

OFFICE OF THE SUPERINTENDENT
Findlay City **SCHOOL DISTRICT**

CLASSIFIED/CERTIFIED STAFF

**MEMORANDUM TO CDL LICENSE HOLDERS
REGARDING THE DISTRICT'S DRUG-TESTING PROGRAM**

The purpose of the District's drug-testing program is to institute and maintain a program for achieving a drug-free work force and to provide a workplace free from the illegal and improper manufacture, distribution, dispensing, possession, sale, and use of alcohol and controlled substances.

The program will assist CDL license holders in understanding and avoiding the perils of illegal drug use and controlled substance abuse. The District will provide a drug-free awareness program as an educational effort to prevent and eliminate illegal drug use and controlled substance abuse. The awareness program will inform CDL license holders about:

- A. The dangers of illegal drug use and controlled substance abuse;
- B. The Board's drug-free workplace policies;
- C. The availability of treatment and counseling for employees who voluntarily seek such assistance;
- D. The sanctions the District will or, in some cases, may impose for violations of its policies.

Definitions

Please refer to the attached Board policy entitled "Drug and Alcohol Testing of CDL License Holders" for definitions of key terms used through this memorandum.

District Coordinator

The Transportation Director shall be the coordinator of the District's drug-testing program and the person to be contacted for answers to any questions.

Supervisors and other appropriate personnel will be trained in drug abuse recognition and the District's procedures for handling and assisting CDL license holders who are subject to the effects of illegal drug use or controlled substance abuse.

RULES RELATED TO THE DRUG-TESTING PROGRAM

All CDL license holders are encouraged to abide by Board policies related to drug use and drug testing as well as the following rules. Any violation may lead to disciplinary action up to and including termination of employment.

Possession/Use/Sale/Distribution

No CDL license holder shall manufacture, possess, use, sell, or distribute alcohol or engage in the illegal manufacture, possession, use, sale, or distribution of drugs while on duty, operating a District vehicle, or performing a safety-sensitive function.

Pre-Duty Use

No CDL license holder shall perform safety-sensitive functions nor operate a District vehicle within four (4) hours after using alcohol and shall not be currently involved in the illegal use of drugs.

Use Following an Accident

No CDL license holder required by Federal law to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first.

Refusal to Submit to a Required Alcohol or Controlled Substances Test

No CDL license holder shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test required by Federal law. The District shall not permit a CDL license holder who refuses to submit to such tests to perform or continue to perform safety-sensitive functions or operate a District vehicle. Failing to provide adequate breath and/or urine for testing without a valid medical explanation and any other conduct that obstructs the testing process shall constitute a refusal to submit.

Controlled Substances Use

No CDL license holder shall report for duty or remain on duty when the holder uses any controlled substance, except when the use is prescribed by a physician who has advised the holder that the substance does not adversely affect the holder's ability to safely operate a District vehicle or perform safety-sensitive functions.

Authorized Use of Prescribed Medicine

A CDL license holder undergoing prescribed medical treatment with any drug or controlled substance that may impair his/her physical or mental ability should report this treatment to the Transportation Supervisor who will determine whether the District shall temporarily change the employee's assignment during the period of treatment.

General Rules

Discipline up to and including termination may also be imposed if a CDL license holder:

- A. fails to enroll, when requested by the District, in an alcohol or other drug treatment or counseling program and/or fails to adhere to the requirements of the program;

- B. is indicted or convicted under any criminal drug statute for a violation occurring in the workplace or outside the workplace;
- C. fails to notify the District of any indictment or conviction under any criminal drug statute within five (5) calendar days of the event;
- D. does not comply with rules and regulations promulgated under any testing program.

Consequences for Violation of the Drug Free Policy

In addition to any appropriate disciplinary action, the District may refer the CDL license holder to a treatment or counseling program for illegal drug use or controlled-substance abuse. CDL license holders referred to such a program must immediately cease any illegal drug use or controlled-substance abuse, must consent to unannounced testing, and must comply with all conditions of the treatment or counseling program. Appropriate supervisory personnel shall determine whether an employee referred for illegal drug use or controlled-substance abuse treatment or counseling shall be reassigned to another available position.

TESTING FOR ALCOHOL AND CONTROLLED SUBSTANCES

General Procedure

- A. The District will afford CDL license holders the opportunity, prior to testing, to list all prescription and nonprescription drugs and controlled-substances they have used and to explain the surrounding circumstances.
- B. CDL license holders subject to testing must, prior to testing, sign an approved form agreeing to the testing, authorizing the release of test results to the District's Medical Review Officer (MRO), and authorizing the disclosure of the results by the MRO to the Transportation Supervisor, the Superintendent, and/or the Board of Education.
- C. The procedures that will be used for the testing for alcohol and drug use shall protect CDL license holder and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.
- D. The District, prior to taking any action, will give all CDL license holders who test positive the opportunity to explain in writing the test results.

Pre-Employment Testing

Prior to employment or upon receipt of a CDL license if already employed, each CDL license holder shall undergo testing for alcohol and controlled substances. If a pre-employment alcohol test result indicates an alcohol content of 0.02 or greater but less than 0.04, the candidate will be retested after a waiting period of twenty-four (24) hours.

A pre-employment test for alcohol will not be required if the CDL license holder has undergone such an alcohol test within the previous six (6) months, with a result indicating an alcohol concentration less than 0.04; and the District has ascertained that there has been no alcohol misuse within the previous six (6) months.

A pre-employment test for controlled substances will not be required if the CDL license holder has participated in a drug-testing program that meets Federal requirements within the previous thirty (30) calendar days and while participating in that program, either was tested for controlled substances within the past six (6) months from the date of application to the District or participated in a random-controlled substances testing program for the previous twelve (12) months from the date of application. The CDL license holder must also verify no record of a violation of drug use during the previous six (6) months.

The Transportation Director (or designee) shall contact the alcohol and/or controlled substances testing program(s) in which the CDL license holder participated and obtain the following information.

1. Name and address of the program;
2. Verification that the CDL license holder participated in the program;
3. Verification that the program conforms to Federal law;
4. Verification that the CDL license holder is qualified as described above and has not refused to be tested for alcohol or controlled substances;
5. The date the CDL license holder was last tested for alcohol and controlled substances.
6. The results of any tests taken within the previous six (6) months and any other use violations.

Post-Accident Testing

As soon as practicable following an accident involving a District vehicle, the District shall test for alcohol and controlled substances each surviving CDL license holder:

1. Who was performing a safety-sensitive function, if the accident involved the loss of human life; or
2. Who receives a citation for a moving traffic violation arising from the accident.

Alcohol Tests

If a test is not administered within two (2) hours following the accident, the Transportation Director shall file a record stating the reasons the test was not promptly administered. If a test is not administered within eight (8) hours following the accident, the test shall not be administered and the record shall indicate the reason why the test was not administered.

Drug Tests

If a test is not administered within thirty-two (32) hours following the accident, the Transportation Director shall cease attempts to administer the test and file a record stating the reasons the test was not promptly administered.

A CDL license holder who is subject to post-accident testing shall remain readily available for such testing or shall be deemed to have refused to submit to testing. The required testing shall not delay necessary medical

attention for injured people following an accident or prohibit a CDL license holder from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The District shall provide each CDL license holder with necessary post-accident information, procedures, and instructions, prior to the CDL license holder operating a District vehicle.

Random Testing

Each calendar year, twenty-five (25) percent of the District's average number of CDL license holders shall be subject to random alcohol testing and fifty (50) percent of such employees shall be subject to random controlled substance testing.

The selection of CDL license holders for random alcohol and controlled substance testing shall be made by a scientifically valid method provided by the District's drug-testing facility. Under the selection process used, each CDL license holder shall have an equal chance of being tested each time selections are made.

The Transportation Director shall ensure that random alcohol and controlled substance tests are unannounced and that the dates for such tests are spread reasonably throughout the calendar year.

Each CDL license holder notified of selection for random alcohol and/or controlled substances testing shall be relieved of any job responsibilities as soon as possible and proceed to the test site immediately.

A CDL license holder shall be tested for alcohol or controlled substances only while the holder is performing safety-sensitive functions, just before the CDL license holder is to perform safety-sensitive functions, or just after the CDL license holder has ceased performing such functions.

Reasonable Suspicion Testing

The District shall require a CDL license holder to submit to an alcohol test when a supervisory employee trained in detecting the symptoms of alcohol misuse has reasonable suspicion to believe that the holder is in violation of the District's policy with reference to alcohol. The District shall require a CDL license holder to submit to a controlled substance test when a supervisory employee trained in detecting the symptoms of controlled substance abuse has a reasonable suspicion to believe that the holder is in violation of the District's policy with reference to controlled substances. Such reasonable suspicion must be specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic and withdrawal effects of controlled substances. The person making the observations shall file a signed, written record of the observations leading to a controlled-substance test within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

A CDL license holder may be directed to undergo reasonable suspicion testing only while the holder is performing, just before performing or just after performing safety-sensitive functions.

Return-to-Duty Testing

If the results of a reasonable-suspicion or other alcohol test indicate that the CDL license holder is under the influence of or impaired by alcohol, the District shall not permit the holder to perform safety-sensitive

functions until an alcohol test is administered and the CDL license holder's alcohol concentration measures less than 0.02 or for twenty-four (24) hours after the test.

If the results of a reasonable-suspicion or other controlled substance test indicate that the CDL license holder is in violation of the District's policy with reference to controlled substances, the District shall not permit the holder to perform safety-sensitive functions and will refer the employee to a substance abuse professional. The employee will not be permitted to return to the performance of safety-sensitive functions until the employee submits a negative controlled substance sample.

Follow-Up Testing

If the CDL license holder is identified by a qualified substance abuse professional as needing assistance in resolving problems with alcohol misuse or controlled substances, the holder shall be subject to unannounced follow-up alcohol and/or controlled substance testing as determined by the substance abuse professional within the first twelve (12) months following the employee's return to duty.

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