

Franklin Special Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Drug & Alcohol Testing for Employees	Descriptor Code: 5.403	Issued Date: 03/13/17
		Rescinds: 5.403	Issued: 04/20/09

1 PRE-EMPLOYMENT DRUG SCREENING

2 All job applicants will undergo testing for substance abuse as a condition of employment.¹

3 Applicants will sign an acknowledgement prior to substance screening, permitting the summary result
4 to be sent to the director of schools/designee.

5 Refusal to sign the acknowledgment or to submit to substance screening will be considered as with-
6 drawal of the individual's application for employment. The applicant will not be permitted to reapply for
7 employment for at least twelve (12) months.²

8 If substance screening shows a confirmed positive result for which there is no current physician's
9 prescription, a second test will be required. If the second drug screen is also positive, any job offer will
10 be revoked. The applicant will not be permitted to reapply for employment for at least twelve (12)
11 months.

12 RANDOM DRUG TESTING

13 All school transportation personnel shall be notified in writing at the beginning of each school year that
14 they shall be subject to testing for drugs and alcohol during the period of employment. Employees will
15 be required to submit to random drug testing without advance notice.

16 All other employees may also be subject to random drug testing. Failure to submit to a required substance
17 abuse test is misconduct and shall be subject to discipline up to and including termination.

18 Any employee who tests positive is subject to the following disciplinary action:

19 1. Employees who test positive for the use of prescribed or non-prescribed (over-the-counter) drugs,
20 absent the notice required above, shall be suspended for ten (10) working days without pay for
21 each violation of this policy. Re-testing with negative results shall be required as a pre-requisite
22 for reinstatement.

23
24 2. Employees who test positive for the use of controlled substances shall be terminated on the first
25 offense.

26 REASONABLE SUSPICION DRUG TESTING

27 Trained supervisors have the responsibility to observe and document the cause for reasonable suspicion
28 and when appropriate, refer the matter to the director of schools/designee. It is not the supervisor's
29 responsibility to attempt diagnosis. All information, facts and circumstances leading to and supporting

1 this suspicion should be included in a written report detailing the basis for the suspicion. After the report
2 is filed, the employee should be notified.

3 Any employee may be required to submit to substance screening if the following conditions exist (list is
4 not inclusive):

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

14 **POST ACCIDENT TESTING**

15 When an employee has caused or contributed to an on-the-job injury that resulted in the loss of work
16 time (any period of time during which an employee stops performing the normal duties of employment)
17 and leaves the place of employment to seek care from a licensed medical provider, or is involved in an
18 on-the-job accident where personal injury or damage to district property occurs, the employee will be
19 subject to a substance abuse test.

20 **TESTING FOR CDL EMPLOYEES**

21 All drivers and applicants for driver positions who are required to hold a Commercial Driver's License
22 (CDL) to perform their job function must adhere to the requirements of this policy and all procedures
23 relating to this policy.¹

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

32 The use of any prescription drug that could affect the central nervous system or one that would impair
33 reaction time shall be reported to the director of schools/director of transportation. Notice shall be given
34 of non-prescription (over-the-counter) drugs being taken on a regular basis. The notice shall include the
35 duration of ingestion and the possible side effects.

1 **CONFIDENTIALITY**

2 The confidentiality of any information received by the employer through a substance abuse testing
3 program shall be maintained, except as otherwise provided by law.

4 **OPPORTUNITY TO CONTEST OR EXPLAIN TEST RESULTS**

5 Employees and job applicants who have positive confirmed drug or alcohol test results may explain or
6 contest the results to the medical officer within five (5) working days after receiving written notification
7 of their test result from the medical officer; if an employee's or job applicant's explanation or challenge
8 is unsatisfactory to the medical review officer, the review officer shall report a positive test result back
9 to the district. A person may contest the drug test result pursuant to rules adopted by the Tennessee
10 Department of Labor.

11 **Procedures**

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

17 **Implementation**

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

23 **Dissemination**

24 The director of schools/director of transportation shall be responsible for communicating this policy and
25 the procedures to all employees affected by this policy and shall be accountable for its consistent
26 enforcement.² The director of schools/director of transportation is designated to answer questions about
27 this policy, procedures and all other matters involved in alcohol and controlled substance testing of CDL
28 drivers and the reasonable suspicion testing of all other employees.

Legal References

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