

4124 - DRUG-FREE WORKPLACE

[Drafting Note: This optional policy is intended to establish a drug-free workplace under F.S. 440.102, Drug-Free Workplace Program Requirements. With this policy, the School Board may qualify for a discount on workers compensation insurance (see F.S. 627.0915).]

~~The School Board recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse causes impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, higher health care costs, and diminished interpersonal relationship skills. The Board commits to create and maintain a drug free workplace.~~

~~The use of illegal drugs, the abuse of alcohol, and the misuse of prescription and over the counter drugs are unacceptable. The Board shall clearly communicate this message to its support staff.~~

~~In addition, the Board shall publish a statement and provide a copy to each employee notifying the employee that controlled substances are prohibited in the workplace. This statement shall include a notice that specific actions will be taken against District employees for violating the prohibition.~~

~~Refer to the appropriate procedure.~~

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The use of illegal drugs, the abuse of alcohol, and the misuse of prescription and over-the-counter drugs are unacceptable. The Board does not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, or any drug paraphernalia as the term is defined by law, by any member of the District's staff, visitor or vendor at any time while on District property or while involved in any District-related activity or event.

Drug Testing

[Drafting Note: If any provisions of the drug testing section of this policy involve matters that fall within the terms of any applicable collective bargaining agreement, Neola recommends that you consult with your labor counsel regarding whether such provisions must be collectively bargained].

In furtherance of this policy, the Board ~~X] conducts~~ ~~OR (Note: Select this option if testing has not yet begun: [] will~~ ~~conduct, effective _____ (Date) _____ End of Option)~~ drug testing of its job applicants and employees, pursuant to Federal and State law.

Board employees who operate Board vehicles and have a commercial driver's license or perform safety-sensitive functions are subject to the drug testing procedures in Policy 4162.

"Drug" means an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. This definition also includes all prescription drugs obtained without authorization and all prescribed and over-the-counter drugs being used in a way other than for medical purposes, in accordance with the directions for use provided in the prescription or by the manufacturer. This definition includes prescription marijuana.

Types of Drug Testing

[Drafting Note: Note - the statute requires all four (4) of these types of tests for a drug-free workplace]

A. Job Applicant Drug Testing

For the purpose of this policy, "job applicant" means a person who has applied for a position with the Board and has been offered employment conditioned upon successful completion of a drug test. Applicants will be informed in advance of the requirement of a negative drug screen as a condition of employment. The drug screen must be conducted within thirty (30) days prior to employment, and within twenty-four (24) hours of receiving the notice to report from Human Resources. A refusal to submit to a drug test or a positive confirmed drug test may be a basis for refusing to hire a job applicant. Applicants who fail to appear at the pre-employment drug

screening within the twenty-four (24) hour period will not be eligible to reapply for a period of thirty (30) calendar days.

B. Reasonable Suspicion Drug Testing

For the purpose of this policy, "reasonable suspicion" means the reasonable belief that an employee is using or has used drugs in violation of this policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion drug testing shall not be required except upon the recommendation of a supervisor who is at least one (1) level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:

1. observable phenomena while at work, including, but not limited to; direct observation of drug use; physical symptoms; or manifestations of being under the influence of a drug;
2. abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
3. a report of drug use, provided by a reliable and credible source;
4. evidence that an individual has tampered with a drug test during his/her employment with the Board;
5. information that an employee has caused, or contributed to, an accident while at work; or
6. evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working for the Board or while on the Board's premises; or while operating the Board's vehicles, machinery, or equipment.

C. Routine Fitness-for-Duty Drug Testing

A drug screening will be required as part of an employee fitness-for-duty medical examination that is scheduled routinely for all members of an employment classification or group.

D. Follow-up Drug Testing

If the employee in the course of employment enters an employee assistance program for drug-related problems, or a drug rehabilitation program, the Board will require the employee to submit to a drug test as a follow-up to such program. Follow-up testing will be conducted at least once a year for a two (2) year period after completion of the program, with no advance notice of follow-up testing dates. ~~[] However, if the employee voluntarily entered the program the Board will not require follow-up testing. [END OF OPTION]~~

Drugs Tested

The Board will test for the following drugs: **[Drafting Note: the Board may test for any or all of these drugs.]**

- A. ☒ alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor
- B. ☒ an amphetamine
- C. ☒ a cannabinoid (THC/marijuana)
- D. ☒ cocaine
- E. ☒ phencyclidine (PCP)

- F. ☒ a hallucinogen
- G. ☒ methaqualone
- H. ☒ an opiate (fentanyl, oxycodone, methadone)
- I. ☒ a barbiturate (phenobarbital)
- J. ☒ a benzodiazepine (Valium, Xanax, Klonopin)
- K. ☒ a synthetic narcotic
- L. ☒ a designer drug
- M. ☒ a metabolite of any of the substances listed above

Common Medications that May Affect a Drug Test

These are common medications that may alter or affect a drug test:

- A. ADHD (attention deficit hyperactivity disorder) medications like methylphenidate (Ritalin)
- B. antidepressants like bupropion (Wellbutrin), fluoxetine (Prozac) and trazadone (Desyrel)
- C. beta blockers like labetalol (Trandate)
- D. diet pills like phentermine (Adipex-P)
- E. medication to treat nausea and vomiting like phenothiazines (Promethazine)
- F. over-the-counter cold, sinus, and nasal decongestants like ephedrine and pseudoephedrine (Sudafed) and Vicks inhaler
- G. pain medication like ibuprofen (Advil/Motrin) and naproxen sodium (Aleve)
- H. sleep aids like doxylamine (Unisom)
- I. pain medication like ibuprofen
- J. selective serotonin reuptake inhibitors (SSRIs) like sertraline (Zoloft), which can be used to treat depression, post-traumatic stress disorder (PTSD), obsessive-compulsive disorder (OCD), social anxiety disorder and panic attacks
- K. cannabidiol (CBD) oil
- L. HIV medication like efavirenz (Sustiva)
- M. proton-pump inhibitors like pantoprazole (Protonix)
- N. quinolone antibiotics used to treat bacterial infections like levofloxacin (Levaquin) and ofloxacin
- O. anti-psychotic medications like quetiapine (Seroquel)
- P. over-the-counter antihistamines like diphenhydramine (Benadryl)

Confidential Report to Medical Review Officer (MRO)

An employee may confidentially report to an MRO their use of prescription or non-prescription medications, either before or after being tested.

Right to Consult with the MRO

An employee has the right to consult with an MRO for technical information regarding prescription or non-prescription medication.

Employee Self-Report

Board employees who self-report substance abuse problems, prior to any incident requiring the employee's drug testing, will, upon the first self-report, be afforded employee assistance with the District's Employee Assistance Program. Depending upon the substance involved, this may necessitate the employee requesting a leave from their position while in treatment. This leave will be charged to the employee's accrued time or will be unpaid. Actions taken upon an employee's subsequent self-reports will be at the discretion of Human Resources.

Positive Confirmed Test Result

The Board will not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of a job applicant or employee on the sole basis of a positive drug test, excluding breathalyzer testing, that is not verified by a confirmation test.

An employee who receives a positive confirmed test result may contest or explain the result to the MRO within five (5) workdays after receiving written notification of the test result. If the employee's explanation or challenge is unsatisfactory to the MRO, the MRO will report a positive test result to the Board. The employee may appeal the drug test result to the Board within five (5) workdays from receiving notice of the MRO's report of a positive test result.

Refusal and Adulterated Specimen

A refusal to submit to a drug screen will be considered a positive test result, and the employee will be subject to disciplinary action. An employee or applicant who refuses to submit to an alcohol or controlled substance test does so by:

- A. failing to provide adequate breath for testing without a valid medical explanation after being notified of the requirement for breath testing;
- B. failing to provide adequate urine for controlled substance testing without a valid medical explanation after being notified of the requirement for urine testing; or
- C. engaging in conduct that clearly obstructs the testing process.

An adulterated specimen is considered a refusal to participate in a drug screen (i.e., a positive test).

Disciplinary Sanctions

Disciplinary action may be instituted against an employee who has violated this policy, and who the Board believes will not be assisted by rehabilitation; or who the Board believes has had or will have a negative impact on students and/or staff. Disciplinary sanctions, if appropriate, will be implemented in accordance with Board policy, applicable Florida statutes, and State Board of Education rules.

A job applicant found to test positive for illegal drug(s) or abuse of legal drug(s) will not be considered for employment by the Board. Job applicants may appeal a positive test for drugs to the (x) Superintendent () Board () ~~_____ [END OF OPTION]~~.

A Board employee found to test positive for illegal drug(s) or abuse of legal drug(s) will be immediately subject to disciplinary procedures. Employees who test positive for illegal drugs and/or abuse of legal drugs may be:

- A. suspended from employment, with or without pay;
- B. terminated from employment;
- C. required to submit to further testing; or
- D. be subject to other administrative procedures necessary for the enforcement of this policy.

Any and all actions will be in accord with the Board policy, Florida statutes, and any applicable collective bargaining agreement.

~~[] The Board recognizes that chemical dependency is an illness that may be successfully treated. The Board may choose to direct an employee to a rehabilitation program. [END OF OPTION]~~

Notice of Administrative or Civil Action

It is the responsibility of the employee to notify the laboratory of any administrative or civil action brought pursuant to Florida law or this policy.

Confidentiality

Laboratory results and test results will not appear in an employee's general personnel records. Information of this nature will be contained in a separate, confidential medical file that will be appropriately maintained by the _____. The reports or test results may be disclosed to Board administrators on a strictly need-to-know basis and to the tested employee upon request. Disclosures without the employee's consent may also occur when the information:

- A. is compelled by law or by judicial or administrative process;
- B. has been placed at issue in a formal dispute between the Board and the employee;
- C. is to be used in administering an employee benefit plan; or
- D. is needed by medical personnel for the diagnosis or treatment of the employee in the event the employee is unable to authorize disclosure.

Resources Available

~~The following employee assistance and local drug rehabilitation programs are available:~~

Name

Address

Telephone Number

Name

Address

Telephone Number

Notice of Policy

A notice of drug testing will be included on vacancy announcements for positions with the Board. The Board will also post notice of this policy in appropriate and conspicuous locations. Copies of this policy are available on-line at

www.taylor.k12.fl.us/go.boarddocs.com/fl/taylor/board.nsf/public.

This policy is adopted pursuant to F.S. 440.102. The Board will follow the procedures outlined in AP 4124, *Drug-Free Workplace Technical Guide*, in implementing this policy.