

1.0 Objective

- 1.1 To implement Board Policy 6822 and to comply with the Omnibus Transportation Employees Testing Act of 1991.

2.0 Implementation

- 2.1 Operation, including but not limited to driving, servicing, repairing, loading or unloading, of the following commercial motor vehicles is a safety-sensitive function:
 - 2.1.1 a vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - 2.1.2 a vehicle with a gross vehicle weight of at least 26,001 pounds;
 - 2.1.3 a vehicle designed to transport 16 or more passengers, including the driver; or
 - 2.1.4 a vehicle used to transport those hazardous materials found in the Hazardous Materials Transportation Act.
- 2.2 The following conduct by a covered employee is prohibited and may result in discipline, up to and including termination:
 - 2.2.1 reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration level of 0.04 or greater;
 - 2.2.2 performing a safety-sensitive function within four (4) hours of using alcohol;
 - 2.2.3 being on duty or operating a vehicle described above, while possessing alcohol;
 - 2.2.4 using alcohol while performing a safety-sensitive function;
 - 2.2.5 reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when the employee used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle;
 - 2.2.6 reporting for duty or remaining on duty requiring the performance of safety-sensitive functions if the employee tests positive for controlled substances;
 - 2.2.7 refusing to submit to any alcohol or controlled substances test required by this policy. (A covered employee who refuses to submit to a required drug/alcohol test will be treated in the same manner as an employee who

tested 0.04 or greater on an alcohol test or tested positively on a controlled substances test.)

- 2.3 A refusal to submit to an alcohol or controlled substances test required by this policy includes, but is not limited to:
- 2.3.1 a refusal to provide a urine sample for a drug test or saliva or breath for an alcohol test;
 - 2.3.2 an inability to provide an adequate urine sample or saliva or breath sample without a valid medical explanation;
 - 2.3.3 a refusal to attempt to provide a new urine specimen after an insufficient specimen has been provided (if an employee is unable to provide a sufficient amount of urine, he or she will be given the opportunity to drink up to 40 ounces of fluid over a period of up to three (3) hours and will be monitored during that time. An employee's decision not to drink fluids is not considered a refusal to test.);
 - 2.3.4 a refusal to attempt to provide a sufficient amount of breath after an insufficient amount has been provided (if an employee is unable to provide a sufficient amount of breath, he or she will be given an opportunity to make a second attempt to provide a sufficient amount and will be instructed on how to do so.);
 - 2.3.5 a refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the text;
 - 2.3.6 an inability to provide breath or to provide an adequate amount of breath without a valid medical explanation
 - 2.3.7 tampering with or attempting to adulterate the urine specimen or collection procedure;
 - 2.3.8 not reporting to the collection site in the time allotted by the supervisor or manager who directed the employee to be tested;
 - 2.3.9 leaving the scene of an accident without a valid excuse or permission from a supervisor authorized to decide whether to send the employee for a post-accident drug and/or alcohol test.

3.0 Tests Required:

- 3.1 Pre-employment Testing: All applicants for positions as covered employees ("Applicants") as well as employees who transfer into positions in which they will perform safety-sensitive functions ("Transfers") will be required to submit to pre-employment/pre-duty drug testing. All offers are contingent on the Applicant or Transfer passing this test, and no Applicant or Transfer will be allowed to perform safety-sensitive functions until they have satisfactorily passed the test.

- 3.1.1 All Applicants and Transfers must sign a written consent form, which will be provided by the District, allowing the District to obtain the following information from any Department of Transportation (DOT)-regulated employers that have employed the Applicant or Transfer for any period during the two years before the date of the application or transfer: alcohol tests with a result of 0.04 or higher alcohol concentration; verified positive drug tests; refusals to be tested (including verified adulterated or substituted drug test results); other violations of DOT agency drug and alcohol testing regulations; and with respect to any employee who violated a DOT drug and alcohol regulation documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests). This information includes any drug or alcohol test information obtained from previous employers under any DOT agency regulation. Refusal by an Applicant or Transfer to provide written consent or submit to the required testing will result in immediate termination from employment consideration.
 - 3.1.2 The District will send an inquiry to all previous DOT-regulated employers for whom the employee worked in the previous two (2) years. The District will also inquire directly of the Applicant or Transfer whether he or she has tested positive or refused to test for any employer who did not hire the Applicant or Transfer during the previous two (2) years.
 - 3.1.3 An Applicant or Transfer determined to have had a verified positive drug or alcohol test, refusal to test, or other violation of DOT agency drug and alcohol testing regulation as a result of such inquiries must provide documentation of successful completion of the SAP evaluation, referral, and education/treatment process set forth in the applicable DOT agency regulations and have a negative drug and alcohol test result before being hired by the District.
 - 3.1.4 The District will maintain a written, confidential record of the information obtained and the efforts to obtain such information under this section for three (3) years from the date of the Applicant or Transfer's first performance of safety-sensitive functions for the District.
 - 3.1.5 The District is required to respond to similar inquiries from other prospective employers if a District covered employee or a former District covered employee applies for work with another employer. The District will maintain a written confidential record of the information released, including the date, the party to whom it was released, and a summary of the information provided.
- 3.2 Post-Accident Testing: Post-accident drug and alcohol testing will be conducted on covered employees following an accident. Post-accident alcohol tests shall be administered within two (2) hours following an accident and no test may be administered after eight (8) hours. A post-accident drug test shall be conducted within thirty-two (32) hours following the accident.

An accident occurs when, as a result of an occurrence involving the vehicle, an individual dies or when a State or local law enforcement authority issues a citation to the covered employee driver for a moving violation arising from the accident. The employee must notify the District supervisor within two (2) hours of receiving the citation.

3.3 Random Testing: Covered employees will be subject to random alcohol and drug testing as follows:

3.3.1 A random alcohol test will be administered just prior to the covered employee performing a safety-sensitive function (e.g., driving) while the covered employee is performing a safety-sensitive function, or just after the covered employee has stopped performing a safety-sensitive function. The District will subject at least twenty-five percent (25%) of covered employees to random alcohol testing per year.

3.3.2 A random drug test will be administered to at least fifty percent (50%) of the total number of covered employees per year. Some employees may be tested more than once in a year, while others are not tested at all depending on the random selection.

3.3.3 The covered employee will receive a written notice at the beginning of the work shift indicating the time scheduled to report to the lab for testing. The employee's supervisor will ensure that the employee's job duties are covered during the period of time designated for testing.

3.4 Reasonable Suspicion Testing: Covered employees are also required to submit to an alcohol or drug test when a trained supervisor has reasonable suspicion to believe the covered employee is under the influence of alcohol or controlled substances. The observation must be based on short-term indicators, such as blurry eyes, slurring, or alcohol on the breath. The supervisor may not rely on long-term signs, such as absenteeism or tardiness, to support the need for a reasonable suspicion test.

The reasonable suspicion alcohol test will be administered within two (2) hours of the observation. If not, the employer must provide written documentation as to why the test was not promptly conducted. No test may be administered after eight (8) hours following the observation.

To ensure that supervisors are trained to make reasonable suspicion determinations, supervisors vested with the authority to demand a reasonable suspicion drug and alcohol test will attend at least one (1) hour of training on alcohol misuse and at least one (1) hour of training on controlled substances use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances.

3.5 Return to Duty/Follow-Up Testing: A covered employee who has violated any of the prohibitions of this policy must submit to a return to duty test before the covered employee may return to the safety-sensitive position. The test result must indicate an alcohol concentration of less than 0.02 or a verified negative result on

a controlled substances test. In addition, because studies have shown that the relapse rate is highest during the first year of recovery, the employee will be subject to follow-up testing which is separate from the random testing obligation. The employee will be subject to at least six (6) unannounced drug/alcohol tests during the first year back to the safety-sensitive position following the violation.

4.0 Procedures to be Used for Detection of Drugs and Alcohol

- 4.1 Alcohol Testing: Alcohol testing will be conducted by technicians qualified as required under the applicable DOT regulations at a facility meeting the requirements of the applicable DOT regulations. Testing will be conducted by using an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration. Non-EBT devices may be used for initial screening tests.
- 4.2 A screening test will be conducted first. If the result is an alcohol concentration level of less than 0.02, the test is considered a negative test. If the alcohol concentration level is 0.02 or more, a second confirmation test will be conducted.
- 4.3 Drug Testing: Drug testing will be conducted in accordance with all applicable DOT regulations.
 - a) The urine specimen will be taken by a collector qualified as required under the applicable DOT regulations and at a facility meeting the requirements of the applicable DOT regulations. The urine specimen will be split into two (2) bottles labeled as "primary" and "split" specimen. Both bottles will be sent to the lab.
 - b) If the urinalysis of the primary specimen results in a verified positive drug test or refusal to test because of adulteration or substitution, the employee has seventy-two (72) hours from notification to request either verbally or in writing, that the split specimen be analyzed by a different certified lab selected by the District. If a request is not made within 72 hours, the employee may present to the Medical Review Officer (MRO) documentation of circumstances that unavoidably prevented him/her from making a timely request. If the MRO concludes that there was a legitimate reason for the failure to make a timely request, the request will be treated as timely. Upon request, the employee must reimburse the District for the cost of the split specimen testing.
 - c) The urine sample will be tested for the following: marijuana, cocaine, opiates, amphetamines, and phencyclidine.
 - d) If the test is positive for one or more of the drugs, a confirmation test will be performed using gas chromatography/mass spectrometry analysis.
 - e) All drug test results will be verified by a Medical Review Officer (MRO), a licensed physician responsible for receiving and reviewing laboratory results and evaluating medical explanations for certain drug test results. Such verification will take place before the drug test results are reported to the

employee and then to the District and no action will be taken by the District prior to verification.

- f) With all positive drug tests and all refusals to test because of adulteration or substitution, the MRO will first personally conduct a verification interview with the employee to determine if there is an alternative medical explanation for the positive test result. If documentation is provided and the MRO determines that there was a legitimate medical use for the prohibited drug, the test result may be reported to the District as "negative."

5.0 Consequences of Failing an Alcohol and/or Drug Test

- 5.1 A positive result from a drug or alcohol test may result in disciplinary action, up to and including termination.
- 5.2 If a covered employee is not terminated, the employee:
 - 5.2.1 must be removed from performing any safety-sensitive function;
 - 5.2.2 must submit to an examination by a substance abuse professional (Upon a determination by the substance abuse professional, the employee may be required to undergo treatment for alcohol or drug abuse. The District is not required to pay for this treatment.);
 - 5.2.3 may not be returned to the covered employee's position until the employee submits to a return-to-duty test which indicates an alcohol concentration level of less than 0.02 or a negative result on a controlled substance test;
 - 5.2.4 will be required to submit to unannounced follow-up testing after returning to the covered safety-sensitive position.

6.0 Consequences for Employees Found to have Alcohol Concentration Levels of 0.02 or Greater but Less Than 0.04

- 6.1 An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 will be removed from a safety-sensitive position for twenty-four (24) hours.

LRCCD

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