

Drug and Alcohol Abuse Testing Program and Procedures

Drug and Alcohol Abuse Testing Program

**Purpose:** The purpose of this procedure is to establish guidelines to be followed in the drug and alcohol testing of applicants for positions with the District as well as current District employees.

**Program Responsibility:** The Superintendent or his or her designee has the overall responsibility for this program and will be responsible for reviewing the results of drug tests; reviewing and interpreting each confirmed positive test to determine if there is an alternative medical explanation for the positive result; conducting an interview with the individual testing positive to determine if the positive result was caused by legally prescribed medication; requiring a retest of the original specimen if the Superintendent or designee deems it necessary; and verifying that the laboratory report and the specimen are correct.

If the Superintendent or designee determines that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the Superintendent or designee will conclude that the test is negative and will not take any further action.

Any employee or prospective employee who has a positive test result may request that the same sample be retested by a laboratory mutually agreed upon by the employee and the District.

**Designation of Laboratory:** Mountain View Toxicology has been selected to perform the testing on specimens submitted. Mountain View Toxicology will be responsible for performing the required drug test. Mountain View Toxicology will also be responsible for properly handling specimens for alcohol testing. Mountain View Toxicology is a certified lab approved for drug testing. A breath analysis test will be performed by a certified Breath Alcohol Technician.

**Collection Site:** 1<sup>st</sup> Floor women's restroom is the designated collection site for collecting urine specimens.

**Authorization for Testing:** When the person reports to the collection site, the drug and/or alcohol screening procedure will be explained and the person will be asked to assist in completing any necessary forms. All persons subject to testing for any reason shall be asked to sign the necessary authorization forms which will allow the test to be performed and for the information to be provided to the Superintendent about the required drug and/or alcohol test.

**Refusal to Test:** The following constitutes refusal to test:

1. Refusing to sign any of the following forms:

- A. Statement that a copy of the alcohol and drug testing procedures and policy has been given and explained; or
- B. Agreement to be tested according to the alcohol and drug testing procedures and policy.

The following constitutes alcohol testing refusals:

- 1. Refusal by any employee to complete and sign the breath alcohol testing form;
- 2. Failure to provide adequate breath without a valid medical explanation in writing; or
- 3. Failure of an employee to remain readily available for testing for eight (8) hours following an accident that requires testing.

The following constitutes drug testing refusals:

- 1. Failure to provide a urine sample within four hours, without a valid medical explanation in writing; or
- 2. Conduct that clearly obstructs testing procedures; or
- 3. Failure of employee to remain readily available for testing for 32 hours following an accident requiring testing

**Specimen Retention:** The retention of specimens for possible future analysis is the responsibility of Mountain View Toxicology. Mountain View Toxicology will retain all specimens for a minimum period of one week. At such time, negative specimens will be discarded. Positive specimens will be resealed and retained in a separate and secure area for a minimum of one year. Within this one year period, the person tested or the Superintendent or his or her designee can request in writing that the laboratory retain the sample for an additional reasonable period specified in the request. If no proper written request is received within the one year period, the sample may be discarded.

**Notification and Administrative Processing of Positive Results:** All analytical results, negative and positive, will be reported by the laboratory to the Superintendent within an average of five days after receiving the specimens. The Superintendent or his or her designee will interview the person to determine if there is any satisfactory explanation for the positive result. The Superintendent or designee may conduct an additional medical interview with the individual and may require the original specimen to be reanalyzed if necessary.

**Record Retention:** Confidential records of drug tests results are recognized to be private and sensitive records, which will be maintained in a secure fashion to ensure confidentiality. Records showing an employee passed a drug test will be kept for at least one year. Records showing that an employee failed a drug test, the type of test (e.g., reasonable suspicion), the illegal drug(s) used by the employee, and the disposition of each employee will be kept for at least five years. These records, or any of them, may be maintained by the Superintendent or his or her designee's discretion for an indefinite period of time beyond the above specified minimums.

Information regarding an individual's drug testing results is confidential and will be released

by the Superintendent or designee only upon the written consent of the individual, except that results may be released and relied upon by the District in any administrative or court action by the employee involving the drug test or any discipline resulting from a violation of this policy, including employment and court proceedings.

**Collection of Specimens:** At least 30 ml of urine will be required to complete the test, or the test will be rejected and must be re-performed. The designated collection site shall have an enclosure within which private urination can occur, a toilet for completion of urination, and a source of water for washing hands. Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen. Examples of reasonable cause to believe a specimen will be altered or substituted include the presentation of a urine specimen that falls outside the normal temperature range (90.0 deg. F - 100.0 deg. F) and presentation of a specimen with a specific gravity of less than 1.0003.

**Changes to Procedures:** This procedure may be amended from time to time to facilitate changes in the District's Drug Free Workplace Substance Abuse Policy as necessary.

#### Drug and Alcohol Abuse Testing Procedures for Job Applicants

All applicants will be furnished a copy of the Drug Free Workplace Substance Abuse Policy in advance of the drug testing and alcohol testing and will have the screening procedure explained to them.

Applicants will be asked to sign an authorization for the tests which will release the Superintendent to disclose the results of the drug and alcohol test. In the event an applicant refuses to execute the appropriate authorization or to submit to the drug and alcohol tests, the Superintendent will suspend the procedures at that point.

The Superintendent or his or her designee will review the analytical results of the drug and alcohol tests, and interview the applicant, either by phone or in person, to determine whether there is any satisfactory explanation for a positive result.

The Superintendent or designee may require the original specimen to be reanalyzed if necessary.

The Superintendent or designee will advise the applicant that he or she has tested positive and, if requested, will allow the applicant a reasonable period, not to exceed three days, to provide additional medical evidence of a proper prescription for the drug(s) which caused the positive test. Nothing herein shall be construed as requiring the Superintendent or designee to disclose to the applicant the drug(s) for which the applicant tested positive. Rather, it is the duty of the applicant to disclose to the Superintendent or designee and, upon request, to provide the Superintendent or designee with evidence of all drugs taken by prescription.

## Drug and Alcohol Testing of Current Employees Reasonably Suspected of Drug or Alcohol Abuse

Once the determination has been made that an employee is to be tested based upon reasonable suspicion, the Superintendent or his or her designee should then transport the employee to the collection site or make other appropriate arrangements for transportation. The collection site personnel should be notified that the reason for testing is reasonable suspicion.

Upon arriving at the collection site, the employee will be asked to sign a release for testing and to assist in completing the necessary forms for testing. After the employee has signed the necessary releases for testing, then the standard procedures for drug and alcohol testing should be followed by the collection site personnel.

Once the procedure has been completed, the employee should be transported back to the Superintendent's office where the employee will be placed on administrative leave with pay until the results of the tests are available.

If the employee refuses to sign the release or refuses to be tested by Mountain View Toxicology, the employee should be advised that refusal under Board Policy is insubordination. If the employee continues to refuse, the employee should be transported back to the Superintendent's office. The Superintendent will place the employee on administrative leave with pay with instructions to call his or her office before the normal reporting time for that employee on the following workday.

If the Superintendent or designee feels that the employee is in no condition to operate a vehicle, then the employee should be transported home. Under no circumstances should the employee be allowed to drive. If the employee insists, the Superintendent designee should tell the employee that if he or she gets in a vehicle to drive that he or she will call the police or the Sheriff's Department and give them the location, license plate number, etc.

In the event of positive test results, the Superintendent or designee will review other records of the employee and work out proper disciplinary procedures, if any, in accordance with Board policy and State law.

Once the employee has been scheduled for testing, if the employee refuses to be tested, the employee will be considered insubordinate and subject to disciplinary procedures. If an employee has been notified to go for testing and fails to show up for the test, this will be considered the same as refusal to test unless a medical emergency or accident prevents the employee from testing, in which case credible documentation will be required that substantiates the reason for being absent from the testing. If, at the sole discretion of the Superintendent, the employee is allowed to be tested at a later date, the above procedure will be repeated. In no case will an employee be allowed more than one opportunity to be rescheduled for testing.

Employees who refuse to be tested or who do not appear for testing and do not have a documented credible reason for being absent from the testing time will be subject to disciplinary

procedures and will cease to be considered a viable candidate for the current position and for any future position openings in this classification until the employee has signed a release for drug testing at the time of submitting any future applications for this classification. The collection site personnel should notify the Superintendent in the event an employee refuses to test or does not arrive for testing. In the event of positive test results, the Superintendent will then review other records of the employee work out proper disciplinary procedures, if any, in accordance with Board policy and State law.

Procedure History:

Promulgated on July 17, 2019

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Reviewed on: