

## CHAPTER 6.00 – HUMAN RESOURCES

### TRANSPORTATION - EMPLOYEE DRUG AND ALCOHOL TESTING

6.60\*

The purpose of this policy is to determine the use of drugs and alcohol in the workplace by establishing standard procedures for drug and alcohol testing for all employees required to hold a Commercial Driver's License (CDL).

- I. Authorization - Employees of persons performing safety sensitive functions and holding commercial driver's licenses are required to implement a drug and alcohol testing program pursuant to the Omnibus Transportation Employee Testing Act of 1991 (OTETA), regulations of the Federal Highway Administration (FHWA) contained in 49 CFR Parts 40 and 382, et al., and 1012.45, Florida Statutes.
- II. Definitions
  - A. *Prohibited Substances or Drugs* - Any illegal drug or substance as identified in Schedules I through V of Section 202 of the Controlled Substance Act and as further defined by 21 CFR 1308.11 - 1308.15. This includes, but not limited to, marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine. Illegal use includes use of any illegal drug, misuse of legally prescribed or obtained prescription drugs.
  - B. *Alcohol* - *Alcohol use* is the consumption of any beverage, mixture or preparation including any medication or product containing alcohol.
  - C. *Covered Employees* - *Covered employees* include those School Board employees who are required to hold a Commercial Driver's License as a condition of employment.
- III. Application - This policy applies to all School Board employees who are required to hold a Commercial Driver's License as a condition of employment and who perform safety sensitive function (382.107).
- IV. Prohibited Conduct
  - A. *Prohibited Substances or Drugs* - No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a vehicle.
  - B. *Alcohol* - No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of BAC.02 or greater. No driver shall use alcohol while performing safety-sensitive functions. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.

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- V. Treatment and Notice Requirements
- A. Notice to Affected Employees - The School Board will communicate to all covered employees prior to conducting drug and/or alcohol testing and provide the reasons for conducting said test(s). The School Board shall provide written notice at the time of the actual testing.
  - B. Education and Training - The School Board shall provide educational materials that explain the requirements of the program and its policies and procedures with respect to meeting the requirements.
  - C. Treatment Information - Each covered employee who engages in prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with use of prohibited drugs or alcohol misuse.
  - D. Disciplinary Action - Any active employee testing positive or who illegally uses any illegal drug or substance as identified in Schedule I through V of section 202 of the Controlled Substance Act and as further defined by 21 CRF 1300.11 - 1300.15 will have their employment terminated by the School Board. This includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine.
- VI. Testing and Analysis - It is the intent of the School Board to comply with all alcohol and controlled substance testing procedures contained in 49 Code of Federal Regulations Parts 382, 291, 192 and 395. The School Board recognizes the need to protect individual dignity, privacy and confidentiality in the program. Specimen analysis shall be conducted in a manner to assure a high degree of accuracy and reliability and using laboratory facilities which are certified by the U.S. Department of Health and Human Services and the Florida Agency for Health Care Administration.

The following are conditions under which testing may be conducted as required by federal regulations or when circumstances warrant. If possible, all testing will be done by an outside agency.

- A. Pre-employment Testing - All applicants for employment for positions requiring a Commercial Driver's License (CDL) shall undergo testing prior to employment to substantiate the exception.
- B. Reasonable Suspicion Testing - A supervisor or designee outside the bargaining unit who has been trained in accordance with the requirements of FHWA regulations shall require a driver to submit to an alcohol or drug test when the employer has reasonable suspicion to believe that a driver has violated the prohibitions contained in the FHWA Regulation.

Reasonable suspicion must be based on documented objective facts and circumstances which are consistent with the long- and short-term effects of

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alcohol or substance abuse, including, but not limited to, physical signs and symptoms, appearance, behavior, speech and/or body odor.

The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by a supervisor or designee who has been trained for at least sixty (60) minutes on alcohol misuse and an additional sixty (60) minutes on controlled substance misuse.

- C. Post-accident Testing - Alcohol or drug testing will be administered following an accident when the driver was performing a safety-sensitive function. *Accidents* are defined to very limited circumstances by the FHWA which include loss of human life, driver received a citation from a law enforcement officer and either a driver or passenger received immediate medical treatment away from the scene of the accident, or one of the vehicles involved was to be towed from the scene of the accident due to operational impairment. Such testing must be conducted within the time limits set forth in the FHWA Regulations.
- D. Random Testing - All covered employees shall be subject to random, unannounced drug and alcohol testing. The annual random rate for alcohol testing shall be twenty-five percent (25%) of the covered employees. The annual random rate for controlled substance testing shall be fifty percent (50%) of the covered employees.
- E. Return to Duty Testing - All employees who previously tested positive on a drug or alcohol test must submit to a return-to-duty test and test negative prior to returning to duty.
- F. Follow-up Testing - Unannounced follow-up alcohol and/or controlled substance testing as directed by a substance abuse professional, in accordance with FHWA Regulations, shall occur when it is determined that a covered employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of drugs. The number and frequency of follow-up testing shall be determined by the substance abuse professional.

Any employee who questions the results of a required drug test set forth in this policy may request that a test of the split sample be conducted. This test may be conducted at the same or a different testing laboratory.

Failure of the employee to submit to any required drug or alcohol test is considered a positive test result in accordance with FHWA Regulations.

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**STATUTORY AUTHORITY:** 1001.41, 1012.22, 1012.23, F.S.

**LAW(S) IMPLEMENTED:** 112.0455, 440.102, 1001.43, 1012.45, F.S.  
49 CFR PART 40, DOT, 49 CFR PARTS 382 & 391,  
FEDERAL HIGHWAY ADMINISTRATION

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**NOTES:**