

HUMAN RESOURCE**TRANSPORTATION EMPLOYEES ALCOHOL AND CONTROLLED SUBSTANCE POLICY****I. INTRODUCTION TO SUBSTANCE ABUSE REGULATION**

Ohio County Board of Education (hereinafter referred to as the "Board") is committed to promoting a safe work environment, high standards of health and safety, and to protect the public by ensuring a drug free workplace. In order to establish and maintain a work environment free from effects of drug and alcohol abuse, the Board hereby creates this Substance Abuse Regulation. This program shall be implemented immediately.

Drug abuse is an illness that creates serious problems for employees, students, their families, the workplace and the community. Drug abuse acknowledges no boundaries of age, race or socioeconomic status. The keys to a successful substance abuse program are providing education to employees, offering assistance to employees and their families, fostering and encouraging an environment that produces a high quality work product that is "drug and alcohol free."

Consistent with these interests and according to the regulations promulgated by the Department of Transportation (DOT) and/or the Federal Motor Carrier Safety Administration (FMCSA) and pursuant to the Omnibus Transportation Employment Testing Act of 1991, the Board has adopted and implemented this Transportation Employee's substance abuse Regulation. This regulation creates obligations and requirements over and above those articulated by the Ohio County Board of Education Drug and Alcohol Free Workplace Regulation, and does not supersede or nullify any provisions of the Board's Drug and Alcohol Free Workplace Regulation.

II. PURPOSE OF THE SUBSTANCE ABUSE REGULATION

The employees of the Board are one of its most valuable resources, since it is through their work that services are provided. When delivering services, the health and safety of the public and the health and safety of employees are of paramount importance.

Drug and alcohol abuse is a national problem that affects everyone. With only 5% of the world's population, The United States consumes 60% of all illegal drugs. Alcoholism is an even bigger problem. No workplace is immune. 40% of workplace

accidents and 47% of workplace fatalities have drug and/or alcohol involvement. (Occupational Medicine) More than 90% of alcoholics and 74% of drug addicts are employed. (National Institute on Drug Abuse - Department of Health and Human Services) 15% to 17% of employees, on average, affect their workplace through substance abuse. (Bureau of Labor Statistics) So, this workplace is very likely no different. The Board is taking a strong stand to do something about a problem that endangers the employees, students and the community. Everyone is responsible for workplace safety, and this program represents an opportunity to help address a real problem.

Through this program the Board acknowledges the problem of substance abuse (including alcohol) in our society, and that substance abuse poses a serious threat to all aspects of the school system. The ultimate goal of this program is to establish and maintain a safer workplace and continue to promote high standards of health and safety in our community.

Behaviors related to substance abuse can endanger all employees, not just the abuser. Statistics show that when an accident is caused by substance abuse, 33% to 40% of the time some other employee is injured. As such, the Board intends to protect its workforce, students, community, and assets from accidents and injuries caused by substance abusers. Moreover, substance abusers ultimately reduce productivity and the quality of public services resulting in problems that affect everyone.

In summary, the purposes of this Transportation Employee's Substance Abuse Regulation include the following:

- A. To establish and maintain a healthy and safe work environment for all employees of the Board.
- B. To ensure the reputation of the Board and its employees as good, responsible citizens.
- C. To reduce the possibility of accidental injury to persons or property.
- D. To reduce absenteeism, tardiness, and indifferent job performance.
- E. To allow an employee the opportunity, at no cost to the Board, to overcome any addiction to, dependence upon, or problem relating to alcohol or controlled substances in accordance with the Board's Substance Abuse Regulation.

The Board is committed to a drug free workplace and to educating employees regarding the dangers of substance abuse. The Board also is committed to the accountability of employees for violations of this regulation through appropriate discipline, up to and including termination. Drug and alcohol abuse is complex, yet addiction is a treatable disease. This Substance

Abuse Regulation is targeted at alleviating the problem.

III. ORGANIZATION AND SCOPE OF THE SUBSTANCE ABUSE REGULATION

This document (hereinafter, "The Regulation") details the Board's Substance Abuse Regulation and applies to any person employed by the Board who operate a commercial motor vehicle or meets the definition of "Driver" as defined in 49 CFR Part 382. Every DOT regulated employee is expected to read and understand this material. This document explains the Board's entire Transportation Employee's Substance Abuse Regulation and the procedures that will be followed. The level of detail provided in this Regulation is intended to show all employees just how the program will operate. The Regulation will identify which drugs will be tested for, how alcohol use will be tested, when testing will occur, the cut off levels for each drug and for alcohol, and what testing procedures will be applied. All the rules of the program will be identified, and the Board will identify prohibited conduct and consequences for violating this Regulation, including what will occur in response to an employee's refusal to submit to medical examination or a drug and/or alcohol test, or attempt to manipulate the testing process.

This regulation covers the four key parts of the Board's Transportation Employee's Substance Abuse Regulation, as follows:

- A. A written regulation (this document) that clearly spells out the program, why there was a need to develop it, and the benefits of such a program.
- B. Training for supervisors to help them understand the program and their responsibilities, including the area of testing and making referrals for assistance.
- C. Drug and alcohol testing, which is considered the most effective way to change harmful substance behaviors.
- D. Referral for assistance for those who come forward voluntarily to share a substance abuse problem or who test positive for drugs and/or alcohol.

Each program component is explained in detail in the pages that follow. Employees will have the opportunity to receive information about substance abuse, signs and symptoms, dangers of use, and how and where to get help for themselves and their families. In addition, the Board has designated the Director of Transportation as the Substance Abuse Program Administrator to give all employees a person to turn to for help or anytime an explanation is needed about the program. The administrator's responsibilities include arranging contracts for drug and alcohol testing, identifying resources that employees can turn

to for help for themselves and/or their families, and arranging for qualified professionals to help with employee awareness education and supervisor training.

IV. STATEMENT OF SUBSTANCE ABUSE REGULATION

- A. Ohio County Board of Education believes that it is very important to provide a safe workplace. The Board is addressing the problem of substance use because it can negatively affect every workplace. The Board is concerned with the health and well being of its employees that relate to substance use, such as:
1. Use of illegal drugs or hemp products in any form;
 2. Misuse of legal drugs (i.e. using a drug prescribed for someone else);
 3. Misuse of alcohol;
 4. Being on duty or operating a commercial motor vehicle while the employee possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.
 5. Sale, purchase, transfer, manufacture, use or possession of any illegal drugs, or prescription drugs obtained illegally;
 6. Storing any illegal drug, drug paraphernalia, or any controlled substance whose use is unauthorized, or any container of alcohol, in or on Board property (including vehicles). Unopened containers of alcohol in a private vehicle parked on Board property shall not be equal to a violation of this regulation.
 7. The arrival to work or return to work under the influence of any illegal drug or alcohol.
 8. The arrival to work or return to work with a level of drugs and/or alcohol in the system or exceeding the established minimums under this regulation.
 9. Failing to notify the employee's supervisor, before beginning work, that the employee is taking medications or drugs that may interfere with the safe and effective performance of duties, except where the use is pursuant to the instructions of a physician who has advised the employee that the controlled substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle and said employee provides written verification from a physician to his/her immediate supervisor.
 10. Refusing to immediately submit to a drug or alcohol test where required under the Regulation. Violation of this regulation shall be reported to law enforcement officials unless required by regulation, law, or as a safety precaution. However, the Board reserves the right to contact law enforcement authorities to come

upon Board property, where appropriate, for referral for criminal prosecution.

- B. Drug Testing- Testing is the key component of any Substance Abuse Regulation. Testing for drug use is intended to detect problems, deter usage, and initiate corrective action, as appropriate. The following explains what testing is performed, when and where testing will be performed, and how specimens for testing will be collected.

The form of drug tests will be urinalysis (Screening, and Gas Chromatography/Mass Spectrometry (GC/MS), also referred to as confirmation.) The initial urine screening method shall be an immunoassay that meets the requirements of the Food and Drug Administration for commercial distribution.

The following initial cutoff levels shall be used when screening specimens to determine whether they are negative:

| Drug Class | Department of Transportation Cut-off Levels (NG/ML) |
|--|--|
| Amphetamines | 1000 |
| Benzoyllecgonine (Cocaine Metabolite) | 300 |
| Cannabinoids (THC) | 50 |
| Opiates | 2000 |
| Phencyclidine (PCP) | 25 |

All specimens identified as positive on the initial test shall be confirmed by confirmation using gas chromatography/mass spectrometry (GC/MS) at the cutoff levels listed below.

| Drug Testing | Department of Transportation Cut-off Levels (NG/ML) |
|--|--|
| Amphetamines | |
| Amphetamine | 500 |
| Methamphetamine* | 500 |
| Benzoyllecgonine (Cocaine Metabolite) | 150 |
| Cannabinoids (THC) | 15 |
| Opiates | |
| Morphine | 2000 |
| Codeine | 2000 |
| 6 - Acetylmorphine** | 10 |
| Phencyclidine (PCP) | 25 |

*SPECIMEN MUST ALSO CONTAIN AMPHETAMINE AT A CONCENTRATION GREATER THAN OR EQUAL TO 300 NG/ML.

**IF MORPHINE LEVEL IS GREATER THAN OR EQUAL TO 2000 NG/ML, A TEST FOR 6-AM, A HEROIN SPECIFIC METABOLITE, WILL BE RUN WITH A 10 NG/ML CONFIRMATION LEVEL.

Adulterated or substituted specimens shall be considered and treated as a verified positive. Any employee attempting to adulterate or substitute a specimen or otherwise manipulate the testing process shall be subject to disciplinary action up to and including immediate termination.

- C. Alcohol Testing - Breath alcohol testing will be performed only by certified equipment (appearing on the Department of Health and Human Services conforming products list) and by trained breath alcohol technicians. Confirmed breath alcohol concentrations equal to or exceeding .040g/21 OL will be considered a verified positive result. In the event of an accident where an employee has a "whole blood" alcohol drawn at a medical treatment facility, a result equal to or greater than .040% shall be considered to be a verified positive result. An Evidentiary Breath Test (EBT) that provided a printout shall be used to confirm all initial positive breath alcohol test results.

Individuals are prohibited from performing safety sensitive functions within four hours after using alcohol, as determined by reporting to duty to perform such a function with an alcohol concentration above the above identified concentration. Furthermore, the individual subject to DOT regulated testing shall be immediately removed from safety sensitive functions for a period of at least 24 hours where their breath alcohol concentration is equal to or exceeds .020g/21 OL, but is equal to or less than .039g/21 OL.

- D. Types of Drug and Alcohol Tests - Employees will be tested for the presence of drugs in the urine and/or alcohol on the breath or in the blood under any and/or all of the conditions outlined below. (Other methods to detect the presence of drugs/alcohol may be added at a later date, if approved by the DOT). An employee's failure to provide a suitable urine specimen or to submit to a breath or blood alcohol test shall be considered a violation of this regulation.
- E. Post Offer, Pre Employment Testing (Drug Test only) - As part of the Board's employment procedures, all new DOT regulated employees will be required to undergo a post offer, pre employment drug test. Any offer of employment that an applicant receives from the Board is contingent upon, among other things, satisfactory completion of a drug test. The Board shall make this regulation available to

the applicant for review and offer an opportunity for the applicant to ask questions concerning the Regulation. Testing must be undertaken as soon after notification as possible, but no later than 48 hours after the offer of employment was extended. The Board will not employ any person who refuses to take or fails the drug test, and such person shall not be permitted to re-apply for a minimum of ninety (90) days.

- F. Reasonable Suspicion Testing - Reasonable suspicion testing will be performed when a Board official and/or supervisor has reasonable suspicion through direct observation that an employee of the Board may be under the influence of an unacceptable substance (i.e., drugs and/or alcohol). The suspicion must be documented in writing within 24 hours of the event or prior to the release of the test findings.

Reasonable suspicion testing may be based upon, among other things:

1. Observable phenomena, such as direct observation of drug or alcohol use or possession and/or the physical symptoms of being under the influence of a drug or alcohol;
2. A pattern of abnormal conduct or erratic behavior;
3. Conviction for a drug related offense. The employee is responsible for notification of the Board, within five (5) working days, or any drug related conviction;
4. Information provided by a reliable and credible law enforcement source; or
5. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Although reasonable suspicion testing does not require certainty, mere "hunches" are not sufficient to meet this standard. To prevent this, supervisors will be trained in the recognition of drug and alcohol related signs and symptoms. Testing should be requested by at least one trained supervisor with the concurrence of a second individual (either another trained supervisor or another responsible person if a second trained supervisor is not available.) This testing may be for drugs or alcohol, or both.

Reasonable suspicion alcohol testing is authorized only if the observation triggering the reasonable suspicion test is made during, just preceding, or just after the period of the workday that the employee is required to be in compliance with this Regulation. The employee may be directed by the Board, Designated Employer Representative (DER) and/or trained supervisor to undergo reasonable

suspicion alcohol testing only while the affected employee is performing safety-sensitive functions, just before the employee is to perform safety sensitive functions, or just after the employee has ceased performing such functions.

If a reasonable suspicion alcohol test is not administered within two hours following the observation, the Board shall prepare and maintain on file a record stating the reason(s) the test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight hours following the observation, the Board shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

The first priority of the Board is to remove the employee who is suspected of using controlled substances or using alcohol from the work environment. This shall be done to prevent the individual employee from causing harm to himself or herself, other individuals in the workplace, or anyone else. A trained supervisor shall instruct the employee under suspicion to accompany him/her to a private area that is removed from the individual employee's co-workers. The supervisor shall make a specific request to the employee to submit to a urine screen and/or breath alcohol test on the grounds that there is a reasonable suspicion regarding the possible use of a controlled substance or alcohol by the employee. The supervisor may also require a search, with or without the employee's consent, all areas and property in which the Board maintains control or joint control with the employee. At this point, it is the responsibility of the suspected employee to comply with the request.

- G. Post Accident Testing - Post accident testing may be conducted whenever an accident occurs. An accident is defined as an unplanned, unexpected or unintended event that occurs during the conduct of the Board's business, or during working hours, or which involves a commercial motor vehicle operating on a public road, and which results in any of the following:
1. A fatality of anyone involved in the accident;
 2. Bodily injury requiring off site medical attention away from the Board's place of employment;
 3. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The term accident shall include a reportable accident, including but not limited to where the driver receives a citation under any law for a moving traffic violation arising from the accident.

The term accident does not include the following:

- a. An occurrence involving only boarding and alighting from a stationary motor vehicle;
- b. An occurrence involving only the loading or unloading of cargo;
- c. An occurrence in the course of the operation of a passenger car or a multi purpose passenger vehicle (as defined in 49 CFR 57 1.3) by a motor carrier where the motor carrier is not transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 CFR 177.823. The table below details requirements for individuals required to comply with the Department of Transportation Regulations. Failure to report a work related accident shall be considered a violation of this regulation.

| D.O.T. Compliance Post-accident testing Table from 49 CFR 382.303 (a) (3) | | |
|--|--|---|
| Type of accident involved | Citation issued to the CMV driver | Test must be performed by employer |
| Human Fatality | Yes | Yes |
| | No | Yes |
| Bodily injury with immediate medical treatment away from the scene | Yes | Yes |
| | No | No |
| Disabling damage to any motor vehicle requiring tow away | Yes | Yes |
| | No | No |

Post accident urine specimen collection and/or breath blood alcohol test is to occur immediately after the test has been determined to be necessary in the sole discretion of the Board. The total lapsed time before a drug specimen has been collected shall not exceed 32 hours from the time of an employment related incident. If a post accident controlled substance test is not administered within 32 hours following the accident, the Board shall cease all attempts to administer a controlled substance test and shall prepare and maintain on file a record stating the reasons(s) the test was not promptly administered. Breath alcohol testing will be performed within two (2) hours of the incident, whenever possible, but within eight (8) hours, or not performed. If a post accident is not administered within two hours following the accident, the Board shall prepare and maintain on file a record stating the reason(s) the test was not promptly administered. If a post accident alcohol test is not administered within eight hours following the accident, the Board shall cease

attempts to administer an alcohol test and shall prepare and maintain the same record.

If the employee responsible for an employment related accident is injured, that employee herein expressly grants unto the Board the right to request that attending medical personnel obtain appropriate specimens (breath, blood and/or urine) for the purpose of conducting alcohol and/or drug testing.

The employee who is subject to post accident testing shall remain readily available for such testing or may be deemed by the Board to have refused to submit to testing. All individuals are expressly prohibited from consuming alcohol for eight (8) hours following an accident or until that person submits to an alcohol test and leaving an accident scene before a drug and/or alcohol testing is administered.

The results of a breath or blood test for the use of alcohol or a urine test for the use of controlled substances conducted by federal, state or local officials having independent authority for the test shall be considered to meet the requirements of this Regulation regarding post accident testing, provided that such test conform to applicable federal, state or local requirements and that the results of the tests are obtained by the Board.

All employees are subject to and required to comply with the post accident reporting procedures outlined in the State of West Virginia School Transportation Regulations.

- H. Random Testing - Random drug and/or alcohol testing is conducted on an unannounced basis. The Board's medical provider will utilize objective computer software that ensures a truly random selection process in which all employees in the random testing pool have an equal statistical likelihood of being selected for testing. When the next random draw is conducted, all employees are again included in the pool with an equal chance of selection, regardless of whether an employee was previously selected.

At the beginning of each testing period, the DER will provide employee information to its medical provider for use in random selections. Once the medical provider makes the random selections, a list of employees to be tested will be sent to the DER. The DER will notify each employee who was selected of the date, time, and location that random testing will be performed. Once notified, the employee is responsible for obtaining the test, as

directed. Random testing is limited to individuals required to be randomly tested under federal or state regulation or that work in safety sensitive positions.

The selected employee shall only be tested for alcohol while the employee is performing safety sensitive functions, just before the employee is to perform safety sensitive functions, or just after the employee has ceased performing such functions.

Consistent with applicable Federal Regulations (49 CFR 382.305) the minimum annual percentage rate for random alcohol testing shall be ten percent (10%) of the average number of DOT regulated employees. The minimum annual percentage rate for random controlled substance testing shall be fifty percent (50%) of the average number of DOT regulated employees. The FMSCA may increase or decrease the minimum annual testing rate(s) in the Federal Register.

- I. Follow up Testing after Return to Work from Assessment or Treatment - This type of unannounced testing is for an employee who previously tested positive and is preparing to return to work. Return to duty tests are required before the employee is allowed to return. Once an employee passes this drug/alcohol test, complies with all other provisions of this regulation, and returns to duty, there are at least six more additional drug and/or alcohol tests conducted over a period of at least a year. Follow up drug and/or alcohol testing may be extended for a period of up to sixty months, after return to work.

Follow up alcohol testing, if any, shall only be conducted during, just preceding, or just after the period of the workday that the employee is required to be in compliance with this Regulation. The employee may be directed by the Board and/or DER to undergo follow up alcohol testing only while the affected employee is performing safety sensitive functions, just before the employee is to perform safety sensitive functions, or just after the employee has ceased performing such functions.

Any cost associated with follow up and/or return to duty testing shall be the responsibility of the employee.

A second positive test result, at any time, shall result in termination.

- J. Process for Obtaining a Drug and/or Alcohol Test - Unless otherwise directed, individuals to be tested shall report to the designated medical provider, or be advised as to the

location, date, and time on site testing will take place. Employees are expected to find their own transportation for testing; however, the Board may provide and require Board transportation. Failure to appear for testing when scheduled shall be considered a violation of this Regulation.

Employees obtaining a reasonable suspicion drug and/or alcohol test shall be provided with transportation to and from the medical provider. The Board may offer to transport the employee home, when necessary. Employees that are required to take a reasonable suspicion test shall not return to work unless and until negative results are received. Employees undergoing reasonable suspicion testing shall not be compensated while away from the job for testing or during suspension even where that employee is scheduled to work. When reasonable suspicion tests are verified, the Board shall pay the normal wages of the employee for regularly scheduled work hours missed.

- K. Designated Medical Provider and How Drug and Alcohol Specimens are Collected - All alcohol and controlled substances testing conducted pursuant to this regulation shall comply with the procedures promulgated by the DOT and set forth in 49 CFR Part 40.

The designated medical provider shall select a laboratory and medical review officer (MRO) to provide services under this program. The laboratory shall be certified by the Department of Health and Human Services (DHHS), and the MRO shall be certified by the American Association of Medical Review Officers (AAMRO). The designated medical provider may select a different laboratory or MRO at any time.

Drug and alcohol testing conducted under this regulation shall be conducted by trained collection personnel, who meet quality assurance and chain of custody requirements for urine collection procedures, breath alcohol testing as required under 49 CFR Part 40.

Any individual subject to testing under this Regulation shall be permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any adulteration or substitution of the specimen to be provided. Breath alcohol testing will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. To the greatest extent possible, collection site personnel shall adhere to all federal testing guidelines when performing drug and/or alcohol

tests.

Split specimens shall be collected. In keeping with industry standards, the laboratory shall maintain a specimen that confirmed positive for the longer of one year or until pending litigation concludes. The Purpose of maintaining confirmed positive specimens is to allow for independent retesting of the specimen at issue.

Employees are required to show picture identification to collection site personnel and no test shall be administered without showing such identification. Employees must wash their hands and must remove hat, coat, or other outer clothing before providing a specimen. No purses, parcels, or belongings other than a wallet may be taken into the restroom, and employee must display the contents of their pockets. If an insufficient amount of urine is provided, the employee is required to drink fluids, up to, but not more than 40 fluid ounces, and remain in the testing area to provide a second specimen.

If after a period of three hours (from the time the donor first demonstrated that he/she was unable to provide a sufficient quantity of specimen), the donor is still unable to provide an adequate specimen, testing must be discontinued, and the DER notified of the shy bladder situation. The employee shall then be referred for a medical evaluation to develop pertinent information concerning whether the donor's inability to provide a specimen is genuine or constitutes a refusal.

- L. Medical Review of Drug Test Results and Employee's Rights After a Confirmed Positive Result - To ensure that every person receiving a drug test is treated in a fair and impartial manner, the Board has retained the services of an independent Medical Review Officer (hereinafter, "MRO"). The MRO is a medical doctor or doctor of osteopathic medicine with a specialized knowledge of substance abuse disorders. This professional will be able to determine whether there are any verifiable medical explanations for the presence in the employee's system of the substance that was tested/detected.

In the event that any employee tests positive for any drugs as prohibited in this Regulation, the employee may be given an opportunity to explain the findings to the MRO prior to the issuance of a report of a positive test result to the DER. Accordingly, upon receipt of a confirmed positive finding, the MRO shall contact, or attempt to contact, the employee by telephone. If contact is made by the MRO, the

MRO shall inform the employee of the positive findings and give the employee an opportunity to overturn the result with a legitimate verifiable medical explanation.

The MRO can request information on recent medical history and on medications taken by the employee. In the event that the MRO finds a medical explanation, the employee shall be asked to provide documentary evidence to support the employee's position (for example, the names of treating physicians, pharmacies where prescriptions have been filled, etc.). Failure to provide documentary evidence in a timely manner shall result in the issuance of a positive report by the MRO.

Once the MRO contacts the employee or attempts to contact the employee of a positive drug test result, the employee has 72 hours from the time of the notification to request a retest of the split specimen. If the employee presents documentation that serious illness, injury or other circumstances unavoidably precluded contact with the MRO, the MRO may authorize a retest after this period expires. All retesting of a specimen must be conducted in accordance with section F of this regulation. The employee's request for a retest of the split specimen will not delay the reporting of the result or any disciplinary actions that may be taken. However, if the retest fails to confirm the presence of the drug(s) found in the primary specimen, the original test result will be cancelled.

- M. Reporting Drug and Alcohol Test Results - All drug test results will be reported from the laboratory to the MRO prior to the results being issued to the DER. The MRO will receive from the laboratory a detailed report of the findings of the specimen. Each substance tested for will be listed along with the results of the testing. The DER will receive only a verified result report, and this report will indicate that the employee passed or failed the drug test. MRO shall refer to the most current guidelines for Medical Review Officers that are published by the federal Department of Health and Human Services. Breath alcohol test results will be reported directly to the DER without medical review.
- N. Consequences of Positive Test Results - Employees with a verified positive drug and/or alcohol test shall be immediately suspended without pay or compensation. Board will decide on disciplinary action, up to and including immediate termination. The disciplinary action may range from referral to an Employee Assistance Program (EAP) up to and including termination. Disciplinary action will be

based upon, among other things, length of service, quality of work and any other factors in the sole discretion of Management. This regulation does not guarantee a second chance.

If the employee is referred to an EAP, the suspension will remain in effect until such time as the employee has a negative retest in accordance with the MRO's instructions and has completed a medically recognized rehabilitation program (referral provided through the Employee Assistance Program). This medically recognized rehabilitation program must be started within 10 days and completed within a period of not more than 45 days from the date that the employee is notified of the verified positive drug or alcohol test result. The 45 day limit for completing rehabilitation may be extended where the employee provides written verification from their counselor or rehabilitation coordinator that their program will not be completed within time and a definite date when it will be completed. If documentary evidence of the employee's enrollment and successful completion of the rehabilitation program is not provided to the Board, the employee's employment with the Board shall be terminated immediately. The burden of providing documentary evidence of timely enrollment and completion rests with the employee. The opportunity to re-qualify for work after a first positive test result shall be referred to as the "second chance" or "last chance" program. Eligibility for the second or last chance opportunity will be based upon, among other things, length of service, quality of work, and any other factors in the sole discretion of Management. There is no guarantee that second or last chance arrangements will be available.

The Board will terminate for cause any employee testing positive more than one time notwithstanding any further negative test results of rehabilitation.

- O. Voluntary Admission of Substance Abuse - The Board will hold all employees accountable in terms of substance use but also supports rehabilitation. Those employees who come forward voluntarily to identify that they have a substance abuse problem may receive Board guidance. Voluntary admission of substance abuse shall be treated as a verified positive test result. The consequences of violation of this regulation are detailed in section IV. A.
- P. Rehabilitation - The board health plan, if one exists, may include coverage for certain drug and alcohol services. The Board may grant unpaid leave of absence in accordance with the Board's Regulation and Procedure so that an employee

can attend a medically recognized rehabilitation program. In those cases where an employee violates this regulation by testing positive, then is allowed to successfully complete a rehabilitation program, the Board shall retain the right to perform "no notice" drug or alcohol tests at its will after the employee's return to work. Any refusal by the employee to undergo such drug or alcohol testing shall constitute a violation of this Regulation.

V. Employee Assistant Program

To help employees who violate this Regulation, the Board has identified the following local providers for drug and alcohol assistance: Healthways, Inc., 501 Colliers Way, Weirton, WV 26062 - (304) 723-5440, Peer Recovery Network, 39 - 5th Street, Wheeling, WV 26003 - (304) 232-8687 and Touchstones Intensive Outpatient Program, 111 Park View Lane, Wheeling, WV 26003 - (304) 242-3662. For additional providers of drug and alcohol assistance, contact the Program Administrator. Employees may wish to refer to medical providers that may be identified under the Board health plan, if one exists.

The Board may meet with the employee to discuss problems and violations of this Regulation. Employees who are willing to actively engage in resolving their substance abuse problem are likely to succeed in meeting the requirements of the "second chance" "last chance" program, if eligible. An employee who violates this Regulation may have the opportunity to meet with a substance abuse counselor, and the Board shall be informed, by the employee and counselor, whether the employee is attending sessions and actively participating, but will not receive information about the specifics of the counseling.

VI. Supervisor Training

Supervisory Employee Training - Supervisory training is to help supervisors understand the nature of substance abuse problems, and know what resources are available to help. Supervisory employees will attend training to be able to identify when an employee has a substance abuse problem that may endanger the employee and other employees as well as be in violation of this Regulation. Supervisors will receive training about drug/alcohol testing responsibilities. This training will be designed to help supervisors recognize behaviors that demonstrate an alcohol or drug problem; how to document these behaviors and confront an employee about the problem; how to initiate reasonable suspicion testing; how to make appropriate referrals of an employee for an assessment of the problem or other assistance; and how to follow up with employees who return to work after a positive test.

VII. Consequences for Violation of the Regulation

Consequences for receiving a positive drug and/or alcohol test are explained above. Where an employee violates this regulation in a manner other than by receiving a positive drug and/or alcohol test, the Board may take disciplinary action including, but not limited to, immediate termination for cause. For example, the refusal to sign an acknowledgment of receipt of this regulation or refusal to take a drug and/or alcohol test may result in immediate termination for cause. The degree of disciplinary action will be determined individually based on such factors as quality of performance, length of service, and willingness to acknowledge a problem and seek help.

VIII. Confidentiality and Retention of Test Results

- A. Confidentiality of Test Results - To protect the confidentiality of employees, all records of drug and alcohol testing will be stored separately and apart from the employee's general personnel documents. These records shall be maintained under lock and key at all times. The information contained in these files shall be utilized only to properly administer this Regulation and to provide to auditing or certifying agencies for review as may be required under Federal or State laws. Those designated Board members or supervisors that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to these records may be an offense resulting in termination of employment.

Any employees tested under this Regulation have the right to review and/or receive a copy of their respective test results. An employee may request from the Regulation Administrator, in writing, with a duly notarized Employee Request for Release of Drug and/or Alcohol Test Results form, requesting that a copy of the test be provided. The Board will use its best efforts to promptly comply with this request and will issue to the employee a copy of the results personally or by U.S. Certified Mail, Return Receipt Requested.

The positive reports or test results shall be disclosed to the department head only on a need-to-know basis. Disclosures without employee consent may also occur when:

1. The information compelled by law or by judicial or administrative process;
2. The information has been placed at issue in a formal

- dispute between the Board and the employee;
3. The information is to be used in administering an employee benefit plan such as for drug and/or alcohol treatment;
 4. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure.
- B. Retention of Test Results - The Board or the Board's service agent shall maintain records of its alcohol misuse and controlled substance use prevention programs as provided below:
- Five (5) years:
Records of alcohol test results indicating an alcohol concentration of 0.020% or greater.
Records of verified positive drug test results.
Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results.)
Substance Abuse Professional (SAP) reports.
All follow-up tests and schedules for follow-up tests.
 - Three (3) years:
Information obtained from previous employers under 49 CFR 40.25 concerning drug and alcohol test results of employees.
 - Two (2) years:
Records of inspection, maintenance, and calibration of EBTs.
 - One (1) year:
Records of negative and cancelled drug test results.
Records of negative and cancelled alcohol test results with a concentration of less than 0.020%.

IX. Other Provisions

- A. Compliance with Local, State, and Federal Law - Employees whose positions are subject to any special law or regulation (federal, state, local, or otherwise) may face additional employment requirements. For example, if federal law requires a zero threshold for certain designated drugs and/or alcohol, employees in these positions who test positive are subject to discipline up to and including termination of employment, notwithstanding any other provisions of this regulation.
- B. Drug Free Workplace Program and Minors - In the event that an employee is under the age of eighteen (18) at the time of testing under this Regulation, the Board requires that written consent to test be executed by the employee's

parent or legal guardian. As a condition precedent of employment, employees identified in this provision are required to provide the required consent that is properly executed in accordance with this regulation. Furthermore, employees identified in this provision who do not have the proper consent to test are prohibited from taking any test required under this regulation or any other regulation of the Board.

- C. Securing Information from Previous Boards (CDL Employees Only)- If a person is to be hired into a CDL position and during the previous two years has worked as a driver of a commercial vehicle, that person must authorize a request of all employers of the driver within the past two years to release information on:
1. Positive alcohol or drug test results;
 2. Refusal to submit a drug and/or alcohol test. (The Board is required to obtain the information listed above by Federal Law.)

This information must be obtained before the Board employs the person. However, if the information has not arrived by the anticipated start date, and if the person has passed the pre-employment drug test, the person may be hired and the requested information must be obtained from the previous Boards within fourteen (14) calendar days of the date of hire. If the information has not been received within the fourteen (14) calendar days, the person will not be permitted to drive commercial motor vehicles until the information has arrived. If the information obtained from the previous companies indicate either a positive test or that a refusal to be tested occurred within the past two years, that person would not be permitted to drive a commercial vehicle unless subsequent information indicates that an evaluation by a Substance Abuse Professional was made and return to duty testing was administered.

X. Definitions

- A. Adulterated Specimen - A specimen that contains a substance that is not expected to be present but is at a concentration so high that it is not consistent with human urine.
- B. Alcohol - An intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- C. Alcoholism - A disease in which a person's consumption of any alcoholic beverage definitely and repeatedly interferes

with that person's health and/or performance.

- D. Board Premises - Includes all land property, buildings, structures, installations, boats, planes, cars, trucks, vans, and all other means of conveyance owned by or leased to the Board or otherwise being utilized for Board affairs.
- E. Commercial Motor Vehicles - Has the same meaning as such term under 49CFR 382.107.
- F. Controlled Substance - Any substance that can only be legally obtained by prescription from a licensed medical practitioner.
- G. Driver - Any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly employed drivers, casual, intermittent, or occasional drivers; leased employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors.
- H. Employee - Any employee of the Board, including management and supervisory employees.
- I. Illegal Drug - Any drug or substance which is not legally obtainable and whose use, sale, or possession, purchase or transfer is restricted or prohibited by law or which is legally obtainable, but has not been legally obtained. The term "Illegal Drug" broadly refers to all forms of narcotics, depressants, stimulants, hallucinogens, cocaine, crack, amphetamines, or other drugs or preparation that alter a person's physical or emotional state, including marijuana. This term also includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.
- J. Legal Drug - Prescribed drugs and over-the-counter drugs that have been obtained legally and are being used for the purpose for which they were prescribed and/or manufactured. This term also includes alcohol as defined in this regulation.
- K. Medical Review Officer (MRO) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a Board's drug testing program. The MRO shall have knowledge of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history and any other relevant biomedical information.

- L. Split Specimen - In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the preliminary specimen or a verified adulterated or substituted test result.
- M. Substance Abuse - The unauthorized use of any drugs (legal or illegal) and/or alcohol or use in such quantity or frequency as to impair a person's mental or physical capacity.
- N. Substance Abuse Professional (SAP) - A licensed physician or licensed or certified psychologist, social worker, employee assistance professional or addiction counselor with knowledge and/or clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.
- O. Substituted Specimen - A specimen with creatine and specific gravity values that are so diminished that they are not consistent with human urine.
- P. Under the Influence - The employee has alcohol and/or drugs in his/her system and has tested positive for alcohol and/or drugs. The employee can also be determined to be "under the influence" when affected by such alcohol and/or drug in any detectable manner, including but not limited to impaired performance of the job duties and responsibilities and/or safety concerns.

REGULATION REVIEWED: June 9, 2014

REGULATION REVISED: December 8, 2003

REGULATION REVISED: September 28, 1998

POLICY ADOPTED: December 12, 1994

OHIO COUNTY BOARD OF EDUCATION

**OHIO COUNTY BOARD OF EDUCATION
TRANSPORTATION EMPLOYEE'S
SUBSTANCE ABUSE POLICY**

ACKNOWLEDGEMENT OF RECEIPT

THE UNDERSIGNED INDIVIDUAL ACKNOWLEDGES THAT THEY RECEIVED A COPY OF THE BOARD'S SUBSTANCE ABUSE POLICY, THAT THEY HAD THE OPPORTUNITY TO DISCUSS THE POLICY AND HAVE QUESTIONS ANSWERED, AND THAT THEY UNDERSTAND ALL OF THE PROVISIONS IN THE POLICY. MOREOVER, THE PERSON IDENTIFIED BELOW UNDERSTANDS THAT THIS IS THE BOARD'S CURRENT POLICY. HOWEVER, THE POLICY MAY BE MODIFIED FROM TIME TO TIME IN THE SOLE DISCRETION OF THE BOARD. IN THE EVENT OF MATERIAL CHANGES, EVERY EMPLOYEE WILL BE PROVIDED WITH WRITTEN NOTIFICATION.

Employee/Applicant Name: _____

Employee/Applicant Signature: _____

Date: _____

THIS FORM MUST BE RETURNED TO THE PROGRAM ADMINISTRATOR

**OHIO COUNTY BOARD OF EDUCATION
TRANSPORTATION EMPLOYEE'S
SUBSTANCE ABUSE POLICY**

CONSENT & RELEASE FORM

THE UNDERSIGNED INDIVIDUAL, AS AN EMPLOYEE/APPLICANT OF THE OHIO COUNTY BOARD OF EDUCATION (HEREAFTER, THE "BOARD"), HEREBY ACKNOWLEDGES THAT THE BOARD'S POLICY REQUIRES THAT I SUBMIT TO A URINE DRUG TEST AND/OR BREATH ALCOHOL TEST.

I UNDERSTAND THAT THE PURPOSE OF THIS TEST IS TO DETECT THE PRESENCE OF NON-PRESCRIBED OR PROHIBITED SUBSTANCES IN MY SYSTEM.

I FREELY AND VOLUNTARILY CONSENT TO PROVIDING A URINE SAMPLE AND/OR BREATH ALCOHOL TEST, AND AGREE TO PARTICIPATE IN THE PROGRAM.

I AGREE TO COOPERATE IN ALL ASPECTS OF THE PROGRAM.

I AUTHORIZE THE RELEASE OF MY DRUG AND/OR ALCOHOL TEST RESULTS TO THE MEDICAL REVIEW OFFICER (MRO), AND/OR TO THE BOARD THROUGH ITS MANAGEMENT AND AGENTS, AS PROVIDED BY THE BOARD'S POLICY.

I FURTHER ACKNOWLEDGE THAT THE BOARD HAS PROVIDED ME WITH AN OPPORTUNITY TO ASK QUESTIONS RELATED TO ITS DRUG AND ALCOHOL TESTING PROGRAM AND THAT ALL MY QUESTIONS HAVE BEEN ANSWERED.

Employee/Applicant Name: _____

Employee/Applicant Signature: _____

Date: _____

OHIO COUNTY BOARD OF EDUCATION

TRANSPORTATION EMPLOYEE'S SUBSTANCE ABUSE POLICY

REASONABLE SUSPICION REPORT OF SUSPECTED JOB-RELATED DRUG OR ALCOHOL USE

THE INDIVIDUAL IDENTIFIED BELOW IS SUSPECTED OF FAILING TO COMPLY WITH THE BOARD'S DRUG-FREE WORKPLACE POLICY.

INSTRUCTIONS TO SUPERVISOR: WATCH THE EMPLOYEE CAREFULLY AND NOTE SUSPICIOUS ACTIONS AND/OR CHARACTERISTICS ON THIS FORM. BE SURE THAT ALL SUPERVISION INVOLVED IN THE OBSERVATION PROCESS COMPLETES A SEPARATE COPY OF THIS OBSERVATION REPORT IMMEDIATELY. THIS DOCUMENT MUST BE PREPARED AND SIGNED BY THE SUPERVISOR WITHIN 24 HOURS OF THE OBSERVED BEHAVIOR OR BEFORE THE RESULTS OF THE TEST ARE RELEASED.

| | | |
|--|--|---|
| | | |
| EMPLOYEE NAME | SOCIAL SECURITY NO. | LOCATION |
| | | |
| OBSERVATION/DATE | OBSERVATION START TIME | OBSERVATION END TIME |
| ALCOHOL, DRUGS OR DRUG PARAPHERNALIA DISCOVERED? <input type="checkbox"/> Yes (Explain Below) <div style="text-align: right;"><input type="checkbox"/> No</div> | | |
| CHECKLIST | | |
| CHECK ALL SUSPECT BEHAVIORS OR CHARACTERISTICS AND EXPLAIN BELOW: | | |
| WALKING | STANDING | SPEECH |
| STUMBLING <input type="checkbox"/> Yes <input type="checkbox"/> No | SWAYING <input type="checkbox"/> Yes <input type="checkbox"/> No | SHOUTING <input type="checkbox"/> Yes <input type="checkbox"/> No |
| STAGGERING <input type="checkbox"/> Yes <input type="checkbox"/> No | RIGID <input type="checkbox"/> Yes <input type="checkbox"/> No | SILENT <input type="checkbox"/> Yes <input type="checkbox"/> No |
| FALLING <input type="checkbox"/> Yes <input type="checkbox"/> No | UNABLE TO STAND <input type="checkbox"/> Yes <input type="checkbox"/> No | WHISPERING <input type="checkbox"/> Yes <input type="checkbox"/> No |
| UNABLE TO WALK <input type="checkbox"/> Yes <input type="checkbox"/> No | FEET WIDE APART <input type="checkbox"/> Yes <input type="checkbox"/> No | SLOW <input type="checkbox"/> Yes <input type="checkbox"/> No |
| SWAYING <input type="checkbox"/> Yes <input type="checkbox"/> No | STAGGERING <input type="checkbox"/> Yes <input type="checkbox"/> No | RAMBLING <input type="checkbox"/> Yes <input type="checkbox"/> No |
| UNSTEADY <input type="checkbox"/> Yes <input type="checkbox"/> No | SAGGING AT KNEE <input type="checkbox"/> Yes <input type="checkbox"/> No | MUTE <input type="checkbox"/> Yes <input type="checkbox"/> No |
| HOLDING ON <input type="checkbox"/> Yes <input type="checkbox"/> No | HOLDING ON <input type="checkbox"/> Yes <input type="checkbox"/> No | SLURRED <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | SLOBBERING <input type="checkbox"/> Yes <input type="checkbox"/> No |

| | | | |
|--|--|------------|---|
| | | INCOHERENT | <input type="checkbox"/> Yes <input type="checkbox"/> |
|--|--|------------|---|

| DEMEANOR | | | ACTIONS | | | APPEARANCE/CLOTHING | | |
|-------------|------------------------------|-----------------------------|----------------|------------------------------|-----------------------------|---------------------|------------------------------|-----------------------------|
| COOPERATIV | <input type="checkbox"/> Yes | <input type="checkbox"/> No | RESISTING | <input type="checkbox"/> Yes | <input type="checkbox"/> No | MESSY | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| POLITE | <input type="checkbox"/> Yes | <input type="checkbox"/> No | FIGHTING | <input type="checkbox"/> Yes | <input type="checkbox"/> No | DIRTY | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| CALM | <input type="checkbox"/> Yes | <input type="checkbox"/> No | THREATENING | <input type="checkbox"/> Yes | <input type="checkbox"/> No | PARTIALLY DRESSED | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| SLEEPY | <input type="checkbox"/> Yes | <input type="checkbox"/> No | CALM | <input type="checkbox"/> Yes | <input type="checkbox"/> No | EXCREMENT STAINS | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| CRYING | <input type="checkbox"/> Yes | <input type="checkbox"/> No | DROWSY | <input type="checkbox"/> Yes | <input type="checkbox"/> No | UNRULY | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| SILENT | <input type="checkbox"/> Yes | <input type="checkbox"/> No | PROFANITY | <input type="checkbox"/> Yes | <input type="checkbox"/> No | STAINS ON CLOTHING | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| TALKATIVE | <input type="checkbox"/> Yes | <input type="checkbox"/> No | HOSTILE | <input type="checkbox"/> Yes | <input type="checkbox"/> No | NEAT | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| EXCITED | <input type="checkbox"/> Yes | <input type="checkbox"/> No | HYPERACTIVE | <input type="checkbox"/> Yes | <input type="checkbox"/> No | HAVING AN ODOR | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| SARCASTIC | <input type="checkbox"/> Yes | <input type="checkbox"/> No | ERRATIC | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | | |
| FIGHTING | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | | | | | |
| MOVEMENT | | | EYES | | | BREATH | | |
| JERKY | <input type="checkbox"/> Yes | <input type="checkbox"/> No | BLOODSHOT | <input type="checkbox"/> Yes | <input type="checkbox"/> No | ALCOHOL ODOR | | |
| SLOW | <input type="checkbox"/> Yes | <input type="checkbox"/> No | WATERY | <input type="checkbox"/> Yes | <input type="checkbox"/> No | STRONG | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| NORMAL | <input type="checkbox"/> Yes | <input type="checkbox"/> No | DILATED | <input type="checkbox"/> Yes | <input type="checkbox"/> No | MODERATE | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| NERVOUS | <input type="checkbox"/> Yes | <input type="checkbox"/> No | GLASSY | <input type="checkbox"/> Yes | <input type="checkbox"/> No | FAINT | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| HYPERACTIVE | <input type="checkbox"/> Yes | <input type="checkbox"/> No | DROOPY | <input type="checkbox"/> Yes | <input type="checkbox"/> No | NO ALCOHOL ODOR | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| | | | CLOSED | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | | |
| FACE | | | EATING/CHEWING | | | OTHER | | |
| FLUSHED | <input type="checkbox"/> Yes | <input type="checkbox"/> No | GUM | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | | |
| PALE | <input type="checkbox"/> Yes | <input type="checkbox"/> No | CANDY | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | | |
| SWEATY | <input type="checkbox"/> Yes | <input type="checkbox"/> No | MINTS | <input type="checkbox"/> Yes | <input type="checkbox"/> No | | | |

USING THE LIST ABOVE EXPLAIN BELOW ANY PHYSICAL SIGNS OR SYMPTOMS OF POSSIBLE SUBSTANCE USE THAT THE EMPLOYEE EXHIBITED.

DESCRIBE BELOW ALL OF THE BEHAVIORS OBSERVED BY THE SUPERVISOR THAT CREATED A CONCERN THAT THE EMPLOYEE NAMED ABOVE MIGHT BE IN

VIOLATION OF THE BOARD DRUG FREE WORKPLACE POLICY.

IF THERE WERE OBSERVABLE CHANGES IN THE EMPLOYEE'S JOB PERFORMANCE
LIST THESE BEHAVIORS BELOW.

OTHER INFORMATION OR OBSERVATIONS

REPORTING SUPERVISOR NAME _____

REPORTING SUPERVISOR SIGNATURE _____

DATE _____

CONCURRING SUPERVISOR NAME _____

CONCURRING SUPERVISOR SIGNATURE _____

DATE _____

**OHIO COUNTY BOARD OF EDUCATION
TRANSPORTATION EMPLOYEE'S
SUBSTANCE ABUSE POLICY**

LAST/SECOND
CHANCE
ARRANGEMENT IS
NOT GUARANTEED
UNDER THIS POLICY

LAST/SECOND CHANCE AGREEMENT

AS PART OF THIS TRANSPORTATION EMPLOYEE'S SUBSTANCE ABUSE POLICY, THE BOARD AGREES TO YOUR REQUEST TO SEEK COUNSELING AND REFERRAL TO A REHABILITATION PROGRAM FOR ALCOHOL AND/OR DRUG USE. THE ULTIMATE GOAL IS FOR YOU TO MEET ALL THE REQUIREMENTS OF THE POLICY AND RETURN TO WORK. THE FOLLOWING CONDITIONS APPLY TO YOUR REHABILITATION PROGRAM.

1. YOU MUST AUTHORIZE YOUR COUNSELOR OR REHABILITATION PROGRAM COORDINATOR TO PROVIDE PROOF OF ENROLLMENT IN AN ALCOHOL/DRUG ABUSE REHABILITATION PROGRAM AND PROOF OF ATTENDANCE AT ALL REQUIRED SESSIONS ON A MONTHLY BASIS TO THE BOARD. THE BOARD WILL CLOSELY MONITOR YOUR ATTENDANCE AND WILL TERMINATE YOUR EMPLOYMENT (CANCEL THIS AGREEMENT) IF YOU DO NOT REGULARLY ATTEND ALL REQUIRED SESSIONS.
2. YOU WILL PAY FOR ALL COST OF REHABILITATION THAT ARE NOT COVERED UNDER THE BOARD'S BENEFITS PLAN.
3. FOR SEVERAL MONTHS FOLLOWING COMPLETION OF YOUR REHABILITATION PROGRAM, THE BOARD WILL TEST YOU FOR ALCOHOL AND/OR DRUG USE ON AN UNANNOUNCED BASIS TO DETERMINE IF YOU ARE IN COMPLIANCE WITH THE BOARD'S SUBSTANCE ABUSE POLICY. THE BOARD WILL PROMPTLY TERMINATE YOUR EMPLOYMENT IF YOU REFUSE TO SUBMIT TO TESTING, IF YOU TEST POSITIVE DURING THE PERIOD OR IF YOU VIOLATE THE BOARD'S SUBSTANCE ABUSE POLICY IN ANY OTHER MATTER.
4. YOU MUST MEET ALL ESTABLISHED STANDARDS OF CONDUCT AND JOB PERFORMANCE. THE BOARD WILL TERMINATE YOU IF YOUR ON THE JOB CONDUCT OR JOB PERFORMANCE IS UNSATISFACTORY. SATISFACTORY PERFORMANCE INCLUDES ONGOING COMPLIANCE WITH THE BOARD'S DRUG/ALCOHOL TESTING POLICY, INCLUDING TESTING IF THERE IS REASONABLE SUSPICION OF A VIOLATION OF THE PROHIBITION OF USE.
5. I VOLUNTARILY AGREE TO ALL OF THE ABOVE CONDITIONS AND AUTHORIZE MY COUNSELOR OR REHABILITATION PROGRAM COORDINATOR TO PROVIDE MY BOARD WITH PROOF OF MY ENROLLMENT AND ATTENDANCE AT THE RECOMMENDED REHABILITATION PROGRAM.

EMPLOYEE NAME _____

EMPLOYEE SIGNATURE _____

DATE _____