

ALCOHOL AND CONTROLLED SUBSTANCES TESTING POLICY

1. **BACKGROUND** - The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety sensitive employees in the aviation, motor carrier, railroad, and mass transit industries. This Act requires all operators of commercial motor vehicles (CMV's) subject to the commercial driver's license (CDL) requirements to be tested for controlled substances and alcohol. U.S. Department of Transportation regulations require that school bus drivers as well as drivers of private carriers of passengers be required to submit to alcohol and controlled substance testing. For the most part, CDL employees are school bus drivers. However, teachers, coaches, and other school district employees who drive activity buses are also required to have a CDL and therefore fall under the drug and alcohol testing rules. In short, all drivers required to have a CDL are subject to the U.S. Department of Transportation regulations and this policy. The final rules by the U.S. Department of Transportation and the Federal Highway Administration were published in the February, 1994 Federal Register and generally require implementation beginning on January 1, 1995 for employers with fifty (50) or more CDL employees and January 1, 1996 for employers with forty-nine (49) or less CDL employees.

2. **POLICY OVERVIEW** - The purpose of this policy is to establish guidelines for mandatory drug and alcohol testing for all school district employees/drivers required to have a commercial driver's license (CDL).

Sweetwater County School District No. One recognizes that the influence and/or use of drugs, including alcohol, is capable of threatening the safety, welfare and well-being of both students and other employees and will not be tolerated. The safety and security of Sweetwater County School District No. One employees and students will be maintained as a high priority and Sweetwater County School District No. One is committed to providing an alcohol and drug-free work environment for the safety of its students and employees.

The possession, use, transfer and/or sale of alcohol and/or any illegal drug or controlled substances while on duty or on school district property is strictly prohibited. Being under the influence of alcohol and/or any illegal drugs or controlled substances while on duty or otherwise contrary to the policies established herein is also strictly prohibited. The U.S. Department of Transportation regulations require testing for five (5) drugs, to-wit: marijuana, cocaine, opiates, amphetamines, and phencyclidines. The drug testing requires a split urine sampling of each CDL employee (two urine samples taken at the same time). The regulations also call for an alcohol test using an evidential breath test (EBT) device approved by the Department of Transportation. The regulations also specify five (5) types of drug and alcohol testing for all school district employees who are required to have a CDL and these include pre-employment testing, random testing, post-accident testing, return to duty/follow-up testing, and reasonable suspicion testing.

The procedures and circumstances under which alcohol and/or drug testing are to be conducted by Sweetwater County School District No. One are more specifically addressed and set forth herein.

3. **ALCOHOL TESTING:AN OVERVIEW** - Alcohol tests are required as follows: pre-employment screening, post accident testing, for reasonable suspicion, on a random basis, and upon return to duty/follow-up. The specific alcohol-related conduct which prohibits performance of the subject employee's functions include having a breath alcohol concentration of 0.02% or greater, using alcohol while in the performance of the subject employee's duties, performance of the subject employee's duties or function within four (4) hours after using alcohol, and refusing to submit to an alcohol test and using alcohol within eight (8) hours after an accident or until tested.

Breath testing will be performed using an evidential breath testing device approved by the National Highway Traffic Safety Administration. Two (2) 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 confirmation test must be conducted. Drivers who engage in prohibited alcohol conduct (i.e. a breath alcohol concentration of 0.02% or more) must be immediately removed from their safety-sensitive functions. Drivers who have an alcohol concentration of 0.02% or greater when tested just before, during or just after performing safety-sensitive functions will be removed from performing their duties for twenty-four (24) hours . If a driver's behavior or appearance suggests alcohol misuse, a reasonable suspicion alcohol test must be conducted. If a breath test cannot be administered, the driver will be removed from performing safety-sensitive duties for at least twenty-four (24) hours . In the event the employee's confirmation test registers 0.04% or greater, the employee will be removed from safety sensitive position.

4. **DRUG TESTING: AN OVERVIEW** - The drug testing rules cover the same employees as the alcohol testing rules and the types of tests required are: preemployment, reasonable suspicion, post-accident, random, return-to-duty/followup. Drug testing is conducted by analyzing a driver's urine specimen for the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidines. The testing is a two (2) stage process requiring a split sample. First, a screening test is performed and, if it is positive for one or more of the drugs, then a confirmation test is performed for each identified drug. All drug test results are reviewed and interpreted by a medical review officer (MRO), before they are reported to the employer. Any unauthorized use of the drugs and controlled substances setforth herein are prohibited. The illicit use of drugs by safety-sensitive employees/drivers is prohibited. As with an alcohol misuse violation, a subject employee must be removed from his/her safety-sensitive duty if a positive drug test results. The removal will not take place until the MRO has interviewed the driver and determined that the positive drug test results are from the unauthorized use of a controlled substance and no other limited and/or legitimate medical use or explanation exists. The subject employee cannot be returned to his/her safety-sensitive duties until he/she has been evaluated by a substance abuse professional or MRO, has complied with recommended rehabilitation, and has a negative result on a return-to-duty drug test. Follow-up testing to monitor the subject employee's continued abstinence from drug use is required.

Adopted 12/12/94

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School District #1, Sweetwater County, Wyoming