

DRUG AND ALCOHOL TESTING POLICY

All transportation drivers must comply with Drug and Alcohol Testing Policies and Procedures as a condition for employment.

The following employee positions are subject to drug testing:

- All employees who hold a current commercial driver's license will be drug and alcohol tested in accordance with FMCSA DOT regulations.
- All non-CDL transportation drivers will be drug and alcohol tested similar to FMCSA regulations (OAC 3301-83-06). The testing panel will meet or exceed the Federal requirements and is subject to change. A complete list of the testing panel and thresholds is available from the Board Office.

The regulations reflect several requirements of the Federal drug testing regulations but are not intended in any way to modify or limit the procedures for drug and alcohol testing. District personnel must adhere to the detailed provisions of Federal regulations in administering the district's drug and alcohol program.

TYPES OF DRUG TESTING

Drivers will be tested for the presence of drugs/alcohol in their system under any and/or all of the conditions outlined below:

Pre-employment Testing

Controlled substances tests will be administered before a driver performs any safety-sensitive functions for the district. The test is required of an applicant only after he/she has been offered employment. Employment is conditional upon the applicant's receiving a negative drug test result. Pre-employment testing was not possible on non-CDL drivers that were hired prior to the effective date of OAC 3301-83-06 (7/1/2025).

Random Testing

Drivers are selected by a scientifically valid random process, and each driver has an equal chance of being tested each time selections are made. The number of bus drivers selected for random testing is in accordance with Federal regulations. The number of non-CDL drivers selected will mirror the federal regulations.

Tests are conducted on a random basis at unannounced times throughout the year. Once notified of selection for drug testing, a driver must proceed immediately to a collection site to provide a urine specimen.

Post-Accident Testing

If a driver receives a citation for a moving traffic violation arising from an accident, if either vehicle is towed from the scene, any immediate bodily injury treatment away from the scene, or if a fatality has occurred, he/she will be tested for the presence of drugs/alcohol in his/her system. The driver will be driven to the drug/alcohol testing site. No driver involved in an

accident may use alcohol for eight hours after the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

Reasonable Suspicion Testing

Tests may be conducted when a properly trained supervisor or District official has reasonable suspicion that the driver has violated the district's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the driver's appearance, behavior, speech or body odor. The observations may include indications of chronic and withdrawal effects of controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the workday when the driver must comply with alcohol prohibitions. If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the appropriate administrator prepares and maintains a record explaining why this was not done. Attempts to conduct alcohol tests terminate after eight hours.

An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

A supervisor or district official who makes a finding of reasonable suspicion must also make a written record of his/her observations leading to a reasonable-suspicion drug test within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier.

TESTING PROCEDURES

Random Testing

If you are selected for a random test, you are required by law to take the test immediately upon notification. If there are extenuating circumstances and you are not able to take the test immediately, please notify the Transportation Supervisor.

Post Accident Testing

If a driver receives a citation for a moving traffic violation arising from an accident, if either vehicle is towed from the scene, any immediate bodily injury treatment away from the scene, or if a fatality has occurred, he/she will be tested for the presence of drugs/alcohol in his/her system. The driver will be driven to the drug/alcohol testing site.

The test for the presence of controlled substances other than alcohol will be done as soon as possible but no later than 32 hours after the accident. The test for the presence of alcohol will be done as soon as possible, but no later than two hours after the accident.

The driver will be instructed to report to the collection site and will inform the collection site personnel that a urine specimen for controlled substances and a breath/alcohol test will be conducted.

If the driver is injured, the Board of Education retains the right to contact any treatment facility and request that a controlled substance test be obtained; or the result of any such test obtained during treatment. The refusal of any driver to allow the collection of these specimens or to attempt to block the release of these specimens will result in the medical disqualification of the driver.

As provided for under Federal Regulations, 49 CFR, parts 391 and 394, any CDL driver who is involved in an accident that results in a fatality, and who has been tested for controlled substances, and if such test is confirmed positive will be reported to the appropriate Federal Agency.

A driver who fails to report an accident to the Transportation Supervisor, and/or fails to comply with the post-accident testing requirements of this policy will be presumed to be positive for the presence of one or more of the controlled substances tested. This will result in the driver being deemed medically disqualified. In the event that a fatality is involved, the driver will be subject to the same sanctions and reporting requirements described in the paragraph above.

Reasonable Suspicion Testing

Those individuals who are subject to testing may be required to undergo reasonable suspicion drug and alcohol testing to ensure their continued fitness for duty. These individuals will be required to submit to drug and alcohol testing at the request of the Superintendent or his/her designated representative as a part of the overall program to ensure a drug-free workplace, to protect public safety and to ensure that the confidence in the drivers of the district is maintained.

With the implementation of the policy, the Superintendent or his/her designated representative may request that certain individuals undergo drug and alcohol testing. Any driver who exhibits behavior and/or actions that can be clearly identified as arising from the possible abuse of controlled substances will be tested.

After directly observing the driver who exhibits typical behavior and/or actions of a person who is under the influence of a controlled substance, the designated administrator will notify the driver that he/she will undergo drug and/or alcohol testing under the provisions of the "Reasonable Suspicion" section of this policy. In all cases, the designated administrator requesting the specimen must prepare documentation within 24 hours of the time of specimen collection and in all cases prior to the release to the district of any test results.

This documentation is to be provided to the designated Medical Review Officer for consideration when reviewing the test findings. When an employee is suspected of being under the influence by the designated administrator, confidentiality will be maintained. The administrator will ask the driver to accompany him/her to a private area that is removed from the individual's co-workers.

When notified by the administrator it is the responsibility of the individual to provide a urine specimen and undergo a breath/alcohol test. Failure to comply with the request for a specimen will result in immediate medical disqualification of the employee. A sub will be assigned to the route until testing & test results have been received & reviewed by Transportation management.

At the time of notification, the employee will be escorted to the designated collection site by the district administrator. The district administrator will notify the collection site personnel that a urine specimen is to be collected, and a breath/alcohol test is to be conducted.

When completed, the administrator will return to the work site with the driver and instruct him/her that he/she will be notified of the results of the testing when they have been received. The administrator will advise the employee that a replacement will be called and that a recommendation to the Superintendent will be made to temporarily relieve the driver of his/her driving assignment with pay until those results have been received. The administrator will advise the Superintendent of the situation immediately.

REVIEW OF TEST RESULTS

To ensure that every driver who is subject to testing is treated in a fair and impartial manner, the Board of Education has retained the services of Employee Safe, Inc. They will collect specimens and review the results of all tests. Once the results have been reviewed by the medical lab, the results will be made available to the Superintendent or his/her designee.

If any driver tests positive for any drugs or alcohol at or above the specified thresholds, the driver will be afforded the opportunity to explain the findings to the Medical Review Officer prior to the issuance of a positive report to the Superintendent's designee. If the Medical Review Officer finds support in the explanation offered, the driver may be asked to provide documentary evidence to support the driver's claim. The Medical Review Officer can request information on recent medical history and on medications taken within the last thirty (30) days. The failure of the driver to provide documentary evidence will result in the issuance of a positive report to the Superintendent or designee with no apparent medical explanation. A medical disqualification will result. The driver may request that the split specimen be tested within 72 hours of the verified positive test at his/her expense. If the results of the split specimen are positive a positive report will be submitted to the Superintendent or designee by the Medical Review Officer. If the results of the split specimen are negative the Superintendent or designee will be notified.

In those cases where appropriate documentary evidence is provided to the Medical Review Officer, a negative report will be issued to the Superintendent or designee with an attached medical explanation. Based on the medical explanation and recommendation attached the Superintendent or designee will determine whether or not the driver is fit for duty. All records of drug testing forwarded to the Superintendent by the Medical Review Officer are confidential and must be stored in a secure location separate from the driver's general personnel file. Drivers have the right to review and/or receive a copy of his/her test results.

Drivers who are found to have confirmed positive drug-alcohol test or who have been judged medically disqualified because of their actions and are not medically qualified to operate a commercial vehicle will be subsequently terminated as a driver of the district.

Any driver voluntarily admitting to a drug/alcohol abuse problem will be provided with appropriate community-based agencies and resources that are skilled in helping resolve abuse problems. However, that person is subject to all components of The District Drug Testing Policy.