

## ALCOHOL AND DRUG-FREE WORKPLACE POLICY

### I. Purpose

Monroe-Gregg School District is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. The purpose of this policy is to maintain a work environment free of drug and alcohol abuse. In addition, the purpose of the policy is to prevent accidents and injuries resulting from the misuse of alcohol or misuse of controlled substances or illegal drugs by the Monroe-Gregg School District's employees.

In accordance with the Drug-Free Workplace Act of 1988, it is the Monroe-Gregg School District's policy to maintain a drug-free workplace, thereby ensuring a safe, healthy and productive work environment. Adherence to the Monroe-Gregg School District's alcohol and drug-free workplace policy is a condition of continued employment.

This policy will be applied in a manner that is consistent with all the federal, state, and/or local laws in the jurisdiction in which the employee works. If an employee works in a jurisdiction where state or local laws exist that apply to the terms of this policy, it is the Monroe-Gregg School District's intent that the policy will be applied to that employee in a manner consistent with that law, unless that state or local law is preempted by applicable federal law.

### II. Coverage

This policy covers all employees of the Monroe-Gregg School District and all new employees post-offer, pre-hire. Please note that DOT-covered employees are covered by a separate section of this policy.

### III. Applicability

**Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for the organization. Therefore, this policy applies during all working hours, whenever conducting business or representing the organization.**

### IV. Provisions of Policy

- a) **Illegal Drugs/Controlled Substances.** The unlawful manufacture, possession, sale, distribution, dispensation, or use of controlled substances or illegal drugs is inconsistent with the Monroe-Gregg School District's objective of maintaining a drug-free workplace, operating in a safe and efficient manner, and is prohibited. Accordingly, no employee shall use or have in his or her possession illegal drugs during working time or on Monroe-Gregg property at any time. Additionally, no employee shall report to work under the influence of such substances. Any employee who engages in such conduct may be subject to discipline up to and including discharge for the first offense. Possession of drug paraphernalia shall be evidence of violation of this rule.

If an employee is undergoing medical treatment that requires therapeutic drug use, the employee should notify his or her supervisor or Human Resources that he or she is under such medical care if the medications may impair his or her ability to safely perform his/her safety-sensitive job duties. Any employee on such therapeutic medication will generally be required to provide the Monroe-Gregg School District with a statement from his or her treating physician verifying that he or she is able to perform his or her job duties safely. The Monroe-Gregg School District reserves the right to seek the assistance of a qualified medical provider in order to determine whether the employee can safely perform his or her job functions concurrent with the medication at issue, based upon the particular facts and circumstances. It will also be a violation of this policy for an employee to use a controlled substance in any manner other than the prescribed treatment by the employee's health care provider.

For purposes of this policy, the Monroe-Gregg School District will follow the threshold values established by the Department of Health & Human Services for employees covered by the D.O.T. regulations to determine a positive test result for illegal drugs or controlled substances, as applicable. In the event that there is no applicable threshold value so established, any measurable amount of the drug will be considered a positive result.

- b) **Alcoholic Beverages.** Because alcohol use can interfere with an employee's productivity and pose a safety risk to the employee or others, the Monroe-Gregg School District will not tolerate the unauthorized use of alcohol on Monroe-Gregg School District property. No employee shall report to work under the influence of alcohol. Any employee who engages in such conduct may be subject to appropriate disciplinary measures up to and including discharge for the first offense.

#### V. **Testing for Drugs and Alcohol**

- a) **Pre-Employment, Post-Offer.** All new employees who are made a conditional offer of employment will be required to successfully complete a drug test prior to commencing employment.
- b) **Reasonable Suspicion Testing.** Employees may be required to submit to alcohol and/or drug testing whenever their supervisor has a reasonable suspicion based on the employees' behavior or physical symptoms or reactions upon the supervisor's request. Examples of reasonable suspicion may include, but are not limited to: physical symptoms consistent with substance abuse; evidence of illegal substance use, possession, sale or delivery; fights, assaults, or other violations of established safety, security or other operating procedures. Refusal to consent will be viewed as an independent violation of this policy and the employee may be subject to discipline up to and including immediate dismissal.

Employees may also be required to submit to alcohol and/or drug testing when circumstances indicate that the employee may be impaired or in violation of this policy. For example, finding drug paraphernalia within the employee's possession and/or control would warrant testing.

- c) **Post-Accident Testing.** An employee involved in a work-related accident may, at the discretion of the Monroe-Gregg School District, be required to undergo post-accident testing. Generally, any situation in which the Monroe-Gregg School District determines a medical evaluation is necessary will result in post-accident testing. The employee involved should abstain from using alcohol until after the determination is made. Refusal to consent will be viewed as an independent violation of this policy and the employee may be subject to discipline up to and including immediate dismissal.
- d) **Return to Duty and Follow-Up Testing.** These tests may be done in appropriate situations at the Monroe-Gregg School District's discretion based upon the particular facts and circumstances. The employee may be subject to both return to duty and unannounced follow-up testing. Refusal to consent will be viewed as an independent violation of this policy and the employee may be subject to discipline up to and including immediate dismissal, after an evaluation of the particular facts and circumstances. Further, any confirmed positive test may result in disciplinary action up to and including immediate dismissal, after an evaluation of the particular facts and circumstances.

#### **VI. Employee Consent**

All applicants for employment and employees to be tested will be provided a consent form authorizing the test and release of results to management. Refusal to sign such a consent shall constitute an independent violation of this policy. Any employee who refuses to be tested or otherwise fails to cooperate in the implementation of this policy may be subject to immediate discharge.

#### **VII. Confidentiality**

All employee records pursuant to the alcohol and drug-free workplace policy will be maintained in a separate confidential file maintained by the Human Resources Department, in accordance with applicable statutory or regulatory requirements.

#### **VIII. Property Searches**

Searches of Monroe-Gregg School District property or employee property located on Monroe-Gregg School District property may be conducted at any time, and employees should have no expectation of privacy with regard to any property brought onto Monroe-Gregg School District premises. In the case of desks and lockers, searches may be conducted when the employee is not present. The Monroe-Gregg School District also reserves the right to make a search of the Monroe-Gregg School District's premises, including vehicles and equipment located on Monroe-Gregg School District property, in a manner consistent with the provisions of all applicable federal, state or local laws.

#### **IX. Police Involvement**

Law enforcement officers may be notified whenever suspected illegal drugs are found on the premises or the Monroe-Gregg School District has reason to believe employees may be involved with selling, distributing, or purchasing illegal drugs or controlled substances while on Monroe-Gregg School District property.

**X. Employees Who Voluntarily Seek Treatment**

Employees who voluntarily request assistance in dealing with a substance abuse problem (prior to a violation under this policy) will typically be offered an unpaid leave of absence option consistent with the present policies and practices of the Monroe-Gregg School District, except that a request for assistance will not be granted when it is requested within 24 hours of the date of a test under this policy. (No action will be taken against an employee the first time an employee voluntarily comes forward to seek treatment). Employees with any sort of alcohol or substance abuse problem are encouraged to come forward to seek counseling and rehabilitation. Upon verification of a successful completion of a treatment program, the employee may be subject to unannounced periodic drug and/or alcohol testing based upon the particular facts and circumstances for at least the first year after returning to work. Any positive subsequent test may result in the employee's immediate dismissal, after an evaluation of the particular facts and circumstances. Employees will typically be required to enter into a written agreement with the Monroe-Gregg School District outlining the terms under which the employment relationship will be continued.

The Monroe-Gregg School District also offers all employees, and their family members, assistance with alcohol and drug problems through the Employee Assistance Program (EAP).

Voluntary treatment for alcohol or drug abuse will not prevent disciplinary action for violation of the Monroe-Gregg School District's alcohol and drug-free policy, or other policies.

**XI. Testing Procedure Requirements**

Testing will be performed at a testing site specified by the Monroe-Gregg School District, and the Monroe-Gregg School District will provide tests and test interpretations at no cost to employees. Refusal to submit to alcohol and/or controlled substance testing as required will be considered an independent violation of this policy, and the refusing employee may be subject to disciplinary action, up to and including discharge. Refusal to submit to an alcohol or controlled substance test means that an employee: (1) fails to provide adequate breath for testing without valid medical explanation after he/she has received notice of the requirement for breath testing in accordance with this policy; (2) fails to provide adequate urine (or other acceptable medium) for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement for testing in accordance with this policy; (3) fails to provide an adequate sample based upon any medium selected by the testing site; or (4) engages in conduct that clearly obstructs the testing process.

The Monroe-Gregg School District will use the ten panel drug test, with the exception of those employees covered by the DOT provisions (who will be tested in accordance with those provisions). The substances included in the ten panel test include cocaine, amphetamines, methamphetamines (Ecstasy, crystal meth), tetrahydrocannabinol (marijuana), methadone, opiates (heroin), phencyclidine (PCP), barbiturates, benzodiazepines (Xanax, Valium) and tricyclic antidepressants, and {Employer} will also test for alcohol in appropriate circumstances, after an evaluation of the particular facts and circumstances.

**XII. Disciplinary Action**

Any employee who violates this policy may be subject to disciplinary action up to and including termination of his or her employment for the first offense.

**XIII. Employees' Duty to Report Convictions**

Any employee who is convicted of violating any criminal drug statute regarding a violation occurring in the workplace must notify his or her immediate supervisor within five (5) days of the conviction.

**XIV. Communication**

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.

**XV. Enforcement of the Policy**

The Administration Office carries the primary responsibility for implementing this policy. For questions regarding this policy, please contact the Administration Office at 317-996-3720.

**XVI. The Monroe-Gregg School District DOT Policy**

The Monroe-Gregg School District is committed to an alcohol and drug free workplace. The Monroe-Gregg School District supports and adheres to the Department of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) regulations for drug and alcohol testing applicable to DOT-covered employees, including 49 CFR Part 40, as amended, as well as all other applicable federal and state laws and regulations.

For purposes of this document, the DOT Policy acts as an addendum to the Drug Free Workplace Policy. This section, in addition to the Drug Free Workplace Policy, applies to all DOT-covered drivers of the Monroe-Gregg School District vehicles. To the extent that there is any conflict between the provisions of the Drug Free Workplace Policy and the Monroe-Gregg School District DOT Policy, the Monroe-Gregg School District DOT Policy will control with respect to DOT-covered employees.

**Regulatory Requirements**

All drivers who operate commercial motor vehicles that require a commercial driver's license under 49 CFR Part 383 are subject to the FMCSA's drug and alcohol regulations, 49 CFR Part 382.

**Non Regulatory Requirements**

The Federal Motor Carrier Safety Regulations (FMCSRs) set the minimum requirements for testing. The Monroe-Gregg School District's policy in certain instances may be more stringent. This policy will summarize what is mandated by the FMCSRs and what is Monroe-Gregg School District procedure.

### **Covered Employees**

Any employee performing the following safety-sensitive functions is subject to DOT/FMCSA testing.

All drivers who operate a commercial motor vehicle, which is defined as a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property which:

- 1.) Has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- 2.) Has a gross vehicle weight rating of 26,001 or more pounds; or
- 3.) Is designed to transport 16 or more passengers, including the driver; or
- 4.) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

### **Applicant History**

The Monroe-Gregg School District is required by the FMCSA to obtain specific information regarding drug and alcohol testing that was performed by a past employer, during the 2 year period preceding a covered employee's application or transfer into a covered position. This requirement is for both internal and external applicants.

### **Types of Testing**

The FMCSA requires that covered employees be subject to certain types of testing (alcohol & drug). Types of testing to which covered employees may be subject in accordance with the FMCSRs include: pre-employment, reasonable suspicion/cause, random, return to duty, post-accident, and follow-up.

### **POST ACCIDENT TESTING (49 CFR Sec. 382.303)**

Drivers are to notify their supervisor as soon as possible if they are involved in an accident. According to FMCSA regulations (49 CFR Sec. 382.303), if the accident involved

1. A fatality;
2. Bodily injury with immediate medical treatment away from the scene and the driver received a citation within eight (8) hours of the accident; or
3. Disabling damage to any motor vehicle requiring towing and the driver received a citation within eight (8) hours of the accident

the driver will be tested for drugs and alcohol as soon as possible following the accident. The driver must remain readily available for testing. If the driver isn't readily available for alcohol and drug testing, he/she may be deemed as refusing to submit to testing. A driver involved in an accident may not consume alcohol for 8 hours or until testing is completed.

If the alcohol test is not administered within 8 hours following the accident, all attempts to administer the test will cease. A report and record of why the test was not administered will be prepared and maintained.

The drug test must be administered within 32 hours of the accident. If the test could not be administered within 32 hours, all attempts to test the driver will cease. The employee's supervisor will prepare and maintain a record stating the reasons why the test was not administered within the allotted time frame.

RANDOM TESTING (49 CFR Sec. 382.305)

Monroe-Gregg School District will conduct random testing for all CDL drivers. At least 10% of all drivers will be tested for alcohol each year. At least 50% of all drivers will be tested for drugs each year. The random testing will be spread reasonably throughout the calendar year. All random alcohol and drug tests will be unannounced, with each driver having an equal chance of being tested each time selections are made.

**Substance Abuse Criteria**

In accordance with FMCSA regulations, urinalyses will be conducted to detect the presence of the following substances:

- 1.) Marijuana metabolites;
- 2.) Cocaine metabolites;
- 3.) Opiate metabolites;
- 4.) Amphetamines; and
- 5.) Phencyclidine (PCP).

Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FMCSA, as established in 49 CFR, Part 40, as amended.

**Alcohol Prohibitions**

49 CFR, Part 382, Subpart B, prohibits any alcohol use that could affect the performance of safety-sensitive functions. This alcohol prohibition includes:

- 1.) Use of alcohol while performing safety-sensitive functions;
- 2.) Use of alcohol during the 4 hours before performing safety-sensitive functions;
- 3.) Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater;
- 4.) Use of alcohol for up to 8 hours following an accident or until the driver undergoes a post-accident test; or
- 5.) Refusal to take a required test.

NOTE: Per FMCSA regulation (49 CFR Sec. 382.505) a driver found to have an alcohol concentration of 0.02 or greater, but less than 0.04 shall not perform or be permitted to perform safety-sensitive functions for at least 24 hours.

### **Drug Prohibitions**

49 CFR, Part 382, Subpart B, prohibits any drug use that could affect the performance of safety-sensitive functions. This drug prohibition includes:

- 1.) Use of any drug, except when administered to a driver by, or under the instructions of, a licensed medical practitioner, who has advised the driver that the substance will not affect the driver's ability to safely operate a commercial motor vehicle (The use of marijuana under California Proposition 215 or the use of any Schedule I drug under Arizona Proposition 203 or any other comparable state law is not a legitimate medical explanation. Under federal law, the use of marijuana or any Schedule I drug does not have a legitimate medical use in the United States.);
- 2.) Testing positive for drugs; and
- 3.) Refusing to take a required test.

All drivers will inform their supervisor or Human Resources of any therapeutic drug use prior to performing a safety-sensitive function. He/she may be required to present written evidence from a health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

### **Confidentiality / Recordkeeping**

All driver alcohol and controlled substance test records are considered confidential (49 CFR Sec. 382.401), and will be controlled by the Monroe-Gregg School District Human Resources as confidential, and will not be released to a prospective employer in the absence of written authorization from the driver (49 CFR Sec. 382.405(f)).

**ACKNOWLEDGMENT:**

I have received and read the {Employer} Alcohol and Drug-Free Workplace Policy. I understand the policy and guidelines contained within and understand that there may be additional policies specific to my job. I agree to comply with those provisions of the Alcohol and Drug-Free Workplace Policy. I further agree to notify the Monroe-Gregg School District of any criminal drug statute conviction regarding a violation occurring in the workplace within five (5) days after such conviction.

Should I have questions regarding the meaning or application of this policy I know I can consult my Manager or Human Resources. I further understand that the Monroe-Gregg School District Alcohol and Drug-Free Workplace Policy may be amended or modified from time to time by the Monroe-Gregg Board of School Trustees.

\_\_\_\_\_  
Employee Name (Please Print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Work Location

\_\_\_\_\_  
Hire Date

**Please sign and return this form to the Administration Office within five (5) days of date of hire.**