

**ALCOHOL AND DRUG ABUSE TESTING POLICY FOR
PERSONNEL PERFORMING SAFETY-SENSITIVE DUTIES**

I. PURPOSE

It is the intention of this policy to eliminate substance abuse and its effects involving those personnel whose regular work duties include safety sensitive duties. Involvement with drugs and alcohol off the job can take its toll on job performance and the safety of students and personnel. The presence of drugs and alcohol in any amount on the job, and the effects of these substances on personnel during the working hours, however slight, are inconsistent with the Board of Directors' objectives.

In order to promote the safety of students, and the safety and health of all personnel, the Board of Directors adopts the drug and alcohol testing policy outlined herein. In recognition of the public service responsibilities entrusted to the personnel of the School performing safety-sensitive duties, and of the fact that drug and alcohol usage can affect a person's ability to perform such duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the Board of Directors.

II. APPLICABILITY

This policy applies to personnel performing safety-sensitive duties who are required to have a commercial driver's license. Safety-sensitive duties include all on-duty functions performed from the time a staff member begins work or is required to be ready to work until he/she is relieved from work and all responsibility for performing work. It includes driving; waiting to be dispatched; inspecting and servicing equipment; supervising, performing or assisting in loading and unloading; repairing or obtaining and waiting for help with a disabled vehicle; performing driver requirements related to accidents; and performing any other work for the School or paid work for any other entity.

III. PERSONNEL ALCOHOL TESTING REQUIREMENTS

A. Prohibitions of Alcohol Misuse

Personnel are prohibited from:

1. Possessing or using alcohol while on the job;
2. Using alcohol during the four hours before performing safety-sensitive duties;
3. Having prohibited concentrations of alcohol in their system while performing safety-sensitive duties;

4. Using alcohol during the eight hours following an accident, or until post-accident testing is completed, whichever occurs first; and
5. Refusing to take a required alcohol test.

The School must prohibit a staff member having an alcohol concentration of 0.04 or above from performing safety-sensitive duties until he/she has been evaluated by a substance abuse professional, and tests at less than 0.02 for the presence of alcohol. A staff member with an alcohol concentration of 0.02 or greater, but less than 0.04, is not permitted to perform safety-sensitive duties for 24 hours. In addition to these requirements, the School has the right to discipline the staff member for alcohol misuse.

B. Required Tests: Alcohol

1. Post-accident Testing
 - a. As soon as practicable following an accident, a staff member will be tested for alcohol if:
 - (1) the staff member was performing a safety-sensitive duty with the vehicle involved in the accident resulting in the loss of human life; or
 - (2) the staff member receives a citation under a state or local law for a moving traffic violation arising from the accident.
 - b. Personnel shall make themselves readily available for testing, absent the need for immediate medical attention.
 - c. A staff member shall not use alcohol for eight hours after an accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
 - d. When possible, a post-accident alcohol test will be administered within two hours following the accident. An alcohol test will not be administered more than eight hours after the accident.
 - e. Personnel involved in a fatal accident registering an alcohol concentration of 0.02 or greater are at a minimum prohibited from driving for one year and are also subject to disciplinary procedures, including termination.

- f. Tests conducted by federal, state or local officials will satisfy the requirements of post-accident testing if:
 - (1) such tests conform to applicable legal requirements and
 - (2) the results of the tests are obtained by the School.

2. Random Testing

- a. Tests will be conducted on a random basis at unannounced times throughout the year.
- b. Tests for alcohol shall be conducted just before, during or just after the performance of safety-sensitive duties.
- c. The number of random alcohol tests annually must equal the legally required percentage of personnel subject to testing.
- d. Personnel shall be selected for random testing by a scientifically valid random process, and each staff member shall have an equal chance of being tested each time selections are made.

3. Reasonable Suspicion Testing

- a. Personnel may be tested for alcohol misuse at any time, without notice, when a trained supervisor has reasonable suspicion to believe a staff member may be under the influence of alcohol or has violated the School's prohibitions against alcohol use.
- b. A determination that reasonable suspicion exists requiring an alcohol test shall be documented in writing and will be based upon specific, articulable, contemporaneous observations of the appearance, behavior, speech, or body odors of the staff member and happen during, just preceding, or just after work. The observations may include indications of the chronic and withdrawal effects of controlled substances.

C. Administration of the Alcohol Test

The procedure for the administration of any alcohol test will be determined by the School in accordance with the requirements of law.

IV. PERSONNEL DRUG TESTING REQUIREMENTS

A. Prohibition

1. A staff member may not report for work or remain at work when he/she uses any controlled drug. Use of controlled drugs by personnel performing safety-sensitive duties is prohibited on or off duty.
2. An exception to this rule is made for a staff member's use of a drug pursuant to the instruction of a physician. All personnel are required to notify the Superintendent or designee of any therapeutic drug use and provide a written statement from the physician prescribing the drug.

B. Notice to Supervisor of Prescription Drug Use

1. Possession or use pursuant to a valid prescription from a physician who has informed the staff member the substance will not adversely affect his/her ability to perform safety-sensitive duties is not a violation of this policy if:
 - a. The staff member has presented a written statement from their physician to his/her direct supervisor, prior to beginning work, stating the name of the prescription drug, effects of the drug on the staff member's behavior, length of time the staff member will be using the prescription drug and has received permission from the supervisor to work notwithstanding the prescription;
 - b. The staff member complies with any limitations imposed on the staff member's work tasks by the supervisor because of using the prescription drug; and
 - c. The staff member's use does not exceed the prescribed dosages.
2. Should the staff member fail to follow any of these requirements, the prescription drug exception to possession or use of controlled drugs is not applicable.

C. Required Tests: Drugs

Testing is limited to determine the presence of the five controlled drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

The following drug tests will be applicable to employees:

1. Pre-employment/Job Applicant Testing

- a. Drug testing shall be required of any applicant who has received a conditional offer of employment for a position with safety-sensitive duties.
- b. The School will not employ anyone who has a positive result from a drug test or who refuses to take the drug test.
- c. This requirement applies to new hires and persons transferring to a position with safety-sensitive duties.

2. Post-accident Testing

- a. As soon as practicable following an accident, a staff member will be tested for drugs if:
 - (1) the staff member was performing a safety-sensitive duty with the vehicle involved in the accident resulting in the loss of human life; or
 - (2) the staff member received a citation under state or local law for a moving traffic violation arising out of the accident.
- b. Personnel shall make themselves readily available for testing, absent the need for immediate medical attention.
- c. The drug test must be administered as soon as possible after the accident, but in no case more than 32 hours after the accident. A staff member who is seriously injured and cannot provide a specimen at the time of the accident is required to authorize the release of hospital documents that would indicate the presence of illegal drugs.
- d. Tests conducted by federal, state or local officials will satisfy the requirement of post-accident testing if such test conforms to the applicable federal, state or local requirements, and the results of the test are obtained by the School.

3. Random Testing

- a. Tests will be conducted on a random basis at unannounced times throughout the year.
- b. Tests for drugs shall be conducted just before, during or just after the performance of safety-sensitive duties.
- c. The number of random drug tests annually must equal the legally required percentage of personnel subject to testing.
- d. Personnel shall be selected for random testing by a scientifically valid random process, and each staff member shall have an equal chance of being tested each time selections are made.

4. Reasonable Suspicion Testing

- a. Personnel may be tested for drugs at any time without notice when a trained supervisor has reasonable suspicion to believe that the staff member may be under the influence of drugs.
- b. A determination that reasonable suspicion exists to require a drug test will be documented in writing and based on facts including the specific, contemporaneous observations of the appearance, behavior, speech or body odors of the staff member and happen during, just preceding, or just after work. The observations may include indications of the chronic and withdrawal effects of controlled drugs.

D. Administration of the Drug Test

1. One or more collection sites where a staff member may provide urine specimens for testing will be designated by the School. If the first drug test on the urine sample reveals a positive sample result, the staff member, within seventy-two hours of receipt of the results of the first test, may request a second test of the split specimen of the first urine sample.
2. Once a test is verified as positive, the staff member must be removed from safety-sensitive duties. The results of the split test, if requested by the staff member, do not need to be received before the staff member is removed from safety-sensitive duties.

3. The staff member may not again perform safety-sensitive duties until the result of the test of the split specimen has been received.

V. ENFORCEMENT

A. Refusal to Take Required Tests

Any staff member who refuses to submit to a post-accident, random, reasonable suspicion, return-to-duty or follow-up tests shall not perform or continue to perform safety-sensitive duties. The consequences for a refusal to take a test are the same as if the staff member failed the test. A refusal to take a test includes:

1. the failure to provide adequate breath or urine for testing without a valid medical reason;
2. engaging in conduct that obstructs the testing process;
3. failure to sign a testing form; and
4. leaving the scene of an accident before post-accident testing is performed.

B. Discipline

Personnel who test positive for alcohol or drugs or who refuse to take an alcohol or drug test required by this policy, shall be subject to disciplinary action as provided in the Negotiated Agreement governing personnel who are required to have a CDL and/or as set forth in Board of Directors policy and Ohio law.

C. Return-To-Duty Tests

1. An alcohol or drug test shall be conducted when a staff member who has violated the School's alcohol or drug prohibitions returns to performing safety-sensitive duties.
2. Personnel whose conduct involved alcohol cannot return to safety-sensitive duties until the return-to-duty alcohol test produces a verified result of less than 0.02 alcohol concentration.
3. Personnel whose conduct involved drugs cannot return to safety-sensitive duties until the return-to-duty drug test produces a verified negative result.

D. Follow-up Tests

1. A staff member who violates the School's alcohol or drug prohibitions who is not terminated shall be subject to unannounced follow-up testing as directed by the Superintendent in accordance with law.
2. Follow-up alcohol testing shall be conducted just before, during or just after the time when the staff member is performing safety-sensitive duties.

E. Costs

The School will pay all costs of alcohol and drug testing, return-to-duty, and follow-up tests which are not covered by the School's medical insurance plan.

VI. RECORDS

- A. Personnel alcohol and drug test results and records shall be confidential and will be released only in accordance with law.
- B. Upon written request, a staff member can obtain copies of only records pertaining to his/her use of alcohol or drugs, including any records pertaining to his/her alcohol or drug tests.
- C. Records shall be made available to a subsequent employer or other identified persons only as expressly requested in writing by the staff member.

VII. ALCOHOL MISUSE AND DRUG USE INFORMATION, TRAINING, AND REFERRAL

- A. The requirements of the alcohol and drug prohibitions and testing requirements as contained in this policy will be made available to School personnel. This policy will be distributed to each staff member performing safety-sensitive duties, and all such personnel shall execute a Certificate of Receipt of this Alcohol and Drug Abuse Testing Policy.
- B. Written notice of the availability of this information will be provided to the collective bargaining representative of the personnel covered by the policy.

- C. The designated person to answer questions about the alcohol misuse and drug use rules will be the Superintendent or designee.

LEGAL REFS.: 49 C.F.R. §382

Adopted: May 3, 2018
November 2, 2017