

PERSONNEL

DRAFT 8/11/11

03.23251

- CLASSIFIED PERSONNEL -

## **Drug-Free/Alcohol-Free Schools**

### **PURPOSE**

The Board is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public. The Board recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired ob performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. The Board and its employees share a commitment to create and maintain a drug-free workplace.

The Board is responsible for instruction and well-being of students entrusted to its care. A consistent message needs to be communicated by the Board that the use of illegal drugs, the use of prohibited substance, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.

Provisions of the Federal Anti-Drug Act, 41 U.S.C.A. §702, require federal grant recipients to establish a drug-free workplace. Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with drug-free policy as a condition of employment. Employers must inform employees of drug-free requirements through an awareness program.

### **POLICY GOALS AND OBJECTIVES**

1. To establish, promote, and maintain a safe, healthy working and learning environment for employees and students.
2. To promote the reputation of the District and its employees as responsible citizens of public trust and employment.
3. To eliminate substance abuse problems in the workplace.
4. To aid in the reduction of absenteeism, tardiness and apathetic job performance.
5. To provide a clear standard of job performance for District employees.
6. To provide a consistent model of substance-free behavior for students.

In the furtherance of achieving the Board's goals and objectives as enumerated above, all applicants being considered for employment positions identified by the Board as being safety-sensitive shall be required to submit to a urinalysis test for the detection of the illegal use of drugs, as part of the currently required post-offer, pre-employment physical. Applicants for positions that require testing shall be given a copy of this policy in advance of the post-offer, pre-employment physical.

### **DRUGS, ALCOHOL AND OTHER PROHIBITED SUBSTANCES**

District employees shall not manufacture, distribute, dispense, be under the influence of, purchase, possess, use or attempt to purchase or obtain, sell or transfer any of the following in the workplace or in the performance of duties:

1. Alcoholic beverages;

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**Drug-Free/Alcohol-Free Schools**

2. Controlled substances, prohibited drugs and substances, and drug paraphernalia; and
3. Substances that "look like" a controlled substance. In instances involving look-alike substances, there must be evidence of the employee's intent to pass off the item as a controlled substance.

In addition, employees shall not possess prescription drugs for the purpose of sale or distribution.

**DEFINITIONS**

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

Prohibited drugs include, but are not limited to, any substance that an individual may not sell, possess, use, distribute or purchase under Federal or Kentucky law.

Prohibited substances include:

1. All prescription drugs obtained without authorization, and
2. 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 and prohibited volatile substances as defined in KRS 217.900 that are used or intended for use for an abusive and/or intoxicating purpose.

**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 from a health professional shall not be considered in violation of this policy.

**WORKPLACE DEFINED**

Workplace shall mean the site for the performance of work done for the District including any place where work on a District program, project or activity is performed, including, but not limited to, a school building or other school premises and any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities. "Workplace" shall also include school-sponsored or school-approved activities, events or functions which are held off school property and in which students are under District jurisdiction including, but not limited to, field trips and athletic events.

**DRUG/ALCOHOL TESTING PROGRAM**

The Board has established drug and alcohol testing program for employees. A plan to implement the drug and alcohol testing program shall be developed by District personnel in cooperation with the testing company approved by the Board and shall be provided to all schools and kept on file in the Central Office.

For purposes of the testing program "safety sensitive" shall refer to positions where a single mistake by such employee can create an immediate threat of serious harm to students and fellow employees. Safety-sensitive positions shall include, but not be limited to: Principal, assistant principal, administrators, teacher, traveling teacher, teacher aide, childcare instructor, substitute teacher, school secretary, school custodian, food service worker and others as indicated on the job description for the position.

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**Drug-Free/Alcohol-Free Schools****PRE-EMPLOYMENT TESTING**

All applicants being considered for employment in positions identified as being safety-sensitive will be required to submit to a urinalysis test for the purpose of detecting illegal use of drugs, as part of the currently required pre-employment physical.

Any applicant with a confirmed positive test result will be denied employment.

**REASONABLE SUSPICION TESTING**

Employees may be tested for drug or alcohol use when there is reasonable suspicion that an employee is using or has been under the influence of drugs or alcohol.

**RANDOM DRUG TESTING**

All employees in safety-sensitive positions shall participate in random drug testing which will be conducted on a neutral selection basis with all employees having an equal chance of being selected.

Bus drivers are tested under a similar but separate policy (06.221) in accordance with federal guidelines.

**POST-ACCIDENT TESTING**

All employees who are involved in a work-place accident or who are injured while performing their professional duties in the workplace, shall be subject to post-accident testing for drug or alcohol use.

Bus drivers are tested under a similar but separate policy (06.221) in accordance with federal guidelines.

**SUBSTITUTE EMPLOYEES**

Substitute employees shall be subject to the provisions of this policy, and will be subject to pre-employment, reasonable suspicion and/or post-accident testing when applicable. Substitute employees are not subject to random drug testing.

**BOARD CONTRACTED FACILITY**

Drug screening shall be conducted by a Board approved, independent, certified laboratory utilizing recognized techniques and procedures. The contract with such facility shall specify the substances to be tested.

**SUSPENSION/TERMINATION/NON-RENEWAL**

Any employee who violates the terms of this policy may be suspended, non-renewed or terminated. In addition, violations may result in notification of appropriate legal officials.

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**Drug-Free/Alcohol-Free Schools****ALTERNATIVE**

As an alternative, the Superintendent may choose that an employee who violates the terms of the District's drug-free/alcohol-free workplace policies shall satisfactorily participate in a Board-approved drug/alcohol abuse assistance or rehabilitation program. If the employee fails to satisfactorily participate in such a program, the employee may be suspended, non-renewed or terminated.

**REPORTING**

Employees of the District shall promptly make a report to the local police department, sheriff, or Kentucky State Police, by telephone or otherwise, if they know or have reasonable cause to believe that conduct has occurred which constitutes the use, possession, or sale of controlled substances on the school premises or within one thousand (1,000) feet of school premises, on a school bus, or at a school sponsored or sanctioned event.

**NOTIFICATION BY EMPLOYEE**

Any employee convicted of ~~any workplace violation of criminal drug law~~ statutes shall notify the Superintendent of such conviction, within no later than five (5) working days, provide notification of the after such conviction. Within thirty (30) days after receiving notice of a conviction, to the Superintendent shall take appropriate disciplinary action and/or refer the employee to an appropriate substance abuse rehabilitation program.

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Failure of the employee to report the conviction within the time prescribed shall lead to disciplinary action up to and including discharge. Convictions of a criminal drug law can result in disciplinary action up to and including discharge. In determining whether and to what extent an employee shall be disciplined or discharged for the conviction of a criminal drug law, the Board shall consider the following factors: the degree to which the nature of the criminal offense reduces the Board's ability to maintain a safe working environment; the degree to which the nature of the criminal offense unreasonably endangers the safety of other employees and/or students; the degree to which the conviction unreasonably undermines the public confidence in the Board's operations; the nature of the criminal offense; the nature of the employee's job with the Board; the existence of any explanatory or mitigating facts or circumstances; whether the employee promptly reports the conviction; and any other facts relevant to the employee, including but not limited to years of service and record of performance with the District.

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**EMPLOYEE ACKNOWLEDGMENT**

Personnel shall acknowledge having read or having received an explanation of this policy and should understand compliance with this policy is a condition of employment. Personnel shall sign an acknowledgement prior to substance screening permitting the summary result to be transmitted to the Superintendent/designee. Personnel refusing to complete any part of the drug testing procedure shall be deemed insubordinate.

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**Drug-Free/Alcohol-Free Schools****CONFIDENTIALITY**

As reflected in the drug and alcohol testing program, the Superintendent/designee shall establish a process to reasonably ensure employee privacy during the taking of samples, security of samples once obtained, and designation of laboratory services that are accurate and reliable. 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.

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**NOTICE TO PARTICIPANTS**

A written copy of this drug and alcohol testing policy and corresponding procedures is contained in the employee handbook. Employees shall be required to sign a statement indicating that they have read and understand and fully agree to be bound by the terms, conditions, and procedures under this policy.

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A written copy of this policy and corresponding procedures can also be obtained from the District Web page. Please follow these steps (Internet Explorer is recommended for viewing the District web page):

Go to: [www.henderson.kyschools.us](http://www.henderson.kyschools.us) and use the Policies and Procedures link under District/Home on the navigation bar.

**CHANGES TO POLICY**

This policy may be amended from time to time to facilitate needed changes in the Board's Drug-Free Workplace Substance Abuse program.

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**PREVENTION PROGRAM**

The Superintendent shall establish a comprehensive and on-going drug-free/alcohol-free prevention program for all employees which shall include notice of the following:

1. The dangers of drug/alcohol/substance abuse in the schools;
2. The District's policies and related procedures on drug-free/alcohol-free schools;
3. The requirement for mandatory compliance with the District's established standards of conduct, including those that prohibit use of alcohol, drugs and other controlled and prohibited substances;
4. Information about available drug/alcohol counseling programs and available rehabilitation/employee assistance programs; and
5. Penalties that may be imposed upon employees for violations of this policy.

**REFERENCES:**

KRS 160.290; KRS 217.900; 34 CFR Part 85

P. L. 101-226 (Improving America's Schools Act of 1994 (Title IV): Safe and Drug-Free Schools and Communities)

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**RELATED POLICIES:**

03.2325; 08.1345; 09.2241