Information Sheet – 11/14/17 - Board of Trustees Meeting

TO: Board of Trustees Item: 6.1

FROM: Celli Coeville

DATE: November 9, 2017

RE: Revise BP/AR 4112.41/4212.41/4312.41, Employee Drug Testing

Revise Employee Drug Testing Board Policy and Administrative Regulation, to include specific safety-sensitive positions that will be tested.

Recommendation: Adopt revised Board Policy and Exhibit as presented

All Personnel BP 4112.41(a)
4212.41
4312.41

EMPLOYEE DRUG TESTING

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

(cf. 4020 - Drug and Alcohol-Free Workplace)
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)

Pre-Employment Drug/Alcohol Testing for Safety-Sensitive Positions

Because students and staff have the right to a safe and secure campus where they are free from physical and psychological harm, the Board authorizes the testing of prospective employees in safety-sensitive positions for drug and alcohol use. The following positions are safety-sensitive and are subject to the district's program:

Position	Safety-Sensitive Duties
Bus Driver	Driving Students on the school bus

Once a conditional offer of employment has been made, prospective employees in these identified positions shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

Final Selection of a job applicant for a position shall not be made until the applicant has successfully completed the screening.

All testing and medical examinations shall be conducted in accordance with state and federal law, and in accordance with Board policy and administrative regulation.

(cf. 4112.4 /4212.4/4312.4 - Health Examinations)
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information

Legal Reference:

EDUCATION CODE
44839 Medical certificate; periodic medical examination
45122 Physical examinations
GOVERNMENT CODE
8350-8357 Drug-free workplace
12940 Unlawful employment practices
CODE OF REGULATIONS, TITLE 5
5504 Medical certification procedures
UNITED STATES CODE, TITLE 20
7101-7143 Safe and Drug-Free Schools and Communities Act
COURT DECISIONS
Loder v. City of Glendale, (1997) 14 Cal. 4th 846
Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386

EMPLOYEE DRUG TESTING (continued)

Legal Reference: (continued)

International Brotherhood of Teamsters v. Department of Transportation, (1991) 932 F.2d 1292
Skinner v. Railway Labor Executives' Assn, (1989) 489 U.S. 602
National Treasury Employees Union v. Von Raab, (1989) 109 S.Ct. 1384
PUBLIC LAW 107-110
4001-4304 Safe and Drug-free Schools and Communities Act

EMPLOYEE DRUG TESTING

Pre-Employment Drug/Alcohol Screening for Safety-Sensitive Positions

~~Final selection of a job applicant for a position shall not be made until the applicant has successfully completed a drug and alcohol screening required as part of the pre-employment physical examination~~.

Applicants shall sign a form consenting to the drug and alcohol testing. The consent form shall authorize release of the test results to the district.

To ensure the privacy of the drug and alcohol screening of job applicants, the district will not use test results for any purpose other than those stated in Governing Board policy and administrative regulation. The district shall maintain the confidentiality of screening records and shall not disclose these records unless the applicant has consented to the disclosure or the Superintendent or designee is presented with a court order requiring the disclosure.

All initial screening tests shall be conducted at the district's expense. If an applicant's initial test is positive, a second test shall be administered as soon as possible to confirm the results. This test also shall be conducted at the district's expense.

Upon obtaining a second positive result, the applicant may seek an independent drug and alcohol screening from a recognized medical laboratory at his/her own expense. Any applicant who fails to provide the district with a negative drug and alcohol screening report within five working days of a confirmed positive result shall be determined to have failed the screening and shall not be employed.

Failure to submit to the process or to complete the process shall preclude the applicant from being hired into the position. Disqualified applicants shall not be prohibited from applying for another job within the district.