

Union County Board of Education

Descriptor Term:

Drug-Free Workplace

Descriptor Code:

GAN

Issued Date:

05/18/95

Rescinds:

Issued:

1 No employee shall unlawfully manufacture, distribute, dispense, possess or use on or in the workplace,¹
2 alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other
3 controlled substance, as defined in federal law.² "Workplace" shall include any school building or any
4 school premise; any school-owned or any other school-approved vehicle used to transport students to and
5 from school or school activities; and off-school property during any school-sponsored or school-approved
6 activity, event or function.

7
8 As a condition of employment, each employee shall notify his/her supervisor of his/her conviction on any
9 criminal drug statute for violation occurring in the workplace as defined above no later than five (5) days
10 after conviction.

11
12 Any employee who violates the terms of this policy shall be suspended and shall be subject to dismissal.

13
14 The superintendent shall be responsible for providing a copy of this policy to all school system employees.

15 16 PRE-EMPLOYMENT DRUG SCREENING

17
18 Prior to employment, as a condition of any job offer, substance screens will be required for individuals
19 applying for the following positions: school bus drivers, mechanics, driver assistants, maintenance
20 employees who drive vehicles during the performance of their duties, and food service employees who
21 drive vehicles during performance of their duties.

22
23 Applicants will sign an acknowledgement prior to substance screening, permitting the summary result to
24 be sent to the superintendent/designee.

25
26 Refusal to sign the acknowledgment or to submit to substance screening will be considered as withdrawal
27 of the individual's application for employment. The applicant will not be permitted to reapply for
28 employment for at least twelve (12) months.

29
30 If substance screening shows a confirmed positive result for which there is no current physician's
31 prescription, a second test will be required. If the second drug screen is also positive, any job offer will
32 be revoked. The applicant will not be permitted to reapply for employment for at least twelve (12) months.

33 34 RANDOM DRUG TESTING

35
36 All school transportation personnel shall report to the superintendent or the director of transportation the
37 use of any prescription drug that could affect the central nervous system or one that would impair reaction
38 time. Further, all transportation employees shall give notice of non-prescription (over-the-counter) drugs
39 being taken on a regular basis. The notice shall include the duration of ingestion and the possible side
40 effects.

1 All school transportation personnel shall be notified in writing at the beginning of each school year
2 that they shall be subject to testing for drugs and alcohol during the period of employment. Employees
3 will be required to submit to random drug testing without advance notice.
4

Any employee who tests positive is subject to the following disciplinary action:

- 7 1. Employees who test positive for the use of prescribed or non-prescribed (over-the-counter)
8 drugs, absent the notice required above, shall be suspended for ten (10) working days
9 without
10 pay for each violation of this policy. Re-testing with negative results shall be required as a
11 pre-requisite for reinstatement.
12
- 13 2. Employees who test positive for the use of controlled substances shall be terminated on
14 the first offense.
15

16 **REASONABLE SUSPICION DRUG TESTING**

17 Supervisors have the responsibility to observe and document the cause for reasonable suspicion and
18 when appropriate, refer the matter to the superintendent/designee. It is not the supervisor's responsibil-
19 ity to attempt diagnosis. All information, facts and circumstances leading to and supporting this
20 suspicion should be included in a written report detailing the basis for the suspicion. After the report
21 is filed, the employee should be notified.
22
23

24 Any employee may be required to submit to substance screening if the following conditions exist: (list
25 is not inclusive)

- 28 1. Observed use, possession or sale of illegal drugs and/or use, possession, sale, or abuse of
29 alcohol and/or prescription drugs.
30
- 31 2. Apparent physical state of impairment of motor functions.
32
- 33 3. Marked changes in personal behavior not attributed to other factors.
34
- 35 4. Employee involvement in or contribution to an accident where the use of alcohol or drugs
36 is reasonably suspected or employee involvement in a pattern of repetitive accidents
37 whether or not they involve actual or potential injury.
38
- 39 5. Violation of criminal statutes involving the use of illegal drugs alcohol or prescription
40 drugs and/or violations of drug statutes.
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46 **Legal References:**

- 47 1. P.L. 100-690, Title V, Subtitle D.
- 48 2. Section 202 of the Controlled Substance Act (21 U.S.C. 812); 21 CFR 1300.11 through 1300.15