

Any drug and alcohol testing of District employees shall be conducted using procedures that reasonably protect the privacy interests of the employee and the integrity of the test results. Employees' compliance and cooperation with the District's policies and procedures regarding alcohol and drug testing is required as a condition of employment.

**Employee Drug and Alcohol Testing Based on Individualized Circumstances**

If a supervisor or administrator has actual knowledge of or reasonable suspicion concerning an employee's employment-related possession or use of alcohol or controlled substances in violation of District policy or any applicable law (e.g., use on the job or being under the influence upon reporting for work or while working), the employee may be required to submit to testing for alcohol and/or controlled substances.

Although other facts and circumstances may also create or support an individualized determination to require such testing, when reasonable suspicion is based on observations of an employee's appearance, behavior, speech, or body odors, such observations shall be (1) documented; (2) reasonably contemporaneous to the determination of individualized suspicion and the directive to submit to testing; and (3) based on reasonably-specific physical, behavioral, speech, and performance indicators that have been shown by reliable authorities to be signs of possible drug or alcohol use, including but not limited to indicators of the chronic effects of the use of controlled substances.

Reasonable suspicion to require testing may not be based on information about an employee's lawful use of a lawful product that occurred off District premises and during nonworking hours, unless such use has a legally-sufficient connection or nexus to the employee's work-related responsibilities or his/her obligations under applicable law or District policies.

If an individual remains employed by the District after the District's determination that the employee violated applicable laws or District policies related to alcohol or controlled substances, then, to the extent permitted by law, the District may condition the employee's return to work and/or his/her continued employment on submitting to and passing one or more drug and/or alcohol tests. The employee will be informed of any such conditions in writing.

## **Consequences**

Under its authority as an employer, the District reserves the right to impose consequences for violations of District policies or rules regarding drugs and alcohol, including for test results that provide evidence of such a violation. In addition to any consequences that may be required by applicable laws, possible consequences include referral to drug and alcohol counseling or rehabilitation programs, referral to any available employee assistance program (EAP), reassignment, monitoring plans, discipline (up to and including termination), and/or, if determined to be appropriate, referral to law enforcement officials.

If an employee refuses a District directive to submit to a test for alcohol or controlled substances that is permitted or required under applicable law, or refuses to cooperate with the testing procedures, the employee is subject to consequences for the refusal, which may include (1) consequences defined by any applicable state or federal laws; (2) the drawing of adverse factual inferences related to the matter being addressed by the directive; and (3) other consequences that apply to failed tests and to other violations of the District's policies or rules related to drugs and alcohol in the workplace.

### **Legal References:**

#### **Wisconsin Statutes**

[Section 111.35](#) [use or nonuse of lawful products; exceptions and special cases]  
[Section 346.63](#) [operating under influence of an intoxicant or other drug]

#### **Wisconsin Administrative Code**

[Trans 300.16](#) [student transportation; driver requirements]

#### **Federal Laws and Regulations**

[41 U.S.C. Chapter 81](#) [federal drug-free workplace requirements for federal contractors/grantees]  
[21 C.F.R. Part 1308](#) [federal schedules of controlled substances]  
[49 C.F.R. Part 40](#) [federal procedures for transportation workplace drug and alcohol testing programs]  
[49 C.F.R. Part 382](#) [federal regulations governing controlled substances and alcohol use by drivers and related testing]

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