

DRUG AND ALCOHOL TESTING FOR DESIGNATED EMPLOYEES

6.80

In accordance with the Federal Transportation Employee Testing Act of 1993, certain employees licensed to operate Henry County School System buses are required to submit to drug and alcohol testing. The Board, in compliance with the Act, has adopted the following provisions:

- I. All employees of the School System, including substitutes, who hold a school bus license/certification (hereafter referred to as designated employees) are subject to drug and alcohol testing. Such employees will be prohibited from performing assigned duties while under the influence of any prohibited drug or alcohol. While employees are prohibited from having any alcohol present in their systems while on duty, a Blood Alcohol Count (BAC) of .04 will be accepted as a presumptive evidence of intoxication. An employee who tests between .01 and .039 BAC will be removed from job related functions until they test below .01 or until their next duty period, which must be at least 24 hours.
- II. The proper use of medication prescribed by a physician is not prohibited; however, the Board prohibits the misuse of prescribed (or over-the-counter) medications and requires all employees using drugs at the direction of a physician (or over-the-counter drugs) to notify the Board's Medical Review Officer (MRO), or the employee's supervisor where these drugs may affect their job performance, such as causing drowsiness.
- III. Designated employees who refuse or do not pass a drug or alcohol test will be recommended for termination or removed from consideration for employment.
- IV. Designated employees testing positive by urinalysis or alcohol/breathalyzer test or requesting treatment may be referred to a mental health substance abuse counselor for an assessment of needs and possible referral for treatment. All such treatment shall be at the individual employee's expense.
- V. Drug and alcohol testing will include the following categories:
 - A. Pre-employment: (Post-Offer - This is to be interpreted as a conditional offer of employment.) Each person, after a conditional offer of employment has been made, will have to undergo a drug test before being employed in a position that requires the employee to hold the bus driver license/certification.
 - B. Reasonable Cause Testing: Each employee that is required to hold the bus driver license/certification as a precondition to employment or to continued employment will be subject to drug and alcohol testing based on reasonable cause as established by a supervisor through the use of objective evidence.

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- C. Post Accident: Any employee who is required to hold the bus driver license/certification as a precondition to employment or to continued employment that is involved in a reportable accident will undergo drug and alcohol testing within two (2) hours following any accident.
 - D. Random Testing: All designated employees will undergo testing on a random basis. Random testing will be administered in a number equal to or greater than 50 percent (drug screening) and 25 percent (alcohol screening) of the designated work force, without advanced notice, in the first 12 months of testing. There will be no maximum number of samples that any one employee will be required to provide during the testing period. Designated employees refusing to be tested may be suspended pending a recommendation for termination.
 - E. Return to Duty Testing: Any designated employee who tests positive or refuses testing must pass a "Return to Duty Drug Test." In such instance, the Medical Review Officer must determine when and under what conditions the employee may return to duty. Any employee subject to "Return to Duty Drug Testing" will be subject to random and/or unannounced drug testing for sixty (60) months after return to duty. Follow-up tests for alcohol are unannounced and at least six (6) tests must be conducted in the first 12 months after an employee returns to duty.
- VI. The Medical Review Officer is designated by the Board.
 - VII. Test results will not be released by the Board beyond the MRO without the individual's written authorization.
 - VIII. Procedures for drug testing shall be distributed to all affected employees. Receipt of Henry County School System Drug Free Workplace regulations and procedures shall be acknowledged by employees on signed acknowledgement forms as required for initial and continued employment.

REFERENCE(S):

**CODE OF ALABAMA: 16-1-18.1,
OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1993,
DRUG FREE WORKPLACE ACT OF 1988**

HISTORY:

**ADOPTED: OCTOBER 11, 2007
REVISED: JULY 18, 2013; _____
FORMERLY: 6.80**