

1 **Browning Public Schools**

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3 Policy # **5228**

4 Policy Name: *Employee Drug and Alcohol Testing*

5 Regulation: -----
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7 For the purpose of adhering to the principles invoked in the Drug Free Workplace Act of 1988, as
8 well as legal guidelines established by the Federal Omnibus Act of 1991 and Montana State Statute
9 (MCA 39-2-304) and in conformance with all applicable regulations, three (3) broad categories of
10 employees are henceforth subject to one or more of the following forms of drug and alcohol testing:
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12 (1) *All employees (regardless of classification) will be subject to testing when:*

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14 (a) *reasonable belief exists that they are involved in manufacture, use possession, transfer or*
15 *distribution of alcoholic beverages or illegal drugs while on the job. The term “on the job”*
16 *is specifically defined in Board Policy #5110;*

17 (b) *following a work related accident causing death, personal injury or property damage in*
18 *excess of \$1,500.00, and,*

19 (c) *as a condition of employment.*
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21 (2) *Employees whose primary responsibility is performance of work in hazardous conditions,*
22 *security, safety or fiduciary matters will be subject to pre-employment, post accident and*
23 *reasonable belief testing;*
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25 (3) *Employees whose position requires a commercial driver’s license will be subject to pre-*
26 *employment, post accident, random, reasonable suspicion and treatment/follow-up testing.*
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28 The purpose of the testing program shall be to monitor the misuse of alcohol and controlled
29 substances by employees in order to prevent accidental injury to the employee or co-workers and to
30 insure that the District’s standards for maintaining an environment in which student safety is
31 considered paramount are continually upheld.
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33 **Consequences if Testing Indicates Drug or Alcohol Misuse**

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35 Submission to drug and alcohol testing, as described above, is a condition of employment. In the
36 event drug and alcohol testing confirms prohibited alcohol levels and or the presence of a controlled
37 substance, or the employee refuses to be tested or tampers with a test, the Superintendent shall
38 recommend termination from employment. Recommendations for dismissal, made under Board
39 Policy #5110 by the Superintendent, which are supported by a positive test result and conform to
40 appropriate due process will result in immediate discharge by the Board of Education from
41 employment with Browning Public Schools. The District is not required under federal law requiring
42 drug and alcohol testing to provide rehabilitation, pay for substance abuse treatment or to reinstate
43 the employee.
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45 The Assistant Superintendent for Personnel shall verify that each employee has been notified of this
46 policy when hired by the District and shall be required to verify that such notification has been given
47 to all current employees. All employees shall acknowledge, in writing, receipt of a copy of this
48 policy.
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1 **Confidentiality**

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3 All documentation concerning testing and the test results of any individual pursuant to this policy
4 shall be kept strictly confidential. In order to secure the confidentiality of the employee, the results
5 of any test performed pursuant to this policy will be released only under the following
6 circumstances: (1) required communication to the Superintendent, and/or his designee, the
7 immediate supervisor, the Medical Review Officer, the collection site or the testing laboratory, (2) in
8 accordance with a court order or as otherwise required by law or governmental regulation, (3)
9 express written authorization is granted by the tested individual.

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11 The Superintendent is directed to establish procedures to implement this policy.

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14 **Cross Reference:** #5110 Drug Free Workplace (Policy #1025)

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16 **Legal Reference:** 39-2-304 MCA Lie Detector Test/Prohibited Regulation of Blood
17 and Urine testing.

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19 **Policy History**

20 Adopted on: 1/29/97

21 Revised on: 11/8/05, 3/26/14

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