

Drug-Free Workplace Notice

All employees shall receive the following notice as a partial implementation of Policies 03.13251/03.23251 and Federal Regulation 54 CFR 4946.

NOTICE TO ALL EMPLOYEES

YOU ARE HEREBY NOTIFIED that it is a violation of Policies 03.13251 and 03.23251 of this school District for any employee to unlawfully manufacture, distribute, dispense, be under the influence of, possess, or use on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11 through 1300.15.

“Workplace” is defined as the site for the performance of work done for the district. That includes any place where work on a school district program, project or activity is performed, including a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

YOU ARE FURTHER NOTIFIED THAT IS IT A CONDITION OF YOUR CONTINUED EMPLOYMENT WITH THIS District that you will comply with the above policies of the school District and will notify your supervisor of your conviction of any criminal drug statute for a violation occurring in the workplace no later than five (5) days after such conviction.

An employee who violates the terms of the school District’s drug-free workplace policies will be nonrenewed or his/her employment may be suspended or terminated. Failure of an employee to satisfactorily participate in the requirements of the drug-free workplace/school policies shall be considered to be in violation of the policy.

RANDOM SCREENING

The Board will establish a random drug testing program for employees in safety sensitive positions with responsibilities affecting students. Safety sensitive positions are those where a single mistake by an employee can create an immediate threat of threat of serious harm to students and/or fellow employees.

PRE-EMPLOYMENT DRUG TESTING

Applicants are made aware of the requirements of drug testing for specific positions prior to submitting an application for the position. Pre-employment testing shall be required for designated safety-sensitive positions.

PURPOSE

The purpose of this procedure is to establish guidelines to be followed in the drug/alcohol testing of Board employees.

RESPONSIBILITY

The Superintendent has the overall responsibility for this program. An independent drug screening agency will be contracted to provide the actual testing process.

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DRUG COORDINATOR/DESIGNATED EMPLOYER REPRESENTATIVE

The Drug Coordinator shall be responsible for directing the drug-testing program, and receiving, reviewing, and communicating to the Superintendent the results of drug tests consistent with the requirements of the drug testing program.

MEDICAL REVIEW OFFICER

A medical review officer is a licensed physician who is also an expert in drug and alcohol testing and the Federal regulations governing such testing. The MRO will ensure the integrity of the drug test. If a test is positive, the MRO will consult with the employee and give him/her an opportunity to supply evidence that there was a justifiable reason for the positive test. If the MRO determines that the positive test was not the result of illegal drug use, the test is reported as negative. The MRO protects the rights of employees and strengthens the school's position if the test results are challenged.

CONFIDENTIALITY

The Drug Coordinator shall develop a process to reasonably ensure employee privacy during the taking of samples, security of samples once obtained, and the integrity of the laboratory services used. Appropriate measures shall be taken to protect confidentiality throughout the testing process and in the handling of test results. Access to drug testing results shall be restricted on a need-to-know basis to those persons in positions designated by the Superintendent.

ILLEGAL AND/OR CONTROLLED SUBSTANCES

District employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain in the workplace or in the performance of duties, alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, blockers and/or other abused, illegal, or controlled substances as determined by federal regulation.

“Controlled substance” shall mean any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance which may be added by the Kentucky Cabinet for Health and Human Services under regulations pursuant to KRS 218A.020.

AUTHORIZED DRUGS

Employees who personally use or who are designated to administer to a student a drug authorized by and administered in accordance with a prescription at the prescribed level from a health professional shall not be considered in violation of this policy.

SUSPENSION/TERMINATION/NON-RENEWAL

Any employee who violates the terms of the District's drug-free/alcohol-free policies shall be subject to disciplinary action and may be suspended, non-renewed or terminated. In addition, violations by certified employees shall result in notification, as required by law, of the Kentucky Education Professional Standards Board.

Drug-Free Workplace Notice**SUSPENSION/TERMINATION/NON-RENEWAL (CONTINUED)**

Any employee who tests positive may be suspended without pay for a minimum of thirty (30) work days at the discretion of the Superintendent and may be given the opportunity to undergo rehabilitation for drug abuse (at employee expense). After consultation with the Superintendent, said employee may return to duty upon obtaining a full release from a health care professional (signed and dated). As a condition of returning to duty, the employee shall be required to agree to reasonable follow-up testing as established by the Drug Coordinator. Any employee who has a confirmed positive drug test after undergoing the above mentioned rehabilitation.

Any employee caught possessing drugs/alcohol on school-owned or school-leased property or at school sponsored/approved activities is subject to disciplinary action up to and including termination.

REASONABLE SUSPICION

The Drug Coordinator, upon receiving a written and/or verbal report from an employee's immediate supervisor and/or a District administrator or upon personal observation, is authorized to make the determination that reasonable suspicion or cause exists to order a drug screen and may order an employee to submit to a drug screen test.

Circumstances under which reasonable suspicion or cause exists to order a drug screen include, but are not limited to the following:

1. Observed use, possession, or sale of illegal drugs and/or illegal use, possession, sale or abuse of alcohol and/or the illegal use or sale of prescription drugs.
2. Apparent physical state of impairment of motor functions.
3. Marked changes in personal behavior or job performance not attributable to other factors.
4. Employee involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected, or employee involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.
5. Violations of criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription drugs and/or violations of drug statutes on school-owned or school-leased property or at school sponsored/approved activities.

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EMPLOYEE NOTICE OF RANDOM DRUG/ALCOHOL TESTING

I have received a copy of the District's Drug-Free/Alcohol-Free Schools policy.

I understand, due to my position being designated as safety sensitive, that I am subject to periodic, random drug and alcohol screening.

I further understand that violation of the terms of the District's Drug-Free/Alcohol-Free Schools policy will constitute grounds for suspension, non-renewal, or possible termination.

Employee Signature

Position

Date

Review/Revised:11/24/09