

## **P3705 ALCOHOL AND SUBSTANCE ABUSE**

### **BOARD POLICY:**

**USD 259 will strive to maintain an alcohol and drug-free work place and environment. Employees and pupils have the right to work in such an environment and to work with persons free from the effects of alcohol and drugs. All pupils and patrons have a right to expect an alcohol and drug-free educational environment. The unlawful manufacture, distribution, dispensing, possession, or use of any controlled substance and/or alcohol is prohibited in the district. A medical exam including substance abuse testing for illegal drugs shall be required of all persons offered employment that are to be assigned in benefitted positions.**

Administrative Implemental Procedures:

#### Applicants Offered Employment:

##### 1. Applicant Drug and Alcohol Testing

All applicants who are offered employment in a position requiring a drug test shall, prior to commencing employment and at school district expense, submit to an established test for illegal drugs. Alcohol testing will be required for all applicants offered employment in a position which requires driving a commercial motor vehicle for USD 259 as defined under the Omnibus Transportation Employee Testing Act of 1991.

- **Positive Results:** An applicant whose results of drug testing indicate that the applicant has used an illegal drug(s) or tests positive for alcohol shall be disqualified from employment.
- **Impure Sample:** If the testing laboratory and the Medical Review Officer determine that the sample of an applicant has been tainted by the applicant, the applicant shall be deemed to have refused drug testing and shall be disqualified from employment.

2. All employment offerees who are required to take a substance abuse test for alcohol or illegal drugs will be required to sign a *Release and Consent to Testing* form. Any employment offeree who refuses to sign the *Release and Consent to Testing* form or refuses to take the test will not be hired.

#### Employees:

3. The Superintendent or designee may, based upon objective factors giving rise to a reasonable suspicion of possible substance abuse, direct any employee to submit to drug and alcohol testing, which may include a medical examination. The testing shall be at district expense. The employee may be required to release other medical information from his/her physician to the Board physician and will be required to sign such release and to sign the *Release and Consent to Testing* form. Any employee who refuses to take a substance test when directed to do so by the Superintendent or designee will be deemed to have tested positive and will be considered as insubordinate, resulting in termination.

- **Positive Results:** An employee whose results of drug testing indicate that the applicant has used an illegal drug(s) or tests positive for alcohol shall be terminated if they fail to disclose drug or alcohol use prior to testing. The district will rely on the opinion of the laboratory which performed this test in determining whether the positive test result was produced by a legal medication.

- Impure Sample: If the testing laboratory and the Medical Review Officer determine that the sample of an employee has been tainted by the employee, the employee shall be deemed to have refused drug testing and shall be terminated.
4. Employees required to submit to a medical examination or those who voluntarily seek professional medical assistance due to substance abuse shall have their absences charged, for a period not to exceed 180 calendar days, to their accumulated temporary leave, the district's self-funded disability program, or a combination of both in accordance with established procedures. Such employees will have only one 180 calendar day period, if warranted, for the above use. Such employees will not be allowed to return to work and again seek professional medical treatment for the same purpose within the same fiscal year.
  5. Any employee whose behavior creates a reasonable suspicion that the employee's job performance is affected by alcohol/substance abuse and who may have this substance at his/her work site may, at the direction of the Superintendent or designee, have his/her work area searched for possible proof with at least one witness present during such search. This action may warrant the notification and involvement of the Police Department, Sheriff's Department, Board Attorney, Employee Benefits and Insurance Management, or District Attorney, and may result in suspension and/or dismissal.
  6. In determining reasonable suspicion, the Procedure for Reasonable Suspicion will be followed, the "Reasonable Suspicion Observation Documentation Form" will be completed, and the steps outlined therein will be followed.
  7. Reporting to duty when suspected substance abuse causes the employee to behave abnormally, ignore safety precautions, or impair job performance, will require the supervisor's immediate attention and could lead to suspension and/or possible dismissal.
  8. Any employee who is arrested and/or charged for a criminal statutory drug related violation must notify the Superintendent or designee of the arrest or charge within five days, so the Board can take appropriate action which may include professional medical assistance as set forth above.
  9. Random alcohol and drug testing will be required at least once annually for all employees who are assigned to drive a district vehicle or who are required to drive a district vehicle as part of their job assignment, and who are not covered by Department of Transportation regulations.
  10. Employees required by job to operate a commercial motor vehicle and perform safety sensitive functions will be given substance abuse and alcohol testing in accordance with the Omnibus Transportation Employment Testing Act of 1991 and applicable Department of Transportation of regulations.
  11. All post injury accident drug and alcohol testing of employees shall be conducted in accordance with the procedure set forth in the Kansas Workers Compensation Act and the Kansas Employment Security Law.

Administrative Responsibility: Human Resources – Employee Benefits & Insurance Management

Latest Revision Date: May 2019

Previous Revision Date: March 2012 P3705