

Hawkins County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Drug & Alcohol Testing for Employees	Descriptor Code: 5.403	Issued Date: 08/01/13
		Rescinds: 5.403	Issued: 02/11/10

The Board recognizes that employees are the system's greatest asset. Employees are the indispensable key to our goal of providing the best possible education program for students. To achieve this goal, and to maximize the skills and talents of employees, it is important that every employee of our school system understand the dangers of drug and alcohol abuse and be aware of the new federal requirements concerning substance abuse. We are committed to a safe working environment, to making adequate provisions for the safety and health of our employees at their place of employment, and to the safety and health of the students we serve as well as the general public. This policy statement should clarify the Board's position on employee drug and alcohol use.

I. Purpose

To emphasize prohibitions against use, possession, or being under the influence of alcohol, illegal drugs, or use of unauthorized prescription drugs, and to make employees and supervisors aware of the penalties for substance abuse on the job.

II. Scope

This policy applies to any Hawkins County Schools employee who is on duty, or on a Hawkins County Board of Education property, or in attendance at a system-approved or school-related function. Bus drivers are subject to DOT regulations.

III. Policy Statement

The Board expects and requires employees to report for work and remain at work in condition to perform assigned duties free from the effects of alcohol and drugs.

The manufacture, distribution, dispensing, possession, and/or use of controlled substances, alcohol, unauthorized prescription drugs, or being under the influence of alcohol or drugs on Board premises or while conducting Board business off Board premises is absolutely prohibited.

The use of any prescription drug that could affect the central nervous system or one that would impair reaction time shall be reported to the director of schools/director of transportation. The notice shall include the duration of ingestion and the possible side effects.

IV. Definitions

Board - The Hawkins County Board of Education

Board Business - The performance of any job, duty, or event sanctioned by the Hawkins County Board of Education.

Board Premises - Any property or vehicle owned by the Hawkins County Board of Education.

Safety Sensitive - A position in which a drug or alcohol impairment constitutes an immediate and direct

threat to public health or safety... or a position in which a momentary lapse in attention could result in injury or death to another person as defined in TCA 50-9-103 (16)(B).

V. Procedures

1. All persons hired by the Hawkins County School System will be given information relative to a drug and alcohol free workplace at the time of employment.
2. Employees experiencing problems with alcohol or other drugs are urged to discuss the problem with their supervisor and/or the Personnel Director and to voluntarily seek assistance through an alcohol/drug rehabilitation program. Hawkins County Schools may grant sick leave and then annual leave until the same are exhausted, and then may grant leave without pay not to exceed one (1) year for an employee enrolled in a formal treatment/rehabilitation program. The cost of the drug rehabilitation or treatment provider shall be borne by the employee and/or the employee's insurance provider.
3. Employees must, as a condition of employment, report any conviction under a criminal statute within five (5) days after the conviction.
4. Recordkeeping Of all sign-off sheets, initial screenings, or random screenings is the responsibility of the Personnel Director and will be kept on file in the Personnel Department.

VI. Responsibility

1. The HCS Personnel Department is responsible for ensuring that new employees are provided information regarding an alcohol and drug free workplace and for maintaining original signed signature pages of information receipt.
2. Employees are responsible for abiding by this policy and for reporting any criminal convictions for unlawful drug-related activity.
3. All questions concerning this policy should be directed to the Personnel Department.

VII. References

Omnibus Transportation Employee Testing Act of 1991 - 49 CFR 382
Subtitle D Drug Free Workplace Act 1988 - 34 CFR 86.201
Tennessee Drug-Free Workplace Act
TCA 50-9-103
TCA 50-9-104
TCA 50-9-106

Cross-Reference

Drug Free Workplace 1.804
Drug-Free Schools 6.307

Drug Use and Testing: Care of Drugs and Personal Medications

I. Pre-employment Testing

Prior to employment, as a condition of any job offer, substance screens will be required for all individuals applying for any safety sensitive school system position or any other position if so allowed by law. Cost of the substance screening test(s) will be the responsibility of the applicant. Refusal to submit to substance screening will be considered as withdrawal of the individual's application for employment. The school system will not consider an application for at least twelve (12) months after an individual refuses to submit to substance screening.

If substance screening shows a confirmed positive result for a substance which the individual does not have a current physician's prescription, any job offer will be revoked. The school system will not consider an application for employment for at least twelve (12) months after an individual whose substance screen shows a positive result for a substance which the individual does not have a current, valid physician's prescription.

II. Reasonable Suspicion Testing

When reasonable suspicion exists that an employee is misusing alcohol or drugs, the employee must submit to substance screening. Trained supervisors have the responsibility to observe and document the cause for reasonable suspicion of alcohol or drug use or abuse and, when appropriate, refer the matter to the Director of Schools. It is not the supervisor's responsibility to attempt diagnosis. All information, facts and circumstances leading to and supporting this suspicion should be included in a written report detailing the basis for the suspicion. After the report is filed, the employee shall be notified.

Employees will be required to submit to substance screening if the following conditions exist: (list is not inclusive)

1. Observed use, possession or sale of illegal drugs.
2. Observed use, possession, or sale of alcohol.
3. Observed use, possession, or sale of medications that the employee does not have a current, valid prescription for.
4. Observed sale of medications that the employee does have a current, valid prescription for.
5. Violation of criminal statutes involving the use of illegal drugs, alcohol, or prescription drugs.
6. Apparent physical state of impairment of motor functions.
7. Apparent mental state of impairment.
8. Marked changes in personal behavior not attributed to other factors.
9. Involvement in or contribution to an accident, regardless of whether the employee has been involved in a pattern of repetitive accidents and regardless of whether an accident involves potential or actual injury.
10. Other observed behavior that causes reasonable suspicion of alcohol or drug misuse.

Refusal to submit to a substance screening is a direct violation of this policy and grounds for dismissal.

III. Random Testing for Employees

All bus drivers, substitute bus drivers, garage employees, deliverymen, maintenance personnel, custodians, and any other employee who may be required to operate school/system owned vehicles or

equipment will be required to submit to random alcohol and drug testing which will be conducted on an unannounced basis according to the U.S. Department of Transportation's (DOT) guidelines. All aforementioned system personnel and any others in a safety sensitive position shall be notified in writing at the beginning of each school year that they will be subject to testing for alcohol and drugs. Refusal to submit to a substance screening is a direct violation of this policy and grounds for dismissal. These personnel shall report to their supervisor the use of any prescription or non-prescription drug that could affect the central nervous system or that would impair the ability to operate a motor vehicle. Employees on such medication may be required to provide a doctor's statement as to their ability to operate a vehicle.

IV. Drug Free Workplace Act Requirements

No employee shall unlawfully manufacture, distribute, dispense, purchase, possess, or use alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance except when medically prescribed, on or in the workplace. "Workplace" shall include any school building or any school premise; and school-owned or any other school-approved vehicle used to transport students to and from school or school activities; and off-school property during any school-sponsored or school-approved activity, event or function.

An employee shall notify his or her supervisor of a conviction of any criminal drug statute occurring in the workplace as defined above no later than five (5) days after the conviction. Any employee who violates the Federal or Tennessee Drug Free Workplace Acts shall be suspended and shall be subject to dismissal and referral for prosecution. Drinking alcoholic beverages during working hours, for four (4) hours immediately before reporting to work, or having any measurable amount of alcohol in his or her system during working hours is prohibited, whether on or off school property. Working hours include all breaks. Off-duty use of alcohol and drugs is strongly discouraged and is prohibited to the extent that it affects the employee's attendance or performance.

V. Use and Care of Personal Medication

For purposes of this policy, "medications" refers to both prescription medications, including diabetic testing supplies and insulin, non-prescription and/or over-the-counter medications.

Employees of the Hawkins County Board of Education need to ensure that their personal medications are not made accessible to students or other employees. Employees will be held strictly accountable if they allow any medications to come into the possession of students or if their personal medications are left or stored in such a way as to have a potential of coming into the possession of students. Likewise, employees will be held strictly accountable for taking, borrowing, accepting, sharing, or using medications of other employees.

It is understood that sometimes employees may have no other option than to bring medications for use at school. However, if it is not absolutely required, employees should not bring medications for use at school for any reason. Employees who take legally prescribed medication must only bring the quantity necessary for their daily needs. All such medications must be kept securely on the person of the employee in a secure container or should be stored in a secure area in a secure container which is not accessible to students. If the employee does not have access to locked storage, the medication must be kept in the school nurse's office.

Other than as specifically authorized by law and Board Policy, no employee shall give any medication to a student. This shall not prohibit appropriately authorized and trained employees from performing functions authorized by law and Board Policy.

VI. Employee Discipline

Any violation of this policy is grounds for termination as an employee of the Board and possible legal prosecution. Specifically, employees who misuse or abuse medications or who are impaired by alcohol or drugs at the workplace shall be subject to discipline, up to and including termination. Furthermore, employees who test positive for the illegal use of controlled substances that they do not have a current, valid prescription for shall be subject to termination on the first offense. Employees who test positive for a controlled substance shall not be reinstated or return to work without a retesting with negative results. Imposition of disciplinary action is subject to the rights of employees, including, but not limited to, those provided in Board policy and statute.

In the event that a Hawkins County Schools employee is convicted of any crime involving the use, possession, or distribution of drugs or alcohol while not in the workplace, then the HCBE may require a drug screening test for continued employment.

VII. Confidentiality

All procedures and requirements as stipulated in the DOT rules and regulations regarding alcohol and drug testing will be strictly adhered to, including appropriate record-keeping. The District shall maintain records relating to drug testing as provided in 49 CFR 382.401. The records shall be maintained in a secure location with controlled access.

VIII. Policy Dissemination

The Director of Schools shall be responsible for providing a copy of this policy to all school system employees.

Origin:

Omnibus Transportation Employee Testing Act of 1991

49 CFR 382

Subtitle D Drug Free Workplace Act of 1988

34 CFR 86.201

Tennessee Drug-Free Workplace Act