

REQUIRED

Descriptor Code: DEAA-AR

PROCEDURE IF DRUG AND/OR ALCOHOL USE IS REASONABLY SUSPECTED

Description of Tests:

1. **Alcohol:** Alcohol testing may be required when reasonable suspicion exists. Alcohol testing is performed using an evidential breath testing device (EBT) approved by the National Traffic Safety Administration. All alcohol breath tests shall be conducted on an approved EBT by a trained breath alcohol technician (BAT). EBT's shall be able to distinguish alcohol from acetone at the 0.02% alcohol concentration level and shall be capable of testing an air blank prior to each collection of breath and performing an external calibration check.
2. **Drug testing:** Drug testing may be required when reasonable suspicion exists. Drug testing is conducted by analyzing a urine specimen for the following drugs: marijuana, cocaine, opiates, amphetamines, and phencyclidine. All drug test results are reviewed and interpreted by a medical review officer (MRO) before the results are reported to the District.

When the District reasonably suspects a violation of the district's Drug and Alcohol-Free Workplace policy, the District shall proceed as described below:

1. The employee's administration shall complete a Record of Observable Behavior form. The administration shall not attempt to make allegations or diagnose behavior beyond observed and reported behavior.
2. The employee's administration shall solicit an explanation from the employee regarding the employee's observed behavior. All conversations had with the employee shall, whenever possible, involve a witness.
3. The administration may require the employee to undergo a drug and/or alcohol test if the employee can't satisfactorily explain their behavior.
4. If an alcohol test is not administered within two hours, or if a drug test is not administered within 32 hours, the District shall prepare and maintain a written record explaining why the test wasn't conducted.
5. A written record of observable behavior of the employee shall be made within 24 hours of reasonably suspecting a violation of district policy [or before test results are released (whichever occurs first)].
6. Reasonable suspicion tests shall be conducted by a person other than the person who determines reasonable suspicion exists.
7. The employee must agree to be tested and complete the district consent form prior to obtaining a drug or alcohol test.

8. If the employee refuses to undergo the test or complete the consent form, they shall be advised that such refusal may subject the employee to disciplinary consequences contained in the Drug and Alcohol-Free Workplace policy. If the employee still refuses to undergo testing or to complete the consent form, they shall be directed to the Superintendent for disciplinary purposes.
9. The administration shall arrange an escort or transport the employee subject to drug and alcohol testing to a designated drug and alcohol testing facility to provide a breath and/or urine specimen.
10. The administration shall schedule a date and time to discuss the results of the test(s). This meeting may include the district administrator, human resource officer, union representative (if requested), or others deemed necessary.
11. The employee shall return to their position if a positive drug test is not confirmed.
12. An employee who tests positive for drugs and/or alcohol shall be given an opportunity to discuss and explain the positive test result(s).
13. The employee may be subject to the disciplinary consequences contained in district policy.
14. A formal chemical dependency diagnostic interview (and treatment, if the report of the diagnostician indicates a need for treatment) may be made a condition of continued employment if the employee's job performance is adversely affected.
15. The District shall make every effort to provide supportive assistance to those employees who return after completing a therapeutic regime.

Drug and Alcohol Testing Procedures

The following procedures apply when an employee is subject to reasonable suspicion drug and/or alcohol testing:

1. Alcohol Testing:

- a. Breath alcohol testing shall be conducted at a location that affords visual and aural privacy to the employee being tested sufficient to prevent unauthorized persons from seeing or hearing the test results. In some unusual circumstances, such as when it is essential to conduct a test at the scene of an accident, a test may be conducted at a location that provides visual and aural privacy only to the extent practicable.
- b. All necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is conducted.
- c. The employee shall complete all required paperwork and be required to properly identify themselves. The test administrator must document refusal to complete required paperwork.
- d. The employee shall be directed to blow into a breathalyzer and must be shown the results of the test.

- e. If the test is positive, as defined by federal standards, the employee may be required to submit to a confirmation test. The employee shall be instructed not to eat, drink, or put any object or substance in their mouth until after the confirmation test. The test administrator shall also explain the test may be conducted even if the employee has disregarded these instructions. Confirmation test results are deemed to be the final results upon which any action under the drug and alcohol testing policy or regulations shall be based.
- f. The test administrator shall transmit all results to the District in a confidential manner.
- g. The test administrator shall also inform the District of any refusal to test.
- h. If the employee attempts and fails to provide an adequate amount of breath, the District shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician acceptable to the District concerning the employee's medical ability or inability to provide an adequate amount of breath. If the physician determines, in their reasonable medical judgment, that a medical condition has, or could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take the test. If a licensed physician is unable to make such a determination, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal.

Drug Testing:

To ensure the appropriate chain of custody and specimen control are maintained, the collection of urine specimens shall proceed as follows:

- a. Upon the employee's arrival at the designated collection site, the collector shall request the employee to provide identification and complete required paperwork, including listing prescriptions. The collector shall document refusal to complete paperwork.
- b. The employee shall be required to leave personal belongings including, but not limited to, coats and purses/bags outside the collection area. The employee shall be required to wash and dry their hands before the test is administered. The employee shall then remain in the collection area and not have access to any other material that could be used to adulterate the specimen. Any transfer of the specimen from the collection container to another specimen bottle must be observed by the employee.
- c. If the test result is positive, the employee may request the medical review officer (MRO) direct the split specimen be tested in a different Department of Health and Human Services-certified laboratory. The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result. The MRO must take all steps necessary to ensure the

specimen is clearly identified and document the chain of custody when the specimen is transferred to a different lab. The cost of the split specimen testing shall be paid by the employee.

- d. Upon notification by the collection site that an employee has failed to appear for their scheduled collection, the District shall inquire of the employee the reason(s) for failing to appear. If the employee provides a legitimate reason for failing to report, no disciplinary action shall be taken against the employee. If the employee does not provide a legitimate reason for failing to report, disciplinary action, in accordance with policy, may be taken. The Superintendent shall determine whether or not legitimate reasons exist.
- e. In the event an employee refuses to provide a specimen, the collection site and/or the District shall advise the employee that refusal to provide a specimen shall result in disciplinary action. In the event the employee still refuses to provide a specimen, the employee shall be subject to disciplinary action in accordance with policy.
- f. In the event an employee fails to provide a sufficient quantity of urine, the collection site and/or the District shall meet with the employee to see if they have a legitimate reason, and they must be required to take the drug test within four hours of the meeting. If the employee does not have a legitimate reason, the failure to provide a sufficient quantity of urine shall be treated as a refusal to provide a specimen.
- g. In the event an employee is unable, or alleges they are unable, to provide a sufficient quantity of urine because of a medical condition, the District shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician acceptable to the District concerning the employee's medical ability or inability to provide a sufficient quantity of urine. If the physician determines, in their reasonable medical judgment, that a medical condition has, or could have, precluded the employee from providing a sufficient quantity of urine, the employee's failure to provide a sufficient quantity of urine shall not be deemed a refusal to take the test. If a licensed physician is unable to make such a determination, the employee's failure to provide a sufficient quantity of urine shall be regarded as a refusal.]

End of Ashley School District #9 Administrative Regulation DEAA-ARAdopted: April 15, 2022