

EMPLOYEE DRUG TESTING

All employees who transport students, drive district vehicles, are in safety sensitive positions or who perform safety sensitive tasks, i.e., tasks whose proper performance is dependent upon the mental alertness, health and fitness of the employee such as the operation of hot water heaters, kitchen equipment, are subject to testing for alcohol and controlled dangerous substances. Employees will be tested for alcohol and for the following categories of controlled dangerous substances and their analogs:

1. Amphetamines
2. Opiates
3. Cocaine, metabolite (Benzoylecgoine)
4. Phencyclidine
5. Cannabinoids

I. Testing Categories

Testing of employees will include, but not be restricted to the following categories:

1. Pre-Employment Testing - required with other pre-employment physicals.
2. Random/Annual Testing - Employees will be tested annually. Employees will be given three days prior notice to his/her scheduled appointment. Random detection procedure shall be utilized with employees who perform safety sensitive tasks. Random testing on drivers shall be done by a scientifically valid method. At least 25% of all drivers shall be tested annually for alcohol and 50% of all drivers shall be tested for drugs.

3. Testing based upon Reasonable Cause - Whenever the action, appearance, or conduct of an employee is indicative of the use of alcohol or a controlled dangerous substance, that employee is subject to drug testing. The conduct should be witnessed and documented by at least two supervisors, whenever possible. The witness(es) must have received training in the detection of probable drug use by observation.
4. Post-Accident or Incident Testing - Any employee is subject to testing when involved in a job-related accident or incident that involves an apparent violation of a safety rule or standard, which did or could have resulted in bodily injury or property damage.

II. Laboratory Standards

A. Analysis

1. The school district shall utilize a laboratory that is currently certified by the National Institute of Drug Abuse (NIDA) as meeting the criteria at Subpart C of the Mandatory Guidelines for Federal Workplace Drug Testing Program. The laboratory will be chosen in accordance with the district's purchasing regulations.
2. The laboratory chosen for testing will be able to guarantee the following factors:
 - a. Adulteration or tampering of specimen has not taken place;
 - b. Documentation of all personnel who handled the specimen has been made;
 - c. Unauthorized access to the specimen did not occur and the specimen was handled in a secure manner;
 - d. Specimen belongs to the individual whose information is printed on the label;
 - e. "Chain of custody" forms will be used.
3. Specimens testing positive shall be automatically re-tested using a test which is different in format and chemical theory from the initial test procedure and which shall be conducted by the same testing facility.

4. At the time of testing, employees are required to bring to the test site a list of medications which they are presently taking or have taken within the last month so that the laboratory performing the test can account for the presence of any prescription drugs in the test results.

III. Release of Test Results

Records of test results shall only be sent to the superintendent or superintendent's designee. The test results will be retained by the superintendent or superintendent's designee and will not be released to any person without first obtaining written authorization from the employee or prospective employee.

If an employee or prospective employee prohibits the release of test results to the district, the employee will be subject to termination or the prospective employee will not be employed.

- A. Pre-Employment Testing - In the case of the pre-employment test, the district will notify applicants of the results of pre-employment test, provided the applicant requests such results, within sixty days of being notified of the disposition of the employment application.
- B. Periodic/Annual Testing - The district will notify an employee of the results of a periodic controlled dangerous substance test when the results are positive. The employee will also be advised as to what drug was found.

IV. Rehabilitative and/or Disciplinary Action

Employees who test positive for alcohol with a blood alcohol content which demonstrates the legal impairment level, and who are suspended rather than terminated will be referred to a listing of drug and/or alcohol counseling and/or rehabilitation programs. Employees who fail to participate in counseling will be subject to termination. Employees so suspended and who participate in a counseling/rehabilitation program will be subject to periodic testing.

Employees who are in safety sensitive positions or who perform safety sensitive tasks who fail to submit to testing shall be considered insubordinate and shall be subject to disciplinary action.

Employees testing positive for alcohol or a controlled dangerous substance while in the performance of their regular duties shall be entitled to due process as set forth in Board Policy and the negotiated agreement of the employee group.

V. General Provisions

1. Any drug or alcohol testing by the district shall occur during or immediately after the regular work period of current employees and shall be deemed work time for purposes of compensation and benefits for current employees.
2. The district shall pay all costs of testing for drugs or alcohol required by the employer, including the cost of transportation from the workplace to the test site.
3. Any employee who is tested positive for a controlled dangerous substance shall have available as an affirmative defense, to be proven by the employee through clear and convincing evidence, that his/her use of a controlled dangerous substance was prescribed by a licensed medical practitioner who is familiar with the employee's medical history and assigned duties.
4. Employees who unlawfully manufacture, distribute, dispense, possess, or use, while on or in the workplace, alcohol or any controlled dangerous substances cited in this regulation will be subject to disciplinary action consistent with Board Policy.
5. All employees tested for drugs will be afforded due process as established by state and federal law.

VI. Training

All supervisors of employees who are required to be tested or who review results as part of their official responsibilities shall receive training in the following areas:

1. District Policy, Procedure and Penalties;
2. Concept of the Drug Free Workplace;
3. Drugs and Their Effects and Dangers in the workplace; and
4. Recognizing Symptoms and What to Do)including availability of support programs and employee assistance programs).