LYON COUNTY SCHOOL DISTRICT
BOARD POLICY _____GBBE

DRUG AND ALCOHOL-FREE WORKPLACE

Lyon County School District recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. This *Drug and Alcohol-Free Workplace* policy applies to volunteers as well as employees.

The District is committed to:

- Maintaining a safe and healthy workplace for all employees and volunteers;
- Assisting employees or volunteers who recognize they have a problem with drugs, prohibited substances, or alcohol in receiving appropriate treatment;
- Periodically providing employees and volunteers with information about the dangers of workplace drug, prohibited substance, and alcohol use; and
- ~~When appropriate, t~~Taking appropriate disciplinary action for failure to comply with this policy.

~~The District strictly prohibits the following behavior:~~

- ~~The use, sale, attempted sale, manufacture, attempted manufacture, purchase, possession or cultivation, distribution and/or dispensing of illegal drugs or prohibited substances by an employee, unless otherwise provided by law. For purposes of this policy, illegal drugs include those classified as such under local, state, or federal laws. Prohibited substances include medical and recreational marijuana (cannabis), the use or possession of prescription medicines for which the individual does not have a valid prescription and the inappropriate use of prescribed medicines for which the employee has a valid prescription. The prohibition also includes using over-the-counter medications contrary to manufacturer instructions, or consumer products not meant for human consumption. In addition, the District prohibits employees from possessing open containers of alcoholic beverages while on the District's premises and/or while on duty and from working with a blood alcohol level of .02 or more at any time.~~
- ~~Bringing alcohol, illegal drugs, and other prohibited substances which may impair the safety or welfare of employees or the public may not be brought onto the premises controlled by the District or placed in vehicles or equipment operated on behalf of the District. Law enforcement personnel performing job-related functions which require possession and or transportation of such substances are exempt from this section.~~
- ~~Driving an organizational vehicle while on or off duty with a blood alcohol level of .02 or more or under the influence of an illegal drug or prohibited substance, regardless of the amount.~~

References: 49 CFR Part 382 et. seq., DOT (49 CFR Part 40), FMCSR, FMCSA (49 CFR Parts 382, 383, 387, 390-397, and 399), NRS 484C, 613.132, 616C, and 678C

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DRUG- AND ALCOHOL-FREE WORKPLACE - ADMINISTRATIVE REGULATIONS

1. Prohibited Behavior

The District strictly prohibits the following behavior:

- The use, sale, attempted sale, manufacture, attempted manufacture, purchase, possession or cultivation, distribution and/or dispensing of illegal drugs or prohibited substances by an employee, unless otherwise provided by law. For the purpose~~s~~ of this policy, illegal drugs include those classified as such under local, state, or federal laws. Prohibited substances include medical and recreational marijuana (cannabis), the use or possession of prescription medicines for which the individual does not have a valid prescription and the inappropriate use of prescribed medicines for which the employee has a valid prescription. ~~The prohibition~~ This also includes using over-the-counter medications contrary to manufacturer instructions, or consumer products not meant for human consumption.
- ~~In addition, the District prohibits employees from p~~Possessing open containers of alcoholic beverages while on the District's premises and/or while on duty.
- ~~and from w~~Working with a blood alcohol level of .02 or more at any time.
- Bringing alcohol, illegal drugs, and other prohibited substances which may impair the safety or welfare of employees or the public ~~may not be brought~~ onto the premises controlled by the District, or ~~placed~~ in vehicles or equipment operated on behalf of the District. ~~Law enforcement personnel performing job-related functions which require possession and or transportation of such substances are exempt from this section.~~
- ~~Driving~~ Operating an organizational vehicle or heavy equipment while on or off duty, or a private vehicle for work-related duties with a blood alcohol level of .02 or more, or under the influence of an illegal drug or prohibited substance, regardless of the amount.

~~1~~2. Reporting Requirements

a. It is every employee's and volunteer's responsibility to report suspected or known violations of this policy to their immediate supervisor or to any LCSD administrator, manager, or supervisor.

b. An administrator or manager/supervisor who receives information or is a witness to any use of illegal drugs, prohibited substances, or alcohol by an employee which violates the District's policies or the law is required to report this information to the Superintendent/designee immediately. The designee is the Executive Director of Human Resources and the alternate designee is the Deputy Superintendent. The report shall contain all known information including:

• The person(s) involved, including all witnesses;
• Any information gathered, such as actual observation of drug/alcohol/prohibited substance use, the presence of paraphernalia, or observation of any unusual physical signs or behaviors;

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• A written record of specific conversations held with the accused and any witnesses;
• All pertinent facts, including date(s), time(s), and location(s).

c. An administrator or manager/supervisor ~~is required to report this information to the Superintendent/designee and~~ may not conduct a formal investigation, release findings, or administer discipline prior to this disclosure and without specific authorization ~~to do so~~.

~~2~~d. An employee who witnesses or obtains information regarding illegal drug/prohibited substance/alcohol use by the immediate supervisor is required to report the incident to that supervisor's supervisor, or to the Executive Director of Human Resources/designee if not known.

~~3~~e. Specimen collection, drug testing procedures, sample collection, and alcohol testing procedures will comply with all applicable provisions of federal and state law.

~~4~~f. Employees in safety-sensitive positions as defined in 49 CFR Part 382, *et seq*., are subject to the Federal Department of Transportation (DOT) (49 CFR Part 40) and the Federal Motor Carrier Safety Regulations (FMCSR) as prescribed by the Federal Motor Carrier Safety Administration (FMCSA) (49 CFR Parts 382, 383, 387, 390-397, and 399), as well as the District's *Drug and Alcohol-Free Workplace* Policy.

~~5~~g. The District receives funding through federal grants and is therefore subject to the Drug-Free Workplace Act of 1988. Marijuana (including medical and recreational cannabis), cocaine, opioids, amphetamines (including methamphetamines), phencyclidine (PCP), and methylenedioxy-methamphetamine (MDMA) are considered illegal Schedule I or II drugs through the federal government. The District is committed to a policy of a drug and alcohol-free workplace and employees may not have any detectable level of Schedule I or II drugs in their system while at work. However, this policy is adopted in compliance with the requirements of NRS 678C.

~~6~~3. Employee Responsibilities

a. Each employee is responsible for meeting standards for work performance and safe on-the-job conduct.

b. Employees shall not report to work under the influence of alcohol, illegal drugs, prohibited substances, or misused prescription or over-the-counter drugs regardless of the amount.

c. Employees who suspect they may have a substance abuse problem are encouraged to seek counseling and rehabilitation from the District's Employee Assistance Program (EAP) provider, a substance abuse professional or other treatment provider. The

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District's health insurance policy may provide for payment of some or all of the treatment costs.

d. It is the responsibility and obligation of employees in safety-sensitive positions to determine, by consulting a health care provider if necessary, whether or not a legal drug being taken may affect one's ability to safely perform assigned job duties. An employee in a safety-sensitive position whose medication may affect their ability to safely perform their job must contact the Executive Director Human Resources who will attempt to find an appropriate alternative assignment. If none is available, the employee and the District will take steps consistent with the advice of a health care provider which could include the use of sick leave or a leave of absence. If an employee reports to work under the influence of medication and, as a result, endangers oneself or others, the employee will be subject to discipline~~d~~, up to and including termination.

e. Each employee must report to their supervisor:

- The facts and circumstances of any drug or alcohol arrest resulting from an incident that occurred while the employee was on duty.
- The facts and circumstances of any drug or alcohol conviction and/or arrest which may impact the employee's ability to perform the duties of the job.
- ~~If duties involve driving a vehicle or heavy equipment, the employee must report to their supervisor within 24 hours a~~ A conviction and/or arrest for driving under the influence (DUI) and/or restrictions, revocation, or suspension of the driver's license pending adjudication before resuming work duties if duties involve driving a vehicle or operating heavy equipment.
- The employee reporting requirements to the Executive Director of Human Resources outlined in *LCSD Board Policy GBBW - Reporting Arrests, Charges, Convictions, Investigation, and Change of License* are not superseded by this regulation. Employees must follow those reporting requirements in addition to these.

f. Employees in safety-sensitive positions identified by the District are subject to random drug and/or alcohol testing as provided in this regulation.

g. Employees must act as responsible representatives of the District and as law-abiding citizens. It is every employee's responsibility to report suspected or known violations of the District's policy to their immediate supervisor or to the Executive Director of Human Resources. Such reporting is critical in preventing serious injuries or damage to the District's property.

h. Employees who are required to submit to a drug/alcohol test must complete and sign the consent form. Employees acknowledge that by consenting to testing, they are

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waiving any expectation of privacy between the District and employee in the information provided related to the drug/alcohol test.

~~7~~4. Superintendent/Designee Responsibilities

The Superintendent/designee is responsible for:

a. Authorizing the drug and/or alcohol testing of employees;
b. Coordinating drug and/or alcohol testing;
c. ~~Requesting~~ Ensuring employees completi~~on~~e ~~of~~ the required consent form;
d. Notifying employees of positive test results and their right to a retest of the same sample;
e. Implementing disciplinary action against employees who fail to comply with provisions outlined in this regulation;
f. Notifying the District's ~~attorney~~ legal counsel upon learning of an employee's arrest and/or conviction of a federal or state drug and/or alcohol violation;
g. Ensuring that the drug and/or alcohol test forms and results are kept confidential and only provided to employees with a business need for the information;
h. Identifying safety-sensitive positions; and
i. Notifying employees in safety-sensitive positions that they are subject to random drug and/or alcohol testing.

~~8~~5. Administrator or Manager/Supervisor Responsibilities

The Administrator or Manager/Supervisor is responsible for:

a. Determining if reasonable suspicion exists to warrant drug and/or alcohol testing, and detailing, in writing, the specific facts, symptoms, or observations that are the basis for the reasonable suspicion;
b. Submitting the documentation to the Superintendent/designee; and
c. Complying with the appropriate provisions outlined in this regulation that apply to supervisory personnel.
d. Ensuring employees who are directed for testing are transported to and from the testing site, if necessary, to ensure safety.

~~9~~6. District Responsibilities

The District is responsible for:

a. Providing communication and training on this policy and regulation to include a training program to assist administrators and managers/supervisors to recognize the conduct and behavior that gives rise to a reasonable suspicion of inappropriate drug and/or alcohol use by employees and how to take appropriate action,
b. Receiving and maintaining employee drug and alcohol testing records and files from all sources and assuring that they are kept confidential,
c. Making drug and/or alcohol testing and notice forms available,

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d. Notifying appropriate administrators or managers/supervisors of positive results of drug and/or alcohol tests,
e. Administering the contract with a third party to provide drug and alcohol testing services,
f. Overseeing the administration of the District's *Drug and Alcohol-Free Workplace* Policy,
g. Designating safety-sensitive positions,
h. Notifying administrators or managers/supervisors of their employees' random selection for drug and alcohol testing, and
i. Ensuring the administration of all pre-employment drug testing.

~~10~~7. Training

The District maintains information relating to the hazards of and treatment for drug-and alcohol-related problems. Proactive training and information shall be sponsored by the District periodically. ~~Any employee may voluntarily seek advice, information, and assistance. Medical confidentiality will be maintained consistent with this policy.~~

~~11~~8. Employee Assistance and Voluntary Referral

The District strongly encourages employees who suspect they have substance abuse problems to voluntarily refer themselves to a treatment program. A voluntary referral is ~~defined as being~~ one that occurs prior to any positive test for ~~illegal~~ drugs, prohibited substances, or alcohol ~~under the District's policy~~ and prior to any other violation of ~~the~~ this policy, including a conviction and/or arrest ~~of that individual~~ for a drug or alcohol related offense. A decision to participate in the employee assistance or other treatment program will not be a protection or defense from discipline.

Any employee who voluntarily requests assistance in dealing with a personal drug, prohibited substance, and/or alcohol problem may do so through a private treatment program for drug, prohibited substance, and alcohol problems. An employee who is being treated for a substance issue in a recognized rehabilitation program may, if the Americans with Disabilities Act (ADA) applies, be entitled to reasonable accommodation so long as the employee is conforming to the requirements of the program and is abstaining from the use of ~~controlled~~ drugs, prohibited substances, and/or alcohol. These situations will be addressed on a case-by-case basis.

The cost of the drug or alcohol rehabilitation or treatment program shall be borne by the employee and, if applicable, the employee's insurance provider. All information regarding an employee's participation in treatment is confidential. Business need-to-know confidentiality will be maintained.

~~12~~9. Reasonable Suspicion Drug Testing

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When any administrator or manager/supervisor has reasonable suspicion that an employee may be under the influence of alcohol, drugs, or prohibited substances, the employee in question will be directed by the administrator/manager/supervisor through the Superintendent/designee or the District's Human Resources Director to submit to drug and/or alcohol testing. This test may include a breath and/or blood test, or urinalysis.

The site administrator or manager/supervisor shall be responsible to determine if reasonable suspicion exists to warrant drug and/or alcohol testing and shall be required to document, in writing, the specific facts, symptoms, or observations which form the basis for such reasonable suspicion. When possible, the documentation will be forwarded to the Superintendent/designee to authorize the drug and/or alcohol test of an employee.

The administrator/manager/supervisor as directed by the Superintendent/designee or the District's Human Resources Director shall direct an employee to undergo drug and/or alcohol testing if there is reasonable suspicion that the employee is in violation of the District's policy. The employee will be placed on administrative leave with pay pending results of the test.

An employee who is required to submit to reasonable suspicion testing:

- Must sign a consent form provided by the testing party. By consenting to testing, the employee acknowledges waiving any expectation of privacy between the District and employee in the information provided related to the drug/alcohol test.
- Will be immediately provided transportation by the District to the location of the test.
- Will be advised to refrain from eating or drinking before being tested.
- Will be provided transportation by the District or transportation arrangements will be made by the District after the employee submits to the test or refuses to be tested.

Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

a. Information provided either by reliable and credible sources or independently corroborated, as determined by the administrator or manager/supervisor, that an employee is violating the District's policy.
b. Direct observation of drug, prohibited substance, or alcohol use while on duty.
c. Employee admits using drugs, prohibited substances, or alcohol prior to reporting to work or while at work, or employee admits to violating any other provisions of this policy.
d. Discovery of drug, prohibited substance, or alcohol paraphernalia possibly used in connection with illicit drugs, prohibited substances, or alcohol found on the employee's person or at or near the employee's work area.

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e. Evidence that the employee has tampered with a previous test for drugs, prohibited substances, or alcohol.

The following behaviors will also contribute toward reasonable suspicion and, collectively or independently, on a case-by-case basis, may provide a sufficient reason for ~~requesting~~ requiring a test for drugs, prohibited substances, or alcohol:

a. A pattern of abnormal or erratic behavior.
   - This includes, but is not limited to a single, unexplainable incident of serious abnormal behavior or a pattern of behavior which is radically different from what is normally displayed by the employee or grossly differing from acceptable behavior in the workplace.

b. Presence of physical symptoms of drug, prohibited substance, or alcohol use.
   - The administrator or manager/supervisor observes physical symptoms that could include, but are not limited to, glassy or bloodshot eyes, slurred speech, poor motor coordination, or slow or poor reflex responses different from what is usually displayed by the employee or generally associated with common ailments such as colds, sinus problems, hay fever, and diabetes.

c. Violent or threatening behavior.
   - First Incident: If an employee engages in unprovoked, unexplained, aggressive, violent, and/or threatening behavior against any person, the administrator/manager/supervisor may ~~request that~~ direct the employee to submit to drug, prohibited substance, and/or alcohol testing.
   - Second Incident: Whether or not an employee has previously received formal counseling or disciplinary action for unprovoked, unexplained, aggressive, violent, or threatening behavior, upon a second or subsequent episode of similar behavior/conduct, the administrator/manager/ supervisor will ~~request that~~ direct the employee to undergo drug, prohibited substance, and/or alcohol testing.

d. Absenteeism and/or tardiness.
   - An employee who has previously received disciplinary action for absenteeism and/or tardiness, or has a continued poor record that warrants a second or subsequent disciplinary action may, in combination with other relevant behaviors.

~~13~~10. Post-Accident Testing

Each employee involved in an accident will be tested for illegal drugs, prohibited substances, and alcohol as soon as possible after the accident, but after any necessary

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emergency medical attention has been provided. Accidents that trigger testing are those that result in:

a. Death;
b. Medical treatment of employee or another individual, other than first-aid;
c. Loss of consciousness; or
d. Property damage estimated to be valued at or in excess of $3,000.

An employee who is subject to a post-accident test must sign a consent form provided by the testing party and remain readily available for testing. An employee who leaves the scene before the test is administered or who does not make oneself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test. The employee will be advised to refrain from eating or drinking before being tested. Further, the employee, subject to a post-accident test, must refrain from consuming alcohol for eight hours following the accident or until the employee submits to an alcohol test, whichever comes first.

An employee who is required to submit to a post-accident test~~ing~~:

a. Must sign a consent form provided by the testing party. By consenting to testing, the employee acknowledges waiving any expectation of privacy between the District and employee in the information provided related to the drug/alcohol test.
b. Must remain readily available for testing. An employee who leaves the scene without good reason before the test is administered or who does not make oneself readily available may be deemed to have refused to be tested, and such refusal shall be treated as a positive test.
c. Will be immediately provided transportation by the District to the location of the test.
d. Will be advised to refrain from eating or drinking before being tested, and must refrain from consuming alcohol for eight hours following the accident or until the employee submits to an alcohol test, whichever comes first.
e. Will be provided transportation by the District or transportation arrangements will be made by the District after the employee submits to the test or refuses to be tested.
f. The employee will be placed on administrative leave with pay pending the results of this test.

~~Upon completion of the test:~~

~~a. If the employee caused or contributed to the accident, or the District determines there is a risk to return the employee to work, the employee will be provided transportation home or the District will make transportation arrangements, and~~

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~~the employee will be placed on administrative leave with pay pending the results of this test.~~

~~b. If the District determines the employee did not cause or contribute to the accident, the employee will be transported back to the work site (if medically able) and will resume work.~~

~~c.~~ g. If the test comes back positive and the District needs to conduct further investigation, the employee will be placed on administrative leave with or without pay.

***Note**: NRS 616C states a positive test for illegal drugs, prohibited substances (including marijuana), or alcohol per limits set forth in NRS 484C can cause the denial of workers' compensation claims. By consenting to post-accident testing, the employee waives any expectation of privacy between the District and the employee in the information provided in the drug and alcohol test.*

~~d.~~ h. In the event an employee is so seriously injured that a specimen cannot be provided at the time of the accident, the employee must provide necessary authorization, as soon as the employee's physical condition allows, to enable the District to obtain hospital records or other documents that indicate the presence of drugs, prohibited substances, or alcohol in the employee's system when the accident occurred.

e. i. In the event federal, state, or local officials conducted alcohol and/or drug testing following an accident, the employee will be required to sign a release allowing the District to obtain the test results from such officials.

~~14~~11. Safety-Sensitive Positions

The District shall conduct pre-employment testing for drugs and random testing for drugs, prohibited substances, and alcohol for positions identified as safety-sensitive by the District. Successfully passing these tests is a condition of future or continued employment. Procedures for pre-employment testing are listed in the *Pre-Employment Drug Screening for Safety-Sensitive Positions* section in the *Appointment of Classified Personnel* policy GC.

Safety-sensitive positions mean employment positions which may, in the normal course of business:

a. Require the employee to operate the District's vehicles or heavy equipment on a regular and recurring basis; and/or
b. Involve job duties which, if performed with inattentiveness, errors in judgment or diminished coordination, dexterity, or composure, may result in mistakes that could present a real and/or imminent threat to the personal health and safety of the employee, students, coworkers, and/or the public, including positions that

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require use of dangerous tools/equipment; performance of job duties at heights; use of dangerous chemicals; or carrying firearms in the performance of job duties.

The District shall maintain a list entitled "List of Positions Designated as Safety Sensitive" and/or designate positions as safety sensitive on the job description.

~~15~~12. Random Testing

All employees in positions identified as safety-sensitive by the District, shall be subject to random drug, prohibited substances, and alcohol testing.

Per DOT testing guidelines for CDL holders, the District will test for drugs/prohibited substances, at a minimum, fifty percent (50%) of the average number of CDL employee positions each calendar year. The District will alcohol test, at a minimum, ten percent (10%) of the average number of CDL employee positions each calendar year. ~~The selection of employees for random testing shall be on a non-discriminatory basis and made from a scientifically based random number generator that is matched with the employee's social security number, payroll identification number, or other comparable identifying number. Random testing will be unannounced, and the dates for administering the tests will be spread reasonably throughout the year. Random testing will be performed at any time while the employee is at work.~~

For all other non-CDL safety-sensitive positions, the District will test for drugs/prohibited substances, at a minimum 50% of the average number of employee positions designated as safety-sensitive each calendar year. The District will alcohol test, at a minimum 10% of the average number of employee positions designated as safety-sensitive each calendar year.

The selection of employees for random testing shall be on a non-discriminatory basis and made from a scientifically based random number generator that is matched with the employee's social security number, payroll identification number, or other comparable identifying number. Random testing will be unannounced, and the dates for administering the tests will be spread reasonably throughout the year. Random testing will be performed at any time while the employee is at work.

An employee selected for random testing shall proceed immediately to the test site and will be advised to refrain from eating or drinking prior to the test. An employee who engages in conduct which does not lead to testing as soon as possible after notification may be considered to have refused to be tested.

Employees selected for a random test, but absent due to annual, sick leave, other leave, or on urgent District business approved by their administrator or manager/supervisor will not be notified to take the random test until the first day they return to work after random

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selection. Random selection may result in some employees being tested more than once each year; some may not be tested at all.

~~16~~13. Return-to-Work Testing/Follow-Up Testing

Employees for whom the District agrees to continue employment, who violate ~~the District's~~ this policy, may be required to undergo Return-to-Work (RTW) testing as established by the District's Executive Director of Human Resources. No employee will be allowed to perform a safety-sensitive function unless the District has received a verified negative drug test result for the individual.

Note: *For positions that require a CDL or otherwise defined as safety-sensitive positions by 49 CFR Part 382 and U.S. Department of Transportation regulations, the test cannot occur until after the Substance Abuse Professional (SAP) has determined that the employee has successfully complied with the prescribed education and/or treatment.*

~~Employees for whom the District agrees to continue employment, who violate this policy~~ Such employees will be required to undergo follow-up testing as established by the District~~. The~~ with the extent and duration ~~of the follow-up testing will depend upon~~ based on the safety and security nature of the employee's position and the ~~nature and~~ extent of the employee's substance use issue.

~~The District's Human Resources Director will review the conditions of continued employment with the employee prior to the employee's return to work. Any such e~~Conditions for continued employment ~~shall be given to the employee in writing~~ will be clearly outlined in writing and reviewed with the employee prior to the employee returning to work.

The ~~District's~~ Executive Director of Human Resources ~~Director~~ may consider the employee's rehabilitation program in determining an appropriate follow-up testing program.

Any employee subject to return-to-work/follow-up testing who has a confirmed positive drug, prohibited substance, or alcohol test will be in violation of this policy and subject to termination.

~~***Note:*** *For positions that require a CDL or otherwise defined as safety-sensitive positions by 49 CFR Part 382 and U.S. Department of Transportation regulations, the test cannot occur until after the Substance Abuse Professional (SAP) has determined that the employee has successfully complied with the prescribed education and/or treatment.*~~

~~17~~14. Consequence of Refusal to Submit to Testing/Adulterated Specimen

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The following shall be treated as a positive test and will result in corrective action, up to and including termination:

a. Refusal to sign a consent form provided by the testing party.
b. Refusal to submit to testing for drugs, prohibited substances, and/or alcohol.
c. Consenting to a test but failing to appear timely at the collection site.
d. Failing to provide a sample after reasonable opportunity to do so.
e. Engaging in conduct which attempts to or does impact the validity of any such testing.
f. Submitting an invalid, substituted, or adulterated specimen.

A diluted negative test result shall be treated as a positive test.

~~18~~15. Testing Guidelines

The District may test for alcohol and illegal/prohibited substances including, but not limited to:

a. Marijuana (Cannabis)*
b. Cocaine, including crack
c. Opioids, including fentanyl, heroin, codeine, morphine, hydrocodone, hydromorphone, oxymorphone, and oxycodone
d. Amphetamines, including methamphetamines
e. Phencyclidine (PCP)
f. Ketamine

**Tests for marijuana for workers' compensation purposes must be a blood test per requirements set forth in NRS 616C.230.*

In addition to testing for the above substances, CDL holders are subject to testing for the following substances:

a. 6-Acetylmorphine
b. MDMA(Ecstasy)

Where applicable, the District will follow federal testing procedures for drugs, prohibited substances, and alcohol set forth by the Federal Department of Transportation (DOT) 49 CFR Part 40 and the Federal Motor Carrier Safety Regulations (FMCSR). These regulations may be amended from time to time.

The District may use the following primary sites for sample collection:

Concentra – Sparks
255 Glendale Avenue #12

Concentra - Reno
1530 East 6th Street

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Sparks, NV 89431
(775) 356-8181

Reno, NV 89512
(775) 322-5757

Nevada Occupational Health Center (Concentra Urgent Care) – Carson City
3488 Goni Road Building E
Carson City, NV 89706
(775) 887-5030

The District contact person for all questions regarding the alcohol and drug testing program is:

Executive Director of Human Resources
25 East Goldfield Avenue
Yerington, NV 89447
(775) 463-6800

~~19~~16. Option for Drug/Prohibited Substances Retest

Any employee undergoing drug or prohibited substance analysis during the initial 30 days of their tenure maintains the right to provide a secondary screening result, obtained at their personal cost, to challenge the primary findings. The District will acknowledge and provide due regard to these independent results, provided the request does not contradict existing collective bargaining agreements, federal mandates, or requirements for federally-funded roles.

~~The LCSD will follow the provisions of NRS 613.132 regarding the retest of the positive screening for the presence of marijuana.~~

In all other cases:

a. No later than seventy-two (72) hours after receipt of a positive test, an employee who tests positive may request a confirmatory retest of the same sample at their own expense at a U.S. Department of Health and Human Services (DHHS)-certified laboratory of the employee's choice.
b. Upon request, the Medical Review Officer (MRO) will authorize the laboratory holding the employee's sample to release to a second laboratory, approved by the ~~U.S. Department of Health and Human Services (~~DHHS~~)~~, a sufficient quantity of the sample to conduct a second testing analysis.
c. The employee will be required to authorize the laboratory to provide the District with a copy of its test results. A confirmation test will be conducted to verify the accuracy of the test results by the laboratory conducting the analysis. The results of the confirmatory test are final.

~~20~~17. Requirement for Drug/Prohibited Substance Retest

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An employee who tests negative dilute will be required to immediately retest. The employee will:

a. Be given the minimum possible advance notice of retest,
b. Be accompanied by a supervisor to the collection site, and
c. Not be allowed to eat or drink between the period of being noticed of the retests and the actual test.

The retest will not be under direct observation unless directed to do so by the ~~Medical Review Officer~~ MRO. If the retest is also negative dilute, the test will be considered negative and the District will not conduct a third test unless directed to do so by the ~~Medical Review Officer~~ MRO.

~~21~~18. Searches

If the District suspects that an employee, contracted employee, or volunteer is in possession of illegal drugs, prohibited substances, alcohol, or contraband in violation of its policy, the District may search District-owned property ~~vehicles, lockers, desks, and work areas~~ as outlined in *LCSD Board Policy GBBM: Use of District Property/Premises and Searches*

~~22~~19. Violation of Policy

a. Employees in violation of the provisions of ~~the District's~~ this policy and ~~this~~ regulation will be subject to disciplinary action, up to and including termination.
b. An employee may be found to have violated ~~the District's~~ this policy on the basis of any appropriate evidence including, but not limited to:

- Direct observation of illegal use of drugs or use of prohibited substances, prohibited use of alcohol, or possession of illegal drugs, prohibited substances, alcohol, or related contraband;
- Evidence obtained from an uncontested motor vehicle citation, an arrest, or a conviction for use or illicit possession of illegal drugs or prohibited substances, or for the use or being under the influence of alcohol on the job;
- A verified positive test result; or
- An employee's voluntary admission.

c. The District may direct an employee who has tested positive to submit to an evaluation by a substance abuse professional in lieu of termination. ~~The evaluation will attempt to determine the extent of the employee's use of or dependence on the abused substance(s) noted in the positive test and, if necessary, recommend an appropriate program of treatment.~~

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d. If an evaluation is conducted which results in a recommendation for treatment, the employee must immediately begin and successfully complete the recommended treatment at the employee's expense; however, employees may use benefits provided by applicable insurance coverage.
e. When an employee is required to undergo treatment under the regulation, the employee may be required to comply with the following as a condition of continued employment:

- Monitoring of the treatment program and the employee's participation by the District;
- Submission to return-to-work testing as required under this regulation and continuing follow-up testing as provided in the Return-to-Work Testing/Follow-Up Testing section above; and
- Any other reasonable condition that the District deems necessary to maintain a safe and healthy workplace for all employees.

f. Failure by the employee to enroll in a required treatment program, to consistently comply with the program requirements, to successfully complete the program, and/or to complete any continuing care program will be ground for immediate termination of employment.
g. Appropriate disciplinary action, up to and including termination, will be taken for any job performance or behavior that may otherwise be cause for progressive disciplinary action.

~~23~~20. Confidentiality

Test results may only be disclosed to the employee, the appropriate medical and treatment providers, the District's attorney, a District representative when needed to respond to an alleged violation of the District's policy, individuals within the District who have a need-to-know of drug, prohibited substance, and/or alcohol testing results, and a court of law or administrative tribunal, as required.

NOTE: *The District prohibits the marketing, display, or promotion of alcohol, tobacco, smoking, vaping, nicotine pouches, drugs, prohibited substances, etc. on District property, on District-provided transportation or bus stops, in co-curricular and extra-curricular programs, at school or District sanctioned or recognized activities and events, and/or in school or District sponsored publications, websites or social media.*

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