

MSBA Core Manual
Basic Policy Management Services

Policy GBEBB-2: EMPLOYEE ALCOHOL AND DRUG TESTING

Status: ADOPTED

Original Adopted Date: 01/31/2022 | **Last Revised Date:** 12/14/2023 | **Last Reviewed Date:** 12/14/2023

February 15, 2024

(District Provides Transportation Services)

Provisions Applicable to All Employees

Alcohol and Drug Prohibitions

Employees may not manufacture, use, possess, sell, distribute, or be under the influence of prohibited substances ("alcohol or drugs") in violation of district policy GBEBB, Drug-Free Workplace. Employees may be tested for alcohol and drugs if the district has reasonable suspicion that they have consumed alcohol or drugs in violation of board policy.

Marijuana and Marijuana-Infused Products

Marijuana is illegal under federal law and is considered a prohibited drug under this policy. This policy's prohibitions apply even if an employee has been authorized under state law to use marijuana or marijuana-infused products for medicinal or recreational purposes.

Program Coordinator

The superintendent or designee will serve as the program coordinator and will implement the district's alcohol and drug testing program within the guidelines of this policy.

Training

The superintendent or designee will secure training on identifying the signs that an individual is under the influence of alcohol or drugs and will select employees to receive the training. The training will include requirements under federal law for employees who operate district vehicles.

Testing Program

The district will use alcohol and drug testing facilities with appropriately trained personnel. The district's alcohol and drug testing program shall provide individual privacy in the collection of specimen samples to the maximum extent possible. The sample collection procedures and chain of custody shall ensure that the security, proper identification, and integrity of the samples are not compromised.

Consequences

Employees who test positive for prohibited substances will be subject to discipline, including termination, in accordance with board policy and law. Employees who obstruct the district's alcohol or drug testing process may be disciplined as if they submitted a sample that returned a positive test result and may also be subject to discipline for the act of obstruction itself. Employees obstruct the drug testing process when they:

1. Refuse to submit to a drug test under this policy;
2. Intentionally submit a falsified sample for testing (such as submitting someone else's sample as their own, providing a sample for another person to submit as theirs, submitting an old sample as if new, or submitting a sample containing a substance intended to cause a negative result on the test); or
3. Otherwise intentionally interfere or attempt to interfere in any way with the integrity of the sample collection and testing process under this policy.

Employees who have not been asked to submit a sample but obstruct the testing of another person's sample may be disciplined for the obstruction.

Treatment

In addition to any disciplinary action taken, the district will provide employees a list of names, addresses, and telephone numbers of substance use treatment professionals and programs when employees have a positive alcohol or drug test result, refuse to take a test, or otherwise request information about substance use treatment.

District Records and Reports

Alcohol and drug test results and records shall be maintained under strict confidentiality and released only in accordance with law. Upon written request, employees shall receive copies of any records pertaining to their use of alcohol or drugs, including any records pertaining to tests. Test records shall be maintained with each employee's separate medical files. The district shall maintain records and reports of its alcohol and drug prevention program as required by law.

Records of alcohol and drug tests and other related records shall be made available to a subsequent employer only as expressly requested in writing by the employee.

Notification to Employees

The program coordinator shall ensure that all employees receive appropriate notice of the district's prohibitions on alcohol and drug use.

Provisions Applicable to Drivers

In addition to the alcohol and drug testing provisions applicable to all employees, the district, which employs operators of commercial motor vehicles ("drivers"), is required to implement a drug and alcohol testing program that fulfills federal requirements. The district will use laboratories certified by the U.S. Department

of Health and Human Services to conduct drug specimen analysis. This comprehensive program shall include conducting pre-employment drug testing and reasonable suspicion, random, and post-accident testing for use of alcohol or drugs by drivers; notifying drivers of the requirements and consequences of the program; maintaining appropriate records; participating in the Commercial Driver's License Drug and Alcohol Clearinghouse; and complying with the Missouri Department of Revenue's reporting requirements.

As required by law, drivers shall not report for duty within four hours of using alcohol. Drivers required to take a post-accident test shall not use alcohol for eight hours following the accident or until they undergo a post-accident alcohol test, whichever comes first.

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Dent-Phelps R-III School District, Salem, Missouri

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

§§ 287.120, 302.275, RSMo.

Description

[State Statute](#)

Mo. Const. art. XIV §§ 1-2

[State Statute](#)

Federal

21 U.S.C. § 802(6)

Description

[Federal Statute](#)

21 U.S.C. §§ 841, 844, 860

[Federal Statute](#)

49 C.F.R. Parts 40, 382, 383

[Procedures for Transportation Workplace Drug and Alcohol Testing Program; Controlled Substances and Alcohol Use and Testing; Commercial Driver's License](#)

49 U.S.C. § 31306

[Omnibus Transportation Employee Testing Act of 1991](#)

Cross References

Code

EEA

Description

[STUDENT TRANSPORTATION SERVICES](#)

EEA-AP(1)

[STUDENT TRANSPORTATION SERVICES - \(Student Transportation in Private Vehicles/Common Carriers\)](#)