

## CHAPTER 6.00 – HUMAN RESOURCES

### ALCOHOL AND DRUG-FREE WORKPLACE

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- (1) No employee shall possess, consume or sell alcoholic beverages or be under the influence of alcohol on the job or in the workplace.
- (2) No employee shall unlawfully manufacture, distribute, dispense, possess, use or be under the influence of, on the job or in the workplace, any drug such as, amphetamine, a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph, marijuana or any other controlled substance, as identified in the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulations at 21 CFR 1300 or Florida Statutes, Chapter 893, without a valid prescription. An employer may test an individual for any or all of such drugs.
- (3) The appropriate use of legally prescribed drugs and nonprescription medication is not prohibited. However, it is the employee's responsibility to inform the physician of the employee's job duties and to ask the prescribing physician to determine whether or not the prescribed drug may impair the employee's job performance. It is the employee's responsibility to remove himself/herself from service if unfit for duty.
- (4) An employee in a safety sensitive position must obtain a written release from the prescribing physician if he/she has prescribed any substance that carries a warning label indicating that mental functioning, motor skills or judgment may be adversely affected. The release must state that the employee is able to perform safety sensitive functions.
- (5) "Workplace" is defined as the site for the performance of work done in connection with the duties of an employee of the School Board. That term includes any place where the work of the school district is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; or any off-school property during a school-sponsored or school-approved activity, event or function, such as a field trip, workshop or athletic event.
- (6) As a condition of employment, each employee will:
  - (a) Pass a pre-employment drug test as a prerequisite to actual employment. Positive results may be grounds for termination and the individual's employment may be rescinded.

## **CHAPTER 6.00 – HUMAN RESOURCES**

- (b) Notify the Superintendent of any controlled substances prescribed for the job applicant by a physician or dentist before the applicant is tested.
  - (c) When employed, abide by the terms of this policy, and
  - (d) Notify the Superintendent of any criminal drug statute arrest or conviction for a violation occurring on the premises of the School Board, at the workplace, or during the conduct of any official activity related to the School Board within forty-eight (48) hours. Professional employees must be in compliance with 6.30, sections (2) and (3).
  - (e) Employees who are undergoing rehabilitation, counseling or other treatment for drugs or alcohol which is known to or required by the Superintendent, or other member of management, as a condition of continued employment, shall authorize the Superintendent to obtain all information from any source, including medical or psychological reports relating directly to the problem, the employee shall be required to follow the instructions of those providing assistance, including doctors and psychologist they may be required to see by the Superintendent.
  - (f) Unless the law or a specific WCSB Policy provides otherwise, the cost of any assistance or rehabilitation not covered by Group Medical and Health Insurance provided by the WCSB, shall be borne by the employee. Any required follow-up testing shall be at the expense of the WCSB.
- (7) The School Board shall:
  - (a) Notify the appropriate agency within ten (10) days after receiving such notice from an employee of an arrest or conviction or otherwise receiving actual notice of such and,
  - (b) Take one of the following actions, within thirty (30) days of receiving such notice, with respect to any employee who is so convicted:
    - (i) Require such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; or,

## **CHAPTER 6.00 – HUMAN RESOURCES**

- (ii) If the employee fails to participate satisfactorily in such program, the employee may be non-renewed or his or her employment may be suspended or terminated, at the discretion of the School Board; or,
  - (iii) Take appropriate personnel action against such an employee, up to and including termination.
- (c) Test any employee under the circumstances listed below:
  - (i) When an employee is involved at any time directly in a serious or reportable equipment or vehicular work-related accident, or in any maintenance or operation of WCSB equipment or vehicles in which the employee has (or there is reason to believe the employee) acted in an unsafe or negligent manner in causing or contributing to the cause of the accident.
  - (ii) When a supervisory employee has reasonable suspicion to believe that an employee is in violation of this policy. Reasonable suspicion must be made by an individual trained in the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances. The observations, on which reasonable suspicion for alcohol is based, must be made during, just before or just after the period of the work day the affected employee is required to be in compliance, and during the work day of all other employees.
- (d) Conduct random testing of 50% of the employees who perform safety sensitive functions and who are required to hold a commercial drivers license as a condition of employment. (Omnibus Transportation Employee Testing Act).
- (e) Conduct random testing of 10% of each of the other work groups (administrative, instructional, instructional support, school food service, general support and maintenance) unless prohibited by law or other governing documents that may supersede this policy.
- (f) Adhere to the following in conducting random testing:

The District shall ensure that the tests are unannounced and spread reasonably throughout the year. Individuals scheduled for a random test will be provided a notification/consent form by the

## **CHAPTER 6.00 – HUMAN RESOURCES**

supervisor and must report immediately to be tested. Any employee refusing to do so will be treated as a positive result and will be removed from duty. An employee who refuses to participate in a random drug or alcohol test shall be given the option of taking personal leave charged to sick leave, annual leave if in a leave accruing position or leave without pay until the next regularly scheduled Board meeting at which time he/she will be subject to disciplinary action up to and including termination as allowed by law. Each case will be reviewed by the School Board and a recommendation will be made on the merits of each. Employees will be subject to Florida Statutes and/or governing documents that may supersede this policy. The employee will be referred to a substance abuse professional for an evaluation and treatment if indicated by the substance abuse professional. The cost of the referral, and treatment will be assumed by the employee. The employee will be given a list of substance abuse professionals from which he/she may choose. An employee will not be returned to duty after a positive test result, until the substance abuse professional has contacted the supervisor and submitted a written statement that it is safe for the employee to return, and that the employee has followed or is satisfactorily participating in the prescribed rehabilitation program.

### **(8) Procedures**

The Superintendent is authorized to adopt procedures to ensure notification and compliance with this policy as well as the specific procedures for implementation consistent with the Omnibus Transportation Employee Testing Act.

### **(9) Employee Assistance**

- (a) Self-Referral.** Employees who have a drug or alcohol related problem may seek assistance themselves. Self referrals will be confidential to the extent required or allowed by law; unless the medical provider or specialist determines the problem is of such magnitude that failure to report it to the Superintendent would constitute a safety or serious operational problem.
- (b) Referral by Supervisor.** If an employee voluntarily reports a drug or alcohol related problem to a supervisor, unless the problem is determined by the Superintendent to be of such a magnitude as to constitute a safety or serious operational problem, the Superintendent shall refer the employee for appropriate assistance.

## **CHAPTER 6.00 – HUMAN RESOURCES**

Such referrals will be confidential except that the specialist shall keep the Superintendent, or the Superintendent's designee, advised as to the progress of the assistance plan for the employee.

- (c) Others. Employees who violate this policy, who have not sought voluntary assistance or reported their problem to their supervisor, under paragraphs (a) and/or (b) above shall be subject to immediate disciplinary action up to and including termination of employment. The action will be governed by Florida Statutes, this policy and/or other governing documents which supersedes this policy.
- (10) Performance Appraisal
- (a) The performance evaluation of employees covered by paragraph (9) (a) and (b) will not be adversely affected by their participation in a rehabilitation program. If the supervisor determines they can perform satisfactorily, they may be allowed to continue to work while receiving assistance under conditions and restrictions agreeable to the Superintendent or his designee.
  - (b) If the supervisor determines an employee covered by paragraph (9) (a) or (b) cannot perform the functions of the job, the Superintendent shall take, or recommend to the WCSB, appropriate action consistent with all due process procedures and Florida Statutes or other governing documents, which may supersede this policy.

### **STATUTORY AUTHORITY:**

**893.01, 1001.41, 1012.22,  
1012.23, 1012.27, F.S.**

### **LAWS IMPLEMENTED:**

**440.102, 1001.41, 1001.43, 1012.795, F.S.  
DRUG FREE WORKPLACE ACT OF 1988,  
34 CFR PART 85, SUBPART F**

### **HISTORY:**

**ADOPTED:**  
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