beginning employment with the Vineland Board of Education, submit to a fitness-for-duty drug/alcohol screen in conjunction with the required physical examination. Such screen shall be administered in accordance with the procedures set forth in this policy. No individual receiving a positive result from such screen shall be employed by the Vineland Board of Education.

### (b) Random

A covered employee shall be subject to submit to a discretionary fitness-for-duty drug/alcohol screen on an unannounced and random basis, resulting from the selection by a random generation methodology. This will be accomplished by assigning each employee a computer random number. As new employees are added to the employee roster, they will be assigned a number for the current period. Random testing will be spread reasonably throughout any given calendar year.

### (c) Post-Accident

The involvement by an employee in a motor vehicle collision, while operating a Vineland Board of Education vehicle, when such accident results in property damage or personal injury, may trigger a post-accident drug and alcohol test. The following occurrences shall be excluded from the requirements of a post-accident drug/alcohol screen:

#### A. When an accident occurs in the yard and all the following criteria are met:

1. no personal injury is involved,
2. if property damage is estimated to be less than \$250.00 (our property only), and
3. no reasonable cause exists to suspect the use of drugs and/or alcohol.

#### B. When an accident occurs on the road and all the following criteria are met:

1. no personal injury is involved,
2. if property damage is estimated to be less than \$250.00 (our property only), and
3. no reasonable cause exists to suspect the use of drugs and/or alcohol.

Post-accident testing is usually triggered by a collision meeting the criteria outlined above. Except in the case of a serious injury by the employee, it is required that post-

accident drug testing is to be completed by the medical care facility treating the injured. A driver will be terminated for a positive test of controlled substance use when the driver has been involved in a fatal collision.

(d) Reasonable Suspicion

The observed conduct of an employee on Vineland Board of Education property or while working, which the Vineland Board of Education reasonably determines to be suspicious or extraordinary for that employee, shall result in testing for reasonable suspicion. Such observed conduct may be physical symptoms including but not limited to: slurred or other agitated appearance, bloodshot eyes, dilated pupils, nonsensical or irrational behavior, or the smell of alcohol or marijuana. Such conduct must be observed and documented by a trained employee, including the completion of the form labeled Schedule A, and the documentation in the employee's medial file, within twenty-four hours of submission to a fitness-for-duty drug/alcohol screen.

(e) Return-To-Duty/Follow Up

This testing applies to an employee who previously tested positive and successfully completed a rehabilitation program and is now returning to duty. Such employees are subject to a minimum of six (6) unannounced, follow-up drug screens and alcohol tests over the following twelve (12) months.

### Section 3

#### Compliance with Screening Requirements:

An employee required by the Vineland Board of Education to submit to any fitness-for-duty test shall immediately comply with such request or be subject to termination. In the case of post-accident or reasonable suspicion, the Transportation Coordinator or his/her designee will take the employee to the facility designated by the Vineland Board of Education for drug screening and breathalyzer testing. Failure to proceed directly to the screening facility, cooperate with personnel at such facility or complete all required paperwork shall be examples of non-compliance and shall result in termination.

### Section 4

#### Specimen:

The normal screening methodology for drugs will be a urinalysis, collected at a site designated by the Vineland Board of Education. The presence of alcohol will be determined by a breathalyzer, administered by a certified Breath Alcohol Technician.

### Section 5

#### Employee Status Pending Receipt of Results

An employee who is required to submit to a fitness-for-duty screening, as provided in Section 2 (d) of this policy, shall not be assigned to operate a Vineland Board of Education vehicle, pending the outcome of such screening. Until said time, the employee will be suspended without pay. An employee whose fitness-for-duty screen produces a negative result shall be promptly returned to duty and made whole for any regular wages lost while on suspension, as appropriate. An employee whose fitness-for-duty screen produces a positive result shall not be made whole for wages lost while assigned as provide in this section.

## Section 6

### Employee Privacy/Security:

No employee shall be required to fully disrobe at any time during a fitness-for-duty screening, not be observed while providing a urine specimen. An employee may be required to remove a coat, jacket, sweater, hat or outer wear and to empty his/her pockets prior to providing the urine specimen, and the employee may be prohibited from having any purse, pouch, bag, backpack, lunch pail, brief case or other article in his/her possession while a urine specimen is being provided.

## Section 7

### Designated Collection Facility:

The Vineland Board of Education shall designate the medical facility to be used for the collection of the specimen, provided however, that the designated facility shall possess all required licenses and permits and shall have a written procedure for ensuring employee privacy, health and safety; the security and the chain-of-custody of fluid samples. Such written procedures shall be available to an affected employee, and the Vineland Board of Education shall discontinue use of any facility it learns has materially violated its written procedures so that an employee's health is threatened or the accuracy of a screening is compromised.

## Section 8

### Designated Screening Laboratory:

The Vineland Board of Education shall designate the laboratory to which collected fluid samples will be forwarded for drug/alcohol screening, provided however, that such designated laboratory must be certified by the Department of Health and Human Services as meeting the standards of the Mandatory Guidelines for Federal Workplace Drug Programs.

## Section 9

## Screening Procedures

The Vineland Board of Education's designated screening laboratory shall employ methods of initial screening and confirmatory testing which comply with the standards promulgated by DOT/FHWA. A secondary laboratory may not be used unless authorization has been released by the Vineland Board of Education.

### Section 10

#### Report of Positive Screen:

Positive results of an initial screen which have subsequently been confirmed as provided in Section 9 of this policy, shall be reported to the Vineland Board of Education Transportation Coordinator's secured computer terminal, by its designated Medical Review Officer (MRO), as provided in the standards promulgated by DOT/FHWA. In the event of system failure at the Transportation Office, this information should be reported to the secured computer at the office of the Supervisor of Health Services.

### Section 11

#### Record of Negative Screen:

An employee required to submit for a fitness-for-duty screening as provided in this policy and whose screening results are negative may, at the employee's option, have his/her personnel file documented to reflect the negative result.

### Section 12

#### Positive Screening Results/First Occurrence:

An employee whose fitness-for-duty screening produces a positive result for a prohibited substance as defined in Section 1 of this policy, and who has no prior positive screening result on their record, shall be subject to the following:

(a) If the substance found to have produced the positive result is anything other than prescription drugs, as provided in Section 1 of the policy, the employee shall be placed on an unpaid rehabilitation suspension until:

(1) the employee presents evidence of his/her having enrolled in and successfully completed a rehabilitation program, approved by the Vineland Board of Education, at his/her own expense, and

(2) the employee submits to a second fitness-for-duty screening, which produces a negative result, and

(3) the employee signs the district's Post-Rehabilitation Return to Work Agreement.

(b) An employee placed on rehabilitation suspension, as provided in paragraph (a) of this Section, must satisfy the provision of sub-paragraphs (1), (2), and (3) of that paragraph, not later than thirty (30) days from the commencement of the rehabilitation suspension. An employee failing to do so shall be deemed to have abandoned his/her job and shall be terminated.

### Section 13

#### Prohibited Prescription Drugs:

An employee who is found to be using prohibited substances as described in Section 1 (h) of this policy, shall be placed on a thirty (30) day disciplinary suspension (without pay) following the first (1st) offense and shall be returned to work only upon signing the district's Return to Work Agreement. Such employee shall be discharged following any subsequent offense or for failure to comply with any of the terms of this Agreement.

### Section 14

#### Return-To-Work Agreement:

An employee who has returned to work as provided in Section 13 of this policy and who fails to comply with any of the terms of the Return to Work Agreement shall be subject to termination.

### Section 15

#### Positive drug/alcohol screen/Second Occurrence:

An employee who is required to undergo the fitness-for-duty screening produces a positive result for prohibited substances as defined in Section 1 of this policy and who has a prior positive result on their record shall be terminated.

### Section 16

#### Employee Assistance Program

The Vineland Board of Education has established an Employee Assistance Program (EAP) for employees and management personnel. The program consists of education and training of personnel on the effects and consequences of controlled substance use and how to recognize signs of substance abuse. All employees and management personnel are required to attend at least one hour of training under the program.

The program will consist of:

- (a) Video tape

- (b) Handbook - Drug and Alcohol Abuse Handbook (effects, signs and symptoms)
- (c) Quiz - Twenty-six (26) Questions
- (d) Documents of instructions received: Employee and/or personnel management will sign the following documents and they will be placed in the employee's personnel file:
  - (1) Employee Certification (EAP Drug education and training program)
  - (2) Supervisor and management personnel (EAP Drug education and training program)
  - (3) Certification of receipt of substance abuse policy
  - (4) Urine drug testing consent form
  - (5) Copy of testing collection site

Adopted: 11 June 1997