

G-22: Administrative Procedures Tobacco and Drug Free District



REFERENCES

[Board Policy G-22](#)

DEFINITION

Illegal Drug/Substance: For purposes of these administrative procedures, the Controlled Substances Act dictates what the district defines as an illegal drug/substance. Specifically, an illegal drug/substance means the possession/use of any Schedule I substance (including marijuana), or any illegal or non-prescription use of Schedule II, III, IV or V substances. Products which may contain any illegal drug/substance, such as bong, vaporizers, patches, food, candy, etc., are included within this definition.

Medical Review Officer (MRO): A trained practitioner at a testing facility authorized to administer and interpret controlled substance and alcohol tests.

Random Testing: Unannounced controlled substance and alcohol testing of an employee done in accordance with federal and state law. An employee is selected for testing by a method uninfluenced by any personal characteristic other than job category.

Reasonable Suspicion: An articulated belief based on recorded specific observations concerning the appearance, behavior, speech, or body odors of an employee, and reasonable inferences drawn from those observations that an employee is in violation of these procedures or the corresponding board policy.

Rehabilitative Testing: Unannounced controlled substance and alcohol testing of preselected employees done as part of a program of counseling, education, and treatment of an employee in conjunction with these procedures or the corresponding board policy.

Safety Sensitive Positions: Positions which include job duties that directly affect the safety of district employees, students, and/or the general public.

Under the Influence of Alcohol or an Illegal Drug: For the purposes of these administrative procedures, under the influence of alcohol or an illegal drug means that a person:

- A. is under the influence of alcohol, an illegal drug, or a combined influence of alcohol and drugs to a degree that renders the person incapable of effectively working in the district;
- B. has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test; or
- C. has a blood or breath alcohol concentration of .08 grams or greater during work hours.

Tobacco Products: Products which may contain tobacco including all forms of cigars, cigarettes, E-cigarettes, vaporizers, smokeless tobacco, pipe tobacco and roll-your-own tobacco. Smokeless tobacco means any snuff or chewing tobacco.

PROCEDURES FOR IMPLEMENTATION

I. Training

- A. Classified and hourly employees will receive training regarding these procedures and the corresponding board policy during new employee orientation, and licensed employees will receive training at the start of the school year.
- B. All employees will receive information regarding the district's drug-free awareness program, which includes information about the dangers of drug use, the contents of these administrative procedures and the accompanying board policy, available counseling or rehabilitation programs, and penalties for non-adherence.

II. Types of Testing

- A. Employees in safety sensitive positions will participate in:
 1. pre-employment testing for controlled substances and alcohol; and
 2. random testing for controlled substances and alcohol.
- B. All employees will participate in:
 1. reasonable suspicion testing for controlled substances and alcohol;
 2. post-accident testing for controlled substances and alcohol; and
 3. rehabilitative testing for controlled substances and alcohol.

III. Facility

All controlled substance and alcohol testing ("testing") will be conducted by an independent facility certified to administer testing approved by the Substance Abuse and Mental Health Services Administration or the College of American Pathology, and the district.

IV. Testing Required

- A. Employees required to participate in testing will make themselves available for testing as soon as notified by their supervisor.
- B. An employee is presumed to be under the influence of alcohol or an illegal drug if the employee refuses the district's lawful request, made with reasonable suspicion, to submit to a drug or alcohol test.

V. Sample Collection

- A. Sample collection shall be performed under reasonable and sanitary conditions, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of the sample.
- B. Reasonable measures will be taken to ensure the privacy of the individual being tested during sample collection.
- C. The individual being tested shall have the opportunity to provide notification of any information relevant to the test, such as prescription and non-prescription medications used. The individual may also provide information in compliance with the Americans with Disabilities Act of 1990.
- D. Sample collection, labelling, storage and transportation to the testing facility shall all be performed in a manner that reasonably precludes the probability of sample misidentification, contamination, or adulteration.
- E. Sample testing will conform to scientifically accepted analytical methods and procedures.

VI. Results

- A. The testing facility shall communicate all test results to the district's human resource services department (HRS).
- B. Positive results: The medical review officer (MRO) will determine whether there is a legitimate medical explanation for the result. If no legitimate medical explanation exists, then:
 - 1. The MRO will inform HRS and the employee of the positive results. HRS will initiate disciplinary action by removing the employee from duty.
 - 2. The employee may request re-testing of the original sample with the cost to be shared equally between the employee and the district.
 - 3. Employees in safety sensitive positions whose alcohol confirmation test results are .02 or greater, when tested before, during, or immediately after performing safety sensitive functions, must be removed from performing safety sensitive duties for eight (8) hours, or until another test is administered and the result is less than .02.
 - 4. Employees in safety sensitive positions whose alcohol confirmation test results are .04 or greater when tested before, during, or after performing safety sensitive duties, may be subject to corrective action or discipline. Employees in positions requiring a commercial driver's license shall be subject to testing and prohibition requirements as directed by federal and state law and as outlined in the State of Utah Drug and Alcohol Testing Manual. Training on these requirements is the responsibility of the district's transportation department.

VII. Rehabilitative or Disciplinary Action

An employee may be disciplined and/or required to seek rehabilitative treatment if:

- A. a confirmed positive test result indicates a violation of these procedures;
- B. the employee, prospective employee, or volunteer refuses to provide a sample;
- C. the employee submitted an adulterated sample or a sample that was tampered with; or
- D. the employee, prospective employee, or volunteer otherwise violates these procedures.

VIII. Self-Disclosing Controlled Substance Use or Alcohol Abuse

- A. The district may require an employee who self-discloses controlled substance use or alcohol abuse when not under imminent threat of testing to participate in a rehabilitative treatment or counseling program.
- B. This option is at the district's sole discretion and at the employee's own expense. The following shall apply to an employee participating in this program:
 - 1. An employee participating in a rehabilitation program shall be granted accrued leave and may be granted leave without pay, if necessary, for inpatient treatment.
 - 2. The employee must sign a release to allow the transmittal of verbal or written compliance reports between the district and the inpatient/outpatient rehabilitative program provider.
 - 3. The employee must provide verification from a licensed practitioner associated with the employee's chosen rehabilitation/counseling program that the employee is capable of performing his/her essential job functions.
 - a. This release must be provided within two business days in order for the employee to remain at work.
 - b. If such release is not provided within two business days, the employee will be placed on leave; either paid through use of benefitted leave or unpaid if no leave exists, until the district receives said release.
 - 4. An employee may be required to continue participation in an outpatient rehabilitation program, prescribed by a licensed practitioner, on the employee's own time and at the employee's expense.

5. An employee, upon successful completion of a rehabilitation program shall be reinstated to work according to board policies and district administrative procedures or negotiated provisions regarding reinstatement after leave.
6. An employee who fails to complete the prescribed treatment without a valid reason shall be subject to disciplinary action, up to and including termination of employment.
7. An employee who returns to work shall be subject to testing for a period of one year.

IX. Recordkeeping

- A. A separate, private record of the test results shall be kept by HRS.
- B. The employee's official personnel file shall only contain a document making reference to the existence of the test record.

X. Supervisor Duty to Report

Supervisors and administrators who receive notice of a workplace violation of these procedures or the corresponding board policy shall immediately notify HRS, and the district shall take appropriate action.

XI. Prescription Medications

- A. Legally prescribed medications may be permitted on district premises if these medications are contained in the original prescription container and are prescribed by an authorized medical provider for the current use of the person possessing the medication.
- B. If an employee is taking prescription medication, it is the employee's responsibility to understand the side-effects of any prescribed medication, and to inform his or her supervisor if the medication would impair his or her ability to perform his or her job duties in a safe and efficient manner.
- C. Possession or use of prescription medications that are not in the employee's name may subject the employee to discipline.

XII. Reapplication for Employment after Termination for Policy or Procedure Violation

- A. Employees terminated under these procedures may be considered for rehire at the district's discretion after one year.
- B. To be considered for rehire, the employee must successfully complete a controlled substance or alcohol rehabilitation program at his or her own expense.

XIII Tobacco-Free Policy

- A. There will be no use of tobacco products, including products which may contain tobacco such as vaporizers, within district facilities or on school property at any time. There will be no tobacco use in district vehicles at any time. Tobacco usage is also prohibited in personal vehicles when they are being used to transport persons on district authorized business.
- B. "Tobacco-Free Workplace" signage may be posted at all entrances.
- C. Employees will be informed of this policy through signs posted in facilities and vehicles, and orientation and training provided by the district.
- D. Adherence to the tobacco-free policy is required of all district employees, students, and visitors.
 1. Employees and students found in violation of the policy or these procedures may be subject to disciplinary action.
 2. If a visitor is observed violating this policy, an employee should courteously inform him/her of the policy and request their compliance.
- E. The following tobacco cessation services are available to all individuals who wish to stop using tobacco products:
 1. The Utah Tobacco Quit Line (1.800.QUIT.NOW) provides telephone-based counseling, support materials, and referrals to local classes and additional assistance when appropriate. Callers may also qualify for free nicotine replacement therapy.
 2. Utah QuitNet (www.utahquitnet.com) provides quitting guides, peer support through message boards and email, expert advice and other services to help people quit using tobacco.
 3. Tobacco Free Resource Line (1.877.220.3466 or theTRUTH@utah.gov) provides materials including brochures, Quit Line cards, posters and fact sheets.

No district employee or student shall be subjected to discrimination in employment or any district program or activity on the basis of age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sexual orientation, or veteran status. The district is committed to providing equal access and equal opportunity in its programs, services and employment including its policies, complaint processes, program accessibility, district facility use, accommodations and other Equal Employment Opportunity matters. The district also provides equal access to district facilities for all youth groups listed in Title 36 of the United State Codes, including scouting groups. The following person has been designated to handle inquiries and complaints regarding unlawful discrimination, harassment, and retaliation: Tina Hatch, Compliance and Investigations, 440 East 100 South, Salt Lake City, Utah 84111, (801) 578-8388. You may also contact the Office for Civil Rights, Denver, CO, (303) 844-5695.