

Book	POLICY MANUAL
Section	500 PERSONNEL
Title	EMPLOYEE ALCOHOL AND DRUG TESTING
Code	523.11
Status	Active
Adopted	June 20, 2022
Last Reviewed	July 8, 2024

Reasonable Suspicion Testing

All employees shall be required to undergo alcohol and drug testing at any time the District has reasonable suspicion to believe that the employee has violated the District's policy concerning alcohol or drugs. Such alcohol or drug testing may be conducted when there is reasonable suspicion to believe that the employee has used or is using drugs or alcohol prior to reporting for duty, or while on duty, or prior to or while attending any District function on or off District property. The District's determination that reasonable cause exists must be based on specific, contemporaneous, accurate observations concerning the appearance, behavior, speech or body odors of the employee. The observations must be made by a trained supervisor.

Reasonable suspicion shall not include an employee's lawful use of lawful products, where such use has no reasonable connection or nexus to the employee's work-related responsibilities or obligations under District policy.

Consequence for Violation

Employees who violate the District's policies or rules regarding alcohol or drug use, and employees who refuse to consent to testing, shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, discipline or discharge from employment with the District, and referral to appropriate law enforcement officials for prosecution.

Additional Requirements for Persons Holding Commercial Drivers' Licenses

In order to meet the goal of providing safe and efficient transportation services, the District is committed to an alcohol and drug-free workplace.

As with other District employees, individuals holding commercial drivers' licenses shall not use, possess, manufacture, distribute, dispense, or be under the influence of alcohol, inhalants, any controlled substance, or substances represented as such while on school premises, in school vehicles, or off premises at any school-approved activity, event or function where students are under the jurisdiction of the District. In addition, employees holding commercial drivers' licenses shall be subject to the following prohibitions:

- No driver shall consume an intoxicating beverage, regardless of alcoholic content, or be under the influence of an intoxicating beverage, within four hours before going on duty or operating or having physical control of a school vehicle, or performing any safety-sensitive function.
- No driver shall consume an illegal drug, be under the influence of an illegal drug, or have any detected presence of an illegal drug, while on duty, or operating or in physical control of a school vehicle, or while performing any safety-sensitive function.
- No driver shall consume an intoxicating beverage, regardless of alcoholic content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol, while on duty, or operating or in physical control of a school vehicle, or while performing any safety-sensitive function.

- No driver shall be on duty, or operate or be in physical control of a school vehicle, or perform any safety-sensitive function while in possession of an intoxicating beverage (including medications which contain alcohol) regardless of its alcoholic content.

These prohibitions apply to all employees whose position requires them to hold a commercial drivers' license when on duty, whenever driving a school vehicle or about to drive a school vehicle.

This policy is not intended to prohibit the use of medication legally prescribed by a licensed physician, who is familiar with the driver's medical history and specific safety sensitive duties, and who has advised the driver that the medication will not adversely affect his/her ability to operate a motor vehicle. Medications prescribed for someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.

The District shall abide by legal requirements regarding drug and alcohol testing of employees holding a commercial drivers' license. Accordingly, all such employees are subject to pre-employment, reasonable suspicion, random, post-accident, return-to-duty and follow-up testing. In addition, the District shall provide drivers with information concerning the following: (1) the effects of drugs and alcohol on the individual's health, work and personal life; (2) the signs and symptoms of a drug or alcohol problem; and (3) the available methods of intervention when a problem does exist.

Any driver who violates the District's policies or rules regarding alcohol or drug use, and employees who refuse to consent to testing shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, discipline or discharge from employment with the District, and referral to appropriate law enforcement officials for prosecution.

Legal

[Section 111.35 \[use or nonuse of lawful products; exceptions and special cases\]](#)

[Section 346.63 \[operating under influence of an intoxicant or other drug\]](#)

[Trans 300.16 \[use or nonuse of lawful products; exceptions and special cases\]](#)

[41 U.S.C. Chapter 81 \[federal drug-free workplace requirements for federal contractors/grantees\]](#)

[21 C.F.R. Part 1308 \[federal schedules of controlled substances\]](#)

[49 C.F.R. Part 40 \[federal procedures for transportation workplace drug and alcohol testing programs\]](#)

[49 C.F.R. Part 382 \[federal regulations governing controlled substances and alcohol use by drivers and related testing\]](#)