

**BOARD OF TRUSTEES
CARSON CITY SCHOOL DISTRICT**

**REGULATION No. 225
PROGRAM**

**DRUG AND ALCOHOL FREE WORKPLACE PROGRAM STATEMENT AND
NOTICE AND ADMINISTRATIVE REGULATION**

DRUG AND ALCOHOL FREE WORKPLACE PROGRAM

1. **Notice:** Notice of this Administrative Regulation is being provided to employees (see **Appendix C**), volunteers and job applicants who have been offered employment conditioned upon successfully passing a drug/alcohol test as a notice of adoption of the Carson City School District Drug and Alcohol Free Workplace Program (herein referred to as the District and the “Program” as required by the context.)

2. **General Policy:** The manufacture, distribution, sale, purchase, consumption, dispensing, possession or use of alcohol or any controlled substance, (as defined by local, state or federal law and including prescription drugs not legally obtained or not being used in the manner, combination, quantity or by the person for whom the prescription is issued) is prohibited as follows:
 - a) while on District premises;
 - b) while conducting District business;
 - c) while operating any District vehicles, machinery or equipment;
 - d) while participating in any school or District activity, trip or program.

No employee or volunteer shall report for duty, remain on duty, operate any District vehicle, machinery or equipment, or participate in a school or District activity, trip or program while under the influence of, or impaired by, alcohol or any controlled substance.

No employee or volunteer involved in an on-the-job accident shall use alcohol or non-prescription drug until the earlier of:

- a) eight(8) hours following the accident, or
 - b) undergoing a post-accident alcohol/drug test
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3. **Testing Program:** To promote a drug-free workplace, the District will require the following kinds of tests pursuant to this Administrative Regulation:
 - a) Job applicant testing (pre-employment testing);
 - b) Pre-service testing of volunteers
 - c) Reasonable-suspicion testing;
 - d) Post-accident reasonable-suspicion testing, following an on-the-job vehicular or other accident;
 - e) Follow-up testing.

All testing will follow federal guidelines (see 49 CFR, part 40). Features of the testing are summarized below:

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a) **Pre-Employment/Pre-Service Testing:** Pre-employment testing (see **Appendix D**) will be required of all successful applicants. Employment will be conditioned upon successfully passing a drug/alcohol test. Any applicant for employment who tests positive in the pre-employment testing will not be hired and will not be eligible to re-apply for employment with the District for one year following the confirmed positive test.

Pre-Service Testing may be required of any volunteer who had disclosed or if the background check reveals a history of chemical dependency, substance or alcohol abuse or other drug related problems.

b) **Reasonable Suspicion:** Any employee or volunteer who is reasonably suspected to be under the influence of alcohol or drugs will be required to take a drug or alcohol test. Reasonable suspicion will be determined by a supervisor (as defined by the applicable collective bargaining agreement) who is at least one level above the employee to be tested and has received the training required by Section 12 of this Administrative Regulation. The supervisor's findings will be reviewed by the Alcohol and Drug Program Manager (or his designee) before the testing is authorized. The circumstances supporting that determination will be drawn from specific objective and articulated facts which must be documented (see **Appendix E, F & G**). Reasonable suspicion may include, but is not necessarily limited to the following examples: observable phenomena while at work, such as observation of drug use or the physical symptoms of being under the influence; abnormal conduct, erratic behavior or a significant deterioration in work performance; evidence that an individual has tampered with a drug test; information that the individual has caused or contributed to a vehicular or other accident while at work or on duty or evidence that the employee or volunteer has used, possessed, sold, solicited or transferred drugs on work premises or while operating District vehicles, machinery or equipment.

c) **Post-Accident Testing:** Post-accident testing will be done as soon as possible on all employees or volunteers who are involved as a driver in a District owned vehicle in which an accident occurs while performing their duties; i) on a surviving employee or volunteer when an accident results in loss of human life; ii) when an employee or volunteer receives a citation for a moving violation and one or more of the vehicles involved in the accident is towed from the scene of the accident; or iii) when an employee or volunteer receives a citation for a moving violation and one or more persons involved in the accident receives medical treatment away from the scene of the accident. All employees who possess a Commercial Drivers License as a condition of employment will follow the guidelines as set forth in Administrative Regulation No. 355.

d) **Follow-up Testing:** Employees who have successfully completed an employee assistance program or substance rehabilitation program and return to duty must submit to unannounced drug or alcohol testing at least once a year for a two (2) year period after completion of the program.

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4. **Confidentiality:** All aspects of the substance testing process will be kept confidential to the extent allowed by law. In general, all information, reports, statements, memoranda and drug test results, written or otherwise, received by the District through a drug testing program are and will be treated as confidential communications.
5. **Consequences of Refusing to Submit to a Drug Test:** If an employee, applicant or volunteer refuses to a test required by this Administrative Regulation when requested by an authorized District employee, such a refusal will be treated as a positive test result. Failure to complete and sign testing forms, to provide an adequate specimen or otherwise to cooperate with the testing process in a way that prevents the completion of the test will be considered a refusal to test and will be deemed a positive test result. Any attempt to adulterate a specimen or provide a specimen that is adulterated will also be considered a refusal to test and will be deemed a positive test result. Any obstruction too and lack of cooperation with the testing process will be considered a refusal to test and deemed a positive test result. Failure or refusal to appear, participate in, or be available for testing will be deemed a refusal to submit to testing and deemed a positive test result.
6. **Consequences of a Positive Test:** An initial test or “screen” for alcohol or drug is an analytical procedure to determine whether an employee, applicant or volunteer may have a prohibited concentration of alcohol or controller substance in his or her system. A positive test result will require immediate removal of the employee or volunteer from duty. An employee shall be put on a paid leave status. No employee or volunteer shall perform duties after testing positive until the terms specified in this Administrative Regulation have been satisfied.

When appropriate, the District will require employees with workplace substance violations to satisfactorily participate in an approved Employee Assistance Program (EAP) or rehabilitation program. Employees will not be discharged, disciplined, discriminated against, requested or required to undergo rehabilitation, on the sole basis of a positive screening test result that has not been verified by a confirmation test.

A confirmation test is a second analytical procedure to confirm the presence of a specified drug or metabolite in a specimen through a different technique than the screen; or a second test that provides specific quantitative data for alcohol following a screening test with a result of two one-hundredths (0.02) or greater is used to confirm an initial positive test. If an employee has a confirmed-positive test result for an alcohol level exceeding 0.02 or for an unlawful controlled substance, the employee will be subject to disciplinary action up to and including termination of employment, consistent with the applicable collective bargaining agreement, if any.

Applicants for employment with such results will not be hired and will not be eligible to re-apply for employment for one (1) year and volunteers with such results will not be allowed to perform further volunteer functions.

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7. **Effect of Common Medications:** It is the responsibility of the employee, applicant or volunteer to provide information concerning the use of drugs and medications which may impact a drug test. The most common drugs and medications which may alter or affect a drug test are listed in **Appendix A** to this Administrative Regulation.
8. **Reporting Medications to the MRO:** Both before and after being tested, employees, job applicants and volunteers may confidentially report to the Medical Review Office (MRO) their use of prescription or nonprescription medications that could alter or affect the test.

An MRO is a licensed physician employed or contracted by the District's drug and alcohol testing vendor, who is qualified to perform testing and knowledgeable in the use of prescription drugs and the pharmacology and toxicology of illicit drugs. The MRO will evaluate the test results, together with the medical history or any other biomedical information to make a final determination of the test results.

9. **Drugs Tested:** The District may test for any of the following drugs, among others: alcohol, including a distilled spirit, wine, a malt beverage or an intoxicating liquor; amphetamines; cannabinoids (marijuana); cocaine; phencyclidine (PCP); hallucinogens; methaqualone (methamphetamines); opiates or narcotics, barbiturates; benzodiazepine; synthetic narcotics; designer drugs; or a metabolite of any of these substances. More details on some of these substances are included in **Appendix B** to this Administrative Regulation. Drug and Alcohol testing will be done at a laboratory approved by the U.S. Department of Health and Human Services.
10. **Response to a Positive Confirmed Test:** An employee, job applicant or volunteer whose test result is confirmed positive may contest or explain the result to the MRO within five (5) working days after receiving written notification of the test result. If the explanation or challenge is unsatisfactory to the MRO, the MRO will report a positive test result to the District.
11. **Employee Assistance and Drug Rehabilitation Programs:** The District Employee Assistance Program (EAP) is a benefit for employees, approved and paid for by the District. It provides counseling services at no charge and is confidential, voluntary and provided by licensed professionals. An employee who voluntarily participates in the EAP and enters treatment and who does not violate the terms of this Administrative Regulation will not be disciplined or subject to any other adverse employment action as a result of such participation.

The EAP can provide expert assessment of employee personal concerns; confidential and timely identification of services for substance abuse; referrals of employees for appropriate diagnosis, treatment and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work.

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12. **Training:** Yearly training/retraining for supervisors includes but is not limited to;
- a) The recognition of the physical, behavioral, speech and performance indicators of alcohol and controlled substance abuse.
 - b) The concept and legal requirements of reasonable cause and suspicion alcohol and drug testing.
 - c) Transportation of employees for reasonable suspicion/post-accident Alcohol and Drug Testing.
 - d) Documenting performance issues associated with alcohol and drug abuse.
13. **Collective Bargaining and Appeal Rights:** This Administrative Regulation will apply in conjunction with applicable collective bargaining agreements and employees have the right to appeal actions taken hereunder using procedures established by the applicable collective bargaining agreement.

Employees and volunteers may appeal a positive test result to the Associate Superintendent of Human Resources, whose decision is administratively final.

14. **Further Information:** Employees, applicants and volunteers are encouraged to read and be familiar with this Administrative Regulation and corresponding Policy No. 225. Any questions about the Administrative Regulation or Policy should be directed to the District's Human Resources Department.

Reference: Board Policy 225

Adopted: February 12, 2008