

DRUG-FREE WORKPLACE ADMINISTRATIVE GUIDELINES

The purpose of the Board's Drug-Free Workplace Program is to institute and maintain a program for achieving the objective of a drug-free work force and to provide a workplace that is free from illegal or prohibited and improper manufacture, distribution, dispensing, possession, sale, use or advocacy of alcohol, controlled substances or illegal drugs.

All employees are expected to read and understand this policy and any corresponding Administrative Guideline. Participation in any program pursuant to this policy and any corresponding administrative guideline by all employees is mandatory.

Definitions:

For the purpose of this policy and the guidelines associated with the policy, the following definitions shall apply.

A. The term *illegal drug* means drugs, controlled substances and intoxicating substances, the possession, use, distribution and/or advocacy of which is unlawful, pursuant to Federal, State and local laws and regulations and/or is prohibited by District policy.

B. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity and any drug prohibited by District policy. The term does not include any legally obtain prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions or the ability to perform the functions of the individual's assigned work as determined by the District. Being under the influence of an illegal drug will be presumed to impair an individual's ability to so perform.

C. The term *controlled substance abuse* includes any use of an illegal drug or the excessive use of alcohol, an intoxicating substance and/or prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.

D. The term *safety-sensitive function* includes all task associated with the operation and maintenance of Board-owned vehicles and/or equipment or as defined by the District.

E. The term *safety-sensitive employee* means all regular and substitute bus drivers, employees who are required to hold a CDL license as a condition of employment, other staff members who may drive students in Board-owned vehicles or employees who inspect, repair, and maintain Board-owned vehicles or equipment.

F. The term *while on duty* means all time from the time the District employee begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work, any time an employee is maintaining or operating a Board-owned vehicle or Board-owned equipment and any time an employee is acting or holding him or herself out as acting or is reasonably believed to be acting in a representative capacity for the District.

Rules Related to the Drug-Free Workplace Program

All District employees are expected to abide by Board policies related to alcohol and drug use in the workplace. Any violation of the Board's policies will lead to disciplinary action, up to and including termination.

Possession/Use/Sale/Distribution

No District employee shall possess, use, sell, be under the influence of, advocate the use, acquisition or possession of or distribute alcohol or any intoxicating substance, drug, illegal drug or controlled substance while on duty, unless otherwise permitted by the Board Policy or the District.

Pre-Duty Use

No District employee shall either perform safety-sensitive functions or operate a Board-owned vehicle after using alcohol or an illegal drug and shall not be currently involved in illegal use of drugs.

Controlled Substances Use

No District employee shall report for duty or remain on duty when the District employee uses any controlled substance, except when the use is prescribed by a physician who has advised the District employee and the District, in a writing that specifically delineates all the functions and duties of the employee's employment assignment, that the controlled substance does not adversely affect the District's employee's ability to safely perform the functions and duties of their employment assignment, operate a Board-owned vehicle or Board-owned equipment or perform safety-related functions.

Authorized Use of Prescribed Medicine

A District employee undergoing prescribed medical treatment with any prescribed drug or controlled substance that may impair his/her physical or mental ability should report this

treatment to the District Coordinator who will determine whether the Board shall or can temporarily change the staff member's job assignment during the period of treatment.

Indictments of Convictions for Drug or Alcohol Use

Discipline will be imposed if a District employee:

- a. Is indicted or convicted under any criminal drug statute for a violation occurring in the workplace or outside the workplace; or
- b. fails to notify the Board of any indictment or conviction under any criminal drug statute within five (5) days of the event.

Consequences for Violation of the Drug-Free Workplace Policy

In addition to any disciplinary action, the Board may refer the District employee to a treatment or counseling program facility for illegal drug use or controlled-substance abuse. Appropriate Board representatives shall determine whether a District employee, referred for illegal drug use or controlled-substance abuse treatment or counseling, shall be reassigned to another available position.

Confidentiality

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents with access limited to designated District officials. The information contained in these files will be used only to administer this Policy properly and to provide to certifying agencies for review as required by law. Those designated District officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records.

Employee Assistance

The Board is willing to help employees who have alcohol and substance abuse problems and encourages such employees to voluntarily seek assistance prior to testing. To that end, employee assistance is available for employees and their families through a list of resources available through the District Coordinator.

Rebuttable Presumption

Workplace Injuries:

Should an employee sustain a workplace injury while s/he is under the influence of alcohol, an illegal drug or a controlled substance not prescribed by his/her physician or, if prescribed, determined by said physician as adversely affecting the ability to perform the function being performed at the time of injury, s/he may be disqualified for compensation and benefits under the Worker's Compensation Act. Should the employee test positive for alcohol or a controlled substance in an amount that exceeds the limits allowed under law or an illegal drug or refuse to submit to a test for alcohol and/or other drugs after being given notice that such a refusal could affect the employee's eligibility to receive workers compensation benefits, the employee may

dispute or prove untrue the presumption or belief that alcohol and/or other drugs are the proximate cause of injury (i.e. rebuttable presumption).

Evidence of Violation of Drug Policy:

Employees are on notice that the Employer will presume a violation of this policy if an employee tests positive for use of an illegal drug, regardless of whether the test can pinpoint a specific use time, presents or exhibits physical or behavioral symptoms or mannerisms that typify use, is witnessed using, is in possession of use paraphernalia, smells of use on or about his/her person, is in possession of an illegal drug, is witnessed distributing an illegal drug, is in control of an illegal drug, or advocates for the use, acquisition, distribution, or possession of an illegal drug.

Employee Training

The Program will assist all District employees in understanding and avoiding the perils of illegal use and controlled substance abuse. The Board will provide a comprehensive drug-free awareness program as an ongoing educational effort to prevent and eliminate illegal drug use and controlled substance abuse. The drug-free awareness program will inform employees about:

- A. The dangers of illegal drug use and controlled substance abuse.
- B. The Board's policy on drug-free schools, drug testing, and others related to the use of controlled substances.
- C. Signs/symptoms of substance abuse.
- D. The availability of treatment and counseling for employees who voluntarily seek such assistance.
- E. The sanctions the Board will impose for violations of its policies related to this program.

District Coordinator

The Superintendent or designee shall be the coordinator of the Board's drug-testing program and the person to be contacted for answers to any questions that a staff member may have.

Supervisor Training

Supervisors will be trained about issues related to alcohol and drug use in the workplace and their responsibilities regarding the Drug-Free Workplace Policy and its implementation. Supervisors and other appropriate personnel will be trained in drug abuse recognition and the Board's procedures for handling and assisting employees who are subject to the effects of illegal drug use or controlled substance abuse.