

In fulfilling its commitment to the safety of its students, employees, and the public, the board endeavors to promote conditions aligned with creating and maintaining a safe educational environment and workplace for its students and employees, including a drug and alcohol free workplace. The board believes that these health and safety concerns are of paramount importance and are the primary responsibility of each and every district employee.

To fulfill this responsibility, every employee must be mentally and physically alert at all times while in performance of his or her duties. The board establishes, and hereby directs the superintendent to implement, an alcohol and illegal drug-testing program for all district employees in conformance with this policy and applicable federal and state law.

Standards of Conduct

It is the policy of the board to provide and maintain a drug-free workplace. The unauthorized manufacture, use, possession, distribution or sale of alcoholic beverages or illegal drugs on district premises is strictly prohibited. Further, being under the influence of alcohol or illegal drugs on school premises or during any school business, activity or function is strictly prohibited. Reporting for work or working while under the influence of illegal drugs or alcohol is prohibited. Lawfully prescribed prescription drugs used in accordance with their prescribed use are not subject to this policy. However, reporting for work or working under an impairment caused by the abuse of lawfully prescribed drugs is prohibited.

With respect to the drug/alcohol testing set forth below, the following events, in addition to any and all others that are set forth in this and any other policy, may subject the employee to disciplinary action, up to and including termination of employment:

- i. failure to report for or timely report for a required test;
- ii. refusal to sign a testing consent form;
- iii. refusal to submit to a required test, including failure to provide a specimen;
- iv. refusal to comply with testing personnel or obstruction of a test;
- v. tampering with or otherwise compromising the validity of test samples.

A. Testing of All District Employees

Reasonable Suspicion Testing

The district reserves the right to conduct testing of any employee who is reasonably suspected of using alcohol or illegally using drugs. An employee who refuses to submit to a drug or alcohol screening test may be subject to disciplinary action, up to and including termination. An employee whose use of illegal drugs or alcoholic beverages poses an immediate health or safety risk to students, co-workers or the general public will be subject to immediate termination. Any employee who refuses to submit to a drug and alcohol screening test will be considered to have voluntarily resigned from employment with the district.

Employees requested to submit to a drug and alcohol screening test must do so immediately or by a time otherwise specified by the their supervisor. Employees may not delay in taking the test or otherwise cause the test to be delayed. Any employee who violates this provision will be considered to have voluntarily resigned from employment with the district. Testing positive for illegal drugs or alcohol upon such testing will result in disciplinary action, up to and including termination of employment.

B. Testing of Transportation-Related Employees

In addition to the reasonable suspicion testing outlined above, employees responsible for the transportation of students in the discharge of all or any part of their duties are also subject to the following provisions:

1. Applicants

The board requires a uniform drug/alcohol screening test for all prospective employees who will be responsible for transporting students as all or any part of their job duty and as part of its fitness for work policy. Each such prospective employee will be required to sign a form declaring that he or she is not currently illegally using drugs, or abusing alcohol or prescribed or over the counter drugs and acknowledging that he or she may be subject to testing based on a reasonable suspicion of illegal drug or alcohol use during his or her employment. Any such applicant or employee who refuses to submit to a drug and alcohol screening test will be denied employment with the district.

2. Random Testing

School bus drivers and other employees responsible for transporting students may be required to submit to random drug/alcohol testing. Testing positive for illegal drugs or alcohol upon such random testing will result in disciplinary action, up to and including termination of employment.

3. Post-Accident Testing

School bus drivers and other employees responsible for transporting students shall be required to submit to drug/alcohol testing following a vehicle accident occurring in the course of duty. Testing positive for illegal drugs or alcohol upon such post-accident testing will result in disciplinary action, up to and including termination of employment.

4. Return to Duty Testing

Employees who have been off work for a period of forty-five (45) consecutive days or more may be subject to a mandatory return-to-duty drug/alcohol screening prior to returning to active duty as a part of the district's fitness for work policy. However, employees not on active duty due to the summer break will not be subject to this provision. Testing positive for illegal drugs or alcohol upon such return to duty testing will result in disciplinary action, up to and including termination of employment.

5. Periodic Testing

School bus drivers and other employees responsible for transporting students shall also be required to submit to drug/alcohol testing once per year at a time to be established by the district. Testing positive for illegal drugs or alcohol upon such periodic testing will result in disciplinary action, up to and including termination of employment.

C. Confidentiality

The results of any drug and/or alcohol screening test will remain confidential and disclosures limited to essential personnel, except as otherwise required by law. Reports from drug and/or alcohol testing will be forwarded to the Director of Human Resources and

will confirm only whether or not the employee tested positive for either drug or alcohol abuse.

D. Referral to Employee Assistance Program (EAP)

Employees who test positive for the illegal use of drugs and/or alcohol may be referred to the Employee Assistance Program (EAP) in the District's sole discretion. As a condition of continued employment, employees who test positive for illegal drug or alcohol use may be required to enter into and complete a drug or alcohol abuse counseling or rehabilitation program. In order to ensure that persons who are enrolled in, or who have successfully completed, a drug or alcohol counseling or rehabilitation program are no longer engaging in the use or abuse of alcoholic liquor or drugs, random testing may be conducted. Any employee refusing to submit to such a drug/alcohol test may be subject to disciplinary action, up to and including termination. A positive test within one (1) year from the date of the first positive test will result in immediate termination.

E. Appeals

Employees who are members of a collective bargaining unit may appeal decisions made under this policy pursuant to the terms and conditions of their respective collective bargaining agreement. Employees who are not members of collective bargaining units may appeal decisions made under this policy through the superintendent to the Board of Education.

F. Enactment

The superintendent may develop additional rules and regulations to implement this policy. The policy shall be enforced 21 calendar days after passed by the Board of Education.

Legal Ref:

Omnibus Transportation Employee Testing Act of 1991, Title V at 105 Stat. 952
Drug-Free Schools and Communities Act, 20 U.S.C. 3171, *et seq.*
Drug-Free Workplace Act, 41 U.S.C., 701, *et seq.*