Hickman County Board of Education

	Descriptor Term: **Drug & Alcohol Testing for Employees**	Descriptor Code: **5.403**	Issued Date: **04/07/25**
		Rescinds: **5.403**	Issued: **03/06/23**

REASONABLE SUSPICION DRUG TESTING

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

If a supervisor observes or receives a report of conduct suggesting a potential violation of Policy 1.804, Alcohol & Drugs in the Workplace, the supervisor shall promptly inform the Director/designee. Upon reasonable suspicion that an employee's job performance or behavior may be impaired by illegal drugs, including improper use of prescribed drugs, or alcohol, the Director/designee may require the employee to undergo drug or alcohol testing.

An employee who is required to submit to drug or alcohol testing based upon reasonable suspicion and refuses shall be charged with insubordination, and necessary procedures will be taken to terminate the employee in accordance with board policy, and state law, where applicable.

An employee who tests positive on a reasonable suspicion test will be in violation of this policy and subject to termination.

The Director or his/her authorized designee are the only individuals in the district authorized to make the determination that reasonable suspicion or cause exists to order a drug screen and are the only individuals who may order an employee to submit to a drug screen.

Two types of cases for which reasonable suspicion procedures may be invoked are:

1. Chronic Case: Deteriorating job performance or changes in personal traits characteristics where the use of alcohol or drugs may be reasonably suspected as the cause.

Acute Case: Appearing in a specific incident or observation to then be under the present influence of alcohol or drugs, or investigation of an accident where the use of alcohol or drugs is reasonably suspected to be a contributing cause

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

1. Observed use, possession or sale of illegal drugs and/or use, possession, sale, or abuse of

alcohol and/or prescription drugs.

2. Apparent physical state of impairment of motor functions.

3. Marked changes in personal behavior not attributed to other factors.

4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or employee involvement in a pattern of repetitive accidents whether or not they involve actual or potential injury.

5. Violation of criminal statutes involving the use of illegal drugs, alcohol or prescription drugs and/or violations of drug statutes.

TESTING FOR CDL EMPLOYEES

All drivers and applicants for driver positions who are required to hold a Commercial Drivers License (CDL) to perform their job function must adhere to the requirements of this policy and all procedures relating to this policy.[1]

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

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

Procedures

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

Implementation

The director of schools/director of transportation is authorized to implement this policy and procedures for the drug testing program, including a periodic review of the program to address any problems, changes and/or revisions of it, maintenance of all records required by the federal regulations, and

determination upon Board approval of how the program will be accomplished, whether in-house, contracted or by consortium.

Dissemination

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

Legal References

1. Omnibus Transportation Employee Testing Act of 1991, 49 USCA § 5331
2. 49 CFR § 382.601

Cross References

Alcohol & Drugs in the Workplace 1.804