

The Minidoka County Joint School District No. 331 recognizes that the use of drugs and alcohol prevents staff from peak performance. It is therefore the policy of the Minidoka County Joint School District No. 331 to provide a drug, alcohol and tobacco free workplace for all employees within the district. By enacting this policy, the District is further complying with the Drug-Free Workplace Act of 1988, all Department of Transportation procedures as established in 49 CFR Part 40 Drug Testing Program, the Omnibus Transportation Employee Testing Act of 1991 and the State Board of Education Resolution Regarding Smoking in Public Schools, and various other State and Federal laws.

The Board of Trustees hereby notifies all employees of Minidoka County Joint School District No. 331 that the unlawful manufacture, distribution, dispensation, possession, use of or being under the influence of, any controlled substance, immediately prior to the commencement of work, on any school premises, or on any school assignment and/or school activity, is prohibited. The term "controlled substance" in this policy means all controlled substances listed in the Idaho Uniform Controlled Substances Act in Title 37, Chapter 12, Idaho Code and schedules I through V of § 202 of the Controlled Substances Act (21 U.S.C. 812). This policy further prohibits alcoholic beverages as though defined as a controlled substance. Violation of this policy by any employee will be cause for disciplinary action up to, and including, termination. Compliance with this policy is a mandatory condition of employment with the District.

Tobacco in all its forms is also prohibited from use on any school properties, on any school assignment, and/or school activity.

Provisions:

The provisions relating to this policy address the following:

A. Drug Free Workplace - Employees

1. The District shall provide the following information to all employees in their new employee packet and upon request of any other employee:
 - a. A copy of this policy and related procedures.
 - b. Available drug counseling, rehabilitation, or other assistance programs relating to drug use.
2. Any employee of the District convicted under any criminal drug statute for a violation occurring on any school premises, or at any school assignment and/or school activity, must notify the building Principal, or the employee's supervisor, no later than five (5) calendar days after such conviction. Such notification shall be in writing and signed by the employee.
3. Upon the District receiving notice of a conviction as described in paragraph 3, or upon any violation by an employee of this policy, the employee shall immediately be suspended without pay, pending a review by the District. The review will be conducted within thirty (30) days of the employee's suspension, at which time the District shall:

- a. Take appropriate personnel action against such employee up to, and including, termination;
 - ~~b. Require such employee to successfully participate in a drug abuse assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.~~
4. If any employee has knowledge relating to drug use by any other employee, he/she shall provide that information immediately to his/her supervisor.
 5. The District will require drug and/or alcohol testing of any employee reasonably suspected of being under the influence of illegal drugs, controlled substances, intoxicating substances and/or alcohol while on duty at a District building or at a District-sponsored activity, function, or event, regardless of location.
 - a. Reasonable suspicion means a good faith suspicion, based on objective facts, which is sufficient for a person to conclude that the employee is using or appears to be presently under the influence of illegal drugs, controlled substances, intoxicating substances and/or alcohol. Reasonable suspicion is more than a mere hunch that an employee is using or is under the influence of alcohol and/or drugs.
 - b. Reasonable suspicion may be established through a variety of factors either observed by the Superintendent or designee or reports from persons who report suspected drug or alcohol use by an employee, if the report stems from an individual who bases such report upon articulable observations concerning one or more factors of concern. The factors include but are not limited to the following:
 - i. Personal observation of possession, use or sale of illegal drugs, controlled substances, intoxicating substances and/or alcohol.
 - ii. Apparent impairment or other physical indicators such as odor of illegal drugs or alcohol.
 - iii. Decrease in productivity not reasonably attributable to other causes.
 - iv. Erratic behavior or dramatic changes in normal behavior.
 - v. An employee involved in any accident while operating district vehicles or equipment will be required to submit to a drug and alcohol test if there is injury to property or person, due to insurance and liability.
 6. When there is a reasonable suspicion of possession of a controlled substance by an employee, the District shall notify the appropriate law enforcement agency for any action said agency deems appropriate.

B. Notification of Testing Results

1. All test results from the testing laboratory will be forwarded to the Superintendent or designee through the third party drug/alcohol testing provider; ~~as represented by a Medical Review Officer (MRO).~~ Drug or alcohol test results will only be reported to the Superintendent or designee.

2. ~~Prior to informing the Superintendent or designee of a prospective or current employee's positive results,~~ the employee will be offered an opportunity to personally discuss the positive results with the ~~Superintendent~~MRO or designee. The ~~MRO~~Superintendent or designee will follow up on such information as is deemed appropriate. An employee who is taking a prescription drug that may have been the cause of a positive test result will be asked to provide the name of the medication and the identity of the prescribing physician for verification. If this is verified, the employee's test result will be reported as negative. If, after consideration of the situation, the ~~MRO~~Superintendent or designee determines the results of the positive test are valid, ~~that result will be conveyed to the Superintendent or designee along with the identity of the drug causing the positive result.~~
3. ~~If the employee cannot be located, the MRO or designee may request that the Superintendent or designee arrange for the employee to contact the MRO as soon as possible to discuss the results of the positive test. The MRO will communicate a positive result to the Superintendent or designee without discussing the result with the employee if the employee expressly declines the opportunity to discuss the results of the test or the driver is instructed to contact the MRO, but fails to do so within 24 hours.~~

C. Drug and Alcohol Testing –Transportation

1. In order to assure safety those transporting students are expected to be in suitable mental and physical condition to act appropriately and perform their jobs satisfactorily.
 - a. The drinking of alcoholic beverages or use of other drugs, during meal breaks, and/or during working hours is prohibited, whether on or off district property.
 - b. Employees reporting or returning to work whose behavior reflects the consumption of alcohol or other drugs will be temporarily relieved of duty and may be referred for a medical evaluation.
 - c. When prescribed or over-the counter drugs may affect behavior and performance; employees are to advise their supervisor that they are taking such drugs for medical reasons. Where use of such drugs adversely affects job performance, the employee will be relieved of his/her job duties temporarily.
2. A medical evaluation may be required if there is concern about the employee's fitness to transport students.
 - a. Where there is reasonable cause, an employee may be asked to report to a district-designated physician or medical clinic on district time and at district expense for a fitness for duty examination. This could involve appropriate testing, including possible urine or blood screens as determined by the district.
 - b. Employees will be asked to authorize the release of tests to the district. The Consent Release Form (Form 524.00F2)) is attached and made part of this policy by inclusion.

- c. The decision to go for a medical evaluation is voluntary, but if the examination is refused or if consent release form is not signed, the employee may be disciplined up to and including termination.
 - d. Those having positive screens may be required to complete a chemical dependency evaluation as part of the medical procedure.
3. Approximately fifty percent (50%) of transportation drivers will be randomly tested annually at the District's expense. This will include an additional random selection of 25% of all employees who drive District owned vehicles on a regular basis. Any new employee who may drive a district vehicle, will be drug tested.
- a. Names will be drawn at random for alcohol and drug testing.
 - b. Actual date and time of testing of those whose names are drawn will occur without prior notice and will be taken to the testing location by a district designee. on a schedule as determined by the District Transportation Supervisor.
 - c. When notified, the driver will report for signing the Consent Release Form (Form 542.00F2524.00F2), and testing within thirty (30) minutes of notice.
 - d. Failure by the driver to report, when notified, will result in disciplinary action up to and including termination.
 - e. The consent form, (Form 54224.00F2) authorizes the physician or medical clinic to submit the testing results to the Minidoka County Joint School District #331.
 - f. Positive results from the drug and alcohol screening test will make the employee subject to disciplinary action up to and including termination. Results will be communicated to the applicant as per D.O.T. Policy, as previously referenced.
 - g. Any employee who has a positive test result may within seven (7) working days request that the same sample be retested by a mutually agreed upon laboratory. The employee will be responsible for the cost of the second testing. If the retest results in a negative test outcome, Minidoka County School District will reimburse the cost of the retest and the employee shall be reinstated with back pay.
4. The District may require a driver to be tested for illegal drugs or alcohol when there is reasonable suspicion to believe that a driver is under the influence of illegal drugs or alcohol while at work.
5. Post-Accident
- a. A driver operating a vehicle for the district that is involved in an accident may be tested for both illegal drugs and alcohol as soon as practical following the accident. Alcohol testing must be administered within eight hours and drug testing within thirty-two hours of the accident to be considered valid under DOT regulations.
 - b. Any driver required to be tested under this section must remain readily available for such testing and may not consume alcohol within eight hours of the accident.

A driver who is involved in an accident must comply with all instructions given to him/her relative to taking a drug and alcohol test.

6. Return to Duty

Any driver that tests positive for illegal drugs or alcohol and complies with Policy 524 Employee Drugs, Alcohol and Tobacco will also be required to take, and pass, a drug and/or alcohol test at their own expense. Thereafter, such driver shall be subject to unannounced random testing at least six more times within the following twelve months at their own expense in compliance with DOT regulations.

D. Tobacco

1. Consistent with the Idaho State Board of Education resolution dated March 18, 1994, all employees are prohibited from smoking or using any tobacco or vaping product in all buildings and on all property owned or leased by the district, in all school transportation vehicles, and at all school activities.
2. Minidoka County District #331 employees are prohibited from possessing tobacco products on any school premises.



**LEGAL REFERENCE: Idaho Code 72-1701, et seq.
Drug Free Workplace Act of 1988**

ADOPTED: September 17, 1990

**AMENDED/REVISED: December 17, 1990; May 16, 1995; November 15, 1999;
April 21, 2014; July 15, 2019; November 15, 2021**