

7300 ALCOHOL AND DRUG ABUSE - EMPLOYEES

I. PURPOSE AND PHILOSOPHY

Weber School District is committed to an alcohol and drug-free workplace. The Weber School District Board of Education recognizes that the use, possession, distribution, or sale of narcotics, or other dangerous drugs and drug paraphernalia constitutes a hazard to employees and students and is illegal according to Federal and State law. Also, the use of alcohol or tobacco in any form on school property, in school buildings or vehicles, or at school-sponsored activities is contrary to the District's education mission. The Board also recognizes that alcoholism and drug dependencies are recognized as treatable illnesses from which recovery is possible. The Board supports and encourages programs that coordinate school district and employee cooperation in attempting to prevent substance misuse and abuse problems, and encourages employees to seek school district, public, or outside professional help for employees who become involved with alcohol or drug abuse.

II. POLICY

It is the policy of Weber School District that the use, possession, distribution, or sale of narcotics or other dangerous drugs and drug paraphernalia is prohibited by Weber School District employees. It is also Weber School District's policy that the use of alcohol or tobacco in any form on school property, in school buildings, or vehicles, or at school-sponsored activities is prohibited by Weber School District employees. It is also Weber School District's Policy to support employees seeking to overcome substance misuse and abuse problems without repercussion so long as the employee has not violated this policy.

III. DEFINITIONS

- A. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low-molecular-weight alcohols, including methyl and isopropyl alcohol.
- B. "Drug or narcotics" means, for purposes of this policy, controlled substances which are illegal under federal, state, or local laws. It also includes any prescription medication not prescribed for current personal medical treatment by a licensed physician for its intended purpose.
- C. "Drug paraphernalia" means all equipment, products, and materials of any kind, including the constituent parts thereof that are either designed for use or which are intended by the employee for use in packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body drugs or a controlled substance, which are possessed by the employee pursuant to a prescription issued by a licensed physician for current personal medical treatment.
- D. "Drug Program Coordinator or designated employer representative (DER)" means the individual designated at the District level to oversee implementation of the drug test policy for the pupil transportation department. The Drug Program Coordinator is the designated employee representative (DER).
- E. "Electronic cigarette" means a cigarette shaped device containing a nicotine-based liquid that is vaporized and inhaled, used to stimulate the experience of smoking tobacco

- F. "Employee assistance program (EAP)" means a program to provide District employees with counseling services, which includes services for employees with substance abuse problems. Referrals and recommendations are at the discretion of the District.
- G. "Medical cannabis" means cannabis in a medicinal dosage form or a cannabis product in a medicinal dosage form.
- H. "Refusal to test/submit" means that an employee:
1. Fails to appear for any test (except a pre-employment test) as determined by the District, after being directed to do so by the District;
 2. Fails to remain at the testing site until the testing is complete (except for a pre-employment test);
 3. Fails to provide a urine specimen for any drug test required by the employer and Department of Transportation regulations;
 4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provision of a specimen (see 49 CFR 40.67(l) and 40.69(g));
 5. Fails to provide a sufficient amount of urine when directed, unless it has been determined through a required medical evaluation, that there was an adequate medical explanation for the failure;
 6. Fails to undergo a medical evaluation as directed by the Medical Review Officer (MRO) as part of the verification process or as directed by the Drug Program Coordinator (DER) concerning the evaluation of the shy bladder procedures in Title 49 CFR part 40, subpart 1;
 7. Fails to cooperate with any part of the testing process;
 8. Fails or declines to take a second test the District or collector has directed the employee to take; or
 9. Is reported by the MRO as having a verified adulterated or substituted test result.
- I. "Safety-sensitive duties" means duties performed during "on-duty" time by all school bus drivers (full- and part-time or substitute); mechanics who hold the CDL license; state-level instructors, district-level instructors, and behind-the-wheel trainers who hold the CDL; and any other employee involved in the transport of District students who holds a CDL license. This encompasses all duties from the time an employee begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. "On-duty" time will include:
1. All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property spent waiting to be dispatched, unless the employee has been relieved from duty by the motor carrier.
 2. All time inspecting, servicing or conditioning any motor vehicle at any time.
 3. All driving time.

4. All time, other than driving time, in or upon any motor vehicle.
5. All time spent loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle loading or unloading, remaining in readiness to operate the vehicle, giving or receiving receipts for shipments loaded or unloaded, or checking manifests of students.
6. All time spent performing required driver responsibilities upon an accident and/or collision.
7. All time repairing, obtaining assistance, or remaining in attendance with a disabled vehicle.

J. "Tobacco" means cigarettes, cigars, cigarillos, chewing tobacco and any and all other products containing tobacco.

K. "Under the influence of alcohol or drugs" means consuming alcohol or drugs (illegal or prescription) to a degree that renders the employee incapable of safely and effectively working in a public school or with public school students.

IV. ADMINISTRATION

A. The Board delegates to the Administration the responsibility for providing educational prevention programs, with adequate employee notification, procedures for employee discipline, and support for employees and their families in all efforts of substance abuse prevention.

V. PROHIBITED CONDUCT

A. Employees **may not be** charged with and convicted of use, possession, distribution, sale or being under the influence of narcotics, or other drugs and drug paraphernalia as defined in this policy ~~may be subject to employee discipline~~. Employees may be placed on administrative leave pending resolution of criminal charges described above.

B. Employees **may not** use, possession, ~~distributed distribution~~, or ~~sell sale of~~ drugs that are illegal under both state and federal law. ~~is prohibited~~.

C. Employees **may not** use, possession, ~~distributed distribution~~, or ~~sell sale of~~ alcohol ~~is prohibited in any of all~~ Weber School District facilities and property, at school district-sanctioned activities, or when employees are using vehicles owned or dispatched by the District.

D. Employees **may not** use, possess, ~~distributed distribution~~, or ~~sell sale of~~ tobacco or electronic cigarettes ~~is prohibited in any of all~~ Weber School District facilities or property, at school district-sanctioned activities, or when employees are using vehicles owned or dispatched by the District.

E. **Employees may not come to school or a school district-sanctioned activity in their capacity as an employee while** ~~Being under the influence of a drug or narcotic or alcohol at school or a school district-sanctioned activity is prohibited.~~

F. Failure of employees to report any and all drugs or narcotics to the Department of Transportation, where the employee's job duties require a commercial driving license, is prohibited. An employee must report any new drug or narcotics to the Department of

Transportation when the employee begins taking the drug or narcotics. Failure to report any and all drugs or narcotics will result in employment discipline.

G. ~~Employees may not use Any use of drugs or narcotics~~ that result in a positive drug test, including positive results for tetrahydrocannabinol (“THC”), ~~is prohibited~~.

1. This does not include positive results for drugs or narcotics that are used in accordance with a legal prescription from a health care provider. Medical cannabis that is used in accordance with a legal prescription from a health care provider will be treated as any other prescribed controlled substance **in accordance with Utah Code 34A-5-115(2) (2024)**.

VI. DISCIPLINARY ACTION

- A. Disciplinary action, independent of court action, will be taken against any employee that violates this policy, in accordance with Policy 7900.
- B. Employees may be subject to disciplinary action including immediate suspension and possible termination for violation of this policy.
- C. Disciplinary action may be based on information obtained by testing as described below but a positive drug test is not required for discipline for violations of this policy provided the District has credible evidence of a violation of this policy.
- D. If an employee who is required to report to the Department of Transportation all drugs and narcotics the employee is using subsequently tests positive for a drug or narcotic that the employee failed to disclose, the employee may be subject to discipline for failure to disclose.

VII. ALCOHOL AND DRUG TESTING

- A. Any employee may be required to submit to medically accepted testing to determine whether they are using drugs or narcotics or alcohol in violation of federal or state law, or District policy under the following circumstances:
 1. When, during work hours, there is reasonable suspicion that an employee is using or is under the influence of a drug, narcotic, or alcohol¹
 - i. Reasonable suspicion may include but is not limited to the following:
 - (a) the smell of alcohol on the employee’s person
 - (b) staggering, or an unsteady gait
 - (c) bloodshot eyes
 - (d) mood and behavior changes such as excessive laughter and inappropriate loud talk
 - (e) excessive use of mouthwash or breath mints
 - (f) avoidance of supervisory contact
 - (g) tremors
 - (h) sleeping on duty

¹ Administrators will document the basis for their suspicion on the Reasonable Suspicion for Drug Testing Form and provide a copy to the employee upon sending the employee to be tested.

- (i) appearing confused or forgetful
- (j) erratic or impulsive behavior
- (k) slow or exaggerated movements
- (l) mood swings, anger, argumentative behavior
- (m) incoherent, low or rambling speech
- (n) avoidance of supervisory contact
- (o) glassy eyes or blank stare

- 2. As a part of a post-accident investigation;
- 3. Random testing of employees required to have a commercial driver's license to fill their job duties, pursuant to Section VIII; or
- 4. As part of a rehabilitation program.

- B. An employee who refuses to submit to drug or alcohol testing may be subject to disciplinary action.
- C. All drug and alcohol testing shall be conducted by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology and approved by the District. All drug or alcohol tests with positive results or a possible false positive result shall require a confirmation test.
- D. As provided above, disciplinary action may be taken against an employee if such testing establishes or supports evidence of a violation of this policy.

VIII. ~~RANDOM~~ ALCOHOL AND DRUG TESTING FOR EMPLOYEES WITH CDL

- A. The following ~~applies to materials are made available to employees holding a CDL as required by Title 49 CFR § 382.601(b) drivers shall include detailed discussion of at least the following:~~
 - 1. The ~~Director of Human Resources or a designee will answer questions regarding this policy. identity of the person designated by the employer to answer driver questions about the materials;~~
 - 2. ~~All employees required to have a CDL as part of their employment for their job are The categories of drivers who are subject to Section VIII of this policy. the provisions of this par~~
 - 3. ~~Sufficient information about Driving a vehicle is considered the a safety-sensitive function. At all times that an employee is driving a vehicle in the course and scope of the employee's employment, the employee is s performed by those drivers to make clear what period of the work day the driver required to be in compliance with this Section.~~
 - 4. ~~Driving a bus under the influence is strictly prohibited by all bus drivers. In addition, all conduct listed under Section V is strictly prohibited. Specific information concerning driver conduct that is prohibited by this part;~~

5. ~~All~~ The circumstances under which a drivers employees who are required to have a CDL are subject to random drug testing and will be also be tested for alcohol and/or controlled substances under this part, including post- following any accident involving the loss of human life, or where the employee receives a citation under state or local law for a moving traffic violation arising from the accident, if the accident involved with bodily injury or one or more motor vehicles incurred disabling damage, pursuant to testing under Title 49 CFR § 382.303.
6. The Omnibus Transportation Employee Testing Act of 1991 (the Omnibus Act) requires that employees performing safety-sensitive duties and holding a CDL be tested for alcohol, cannabinoids, cocaine metabolite, opiates, phencyclidine, and amphetamines/methamphetamine under six of the following conditions:
 - i. Pre-employment²
 - ii. Random
 - iii. Reasonable Suspicion
 - iv. Post-accident
 - v. Return to duty
 - vi. Follow-up
7. The following procedures will be used to test for the presence of alcohol and controlled substances:
 - i. Unobserved urine collection³ - This is the routine urine collection conducted in the privacy of a restroom stall or other such facility.
 - ii. Direct observation urine collection⁴ - This procedure is followed when previous violations have occurred, or when tampering with specimens is suspected, prompting the District to exert extra care in documenting the source and handling of a urine specimen.
 - iii. Saliva alcohol test - This method may be used for initial alcohol screening under random, post-accident, return-to-duty, follow-up, and reasonable suspicion test conditions. It may not be used for confirmatory testing.
 - iv. Breath test - This method may be used for the initial screen and for confirmatory testing. The breath test must be performed by a certified Breath Alcohol Technician and must be performed under the conditions of the USOE Drug/Alcohol Testing Statewide Contract and in accordance with Part 40, Title 49, Code of Federal Regulations as amended.

² Pre-employment testing includes the five-drug screen but does not include the alcohol test.

³ The procedures for unobserved urine collection can be found in the State of Utah Pupil Transportation Drug and Alcohol Testing Policies and Procedures Employee Handbook, section VIII(D).

⁴ The procedures for observed urine collection can be found in the State of Utah Pupil Transportation Drug and Alcohol Testing Policies and Procedures Employee Handbook, section VIII(E).

8. The District will

~~procedures that will be used to test for the presence of alcohol and controlled substances,~~ protect the employee and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee, including post-accident information, procedures and instructions required by Title 49 CFR § 382.303;

- i. Test results are confidential. The District is not permitted to disclose test results to outside parties without the employee's written consent.
 - a. However, test information may be released (without consent) in certain situations, such as legal proceedings, grievances, or administrative proceedings brought by the District or on the employee's behalf, which resulted from a positive result or a refusal.
 - b. When the information is released, the District shall notify the employee in writing of any information the District released.
- ii. Release of Positive Test Results
 - a. A confirmed positive test result will not be distributed until a review has been conducted by the MRO and the positive result has been verified.
 - b. A copy of the verified positive test result will be provided by the MRO to the employee at their home address in an envelope clearly labeled "To be opened by addressee only." This notice will be mailed on the same day as verification of the positive test result by the MRO and will be signed by the MRO.
 - c. At the conclusion of contact between the MRO and the tested employee, the signed, verified positive test report will be sent to the Pupil Transportation Specialist, who shall safeguard the confidentiality of the report in addition to Section VIII.A.8.iv. below.
- iii. Release of Negative Test Results
 - a. Negative results will be sent to the Drug Program Coordinator, who will then provide employees with the results of their tests. For applicants, the Drug Program Coordinator will send results of the pre-employment tests to the District office.
- iv. Records Maintenance and Retention
 - a. All random test lists generated by the contractor for the District will be sent to the Drug Program Coordinator of the District.
 - b. The report will be maintained in a secure filing system in such a manner as to limit access.
 - c. No other copies of the verified positive test report will be made or maintained.

- v. Communications regarding sensitive medical information (positive drug test results, medical record reviews, medical interviews, consultations with treating physicians, etc.) will be conducted in a manner that provides the maximum protection of the employee's right to privacy. Medical details in individual cases will be restricted to communications between health care professionals and only as required to arrive at a decision regarding a positive drug test result or return to duty for employees who have entered an abatement or rehabilitation program.
 - a. Telephone communication is permitted for the purpose of acquiring medical or other information necessary to arrive at a medical determination in individual cases. Only those persons who have a need to know will participate in such conversations.
 - b. Transmittal of written medical information will be by sealed envelope labeled "Confidential." This includes test results, medical record and interview information, communications between an EAP coordinator and a MRO, and copies of the Custody and Control Form.
9. ~~The requirement that~~ An employee driver is required to submit to alcohol and controlled substances tests administered in accordance with this Section.
10. —An employee who refuses to submit, as defined in Section III of this policy, to drug or alcohol testing under this section is violating state policy and will be immediately terminated from employment.
- i. The employee will be advised by the collector to report back to the District Supervisor.
 - ii. The collector will immediately notify the Drug Program Coordinator or District Supervisor and document the refusal in writing.
 - iii. The District will initiate termination action.
 - iv. Notice of termination will be sent to the Pupil Transportation Specialist, including employee's name, and CDL number. In addition, one copy of the collector's written record of the refusal will be sent to the Pupil Transportation Specialist.
- ~~An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;~~
11. Pursuant to ~~the~~ Title 49 CFR, Subpart B, employees found to have violated the prohibitions listed under this part, shall be subject to disciplinary action in accordance with Policy 7900. In addition, an employee will be removed immediately from safety-sensitive functions, ~~The consequences for drivers found to have violated subpart B of this part, including the requirement that the driver be removed immediately from safety sensitive functions, and where applicable, subject to the procedures listed under Title 49 CFR, Subtitle A, Part 40, Ssubpart O, titled Substance Abuse Professionals and the Return-to-Duty Process. of this title;~~
12. Prohibited Breath/Saliva-Alcohol Concentrations (BAC)

- i. There is a zero tolerance policy for employees who perform safety-sensitive duties. This policy is stricter than Federal limits.
 - a. An employee with a blood-alcohol concentration (BAC) of 0.02 or greater is not permitted to perform safety-sensitive duties for the District.
 - b. Following a determination that an employee has had a test result of 0.02 BAC or greater, the following sanctions apply:
 - 1. If the violation occurs immediately prior to, or while the employee is engaged in safety-sensitive duties or immediately after the employee ceases to perform safety-sensitive duties, termination from employment is mandatory. ~~The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04;¶~~
13. ~~The requirement that the~~ following personal information collected and maintained under ~~this section this part~~ shall be reported to the Clearinghouse:
- i. A verified positive, adulterated, or substituted drug test result;
 - ii. An alcohol confirmation test with a concentration of 0.04 or higher;
 - iii. A refusal to submit to any test required by ~~Title 49 CFR Part 382 Subpart C; subpart C of this part;~~ Title 49 CFR Part 382 Subpart C;
 - iv. An employer's report of actual knowledge, as defined in ~~Title 49 CFR 382.107; at § 382.107;~~ Title 49 CFR 382.107;
 - a. On duty alcohol use pursuant to ~~Title 49 CFR 382.205 § 382.205;~~ Title 49 CFR 382.205;
 - b. Pre-duty alcohol use pursuant to ~~Title 49 CFR 382.207 § 382.207;~~ Title 49 CFR 382.207;
 - c. Alcohol use following an accident pursuant to ~~Title 49 CFR 382.209 § 382.209;~~ Title 49 CFR 382.209; and
 - d. Controlled substance use pursuant to ~~Title 49 CFR 382.213 § 382.213;~~ Title 49 CFR 382.213;
 - v. A substance abuse professional (SAP as defined in ~~Title 49 CFR 40.3 § 40.3 of this title~~) report of the successful completion of the return-to-duty process;
 - vi. A negative return-to-duty test; and
 - vii. An employer's report of completion of follow-up testing.

~~(c) **Optional provision.** The materials supplied to drivers may also include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the employer's authority independent of this part. Any such additional policies or consequences must be clearly and obviously described as being~~

~~based on independent authority.~~

14. Certificate of receipt. Each ~~employer shall ensure that each~~ employee under this section ~~driver~~ is required to sign a statement certifying that they have received a copy of the materials described in this section. The District shall maintain the signed certificate and may provide a copy of the certificate to the employee.

IX. GRIEVANCE PROCEDURE

- A. An employee who has been subject to disciplinary action taken under this policy may initiate grievance procedures as provided in the employee policies and procedures of the District, subject to the provision of the appropriate employee agreement of the employee.

X. EMPLOYEE EDUCATION AND ASSISTANCE

- A. An employee who acknowledges or suspects they are struggling with an abuse of alcohol or drugs and desires assistance may benefit from the following:

1. Employee Assistance Program (EAP) ~~Counseling~~ - Blomquist Hale

- i. The Blomquist Hale Employee Assistance Program offers solution-focused counseling to help identify, treat, and refer employees to appropriate programs as it relates to ~~substance alcohol or drug abuse~~. In addition, this program may also help with marital/family counseling, stress, anxiety, depression, personal/emotional problems, grief/loss, financial/legal problems, addiction, and senior care planning. Counseling is available 24 hours a day, 7 days a week and is 100% confidential. This assistance is provided at no cost to the employee. For more information, visit <https://blomquisthale.com/employee/> or call (800) 926-9619. ~~This will be given by providing information, counseling, and referral for appropriate treatment at the employee's expense of group health benefits that may apply.~~

2. Sick Leave

- i. Sick leave benefits may be utilized for alcoholism or drug abuse treatment to the same extent and in the same manner as for any other illness.

3. Referral

- i. Employees who acknowledge a dependency problem with alcohol or drugs should voluntarily seek information, counseling, and appropriate referral direction on a confidential basis. An employee's job security or employment shall not be jeopardized in any way by a request for information, counseling or referral assistance, provided that the provisions in Section V of this policy have not been violated.

4. Additional Resources for Alcohol and Drug Abuse

- i. Substance Abuse and Mental Health Services Administration - <https://www.samhsa.gov/>

- a. Alcohol Use Resources

- b. Tobacco, E-cigarettes, and Vaping
- c. Marijuana and CBD
- d. Prescriptions and Opioids
- e. Stimulants
- ii. National Institute on Alcohol Abuse and Alcoholism - <https://www.niaaa.nih.gov/>
- iii. Crisis Help: Suicide, Mental Health, Drug, and Alcohol Issues
 - a. If you or someone you know is struggling or in crisis, call or text 9-8-8
 - b. If you or someone you know is in danger or having a medical emergency, call 9-1-1 or go to your nearest emergency room.

XI. COMPLIANCE

- A. All employees of the District shall abide by the terms of this policy as a condition of employment.
- B. Employees shall notify the District Human Resources Office within 48 hours of any arrest or conviction for possession, manufacturing, sale, use, dispensing, or distribution of drugs or other controlled substances.
- C. Employees shall also report within 48 hours any arrest or conviction related to supplying alcohol or tobacco to minors or related to driving under the influence of alcohol or other intoxicants.
- D. Failure to abide by and conform personal conduct to this policy will result in the disciplinary sanctions as provided herein.

Approved by the board: 11/06/2024