The College District reserves the right to conduct searches when the College District has reasonable cause to believe that a search will uncover evidence of work-related misconduct. The College District may search the employee, the employee’s personal items, work areas, lockers, and private vehicles parked on College District premises or worksites or used in College District business. Searches that reveal a violation of the College District’s standards of conduct may result in disciplinary action. [See DH]

The College District may remove an employee from duty and require testing if there is reasonable suspicion that the employee is under the influence of alcohol or drugs used in violation of College District policy. The determination of reasonable suspicion may be based on specific observations of the appearance, behavior, speech, or body odors of the employee whose motor ability, emotional equilibrium, or mental acuity seems to be impaired while on duty or other relevant information. Any employee who is asked to submit to drug or alcohol screening will be given the opportunity to provide relevant information about prescription or nonprescription medications that may affect the screening.

A College District employee who refuses to comply with a directive to submit to testing based upon reasonable suspicion will be subject to disciplinary action, up to and including termination.

A College District employee confirmed to have violated the College District’s policy pertaining to alcohol or drugs may be subject to disciplinary action. [See DM series and DH]

In compliance with the federal Department of Transportation’s (DOT) Omnibus Transportation Employee Testing Act of 1991, the College District requires that all College District employees who drive a College District vehicle designed to transport the driver and 15 or more passengers and are required to have a commercial driver’s license be tested for drug/alcohol use as follows:

1. Preemployment Testing. Prior to the first time a covered employee performs a safety-sensitive function for the College District, such as driving the College District bus, the employee shall be tested for alcohol and controlled substances.

2. Random Testing. The College District’s drug/alcohol testing contractor is required to conduct random tests for alcohol and controlled substances. The selection of drivers for random alcohol and controlled substances testing shall be made by a scientifically valid method in which each covered employee has an equal chance of being tested each time selections are made.

Reasonable Suspicion Searches

Reasonable Suspicion Alcohol and Drug Testing

Department of Transportation Testing Program
3. Post-accident Testing. It is the responsibility of any employee, as soon as practicable, but in no case later than six hours following an accident involving a commercial vehicle, to be tested for alcohol and/or controlled substances, if:

   a. He or she was performing a safety-sensitive function with respect to the vehicle and the accident involved the loss of human life; or

   b. He or she received a citation under state or local law for a moving traffic violation arising from the accident.

All testing shall be performed by a laboratory certified by and accepted under DOT guidelines and regulations. Covered College District employees are provided with the name, telephone number, and address of the College District’s approved drug/alcohol testing contractor.

4. Reasonable Suspicion Testing. The College District requires a covered employee to submit to an alcohol/controlled substance test when reasonable suspicion exists that the employee has violated the prohibitions of DOT rules concerning the use of alcohol or a controlled substance.

In the event that a violation of this policy or related College District procedures is confirmed, the employee shall not be permitted to perform any safety-sensitive duty until he or she is cleared and in compliance with program guidelines. Violation of this policy or related College District procedures shall also result in disciplinary action as outlined in College District policy, which may include termination of employment.

In addition to employees covered by the DOT testing program, a College District employee whose job position has been designated as "safety sensitive" may be subject to mandatory pre-employment, reasonable suspicion, and random drug/alcohol testing.

Employee drug/alcohol testing may also be required as part of a medical examination pursuant to Board policies CKE(LEGAL) and DBB(LOCAL).

**Note:** The following provisions apply to employees who are covered by the federal Department of Transportation (DOT) rules.

**Federally Required DOT Testing Program**

In accordance with DOT rules, the College District will establish an alcohol and controlled substances testing program to help prevent accidents and injuries resulting from the misuse of alcohol and controlled substances by the drivers of commercial motor vehicles.
The primary purpose of the testing program is to prevent impaired employees from performing safety-sensitive functions.

The District President will designate a College District official who will be responsible for ensuring that information is disseminated to employees covered under this testing program regarding prohibited driver conduct, alcohol and controlled substances tests, and the consequences that follow positive test results.

Drug-related Violations

The following constitute drug-related violations under the DOT rules:

1. Providing an adulterated, diluted, or substituted specimen on an alcohol or controlled substances test.
2. Testing positive for alcohol, at a concentration of 0.04 or above, in a post-accident test.
3. Testing positive for controlled substances in a post-accident test.
4. Testing positive for alcohol, at a concentration of 0.04 or above, in a random test.
5. Testing positive for controlled substances in a random test.
6. Testing positive for alcohol, at a concentration of 0.04 or above, in a reasonable suspicion test.
7. Testing positive for controlled substances in a reasonable suspicion test.

An employee who operates a commercial motor vehicle, including a bus, and commits a drug-related DOT violation as defined above may be reinstated as a driver if he or she successfully completes a return-to-duty test. The employee may also be subject to follow-up tests.

In accordance with DOT rules, a driver tested under this policy and found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will be suspended from driving duties for at least 24 hours.

[In the event of a subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, see the disciplinary consequences at College District-Imposed Consequences, below.]
Reasonable Suspicion DOT Testing

Only supervisors specifically trained in accordance with federal regulations may, based upon reasonable suspicion, remove a driver from a safety-sensitive position and require testing for alcohol and/or controlled substances. The determination of reasonable suspicion will be based on specific observations of the appearance, behavior, speech, or body odors of the driver whose motor ability, emotional equilibrium, or mental acuity seems to be impaired. Such observations must take place just preceding, during, or just after the period of the workday that the driver is on duty.

The observations may include indication of the chronic and withdrawal effects of controlled substances. Within 24 hours of the observed behavior, the supervisor will provide a signed, written record documenting the observations leading to a controlled substance reasonable suspicion test.

College District-Imposed Consequences

In addition to the consequences established by federal law, a College District employee confirmed to have violated the College District’s policy pertaining to alcohol or controlled substances, including a second or subsequent positive test result for alcohol of 0.02 or greater but less than 0.04, will be subject to College District-imposed discipline, as determined by his or her supervisor(s) and the District President. Such discipline may include any appropriate action from suspension without pay during the period of removal from safety-sensitive functions, up to and including termination of employment will.

In cases where a driver is also employed in a non-driving capacity by the College District, disciplinary action imposed for violation of alcohol and controlled substances policies will apply to the employee’s functions and duties that involve driving. Additionally, upon recommendation of the employee’s supervisor, disciplinary measures up to and including termination of employment with the College District may be considered.