

Drug Testing Procedures

These procedures are intended to implement Mercer County Board of Education Policies 03.13251 and 03.23251 pertaining to Drug Free/Alcohol Free Schools. Because it is impossible to anticipate every situation that may arise under these policies and procedures, the Random Drug Testing Coordinator should be contacted to resolve any specific situation which is not addressed herein. This contact should be made before action is initiated, if at all possible.

I. APPLICANT TESTING

A. Notice

All applicants who are hired shall be given a copy of the applicable Drug Free/Alcohol Free Schools Policy. A signed copy of the Employee Acknowledgement of Understanding Regarding Drug and Alcohol Testing (03.13251 AP.2, 03.23251 AP.2) shall be retained in the personnel file for every employee.

Current Employees- Staff in safety sensitive positions will be subject to the random drug testing policy. Staff must read Certified Policy 03.13251 & Classified 03.23251 (Use of Alcohol, Drugs and Other Controlled Substances) and must acknowledge in writing, that they have read the policy and procedures, comprehend the policy and procedures, and understand as employees of the Mercer County Board of Education, and that they are bound by the terms and conditions contained in the policy and procedures.

B. Documentation

All applicants who are required to submit to a drug screening test must acknowledge the Board's policy towards drug and alcohol use and must sign the "Drug Screen Acknowledgment" (03.13251 AP.2, 03.23251 AP.2) BEFORE being sent for a drug screening test. A copy of the acknowledgment should be retained in the personnel file of any applicant who is hired. Any applicant who refuses to cooperate will not be hired.

C. Rules for Initial Post Offer Drug Test

1. All applicants to whom an offer of employment has been extended will be required to undergo a drug screening test. Pre-employment testing does not apply to those who were in the random drug-testing pool the previous school year. The Board may use blood, urine, hair, or other tests to detect the presence of drugs, or metabolites of those substances in an applicant's body. Employment will be denied to any individual whose drug screen test reveals the presence of illegal drugs.

Pre-employment- Applicants shall acknowledge having read or had this policy explained to them and should understand that as a condition of employment they are subject to its contents. Applicants shall sign an acknowledgment prior to substance screening, permits the summary result to be transmitted to the Random Drug Testing Coordinator (RDTC) and the Superintendent. An applicant refusing to complete any part of the drug testing procedure shall not be considered a valid candidate for employment with the District, and such refusal shall be considered as a withdrawal of the individual's application for employment. The applicant shall not be permitted to reapply for employment with the District for at least twelve (12) months and not until the applicant shows proof of successful completion of a drug rehabilitation program or proof that the applicant is otherwise no longer engaging in illegal drug use. Pre-employment testing may be completed by either the vendor under contract with the Board of Education or by an approved collection agency.

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Substances Tested. Urine specimens of participating staff shall be tested for the following which include, but may not be limited to:

1. Amphetamines	1. Barbituates
2. Benzodiazepines	2. Cocaine Metabolite
3. Opiates	3. Oxycodone
4. Phencyclidine	Marijuana Metabolite
5. Methadone	Methaqualone
6. Synthetic Drugs	* KRS 218A.010 * KRS 217.900 (Referenced below)

*Controlled substance means any substance or immediate precursor listed in Chapter 218A of the Kentucky Revised Statutes or any other substance added by regulation under [KRS 218A.010](#).

*[KRS 217.900](#) – All prohibited substances however taken or used, including, but not limited to, inhaling, ingesting, and/or injecting. These include, but are not limited to, prescribed and over-the-counter drugs, prohibited volatile substances as defined in [KRS 217.900](#) or synthetic compounds/substances that are used or intended for use for an abusive and/or intoxicating purpose.

Any staff participant who tests positive may contest the test result by informing the Superintendent/designee within seventy-two (72) hours of receipt of notice of the positive test result.

2. Employment will be denied to any individual whose drug screening test reveals the presence of prescription drugs (such as barbiturates, amphetamines, opiates, etc.) unless the applicant has a current prescription, a valid medical reason for the use of such drugs, and the level of drugs present in the tested specimen is consistent with taking the medication as prescribed.
3. All positive tests will be confirmed by the laboratory through a second test using the gas chromatography -- mass spectrometry method. The individual should be told only that "the results of your drug screen test show positive for (name of drug)."
4. The certified testing laboratory will utilize the services of a Medical Review Officer ("MRO") when needed in the review process.

II. EMPLOYEE TESTING

A. Rules for Employee Testing

1. The Board may utilize blood (upon request by the employee or when no other method is available), breath, urine, hair, or other tests to detect the presence of alcohol, drugs, or metabolites of those substances in an employee's body.
2. Employees may be required to submit to a drug or alcohol screening test under the following circumstances:
 - (a) Where the Superintendent/designee has a reasonable suspicion that the employee is or has been under the influence of drugs or alcohol.
Among the factors to be considered in determining whether to request that an employee submit to a drug or alcohol screening test because of reasonable suspicion of substance abuse are, but not limited to:

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II. EMPLOYEE TESTING (continued)

A. Rules for Employee Testing (continued)

- excessive absenteeism or tardiness;
- unexplained significant deterioration in job performance;
- significant change in personality repeated abusive behavior, insolence, insubordination);
- reliable reports from other employees;
- unexplained absences from normal work sites;
- unusual behavior which cannot be readily explained;
- changes in appearance and demeanor;
- excessive cravings for water or sweets;
- reddened eyes or dilated pupils;
- odor of alcohol or drugs;
- slurred speech; or
- difficulty in motor coordination.

The conduct that is the basis for the request for a drug or alcohol screen test will be observed by two (2) administrators. The observed conduct that arouses suspicion of drug or alcohol use shall be documented in writing by the administrator witnesses as soon as possible following observation. This documentation shall occur within twenty-four (24) hours of observed behavior or before the results of the drug or alcohol screen test are released, whichever is earlier.

- (b) Random testing for drug use will be conducted on a neutral selection basis with all employees in safety sensitive positions having an equal chance of being selected. On an annual basis, employees in safety sensitive positions will be randomly selected for a random drug screen test. Testing will be completed no less than 4 times each year and employees tested will be selected randomly from the identified pool of employees. The collection of urine specimen for the random testing shall be conducted on the school campus.
3. Failure or refusal by an employee to sign any required document or to take a drug or alcohol screening test when requested to do so will be grounds for immediate termination of employment.
4. In the event an employee has a "positive" drug or alcohol test, this test will be confirmed by the laboratory through a second test using the gas chromatography -- mass spectrometry method. If a confirmed positive result is obtained through this second analysis, the employee will then be notified of the test results, and will be disciplined, up to and including discharge.

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II. EMPLOYEE TESTING (continued)

A. Rules for Employee Testing (continued)

5. In regard to testing for alcohol, an employee whose confirmed breath alcohol level is determined to be .08 percent or greater will be considered to have committed an intolerable policy violation and will be subject to termination of employment. An employee whose confirmed breath alcohol level is .08 percent or less will not normally be subjected to disciplinary action for alcohol abuse.

All employees whose confirmed breath alcohol level is .08 percent or greater are subject to Section II-B, "Transportation of Impaired Employees" of this procedure.

B. Transportation of Impaired Employees

When a reasonable suspicion drug or alcohol test is requested, a Board representative shall provide transportation for the individual to be tested to and from the collection site. When the collection is completed, arrangements should be made to have the employee transported home or to another location without requiring the employee to drive a vehicle. The employee should not return to work until notified by a Board representative to do so. If such an impaired employee refuses to accept transportation provided by the Board and insists upon driving, the employee should be strongly discouraged from doing so, but not forcibly restrained. Law enforcement should thereafter be contacted.

III. COLLECTION AND SAMPLE TESTING

A. Collection Process

The Random Drug Testing Coordinator shall be present immediately prior to the collection process to ensure proper staff identification.

Collection of the test specimen will be conducted by an independent third party administrator. The individual who supervises specimen collections (referred to herein as a "collection site person") shall be trained in maintaining a proper chain of custody, in proper conduct during a specimen collection, and in identifying specimen irregularities.

Any employee required to provide a test sample will be expected to complete any necessary forms required by the collection site or the Board, including those authorizing the disclosure of test results to Board representatives. Failure or refusal to do so will result in disciplinary action, up to and including termination of employment.

Immediately prior to entering the private bathroom facility utilized for the collection process, the staff shall be required to leave all personal belongings (including jackets, purses, pocket contents, etc.) in the custody of the school representatives present for employee identification.

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III. COLLECTION AND SAMPLE TESTING (continued)

B. Laboratory Handling

Once the specimen has been given, it will be tested by the independent third party administrator. If this preliminary test result is positive, the specimen will be transported to a designated testing laboratory. This laboratory will conduct an initial laboratory test and a confirmation test to determine whether the specimen is positive or negative for the presence of drugs. If a urine test has been completed, the laboratory shall retain possession of the specimen in its original, labeled bottle for a minimum of twelve (12) months (to enable retesting upon demand). The third-party administrator shall retain records on all specimens for at least five (5) years.

C. Analysis by Medical Review Officer

A Medical Review Officer ("MRO") is a licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders. The MRO is responsible for reviewing the results of the initial and confirmatory tests by the testing laboratory and exploring alternative explanations for a positive result.

The MRO will contact each employee whose drug or alcohol screen test is positive and will provide them with an opportunity to discuss the positive test result. Following this conversation, the MRO will make an independent decision as to whether the drug or alcohol screen test result, together with the employee's explanation, supports a finding of a positive drug or alcohol test result.

The MRO, following the analysis of the test results, will report to the Board's third party administrator whether an employee's drug or alcohol screen test result was positive or negative. Only those samples which tested positive for drugs or alcohol and for which the employee failed to offer a satisfactory explanation will be reported. All other tests will be reported as negative.

IV. DISCLOSURE OF TEST RESULTS

A. By the Medical Review Officer

1. Negative Results - If a drug test result is negative, the MRO need not contact the employee, but shall report the result to the Board's third party administrator.
2. Positive Results - As protection against the possibility of any false positive test results, when a drug test result is positive, this fact shall be communicated initially to the employee by the MRO. In order to facilitate this process, the individual tested will be expected, at the time the sample is provided, to indicate where or how the employee can be reached by the MRO. If the individual declines this discussion within 72 hours of contact from the MRO, the MRO need not make other efforts to review the drug or alcohol test result with the individual tested and shall report the positive test results to the Board's third party administrator. The Board's third party administrator shall report the positive test results to the Random Drug Testing Coordinator or those who are the designated Board representatives.

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IV. DISCLOSURE OF TEST RESULTS (continued)

A. By the Medical Review Officer (continued)

Prior to verifying a positive test result, if the individual is willing to discuss the positive test result, the MRO will conduct a medical interview with the tested individual in person or by telephone to explore possible alternative medical explanations for any positive test results. The MRO will also review the tested individual's medical history to the extent provided by the tested individual and any other relevant medical facts that might have an impact upon the drug or alcohol test result.

If the confirmed positive test result could have resulted from a legally prescribed medication, the MRO will also review the tested individual's medical history and any other relevant medical factors that might have an impact upon the drug or alcohol test result. If the confirmed positive test result could have resulted from a legally prescribed medication, the MRO will review all medical records made available by the tested individual.

If there is any question as to the accuracy or validity of a positive test result, the MRO may authorize a re-analysis of the original sample by the Board's testing laboratory. If, after completing the above review procedures, the MRO verifies the positive test result, this result should be reported only to the Board's third party administrator and the designated Board representatives.

3. Adulterated or Unreadable Specimens - When a sample is believed to have been adulterated through the actions of the tested individual, the MRO shall contact the tested individual and provide him/her with an opportunity to explain. If no satisfactory explanation is given, this information will be communicated only to the Board's third party administrator and the designated Board representatives, and it will be presumed that the tested individual could not have given a negative specimen and he/she may be deemed non-cooperative by the employer. If the specimen is unreadable due to circumstances not caused by or contributed to by the tested individual, the MRO will advise the tested individual and the Board's third party administrator of that fact and shall request that a second drug screen test be scheduled and completed as soon as possible.

B. By the Employer

1. Negative Results - If the test result is negative, the Board need not contact the employee with the test results. Upon request of the employee, the designated Board representatives/Random Drug Testing Coordinator shall advise the employee his/her drug or alcohol screen test result was negative.
2. Positive Results - If a urine drug or alcohol test result is reported to the Board to be positive, the tested individual may request a second confirmatory test at his or her own expense. If the tested individual requests a second confirmatory test, it shall be performed on the original specimen using GC/MS or equivalent technology, and shall be performed by a SAMSHA laboratory designated by the Board.

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IV. DISCLOSURE OF TEST RESULTS (continued)

B. *By the Employer (Continued)*

The cost of the second confirmatory test (as determined by the laboratory) shall be paid before re-testing is done. If the results of the second confirmatory test are negative, the tested individual will be reimbursed the cost of the secondary confirmatory test and the results of the initial positive test will not be used as a basis for discipline.

If the second confirmatory test is again positive and the tested individual is still unable to provide the MRO with a satisfactory explanation for the result, the tested individual will be advised of the result of the second confirmatory test which may result in discipline up to and including termination of employment.

3. Adulterated or Unreadable Specimens - If the Board is informed that a specimen cannot be properly analyzed because of contamination or adulteration caused by or related to the employee's actions, he/she will be discharged for failure to cooperate. If the adulterated sample was not caused by or related to the conduct of the tested individual, a second drug or alcohol screen test shall be scheduled and completed as soon as possible.

V. CONFIDENTIALITY

All information involving drug and alcohol testing of an employee or applicant shall be treated as confidential medical information. All such information will be accessible only to the third party administrator and those Board officials and designated medical or professional persons as have been approved on a valid need to know basis. It will not be provided to any other party without the written consent of the employee except pursuant to administrative or legal procedure or process. Any employee who willfully discloses such information in violation of Board policy will be subject to discipline.

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