

## **Drug and Alcohol Testing for Employees without Commercial Driver's License**

In accordance with the accompanying policy, post-accident and reasonable suspicion controlled substance and alcohol tests may be administered to a BOCES employee who at any time operates a BOCES vehicle.

References to *tests* in this regulation include both drug and alcohol tests unless the context specifies otherwise. The terms *drugs* and *controlled substances* are interchangeable and have the same meaning and refer to marijuana (THC), cocaine, opioids, phencyclidine (PCP) and amphetamines (including methamphetamines). The term "opioids" includes hydrocodone, hydromorphone, oxycodone, oxymorphone, opium, opiate, or an opium derivative such as morphine, codeine, or heroin.

### **Post-Accident Tests**

Tests will be conducted as soon after an accident as practicable on any BOCES employee who:

1. Was performing job-related duties with respect to the vehicle (e.g. inspecting, repairing, driving, loading or unloading, or waiting to be dispatched) and the accident involved loss of human life; or
2. Where any person involved in the accident required immediate medical attention away from the scene and the employee received a citation under state or local law for a moving traffic violation arising from the accident; or
3. Where the vehicle required towing from the scene and the employee received a citation for a moving violation.

No BOCES employee involved in an accident may use alcohol for eight hours after the accident or until undergoing a post-accident alcohol test, whichever occurs first.

Tests conducted by authorized federal, state or local officials will fulfill post-accident testing requirements provided they are obtained by the BOCES.

### **Reasonable Suspicion Tests**

Tests may be conducted when a BOCES official has reasonable suspicion that the employee has violated the BOCES's alcohol or drug prohibitions. This reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the employee's appearance, behavior, speech or body odors.

Tests will be authorized for reasonable suspicion only if the required observations are made during, just before or just after the period of the workday when the employee must comply with the BOCES's alcohol and drug prohibitions.

A BOCES official who makes a finding of reasonable suspicion also must make a written record of his or her observations leading to a reasonable suspicion test within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier.

### **Records**

Employee drug and alcohol test results and records shall be confidential and released only in accordance with law. Upon written request, an employee will receive copies of any records pertaining to the employee's use of drugs or alcohol, including any records pertaining to personal drug or alcohol tests. Records will be made available to a subsequent employer or other identified persons only as expressly requested in writing by the employee.

### **Notifications**

The BOCES will notify an employee of the results of reasonable suspicion and post-accident drug tests if the test results are verified positive. The BOCES also will tell the employee which controlled substances were verified as positive.

Employees will inform their supervisors if at any time they are using a controlled substance which their physician has prescribed for therapeutic purposes. Such a substance may be used only if the physician has advised the employee that it will not adversely affect the ability to safely operate a BOCES vehicle.

## **EAST CENTRAL BOCES BOARD REGULATION**

Adopted: November 19, 2014

Revised: June 17, 2020