

Drug-Free Workplace

1. As a condition of employment with the district, all employees are required to abide by the terms of this policy and the implementing administrative regulation. Such regulation must be consistent with the policy and the parties' collective bargaining agreement.
2. When an employee voluntarily enters a substance abuse program the district will support the rehabilitation effort by providing unpaid leave or accumulated paid sick leave, vacation leave or other leave if necessary, (as applicable under law and the collective bargaining agreement) to further the employee's rehabilitation effort. When a treatment provider releases an employee for return to work the district will reinstate the employee to a position in the district. The district may require the treatment provider to verify that an employee does not pose a danger to students, fellow employees or the public. The employee shall provide the district with a signed release indicating that the district may obtain information from the treatment provider about the frequency of the employee's attendance in the treatment program and any follow-up care. Failure of the employee to adhere to the treatment program may result in a refusal to reinstate the individual and/or disciplinary action, including dismissal.
3. Where there is reasonable cause to believe that an employee is under the influence of alcohol, illegal drugs or a controlled substance, or has ingested alcohol, illegal drugs or a controlled substance at the workplace, the district may, as part of its investigation, require the employee to be examined by a health care professional for the purpose of determining whether the employee is fit for duty. The employee may be asked to divulge to the health care professional information about any prescribed medication which the employee is taking that may affect the employee's work performance or examination results. The district will pay all costs of such an examination and provide the necessary paid release time.

If the health care professional causes the employee to be tested for drugs or alcohol, he or she shall, at district expense, require that a second confirming test be conducted from the same sample, and it also must be positive before concluding that an employee's body contains such substance(s). The confirming test shall be a standard test that is selected because of a consistent degree of accuracy. The health care professional shall be certain that the tests are conducted by two different laboratories, both meeting high standards of performance in terms of precision, accuracy, sensitivity, specificity, limit of detection and cut-off point. No test results shall be released by the health care professional to the district until a confirmatory test has been completed. The employee shall also be permitted to conduct an independent test at his or her own expense at a laboratory meeting the same qualifications as listed above for laboratories and approved by the district. If such a test is going to be taken it shall be within the same timeline as the tests at district expense so the accuracy is consistent. The health care professional shall communicate the test results to a single individual designated by district management to receive them.

The district shall request that the health care professional submit a written opinion with respect to whether or not the employee is fit to perform his or her duties at the district. Should an employee's personal health care professional submit a conflicting medical opinion, the school district's health care professional and the employee's health care professional shall select a third impartial health care professional to issue a conclusive medical opinion on which the district shall base any action.

4. It is within the discretion of the district to search district property and equipment for evidence of violation of this policy and this administrative regulation.
5. If the district investigation determines that an employee has violated this policy or administrative regulation, regardless of whether the employee has been charged or convicted of criminal activity, the district retains the right to take appropriate disciplinary action(s), up to and including dismissal.
6. Disciplinary action short of termination may include a requirement that the employee obtain a drug/alcohol abuse assessment, participate in a drug/alcohol abuse treatment program, and provide a release from the treatment provider which is sufficient to permit the district to determine that the employee is attending all scheduled meetings in connection with the treatment program. Failure to satisfactorily complete a treatment program and to comply with the terms of this policy may result in the employee's suspension or termination of employment.
7. Based on a "reasonable suspicion," the district may conduct a search for evidence of criminal activity with respect to a violation of this policy and regulation. Violation will result in the district referring the matter for prosecution.