

CCS Administrative Procedure

2.30.03 – B Drug Free Workplace Safety Sensitive Function Compliance

Implementing Board Policy [2.30.03](#)

Contact: Human Resources

1.0 Drug Free Workplace Objective and Responsibilities (summary of Board of Trustees Policy 2.30.03)

It is the intention of Board Policy [2.30.03](#) – Drug Free Workplace, to eliminate substance abuse and its effects in district workplaces. While the Community Colleges of Spokane (CCS) has no intention of intruding into the private lives of its employees, abuse of controlled substances negatively impacts the educational environment, job performance and employee and student safety. The Board's objective is to ensure that employees are able to perform their duties safely and efficiently. The presence of controlled substances on the job, and the influence of these substances on the working environment, are inconsistent with this objective.

- 1.1 Effective January 1, 1996, CCS must comply with the United States Department of Transportation regulations implementing the [Federal Omnibus Transportation Employee Testing Act of 1991](#). Specifically, CCS must comply with the regulations of the [Federal Highway Administration](#) (FHWA). Adoption of a policy/procedure is one of the obligations under the regulations. This procedure sets forth the rights and obligations of covered employees.
- 1.2 Employees covered by these requirements (see Section 2.3 and 2.4 below) should familiarize themselves with the provisions of this policy because **compliance with this policy is a condition of employment**.
 - 1.2.1 Covered employees are still required to comply with the provisions of Administrative Procedure [2.30.03-A](#). The obligations and requirements set forth below are in addition to existing obligations and requirements set forth in the procedure.

2.0 Definitions

The following definitions are specific to the terms of this procedure and do not modify or revise similar terms as used in related procedures or collective bargaining agreements.

- 2.1 **Accident:** occurs when, as a result of an occurrence involving a vehicle or equipment, State or local law enforcement authority issues a citation to the covered employee for a moving violation arising from the incident.
- 2.2 **Controlled substance:** alcohol and all substances, drugs, or medications, legal or illegal, which could impair an employee's ability to perform the functions of the job effectively and safely and which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to CCS' reputation.
- 2.3 **Covered employee:** any classification that now meets, or will in the future meet, the safety sensitive definition and/or performs safety sensitive functions.
- 2.4 **Safety sensitive functions:** driving/operating one of the following vehicles/equipment:
 - 2.4.1 a vehicle with a gross vehicle weight of at least 26,001 pounds;
 - 2.4.2 a vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
 - 2.4.3 a vehicle designed to transport 16 or more passengers, including the driver; or

2.4.4 a vehicle used to transport those hazardous materials found in the [Hazardous Materials Transportation Act](#).

2.5 Substance abuse: abuse of controlled substances such that it impairs an employee's ability to perform the functions of their particular job safely and effectively and which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the district's reputation.

3.0 Prohibitions and Limitations

Covered employees may not be under the influence or in possession of controlled substances during work hours. Further, the regulations of the FHWA prohibit certain conduct while performing and prior to performing safety sensitive functions.

3.1 The following conduct will be considered cause for discipline, up to and including termination, as defined in the applicable collective bargaining agreements between CCS and its employees. Specific examples include, but are not limited to:

3.1.1 Reporting for duty or remaining on duty requiring the performance of safety sensitive functions while having an alcohol concentration level of 0.04 or greater;

3.1.2 Performing a safety sensitive function within four hours of using alcohol;

3.1.3 Being on duty or operating a vehicle described in Section 2.4 above, while possessing alcohol;

3.1.4 Using alcohol while performing a safety sensitive function;

3.1.5 Reporting for duty or remaining on duty requiring the performance of safety sensitive functions when the employee has used any controlled substances, except if the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle;

3.1.6 Reporting for duty or remaining on duty requiring the performance of safety sensitive functions if the employee tests positive for controlled substances;

3.1.7 Refusing to submit to any alcohol or controlled substance test required by this procedure. A covered employee who refuses to submit to a required test will be treated in the same manner as an employee who tested 0.04 or greater on an alcohol test or tested positively on a controlled substance test.

3.2 A refusal to submit to a controlled substance test required by this procedure includes, but is not limited to:

3.2.1 A refusal to provide a urine sample for a drug test;

3.2.2 An inability to provide a urine sample without a valid medical explanation;

3.2.3 A refusal to complete and sign the breath alcohol testing form, or otherwise to cooperate with the testing process in a way that prevents the completion of the test;

3.2.4 An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;

3.2.5 Tampering with or attempting to adulterate the urine specimen or collection procedure;

- 3.2.6 Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
- 3.2.7 Leaving the scene of an accident without a valid reason as to why or authorization from a supervisor or manager;
- 3.2.8 Consuming alcohol or ingesting a controlled substance during the eight hours immediately following an accident, unless the employee has been informed that their actions have been discounted as a contributing factor, or if the employee has already been tested.

4.0 Consequences for Employees Found to Have Alcohol Concentration Levels of 0.02 or Greater but Less Than 0.04

- 4.1 An employee whose alcohol test indicates an alcohol concentration level between 0.02 and 0.04 shall be removed from their safety sensitive position for at least eight hours. Such an employee may be subject to discipline up to and including termination. CCS will re-test the employee before returning them to duty. Before the employee may be returned to their safety sensitive position, the employee's alcohol concentration must indicate a concentration below 0.02.

5.0 Circumstances Under Which Controlled Substance Testing Will be Imposed on Covered Employees

- 5.1 Pre-employment testing: All applicants for classifications which are covered and all employees who transfer to classifications which are covered will be required to submit to pre-employment/pre-duty drug testing. Applicants will not be assigned to a safety sensitive position if they do not pass the test(s).
- 5.2 Post-accident testing: Post-accident controlled substance testing will be conducted on employees following an accident where the employee's performance cannot be discounted as a contributing factor.
 - 5.2.1 The decision as to whether to test the employee will be left to appropriate management. The presumption is for testing. The only reason an employee will not be tested following an accident is if a determination is made that the employee's performance could not have been a contributing factor. If a fatality occurs, the employee will be tested regardless of whether their involvement may be discounted.
 - 5.2.1.1 Post-accident alcohol tests shall be administered within two hours following an accident and no test may be administered after eight hours. A post-accident drug test shall be conducted within 32 hours following the accident. CCS Administrative Procedure [2.30.03-A](#) and the [Reasonable Suspicion Testing Consent Form](#) shall be provided to the employee for signature prior to testing.
- 5.3 Random Testing: Covered employees will be subject to random alcohol and drug testing as follows:
 - 5.3.1 A random alcohol test will be administered just prior to the employee performing a safety sensitive function (i.e. driving) while the employee is performing a safety sensitive function, or just after the employee has stopped performing a safety sensitive function. CCS will, as a part of a multi-jurisdiction consortium, subject at least 25% of the total number of covered employees in that consortium to random alcohol testing per year.
 - 5.3.2 A random drug test will be administered to at least 50% of the total number of covered employees in the consortium per year. Some employees may be tested

more than once in a year, while others are not tested at all depending on the random selection.

- 5.3.3 On the date an employee is selected for random drug or alcohol testing, their supervisor will ensure the employee's duties are covered. The employee will receive a written notice in the morning indicating the time they are to report to the lab for testing. Procedure [2.30.03-A](#) and the [Reasonable Suspicion Testing Consent Form](#) shall be provided to the employee for signature prior to testing.
- 5.4 Return-to-Duty/Follow-up Testing: A covered employee who has violated any of the prohibitions of this procedure must submit to a return to duty test before they may be returned to their position. The test result must indicate an alcohol concentration of less than 0.02 or a verified negative result on a controlled substances test.
 - 5.4.1 In addition, because studies have shown that the relapse rate is highest during the first year of recovery, the employee will be subject to follow-up testing which is separate from the random testing obligation. The employee will be subject to at least six unannounced drug/alcohol tests during the first year back to the safety-sensitive position following the violation. Procedure [2.30.03-A](#) and the [Reasonable Suspicion Testing Consent Form](#) shall be provided to the employee for signature prior to each test.

6.0 Related Information

- 6.1 CCS Administrative Procedure [2.30.03-A](#) Drug Free Workplace
- 6.2 [Federal Highway Administration](#)
- 6.3 [Federal Omnibus Transportation Employee Testing Act of 1991](#)
- 6.4 [Hazardous Materials Transportation Act](#)
- 6.5 [Reasonable Suspicion Testing Consent Form](#)

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