

EMPLOYEE STANDARDS OF CONDUCT
SEARCHES AND ALCOHOL/DRUG TESTING

DHE
(LOCAL)

PROPOSED REVISIONS

REASONABLE
SUSPICION
SEARCHES

The District reserves the right to conduct searches when the District has reasonable cause to believe that a search will uncover evidence of work-related misconduct. The District may search the employee, the employee's personal items, work areas, lockers, and private vehicles parked on District premises or worksites or used in District business. Certain limitations shall apply to searches of employee's telecommunications/electronic devices. [See STORED WIRE AND ELECTRONIC COMMUNICATIONS AND TRANSACTIONAL RECORDS ACCESS ACT at CQ(LEGAL) for further information]

REASONABLE
SUSPICION ALCOHOL
OR DRUG SCREENING

The term "reasonable suspicion" means a suspicion based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence of drugs or alcohol. Circumstances that constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

1. A pattern of abnormal or erratic behavior.
2. Information provided by a reliable and credible source.
3. Direct observation of drug use.
4. Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, slurred speech, or poor coordination or reflexes).

~~A supervisor~~ **The employee's supervisor** must detail in writing the specific facts, symptoms, or observations that formed the basis for his or her determination that reasonable suspicion existed to warrant the testing of the employee. The documentation shall be forwarded directly and confidentially to the associate superintendent for human resources.

The Superintendent may require any employee to submit to ~~a medical or psychological examination by an appropriate health professional designated~~ **alcohol or drug screening** and paid by the District at any time there is reasonable suspicion to believe the employee has used or has been under the influence of an illegal controlled substance, alcohol, or other drug influencing the employee's ability to perform competent services.

Failure to comply with the Superintendent's directive may result in termination of employment. The report to the District from the ~~appropriate health professional~~ **alcohol or drug screening laboratory** ~~may~~ **shall** be the basis for personnel action including suspension or termination. ~~Any testing for~~ **Drugs** or alcohol ~~testing~~ shall

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be in accordance with the procedures outlined in
DHE(REGULATION).

Note: The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules and also District employees and other drivers who drive District-owned vehicles and who are required by their job description to ~~have~~ **maintain** a commercial driver's license (CDL) or Class A or Class B license (as defined in ~~Transportation Code 521.081~~ **state law**). [See DHE(LEGAL)]

DEPARTMENT OF
TRANSPORTATION
TESTING PROGRAM

The District shall establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles, including school buses and other drivers who drive District-owned vehicles and who are required to maintain a CDL or Class A or Class B driver's license (as defined in Transportation Code 521.081) as part of their job description. The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

DRUG-RELATED
VIOLATIONS

The following constitute drug-related violations:

1. Refusing to submit to a required test for alcohol or controlled substances.
2. Providing an adulterated, diluted, or a substituted specimen on an alcohol or drug test.
3. Testing positive for alcohol, at a concentration of 0.04 or above, in a postaccident test.
4. Testing positive for controlled substances in a postaccident test.
5. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
6. Testing positive for controlled substances in a random test.
- ~~7. Testing positive for alcohol, at a concentration of 0.04 or above, in a required follow-up test.~~
- ~~8. Testing positive for controlled substances in a required follow-up test.~~
- ~~9.~~ **7.** Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.

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~~10-8.~~ Testing positive for controlled substances in a reasonable suspicion test.

The Superintendent shall designate a District official who shall be responsible for ensuring that information is disseminated to employees regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

ADMINISTRATIVE
REGULATION

~~The Superintendent is authorized to promulgate an administrative regulation setting out further details regarding these issues, consistent with this local policy and with DHE(LEGAL).~~

CONSORTIUM

With specific Board approval, the Superintendent may contract on behalf of the District with outside consultants and contractors and work with a consortium of other local governments to secure the testing services, educational materials, and other component elements needed for this program.

Under such contract, the consortium shall be responsible for implementing, directing, administering, and managing the alcohol and controlled substances program within the U.S. Department of Transportation guidelines. The consortium shall serve as the principal contact with the laboratory and for collection activities in ~~en-~~ **sur-** ~~g~~ **assuring** the effective operation of the testing portion of the program.

REASONABLE
SUSPICION
TESTING

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion shall be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor shall provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

CONSEQUENCES
OF POSITIVE TEST
RESULTS

In addition to the consequences established by federal law, a District employee confirmed to have violated the District's policy pertaining to alcohol or controlled substances shall be subject to District-imposed discipline, as determined by his or her supervisor(s) and the Superintendent. Such discipline may include any appropriate action from suspension without pay during the period of re-

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removal from safety-sensitive functions, up to and including termination of employment. [See DF series]

In cases where a driver is also employed in a nondriving capacity by the District, disciplinary action imposed for violation of alcohol and controlled substances policies shall apply to the employee's functions and duties that involve driving. Additionally, upon recommendation of the employee's supervisor, disciplinary measures up to and including termination of employment with the District may be considered.

ALCOHOL RESULTS
BETWEEN 0.02 AND
0.04

A driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, shall be suspended without pay from driving duties for 24 hours. A subsequent violation may subject the driver to termination in accordance with Board policy.

CONFIDENTIALITY OF
TEST RESULTS

All information from an individual's physical examination, including any drug/alcohol test, is confidential. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the individual or the information is sought through judicial proceedings or by any entity with the legal authority to obtain the information.

APPEALS

An employee who has adverse personnel action as a result of these provisions may appeal to the Board by filing a written request for a hearing with the Superintendent within five days of the personnel action. [See DGBA]