

Policy #: 523.11
SCHOOL DISTRICT OF WEBSTER
Date Adopted:
Date Revised:
Policy Title: Employee Alcohol and Drug Testing

POLICY ON TRANSPORTATION CDL DRIVERS
Controlled Substance and Alcohol Misuse

I. PURPOSE

The School District of Webster (hereinafter “the District” is dedicated to providing safe and efficient service to our customers. Our employees are our most valuable resource in ensuring the quality of this service. The goal of the District is, therefore, to provide our employees with a workplace environment which promotes health and safety.

In order to meet this goal, we hereby endorse the Federal Highway Administration’s (FHWA) drug and alcohol policy and regulations. The District will not tolerate unauthorized use, abuse, possession or sale of controlled substances or alcohol by its employees. Drug and alcohol testing will be an integral part of our program. In addition to this policy, the District will provide drivers with information concerning: (i) the effects of drugs and alcohol on the individual’s health, work, and personal life;(ii) the signs and symptoms of a drug or alcohol problem; and (iii) the available methods of intervention when a problem does exist.

****THIS POLICY IS SUBJECT TO CHANGE WITHOUT FURTHER NOTICE FOR COMPLIANCE WITH FEDERAL REGULATIONS****

II. SCOPE

This policy applies to all CDL certified vehicle operators when on duty; whenever performing or just about to perform, a safety-sensitive function.

Safety-sensitive functions are defined as any on duty activity and include the following: (1) extra-curricular runs and owl runs; (2) all time inspecting equipment; (3) all driving time; (4) all time in or on a bus except resting time; (5) all time loading and unloading; (6) all time spent performing requirements relating to accidents; (7) all time repairing, assisting or attending a disabled bus; (8) performing any other work in the employ or service of common, contract or private motor carrier; (9) performing any compensated work for any non motor carrier entity; and all time spent providing breath sample, urine specimen, including travel time to and from the collection site, in order to comply with testing as directed by the employer.

III. DEFINITIONS

1. The definition of “on premises” includes any work location, vehicle, property or office which is serviced or used by the District or any client of the District which could include company owned, rented, or leased vehicles on the property of the District or of any client of the District and/or vehicles of visitors, leased, part-time or contract personnel on District premises.
2. The term “illicit drugs” is meant to include any and all illegal drugs, including so-called look-alike and designer drugs; legally obtained drugs which are used in a manner other

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than the prescribed by a physician, and any substance which can affect a person's perceptions or motor functions.

The persons affected by this policy will be tested for at least the following substances: Amphetamines, Cannabinoids, Cocaine, Opiates, Phencyclidine (PCP), and Alcohol.

IV. PROCEDURES

1. Pre-Employment:

- A. All offers by the District to hire an applicant for a driver position are conditioned upon: (i) completing the District's general release to be tested for drugs and alcohol forms; (ii) taking a drug and alcohol test as directed by the District and passing both test; (iii) completing the District's authorization to obtain past drug and alcohol test results form from previous employer(s); (iv) passing the DOT-required physical exam; (v) complying with any other District conditions or requirements at time of offer.
- B. Any applicant who refuses or fails to complete the District's consent and release to be drug and alcohol tested form(s), who refuses or fails to complete the District's authorization to obtain past drug and alcohol test results form, who refuses or fails to submit to a pre-employment/pre-duty drug and alcohol test, or whose result is positive for either test, will not be considered eligible to work for the District.

2. Reasonable Suspicion Testing:

- A. Each driver is required to submit to a drug and /or alcohol test whenever the District has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT regulations and/or this policy. In the event one or more supervisors find reasonable suspicion to test (based on personal observation and documented by one or more supervisors who has received training on performance indicators of probable drug and alcohol use) will require a drug and/or alcohol test of the employee.
- B. Drivers who are required to submit a test at reasonable suspicion will be escorted by a District official to the collection site for a drug and alcohol test. If the driver refuses the District's efforts and insists on driving their own vehicle, or a District vehicle, the District reserves the right to take whatever appropriate action to prevent this, including contacting law enforcement officials. Failure to abide by District policy may result in severe disciplinary action including suspension or dismissal.

3. Random Testing:

- A. The District is required to perform unannounced, random drug and alcohol testing of all covered employees. Every driver will have an equal chance to be selected each and every time a selection is conducted.
- B. When a driver is randomly selected to be tested, he/she will be notified in writing and instructed to report to the collection site immediately.

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- C. Any driver who tests positive for controlled substances or alcohol will be considered to be medically unqualified to drive and/or perform any other safety-sensitive functions and will be subject to disciplinary action, up to and including discharge.
4. Post-Accident Testing:
- A. A driver who has an accident while performing a safety-sensitive function must submit to a post-accident drug and alcohol test as soon as possible.
 - B. A driver must always submit to a post-accident test as soon as possible following an accident that involves the death of a human being.
 - C. A post-accident drug and alcohol test is required when a driver receives a citation for a moving violation involving the accident and, either: (i) a person is injured because of the accident and the injuries require immediate medical attention to the person away from the accident scene; or (ii) one or more motor vehicles involved in the accident receives disabling damage and must be removed from the accident scene by a tow vehicle or another vehicle.
 - D. Following an accident under the above circumstances, all employees will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Employees involved in accidents must refrain from alcohol use for eight hours following the accident until a drug/alcohol test has been administered. Employees who leave the scene of an accident without appropriate authorization prior to testing will be considered to have refused the test and be subject to discipline, up to and including discharge. Any other employee whose performance may have contributed to accidents under this section will be tested, for example, maintenance or dispatching employees.
5. Compliance with testing:
- A. Any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately.
 - B. Refusal can include inability to provide an adequate urine specimen or breath/saliva sample without valid medical reason or delaying arrival at the collection site, or engaging in any conduct that clearly obstructs the testing process. Such refusals will be treated as insubordination and recorded as a positive test, with the employee subject to disciplinary action up to and including discharge.

V. TEST PROCEDURES AND CONFIDENTIALITY

1. To ensure the integrity and accuracy of each test, all specimen collected, analysis, and laboratory procedures will be performed in accordance with DOT protocols and safeguards as set forth in Part 40 of Title 49 of the Federal Code of Regulations.

This will include: (i) procedures to ensure identity of driver at time of specimen collection; (ii) strict chain-of –custody procedure to ensure that the drivers specimen is not tampered with; (iii) the use of a trained breath alcohol technician (BAT) and National Highway Transportation Safety Administration (NHTSA) approved testing equipment for

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conducting alcohol tests; (iv) the use of a laboratory which has been certified by Substance Abuse and Mental Health Service Administration (SAMHSA); (v) the confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry (GOMS); (vi) the confirmation of an initial positive alcohol screen by a second analysis; (vii) District appointment of a qualified Medical Review Officer (MRO) to review drug test results before they are reported to the District's designated contact person.

VI. COLLECTION PROCEDURES

1. All drug tests will be administered using split sample procedures required by DOT. Under these procedures, the driver must provide at least 45 milliliters (ml) of urine in a specimen bottle by the collector. Thirty (30) ml will be poured into one bottle and fifteen (15) ml into the second bottle. Both bottles will be sent to the laboratory.
2. The bottle containing 30 ml will be analyzed as the driver's primary specimen. The second bottle will be held by the laboratory to be held by the laboratory to be sent to another lab at the driver's request in the event that the primary specimen is verified as positive. In the event the primary specimen is verified as positive, the driver will be notified by the District's MRO or by the District of the positive test and given the option to have the second bottle sent to a different laboratory for analysis. To exercise this option, the driver must advise the District's MRO within 72 hours of being told that the primary specimen was positive. A POSITIVE drug test may be determined to be NEGATIVE by MRO if the driver can prove that a licensed physician prescribed the substance. The District MRO will make this determination.
3. This policy is not intended to prohibit the use of medication legally prescribed by a licensed physician, who is familiar with the driver's medical history and specific safety-sensitive duties, and who has advised the driver that the prescribed medication will not adversely affect the driver's ability to operate a motor vehicle. Medications prescribed from someone other than the driver, however, will not be considered lawfully used when taken by the driver under any circumstances.
4. All alcohol tests conducted by the District, under this policy, require that the driver must provide a breath/saliva specimen. When a law enforcement officer conducts an alcohol test following an accident, the driver must provide either a breath or blood specimen.
5. Prior to being tested for alcohol, each driver will be required to: (i) present his or her personal identification, and (ii) complete a DOT Breath Alcohol Test Form provided by the BAT/SST. A driver who fails to provide identification, refuses to complete form, or otherwise fails to cooperate will be treated as though they had tested positive and will be subject to disciplinary action, up to and including discharge.
6. Prior to each alcohol breath/saliva test conducted by the District, the BAT/SST will instruct the driver on how the test will be conducted.

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VII. ALCOHOL

1. No employee shall consume an intoxicating beverage, regardless of its alcoholic content, or be under the influence of an intoxicating beverage, within 4 hours before going on duty or operating or having physical control of, or performing any safety-sensitive function; or
2. Consume an intoxicating beverage regardless of its alcoholic content, be under the influence of an intoxicating beverage, or have any measured alcohol concentration or any detected presence of alcohol, while on duty, or operating, or in physical control of a District vehicle, or while performing any safety-sensitive function; or
3. Be on duty, or operate, or in physical control of a District vehicle, or perform any safety-sensitive function while in possession of an intoxicating beverage (including medications which contain alcohol) regardless of its alcoholic content.

CROSS REFERENCE:

LEGAL REFERENCE:

WISCONSIN STATUTES

- [Section 111.35](#) [use or nonuse of lawful products; exceptions and special cases]

FEDERAL LAWS AND REGULATIONS

- [Omnibus Transportation Employee Testing Act of 1991](#) [alcohol and controlled substances use and testing requirements for individuals holding commercial drivers' licenses]
- [Drug-Free Workplace Act of 1988](#) [drug-free workplace requirements]