

CHAPTER 6.00 - SCHOOL ADMINISTRATION

6.46 - Pre-Employment Reasonable Suspicion Drug and Alcohol Testing

POLICY

(1) Purpose

The intent of this policy is to eliminate/deter substance abuse and its effects in the workplace. While the School Board of Levy County has no intention of intruding into the private lives of its employees or future employees, involvement with drugs and alcohol off the job can take its toll on the job performance, employee, and student safety. Our concern is that employees are in a condition to perform their duties safely and efficiently, in the interest of their fellow workers and the public as well as themselves. The presence of drugs and alcohol on the job, and the influence of these substances on the employee during working hours, are inconsistent with this objective.

In recognition of the public service responsibilities entrusted to the employees of the School Board of Levy County, and that drug and alcohol abuse can hinder a person's ability to perform duties safely and effectively, the following policy against drug and alcohol abuse is hereby adopted by the School Board of Levy County. This policy applies to all employees. This policy applies to alcohol and to all substances, drugs, or medications, legal or illegal which could impair an employee's ability to effectively and safely perform the functions of the job.

This policy provides guidelines for the detection and deterrence of alcohol and drug use. To that end, the School Board of Levy County will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the School Board's reputation. All persons covered by this policy should be aware that violations of the policy may result in disciplinary action up to and including, termination.

(2) Definitions

(a) Prohibited Substances or Drugs

Any illegal drug or substance as identified in Schedules I through V of Section 202 of the Controlled Substance Act and as further defined by 21 Code of Regulations (CFR) 1300.11 through 1300.15.

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This includes, but is not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine. Illegal use includes use of any illegal drug, misuse of legally prescribed or obtained prescription/non-prescription drugs.

(b) Alcohol

Alcohol use is the consumption of any beverage, mixture, or preparation including any medication or product containing alcohol.

(c) Positive Results

A positive alcohol or drug test shall be defined in accordance with the positive criteria in the Omnibus Transportation Employee Testing Act of 1991, Federal Highway Administration (FHWA) Regulations, 49 CFR, Parts 40 and 382, et al, and F.S. 440.101 and 440.102 including subsequent revisions or additions.

A positive result is a violation of this policy.

(d) Collection Site (a School Board approved collection site)

The School Board will not accept results from any laboratory or collection site that is not on its approved list.

(3) Pre-Employment Testing

Pre-employment drug screening will be required of all applicants recommended for employment prior to being awarded employment with the School Board of Levy County as of January 1, 2002.

(a) Applicants will be referred to a School Board contracted certified collection site. The School Board will not accept results from any laboratory or collection site that is not on its approved contract list.

(b) It will be the responsibility of the School Board of Levy County to pay for any and all costs related to these tests.

(c) A positive result from a drug or alcohol analysis will result in the applicant not being hired. However, consideration will be given if the applicant can produce verification from the prescribing physician of a valid, current prescription for the drug identified in the drug screen, and that the drug will in no way impair their job function.

(d) Within five (5) working days after receiving notice of a positive confirmed test result, the applicant shall be allowed to submit information explaining or contesting the test results. If the applicant's explanation is unsatisfactory, the Personnel Department

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shall provide a written explanation as to why, along with a copy of the report of positive results, within fifteen (15) working days of receipt of explanation or challenge. All such documentation shall be kept confidential by the School Board and shall be retained for at least one (1) year.

- (e) In the absence of a valid current prescription, or the ability to provide evidence to satisfactorily explain the test results, applicants testing positive will not be eligible for employment with the School Board of Levy County for one (1) year from the date the drug screen results are received by the Board.
- (f) Refusal to submit to a drug and alcohol screening will be grounds to refuse to hire the applicant.

(4) Reasonable Suspicion

Administrative personnel may request that an employee submit to a drug or alcohol test when he / she has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the administrator should arrange for the employee to be safely transported to a Board approved collection site or home.

- (a) Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonably prudent administrator to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.
- (b) Reasonable suspicion includes, but is not limited to, the following examples:
 - 1. Slurred speech
 - 2. Alcohol odor on breath
 - 3. Unsteady walking and movement
 - 4. An accident involving Board property or employees
 - 5. Physical altercation
 - 6. Verbal altercation
 - 7. Unusual behavior

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8. Possession of alcohol or drugs
 9. Information obtained from a reliable person with personal knowledge
- (c) Any administrator requesting an employee to submit to a drug or alcohol test shall document in writing the facts constituting reasonable suspicion.
 - (d) Any administrator encountering an employee who refuses an order to submit to a drug or alcohol analysis upon request shall remind the employee of the requirements and disciplinary consequences of this policy.
 - (e) Administrators shall not physically search the person of employees, nor shall they search the personal possession of employees without the freely given written consent of, and in the presence of, the employee.
 - (f) Administrators shall notify the Superintendent or his/her designee when they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the School Board. If the Superintendent or his/her designee concurs that there is reasonable suspicion of illegal drug possession, he/she shall notify the appropriate law enforcement agency.
 - (g) The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by a supervisor or designee who has been trained for at least sixty (60) minutes on alcohol misuse and an additional sixty (60) minutes on controlled substance misuse.
 - (h) The School Board will assume the cost of testing for reasonable suspicion.
- (5) Disciplinary Action
- (a) A positive test (which is a confirmed violation of this policy) will result in the immediate removal from duty and the recommendation for termination of employment.
 - (b) Any employee who questions the results of a required drug test set forth in this policy may request that a test of the split sample be conducted. This test may be conducted at the same or a different approved testing laboratory. If the split sample is negative, no disciplinary action will be taken.

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When an employee requests a split sample to be tested and the results are negative, the School Board of Levy County will pay for the cost of the split sampling test. If the results are still positive on a split sample test, the employee shall be responsible for the cost.

- (c) Failure of the employee to submit to any required drug or alcohol test is considered a positive test result.
- (d) All termination proceedings shall follow due process.
- (e) If a drug or alcohol analysis has a negative result the Director of Personnel will notify the employee as soon as possible and provide the employee with a copy of the result and a written statement that he/she is deemed not to have engaged in substance abuse on the job, and all records of the incident controlled by or known to the Director of Personnel will be noted accordingly. The split sample shall not be analyzed except pursuant to the request of the employee.
- (f) When the Medical Review Officer (MRO) reports a positive drug or alcohol analysis, the Director of Personnel will notify the employee as soon as possible and provide the employee with a copy of the analysis results and recommend to the Superintendent the removal/suspension of the employee from his/her job. The split sample shall not be analyzed except pursuant to the request of the employee.

(6) Notice

The School Board will communicate to all covered employees prior to conducting drug and alcohol testing and provide the reasons for conducting said test(s). The School Board shall provide written notice of the required testing to covered employees and shall provide oral notice at the time of the actual testing. Policies, the laws, and regulations for this policy shall be available at each work site.

(7) Education and Training

The School Board shall provide appropriate educational activities that explain the requirements of the program and its policies and procedures with respect to meeting the requirements.

(8) Voluntary Acknowledgment

If an employee acknowledges that he/she has a drug or alcohol problem, the employee will be removed from duty and given the opportunity to resolve the problem through treatment.

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The employee shall be evaluated by a substance abuse professional at the employee's expense who shall determine what assistance, if any, the employee needs in resolving problems associated with use of prohibited drugs or alcohol misuse.

They may use accrued sick or annual leave if available; otherwise, leave is without pay. The employee must provide proof of successful completion of a rehabilitation treatment program within one (1) year of starting their leave. Failure to provide proof within one (1) year of successful completion will result in immediate recommendation for termination of employment. The employee will incur all costs for the rehabilitation program.

It shall be the sole responsibility of the employee to pay all costs related to any treatment recommended by a substance abuse professional or as a result of the implementation of this policy.

(9) Confidentiality

Laboratory results or test results shall not appear in an employee's general personnel records. Information of this nature will be contained in a separate confidential medical file that will be appropriately maintained by the Director of Personnel. The reports or test results may be disclosed to appropriate School Board administrators on a strictly need-to-know basis and to the tested employee upon request. Disclosures without employee consent may also occur when:

- (a) The information is compelled by law or by judicial or administrative process;
- (b) The information has been placed at issue in a formal dispute between the employer and employee;
- (c) The information is to be used in administering an employee benefit plan; or
- (d) The information is needed by medical personnel for the diagnosis or treatment of the employee in the event the employee is unable to authorize disclosure.

STATUTORY AUTHORITY: 1001.41 (2), 1012.22 (5) (g), 1001.42 (17), 1012.27 (7), 1012.23, 893.01, F.S.

LAWS IMPLEMENTED: 1001.41 (5), 440.102, F.S.

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