

DRUG FREE WORKPLACE

Board Policy

In compliance with the Federal Regulations established by the Drug Free Workplace Act of 1988, the Board of Trustees of Shelley Joint School District No. 60 certifies that it provides a drug free workplace by:

1. Publishing a Drug/Alcohol Abuse Policy Statement (Appendix A) notifying all employees of the District that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the District workplace. Such notice states that any employee found in violation of such prohibition will be placed on probation and required to complete an established drug abuse assistance and/or rehabilitation program or may, at the discretion of the Board of Trustees, be dismissed.
2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace.
 - b. The Board of Trustees' policy regarding maintenance of a drug-free workplace.
 - c. Available drug counseling, rehabilitation, and employee assistance programs.
 - d. The penalties which may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Providing every employee with a copy of the Drug/Alcohol Abuse Policy Statement (Appendix A).
4. Notifying every employee in the Drug/Alcohol Abuse Policy Statement (Appendix A) that, as a condition of employment, the employee will:
 - a. Abide by the terms of the statement.
 - b. Notify the district of any criminal drug statute conviction for a violation occurring in the workplace, no later than five days after the conviction.
5. Agreeing to notify the Federal Agency within ten days after receiving notice under subparagraph 4.b from an employee or otherwise receiving actual notice of the conviction.

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6. Taking one of the following actions within thirty days of receiving notice under subparagraph 4.b with respect to any employee who is so convicted.
 - a. Taking appropriate action against such an employee up to and including termination, or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

Suggested Implementation Guidelines

1. The employee must be making a good faith effort to continue to maintain a drug free workplace through implementation of the above policy.
2. In accordance with 49 CFR Part 382, as required by the Department of Transportation (DOT), all Shelley Joint School District No. 60 transportation personnel will comply with the following drug/alcohol testing policy effective September 1, 1995. This will also apply to all prospective and current drivers who are required to obtain a commercial driver's license (CDL) in order to operate a vehicle for this district (hereafter referred to as "drivers").
 - a. Questions Regarding Transportation Personnel Drug/Alcohol Testing. Shelley Joint School District No. 60 hereby designates the Transportation Supervisor and/or the Superintendent as the person responsible for answering driver's questions relating to the provisions of the drug/alcohol testing and as the District contact between the District and the Medical Review Officer (MRO).
 - b. Driver's Use of Alcohol. Shelley Joint School District No. 60 is interested in ensuring that all drivers do not operate a vehicle while under the influence of alcohol. At the same time, the District ensures that it will not infringe upon the driver's right to consume alcohol responsibly. Therefore, drivers of this District are hereby notified that they are not to consume alcohol within eight (8) hours of reporting to work. Drivers are further advised that they are not to report to work or remain at work while having an alcohol concentration of .02 or greater. Drivers are prohibited from using or possessing alcohol while on duty. (See paragraph 8.g)
 - c. Driver's Use of Illegal Drugs. Drivers are hereby notified that the District has an absolute prohibition against their use of illegal drugs, or the illegal use or misuse of prescription medication. This prohibition extends to use both on and off the job.
 - d. Types of Drug and Alcohol Testing.

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- 1) Pre-employment Testing. All prospective drivers will take, and pass, a drug and alcohol test prior to driving a vehicle for Shelley Joint School District No. 60. Furthermore, all prospective drivers must disclose to the District any and all incidents where they have tested positive for illegal drugs or alcohol, or refused to test, with an employer up to two (2) years prior to applying with the District. Drivers will be required to sign consent forms (Appendices B & D) authorizing the District to conduct a check with each district or company employing the driver during the past two (2) years to determine whether the driver has, in fact, tested positive for illegal drugs or alcohol. (Prospective drivers that are identified as having tested positive for illegal drugs or alcohol in the past two (2) years will not be offered employment by the District.)
 - 2) Reasonable Cause. The District may require a driver to be tested for illegal drugs or alcohol when there is reasonable suspicion to believe a driver is under the influence of illegal drugs or alcohol while at work.
 - 3) Random Testing. All current drivers will be subject to random drug and alcohol testing. Random testing selections shall be made by a scientifically valid method that will result in each driver having an equal chance of being tested each time selections are made. Random testing for alcohol will take place just prior to, during, or just after a driver's duty time. Current drivers will be required to sign a consent form (Appendix C).
 - 4) Post-Accident.
 - a) A driver operating a vehicle for the District who is involved in a reportable accident as defined by the DOT and who receives a citation in connection with that accident, will be tested for both illegal drugs and alcohol as soon as practical. Alcohol testing must be administered within two (2) hours of the accident and drug testing must be administered within 32 hours of the accident.
 - b) Any driver required to be tested under this section must remain readily available for such testing and such a driver may not consume alcohol within eight (8) hours of the accident. A driver who is involved in an accident requiring a drug and alcohol test must notify the District of the accident as quickly as possible and comply with those instructions given them relative to their taking a drug and alcohol test.
- e. Specimen Collection Procedures and Test Result Notification

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1) Refusal

- a) A driver operating a vehicle for Shelley Joint School District No. 60 may not refuse to take a drug or alcohol test when requested to do so, consistent with the terms of this policy. Such a refusal will be considered equivalent to testing positive for illegal drugs or alcohol.
- b) A driver will be considered as refusing to test if he/she expressly refuses to take a test when so requested, engages in conduct that clearly obstructs the testing process, or otherwise fails to provide an adequate breath or urine sample without a valid medical explanation.

2) Drug/Alcohol Specimen Collection Procedures

- a) All testing for illegal drugs will be done by the testing of a driver's urine specimen. All such testing will utilize the split specimen collection procedure. Under that procedure, each driver will have his/her urine specimen sealed in two separate containers and both sent to a National Institute on Drug Abuse (NIDA) certified laboratory for testing. If a driver's first specimen tests positive, that driver may file a written request, within three (3) days of the positive notification, that the other specimen be tested at another NIDA laboratory. This second test will be done at the driver's expense unless the second test comes back negative. All urine specimen collections will be conducted by personnel that have been instructed and trained in collection procedures set by the DOT.
- b) All testing for alcohol will be done by the use of a DOT approved breath-testing device, operated by a trained and qualified breath alcohol technician (BAT). Saliva testing for alcohol will be allowed when a breath-testing device is not readily available.

3) Adulteration or Submission of a Concealed Specimen

- a) If, during the collection procedure, the collection monitor detects an effort by a driver to adulterate or substitute a specimen, a second specimen will be required. If a second specimen is provided, that specimen will be tested. If the request for a second specimen is refused, the collection monitor will inform the District contact of the driver's refusal to submit a true specimen. Such conduct

by the driver will be considered as a refusal to provide a true specimen for testing.

- b) In the event that a prospective or current employee submits a specimen that the laboratory later identifies as a diluted specimen, the company will advise the employee of that result and request that the employee submit a second specimen. Such donors will be advised by the company not to drink any fluids prior to the test.

f. Notification of Testing Results

- 1) This District has arranged that all testing results be forwarded to the District through the designated testing consultant (contractor) as the representative of the MRO. Drug or alcohol test results will be reported only to the District contact who has been designated to receive them.
- 2) Prior to informing the District of a prospective or current driver's positive result, the driver will be offered an opportunity to personally discuss the positive result with the MRO or his representative. The MRO will follow up on such information as is deemed appropriate. Any driver who is taking a prescription drug that may have been the cause of a positive test result will be asked to provide the name of the medication and the identity of the prescribing physician for verification. If this is verified, the driver's test result will be reported as negative. If, after consideration of the matter, the MRO finds no reason to doubt the validity of the positive test, that result will be conveyed to the District contact, as well as the identity of the drug.
- 3) If the driver cannot be located, the MRO, or his representative, may request that the District contact arrange for the driver to contact the MRO as soon as possible to discuss the results of the positive test. The MRO will communicate a positive result to the District without discussing the result with the driver if the driver expressly declines the opportunity to discuss the results of the test, or the driver is instructed by the District to contact the MRO but fails to do so within 24 hours.

g. Effects of Testing Positive for Drugs or Alcohol

- 1) Any prospective driver who tests positive for illegal drugs or alcohol will not be hired. Any current driver that tests positive for alcohol or illegal drugs will immediately be released from operating a vehicle for the District.
- 2) For purposes of this policy, an employee tests positive for alcohol when that employee's blood alcohol concentration (BAC) exceeds 0.04. If an employee tests above 0.02 BAC, that driver will not be allowed to operate a vehicle for this District for 24 hours from the time of the test. A driver that twice tests above 0.02 BAC in a year's time will be treated

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as the equivalent of testing positive for alcohol. Thereafter, such a driver will be terminated from employment with the District.

Appendix A

DRUG/ALCOHOL ABUSE POLICY STATEMENT

Shelley Joint School District #60 is committed to providing a safe work environment and to fostering the well being and health of its employees. That commitment is jeopardized when any district employee illegally uses drugs/alcohol on the job, comes to work under their influence, or possesses, distributes or sells drugs in the workplace. Therefore, Shelley Joint School District #60 has established the following policy:

- (1) It is a violation of district policy for any employee to possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs on the job.
- (2) It is a violation of district policy for anyone to report to work under the influence of alcohol/illegal drugs.
- (3) It is a violation of the district policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.)
- (4) Violations of this policy are subject to disciplinary action up to and including termination.

It is the responsibility of the district's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who may have a drug problem to seek help.

The goal of this policy is to balance respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs/alcohol is incompatible with employment at Shelley Joint School District #60.

As a condition of employment, employees must abide by the terms of this policy and must notify the district in writing of any conviction of a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

Appendix B

**Shelley Joint School District #60
DOT DRUG TESTING PROGRAM
Controlled Substance Testing Consent Form
(Prospective Employees)**

As part of my application for employment as a driver of a motor vehicle for Shelley Joint School District #60, I consent to a drug/alcohol test as required by federal regulations.

I understand that if I test positive for illegal drugs or alcohol, I will not be offered employment.

I understand that the collection, testing and reporting of my specimen will be done in accordance with DOT regulations relating to the testing of controlled substances. If I am taking any prescription medication at the time of my drug test, I will be afforded an opportunity to discuss that with an MRO if my test comes back positive for illegal drugs.

I consent to the release of my test results received by the designated testing consultant (contractor) as the representative of the Medical Review Officer, to management officials at Shelley Joint School District #60 and understand that those test results will be held in confidence by them.

I further consent to Shelley Joint School District #60 contacting those employers for whom I have worked as a vehicle operator for the past twenty-four (24) months for the purpose of Shelley Joint School District #60 verifying from my past employers whether I have tested positive for illegal drugs or alcohol, or have refused to test when requested to do so. I consent to the release of that information by those employers for whom I have worked during the past twenty-four (24) months as a vehicle driver. I further understand that if it is determined that I have tested positive for illegal drugs or alcohol with another employer during the past twenty-four (24) months that I will not be offered employment by the District.

Applicant's Name (Print)

Applicant's Home Phone Number

Applicant's Signature

Date

Appendix C

SHELLEY JOINT SCHOOL DISTRICT #60 Drug and/or Alcohol Testing Consent Form (Current Employee)

As a condition of employment with Shelley Joint School District #60, I consent to take a drug and/or alcohol test as stated in the district's current Drug Free Workplace Policy.

I understand that if I test positive for any drugs or alcohol, I will be 1) terminated from further employment with the school district, or 2) subject to the terms and conditions of the District's Employee Assistance Agreement. I further understand that if I test positive for the presence of drugs or alcohol I may request that same specimen be re-tested at my expense and understand that I must request so in writing within three (3) days of being notified of the positive test result.

I further agree that in the event I am involved in an on-the-job accident as defined by the terms of the district's Drug Free Workplace Policy I authorize the release of relevant hospital reports or other documentation that would indicate whether or not there were drugs or alcohol in my system at the time of the accident.

I understand that the collection, testing and reporting of my specimen will be done in accordance with standard chain of custody procedures. If I am taking any prescription medication I will be given an opportunity to reveal that information at the time of collection.

I consent to the release of my test results received from the testing laboratory by the designated consultant (contractor) and management officials at Shelley Joint School District No. #60 and understand that those results will be held in confidence by them.

I have received, read, understand, and accept the terms of Shelley Joint School District #60's Drug Free Workplace Policy.

Employee's Name (PRINT)

Employee's Signature

Witness' Signature

Date

Date

Appendix D

**FAX COMMUNICATION
REQUEST FOR PAST DRUG & ALCOHOL INFORMATION**

Date:	_____	Pages:	_____
To:	_____	From:	Shelley School District #60 545 Seminary Ave. Shelley, ID 83274
Contact:	_____	Contact:	Transportation Supervisor
Phone #:	_____	Phone #:	(208) 357-7582
Fax #:	_____	Fax #:	(208) 357-5741

_____ (Prospective employee) has applied to our company for the purpose of being hired to operate a commercial vehicle. On his application he/she has listed your company as an employer he/she has worked for as a commercial vehicle driver within the last twenty-four (24) months.

Per DOT requirements, we request that you provide us the following information (circle applicable answer):

1. Has _____, Social Security # _____ - _____ - _____, worked for your company within the last twenty-four (24) months as a commercial vehicle operator? YES NO (circle one)
2. If yes on question 1, did **he/she** take a drug and or alcohol test while employed at your company? YES NO (circle one)
3. If yes on question #2, did **he/she** test positive for illegal drugs or alcohol for any such testing conducted by your company within the last twenty-four (24) months? YES NO (circle one)

The nature of this request is urgent and I would request that your response be faxed directly to my attention. If your answer to question #3 is yes, please call and notify me of such information so that I can receive your faxed response in a confidential manner.

EMPLOYEE CONSENT FOR RELEASE OF INFORMATION

Employee Name (print): _____ Date: _____

I consent to the release of the above information regarding any drug & alcohol test results performed during my employment with _____ as required by the DOT.
Name of Company

Prospective Employee (signature)

Social Security Number

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Appendix E

Letter of Introduction

Shelley Joint School District No. 60
545 Seminary Avenue
Shelley, ID 83274
208-357-7582

Date: _____

TO THE MEDICAL REVIEW OFFICER

Please accept this letter of introduction in behalf of _____

SS# _____ - _____ - _____ of Shelley Joint School District No. 60. The District is requesting this individual be given a test as follows:

(Please put an "X" indicating the test reason, type, and substances)

<u>Reason:</u>	_____	<u>Type:</u>	
Pre-employment	_____		
Random	_____	DOT/NIDA	XXX (CDL Driver)
Post Accident	_____		
Reasonable Cause	_____	<u>Substances:</u>	
Baseline	_____	Drugs	_____
Rehabilitation	_____	Alcohol	_____

Client ID Number 54365

(The Client ID # is to be written on the Chain of Custody)

!!DONOR MUST PROVIDE PHOTO ID AT TIME OF COLLECTION!!

Please use the applicable collection kits and chain of custody paperwork provided by Minert & Associates, Inc, who are acting as the representative of the Medical Review Officer (MRO). If you have any questions regarding the collection process, please contact Minert & Associates, Inc. at 800-388-3204.

Sincerely,

Shelley Joint School District No. 60
Company Representative

Collection Facility: District Bus Shop