

The Hamblen County Board of Education recognizes that our employees are our greatest asset. Our employees are the indispensable key to our goal of providing the best possible education program for our students. To achieve our goal, and to maximize the skills and talents of our employees, it is important that every employee of our school system understands the dangers of drug and alcohol abuse and be aware of the new federal requirements concerning substance abuse. The policy statement should clarify our position on employee drug and alcohol use.

POLICY OBJECTIVES

1. To create and maintain a safe, drug free working environment for all employees.
2. To encourage any employee with dependence on, or addiction to, alcohol or other drugs to seek help in overcoming the problem.
3. To reduce problems of absenteeism, tardiness, carelessness, and/or other unsatisfactory matters related to job performance.
4. To reduce the likelihood of incidents of accidental personal injury and/or damage to pupil transportation, students, or property.
5. To comply with federal laws, specifically the requirements of the Omnibus Transportation Employee Testing Act of 1991.
6. To reduce the likelihood that school property will be used for illicit drug activities.
7. To protect the reputation of the school system and its employees within the industry.

Substance abuse is a serious threat to the school system, its employees, and children. Though the percentage of substance abusing employees may be relatively small, practical experience and research indicate that appropriate precautions are necessary. It is the belief of the Board that the benefits derived from the policy objectives outweigh the potential inconvenience to employees. The board earnestly solicits the understanding and cooperation of all employees in implementing this policy.

The board must insist that all employees report to work without any alcohol or illegal or mind-altering substances in their systems. The board also prohibits employees using, possessing, manufacturing, distributing, or making arrangements to distribute illegal drugs while at work or on school system property.

Further, outside conduct of a substance abuse-related nature that affects an employee's work, the board relationship with the government or reflects badly on the board is prohibited.

Employees must inform their supervisor when they are legitimately taking medication, which may affect their ability to work, in order to avoid creating safety problems and violating the drug and alcohol policy.

ENFORCEMENT

In order to enforce these rules, the board reserves the right to require all employees (defined as all employees subject to the Omnibus Transportation Employee Testing Act of 1991) to submit, at any time an employee is on duty, to drug tests to determine the presence of prohibited substances. The school board is required to develop, implement, and enforce a drug and alcohol policy for their employees as a condition of compliance with the Omnibus Transportation Employee Testing Act of 1991.

Pursuant to board policy and regulations, employees will undergo testing at scheduled physical examinations, when the Board has reasonable cause to believe an employee has violated its alcohol and drug policy, and on a random basis without advance notice. Employees are also required to report all injury or damage-related accidents involving school property or personnel or during school-related activities and submit to screening within 32 hours of a reportable accident. Employees who return to work following rehabilitation will be required to undergo random testing in addition to the general board testing requirements.

The board also reserves the right to search desks, cabinets, tool boxes, vehicles, including personal vehicles brought on the school system's property, bags or any other property at the school or in vehicles when the board has reasonable cause to believe an employee has violated its alcohol and drug policy.

Violation of these rules, including by testing positive, will subject the employee to discipline, including discharge. Refusal to cooperate with the school board in any test investigation will result in discipline, including discharge as appropriate under the applicable federal and state laws.

Any questions should be directed to the drug program coordinator assigned by the board of education.

POLICY

I. General Policy

Practical experience and research has proven that even small quantities of narcotics, abused prescription drugs, or alcohol can impair judgment and reflexes. Even when not readily apparent, this impairment can have serious results, particularly for employees operating vehicles or potentially dangerous equipment. Drug-using employees are a threat to co-workers, students, themselves, and may make costly errors.

II. Drug Use/Distribution/Impairment/Possession

All safety-sensitive employees are prohibited from possessing, distributing, manufacturing, or having controlled substances, abused prescription drugs or any other mind altering or intoxicating substances present in their system while at work or on duty.

III. Alcohol Use/Possession/Impairment

All safety-sensitive employees are prohibited from possessing, drinking, or being impaired or intoxicated by alcohol while at work or on duty. While employees are prohibited from having any alcohol present in their system while on duty, a blood alcohol concentration (BAC) of .04 will be accepted as presumptive evidence of intoxication.

IV. Off-Duty Conduct

Off-the-job use of drugs, alcohol or any other prohibited substances which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work conduct, or harm to the school system's image or relationship with the government is prohibited.

V. Prescription Drugs

The proper use of medication by a physician is not prohibited, however, the board of education prohibits the misuse of prescribed (or over the counter) medications and requires all safety-sensitive employees using drugs at the direction of a physician to notify the school board's medical review officer (MRO) or their supervisor of such usage, the instructions and dosage for such drugs, and a certification from the prescribing physician that the medication will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

VI. Substance Screening

A. Applicants

Substance screening is required for all final applicants applying for a position for which drug testing is required by the provisions of the Omnibus Transportation Employee Testing Act of 1991. Such testing may be required either alone or as part of a pre-employment physical examination. Applicants are required to sign a consent/release form before submitting to screening. Applicants will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.

B. All Current Employees Subject to the Omnibus Transportation Employee Testing Act of 1991

1. Reasonable Cause

All employees will be required to submit to screening whenever a supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse

rules. Examples of circumstances that may establish reasonable cause to warrant testing include supervisor observation, coworker complaints, performance decline, attendance or behavior changes, involvement in a workplace or vehicular accident, or other actions which indicate a possible error in judgment or negligence, or other violations of the drug or other school board policy.

The supervisor or supervisors requesting testing will prepare and sign written documents explaining the circumstances and evidence upon which they relied within 24 hours of the testing, or before the results of the tests are released, whichever is earlier.

2. Random Testing

The board of education will conduct random unannounced screening of all employees. Tests of employees for illicit drugs will be conducted in a number equal to or greater than 50 percent of the effected workforce--without advance notice--in any given 12 month period. Tests of employees for alcohol will be conducted in a number equal to or greater than 25 percent of the effected workforce--without advance notice--in any given 12 month period. There will be no maximum number of samples that any one individual will be required to provide during the testing schedule. Subsequent testing will be conducted at levels equal to or greater than the initial testing level. Employees will be required to report to the school-board-designated collection site for testing as soon as possible but in no case later than four hours following notification. Annually, the tests will be spread reasonably over 12 months.

3. Post Accident Testing

Employees are required to notify the drug program coordinator immediately of any accident resulting in injury or damage to school system property. An employee involved in a reportable accident, defined as an accident resulting in injury, requiring more than simple first aid or resulting in damage of property, are required to undergo substance screening within 32 hours of the occurrence of the accident. The state board will discipline any employee who fails to report an accident or submit to substance screening where required by law or this policy.

4. Return to Duty Testing

All employees referred through administrative channels who undergo a counseling or rehabilitation program or who are suspended for abuse of substance covered under this policy will be subject to unannounced testing following return to duty for no less than 12 months and no more than 60 months. Testing will be on a daily, weekly, monthly, or longer basis and in addition to other types of tests provided in this policy.

5. Recertification Physical Examinations

All drivers may be required to undergo urinalysis as part of their recertification physical examination.

C. Testing Procedures

1. General Guidelines

The school board will rely on the guidance of the Federal Department of Transportation, *Procedures for Transportation Workplace Drug Testing Programs*, 49 C.F.R. Parts 30.1 through 30.39, and on the future guidance of the Omnibus Transportation Employee Act provided in 49 C.F.R., 382, 391, 392 and 395.

2. Substances Tested For All Employees

Employees will regularly be tested for amphetamines, cocaine, marijuana, opiates, and phencyclidine. Testing for alcohol will also be conducted subject to the final provisions of the Omnibus Transportation Act of 1991. Employees may be tested for other substances without advance notice as part of a separate test performed by the school board for safety purpose

3. Testing Procedure

The board of education reserves the right to utilize blood, hair, breath, saliva, or urinalysis testing procedures, however, only urinalysis will be utilized in the pre-employment and random testing.

D. Collection Sites

The school board will designate collection sites where individuals may provide specimens.

E. Collection Procedures

The board of education and the laboratory will maintain a documented procedure for collecting, shipping, and accessing urine specimens. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will be used to safeguard the specimen in a transit status.

Collection sites will maintain instructions and provide training for collection site personnel as needed to protect the integrity of the specimen.

All employees will be required to execute the applicant/employee consent form (GAN-Exhibit).

F. Evaluations and Return of Results to the State Board

The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the results of all tests to the school board's MRO. The MRO will be

responsible for reviewing the quantified test results of employees and confirm that the individuals testing positive have used drugs in violation of school board policy. Prior to making a final decision, the MRO will give the individuals an opportunity to discuss the result either face to face or over the telephone.

The MRO will then promptly tell the drug program coordinator which employees or applicants test positive.

G. Request for Retest

An employee may submit a written request for a retest of the original specimen within 60 days of receipt of the final test results. Requests must be submitted to the drug program coordinator.

The employee may be required to pay the associated costs of retest in advance but will be reimbursed if the results of the retest are negative.

H. Release of Test Results

Test results will not be released by the school board beyond the MRO and school board's management without the individual's written authorization. However, all employees will be required to execute a consent/release form permitting the school board to release test results and related information to the Unemployment Compensation Commission or the relevant government agency.

The MRO will retain the individual test results for positive specimens for five years and negative specimens for twelve months.

VII. Discipline

The school board will discipline, including discharge, employees for any violation of the policy, including refusing to submit to screening, to execute a release, or otherwise cooperate with an investigation or search by the administration.

All employees who test positive in a confirmative substance test will be subject to discipline up to and including discharge. Rehabilitation, at a preapproved treatment provider, may be available to individuals who violate the policy at the expense of the employee.

No employee may be returned to regular duties after any rehabilitation or testing positive unless certified as safe and not using drugs by the school board's MRO. Any employee returned to duty after violating the policy or testing positive will be subject to aftercare and random testing as outlined in the probation agreement.

VIII. Employee Assistance Program (EAP)

The school board EAP will include:

- A. Education and training for the employee regarding drugs and alcohol;
- B. Education and training for supervisors regarding drugs and alcohol, including:
 - 1. effective and consequences of substance use on personal health, safety, and work;
 - 2. manifestations and behavioral causes that may indicate substance use; and
 - 3. documentation of training provided.
- C. A written statement on file and available at the school board office outlining the EAP.

IX. Investigation/Searches

Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he or she may inspect vehicles which an employee brings on the school board's property, lockers, work areas, desks, purses, briefcases, tool boxes, or other belongings, and at locations where school related activities are being conducted without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the drug program coordinator will do so for him or her. The school board may release an illegal, or controlled, drug or paraphernalia to appropriate law enforcement authorities.

All searches should be coordinated with the drug program coordinator.

X. Definitions

Words used in this policy will be defined as set out in Omnibus Transportation Employee Testing Act of 1991 and rules and regulations promulgated pursuant to such act and implementing such act.

NOTE

These procedures represent the school board's current guidelines in dealing with a developing problem under evolving laws and facts, and may be changed in accordance with board policy and state and federal law.

All employees who drive buses are required to participate in the federally mandated drug testing program for commercial licensure (see job description for bus drivers).

HAMBLEN COUNTY SCHOOLS
DRUG FREE WORKPLACE
POLICY CONSENT/RELEASE FORM

FOR BUS DRIVERS ONLY:

I agree to submit to drug and alcohol tests at any time as a condition for my initial or continued employment. I authorize any laboratory or medical provider to release test results to the Hamblen County board of Education and its medical review officer (MRO).

I expressly authorize the school board or its MRO to release any test-related information, including positive results, to the Unemployment Compensation Commission or other government agency investigating my employment or the termination thereof.

I understand that this agreement in no way limits my right to terminate my own employment or to be terminated in accordance with federal and state law.

I authorize any previous employer to release to the school board or its designee any information maintained pursuant to the Omnibus Transportation Employee Testing Act of 1991 and rules and regulations promulgated pursuant to such act.

Bus Driver's Signature

Date

Witness

Date

FOR ALL OTHER EMPLOYEES:

I have read the preceding statement of policy and agree to abide by the school board's drug and alcohol rules.

Employee's Signature

Date

Witness

Date

**SIGN AND RETURN THIS PAGE TO DIRECTOR OF SCHOOLS' OFFICE
TO BE RETAINED IN EMPLOYEE'S PERMANENT PERSONNEL FILE.**