

# Elizabethton Board of Education

Monitoring: <b>Review: Annually, in February</b>	Descriptor Term: <b>Drug &amp; Alcohol Testing for Employees</b>	Descriptor Code: <b>5.403</b>	Issued Date: <b>12/13/16</b>
		Rescinds:	Issued:

## 1 REASONABLE SUSPICION DRUG TESTING

2 Trained supervisors have the responsibility to observe and document the cause for reasonable suspicion  
3 and when appropriate, refer the matter to the director of schools/designee. It is not the supervisor's  
4 responsibility to attempt diagnosis. All information, facts and circumstances leading to and supporting  
5 this suspicion, should be included in a written report detailing the basis for the suspicion. After the  
6 report is filed, the employee should be notified.

7 Any employee may be required to submit to substance screening if the following conditions exist: (list  
8 is not inclusive):

- 9 1. Observed use, possession or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol  
10 and/or prescription drugs;
- 11 2. Apparent physical state of impairment of motor functions;
- 12 3. Marked changes in personal behavior not attributed to other factors;
- 13 4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is  
14 reasonably suspected or employee involvement in a pattern of repetitive accidents whether or not  
15 they involve actual or potential injury; or
- 16 5. Violation of criminal statutes involving the use of illegal drugs, alcohol or prescription drugs  
17 and/or violations of drug statutes.

## 18 TESTING FOR CDL EMPLOYEES

19 All drivers and applicants for driver positions who are required to hold a Commercial Driver's License  
20 (CDL) to perform their job function must adhere to the requirements of this policy and all procedures  
21 relating to this policy.<sup>1</sup>

22 The use, possession, sale, purchase or transfer of any controlled substances except medically prescribed  
23 drugs on school property, while on school business or while operating school vehicles and equipment is  
24 prohibited. Drinking alcoholic beverages during working hours, four (4) hours before reporting to work  
25 or having any measurable amount of alcohol in their system during working hours is prohibited, whether  
26 on or off school property. Working hours include all breaks. Off-duty use of drugs and alcohol is  
27 prohibited to the extent that it affects driver's attendance or performance and their ability to pass required  
28 DOT alcohol and controlled substance tests. Any violation of this policy is grounds for termination as  
29 an employee of the board and possible legal prosecution.

1 The use of any prescription drug that could affect the central nervous system or one that would impair  
2 reaction time shall be reported to the director of schools/director of transportation. Notice shall be given  
3 of non-prescription (over-the-counter) drugs being taken on a regular basis. The notice shall include the  
4 duration of ingestion and the possible side effects.

### 5 **Procedures**

6 The execution and enforcement of this policy will follow set procedures to screen bodily fluids, conduct  
7 breath testing, and/or search all employee/applicants for alcohol and drug use, and those employees  
8 suspected of violating this policy who are involved in a reportable accident or who are periodically or  
9 randomly selected. The procedures are designed not only to detect violations of this policy, but also to  
10 ensure fairness to each employee. Disciplinary action will be taken as necessary.

### 11 **Implementation**

12 The director of schools/director of transportation is authorized to implement this policy and procedures  
13 for the drug testing program, including a periodic review of the program to address any problems,  
14 changes and/or revisions of it, maintenance of all records required by the federal regulations, and  
15 determination upon board approval of how the program will be accomplished, whether in-house,  
16 contracted or by consortium.

### 17 **Dissemination**

18 The director of schools/director of transportation shall be responsible for communicating this policy  
19 and the procedures to all employees affected by this policy and shall be accountable for its consistent  
20 enforcement.<sup>2</sup> The director of schools/director of transportation is designated to answer questions  
21 about this policy, procedures and all other matters involved in alcohol and controlled substance testing  
22 of CDL drivers and the reasonable suspicion testing of all other employees.

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#### Legal References

1. 49 USCS § 5331; Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991)
2. 49 CFR 382.601