

Duchesne County School District - Policy Proposal

3.0250.07 Drug Testing of Other Employees

Existing Policy	Proposed Policy
3.0250.07 Drug Testing of Other Employees	3.0250.07 Drug Testing of Other Employees Issued: DAHA
None	Application of Policy— <p>This policy applies to drug and alcohol testing of District employees who are neither bus drivers nor employees in a safety sensitive position. (Drug and alcohol testing of bus drivers and employees in safety sensitive positions is governed by Policy 3.0250.06)</p> <p>Utah Code § 34-41-103(1) (2024)</p> Grounds for Testing— <p>Employees of the District may be required to submit to drug or alcohol testing as follows:</p> <ol style="list-style-type: none">1. Where there is a reasonable suspicion that the employee may be using or may be under the influence of illegal drugs or alcohol while on the job.2. Whenever an accident causing bodily injury occurs within the scope of employment where it appears that drugs or alcohol may have been a contributing factor. <p>Utah Code § 34-41-102(3) (2016) Utah Code § 34-41-103(2)(b) (2024)</p> Reasonable Suspicion— <p>A “reasonable suspicion” means an articulated belief based on the recorded specific facts and reasonable inferences drawn from those facts that indicate that a school district employee is using or is under the influence of drugs or alcohol.</p> <p>Utah Code § 34-41-101(9) (2024)</p> Reasonable Suspicion Documentation— <p>Prior to conducting any tests for drugs or alcohol based upon a suspicion of use, the supervisor or administrator requiring the test must articulate in writing specific facts and any reasonable inferences drawn from those facts which lead to a reasonable suspicion that an employee is using or under the influence of alcohol or illegal drugs.</p> <p>Utah Code § 34-41-102(3) (2016) Utah Code § 34-41-101(9) (2024)</p>

Scope of Employment—

An action is within the “scope of employment” if it is part of any actions for which an employee is remunerated or performs by reason of employment in the District.

Consequences of Positive Test—

Compliance with the District’s drug policies is a condition of continued employment within the District. The District shall terminate any employee who tests positive for illegal drugs while acting within the scope of job duties unless:

1. The employee has voluntarily disclosed a need for counseling or rehabilitation from drug dependence prior to the test; and
2. The employee has agreed to enroll at his or her expense into a rehabilitation, treatment, or counseling program approved by the District.

[Utah Code § 34-41-105\(2\) \(1994\)](#)

The discipline imposed on an employee who tests positive for alcohol while acting within the scope of job duties will depend on the specific facts and circumstances and the particular test results and may include sanctions up to and including termination. In determining what sanction is appropriate, the District should consider whether:

1. The employee has voluntarily disclosed a need for counseling or rehabilitation from alcohol dependence prior to the test; and
2. The employee has agreed to enroll at his or her expense into a rehabilitation, treatment, or counseling program approved by the District.

[Utah Code § 34-41-105\(2\) \(1994\)](#)

Any employee in a rehabilitation or treatment program who is not in a safety sensitive position may be suspended without pay, placed on probation, or terminated for cause within the discretion of the Superintendent and/or the Board of Education.

Consequences of Refusal to Test or Tampering With Test—

If an employee is required to take a drug or alcohol test based on reasonable suspicion and refuses to be tested or to cooperate with test procedures, the employee may be treated as having a positive test result and disciplined accordingly and may also be disciplined for insubordination. If an employee is found to have submitted a false sample or otherwise to have attempted to circumvent the testing process, the employee may be treated as having a positive test result and disciplined accordingly.

[Utah Code § 34-41-105\(2\) \(1994\)](#)

Alcohol Testing Procedures—

All tests shall be conducted pursuant to the procedures established in the State Office of Education Rules.

Drug Testing Procedures—

The district shall collect and test samples in accordance with Section 34-41-104(3) (2024);

Verification of Tests—

Before the result of any test may be used as a basis for any adverse employment action, the District shall verify or confirm any positive initial screening test by gas chromatography, gas chromatograph-mass spectroscopy, or other comparable analytic methods. In addition, the employee testing positive shall be notified by telephone and in writing of the positive test result and, for a urine test, where a new test may be obtained if the employee desires to undergo a second test and requests it within 72 hours of the notice. If the employee timely requests testing of the second sample, the second sample shall be tested.

[Utah Code § 34-41-103\(7\) \(2024\)](#)

[Utah Code § 34-41-104\(4\) \(2024\)](#)

Compensation for Test Time—

All tests performed by the District shall occur during or immediately after the regular work period of the employee and shall be considered as work time for purposes of compensation and benefits.

[Utah Code § 34-41-104\(5\) \(2024\)](#)

Testing Costs—

The District shall bear the costs of all sample collection and initial testing for alcohol or drugs at the request of the District, including any costs for transportation to the test site if conducted at a place other than the workplace. The costs of testing a second urine sample will be equally divided between the District and the employee.

[Utah Code § 34-41-103\(8\) \(2024\)](#)

[Utah Code § 34-41-104\(6\) \(2024\)](#)