

4340-R Drug and Alcohol Testing

The influence or use of drugs and alcohol is capable of threatening the safety of students and cannot be tolerated. Campbell County School District is committed to providing a drug-free and alcohol-impaired-free work environment for the safety of students and employees. The possession, use, transfer, or sale of alcohol and/or any illegal drug while on duty is strictly prohibited. Being under the influence of alcohol and/or any illegal drug while on duty is also strictly prohibited.

PROGRAM GUIDELINES

Responsibility

- It will be the responsibility of the Director of Human Resources or his/her designee to administer the Drug and Alcohol Testing Program for Campbell County School District.

Testing Requirements

~~The following alcohol and drug tests will require a urinalysis following procedures set forth in Part 40 of CFR 49.~~

- Pre-employment - conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Also required when employees transfer to a safety-sensitive position.
- Post-accident - conducted after accidents on employees whose performance could have contributed to the accident.
- Reasonable suspicion - conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol or drug misuse. A reasonable suspicion test may also be conducted when a reliable source indicates a concern.
- Random - conducted on a random, unannounced basis just before, during or just after performance of safety-sensitive functions.
- Return to duty - conducted prior to returning to safety sensitive functions. Employees will be tested upon returning after 30 days of prolonged illness or a leave of absence. Employees will be tested upon returning from a self-reported substance abuse absence. The employee must have an alcohol test and drug test with a verified negative result.
- Follow-up - conducted for a period of up to 60 months following return to duty. At a minimum, this will consist of 6 tests in the first 12 months following the driver's return to duty.
- Personal Injury Accident - conducted following a personal injury that may require medical treatment under Wyoming Workers' Safety and Compensation guidelines.

Testing Time for Employee

- All employees who are subject to drug and/or alcohol testing will be allowed to take the test on work time. Job applicants will receive no compensation for testing.

Cost of Drug and Alcohol Testing

- Campbell County School District will be financially responsible for drug and alcohol testing and the implementation of this policy.

Confidentiality

- Campbell County School District realizes the legal need for strict confidentiality as it relates to test results. Confidentiality applies to all information relating to the employee drug and/or alcohol testing, result and treatment. No person other than necessary management will have access to drug and/or alcohol testing results. An employee may waive the confidentiality of the drug and/or alcohol test by presenting a written letter of authorization to the Assistant Superintendent for Instructional Support or to the Director of Human Resources.

Record Maintenance

- It will be the responsibility of the Director of Human Resources to see that all drug and/or alcohol test records generated by this program are properly stored. Records resulting from the testing of Campbell County School District employees for drug and/or alcohol abuse (e.g., chain of custody form, negative test results, confirmed positive test results, waiver forms, Medical Review Officer Records as required by Federal Law, etc.) will be maintained by the Director of Human Resources.

Right of Refusal

- All applicants and employees have the right to refuse to undergo testing. Applicants who refuse to undergo such testing will be denied employment. Employees who refuse to undergo such testing will be terminated.

Employee Appeal

- An employee who receives a positive, confirmed test result may contest or explain the result to Campbell County School District within five (5) working days after written notification of the test result. Any employee may appeal his/her discharge or other disciplinary action taken under this policy to the extent and in the manner such appeal is authorized by Board policy or appropriate law.

Self-Referral Substance Abuse Option

- Employees who voluntarily advise Campbell County School District of an alcohol, narcotic, or substance abuse problem **24 hours or more** prior to being tested for alcohol and/or illegal drugs will be eligible for a leave of absence without pay for the purpose of treatment and rehabilitation for a period of not to exceed six (6) months. Upon completion of the leave, Campbell County School District will require the employee to provide a doctor's certification that he/she is capable of performing his/her duties and is free from a drug and/or alcohol abuse problem. Return to service is conditioned upon the employee being willing to return to duty and follow-up alcohol and/or drug testing for one (1) calendar year.

ALCOHOL

Abuse and/or Untimely Use of Alcohol

- Because alcohol is a legal substance, the rules define specific prohibited alcohol-related conduct. Performance of safety-sensitive functions is prohibited:
 - while having an alcohol concentration of 0.02 or greater as indicated by an alcohol breath test,
 - while using alcohol,
 - or within four hours after using alcohol.

Random Alcohol Testing

- Random alcohol testing will be conducted just before, during or just after an employee's performance of safety-sensitive duties. Employees will be randomly selected for testing. The testing dates and times will be unannounced and will be done throughout the year. Random alcohol testing will be conducted at a selection rate of 25% of department's annual average number of employees. Random testing selections will be conducted throughout a 12 month period.
- The law requires breath alcohol testing using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted. The confirmation test, if required, must be conducted using a second EBT device that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results.

- If a positive test is not confirmed, the employee will be returned to regular employment. If the employee's confirmation test is positive for abuse of alcohol (0.02 or greater), he/she will be terminated.

ILLEGAL DRUGS/PRESCRIPTION MEDICATION/OVER-THE-COUNTER (OTC) MEDICATION

- The Department of Transportation (DOT) regulations do not prohibit bus drivers from taking prescription drugs under the guidance of a physician in the course of medical treatment. However, a driver must report to their immediate supervisor the use of any prescription drugs that may impact the safe performance of his or her safety-sensitive functions. A driver must obtain a doctor's work release from his or her physician stating whether the use of the prescription drug may adversely affect his or her ability to perform safety-sensitive functions (to be written on the medical container).
- A Bus driver taking OTC or prescribed medication are responsible for knowing the effects of such medication upon the performance of his or her safety-sensitive duties. A bus driver may not drive or perform safety-sensitive duties under the influence of any OTC drug that could impair his or her ability to perform the functions of the position.

Drug Testing Procedures

- The Department of Transportation (DOT) drug and alcohol testing procedures rule (49 CFR Part 40) sets forth the procedures for drug testing. The analysis will be performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee will provide **one** urine specimens at a location that affords privacy and in which the "collector" seals and labels the specimens, completes a chain of custody document, and prepares the specimens and accompanying paperwork for shipment to a drug testing laboratory. The specimen collection procedures and chain of custody ensure that the specimens' security, proper identification, and integrity are not compromised. The urine specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to the drug testing laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has 72 hours to request the split specimen be sent to another DHHS certified laboratory for analysis. This split specimen procedure essentially provides the employee with an opportunity for a "second opinion". **The employee will also provide a non-Dot saliva test.** The saliva specimen will be "**quick tested**" "**fast tested**" at the collection site. If this test **is positive is non-negative**, the employee will be removed immediately from safety-sensitive duties until further analysis is received from the drug-testing laboratory. All urine **and saliva** specimens are analyzed for the following drugs:
 - Marijuana (THC metabolite)
 - Cocaine
 - Amphetamines
 - Opiates (including heroin)
 - Phencyclidine (PCP)
- All drug tests will be reviewed and interpreted by a physician before they are reported to the Director of Human Resources. If a laboratory reports a positive result to the physician, the physician will contact the employee (in person or by telephone) and will conduct an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation, and the physician determines it is a legitimate medical use of the prohibited drug, the drug test result is reported as negative to the Director of Human Resources. If a positive test is not confirmed, the employee will be returned to regular

employment.

- **Per lab results, urine test violations will be reported to the Department of Transportation.** An employee testing positive for drug use will be terminated.

Random Drug Testing

- Campbell County School District is responsible for conducting random, unannounced drug tests. The total number of random drug tests conducted each year will be equal to at least 50% of the safety-sensitive employees. Some employees may be tested more than once each year. Random testing for drugs does not have to be conducted in immediate time proximity to the employee's performance of safety-sensitive functions. Once notified of selection for testing, however, an employee must proceed immediately to a collection site to accomplish the urine specimen collection.

EMPLOYER RESPONSIBILITIES

Employee Training

- Campbell County School District, for the purpose of this policy, will provide one hour per year of education and training on drug abuse and alcohol misuse to all Transportation employees. The education shall include, but is not limited to:
 - Informational material distributed to employees.
 - Distribution of Campbell County School District's Non-DOT Drug and Alcohol Plan regarding the use of prohibited drugs and alcohol to all employees.
 - Audio and video presentations.

Supervisor/Manager Training

- Transportation supervisory/managerial personnel will receive two hours of training per year regarding the Non-DOT Drug and Alcohol Plan. The training shall include at least 60 minutes of training on the signs and effects of controlled substance use, and at least 60 minutes of training on the signs and effects of alcohol misuse. This training shall be for all supervisors and managers who may need to make a determination whether an employee will be drug and alcohol tested for reasonable suspicion.

General

- Transportation positions advertised by Campbell County School District will include a statement informing prospective candidates the District has a drug testing program.
- The District will post a notice that substance abuse testing is a required condition of employment in employee's work areas.
- The District shall post a notice the employer's Substance Abuse Policy and Employee Assistance Plan shall be made available to an employee as soon as is reasonably possible after request. The Policy and EAP will be on file in the office of the Human Resource manager representative.

ADOPTION DATE:

June 13, 1994; Editorial Revision: February 12, 1996; Revised April 28, 1997; Revised October 14, 2003; Revised December 14, 2010; Revised January 13, 2015; Revised January 25, 2022; **Revised January 10, 2023;**

LEGAL REFERENCE(S):

59 Federal Register Part II, 7302-7625 (2/15/94); Omnibus Transportation Employee Testing Act of 1991.

CROSS REFERENCE(S):4325, 4335, 4340

ADMINISTRATIVE REGULATION: