

Fall River Joint Unified School District

P 4018.1

ALL PERSONNEL PRE-EMPLOYMENT DRUG/ALCOHOL TESTING

The Governing Board maintains a drug and alcohol-free workplace. In accordance with law, all employees are required to render service without using, possessing, being impaired by or being under the influence of alcohol or drugs.

Once conditionally placed on an employment eligibility list, prospective employees in the following classifications shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions:

1. Commercial Motor Vehicle—Drivers subject to the requirements of the Code of Federal Regulations Title 49, Part 383 (Commercial and School Bus Drivers) *
2. Driver Training Teacher
3. Chemistry Teacher
4. Wood and Metal Shop, Construction and Agriculture Teacher
5. Grounds and Maintenance Equipment Operator
6. Administrative and Supervisory Personnel
7. Mechanic

* Pre-employment Drug Test shall fulfill the Requirements of the Code of Federal Regulations, Title 49 Part 382.

Legal Reference:

EDUCATION CODE

44839 Medical certificate; periodic medical examination

45122 Physical examinations

GOVERNMENT CODE

8350-8357 Drug-free workplace

UNITED STATES CODE, TITLE 41

701 et seq. Drug-Free Workplace Act of 1988

UNITED STATES CODE, TITLE 20

2701 et seq. Drug-Free Schools and Communities Act Amendment of 1989

National Treasury Employees Union v. Von Raab 109 S.Ct. 1384 (1989)

International Brotherhood of Teamsters v. Department of Transportation 932 F.2d 1292 (1991)

Policy adopted 3/6/96

Policy Revised 8/2/00

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ALL PERSONNEL

PRE-EMPLOYMENT DRUG/ALCOHOL TESTING

Upon qualifying for a position for which pre-employment drug and alcohol screening is required, job applicants shall submit to the process specified below. Final selection for the position shall not be made until the applicant has successfully completed the screening. Failure to submit to this process or to successfully complete the process shall preclude the applicant from being hired into the identified safety-sensitive position.

1. The applicant will submit a district consent form indicating his/her intent to consent to drug and alcohol screening.
2. The district may test for all or any combination of the following drugs:
 - Amphetamines
 - Cannabis (marijuana)
 - Cocaine
 - Narcotics
 - Phencylidine (PCP)
 - Sedatives
 - Hallucinogenic

In addition, the district may test for the presence of alcohol in the applicant's blood system. Commercial Motor Vehicle Drivers shall have an alcohol and controlled substance test that complies with the Code of Federal Regulations, Title 49 Part 383, before performing a safety-sensitive function.

3. All initial screening tests will be conducted at the district's expense. The initial test will use a process known as Enzyme Multiplied Immunoassay Technique. If a positive reading results from this test, a second test using gas chromatography/mass spectrometry techniques shall be performed to confirm the results. This test shall also be conducted at the district's expense.
4. The applicant shall be given the opportunity to explain any positive result confirmed through the above tests. If the positive reading can be attributed to legitimate medical treatment, the screening shall be considered to have been negative.
5. The applicant may seek an independent drug and alcohol screening from a recognized medical laboratory at his/her own expense. Any applicant who fails to provide the district with a negative drug and alcohol screening report within seven days of a confirmed positive report shall be determined to have failed the screening and shall not be employed. Applicants are not precluded from resubmitting applications for future employment.
6. The district will make every effort to ensure individual privacy for applicants submitting to the required screening. The urine sample shall be provided in a restroom stall or similar enclosure. However, the district likewise has a responsibility to maintain the viability of the screening and is therefore entitled to restrict the test area in a way that ensures against adulteration of the specimen. To this end, the district may:

- a. Control the test area to ensure that samples have not been hidden;
 - b. Prohibit the carrying of bags, luggage, briefcases or other containers into the testing area;
 - c. Prohibit the wearing of coats and/or jackets in the test area;
 - d. Station a testing official of the same sex in the restroom outside the stall where visual observation is not possible but where the official can monitor the setting for tampering;
 - e. Examine the sample after it is provided for abnormalities in color or temperature or for other evidence of tampering.
7. To ensure the privacy of the drug and alcohol screening of job applicants, the district will not use test results for any purpose other than those stated in Governing Board policy. The district shall maintain the confidentiality of screening records and shall not disclose these records unless it has the applicant's consent or a court order.

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