

DICKSON COUNTY BOARD OF EDUCATION

Monitoring: Review: Annually, in April	Descriptor Term: Drug-Free Workplace / Safety Sensitive Employees	Descriptor Code: 5.404 Rescinds: 5.404	Issued Date: November 29, 2018 Issued: 8-23-12
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2 No employee shall unlawfully manufacture, distribute, dispense, possess or use on or in the
3 workplace¹ any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any
4 other controlled substance, as defined in federal law. ² "Workplace" shall include any school
5 building or any school premise; any school-owned or any other school-approved vehicle used to
6 transport students to and from school or school activities; and off-school property during any
7 school-sponsored or school-approved activity, event or function.

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

14
15 Drinking alcoholic beverages during working hours, four (4) hours before reporting to work or
16 having any measurable amount of alcohol in his/her system during working hours is prohibited,
17 whether on or off school property. Working hours include all breaks. Off-duty use of drugs and
18 alcohol is prohibited to the extent that it affects the driver's attendance or performance and
19 his/her ability to pass required DOT alcohol and controlled substance tests. Any violation of this
20 policy is grounds for disciplinary action as an employee. Off-the-job use of drugs, alcohol or
21 any other prohibited substances which results in impaired work performance, including, but not
22 limited to, absenteeism, tardiness, poor work product, or harm to the school system's image or
23 relationship with the system is prohibited.

24 25 **PRESCRIPTION DRUGS**

26
27 The proper use of medication prescribed by a physician is not prohibited; however, the Board
28 prohibits the misuse of prescribed or over-the-counter medications.

29 30 **PROCEDURES**

31 32 *A. Applicants*

33
34 Substance screening is required for all final applicants applying for a position for which drug
35 testing is required by the provisions of the Omnibus Transportation Employee Testing Act of
36 1991. Such testing may be required either alone or as part of a pre-employment physical
37 examination. Applicants are required to sign a consent/release form before submitting to
38 screening. Applicants will be disqualified for hire if they test positive, refuse to submit to a test,
39 or refuse to execute the required consent/release form.

40 41 42 *B. All Current Employees Subject to the Omnibus Transportation Employee Testing Act of 1991*

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- 1 1. Reasonable Cause - All employees will be tested during the initial implementation of the
2 program. All employees will be required to submit to screening whenever a supervisor
3 observes circumstances which provide reasonable cause to believe an employee has used
4 a controlled substance or has otherwise violated the substance abuse rules. Examples of
5 circumstances that may establish reasonable cause to warrant testing include supervisor
6 observation, co-worker complaints, performance decline, attendance or behavior changes,
7 involvement in a workplace or vehicular accident, or other actions which indicate a
8 possible error in judgment or negligence, or other violations of the drug or other School
9 Board policy. The supervisor(s) requesting testing shall prepare and sign written
10 documents explaining the circumstances and evidence upon which they relied within 24
11 hours of the testing, or before the results of the tests are released, whichever is earlier.
12
- 13 2. Random Testing - The Board of Education will conduct random unannounced screening
14 of all employees. Tests of employees for illicit drugs will be conducted in a number
15 equal to or greater that 50 percent of the effected workforce, without advance notice, in
16 any given 12 month period. Tests of employees for alcohol will be conducted in a
17 number equal to or greater than 25 percent of the effected workforce, without advance
18 notice, in any given 12 month period. There will be no maximum number of samples that
19 any one individual will be required to provide during the testing schedule. Subsequent
20 testing will be conducted at levels equal to or greater than the initial testing level
21 Employees will be required to report to the school Board-designated collection site for
22 testing as soon as possible but in no case later than 4 hours following notification.
23 Annually, the tests will be spread reasonably over 12 months.
24
- 25 3. Post-Accident Testing - Employees involved in a reportable accident must notify the
26 Director/Designee immediately. A reportable accident is one in which a personal injury
27 must be treated away from the scene, or one in which the employee receives a citation, or
28 one which results in property damage of \$500.00 or more. The employee must undergo
29 substance screening as soon as possible but no later than 32 hours following the accident.
30 The State Board will discipline any employee who fails to report an accident or submit to
31 substance screening where required by law or this policy.
32
- 33 4. Return to Duty Testing - All employees referred through administrative channels that
34 undergo a counseling or rehabilitation program or who are suspended for abuse of
35 substances covered under this policy will be subject to unannounced testing following
36 return to duty for no less than 12 months and no more than 60 months. Testing will be on
37 a daily, weekly, monthly or longer basis and in addition to the other types of tests
38 provided in this policy.
39
- 40 5. Recertification Physical Examinations - All drivers may be required to undergo urinalysis
41 as part of their recertification physical examination.
42

43 *C. Testing Procedures*

- 44 1. General Guidelines - The School Board shall rely on the guidance of the Federal
45 Department of Transportation, Procedures for Transportation Workplace Drug Testing
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1 Programs, 49 C.F.R. Parts 30.1 through 30.39, and on the future guidance of the Omnibus
2 Transportation Employee Testing Act provided in 49 C.F.R. Parts, 382, 391, 392 and
3 395.

- 4 2. Substances Tested For All Employees - Employees will regularly be tested for
5 amphetamines, cocaine, marijuana, opiates and phencyclidine. Testing for alcohol will
6 also be conducted subject to the final provisions of the Omnibus Transportation
7 Employee Act of 1991. Employees may be tested for other substances without advance
8 notice as part of a separate test performed by the School Board for safety purposes.
- 9 3. Testing Procedure - The Board of Education reserves the right to utilize blood, hair,
10 breath, saliva or urinalysis testing procedures, however, only urinalysis will be utilized in
11 the pre-employment and random testing.

12 13 *D. Collection Sites*

14
15 The School Board will designate collection sites in areas where it maintains facilities or job sites
16 where individuals may provide specimens.

17 18 *E. Collection Procedures*

19
20 The Board of Education and the laboratory, will maintain a documented procedure for collecting,
21 shipping and accessing urine specimens. A tamper-proof sealing system, identifying numbers,
22 labels, and sealed shipping containers will be used to safeguard the specimen in a transit status.
23 Collection sites will maintain instructions and provide training for collection site personnel as
24 needed to protect the integrity of the specimen. All employees will be required to execute the
25 Applicant/Employee Consent Form.

26 27 *F. Evaluations and Return of Results to the state Board*

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29 The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the
30 results of all tests to the School Board's MRO The MRO will be responsible for reviewing the
31 quantified test results of employees and confirm that the individuals testing positive have used
32 drugs in violation of School Board policy. Prior to making a final decision, the MRO shall give
33 the individuals an opportunity to discuss the result either face to face or over the telephone. The
34 MRO shall then promptly tell the Drug Program Coordinator which employees or applicants test
35 positive.

36 37 *G. Request for Retest*

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39 An employee may submit a written request for a retest of the original specimen within sixty (60)
40 days of receipt of the final test results. Requests must be submitted to the Drug Program
41 Coordinator. The employee may be required to pay the associated costs of retest in advance but
42 will be reimbursed if the results of the retest are negative.

43 44 *H. Release of Test Results*

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1 Test results shall not be released by the School Board, beyond the MRO and School Board's
2 management without the individual's written authorization. However, all employees will be
3 required to execute a consent/release form permitting the School Board to release test results and
4 related information to the Unemployment Compensation Commission or the relevant
5 government agency.
6 ³

¹ P. L.100-690, Title V, Subtitle D

² Section 202 of the Controlled Substance Act(21 U.S.C. 812); 21 CFR 1300.11 through 1300.15