

# Kingsport City Schools

Monitoring: <b>Review: Annually, in February</b>	Descriptor Term: <b>Drug &amp; Alcohol Testing for Employees</b>	Descriptor Code: <b>5.403</b>	Issued Date: <b>12/01/16</b>
		Rescinds:	Issued:

## 1 REASONABLE SUSPICION DRUG TESTING

2 Trained supervisors have the responsibility to observe and document the cause for reasonable  
3 suspicion and when appropriate, refer the matter to the Superintendent of Schools/designee. For  
4 purposes of this policy, the Superintendent of Schools designee shall be the Chief Human Resources  
5 Officer. It is not the supervisor's responsibility to attempt diagnosis. All information, facts and  
6 circumstances leading to and supporting this suspicion, should be included in a written report detailing  
7 the basis for the suspicion. After the report is filed with the Superintendent of Schools or designee, the  
8 employee should be notified.

9 Notwithstanding the completion and filing of a written report as noted above, any employee may be  
10 required to submit to substance screening if the following conditions exist: (list is not inclusive):

- 11 1. Observed use, possession or sale of illegal drugs and/or use, possession, sale, or abuse of  
12 alcohol and/or prescription drugs;
- 13 2. Apparent physical state of impairment of motor functions;
- 14 3. Marked changes in personal behavior not attributed to other factors;
- 15 4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is  
16 reasonably suspected or employee involvement in a pattern of repetitive accidents whether or  
17 not they involve actual or potential injury; or
- 18 5. Violation of criminal statutes involving the use of illegal drugs, alcohol or prescription drugs  
19 and/or violations of drug statutes.

20 The following circumstances will result in employee disciplinary action (typically termination absent  
21 unusual extenuating circumstances):

- 22 (i) Refusal by employee to submit to substance screening;
- 23 (ii) Failure of employee to follow sampling protocols

## 24 TESTING FOR CDL EMPLOYEES

25 All drivers and applicants for driver positions who are required to hold a Commercial Driver's License  
26 (CDL) to perform their job function must adhere to the requirements of this policy and all procedures  
27 relating to this policy.<sup>1</sup>

1 The use, possession, sale, purchase or transfer of any controlled substances except medically  
2 prescribed drugs on school property, while on school business or while operating school vehicles and  
3 equipment is prohibited. Drinking alcoholic beverages during working hours, four (4) hours before  
4 reporting to work or having any measurable amount of alcohol in their system during working hours is  
5 prohibited, whether on or off school property. Working hours include all breaks. Off-duty use of drugs  
6 and alcohol is prohibited to the extent that it affects driver's attendance or performance and their ability  
7 to pass required DOT alcohol and controlled substance tests. Any violation of this policy is grounds for  
8 termination as an employee of the board and possible legal prosecution.

9 The use of any prescription drug that could affect the central nervous system or one that would impair  
10 reaction time shall be reported to the Superintendent of Schools/Supervisor of Transportation. Notice  
11 shall be given of non-prescription (over-the-counter) drugs being taken on a regular basis. The notice  
12 shall include the duration of ingestion and the possible side effects.

### 13 **Procedures**

14 The execution and enforcement of this policy will follow set procedures to screen bodily fluids,  
15 conduct breath testing, and/or search all employee/applicants for alcohol and drug use, and those  
16 employees suspected of violating this policy who are involved in a reportable accident or who are  
17 periodically or randomly selected. The procedures are designed not only to detect violations of this  
18 policy, but also to ensure fairness to each employee. Disciplinary action will be taken as necessary.

### 19 **Implementation**

20 The Superintendent of Schools/Supervisor of Transportation is authorized to implement this policy and  
21 procedures for the drug testing program, including a periodic review of the program to address any  
22 problems, changes and/or revisions of it, maintenance of all records required by the federal regulations,  
23 and determination upon board approval of how the program will be accomplished, whether in-house,  
24 contracted or by consortium.

### 25 **Dissemination**

26 The Superintendent of Schools/Supervisor of Transportation shall be responsible for communicating  
27 this policy and the procedures to all employees affected by this policy and shall be accountable for its  
28 consistent enforcement.<sup>2</sup> The Superintendent of Schools/Supervisor of Transportation is designated to  
29 answer questions about this policy, procedures and all other matters involved in alcohol and controlled  
30 substance testing of CDL drivers and the reasonable suspicion testing of all other employees.

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#### Legal References

1. 49 USCS § 5331; Alcohol and Controlled Substances Testing (Omnibus Transportation Employee Testing Act of 1991)
2. 49 CFR 382.601