

## DRUGS AND ALCOHOL

### 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 and certain safety sensitive positions including but not limited to the following job categories and those employees who drive district vehicles as part of their primary duties in carrying out their job responsibilities: bus drivers, bus aides, mechanics, gas attendants, offset equipment operator I, offset equipment operator II, graphic arts specialist III, darkroom specialist II, crew foreman, coordinator in facilities and operations, bonds and facilities, carpentry, climate control, courier, custodians, drivers education, electronics department, electrical department, fixed asset, food service warehouse, plant and operations, plumbing department, preventative maintenance, JROTC, safety and security, site care, and warehouse central. 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 which indicates that they have read and understand the drug and alcohol policy and agree to submit to testing. Refusal to execute the required consent/release form shall not invalidate the results of the drug and alcohol test, or bar the employer from administering the drug or alcohol test, or from taking action that is consistent with this policy, or from refusing to hire the applicant. 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.

Substance screening may be required of any employee if there exists reasonable suspicion to support such request.

### B. CURRENT EMPLOYEES

#### 1. Reasonable Cause

All employees of the district and not just those subject to the Omnibus Transportation Employee Testing Act of 1991 or those employees in safety-sensitive positions or those employees who drive district vehicles as the primary duties in carrying out their job responsibilities will be required to submit to screening whenever a supervisor observes circumstances which he/she believes indicate an employee has used a controlled substance or otherwise violated the substance abuse rules. The supervisor's determination that reasonable suspicion exists to require the employee to undergo an alcohol and drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. Among other things, reasonable cause testing may result from supervisor observation, coworker complaints, performance decline, attendance or behavior changes, involvement in a workplace or vehicular accident, or

other actions that indicate a possible error in judgment or negligence, or other violations of the drug or other school district policy.

The supervisor or supervisors requesting testing shall 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. 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 60 minutes on alcohol misuse and an additional 60 minutes on controlled substance misuse. While one supervisor may request a reasonable cause test, when feasible, supervisors are encouraged to obtain a second supervisor as a witness.

## 2. Random Testing

The Jackson Public School District will conduct random, unannounced screening for alcohol and controlled substances for all employees under the Omnibus Transportation Employee Testing Act of 1991 and those employees who hold safety-sensitive positions, including employees in the following job categories or those employees who drive district vehicles as the primary duties in carrying out their job responsibilities: bus drivers, bus aides, mechanics, gas attendants, offset equipment operator I, offset equipment operator II, graphic arts specialist III, darkroom specialist II, crew foreman, coordinator in bonds and facilities, carpentry, climate control, courier, custodians, drivers education, electronics department, electrical department, fixed asset, food service employees at school sites, food service warehouse, plant and operations, plumbing department, preventative maintenance, JROTC, safety and security, site care, and warehouse central will be screened for controlled substances only. The school district will administer tests of employees in a number equal to or greater than 50 percent of the workforce — without advance notice — in the first 12 months of testing. All 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 breath alcohol concentration (BAC) of .04 will be accepted as presumptive evidence of intoxication. Additionally, mandated employees (employees subject to provisions of 49 C.F.R. Part 40 and the Omnibus Transportation Employee Testing Act of 1991) with a BAC of .02-.039 will be placed out-of-service for a period of no less than 24 hours. Evidential breath testing devices (EBTS) on the National Traffic Highway Safety Administration Conforming Products List will normally be used to determine BAC. Tests of employees for alcohol will be conducted in a number equal to or greater than 25 percent of the affected work force – 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. Computerized random sample lists will be provided to

the drug program coordinator. The list of employees in the random pool will be updated on a quarterly basis. Employees will be required to report to the school district designated collection site for testing as soon as possible, but in no case later than four (4) hours following notification. Annually, the tests will be spread reasonably over twelve (12) months.

### 3. Post-Accident Testing

Employees under the Omnibus Transportation Employee Testing Act of 1991 and those employees who hold safety-sensitive positions, including employees in the following job categories or those employees who drive district vehicles as the primary duties in carrying out their job responsibilities: bus drivers, bus aides, mechanics, gas attendants, offset equipment operator I, offset equipment operator II, graphic arts specialist III, darkroom specialist II, crew foreman, coordinator, bonds and facilities, carpentry, climate control, courier, custodians, drivers education, electronics department, electrical department, fixed asset, food service warehouse, plant and operations, plumbing department, preventative maintenance, JROTC, safety and security, site care, and warehouse central are required to immediately notify their supervisor and the respective executive staff member of any accident resulting in injury or damage to school system property. The Department of Transportation (DOT) requires post-accident drug and alcohol testing following any accident which results in the: (1) loss of human life, or (2) receipt of a citation under state or local law for a moving traffic violation arising from the accident. The Transportation Office or other department where the employee is assigned shall then notify the drug program coordinator. The school district policy requires an employee involved in a reportable accident, defined as an accident resulting in injury requiring more than simple first aid or resulting in damage to property, to undergo substance screening within 32 hours of the occurrence of the accident. The school district will discipline any employee who fails to report an accident or to submit to substance screening where required by law or this policy. The accident report, needed in compliance with school district policy and applicable laws and regulations, shall be completed.

### 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 substances covered under this policy will be subject to unannounced testing following return to duty for no less than twelve (12) months and no more than sixty (60) months. Such employees shall be tested at the frequency stipulated in the abeyance contract or as scheduled by the medical review officer. The employees will be tested a minimum of six (6) follow-up tests during the first twelve months. Testing will be on a daily, weekly, monthly, or longer basis at the discretion of the medical review

officer and will be in addition to the other types of tests provided in this policy. Employees testing at a level 0.04 BAC for alcohol or positive for drugs must be assessed by a substance abuse professional (SAP), satisfy the recommendations of the assessment, test negative for drugs and below 0.02 BAC for alcohol, and be released as drug free by the medical review officer prior to returning to duty.

#### 5. Recertification Physical Examinations

All mandated employees with commercial driver's licenses may be required to undergo urinalysis as part of their recertification physical examination.

### C. TESTING PROCEDURES

#### 1. General Guidelines

The school district and its lab shall rely, when practical, on the guidance of the federal department of transportation procedures for transportation workplace drug testing programs, 49 C.F.R. Parts 40.1 through 40.39 and 49 C.F.R. Parts 382, 391, and 395.

#### 2. Substances Tested for All Employees

Employees will regularly be tested for: amphetamines, cannabinoids, cocaine, opiates, and phencyclidine. Testing for alcohol will also be conducted subject to the final provisions of the Omnibus Transportation Employee Testing Act of 1991. Employees may be tested for other substances without advance notice as part of a separate test performed by the school district for safety purposes. Such tests will be coordinated with the drug program coordinator.

#### 3. Testing Procedure

The Jackson Public School District reserves the right to utilize blood, hair, breath, saliva, or urinalysis testing procedures. Only urinalysis and breath tests will be utilized in the pre-employment and random testing. All initial positive urine specimens will be confirmed by gas chromatography/mass spectrometry (gc/ms).

### D. COLLECTION SITES

The school district will designate collection sites in areas where individuals may provide specimens.

### E. COLLECTION PROCEDURES

The Jackson Public School District and the laboratory have developed and will maintain a documented procedure for collecting, shipping, and accessing urine specimens. The district and the laboratory will utilize a standard Urine

Custody and Control Form for all employee testing. A Standard Breath Alcohol Testing Form for all employee alcohol testing will be utilized. A tamper-proof sealing system, identifying numbers, labels, and sealed shipping containers will also be used for urine sample transportation. Alcohol results will use approved tamper-evident tape.

Collection sites will maintain instructions and training emphasizing the responsibility of the collection site personnel to protect the integrity of the specimen and maintain as proper a collection procedure as reasonable. A person who collects or takes a specimen for a drug test pursuant to this policy shall collect an amount sufficient for two (2) drug tests as defined by the Department of Transportation. Where the school district has an employee collect the specimen, the school district will provide instruction and training to that employee. All alcohol testing will be performed by a certified breath alcohol technician (BAT).

All employees will also be required to execute the Jackson Public School District applicant/employee screening consent form.

**F. OCCASIONS WHEN THE COLLECTION PERSONNEL SHOULD DIRECTLY OBSERVE THE SPECIMEN BEING PROVIDED**

The school district has adopted the direct observation procedures as set out in section 40.25 of the department of transportation regulations. An employer or medical representative at the collection site may directly observe the employee actually provide the specimen where there is reason to believe that an individual may alter or substitute the specimen. Section 40.25 (e)(2) sets out the only four circumstances where direct observation is appropriate.

1. The employee has presented a urine specimen that falls outside the normal temperature range, and the employee declines to provide a measurement of oral body temperature by sterile thermometer, or the oral temperature does not equal or exceed that of the specimen.
2. The last urine specimen provided the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2 g/l.
3. The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.).
4. The employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted as a part of a rehabilitation program or on return to service after any required rehabilitation.

A second specimen should be obtained under direct observation wherever there is reason to believe that the individual may have altered or substituted the specimen.

Where necessary, Jackson Public School District representative or medical personnel may obtain a specimen outside of a designated collection site (such as, at a public restroom at an accident investigation).

#### G. EVALUATIONS AND RETURN OF RESULTS TO THE SCHOOL DISTRICT

The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the results of all tests to the school district's medical review officer. The medical review officer 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 district policy. Prior to making a final decision, the medical review officer shall give the individuals an opportunity to discuss the result either face-to-face or over the telephone.

The medical review officer shall then promptly tell the drug program coordinator which employees or applicants test positive.

#### H. REQUEST FOR RETEST

Where a split specimen has been collected, an employee may request a retest of the split specimen within 72 hours of notification of the final test result. Where only one sample is submitted for testing, the employee may request a retest of the original sample within 72 hours after notification of the final test result. 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 result of the retest is negative.

#### I. RELEASE OF TEST RESULTS

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the employer through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in accordance with the Policy Consent/Release Form.

However, all employees will be required to execute a consent/release form permitting the school district to release test results and related information to the unemployment compensation commission or other relevant government agency.

The medical review officer shall retain the individual test results for positive specimens for five (5) years and **negative for twelve (12) months.**

#### J. EMPLOYEE ASSISTANCE PROGRAM (EAP)

The school board's Employee Assistance Program (EAP) shall include education and training for supervisors who are authorized to determine

reasonable suspicion testing. These supervisors must receive a minimum of 60 minutes on alcohol abuse and an additional 60 minutes of training on controlled substance use and abuse.

The training shall cover the physical, behavioral, and performance indicators of probable use and misuse of alcohol and controlled substances. Documentation of training attendance must be maintained.

The drug program coordinator should be contacted for further guidance.

#### K. 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 any illegal, or controlled drugs, or paraphernalia to appropriate law enforcement authorities.

All searches should be coordinated with the drug program coordinator.

The school district 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 discharged. However, unless other provisions are available to the effected individual, assistance will be limited to the degree of treatment provided within the school district's employee benefit plan. The human resource officer should be contacted for guidance.

Note: These procedures should not be construed as contractual in any nature. They represent the district's current guidelines in dealing with a developing problem under evolving laws and facts, and may be changed without advance notice.

May 16, 2005

**JACKSON PUBLIC SCHOOL DISTRICT**  
**APPLICANT/EMPLOYEE SCREENING CONSENT FORM**

I, \_\_\_\_\_, do hereby give my consent to the Jackson Public School District to collect a urine and/or blood sample from me on this date, and I further give my consent to the school district to forward the sample(s) to the testing laboratory for its performance of appropriate tests thereon to identify the presence of drugs and/or alcohol. I further give the laboratory my permission to release the results of such tests to the school district's medical review officer, if appropriate. I understand that the refusal to submit to testing or a positive test result will affect my initial or continued employment and result in disciplinary action as described in the school district's drug and alcohol policy (GBEM). I also understand that it is not the purpose of this test to identify any disability I may have.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE SIGNATURE

**JACKSON PUBLIC SCHOOL DISTRICT**  
**EMPLOYMENT CONSENT/RELEASE FORM**

I have read policy GBEM, Drugs and Alcohol and agree to abide by the Jackson Public School District's drug and alcohol rules. I agree to submit to drug or 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 Jackson Public School District and its medical review officer.

I expressly authorize the district or its medical review officer 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 employment or be terminated in accordance with federal and state law.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
EMPLOYEE SIGNATURE

MAY 2005

JUNE 2006