

**POLICY #3108** Drug & Alcohol Testing

| | | |
|------------------------------|------------|----------------------------------|
| EFFECTIVE DATE | 02/22/2024 | VERSION # 2 |
| DATE OF LAST REVISION | 01/25/2024 | NEXT REVIEW DATE 1/1/2026 |

APPLIES TO

| | |
|--------------|-----------------|
| Division | Districtwide |
| Sub-Division | Human Resources |

| VERSION | REVISION DATE | DESCRIPTION OF CHANGE/SUPERSEDE | AUTHOR |
|----------------|----------------------|--|-----------------|
| 1 | 07/01/2010 | Board Approved Employee Handbook | General Manager |
| 2 | 01/25/2024 | Removing from Handbook and adding to new policy repository | Michelle Niven |

PROCEDURE

Use of these substances, whether on or off the job can detract from an employee’s work performance, efficiency, safety, and health, and therefore impair the employee and his/her ability to competently perform his/her job. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of the employee in possession and other employees, and it also exposes the District to the risks of property loss or damage, or injury to other persons.

Furthermore, the use of prescription drugs and/or over-the-counter drugs also may affect an employee’s job performance and may impair the employee’s ability to competently perform his/her job. The District is not required to accommodate the medical use of marijuana at places of employment or during working hours.

The following rules and standards of conduct apply to all employees either on District property or during the workday (including meals and rest periods). Behavior that violates District policy includes:

- Possession or use of alcohol or an illegal or controlled substance, or being under the influence of alcohol, or an illegal or controlled substance while on the job.
- Driving while under the influence of alcohol or an illegal or controlled substance.
- Distribution, sale, or purchase of alcohol or an illegal or controlled substance while on the job.
- Violation of these rules and standards of conduct will not be tolerated. The District also may bring the matter to the attention of appropriate law enforcement authorities.
- Employees are prohibited from reporting for duty or remaining on duty with any alcohol in their systems. Employees are also prohibited from consuming alcohol during working hours, including meal and break periods. This does not include the authorized use of alcohol at District-sponsored functions or activities.

Policy #3108 – Drug and Alcohol Testing

- To enforce this policy, the District reserves the right to conduct searches of District property or employees to implement other measures necessary to deter and detect abuse of this policy. Entry onto District property is deemed consent to an inspection of person, and District vehicle.
- An employee's conviction on a charge of illegal sale or possession of any controlled substance while off District property will not be tolerated because such conduct, even though off duty, reflects adversely on the District.
- Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job or affect the safety or well-being of others, must notify a manager of such use immediately before starting or resuming work.

REASONABLE SUSPICION TESTING

In cases where an employee's supervisor or other member of management has reasonable suspicion to believe that the employee possesses or is under the influence of drugs and/or alcohol they should bring it to the attention of the General Manager or a person designated by the General Manager. At the General Manager's discretion drug and/or alcohol screening may be ordered. The suspicion will be based on objective symptoms such as factors related to the employee's appearance, behavior, and/or speech. Refusal to submit to screening as ordered may result in immediate termination. Unreasonable delay in providing a urine or breath specimen could be considered a refusal.

TESTING POSITIVE FOR DRUGS OR ALCOHOL

Whenever an employee tests positive for the presence of illegal/unauthorized drugs or alcohol, or the misuse of legal drugs, such employee shall immediately be removed from the workplace, with employment suspended without pay. The employee will be given the opportunity to contest or explain the positive results before the employer takes any action on employment status that could result in disciplinary action up to and including termination.

RETESTING

If an employee wishes to challenge the test result, the employee can request a retest of the original sample. Request for a retest must be made within twenty-four (24) hours after the employee is initially advised of the test result. We encourage and will reasonably accommodate employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is the District obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the District's treatment of employees who violate the regulations described previously or to alter the at-will status of employment. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

Authority: General Manager; Board of Directors

Approved by the Board of Directors on: **February 22, 2024**