

DRUG-FREE WORKPLACE AND TESTING

Purpose

In compliance with the Drug-Free Workplace Act of 1988, Sweetwater County School District Number One (the District) is committed to providing students with a quality education in a safe and secure environment. Alcohol or drug abuse poses a potential threat to the health and safety of the District's employees, to our students and to facilities. The District is committed to the elimination of drug and alcohol use and abuse in the workplace.

Scope

This policy applies to all employees and all applicants for employment of the District. Additionally, Policy GBCD *Drug and Alcohol Testing of Safety Sensitive Employees* also applies to employees or applicants for safety sensitive positions. The Director of Human Resources and the Human Resources Department (HR) are responsible for policy administration.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

Employee Assistance

The District will assist and support employees who voluntarily seek help for drug or alcohol problems before becoming subject to testing, discipline, or termination under this or other District policies. When anyone chooses to seek assistance for substance abuse problems, before policy infractions occur, the Director of Human Resources shall select a three-person Employee Support Core Team to help the employee seek appropriate professional and confidential assistance. Employees are responsible for all associated treatment program costs, including in-patient or out-patient costs. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, and otherwise provided with reasonable accommodations as required by law.

Upon a return to work, employees shall be required to document that they are successfully following prescribed treatment and/or take and pass follow-up testing as set forth below. Once the District has reason to require a test under this policy (whether or not a test has actually been initiated) or once the events or actions giving the District cause to require a test have occurred, unless otherwise required by law, the employee will have forfeited the opportunity to receive Employee Assistance or be granted a leave of absence for treatment, and will face possible discipline, up to and including termination.

Drug and Alcohol-Free Workplace Requirements

1. As a condition of employment in the District, whenever employees are working, operating any District vehicle, present on District premises or conducting District-related work offsite, they are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing, distributing or dispensing controlled substances or an illegal drug (to include possession of drug paraphernalia).
 - b. Being under the influence of alcohol, a controlled substance, or an illegal drug as defined in this policy.
 - c. Possessing or consuming alcohol.
2. The presence of any detectable amount of any illegal drug, illegal controlled substance or alcohol in an employee's body system, while performing District business or while on District premises, is prohibited.
3. The District will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked. Employees are responsible for securing any prescribed medication in a locked receptacle (desk, cabinet, locker, etc.) in order to prevent student access.
4. Any alcohol, controlled substances, illegal drugs, or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Student safety is of utmost importance. The District has a strong interest in ensuring its employees are not impaired or exposing students to illegal drugs or alcohol. Impairment of District employees would pose a significant threat of harm to the health and safety of themselves and others. In the school setting, even a momentary lapse in judgment can have disastrous consequences.

Pre-employment

Pre-employment screening will be required of all applicants before employment with the District. Any applicant who tests positive in the pre-employment screening will not be hired and is not eligible to re-apply for employment with the District. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable suspicion

Employees are subject to testing based on a reasonable suspicion of impairment, which may be based on suspected workplace use, possession or impairment. Administrators must use the Reasonable Suspicion Impairment Inventory found in Policy File GBCB-E to document specific contemporaneous, articulable, observations concerning the behavior, speech, or body odors of

the employee. Time is of the essence in acting upon the observations. Administrators/supervisors must promptly submit their recommendations for reasonable suspicion of drug and alcohol testing to the Director of Human Resources for approval and authorization for testing.

When reasonable suspicion testing is warranted, both an administrator/supervisor and an HR representative will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test. Time is of the essence and delays will not be allowed. Delays by the employee beyond two hours will be deemed a refusal to test. Refusal to be tested by an employee will be treated as a positive drug or alcohol test result and will result in immediate termination of employment.

Under no circumstances will an employee believed to be impaired be allowed to drive himself or herself to the testing facility. A member of District administration must transport the employee or arrange for transportation and arrange for the employee to be transported home. An employee will not be permitted to return to work while awaiting test results.

Administrators or supervisors shall participate in a training program to identify the effects and consequences of drug/alcohol abuse on personal health, safety, and work environment and the manifestations and behavioral causes that may indicate drug or alcohol use or abuse.

Post-accident

An employee is subject to post-accident testing when the District has reason to believe the employee's action or inaction caused or contributed to damage to a District vehicle, machinery, equipment or property, or resulted in an injury to themselves, another employee, or a student that resulted in offsite medical attention. Testing must take place within two hours following the accident, if not sooner. Time is of the essence and delays will not be allowed. Delays by the employee beyond two hours will be deemed a refusal to test. Refusal by an employee will be treated as a positive drug or alcohol test result and will result in immediate termination of employment.

Under no circumstances will an employee believed to be impaired be allowed to drive himself or herself to the testing facility. A member of District administration must transport the employee or arrange for transportation and arrange for the employee to be transported home. An employee will not be permitted to return to work while awaiting test results.

For purposes of this section, damage is defined as a causing a quantifiable monetary loss including lost value, loss of irreplaceable items, extra costs, repair, or replacement of damaged property.

Treatment Program Testing

The District may require an employee to be tested when the employee is participating in an alcohol or drug dependency treatment or rehabilitation program under the Employee Assistance program or the Employee Support Core Team. The employee may be required to undergo random testing without advance notice during the evaluation or treatment period and for up to two years following the completion of a treatment program. Refusal by an employee will be treated as a

positive drug or alcohol test result and will result in immediate termination of employment.

Collection and Testing Procedures

Alcohol Testing. Employees subject to alcohol testing will be transported to a District designated collection facility or met on-site and directed to provide required specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative. Alcohol tests may, however, be a breath, blood or saliva test, at the District's or collection facility's discretion. Positive test results generated by law enforcement or medical providers may be considered by the District in determining violations of this policy.

Drug Testing. Applicants and employees subject to drug testing will be transported to a District designated testing facility or met on-site and directed to provide urine specimens. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opioids, amphetamines, barbiturates, phencyclidine (PCP), benzodiazepines, methadone, methaqualone and propoxyphene. Specimens may also be tested for hallucinogens, anabolic steroids, prescription painkillers, ecstasy, or any other illegal substance, including medication taken without a legitimate prescription. The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

Results. Negative test results will be provided to the District within three working days after the test result. An applicant or employee will receive written notification of the test result within three working days after the District is notified of the result.

The laboratory will transmit all positive drug test results to a medical review officer (MRO) retained by the testing facility, who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the applicant or employee will be treated as passing the test. In no event should a positive test result be communicated to the District until such time that the MRO has confirmed the test to be positive.

Positive test results will be communicated to the District in writing within a reasonable period after any confirmatory test. An applicant or employee will receive written notification of a positive test result within three working days after the District is notified of such result. Inconclusive or invalid results will be treated as positive test results.

All costs related to alcohol and drug testing will be paid by the District, with the exception of confirmatory retests, which must be paid by the applicant or employee requesting the retest.

Consequences

Applicants who refuse to cooperate in a drug test, or who test positive, will not be hired and will not be allowed to reapply/retest in the future.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the District believes he or she is impaired, the employee will be directed not to drive him or herself home. The District may assist the employee in making alternative transportation arrangements.

Employees who test positive, or otherwise violate this policy, will be subject to discipline, up to and including termination.

Employees will be paid for time spent in alcohol or drug testing and then may be reassigned or placed on administrative leave pending the results of the drug or alcohol test. After the results of the test are received, a date and time will be scheduled to discuss the results of the test with the employee; this meeting will include an administrator or director, an employee representative (if requested by the employee), and an HR representative. Should the results prove to be negative, the employee will receive a return to work authorization.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among administrators and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

Inspections

The District reserves the right to inspect all portions of its premises for illegal drugs, alcohol, or other contraband. All employees may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Crimes Involving Drugs

The District prohibits all employees, including employees performing work under government grants or contracts, from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on District premises or while conducting District business. District employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel may be notified, as appropriate, when criminal activity is suspected.

The District does not desire to intrude into the private lives of its employees, but recognizes that employees' off-the-job involvement with drugs and alcohol may have an impact on the workplace

or the educational environment. Therefore, the District reserves the right to take appropriate disciplinary action for alcohol abuse, drug use, sale or distribution while off District premises. All employees who are convicted of, plead guilty to or are sentenced for a crime involving an illegal drug or alcohol impairment are required to report the conviction, plea (including a plea of nolo contendere), or sentence to the Director of Human Resources within five days. Failure to comply will result in termination of employment. Cooperation in complying may result in discipline up to and including termination of employment upon review of the nature of the charges and the employee's past record with the District.

Non-Discrimination

Consistent with its general policy against discrimination, the District recognizes that disabled individuals should be protected from discriminatory treatment. Under the Americans with Disabilities Act, a disabled person is someone who has a physical or mental impairment that substantially limits a major life activity. However, in accordance with the Americans with Disabilities Act, disability does not include any condition resulting from alcohol or other drug abuse which prevents a person from performing essential functions of the job or which creates a direct threat to property or the safety of individuals.

Due Process

Any dispute by an employee of the District regarding the interpretation, administration or enforcement of this policy shall be resolved in accordance with the grievance procedure set forth in District Policy File GBM. However, the filing of a grievance shall not be construed as delaying the referral of an employee for testing in accordance with this policy.

Definitions

"District premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places and vehicles owned, leased or managed by the District or any site on which the District is conducting school sponsored activities, athletics, or field trips.

"Illegal drug" means a substance whose use or possession is controlled by federal law, but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)

"Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to unreasonably delay a test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.

"Under the influence of alcohol" means any detectable amount of alcohol in an applicant or employee's system.

“Under the influence of drugs” means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient’s name, the name of the substance, quantity/amount to be taken and the period of authorization).

Enforcement

The Director of Human Resources is responsible for policy interpretation, administration and enforcement.

Drug and Alcohol Policy Certificate of Receipt

I hereby certify that I have received a copy of the Sweetwater County School District Number One, State of Wyoming Drug Free Workplace and Testing Policy, and that I have read and understand it.

Signature: _____

Printed Name: _____

Date: _____

Legal References: 41 U.S.C. § 81 et seq. Drug Free Workplace Act of 1988.
Wyo. Stat. § 35-7-1001 et seq. Controlled Substances Act of 1971.

Cross Ref: File GBCD