



Board Policy 814 Drug and Alcohol Testing Program

Purpose

The impairing effects of drugs and alcohol and the substantial risks to public safety by transportation personnel who use drugs and alcohol underlie the government's interest in requiring drug and alcohol testing of transportation workers. The Omnibus Transportation Employee Testing Act of 1991 requires the Department of Transportation (DOT) to promulgate regulations for drug and alcohol testing for persons in safety-sensitive positions in various transportation industries.

In February 1994, the Federal Highway Administration (FHWA), the DOT agency administering regulations that cover District employees, published rules requiring drug and alcohol testing for employees in safety-sensitive positions requiring a commercial driver's license (CDL). The purpose of these rules is to help prevent accidents and injuries resulting from the use of drugs and alcohol by drivers of commercial motor vehicles (CMV). The result of these rules is that District employees who are required to have a CDL will be required to undergo drug and alcohol testing beginning January 1, 1996.

In order to have a successful program, it is important that covered supervisors and employees know what is expected of them. This document serves to explain the requirements of the drug and alcohol testing regulations and the District's policies and procedures with respect to meeting those requirements. The District reserves the right to amend the Drug and Alcohol Testing Program Policy and Reference Guide. Amendments will be communicated to affected staff.

Safety-Sensitive Function

The term "safety-sensitive function" is used throughout the FHWA rules and in this document. The FHWA defines a "safety-sensitive function" as any of those on-duty functions as listed below:

- All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSRs) or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
- All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time spent performing the driver requirements associated with an accident.
- All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

Covered Employees

The FHWA drug and alcohol testing rules apply to every person who operates a CMV requiring a CDL.

Contact Persons

Questions concerning interpretation of these materials should be directed as follows:

Policy, Procedures, and Pre-Employment
Director of Human Resources
(559) 934-2160

Prohibited Controlled Substance and Alcohol-Related Conduct

The following drug and alcohol-related activities are prohibited by the FHWA's drug use and alcohol misuse rules for drivers of CMVs:

- Reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- Using alcohol while performing safety-sensitive functions.
- When required to take a post-accident test, using alcohol within eight hours following the accident prior to undergoing a post-accident alcohol test, whichever comes first.
- Refusing to submit to a controlled substance or alcohol test required by post-accident, random, reasonable suspicion, or follow-up testing requirements.
- Performing Safety Sensitive Function within four (4) hours after using alcohol.
- Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when instructed by a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a CMV.
- Reporting for duty, remaining on duty, or performing a safety-sensitive function, if the driver tests positive for controlled substances.

Employee Responsibility

As a condition of employment, a covered employee must:

- Be able to perform his/her job duties without impairment due to the use of drugs or alcohol when on duty or subject to duty.
- Report to work without drugs or alcohol in his/her system.
- Not possess or utilize alcohol while on duty.
- Not use without prescription, possess, manufacture, sell, or distribute drugs in the workplace.
- Submit immediately to a drug or alcohol test when ordered by a supervisor, manager, or other designated District representative.
- Not perform safety-sensitive functions within four hours after using alcohol.

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- Not use alcohol for eight hours following an accident if required to submit to a post-accident test.
- Promptly notify his/her supervisor when he/she observes or has knowledge of another covered employee:
 - using, possessing, manufacturing, distributing, or selling drugs at work or
 - in a condition which impairs his/her ability to perform job duties or which poses a hazard to the safety or welfare of others.
 - confirm receipt of the District's written policy concerning drug and alcohol testing by signing a statement certifying he/she has received a copy of these materials.

Supervisor Responsibility

Supervisors are responsible for enforcement of this policy and shall:

- notify and instruct covered employees when they are selected for random drug or alcohol testing.
 - ensure that covered employees receive post-accident information, procedures, and instructions, prior to the employee operating a District vehicle.
 - if possible, transport a covered employee to a post-accident drug and alcohol test as soon as practical following an accident when:
 - the accident involves a fatality;
 - the accident involves a serious injury in which immediate medical treatment is required away from the scene of the accident;
 - the driver receives a citation under state or local law for a moving traffic violation arising from the accident; or
 - the information available at the time of the accident indicates the driver's performance may have contributed to the accident.
- Note: It is the employee's ultimate responsibility to ensure that testing is completed, even if the supervisor cannot be reached.*
- transport a covered employee to a reasonable suspicion drug or alcohol testing facility when the supervisor has reasonable suspicion to believe the employee has violated the drug or alcohol prohibitions.
 - not permit a covered employee to perform safety-sensitive functions with the knowledge that the employee possesses, uses, or has drugs or alcohol in their system.
 - not permit a covered employee to perform safety-sensitive functions when the employee refuses to submit to drug and/or alcohol testing.
 - immediately remove a covered employee from performing safety-sensitive functions when the employee has tested positive to drugs or has an alcohol concentration of 0.02 or greater.
 - remain on assigned collection site while reasonable suspicion or post-accident drug or alcohol testing is being conducted.

District Responsibility

The District shall:

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- ensure that each covered employee receives a copy of the District's written policy concerning drug and alcohol testing and signs a statement certifying receipt of these materials. For current staff, this shall be accomplished during staff training. For new hires, Human Resources will handle this area during orientation.
- ensure that persons designated to determine whether reasonable suspicion exists to require a covered employee to undergo drug and/or alcohol testing receive at least 60 minutes of training on drug use and an additional 60 minutes of training on alcohol misuse.
- ensure that covered employees whose alcohol tests indicate a blood concentration of 0.04 or greater or who test positive for drugs are advised of the resources available in evaluating and resolving problems related to drug and alcohol use. The Director of Human Resources shall be responsible for advising covered employees.

Employee Assistance Program

The District encourages employees with drug or alcohol dependencies to voluntarily obtain the earliest possible diagnosis or treatment of their problem. The District supports such efforts through its Employee Assistance Program which provides crisis intervention, assessment, information, and referral services for a wide range of problems, including alcohol and drug abuse. Information about the District's Employee Assistance Program can be reached at the Human Resources Office at (559) 934-2160.

Authorization for Previous Test Records

Within 14 days prior to performing a safety-sensitive function, DOT regulations require that the District obtain certain drug and alcohol testing records from the driver's previous employers for the previous two years. The District will verify that no prior employer of the driver has records indicating a violation of any DOT rule pertaining to controlled substance or alcohol use within the previous two (2) years. As a condition to employment, the driver shall provide the District with a written authorization for all previous employers within the past two years to release such drug and alcohol testing records as the regulations require.

Types of Testing

The District is required to perform drug and alcohol testing in the following situations:

- Pre-Employment

Description

Except as permitted by the Federal Department of Transportation (DOT) regulations (49 CFR - Section 382.301), all covered employee applicants, including current employees in non safety-sensitive positions, offered employment in positions requiring a CDL, must submit to pre-employment drug testing. Covered employee applicants who test positive for drugs will not be eligible for employment in those positions.

Procedure

At the time of the job offer, covered employee applicants will be notified by Human Resources that, as part of the pre-employment requirements, a urine sample will be collected to test for the presence of drugs. Human Resources will instruct the applicant to complete the *Pre-Employment Urinalysis* form (Appendix A) and will inform him/her of the location and time of the tests.

- Random

Description

Covered employees will be required to submit to random, unannounced drug and alcohol tests. Under current federal standards, 50 percent of all covered employees must be tested for drugs and 25 percent of all covered employees must be tested for alcohol each calendar year.

Testing dates and times will be announced and will be with unpredictable frequency throughout the year. Some employees may be tested more than once each year; some may not be tested at all. All covered employees have an equal chance of being tested each time selections are made. The District will comply with changes in federal testing requirements.

Random testing for drugs may be conducted at any time the covered employee is on duty. If an employee is selected for random alcohol testing, testing must be conducted just before, during, or just after a covered employee's performance of safety-sensitive duties or it is determined that the covered employee may be about to perform a safety-sensitive function. The Director of Human Resources shall coordinate this testing function.

Procedure

STA United, West Hills Community College's drug and alcohol testing program consortium, shall be responsible for conducting selections of covered employees for drug and alcohol tests using a statistically valid, computer-generated random program. STA United will notify the Director of Human Resources regarding which employees were selected for drug and/or alcohol tests. The Director of Human Resources shall be responsible for notifying selected employees of the test site. Just before testing is to begin, the Director of human Resources will inform the site supervisors who shall then inform selected employees that they must undergo random drug and/or alcohol testing and instruct them to proceed to the testing site immediately. The supervisor must also ensure that each covered employee receives the *Drug and Alcohol Testing Notification and Fact Sheet* (Appendix B). The supervisor will be responsible for this function.

- Post Accident

Description

As soon as practicable following an accident involving a District vehicle requiring a CDL to operate, the District shall test each covered employee for drugs and alcohol when:

- the accident involves a fatality; or
- the driver receives a moving vehicle citation and involves a serious injury in which immediate medical treatment is required away from the scene of the accident; or

- the driver receives a moving vehicle citation and involves disabling damage (e.g., any vehicle is towed).

Note: Nothing in the rule should be interpreted as to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

Procedure

When a covered driver is involved in an accident involving a District vehicle, the driver must follow the *Post-Accident Drug and Alcohol Testing Procedures* (Appendix C) provided in District vehicles requiring a CDL to operate. A supervisor shall be dispatched to the scene. If tests are warranted, the supervisor is responsible for transporting the driver to the testing site as soon as possible. If a supervisor cannot be reached, the employee is responsible. Drivers must be instructed to refrain from consuming alcohol for eight hours following the accident or until he/she submits to an alcohol test, whichever comes first. The supervisor must complete the *Post-Accident Log* form (Appendix D).

If a driver has not submitted to an alcohol test after two hours, the supervisor shall prepare and maintain on file a record stating the reason a test was not promptly administered. After eight hours, all attempts to administer the alcohol test will cease and be documented. If a driver has not submitted to a drug test after 32 hours, all attempts to administer the test will cease and be documented. A driver who is seriously injured and cannot provide a urine specimen or breath test at the time of the accident shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs or alcohol in his/her system. The individual's supervisor is responsible to see that the above actions are performed as required.

- Reasonable Suspicion

Description

Reasonable suspicion means a suspicion based on specific, contemporaneous, articulable observations concerning appearance, behavior, speech, or body odors.

A covered employee will be subject to a drug and/or alcohol test when a supervisor or District official (trained to identify potential alcohol or drug misuse) has reasonable suspicion that the covered employee has violated the District's drug and alcohol prohibitions or poses a threat to the safety of himself or herself and/or others. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the covered employee's appearance, behavior, speech, or body odor. The observations may also include indications of the chronic and withdrawal effects of controlled substances.

Drug and/or Alcohol Testing

Drug and/or alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the covered employee must comply with drug and/or alcohol prohibitions. A drug and/or alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test. If a drug and/or alcohol test is not administered within two hours of a determination of reasonable suspicion, the District will prepare and maintain a record

explaining why this was not done. Attempts to administer drug and/or alcohol tests shall terminate after eight hours.

Duty of Covered Employee Reasonably Suspected of Drug and/or Alcohol Misuse

Regardless of whether a reasonable suspicion drug and/or alcohol test is administered, a covered employee shall not report to duty or remain on duty requiring the performance of safety-sensitive functions while the covered employee is under the influence of or impaired by drugs and/or alcohol, as demonstrated by the behavior, speech, and performance indicators of drug and/or alcohol misuse, nor shall a covered employee be allowed to perform or continue to perform safety-sensitive functions, unless either of the following is met:

- a) A drug and/or alcohol test is administered and the covered employee's alcohol concentration measures less than 0.02; or
- b) Twenty-four (24) hours have elapsed following the determination by the covered employee's supervisor or District official that there is reasonable suspicion to believe that the covered employee violated the District's drug and/or alcohol prohibitions.

Written Observation Record for Drug and/or Alcohol Testing

A supervisor or District official who makes observations leading to a controlled substance reasonable suspicion test shall make a written record of his or her observations within twenty-four (24) hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier. (Observed Behavior - Reasonable Suspicion Record Form (Appendix E)).

- Return to Duty

Description

If a covered employee has been removed from duty after engaging in prohibited conduct regarding drug use and/or alcohol misuse, that employee must submit to return-to-duty drug and/or alcohol testing before returning to performing safety-sensitive functions. An employee cannot return to duty unless results of the drug test are verified as negative and/or results of the alcohol test indicate a breath alcohol concentration of less than 0.02.

Procedure

When a covered employee is required to submit to a return-to-duty test, the Director of Human Resources will instruct the employee to submit to a drug and/or alcohol test.

- Follow Up

Description

If it is determined that a covered employee is in need of assistance resolving problems associated with drug use and/or alcohol misuse, that employee will be subject to unannounced follow-up drug and/or alcohol testing as directed by the substance abuse professional (SAP) in coordination with the Director of Human Resources and the supervisor. Employees will be subject to a minimum of six follow-up drug and/or alcohol tests in the first twelve months. Alcohol follow-up testing shall be performed only when the employee is performing safety-sensitive functions or immediately prior to performing or immediately after performing safety-

sensitive functions or it is determined that the covered employee may be about to perform a safety-sensitive function.

Procedure

The Director of Human Resources will instruct the covered employee to submit to follow-up testing. Employees must inform their supervisor prior to testing. Upon completion of the test, employees must provide verification of submitting to a follow-up test to the Director of Human Resources.

Drug Testing Procedures

- Description

Drug testing is conducted by analyzing an individual's urine specimen for marijuana (THC metabolite), cocaine, amphetamines, opiates (including heroin), and phencyclidine (PCP). The District will contract with a medical services company for collection of urine samples in strict compliance with the DOT *Procedures for Transportation Workplace Drug and Alcohol Testing Programs* rule (49 CFR Part 40).

- Specimen Collection Procedures

Individuals are required to have individual privacy when providing a specimen; however, he/she must provide a specimen under direct observation when he/she presents a specimen that is outside the accepted temperature range and he/she refuses to have an oral body temperature measurement, when the body temperature measurement varies more than 1°C from the specimen temperature, or when the collector observes the donor attempting to adulterate or substitute the specimen. The District may require direct observation collection when the donor's last provided specimen was determined to be diluted or the donor has previously had a verified positive follow up test. Collection site personnel must be the same gender as the donor when a collection is conducted under direct observation.

Questions regarding the basis for direct observation of a repeat collection should be directed to the Director of Human Resources.

A trained medical person will collect samples using split specimen procedures which means each specimen is subdivided, in the presence of the donor, into two bottles labeled as "primary" specimen and "split" specimen. The collection site person prepares the specimens for shipment to a certified laboratory.

- Inability to Provide an Adequate Specimen

Individuals will be allowed up to three hours to provide a sufficient sample and will be directed by the collection site person to drink up to 40 oz. of fluids. If the individual cannot provide a complete sample within the three-hour period, the contract facility Medical Review Officer (MRO) shall refer the individual for a medical evaluation to determine if the individual's inability to provide a sample is genuine or constitutes a refusal.

- Refusal to Submit to Drug Testing

An individual who fails to provide adequate urine for drug testing without a valid medical explanation, fails to cooperate in the testing process, or adulterates, dilutes, or substitutes the specimens in any way shall be deemed as refusing to submit to drug testing.

- Laboratory Analysis

The analyses of the specimens are performed at laboratories certified and monitored by the Substance Abuse and Mental Health Administration (SAMHSA), a division of the Department of Health and Human Services (DHHS). The primary specimen is used for the initial analysis; the split specimen remains sealed. A screening test using immunoassay is performed on the primary specimen. If the primary specimen tests positive for one or more of the drugs, the laboratory will retest the same specimen by gas chromatography/mass spectrometry (GC/MS) analysis to confirm the positive result.

The laboratory reports results only to the MRO. If the analysis of the primary specimen is confirmed positive, the individual has 72 hours to request the MRO to send the split specimen to another DHHS certified laboratory for analysis at the individual's expense.

- Medical Review Officer (MRO)

The Medical Review Officer or MRO shall be a licensed physician with knowledge of substance abuse disorders. The MRO:

- reviews all lab test results prior to transmitting information to the District,
- protects the confidentiality of individuals,
- is the sole custodian of individual test results, and
- is responsible for the receipt, verification, notification, and reporting of test results.

- Notification of Results

All drug test results are reviewed and interpreted by the MRO before they are reported to the District. If the analysis of the primary specimen is confirmed positive, the individual has 72 hours to request the MRO to send the split specimen to another DHHS certified laboratory for analysis at the individual's expense. If the laboratory reports a positive split specimen result, the MRO will contact the individual to determine if there is an alternative medical explanation for the drugs found detected. If the individual provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug, the drug test result is reported as negative. If the MRO concludes that no legitimate medical reason exists for a positive test, the MRO will verify the result as positive. The MRO will report the results as follows:

RESULT	PERSON(S) NOTIFIED
Negative	Director of Human Resources
Positive	Director of Human Resources
Pre-Employment	Director of Human Resources

- Procedures to Protect Testing Integrity

Every effort will be made to protect covered employees and the integrity of the testing process and testing results. The District and the contractor shall take the following precautions to ensure that the specimen's security, proper identification, and integrity are not compromised.

- The collection site must afford privacy to individuals and must be secure at all times by preventing access to unauthorized persons.
- Collection site personnel must be trained to carry out the required collection procedures, or if they are licensed medical professionals or technicians, they must have instructions for conducting the required collection procedures.
- The collection site person shall ensure that individuals are positively identified through the presentation of photo identification or identification by a District representative.
- The following specific procedures must be followed during collection of the specimen:
 - The donor shall remove outer garments only.
 - The donor shall wash his/her hands prior to collection of specimen and shall not have access to any water sources until the specimen has been collected.
 - A bluing agent shall be added to toilet tank and bowl.
 - The collector shall remain outside the enclosure.
 - The donor may flush the toilet only after releasing specimen to collector.
- A *Drug Testing Custody and Control* form (Appendix F) must be completed by the collection site person and the donor at the time of collection and accompany all specimens to the laboratory.
- The collector and donor complete the collection process together including sealing and labeling specimen bottles, initialing bottle labels or seals, and signing and dating the custody and control form.
- The specimens must be kept in sight of the donor and collection site person until sealed and ready for shipment.
- All drug testing results and records shall be maintained under strict confidentiality by the District, the drug testing laboratory, and the MRO. Except as required by law, covered employee records shall not be released without the written consent of the employee authorizing release of the information to an identified person.

Alcohol Testing Procedures

- Description

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Alcohol testing is conducted by measuring the alcohol in a volume of breath using an approved evidential breath testing (EBT) device. The District will contract with a medical services company for breath alcohol testing in strict compliance with the DOT *Procedures for Transportation Workplace Drug and Alcohol Testing Programs* rule (49 CFR Part 40).

- **Breath Alcohol Test**

Two breath tests are required to determine if an individual has a prohibited alcohol concentration. A certified Breath Alcohol Technician (BAT) will conduct a screening test first. After the BAT has conducted the breath test, the results are shown to the individual being tested. Any result less than 0.02 alcohol concentration is considered a "negative" test; no further testing is required.

If the alcohol concentration is 0.02 or greater, a second or confirmation test must be conducted 15 to 20 minutes after the completion of the screening test. Following the completion of the confirmation test, the BAT shall display the result to the individual. In the event the screening and confirmation test results are not identical, the confirmation test result is deemed to be the final result.

- **Inability to Provide Adequate Amount of Breath**

If the individual attempts and fails to provide an adequate amount of breath, the test is considered a positive result unless the individual's personal physician determines otherwise.

- **Refusal to Submit to Alcohol Testing**

An individual who fails to provide adequate breath for testing without a valid medical explanation or who fails to cooperate in the testing process shall be deemed as refusing to submit to alcohol testing.

- **Notification of Results**

The District will designate a representative for receiving and handling alcohol testing results in a confidential manner. The results of the screening or confirmation test will be forwarded by the BAT as follows:

RESULT	PERSON(S) NOTIFIED
Below 0.02	Director of Human Resources
0.02 and Above	Director of Human Resources
Pre-Employment	Director of Human Resources

Note: Employees whose test results are 0.02 or above must be immediately removed from safety-sensitive duty.

- Procedures to Protect Testing Integrity

Every effort will be made to protect employees and the integrity of the testing process and testing results. The District and the contractor shall take the following precautions to ensure accuracy, reliability, and confidentiality of test results.

- Breath samples will be taken by a BAT who is trained in the operation of the EBT with courses that are equivalent to the DOT model course.
- EBTs shall be approved by the National Highway Traffic Safety Administration (NHTSA) and meet the requirements of the DOT.
- The testing location shall be sufficient to prevent unauthorized persons from seeing or hearing test results.
- Unauthorized persons shall not be permitted access to the testing location while the EBT is unsecured.
- The BAT shall ensure that individuals are positively identified through the presentation of photo identification or identification by a District representative.
- A *Breath Alcohol Testing* form (Appendix G), prescribed by the DOT, must be completed by the BAT and the individual being tested during the testing process to ensure that the results are properly recorded.
- The BAT shall supervise only one individual's use of the EBT at a time and shall not leave the alcohol testing location while the testing procedure for a given individual is in progress.
- The District shall maintain records in a secure manner. Except as required by law, employee records shall not be released without the written consent of the employee authorizing release of the information to an identified person.

Consequences of Policy Violations

- Positive Drug Test

Any unauthorized use of controlled substances is prohibited. Illicit use of drugs by safety-sensitive employees is prohibited on or off duty. If the MRO has determined that a covered employee's positive drug test resulted from the unauthorized use of a controlled substance, or the employee violates one of the drug prohibitions, the employee will be removed from safety-sensitive duty, and he/she will be subject to disciplinary action including dismissal. In addition, the covered employee shall be referred to a Substance Abuse Professional (SAP) for evaluation and possible enrollment in a rehabilitation program.

Costs associated with evaluation and rehabilitation program which are above and beyond the medical benefits offered by the District are the employee's responsibility. If the employee is retained in employment, he/she shall be subject to follow-up testing by the District.

Covered employee applicants offered a safety-sensitive position who test positive for drug use will not be eligible for employment in that position.

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Covered employee applicants who are current District employees and are offered an assignment in a safety-sensitive position will not be eligible for employment in that position if they test positive for drug use, and he/she may be subject to disciplinary action.

- Alcohol Concentration 0.02 - 0.039

Covered employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions and may be subject to disciplinary action. Covered employees whose confirmatory alcohol test is 0.02 or greater but less than 0.04 will be removed from safety-sensitive functions.

Also, the employee will then be required to meet with his/her supervisor to discuss the problem prior to being allowed to perform a safety-sensitive function.

Covered employee applicants offered a safety-sensitive position whose confirmatory alcohol test is 0.02 or greater but less than 0.04 will not be eligible for employment in that position.

Covered employee applicants who are current District employees being offered an assignment in a safety-sensitive position whose confirmatory alcohol test is 0.02 or greater but less than 0.04 will not be eligible for employment in that position.

- Alcohol Concentration 0.04 or Greater

Covered employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions. Covered employees whose confirmatory alcohol test is 0.04 or greater will be removed from safety-sensitive functions and may be subject to disciplinary action including dismissal. In addition, the covered employee shall be referred to a Substance Abuse Professional (SAP) for evaluation and possible enrollment in a rehabilitation program. Costs associated with evaluation and rehabilitation program which are above and beyond the medical benefits offered by the District are the employee's responsibility. If the employee is retained in employment, he/she shall be subject to follow-up testing by the District.

Covered employee applicants offered a safety-sensitive position will not be eligible for employment in that position if their confirmatory alcohol test is 0.04 or greater.

Covered employee applicants who are current District employees being offered an assignment in a safety-sensitive position will not be eligible for employment in that position and may be subject to disciplinary action.

- Refusal to Submit to Drug or Alcohol Testing

Any covered employee who refuses to submit to drug and/or alcohol testing or who fails to cooperate in testing procedures shall be considered to have tested positive and shall be removed from safety-sensitive duty, and he/she may be subject to disciplinary action including dismissal.

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Covered employee applicants offered a safety-sensitive position who refuse to submit to drug and/or alcohol testing or who fail to cooperate in testing procedures shall be considered to have tested positive and will not be eligible for employment in safety-sensitive positions.

Covered employee applicants who are current District employees being offered an assignment in a safety-sensitive position and who refuse to submit to drug and/or alcohol testing or who fail to cooperate in testing procedures shall be considered to have tested positive and will not be eligible for employment in that position.

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