

DRUG-FREE AND ALCOHOL-FREE WORK PLACE

The following applies to all employees:

1. The Gloucester County Public School System has a vital interest in maintaining a safe, healthy, and productive environment for the employees and students under its supervision. The use of controlled substances and other illegal drugs and the abuse of alcohol undermines the quality of job performance, endangers co-workers and students, and brings discredit to the school system.
2. The school system will not tolerate the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance nor the abuse of alcohol by its employees, and is committed to the eradication of them from the workplace.*
3. Upon reasonable suspicion of a violation of this regulation or the suspicious behavior of the employee, the Human Resources Department will require an employee to be tested for drugs at a designated facility. Employees, in such cases, refusing to submit to drug testing will be subject to dismissal.
4. All employees are expected to adhere to the following guidelines, and violation of this regulation will subject the employee to dismissal from employment, even for a first offense:
 - A. The unlawful manufacture, distribution, dispensing, possession, consumption, use, or sale of any controlled substance and/or alcohol in the work place, on School Board property, while performing School Board business or any of its activities, or during duty hours is strictly prohibited.
 - (1) Any employee violating regulation 4A above will be subject to the following actions:
 - a. The employee will be subject to appropriate personnel/disciplinary action up to and including termination.
 - b. The employee may be required to participate satisfactorily in a carefully monitored substance abuse assistance, rehabilitation, or counseling program approved for such purposes by federal, state, or local health agencies, and, as recommended by the employer and the Substance Abuse Professional (as defined in Title 49 USC Part 382). Such program will be at the employee's expense.
 - c. A Substance Abuse Professional means a licensed physician or a licensed psychologist or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.
 - B. Each employee will notify the Director of Human Resources of any criminal drug or controlled substance statute conviction no later than FIVE (5) DAYS after such conviction.

* For purposes of administration of this policy, a "workplace" is defined as any school facility, vehicle, a job site on or off premises, recreational sites, or location of field trips.

- (1) Within TEN (10) DAYS after receiving notice from an employee or otherwise receiving actual notice of such conviction, the Director of Human Resources will advise any affected federal agency of that conviction.
- (2) Within THIRTY (30) DAYS of receiving notice of any employee who is so convicted, one of the following actions will be taken:
 - a. The employee will be subject to appropriate personnel/disciplinary action up to and including termination; and/or
 - b. At his or her own expense, the employee may be required to participate satisfactorily in a substance abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health agency, or the Substance Abuse Professional (SAP).
5. Gloucester County Public School Board employees are required by the *Federal Drug-Free Work Place Act of 1988* to sign a consent form as a condition of employment. This form, which certifies receipt of a copy of this regulation and specifies requirements regarding notification of conviction, must be signed at the time of employment (see attachment).
6. An employee voluntarily seeking assistance for a substance abuse problem through appropriate treatment programs or a medical source will not necessarily be disciplined provided that the employee volunteers for such treatment prior to being charged by any local, state, or federal authorities with a violation of a drug or controlled substance statute or regulation or charged with the violation of School Board policy and/or regulation regarding the use of controlled substances.
7. Each employee will be required to participate in a continuing drug-free and alcohol-free work place education and awareness program on a periodic basis regarding:
 - A. The dangers of drug and alcohol abuse in the work place;
 - B. The School Board policy of maintaining a drug-free and alcohol-free work place;
 - C. Any available substance abuse counseling, rehabilitation, and employee assistance and re-entry programs; and
 - D. The penalties that may be imposed upon employees for substance abuse violations.

The Superintendent or the appointed designee will be responsible for the implementation and monitoring of this regulation.

In addition to the above, **employees covered under the *Omnibus Transportation Employee Testing Act of 1991*** will adhere to the following regulations (Paragraphs 1-9).

1. Practical experience and research have proven that even small quantities of narcotics, abused prescription drugs, or alcohol can impair judgment and reflexes. Even when not readily apparent, this impairment can have serious results, particularly for employees operating vehicles or potentially dangerous equipment. Drug-using employees are a threat to co-workers, students, and themselves, and may make costly errors. For these reasons, the Board has adopted a policy that all employees who operate vehicles requiring a Commercial Driver's License must report to work completely free from the effects of alcohol and/or the presence of drugs, unless used as prescribed by a physician. The Director of Transportation Services is appointed the Drug Program Coordinator and is the designated employer representative (DER) in receiving alcohol results for such employees.
2. Employees are prohibited from using, possessing, distributing, manufacturing, or having controlled substances, abused prescription drugs, or any other mind altering or intoxicating substances present in their system while at work or on duty.
3. Employees are prohibited from possessing, drinking, or being impaired or intoxicated by alcohol while at work or on duty. While employees are prohibited from having any alcohol present in their system while on duty, a Blood Alcohol Count (BAC) of .02 will be in violation of this policy.
4. Alcohol Use/Possession/Impairment: Off-the-job use of drugs, alcohol, or any other prohibited substances, which results in impaired work performance, including, but not limited to, absenteeism, tardiness, poor work product, or harm to the school system's image or relationship with the community, is prohibited. Employees should realize that this regulation prohibits all illicit drug use--on and off duty.
5. Prescription Drugs: The proper use of medication prescribed by a physician is not prohibited; however, the Gloucester County School Board prohibits the misuse of prescribed (or over the counter) medications and requires employees using drugs at the direction of a physician to notify the Director of Transportation where these drugs may affect their job performance, such as causing drowsiness. A physician's written explanation may be required.
6. Substance Screening:
 - A. Applicants: Substance screening is required for all final applicants applying for a position for which drug testing is required by the provisions of the *Omnibus Transportation Employee Testing Act of 1991*. Applicants are required to sign a consent form before submitting to screening and may be responsible for the cost incurred (File No. GBKA-E2). Applicants will be disqualified for hire if they test positive (including "validity tests"), refuse to submit to a test, or refuse to execute the required consent form.
 - B. All current employees are subject to the *Omnibus Transportation Employee Testing Act of 1991*.
 - (1) Reasonable Cause: Employees will be required to submit to screening whenever a supervisor observes circumstances which provide reasonable cause to believe an employee has used a controlled substance or has otherwise violated the substance abuse rules. Examples of circumstances that may establish reasonable cause to warrant testing include supervisor observation, co-worker complaints, performance decline, attendance or behavior changes, involvement in a workplace or vehicular accident, or other

actions, which indicate a possible error in judgment or negligence, or other violations of the drug or other School Board policies.

The supervisor or supervisors requesting testing will prepare and sign written documents explaining the circumstances and evidence upon which they relied within twenty-four (24) hours of the testing, or before the results of the tests are released, whichever is earlier. While one supervisor may request a reasonable cause test, when feasible, supervisors are encouraged to obtain a second supervisor as a witness. (The required observations for alcohol and/or controlled substances reasonable suspicion testing should be made by a supervisor or school official who is trained in accordance with Part 382.603, *Motor Carrier Controlled Substance and Alcohol Testing Regulations*.)

- (2) **Random Testing:** Random testing will be conducted in accordance with the *Omnibus Transportation Act of 1991*. The selection process will be a scientifically valid method and will be managed by the company supervising the drug-testing program for the school division.
- (3) **Post Accident Testing:** Employees are required to notify immediately the Transportation Director of any accident resulting in injury or damage to school system property. This policy requires an employee involved in a reportable accident, defined as an accident in which there is loss of human life, a driver who has received a moving citation from a law enforcement officer, either a driver or passenger who has received immediate medical treatment away from the scene of the accident, or one of the vehicles involved was towed from the scene of the accident due to operational impairment, to undergo substance screening within thirty-two (32) hours and alcohol testing within eight (8) hours of the occurrence of the accident. Any violation of this portion of the regulation or failure to submit to substance screening where required by law will subject the employee to personnel action, which may include termination.
- (4) **Return to Duty Testing:** Employees referred through administrative channels who undergo a counseling or rehabilitation program or who are suspended for abuse of substances covered under this policy will be subject to unannounced testing following return to duty for no less than twelve (12) months and no more than sixty (60) months. Testing may be on a daily, weekly, monthly, or longer basis at the discretion of the Medical Review Officer (MRO), and will be in addition to the other types of tests provided in this regulation.
- (5) **Recertification Physical Examinations:** All drivers may be required to undergo urinalysis as part of their recertification physical examination.

C. Testing Procedures:

- (1) **General Guidelines:** The School Board will rely, when practical, on the guidance of the *Omnibus Transportation Employee Testing Act of 1991* provided in 49 C.F.R. Parts 382, 391, 392, and 395.
- (3) **Substances Tested For:** Employees will be tested regularly for, but not limited to: amphetamines, marijuana, cocaine, opiates, and phencyclidine (PCP). Additionally, validity testing will be performed. Validity testing is a test for adulterants such as Klear (a nitrate based substance) pH, and any substance intended to alter or impede the drug testing process. Testing for alcohol will be conducted as per the provisions of the Act.
- (4) The Board reserves the right to utilize blood, breath, saliva, urinalysis, or any other validated testing procedures for illicit drugs. Only urinalysis will be utilized in the pre-employment and random testing. All positive screening tests must be confirmed by gas chromatography/mass spectrometry (GC/MS).

D. Evaluations and Return of Results to the School Board:

The laboratory will transmit (by fax, mail, or computer, but not orally over the telephone) the results of all tests to the MRO. The MRO will be responsible for reviewing the quantified test results of employees and confirm that the individuals testing positive have used drugs in violation of Board policy. Prior to making a final decision, the MRO will give the employee an opportunity to discuss the result either face to face or in a conference telephone call. The MRO will then notify promptly the Director of Transportation or the Assistant Superintendent for Administrative Services the employees or applicants who tested positive.

E. Request for Retest:

An employee may request, in writing, to the Director of Transportation, a retest of the original split specimen within seventy-two (72) hours of notification of receipt of the final test results.

F. Release of Test Results:

Employees will be required to execute a consent form permitting the School Board to release test results and related information to the Unemployment Compensation Commission or the relevant government agency.

7. Disclosure

Each drug or alcohol test result will be held in the strictest of confidence and released only to "need to know" school system personnel such as the Superintendent (or designee), the Director of Human Resources, and the Director of Transportation, and/or government or regulatory agencies. (No disclosure to others will be made without the employee's written permission.)

8. Disciplinary Action:

- A. An employee may be subject to disciplinary action, to include termination, for any violation of the policy, including refusing to submit to any drug or alcohol testing, to execute a release, or otherwise cooperate with an investigation or search by the administration.
- B. Employees who test positive in a confirmative substance test or validity test will be subject to discipline, up to and including termination. An employee may be permitted to return to regular duties after completing a pre-approved treatment plan; however, the employee must be certified as safe by the Substance Abuse Professional and not using drugs, as well as physically fit to perform duties.

(Other off-duty maintenance programs such as the Alcoholics or Drug Users Anonymous also may be required by representatives of the school division.)

9. Investigation/Searches:

- A. Where a supervisor has reasonable cause to suspect that an employee has violated the substance abuse policy, he or she may inspect the employee's vehicle, locker, work area, desk, purse, briefcase, tool box, or other belongings on School Board property or other locations where school related activities are being conducted, without prior notice in order to ensure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock.

Where the employee is not present or refuses to remove a personal lock, the Director of Transportation will do so for him or her. The School Board may release any illegal, or controlled drugs, or paraphernalia, to appropriate law enforcement authorities.

- B. All searches should be coordinated with the Director of Human Resources or the Director of Transportation.

LEGAL REFERENCES:

Omnibus Transportation Employee Testing Act of 1991(Public Law 102-143, Title V) and the amendments, U.S. Code Title 49, section 2717, **Code of Federal Regulations (C.F.R.)**, Title 49, Parts 40, 382, 391(H), 395.

Code of Virginia, 1950, as amended, section 22.1-178

State Board of Education Regulations Governing Pupil Transportation, Including Minimum for School Buses, Revised, 1994 VR-270-03-0006.1 (4.1F.)

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