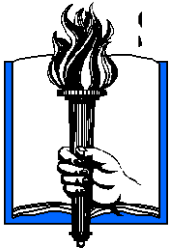


**MURFREESBORO CITY SCHOOLS
ADMINISTRATIVE DIRECTIVES**



Descriptor Term: Drug and Alcohol Testing for CDL Personnel	Descriptor No: AD PER11	Effective Date: 3/96
Reviewed/Revised: 8/14; 3/19; 7/19		

1 The Murfreesboro City Schools Supervisor of Transportation has responsibility for monitoring
2 the implementation of Board Policy 5.403 for CDL personnel including but not limited to
3 acquiring pre-employment testing and documentation, on duty documentation as needed, and
4 arranging for testing with CCTSC as needed.

5
6 **DRUG USE/DISTRIBUTION/IMPAIRMENT/POSSESSION**

7 CDL personnel are prohibited from possessing, distributing, manufacturing, or having controlled
8 substances, abusing prescription drugs or any other mind altering or intoxicating substance
9 present in their systems while at work or on duty.

10
11 CDL personnel must inform their supervisor when they are taking medication, which may affect
12 their ability to work, in order to avoid creating safety problems and violating the Drug and
13 Alcohol policy.

14
15 **ALCOHOL USE/POSSESSION/IMPAIRMENT**

16 CDL personnel are prohibited from drinking, or being impaired or intoxicated by alcohol while
17 at work or on duty. While CDL personnel are prohibited from having any alcohol present in
18 their system while on duty, a Blood Alcohol Concentration (BAC) of .04 will be accepted as
19 presumptive evidence of impairment.

20
21 **OFF-DUTY CONDUCT**

22 A CDL employee's personal habits are his/her own affair. However, the Murfreesboro City
23 Schools must become involved when the use and/or abuse of controlled substances affect a CDL
24 employee's job performance. When job performance is poor, sound business practice dictates
25 immediate corrective action or termination.

26
27 **SUBSTANCE SCREENING**

28 **A. Applicants**

29 Substance screening is required for all final applicants applying for a position for which drug
30 testing is required by the provisions of the Omnibus Transportation Testing Act of 1991.
31 Applicants will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to
32 execute the required consent/release form.

33
34 **B. All Current Employees Subject to the Omnibus Transportation Employee**
35 **Testing Act of 1991.**
36

37 **1. REASONABLE CAUSE:**

38 CDL personnel will be required to submit to screening whenever a supervisor observes
39 circumstances which provide reasonable cause to believe any employee has used a controlled
40 substance, alcohol or has otherwise violated the substance abuse rules. Examples of
41 circumstances that may establish reasonable cause to warrant testing include: supervisor
42 observation, co-worker complaints, performance decline, attendance or behavior changes,
43 involvement in a workplace or vehicular accident, or other actions which indicate a possible
44 error in judgment or negligence, other violations of the drug and alcohol policy.
45

46 **2. RANDOM TESTING:**

47 Murfreesboro City Schools will conduct random unannounced screening of all CDL personnel.
48 Tests of CDL personnel for illicit drugs or alcohol use will be conducted in a number equal to or
49 greater than 50 percent of the affected workforce--without any advance notice--in any given 12-
50 month period. Tests of CDL personnel for alcohol will be conducted in a number equal to or
51 greater than 25 percent of the affected workforce--without advance notice--in any given 12-
52 month period. There will be no maximum number of samples that any one individual will be
53 required to provide during the testing schedule. CDL personnel will be required to report to the
54 Murfreesboro City School designated collection site for testing as soon as possible but in no case
55 later than 4 hours following notification. Annually, the tests will be spread reasonably over 12
56 months.
57

58 **3. POST ACCIDENT TESTING:**

59 CDL personnel are required to notify his/her supervisor immediately of any accident resulting in
60 injury or damage to Murfreesboro City Schools property.
61

62 CDL personnel involved in a reportable accident, defined as an accident resulting in injuries, or a
63 fatality, and/or related accidents involving Murfreesboro City Schools property, or an accident
64 where the driver has been cited for a moving violation, is required to undergo drug screening
65 within 32 hours of the occurrence and alcohol screening within 2 hours of the occurrence. Any
66 CDL personnel who fail to report an accident or submit to substance screening where required by
67 law or this policy will be disciplined.
68

69 **4. RETURN TO DUTY TESTING:**

70 CDL personnel referred through administrative channels that undergo a counseling or
71 rehabilitation program or who are suspended for abuse of substances covered under this policy
72 will be subject to unannounced testing following return to duty for not less than 12 months and
73 no more than 60 months. Testing will be on a random basis, daily, weekly, monthly or longer
74 basis and in addition to other types of tests provided in this policy.
75

76 **C. TESTING PROCEDURES:**

77 **1. GENERAL GUIDELINES:**

78 The Murfreesboro City Schools shall rely upon the Federal Department of Transportation,
79 Procedures for Transportation Workplace Drug Testing Programs, 49 C.F. Parts 30.39, and on
80 the future guidance of the Omnibus Transportation Employees Act provided in 49 C.F., 382,
81 391, 392, 395.
82

83 **2. SUBSTANCES TESTED FOR:**
84

85 CDL personnel will regularly be tested for amphetamines, cocaine, marijuana, opiates, and
86 phencyclidine. Testing for alcohol will also be conducted subject to the Omnibus Transportation
87 Act of 1991.

88
89 **3. TESTING PROCEDURE:**

90 The Murfreesboro City Schools will utilize urinalysis in completing all drug testing, and
91 evidential breath testing (EBT) will be utilized for alcohol testing.

92
93 **D. COLLECTION SITES:**

94 The Murfreesboro City Schools will designate collection sites where individuals may provide
95 specimens.

96
97 **E. COLLECTION PROCEDURES FOR ALCOHOL TESTING:**

98 The Murfreesboro City Schools will maintain a documented procedure that ensures accuracy,
99 reliability, and confidentiality of test results. All tests will be performed using evidential breath
100 testing (EBT) devices approved by the National Highway Traffic Safety Administration
101 (NHTSA). There are, in addition, training and proficiency requirements for the breath alcohol
102 technicians (BAT), quality assurance plans for the breath testing devices (including calibration
103 requirements for a suitable test location), and protection of driver test records. Two breath tests
104 are required to determine if a person has a prohibited alcohol concentration.

105
106 **F. COLLECTION PROCEDURES FOR DRUG TESTING:**

107 The Murfreesboro City Schools and the laboratory will maintain a documented procedure for
108 collection, shipping, and accessing urine specimens. A tamper-proof sealing system, identifying
109 numbers, labels, and sealed shipping containers will be used to safeguard the specimen in a
110 transit status.

111
112 Collection sites will maintain instructions and provide training for collection site personnel as
113 needed to protect the integrity of the specimen.

114
115 **G. EVALUATION AND RETURN OF RESULTS:**

116 The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the
117 results of all tests to the Director of Transportation. The DOT will be responsible for viewing
118 the quantified test results of employees and confirm that the individuals testing positive have
119 used drugs in violation of the Murfreesboro City Schools policy. Prior to making a final
120 decision, the DOT shall give the individuals an opportunity to discuss the result either face to
121 face or over the telephone. The DOT shall then notify the designated contact person which
122 employees or applicants test positive.

123
124 **H. RELEASE OF TEST RESULTS:**

125 However, all CDL personnel will be required to execute a consent/release form permitting the
126 Murfreesboro City Schools to release test results and related information to the Department of
127 Employment Security or the relevant government agency.

128
129 The DOT shall retain the individual test results for positive specimen for five (5) years and
130 negative for twelve (12) months.

131
132 **ENFORCEMENT**

133 In order to enforce these rules, the Murfreesboro City Schools reserves the right to require all
134 CDL personnel (defined as all CDL personnel subject to the Omnibus Transportation Testing
135 Act of 1991) to submit, at any time an employee is on duty, to drug and alcohol tests to
136 determine the presence of prohibited substance. The Murfreesboro City Schools is required to

137 develop, implement, and enforce a drug and alcohol policy for their CDL employees. This is a
138 condition of compliance with the Omnibus Transportation Employee Testing Act of 1991.

139
140 Pursuant to the Murfreesboro City Schools policy and regulations, testing will be done prior to
141 employment, when a supervisor has reasonable cause to believe a CDL employee has violated
142 the Murfreesboro City Schools' Alcohol and Drug Policy, and on a random basis without
143 advance notice. CDL personnel are also required to report all injuries or damage-related
144 accidents involving Murfreesboro City Schools' property on personal or during company related
145 activities, and submit to drug screening within 32 hours of a reportable accident and alcohol
146 screening within 2 hours of the occurrence. CDL personnel who return to work following
147 alcohol rehabilitation will be required to undergo random testing in addition to the general
148 testing requirements.

149
150 Violation of these rules, including testing positive, will be subject to the following discipline:
151 Refusal to cooperate with the Murfreesboro City Schools in any test investigation will result in
152 discipline, including discharge under the applicable federal and state laws.

153
154 **DISCIPLINE**

155 The first (1) offense in testing positive for drugs is discharge.

156
157
158
159 **DEFINITIONS**

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161 Words used in this policy shall be defined as set out in Omnibus Transportation Employee
162 Testing Act of 1991 and regulations promulgated pursuant to such Act and implementing the
163 Act.
164

165
166 **NOTE:**

167
168 These procedures represent the Murfreesboro City Schools' current guidelines with a developing
169 program under evolving laws and facts, and may be changed in accordance with the
170 Murfreesboro City Schools' policy and state and federal law.
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176 Related Board Policies – 5.402, 1.804, 5.403
177 Attachment A
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MURFREESBORO CITY SCHOOLS
RECEIPT OF COMPANY POLICY

I _____ have received, read, and understand the Drug
and Alcohol Testing Policy for CDL personnel by Murfreesboro City Schools.

Signature

Date