

Oneida Special Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Drug & Alcohol Testing for Employees	Descriptor Code: 5.403	Issued Date:
		Rescinds: 5.403	Issued: 07/06/17

REASONABLE SUSPICION DRUG TESTING

Trained supervisors have the responsibility to observe and document the cause for reasonable suspicion, and when appropriate, refer the matter to the Director of Schools/designee. It is not the supervisor's responsibility to attempt diagnosis. All information, facts, and circumstances leading to and supporting this suspicion shall be included in a written report detailing the basis for the suspicion. After the report is filed, the employee shall be notified.

Any employee may be required to submit to substance screening if the following conditions exist, including but not limited to:

1. Observed manufacture, distribution, dispense, possession, use, or under the influence of any illegal or unauthorized drugs or any alcohol;
2. Apparent physical state of impairment of motor functions;
3. Marked changes in personal behavior not attributed to other factors;
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents whether or not they involve actual or potential injury; or
5. Violation of criminal statutes involving the use of illegal or unauthorized drugs or any alcohol and/or violations of drug statutes.

TESTING FOR CDL EMPLOYEES

All drivers and applicants for driver positions who are required to hold a Commercial Driver's License (CDL) to perform their job function shall adhere to the requirements of this policy and all procedures relating to this policy.¹

The use, possession, sale, purchase, or transfer of any controlled substances, except medically prescribed drugs on school property, while on school business, or while operating school vehicles and equipment, is prohibited. Drinking alcoholic beverages during working hours, four (4) hours before reporting to work, or having any measurable amount of alcohol in the employee's system during working hours is prohibited, whether on or off school property. Working hours include all breaks. Off-duty use of drugs and alcohol is prohibited to the extent that it affects the driver's attendance or

performance and his/her ability to pass required Department of Transportation alcohol and controlled substance tests. Any violation of this policy is grounds for termination and possible legal prosecution.

The use of any prescription drug that could affect the central nervous system or one that would impair reaction time shall be reported to the Director of Schools/designee. Notice shall be given of non-prescription (over-the-counter) drugs being taken on a regular basis. The notice shall include the duration of ingestion and the possible side effects.

Procedures

The execution and enforcement of this policy will follow set procedures to screen bodily fluids, conduct breath testing, and/or search all employees/applicants for alcohol and drug use and those employees suspected of violating this policy who are involved in a reportable accident or who are periodically or randomly selected. The procedures are designed not only to detect violations of this policy but also to ensure fairness to each employee. Disciplinary action will be taken as necessary.

Implementation

The Director of Schools/designee is authorized to implement this policy and procedures for the drug testing program, including a periodic review of the program to address any problems, changes, and/or revisions of it, maintenance of all records required by the federal regulations, and determination upon board approval of how the program will be accomplished, whether in-house, contracted, or by consortium.

Dissemination

The Director of Schools/designee shall be responsible for communicating this policy and the procedures to all employees affected by this policy and shall be accountable for its consistent enforcement.² The Director of Schools/designee is designated to answer questions about this policy, procedures, and all other matters involved in alcohol and controlled substance testing of CDL drivers and the reasonable suspicion testing of all other employees.

Legal References

1. Omnibus Transportation Employee Testing Act of 1991, 49 USCA § 5331
2. 49 CFR § 382.601

Cross References

Alcohol & Drugs in the Workplace 1.804