

Dickson County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: <h2 style="margin: 0;">Drug-Free Workplace</h2>	Descriptor Code: <h3 style="margin: 0;">5.403</h3>	Issued Date: <h3 style="margin: 0;">08/23/12</h3>
		Rescinds: <h3 style="margin: 0;">5.4030</h3>	Issued: <h3 style="margin: 0;">5/22/2003</h3>

1 No employee shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace (P. L.
 2 100-690, Title V, Subtitle D) any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana
 3 or any other controlled substance, as defined in federal law. (Section 202 of the Controlled Substance Act
 4 (21 U.S.C. 812); 21 CFR 1300.11 through 1300.15) "Workplace" shall include any school building or any
 5 school premise; any school-owned or any other school-approved vehicle used to transport students to and
 6 from school or school activities; and off-school property during any school-sponsored or school-approved
 7 activity, event or function.

8
 9 These regulations are promulgated toward the end of creating a drug-free school environment. Enhanced
 10 productivity, employee safety, and decreased health and accident cost are the intended products of this
 11 policy. Moreover, because School District employees supervise and act as role models for the students,
 12 these regulations are also intended to promote and protect student health and safety.

13
 14 The Director of Schools/Designee may require an employee to undergo a blood or urinalysis test to deter-
 15 mine the presence of alcohol, drugs, or controlled substances in an employee's system under the following
 16 circumstances:

- 17
- 18 1. When such test is administered in connection with a required pre-employment physical;
- 19
- 20 2. When such test is performed in connection with routine required periodic physicals;
- 21
- 22 3. When such test is supported by a reasonable suspicion, based on specific facts and reason-
 23 able inferences drawn from those facts in light of experience, which the employee has
 24 been under the influence of drugs, controlled substances, or alcohol on school property or
 25 during the workday.
- 26

27 The employee shall submit to an examination under these circumstances, and a refusal to submit shall
 28 constitute insubordination and may result in disciplinary action. The results of such examinations shall be
 29 released directly to the Director/designee by the physician or other person conducting the examination.
 30 The System will pay the cost of the examination.

31
 32 The test will be administered by a person of the district's choice ("testing facility") which person shall be
 33 qualified to perform the examination using testing methods that are technologically current and procedures
 34 that are legally adequate. These procedures will provide for the following.

- 35
- 36 1. Proper collection and storage of the sample and documentation of the chain of custody of
 37 a sample;
- 38
- 39 2. Application of the same or an alternative testing method to confirm results that show
 40 "positive initially; and
- 41
- 42

1 3. The preservation of a specimen sample by the testing facility for use by the employee.

2
3 When a positive test is utilized by the System as a basis for disciplinary action, due process procedures
4 required by policies and state and federal law shall apply and the employee shall be given an opportunity
5 to rebut or explain the results of the test.

6
7 Test results and other personally identifiable medical information received by the System as a result of
8 the application of the procedure shall be treated as confidential and will only be disclosed in connection
9 with and as required by the procedures and proceedings contemplated by this regulation.

10
11 As a condition of employment, each employee shall notify his/her supervisor of his/her conviction on
12 any criminal drug statute for violation occurring in the workplace as defined above no later than five (5)
13 days after conviction.

14
15 Any employee who violates the terms of this policy shall be suspended and shall be subject to dismissal.

16
17 **REASONABLE SUSPICION DRUG TESTING**

18
19 Administrators/supervisors have the responsibility to observe and document the cause for reasonable
20 suspicion and when appropriate, refer the matter to the Director of Schools/Designee.

21
22 Any employee may be required to submit to substance screening if the following conditions exist: (list
23 is not inclusive)

- 24
- 25 1. Observed use, possession or sale of illegal drugs and/or use, possession, sale, or abuse of
26 alcohol and/or prescription drugs.
 - 27
 - 28 2. Apparent physical state of impairment of motor functions.
 - 29
 - 30 3. Marked changes in personal behavior not attributed to other factors.
 - 31
 - 32 4. Employee involvement in or contribution to an accident where the use of alcohol or
33 drugs is reasonably suspected or employee involvement in a pattern of repetitive acci-
34 dents whether or not they involve actual or potential injury.
 - 35
 - 36 5. Violation of criminal statutes involving the use of illegal drugs alcohol or prescription
37 drugs and/or violations of drug statutes.
 - 38
 - 39
 - 40
 - 41
 - 42
 - 43
 - 44
 - 45
 - 46
 - 47
 - 48
 - 49
 - 50
 - 51