

Chapter 6:00 – HUMAN RESOURCES

ALCOHOL AND DRUG-FREE WORKPLACE

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The School Board shall advise all employees of the Drug-Free Workplace requirements including pre-employment, random and post accident, reasonable suspicion, return to duty and follow-up testing.

(1) PRE-EMPLOYMENT ALCOHOL AND CONTROLLED SUBSTANCE TESTING

- (a) As a condition of employment, each employee will pass a pre-employment drug test as a prerequisite to employment. A positive drug test will result in the individual's employment offer being rescinded and grounds for termination.
- (b) In order to follow the procedures for implementing the Omnibus Transportation Employment Testing Act (OTETA), prior to the first time a driver performs a safety-sensitive function for the Washington County School Board, the driver must submit to testing for alcohol and controlled substances. The prospective driver must report for testing as soon as directed to do so by the transportation supervisor, who will provide a notification for testing form to the applicant and obtain a consent form from the applicant.

(2) RANDOM TESTING

- (a) All affected employees shall be subject to random, unannounced drug and alcohol testing.
- (b) The annual random rate for alcohol and controlled substance testing shall be 50% of the affected employees who perform safety sensitive functions and who are required to hold a commercial drivers license as a condition of employment (OTETA).
- (c) The annual random rate for alcohol and controlled substance testing shall be 10% of each of the other work groups (administrative, instructional, instructional support, school food service, general support and maintenance).
- (d) In the case of all employees, the District shall ensure that random tests are unannounced and spread reasonably throughout the year. Individuals

Chapter 6:00 – HUMAN RESOURCES

scheduled for a random test will be provided a notification/consent form and must report immediately to be tested. Refusal to do so will be treated as a positive result and the employee will be removed from duty, and given the option of taking sick leave or leave without pay until the next regularly scheduled Board meeting. Appropriate consequences as indicated in these procedures will apply.

(3) REASONABLE SUSPICION TESTING

All employees will be required to submit to an alcohol or drug test when there is reasonable suspicion to believe that the employee is under the influence of alcohol or a controlled substance or when there is reasonable suspicion that an affected employee is violating any portion of the Drug/Alcohol Testing, or the Drug Free Workplace Policy.

The prohibitions 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.

When there is reasonable suspicion, the employee will be given a Notification to be Tested Form and must immediately report to the testing site. The employer should detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be given to the employee upon request.

A refusal to test will be treated as a positive result and appropriate consequences as indicated in these procedures will apply.

(4) POST ACCIDENT ALCOHOL/CONTROLLED SUBSTANCES TESTING:

Alcohol/controlled substance testing will be administered following an accident if the employee was performing a safety-sensitive function. Accidents, requiring testing are defined as those including loss of human life; the driver receiving a citation from a law enforcement officer; either a driver or passenger receiving immediate medical treatment away from the scene of the accident, or one of the vehicles involved being towed from the scene of the accident due to operational impairment. Such testing must be conducted within the time limits set forth in the Regulations.

Nothing in this document (or the rule itself) should be construed as to require the

Chapter 6:00 – HUMAN RESOURCES

delay of necessary medical attention for injured people following an accident, or to prohibit a driver from leaving the scene of an accident for the period or to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

A driver who is subject to post-accident testing must remain available, or the school board must consider the driver to have refused to submit to testing. The driver subject to post-accident testing must refrain from consuming alcohol for a period of 8 hours following an accident.

When the required controlled substances test has not been administered within a reasonable time following the accident, the following actions shall be taken:

- i. If the driver has not submitted to an alcohol test within 2 hours, the Supervisor shall prepare and maintain on file a record stating the reason a test was not promptly administered.
- ii. If the driver has not submitted to an alcohol test within 8 hours the attempts to administer alcohol test are ceased and the Supervisor must prepare and maintain the records described.
- iii. If the driver has not submitted to a controlled substance test within 32 hours, the supervisor shall cease attempts to administer the test, and prepare and maintain the record described above.

(5) RETURN TO DUTY TESTING

If an employee returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding alcohol/drug misuse, he/she shall undergo a return to duty test indicating a breath alcohol concentration of less than 0.02 and/or a result indicating a verified negative result for controlled substance use. The cost of the return to duty test will be borne by the employee.

In the event a return-to-duty test is required, the driver must also have been evaluated by a substance abuse professional (selected from an approved list) and have participated in any treatment program prescribed, at his/her own expense.

(6) FOLLOW-UP TESTING:

Following a determination that any employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances,

Chapter 6:00 – HUMAN RESOURCES

the Washington County School Board shall ensure that if returned to duty, is subject to unannounced follow-up alcohol and/or controlled substances testing as directed by the substance abuse professional. Employees that perform safety sensitive functions shall be subject to a minimum of six follow-up controlled substance and/or alcohol tests in the first 12 months. These will be at the expense of the school district.

Alcohol follow-up testing shall be performed only when the driver is performing safety-sensitive functions, or immediately prior to performing or immediately after performing safety-sensitive functions.

(7) SPLIT SAMPLE TESTING:

Under this provision, all employees whose urine sample has tested positive for a controlled substance may request (within 72 hours of being notified by the MRO) the other portion of the split sample tested at another laboratory. If the second portion of the sample also tests positive then the driver is subject to the sanctions contained in these procedures. If the second portion produces a negative result, or for any reason the second portion is not available, the test is considered negative and no sanctions are imposed. If a Split Sample Test is requested by the employee, he/she will be responsible for the costs associated with it.

(8) TESTING/ANALYSIS/PROTOCOL:

It is the intent of the Washington County School Board to comply with all alcohol and controlled substance testing procedures contained in 49 Code of Federal Regulations Parts 382, 291, 192, and 395. The School Board recognizes the need to protect individual dignity, in a manner to assure a high degree of accuracy and reliability and using laboratory facilities which are certified by the U.S. Department of Health and Human Services and the Florida Agency for Health Care Administration.

The methodology, cut off levels, reporting of results, and use of the medical review officer will adhere to the Federal Regulations and be the responsibility of First Lab which is the agency holding the State of Florida contract for testing and analysis.

(9) CONSEQUENCES OF POSITIVE RESULTS ON DRUG/ALCOHOL TESTING

Consequences for Applicants: An individual applying for a position who tests positive for alcohol/controlled substances may not re-apply for employment with the school district for twelve months following the receipt of the positive result, and will be required to complete a pre-employment testing upon submitting a subsequent application or activating his/her application. The applicant will be

Chapter 6:00 – HUMAN RESOURCES

responsible for the costs associated with the second and subsequent pre-employment tests.

Consequences for all Employees: Employees who test positive for alcohol/controlled substances will be removed from duty and given the option of taking sick leave or leave without pay until the next regularly scheduled Board meeting at which time they will be recommended for dismissal. Each case will be reviewed by the School Board and a recommendation will be made on the merits of each.

They shall be advised of the resources available to them in evaluating and resolving problems associated with the misuse of alcohol or use of controlled substances.

If the employee is not dismissed he/she 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.

They shall be evaluated by a substance abuse professional (SAP) who shall determine what assistance, if any, they need in resolving problems associated with alcohol misuse and controlled substance use.

An employee will not be returned to duty after a positive test result, under any conditions, until the substance abuse professional has contacted the supervisor and submitted a written statement that the employee is ready to return, and that the employee has followed the prescribed rehabilitation program.

The employee will then submit to and pay for a return to duty test. Any attempts to obstruct the testing, to substitute or adulterate the sample or to refuse to submit to testing shall be the equivalent of a positive test result and treated as such, consistent with these procedures.

Consequences for employees that perform safety sensitive functions:

In addition to the above consequences for all employees, employees performing safety sensitive functions, such as drivers, who have tested positive with regard to alcohol misuse or use of controlled substances, are subject to the following consequences:

- (a) They shall not be permitted to perform safety-sensitive functions.

Chapter 6:00 – HUMAN RESOURCES

- (b) Before an employee is returned to duty requiring a safety-sensitive function, he/she shall undergo a return-to-duty test with a result indicating a negative breath alcohol level if the conduct involved alcohol, or a controlled substance test with a verified involved controlled substance use.
- (c) In addition, each driver identified as needing assistance in resolving problems associated with alcohol or controlled substances shall be evaluated by a Substance Abuse Professional (SAP) to determine that the driver has followed the rehabilitation program prescribed.
- (d) The driver if returned to duty shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional, and consist of at least six tests in the first 12 months.

The failure of any employee to report knowledge of any violation regarding the use, possession or distribution of alcohol or a controlled substance in the workplace will be grounds for disciplinary action.

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