

Drug and Alcohol Testing for Employees

Definitions

For the purpose of this policy:

- *Drugs and controlled substances* are interchangeable and have the same meaning.
- *Controlled substance* refers to substances covered by the Omnibus Transportation Act, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).
- *Covered employee/position* means an employee/position subject to the Omnibus Transportation Employee Testing Act.
- *Safety-sensitive position* means a job in which a momentary lapse in the discharge of duties poses a safety threat with potentially severe consequences. In addition to covered positions, the board recognizes the following as safety-sensitive positions: school vehicle drivers as described in NDCC 15.1-07-20; school personnel that, as part of their job description, are responsible for transporting children in their personal vehicles; mechanics; transportation supervisory personnel; and all other employees performing safety-sensitive functions for the District as outlined in job descriptions.

Covered Employees

The Bismarck School District is committed to the establishment of a drug and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act. All covered employees are prohibited from using controlled substances and are subject to pre-duty, on-duty, and post-accident alcohol use restrictions contained in federal law.

An employee covered by the federal regulations may not refuse to take a required test. Refusal includes submitting an altered or substituted specimen for testing. Employees who refuse required testing will, at a minimum, be prohibited from performing safety-sensitive duties.

Pre-employment controlled substance testing shall be administered to an applicant offered a covered position in the District prior to the first time the employee performs any safety-sensitive function for the District. Employment with the District is conditional upon the applicant receiving negative test results.

All covered employees shall be subject to reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Testing will be performed in accordance with federal drug and alcohol testing regulations.

Transportation contracts approved by the District shall contain assurance that the contractor will establish or join a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal

requirements. An independent contractor who drives his/her own bus/vehicle is subject to the same requirements as the district's own employees.

Other Safety-Sensitive Positions

An individual applying for, transferring to, or being promoted to any safety-sensitive position shall initially be subject to controlled substance testing. Verified positive test results shall prevent an applicant/employee from moving into a safety-sensitive position. School vehicle drivers shall also be subject to post-accident and reasonable suspicion and random testing. Non-transportation safety-sensitive positions shall be subject to post-accident and reasonable suspicion tests. All testing shall be conducted in accordance with the procedure used to test covered employees.

Confidentiality of Records

The District shall maintain records in compliance with law. Drug and alcohol testing records are confidential and shall be maintained in a secured location. With the employee's consent, the District may obtain any information concerning drug and alcohol testing from the employee's previous employer. An employee shall be entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Records shall be made available to a subsequent employer upon receipt of a written request from an employee only as expressly authorized by the terms of the employee's request.

Necessary records and reports shall be maintained and made available to federal and state transportation agencies upon request in accordance with federal regulations.

Training

The District shall take steps to ensure that supervisors receive proper training to administer the drug and alcohol testing program.

Violations

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions and may be subject to the disciplinary consequences contained in the Drug and Alcohol Free Workplace policy. Before an employee is reinstated, if at all, the employee shall comply with all applicable return-to-duty requirements. The District will follow treatment referral procedures contained in federal regulations for covered employees.

Employees with verified alcohol concentrations below prohibited amounts shall be removed from safety-sensitive positions and may be subject to the disciplinary consequences contained in the Drug and Alcohol Free Workplace policy.

The District is not required to provide rehabilitation, pay for substance abuse treatment, or to reinstate the employee. The Board retains the authority consistent with law to discipline or

discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affects the qualifications for and performance of his/her job.

Policy Dissemination

This policy shall be available on the School District website. Employees are responsible for annual review of policies. The Board designates the Superintendent as the individual responsible for answering questions related to this material.

Complementary Documents

- DBBA-E, Drug and Alcohol Testing for Employees
- DEAA, Drug and Alcohol Free Workplace
- DEAA-AR, Procedure if Chemical Use is Suspected
- DEAA-E, Record of Observable Behavior
- DFC, Transfer and Reassignment
- DI, Personnel Records

End of Bismarck Public School District Policy DBBA

Adopted: 7/1/2015