

District: Tupelo Public School District
Section: G - Personnel
Policy Code: GBRM-2 - Drug and Alcohol Testing Policy

ALCOHOL AND CONTROLLED SUBSTANCE TESTING

~~The Board prohibits~~ 1. The Board intends to maintain a safe, healthy working environment for all employees, and therefore, prohibits employees from being under the influence of drugs or alcohol while on duty or on District premises. This policy will be enforced uniformly with respect to all personnel. All District personnel, including administrators, are subject to testing.

2. The use of alcohol and controlled substances by employees, **including those** in safety-sensitive positions ~~including but not limited to~~ (bus drivers and other District employees of commercial motor vehicles who are subject to commercial driver's license requirements), **is prohibited**. Employees **in safety-sensitive positions** are prohibited (1) from possessing alcohol and/or a controlled substance while on duty, (2) from using alcohol and/or a controlled substance for a period beginning eight hours before going on duty and concluding when going off duty, and (3) from being under the influence of alcohol or drugs while on duty.

3. It is the intent of the Board to increase safety and to deter and detect the use of alcohol and controlled substances by employees employed in safety-sensitive positions ~~such as bus drivers~~. To further this policy, the District will conduct random drug and alcohol testing of employees as required by regulations of the Federal Highway Administration (~~FHWA~~) and other agencies of the Department of Transportation.

~~4. Employees who test positive in violation of this policy will be terminated subject to a written appeal to the superintendent or designee. In addition, employees who test positive may not drive a commercial motor vehicle until they have been evaluated by a Substance Abuse Professional for potential treatment needs.~~

~~4. It shall be the responsibility of~~ The superintendent, or designee, **shall** ~~to~~ develop written procedures for the implementation of this policy to comply with state and federal regulations. ~~It will be the responsibility of~~ All affected employees and prospective employees ~~to~~ **shall** review this policy and sign an agreement to be bound by its terms as a condition of employment.

LEGAL REF: MCA 71-7-1

Last Review Date: 12/2018

Review History:[1/1/1900][1/1/1901]

ADMINISTRATIVE PROCEDURE

SUBSTANCE ABUSE

1. All employees are prohibited from being under the influence of drugs or alcohol while on duty or on District premises. All employees are prohibited from using illegal drugs, or prescription medication for which they do not have a proper prescription.
2. The sale, possession, transfer, or purchase of illegal drugs on District property or while performing District business is strictly prohibited. Such action will be reported to

- appropriate law enforcement officials.
3. The use, sale, or possession of an illegal or non-prescription drug or controlled substance while on duty is cause for immediate termination.
 4. No alcoholic beverage will be brought or consumed on District premises.
 5. No prescription drug will be brought on District premises by any person other than the person for whom the drug is prescribed. Prescription drugs will be used only in the manner, combination, and quantity prescribed.
 6. Any employee whose off-duty use of alcohol, illegal, or non-prescription drugs results in excessive absenteeism, tardiness, poor work, or an accident will be subject to discipline, up to and including termination.

DRUG AND ALCOHOL TESTING

1. Effective _____, 20____ The District ~~will begin~~ conducts preemployment testing, reasonable suspicion testing of all personnel and random testing of bus drivers.
2. An employee is ~~will be~~ allowed to provide notice to the District of currently or recently used prescription or non-prescription drugs prior to the time of the test.
3. Random testing of bus drivers ~~will be implemented~~ uses a neutral selection basis. The District will not waive the selection of any employee chosen pursuant to the random selection procedures.
4.
 - a. Reasonable suspicion is defined under this policy as the belief by the District that an employee is using or has used drugs or alcohol in violation of District policy. Reasonable suspicion may be based upon, among other things:
 - i. Observable phenomena, such as direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug;
 - ii. Abnormal conduct or erratic behavior while at work, absenteeism, tardiness, or deterioration in work performance;
 - iii. A report of drug use provided by reliable and credible sources and which has been independently corroborated;
 - iv. Evidence that an individual has tampered with a drug and alcohol test during his employment with the current employer;
 - v. Information that an employee has caused or contributed to an accident while at work; and
 - vi. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs while working or while on school premises or while operating one of the school's vehicles, its machinery, or its equipment.
 - b. If there is reasonable suspicion that an employee is using or has used drugs or consumed alcohol in violation of this policy, that employee will be required to submit to a drug and/or alcohol test. The superintendent (or in his or her absence an appointed replacement) must approve in advance all reasonable suspicion testing. If the test result is confirmed positive for drugs or alcohol in violation of this policy, the employee will be subject to immediate termination of his or her employment with the District.
5. Any employee who refuses to take a drug and alcohol test will be subject to discipline, up to and including immediate termination of employment.
6. The following are drugs for which the District may test: alcohol, opiates, amphetamines, phencyclidine (PCP), marijuana, and cocaine.
7. An employee who receives a positive confirmation drug and alcohol test result may contest the accuracy of the result or explain the results within ten days of the date of such result by

filing a written statement with the superintendent. An employee, at his or her own cost, also may request that the specimen be retested at a certified laboratory of his or her own choosing.

8. An employee who receives a positive confirmation test result and who fails to present a satisfactory contest or explanation to such result, or a contrary result from a certified laboratory of the employee's own choosing, will be subject to discipline, up to and including termination.
9. (*Optional Provision*) -- If the District determines that discipline and/or discharge are not necessary or appropriate in a case where an employee is in violation of this policy, the employee as a condition of continued employment must complete a certified substance abuse rehabilitation program at the employee's own cost and expense. The employee may be allowed to work for the District while undergoing the treatment, but the employee must provide evidence of continued treatment and/or rehabilitation upon request. The employee must also agree to submit to random testing for three years after the date of the positive confirmation drug and alcohol test result.

A copy of this policy, and state law regarding drug testing can be obtained from the Central Office.

Adopted Date: 2/22/2013

Approved/Revised Date: