

# Davis School District Policy and Procedures

**Subject: 3RM-006 Substance Abuse and Drug Free Workplace**  
**Index: Risk Management and Workplace Safety**  
**DRAFT: October 21, 2021 – Five-Year Review**

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## 1. PURPOSE AND PHILOSOPHY

This policy implements the federal Drug-Free Workplace Act of 1988 and [Utah Code Ann. Title 34, Chapter 41](#) Local Governmental Entity Drug-Free Workplace Policies, and [Utah Code Ann. Title 26, Chapter 38](#) Utah Indoor Clean Air Act, in order to:

- 1.1. Provide a safe and productive work and educational environment that is free from the effects of the unlawful use, distribution, dispensing, manufacture, and possession of controlled substances, alcohol use, tobacco in any form or electronic cigarette, use during work hours or on school property;
- 1.2. Identify, correct and remove the effects of drug and alcohol abuse in the school environment and on job performance;
- 1.3. Assure the protection and safety of students and employees.

## 2. POLICY

- 2.1. Davis School District (District) employees and volunteers shall be prohibited from unlawfully manufacturing, dispensing, possessing, distributing or using any controlled substance or alcohol during working hours, on school property, or while operating a District vehicle at any time or other vehicle while on duty except where legally permissible.
- 2.2. The use of tobacco in any form or electronic cigarettes is prohibited on District property, in District owned vehicles, or at school sponsored activities or events.
- 2.3. An employee or volunteer may be required to submit to medically accepted testing to determine whether he/she is using a controlled substance or alcohol in violation of federal or state law, or District policy under the following circumstances:
  - 2.3.1. when, during work hours, there is reasonable suspicion that an employee or volunteer is using or is impaired through the use of a controlled substance or alcohol unlawfully;
  - 2.3.2. as a part of a post-accident investigation;
  - 2.3.3. random testing in safety sensitive positions; or
  - 2.3.4. as part of a rehabilitation program.
- 2.4. Medically accepted testing for suspected use of a controlled substance or alcohol shall be done under the direction of:
  - 2.4.1. the Director of Transportation for employees working in transportation; or
  - 2.4.2. the Director of Risk Management for all other employees.
- 2.5. An employee or volunteer who refuses to submit to drug or alcohol testing may be subject to disciplinary action.
- 2.6. All drug or alcohol testing shall be conducted by an independent laboratory certified for employment drug testing by either the Substance Abuse and Mental Health Services Administration or the College of American Pathology and approved by the District.
- 2.7. All drug or alcohol tests with positive results or a possible false positive result shall require a confirmation test.

- 2.8. Corrective or disciplinary action may be taken against an employee or volunteer if:
  - 2.8.1. there is a positive confirmation test for controlled substances;
  - 2.8.2. results of a confirmation test for alcohol shows .08 percent blood alcohol concentration (BAC) or more;
  - 2.8.3. the employee or volunteer's supervisor determines there is impairment, even when the results of a confirmation test for alcohol shows less than .08 percent BAC; or
  - 2.8.4. the employee or volunteer's actions put co-workers, students, or the public at physical risk.
  
- 2.9. Employees or volunteers in safety sensitive positions, as identified and approved by the Director of Risk Management, are subject to drug or alcohol testing without justification of reasonable suspicion or critical incident. Random drug testing of employees or volunteers in safety sensitive positions shall be conducted by the District as authorized by the Director of Risk Management or Human Resources.
  - 2.9.1. Employees or volunteers in safety sensitive positions whose confirmation test for alcohol 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.
  - 2.9.2. Employees in safety sensitive positions whose confirmation test for alcohol results are .04 or greater when tested before, during or after performing safety sensitive duties, may be subject to corrective action or discipline.
  - 2.9.3. Employees in positions requiring a commercial driver license shall be subject to testing and prohibition requirements as directed by Federal and State law and as outlined in the State of Utah, DHRM Drug and Alcohol Testing Manual. Training on these requirements is the responsibility of the District Transportation Department.
  
- 2.10. An employee shall report, to his/her principal or supervisor, any arrests or convictions, for any matters involving drug-related or alcohol-related offenses, within 48 hours as described in District policy 2HR-201 [Employee and Volunteer Background Checks and Employee Personal Reporting of Arrests](#)
  
- 2.11. A separate, private record of drug or alcohol test results shall be kept by the employee's or volunteer's supervisor or building level administrator. The employee's official personnel file shall only contain a document making reference to the existence of the drug or alcohol test record.

### 3. DISCIPLINARY ACTION

- 3.1. Supervisors and administrators who receive notice of a workplace violation of this policy shall immediately notify the Human Resources Director, and the District will take appropriate action which may include but is not limited to:
  - 3.1.1. probation;
  - 3.1.2. suspension with or without pay;
  - 3.1.3. termination of employment or voluntary services; or
  - 3.1.4. participation in rehabilitation, treatment or counseling and education program.
  
- 3.2. Rehabilitation Programs  
An employee who has a confirmed positive test for use of a controlled substance or alcohol in violation of this policy may be offered the option of participating in a

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rehabilitation program in lieu of disciplinary action. This option is at the District's discretion and at the employee's own expense. If the employee accepts the offer tendered by the District to participate in such a program in lieu of disciplinary action, the following shall apply:

- 3.2.1. An employee participating in a rehabilitation program shall be granted accrued leave or leave without pay for inpatient treatment.
- 3.2.2. The employee must sign a release to allow the transmittal of verbal or written compliance reports between the District and the inpatient or outpatient rehabilitation program provider.
- 3.2.3. All communication shall be classified as private in accordance with Utah Code Ann. Title 63G, Chapter 2 Government Records Access and Management Act.
- 3.2.4. 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 expense.
- 3.2.5. An employee, upon successful completion of a rehabilitation program shall be reinstated to work in his previously held position, or a position with a comparable or lower salary range.
- 3.2.6. 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.

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### REFERENCES

41 USCA Title 41, Chapter 10 – Drug-Free Workplace

[Utah Code Ann. Title 34, Chapter 41](#) – Local Governmental Entity Drug-Free Workplace Policies.

[Utah Code Ann. Title 26, Chapter 38](#). – Utah Indoor Clean Air Act.

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### FORMS AND OTHER LINKS

[Cause for Reasonable Suspicion Record](#)

[2HR-201 Employee and Volunteer Background Checks and Employee Personal Reporting of Arrests](#)

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### DOCUMENT HISTORY:

**Adopted: June 21, 1989** as Drug-Free, Smoke-Free, Alcohol-Free Workplace

**Revised: January 16, 2001**

**Revised: September 22, 2010 (by consent)** – As part of a five-year review, including a reorganization of the Table of Contents (new Risk Management section), policy was renumbered from 2HR-100 to 3RM-004. No substantive changes required.

**Revised: January 25, 2011** – Added prohibition of electronic cigarettes.

**Revised: December 6, 2016 by consent** - Five-year review. Non-substantive changes to comply with current practice.

Revised: - Five-year review. No changes.