

4341-R Section 3, Personnel Authorized to Carry Concealed Firearms – Mandatory Drug and Alcohol Testing

Campbell County School District recognizes that the influence and/or use of drugs, controlled substances, and/or alcohol is capable of threatening the safety, welfare, and well-being of students and employees and will not be tolerated. The possession, use, transfer and/or sale of alcohol and/or any drug while on duty or on school district property, are strictly prohibited. Being under the influence of alcohol and/or any drugs while on duty or otherwise contrary to the policies established herein is also strictly prohibited.

Drug and alcohol tests are required prior to approval for conceal carry. In addition, an employee who is approved to conceal carry a firearm shall be subject to additional drug and alcohol testing as follows:

- post-incident testing
- reasonable suspicion testing
- random basis testing

To maintain the health, safety, and well-being of students, employees, and the public, the District retains the right to randomly test for alcohol, and/or drugs all employees who are approved to carry concealed firearms.

An employee who applies to conceal carry a firearm shall consent to participate in the District's random drug and/or alcohol-testing program. Notice of the program will be made at the time of application. This regulation will be included with the application and receipt of the regulation documented.

REGULATION OVERVIEW

The purpose of this regulation is to establish guidelines for mandatory drug and alcohol testing for all District employees approved to conceal carry. The procedures and circumstances under which alcohol and/or drug testing are to be conducted by the District are more specifically addressed and set forth herein.

Any person who refuses to participate or fails to comply with any step in the testing procedure for the use of alcohol and/or drugs will be subject to discipline according to District policies, including but not limited to Policy 4341. Any refusal to submit to a test shall be treated as a positive test which will result in the Superintendent or their designee immediately suspending concealed carry privileges of the employee.

Employee Post-Incident Testing

Campbell County School District shall require an employee under their supervision to undergo drug and alcohol testing after an incident in which the employee uses his or her concealed carry firearm. Testing shall be completed as soon as possible but within no more than eight (8) hours.

Reasonable Suspicion Testing

Any administrator or supervisor who has reasonable suspicion that an employee approved for concealed carry is displaying behaviors that may adversely affect job performance, safety, or the work environment will be required to submit to a drug and/or alcohol test. Common signs to be aware of for reasonable suspicion testing include, but are not limited to, the following: odor of alcohol on the body or breath, slurred speech, unsteady standing or walking, inability or difficulty completing routine tasks, disorientation or confusion, and erratic or unusual behavior.

Random Employee Testing

An employee approved to conceal carry will be subjected to random drug and alcohol testing as a provision of Policy 4341.

ALCOHOL TESTING: AN OVERVIEW

An employee approved to conceal carry will consent to alcohol tests on a random basis. The specific alcohol related conduct which prohibits performance of the employee's functions includes having a blood alcohol concentration of 0.01% or greater, using alcohol while in the performance of the employee's duties, performance of the employee's duties or function within four (4) hours after using alcohol, and refusing to submit to an alcohol test.

ALCOHOL TESTING PROCEDURES

The District has adopted a zero-tolerance policy with regard to drugs and alcohol for those selected as an employee approved to conceal carry. The acceptable blood alcohol level is less than 0.01%.

All alcohol breath tests shall be conducted on an approved Evidential Breath-Testing device (EBT) by a trained Breath Alcohol Technician (BAT). EBT's shall be able to distinguish alcohol from acetone and shall be capable of testing an air blank before each collection of breath and performing an external calibration check. To be used in either screening or confirmation alcohol testing, an EBT shall have a quality assurance plan (QAP) developed by the manufacturer.

Breath alcohol testing will be conducted at a location that affords visual and audio privacy to the employee being tested to prevent unauthorized persons from seeing or hearing the test results. All necessary equipment, personnel, and materials for breath testing shall be provided at the location where testing is conducted. When the employee enters the alcohol testing location, the BAT will require said employee to provide positive identification. The BAT shall explain the testing procedure to the employee.

Screening Test Procedure:

- The BAT shall complete Step 1 on the breath alcohol testing form. The employee shall then complete Step 2, signing the certification. Refusal by the employee to sign this certification shall be regarded as a refusal to take the test.
- An individually sealed mouthpiece shall be opened in view of the employee and BAT and attached to the EBT in accordance with the manufacturer's instructions.
- The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT indicates that an adequate amount of breath has been obtained. If the EBT provides a printed result but does not print the results directly onto the form, the BAT will show the employee the result displayed on the EBT. The BAT will then affix the test result printout to the breath test form in the designated space, using a method that provides clear evidence of removal.
- If the EBT prints the test results directly onto the form, the BAT shall show the employee the result displayed on the EBT.
- If the result of the screening test is an alcohol concentration of 0.01% or greater, a confirmation test shall be performed as provided herein.

Confirmation Test Procedure:

- The confirmation test shall be conducted within twenty (20) minutes of the completion of the screening test. The BAT shall instruct the employee not to eat, drink, put any object or substance in his/her mouth, and to the extent possible, not belch during a waiting period before the confirmation test. This time period begins with the completion of the screening test and shall not be less than fifteen (15) minutes. The BAT shall explain to the employee the reason for the requirement (i.e., to prevent any accumulation of mouth alcohol leading to an artificially high reading) and the fact that it is for the employee's benefit. The BAT shall also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instruction. If the BAT becomes aware that the employee has not complied with the instruction, the BAT shall so note in the "Remarks" section of the form.
- Before administering the confirmation test, the BAT shall ensure that the EBT registers 0.00 on an air blank. If the reading is greater than 0.00, they shall not proceed using that instrument. However, testing may proceed on another instrument.
- If the screening and confirmation test results are not identical, the confirmation test is deemed the result upon which any action under this policy shall be based.
- Following the completion of the test, the BAT and employee shall date and sign the certification form as described in the procedures for screening tests.
- The BAT shall transmit all results to the District in a confidential manner to the Superintendent or their designee.

Refusal by an employee to complete and sign the breath alcohol testing form (Step 2), to provide breath, to provide an adequate amount of breath, or otherwise to cooperate with the testing process in a way that prevents the completion of the test, shall be noted by the BAT in the "Remarks" section of the form. The testing process shall be terminated, and the BAT shall immediately notify the Superintendent or their designee. If an employee is unable or alleges that they are unable to provide an amount of breath sufficient to permit a valid breath test because of a medical condition, the BAT shall again instruct the employee to attempt to provide an adequate amount of breath. If the employee refuses to attempt, the BAT shall immediately inform the Superintendent or their designee. If the employee attempts and fails to provide an adequate amount of breath, the Superintendent or their designee shall proceed as follows:

- The Superintendent or their designee shall direct the employee to obtain, as soon as practical after the attempted test, an evaluation from a licensed physician who is acceptable to the Superintendent or their designee concerning the employee's medical ability or inability to provide an adequate amount of breath. If the physician determines in their reasonable medical judgment that a medical condition has, or with a high degree of probability could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed as a refusal to take a test, and an alternative test will be provided (ie, saliva or blood). If a licensed physician is unable to make such a determination, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal.
- In the event the employee's confirmation test registers 0.01% or greater, the employee is subject to disciplinary action and immediate suspension of concealed carry privileges. The suspension will be forwarded to the Board for consideration and possible termination of concealed carry status.

DRUG TESTING: AN OVERVIEW

An employee approved to conceal carry will consent to testing for drug use on a random basis. All drug test results are reviewed and interpreted by a medical review officer (MRO) before reported to District officials. Illicit drugs or controlled substances, including those controlled substances as defined by the Wyoming Controlled Substances Act, W.S. 35-7-1001 et seq., at threshold levels established by the National Institute on Drug Abuse (NIDA). Any unauthorized use of the drugs set forth herein is prohibited. Drug testing is conducted by analyzing an employee's urine specimen for the following drugs at the identified thresholds:

- Amphetamine (AMP) – 300 ng/ml
 - Methamphetamine
 - MDMA
 - MDA
 - MDEA
- Barbiturates (BAR)- 300 ng/ml
- Benzodiazepines (BZO)- 300 ng/ml
- Cocaine Metabolite (COC)- 300 ng/ml
- Marijuana Metabolite (THC)- 50 ng/ml

- Methadone (MTD) 300 ng/ml
- Methaqualone 300 ng/ml
- Opiate (OPI)- 300 ng/ml
 - Codeine
 - Morphine
 - Heroin
- Hydrocodone
- Hydromorphone
- Oxycodone (OXY)- 100 ng/ml
- Phencyclidine (PCP)- 25 ng/ml
- Propoxyphene (PPX)- 300ng/ml

DRUG TESTING PROCEDURES

To ensure that the appropriate chain of custody and specimen control are maintained, the collection of urine specimens will proceed as follows:

- Upon the employee's arrival at the designated collection site, the collector will request the employee to provide positive identification. The employee will be required to complete a pretest information form, which serves as an identification document for the specimen collected. This form will request information regarding the employee's use of prescription and non-prescription drugs, which may affect the outcome of the test.
- The collector will be of the same sex as the employee when direct observation is required. The employee will be required to remove any unnecessary outer garments and to leave outside the collection area any purses, briefcases, or similar items. The employee will be required to wash and dry his hands before administering the test. The employee will remain in the presence of the collector and not have access to water fountains, faucets, soap dispensers, cleaning agents, or any other material, which could be used to falsify or adulterate the specimen. The donor will observe any transfer of the specimen from the collection container to another specimen bottle.
- The donor shall urinate into a collection container or a specimen bottle capable of holding at least 60 ml. The collection site person, in the presence of the donor, shall pour the collected urine into two specimen bottles. Thirty (30) ml shall be poured into one bottle, which is used as the primary specimen, and at least fifteen (15) ml shall be poured into the other bottle, to be used as the split specimen. Both bottles shall be shipped together in a single shipping container with the laboratory copy of the chain of custody.
- If the test result of the primary specimen is positive, the employee, at their own expense, may request that the Medical Review Officer (MRO) direct that the split specimen be tested in a different Department of Health and Human Services (DHHS)-certified laboratory for the presence of the drug(s) for which a positive result was obtained in the test of the primary specimen. The MRO shall honor such a request if made within seventy-two (72) hours of the employee having been notified of a verified positive test result. When the MRO informs the laboratory in writing that the employee has requested a test of the split specimen, the laboratory

shall forward to a different DHHS-approved laboratory, the split specimen bottle, with seal intact, a copy of the MRO request, and the split specimen copy of the chain of custody form with appropriate chain of custody entries. The second laboratory shall transmit the result of the split specimen test to the MRO.

- If the result of the test of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, the MRO shall cancel the results, and report the cancellation and the reasons for it to the Superintendent or their designee, and the employee.
- Any employee required to submit a specimen pursuant to random employee testing shall be required to submit a urine sample. Employees, who do not produce an adequate specimen, within 3 hours, violate this policy, and they will be subject to discipline and immediate suspension of concealed carry privileges.
- The identification label(s) on the specimen bottle shall contain the date of collection, the name of the collection official, and the required identifying information. The employee providing the specimen shall initial the label on the specimen bottle, using initials corresponding with the name on the chain of custody form. The employee providing the specimen shall be asked to read and sign a certification statement certifying that the urine in the specimen bottles came from their body at the time of collection. Refusal to sign this statement will be noted on the certification statement form by the collector. Refusal to sign will be marked as a positive test.
- Upon notification by the drug program facilitator that an employee has failed to appear for their scheduled collection, the supervisor will discuss with the employee the reason(s) for failing to appear. If the employee provides a legitimate reason for failing to report, there will be no disciplinary action. If the employee does not provide a legitimate reason for failing to report, they will be subject to discipline and immediate suspension of concealed carry privileges.
- If an employee refuses to provide a specimen, the drug program facilitator and/or the employee's supervisor(s) shall advise the employee that refusal to provide a specimen will be subject to discipline and immediate suspension of concealed carry privileges.
- If an employee fails to provide a sufficient quantity of urine (i.e., at least sixty (60) ml), the drug program facilitator and/or the employee's supervisor will meet with the employee to see if they have a legitimate reason for not providing a sufficient specimen. If the employee has a legitimate reason, they will be required to take the drug test within twenty-four (24) hours. If the employee does not have a legitimate reason, they will be subject to discipline and immediate suspension of concealed carry privileges.

MANDATORY RANDOM TESTING

To maintain the District's priority of assuring the safety, health, and well-being of students and employees, the District retains the right to randomly test for alcohol and/or drugs of all employees approved to conceal carry. The District requires that annually the number of random tests meets or exceeds fifty percent (50%) of the number of employees in the

random testing pool for drugs and twenty-five percent (25%) for alcohol. Random testing shall be conducted on at least a quarterly basis, but may, at the option of the Superintendent or their designee, be conducted more frequently (i.e., monthly, biweekly or weekly). The District shall select a method of random selection such as computer program or assigning code numbers to employees, etc.

- Random tests will be administered just before, during, or after an employee's work time. In the event an employee is unavailable for testing on the assigned date, they will be tested on the next day that random testing is provided.
- Employees must remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.
- No advance warning will be given to employees regarding the dates and times of random testing.

ADOPTION DATE: April 14, 2020

LEGAL REFERENCE(S): W.S. 21-3-132; W.S. 6-8-104; W.S. 16-4-201 through 16-4-205

CROSS REFERENCE(S): 4341

ADMINISTRATIVE REGULATIONS: 4341-R Section 1, 2, 4, and 5

ADMINISTRATIVE FORMS: 4341 Form, Personnel Authorized to Carry Concealed Firearms – Concealed Carry Firearm or Holster Change Order; 4341 Form, Personnel Authorized to Carry Concealed Firearms – Application; 4341 Form, Personnel Authorized to Carry Concealed Firearms - Application (For Office Use Only)