

**Minidoka County Joint School District # 331**

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. A. — Drug Free Workplace - Employees**

- ~~1. Each September, a copy of the letter (page 7) which is a part of this policy, will be included with the payroll to each employee of the District.~~
1. ~~2.~~ The District shall provide the following information to all employees in their new employee packet and upon request of any other employee:
  - ~~a. The dangers of drug use.~~
  - ~~ab.~~ A copy of this policy and related procedures.
  - ~~be.~~ Available drug counseling, rehabilitation, or other assistance programs relating to drug use.
  - ~~d. The penalties that may be imposed for violating this policy.~~
2. ~~3.~~ 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. ~~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 ~~D~~District shall:
  - a. Take appropriate personnel action against such employee up to, and including, termination; ~~and/or Policy Number 524.00 DRUGS, ALCOHOL AND Date of Adoption September 17, 1990 TOBACCO—EMPLOYEES Page 2 of 7~~
  - 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. ~~5.~~ 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. ~~Minidoka County School~~The District may 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. Involvement in an accident.

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 district contact person through the third party drug/alcohol testing provider, as the representative by a of the Medical Review Officer (MRO). Drug or alcohol test results will only be reported to the district contact person(s) who has been designated to receive them Superintendent or designee.
2. Prior to informing the Superintendent or designee district contact person of a prospective or current employee's positive results, the employee will be offered an opportunity to personally discuss the positive results with the MRO or designee. The MRO 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 determines the results of the positive test are valid, that result will be conveyed to the Superintendent or designee district contact person 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 district contact person 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 district contact person 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 twenty four hours.

**B.C. B-Drug and Alcohol Testing –Transportation**

1. All transportation applicants, as a condition of employment, must submit to, and pass a Drug and Alcohol Pre-Employment Screening.
  - a. Applicants will be requested to sign the consent release form attached, (page 7) and made part of this policy, authorizing the physician or medical clinic to perform the drug screening and submit the results to Minidoka County Joint School District No. 331.
  - b. Applicants who refuse to sign the consent release form will not be considered for employment.

- ~~e. Positive results from the drug screening test will preclude the applicant from consideration of employment.~~
  - ~~d. Positive results from the drug screening test will be communicated to the applicant as per Idaho State Department of Transportation (DOT) policy which includes: 1) meeting between employee and physician to ascertain medical history, and determine if the history could cause the test to be positive, and 2) permit the physician latitude for interpreting results based on the driver's medical history.~~
  - ~~e. Any prospective 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. This test will be paid for by the prospective employee. If the retest results in a negative test outcome, Minidoka County School District will reimburse the cost of the retest and the prospective employee will be processed as if the original test had a negative result.~~
1. ~~2.~~—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. ~~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. ~~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. ~~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. ~~3.~~—A medical evaluation may be required if there is concern about the employee's fitness to transport students.
    - a. ~~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. ~~b.~~—Employees will be asked to authorize the release of tests to the district. The ~~C~~consent ~~R~~elease ~~F~~orm (~~Form 524F2~~)~~page 9~~ is attached and made part of this policy by inclusion.
    - c. ~~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. ~~d.~~—Those having positive screens may be required to complete a chemical dependency evaluation as part of the medical procedure.

3. ~~4.~~—Approximately fifty percent (50%) of transportation drivers will be randomly tested annually at the District's expense. This will include the random selection of 10% of all employees who drive District owned vehicles on a regular basis.
  - a. ~~a.~~—Names will be drawn at random for alcohol and drug testing.
  - b. ~~b.~~—Actual date and time of testing of those whose names are drawn will occur without prior notice and on a schedule as determined by the District Transportation Supervisor.
  - c. ~~e.~~—When notified, the driver will report for signing the Censent Release Form (Form 542F2) and testing within thirty (30) minutes of notice.
  - d. ~~d.~~—Failure by the driver to report, when notified, will result in disciplinary action up to and including termination.
  - e. ~~e.~~—The consent form, (Form 542F2page-9) authorizes the physician or medical clinic to submit the testing results to the Minidoka County Joint School District No. #331.
  - f. ~~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. ~~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.~~Reasonable Cause Testing~~

~~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.~~

~~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.~~

~~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:~~

- ~~—Personal observation of possession, use or sale of illegal drugs, controlled substances, intoxicating substances and/or alcohol.~~
- ~~—Apparent impairment or other physical indicators such as odor of illegal drugs or alcohol.~~
- ~~—Decrease in productivity not reasonably attributable to other causes.~~
- ~~—Erratic behavior or dramatic changes in normal behavior.~~
- ~~—Involvement in an accident.~~

#### 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 Code No 524 403.70 (Employee Drugs, Alcohol and Other Drugs) 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.

- ~~4. Those employed as drivers as of January 1995, are exempt from the pre-employment portion of this policy but will be subject to all other provisions.~~

#### ~~C.D.~~ ~~C.~~ 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.
- ~~3. Any violation of this provision (Section 4, c) will result in disciplinary action, up to and including termination.~~

Attachments: Letter from District Regarding Drug-Free Workplace  
Pre-Employment Drug Testing Consent Form  
Notice of Drug Screening



**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**

~~TO: All Employees, Minidoka County Joint School District No. 331~~

~~This letter is to inform you of the District policy regarding a drug free workplace. The following is an outline of the policy:~~

- ~~1. 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.~~
- ~~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; OR~~
  - ~~b. Require such employee to satisfactorily 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. Further, when there is a reasonable suspicion of possession of a controlled substance by any employee, the District will notify the appropriate law enforcement agency for any action said agency deems appropriate.~~
  
5. ~~This policy was adopted to enable the District to receive Impact Aid and grants as provided in the Drug-Free Workplace Act. Compliance with the policy is a mandatory condition of your employment with the District. For this reason, you are encouraged to review the entire policy periodically.~~

#### **Pre-Employment Drug Testing Consent Form**

~~On December 21, 1989 Federal Motor Carrier Safety Regulation, Title 49 United States Code of Federal Regulations, Section 391.103, went into effect. It required that all prospective drivers submit a urine specimen for controlled substance testing.~~

~~This has been explained to me by the District Transportation Supervisor. I have been given an opportunity to review the Drug and Alcohol policy of the District and have had all questions pertaining to that policy answered to my satisfaction.~~

~~I understand that if I test positive for the use of the controlled substances as shown in the policy that I am not medically qualified to operate a school motor vehicle under District policy and Federal Motor Carrier Safety Regulations.~~

~~I understand that the results of the controlled substance testing will be reviewed by the District designated Medical Review Officer before any results are provided to the District. The results of this test will not be released to any other person or party without my expressed written consent except to the Idaho Department of Transportation as per policy. I understand further that I have the right to review the results of this test within 6 weeks by making a written request to the District at the address shown below.~~

~~Having a full understanding of both policy and procedure, I freely submit to urine testing for the express purpose of ensuring that no controlled substances identified under Federal Motor Carrier Safety Regulations are present.~~

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PRINT APPLICANT'S NAME



\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WITNESS \_\_\_\_\_,

\_\_\_\_\_  
DISTRICT TRANSPORTATION DATE SUPERVISOR

TEST RESULTS MAY BE REQUESTED AT:

Minidoka County Joint School District No. 331 310 10<sup>th</sup> Street Rupert, Idaho 83350

**"NOTICE OF DRUG SCREENING"**

In order to achieve the highest possible degree of safety in the public interest, the Minidoka County Joint School District No. 331 requires:

1. All applicants for employment to undergo urinalysis screening for drug use as part of their pre-employment physical examination;
2. A drug use screen at time of re-certification; and
3. A drug use screen at other times as deemed necessary by the District. Refusal to submit to a drug screen test will be construed to be a voluntary resignation from employment. Results of the screen will be used in determining an individual's employment status with the District.

I understand that my employment medical examination will include a urinalysis and that in addition to routine testing, my urine specimen will be screened for drugs including, but not limited to Cannabis (Marijuana), Cocaine, Opiates, Amphetamines and PCP. I understand the results of this screen will be given to the Minidoka County Joint School District No. 331 for its consideration. I also affirm that I have not taken any drugs or medicines within the last two (2) weeks except:

(List medicines you are presently taking). If none, so state:

\_\_\_\_\_  
Signed: Applicant/Employee

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Date

~~(MUST BE SIGNED AND DATED)~~

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