Drug Testing of Other Employees

Application of Policy—

This policy applies to drug and alcohol testing of District employees who are neither bus drivers nor employees in a safety sensitive position. (Drug and alcohol testing of bus drivers and employees in safety sensitive positions is governed by Policy DAH.)

Utah Code § 34-41-103(1) (2026)

Grounds for Testing—

Employees of the District may be required to submit to drug or alcohol testing as follows: 1. Where there is a reasonable suspicion that the employee may be using or may be under

the influence of illegal drugs or alcohol while on the job. 2. Whenever an accident causing bodily injury occurs within the scope of employment where

it appears that drugs or alcohol may have been a contributing factor. *Utah Code § 34-41-102(3) (2025) Utah Code § 34-41-103(2)(b) (2026)*

Reasonable Suspicion—

A “reasonable suspicion” means an articulated belief based on the recorded specific facts and reasonable inferences drawn from those facts that indicate that a school district employee is using or is under the influence of drugs or alcohol.

Utah Code § 34-41-101(10) (2026)

Reasonable Suspicion Documentation—

Prior to conducting any tests for drugs or alcohol based upon a suspicion of use, the supervisor or administrator requiring the test must articulate in writing specific facts and any reasonable inferences drawn from those facts which lead to a reasonable suspicion that an employee is using or under the influence of alcohol or illegal drugs.

Utah Code § 34-41-102(3) (2025) Utah Code § 34-41-101(10) (2026)

Scope of Employment—

An action is within the “scope of employment” if it is part of any actions for which an employee is remunerated or performs by reason of employment in the District.

Consequences of Positive Test—

Compliance with the District’s drug policies is a condition of continued employment within the District. The District shall terminate any employee who tests

positive for illegal drugs while acting within the scope of job duties unless: 1. The employee has voluntarily disclosed a need for counseling or rehabilitation from drug

dependence prior to the test; and 2. The employee has agreed to enroll at his or her expense into a rehabilitation, treatment, or

counseling program approved by the District. *Utah Code § 34-41-105(2) (2025)*

The discipline imposed on an employee who tests positive for alcohol while acting within the scope of job duties will depend on the specific facts and circumstances and the particular test results and may include sanctions up to and including termination. In determining what sanction is appropriate, the District should

consider whether: 1. The employee has voluntarily disclosed a need for counseling or rehabilitation from alcohol

dependence prior to the test; and

2. The employee has agreed to enroll at his or her expense into a rehabilitation, treatment, or

counseling program approved by the District. *Utah Code § 34-41-105(2) (2025)*

Any employee in a rehabilitation or treatment program who is not in a safety sensitive position may be suspended without pay, placed on probation, or terminated for cause within the discretion of the Superintendent and/or the Board of Education.

Consequences of Refusal to Test or Tampering With Test—

If an employee is required to take a drug or alcohol test based on reasonable suspicion and refuses to be tested or to cooperate with test procedures, the employee may be treated as having a positive test result and disciplined accordingly and may also be disciplined for insubordination. If an employee is found to have submitted a false sample or otherwise to have attempted to circumvent the testing process, the employee may be treated as having a positive test result and disciplined accordingly.

Utah Code § 34-41-105(2) (2025)

Alcohol Testing Procedures—

The employee subject to testing for alcohol shall undergo either a breath test or a saliva test, as determined by the supervisor or administrator requiring the test in consultation with the person performing the testing. The breath test may be used for the initial screen and for confirmatory testing. When the breath test is used, it must be performed by a certified Breath Alcohol Technician and must be performed under conditions of the USOE Drug/Alcohol

Testing Statewide Contract and in accordance with Part 40, Title 49, Code of Federal Regulations as amended.

The saliva test must be administered under the following conditions: 1. The saliva alcohol test may be administered only by an individual certified in performing the

test. 2. The saliva alcohol test may be used for initial alcohol screening for post-accident and

reasonable suspicion testing. (It may not be used for confirmatory testing.) 3. An initial positive test result must be confirmed by the administration of a breath alcohol

test. With an initial positive result, a breath alcohol testing provider must be immediately notified and test requested. The confirmatory test must be performed no sooner than 20 minutes after the saliva test and no later than 30 minutes after the saliva test. *Pupil Transportation Drug and Alcohol Testing Policies and Procedures Employee*

Handbook Section VIII.F

Drug Testing Procedures—

Testing of samples shall conform to scientifically accepted analytical methods and procedures and shall be performed by an independent laboratory certified for employment drug testing as provided by statute. Collection of samples shall be done according to instructions prepared by an entity independent of the District. Collection of samples shall take place under reasonable and sanitary conditions. Collection and testing shall be done so as to ensure the privacy of the employee being tested and in a manner reasonably calculated to prevent substitution of samples or interference with the collection or testing of reliable samples. Sample collection, storage, and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of sample misidentification, contamination, or adulteration. Sample collection shall be

documented to ensure that: 1. Samples are labeled and sealed to reasonably preclude the probability of erroneous

identification of test results, and 2. The donor has the opportunity to provide notification of any information: a. that the donor considers relevant to the test (including identification of currently or recently

used prescription or nonprescription drugs or other relevant medical information) and b. in compliance with the Americans With Disabilities Act.

Utah Code § 34-41-103(2)(a) (2026)

Utah Code § 34-41-104(1), (3) (2026)

The employee subject to testing shall provide a blood, breath, oral fluid, or hair sample or a split urine sample for testing as determined by the supervisor or

administrator requiring the test in consultation with the person performing the testing. A split urine sample shall consist of at least 45 milliliters of urine, divided into two specimen bottles with at least 30 milliliters in one bottle (for the initial test) and at least 15 milliliters in the other bottle for retesting, if requested.

Utah Code § 34-41-103(4), (5), (6) (2026)

Verification of Tests—

Before the result of any test may be used as a basis for any adverse employment action, the District shall verify or confirm any positive initial screening test by gas chromatography, gas chromatograph-mass spectroscopy, or other comparable analytic methods. In addition, the employee testing positive shall be notified by telephone and in writing at the last known address and telephone number of the positive test result and, for a urine test, where a new test may be obtained if the employee desires to undergo a second test and requests it within 72 hours of the notice. If the employee timely requests testing of the second sample, the second sample shall be tested.

Utah Code § 34-41-103(7) (2026) Utah Code § 34-41-104(4) (2026)

Compensation for Test Time—

All tests performed by the District shall occur during or immediately after the regular work period of the employee and shall be considered as work time for purposes of compensation and benefits.

Utah Code § 34-41-104(5) (2026)

Testing Costs—

The District shall bear the costs of all sample collection and initial testing for alcohol or drugs at the request of the District, including any costs for transportation to the test site if conducted at a place other than the workplace. The costs of testing a second urine sample will be equally divided between the District and the employee.

Utah Code § 34-41-103(8) (2026) Utah Code § 34-41-104(6) (2026)