

# Board Policy

Code No. 403.5R1

## SUBSTANCE-FREE WORKPLACE REGULATION

### I. Purpose

To ensure that Bettendorf Community School District's ("BCSD") work place is free of the effects of alcohol or drug impairment and to aggressively promote freedom from abuse of these substances by all employees.

### II. Definitions

- A. "Abuse" of alcohol or a legal drug: Any use of alcohol or a legal drug which impairs an individual's faculties (other than use of a legal drug for appropriate purposes in accordance with applicable medical directions).
- B. "Alcohol": Ethanol, isopropanol, or methanol.
- C. "Drug": Any drug or substance defined as a controlled substance and included in schedule I, II, III, IV, or V under the federal Controlled Substances Act, 21 U.S.C. §801 et. seq.
- D. "Legal drug": A drug for which there is a valid prescription, or an over-the-counter drug.
- E. "Medical Review Officer": A licensed physician, osteopathic physician, chiropractor, nurse practitioner, or physician assistant authorized to practice in any state of the United States, who is responsible for receiving laboratory results generated by an employer's drug or alcohol testing program, and who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with the individual's medical history and any other relevant biomedical information.
- F. "Reasonable Suspicion Drug or Alcohol Testing": Drug or alcohol testing based upon evidence that an employee is using or has used alcohol or other drugs in violation of the employer's written policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.
- G. "Safety-Sensitive Position": A job wherein an accident could cause loss of human life, serious bodily injury, or significant property or environmental damage, including a job with duties that include immediate supervision of a person in a job that meets the requirement of this paragraph.
- H. "Sample": A sample from the human body capable of revealing metabolites, such as urine, saliva, skin, or hair.

### III. Policy

- A. Current Employees. Employees are expected to arrive at work fit for duty. An employee whose faculties appear to be impaired during work hours will not be allowed to work, regardless of the cause. Arriving at work under the influence of drugs (including the abuse of legal drugs) or alcohol in their system is prohibited. If the BCSD has reasonable suspicion that an employee's faculties are impaired from the use of drugs or alcohol or the abuse of legal drugs, it may conduct drug or alcohol tests on such employees. An employee whose faculties are impaired during work hours due to the abuse of either legal drugs, drugs or alcohol constitutes good and just cause for discipline, including termination.

- B. Prescription Drugs. Employees taking a prescription drug that knowingly affects work performance must report this information to their Supervisor or the school nurse's office before the start of the work day. The BCSD reserves the right to relieve the employee from work if the use of the prescription drug is impairing or is deemed likely to impair the employee's faculties or work performance. All prescription drugs that may affect work performance should be kept in the container in which they were received from the pharmacy or store. Abuse of over-the-counter or prescription drugs may result in disciplinary action, up to and including termination.
- C. Safety. Employees are expected to perform their jobs in a safe manner. Use of drugs or alcohol or abuse of legal drugs that would interfere with personal safety or the safety of others is prohibited. Employees in safety sensitive positions as defined above may be subjected to reasonable suspicion drug or alcohol testing (See section V.D.).
- D. Alcohol and Drug Possession or Use on BCSD Property. Employees are expected to conduct themselves in a legal and lawful manner while on BCSD property or on BCSD business. An employee of the BCSD is guilty of misconduct and is subject to discipline pursuant to the discipline procedures outlined in section VI. of this policy if any of the following violations occur on BCSD premises or property, while on BCSD business, during the employee's work day, or when the employee is otherwise representing the school district:
- Bringing or attempting to bring any alcoholic beverage or illegal drug onto BCSD premises or property
  - Having possession of, using, consuming, selling, transferring, or attempting to sell or transfer any alcoholic beverage or illegal drug
  - Abusing a legal drug
- E. During and After Completion of Substance Abuse Rehabilitation. The BCSD may conduct drug or alcohol testing of employees during and after completion of drug and/or alcohol rehabilitation.

#### **IV. Employee Assistance Program**

The BCSD encourages employees with personal problems which are interfering with work performance to seek help through the Employee Assistance Program (EAP). The benefits and services of this confidential program are as follows:

- Marital/relationship concerns
- Depression and/or anxiety
- Alcohol and drug abuse
- Other addictions
- Personal or work related stress
- Legal and financial problems
- Family illness
- Parent/child relationships
- Divorce and separation
- Elder care
- Grief and loss

#### **V. Drug and Alcohol Testing Programs**

- A. Drug Testing of Current Employees. The BCSD may conduct drug testing. At the time the sample is collected, an employee may provide any information which may be relevant to the drug test, such as identification of prescription or nonprescription drugs currently or recently used or any other relevant medical information.

Alcohol Testing of Current Employees. The BCSD has determined it may conduct alcohol testing

in an attempt to prevent employees from abusing alcohol. An alcohol concentration of .04 or higher, expressed in terms of grams of alcohol per two hundred ten liters of breath, or its equivalent, is considered a positive alcohol test result and violates this policy. The prospective employee may provide to the BCSD any information which may be relevant to the alcohol test, such as identification of prescription or nonprescription drugs currently or recently used or any other relevant medical information.

C. Circumstances for Testing Current Employees. Current employees may be required to submit to an alcohol or drug test under the following circumstances:

1. Reasonable Suspicion. A particular employee may be required to submit to an alcohol or drug test if the BCSD has evidence that an employee is using or has used alcohol or drugs in violation of the BCSD's written policy. The employee's Supervisor will have responsibility for immediately contacting either the Director of Human Resources, the Superintendent, or Designee when it is ascertained that reasonable suspicion is present. One of the above district administrators will proceed immediately to the workplace of the Supervisor who has made the contact. When another employee has reported a possible violation of the BCSD's written substance-free workplace policy to a Supervisor, all attempts will be made to keep the informing employee's identity confidential. Any of the following situations, conditions, or abnormal behavior is considered reasonable suspicion, but this list is not all inclusive:
  - a. direct observation of alcohol or drug use or physical symptoms or manifestations of impairment while at work;
  - b. abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
  - c. a report of alcohol or drug use that is provided by a reliable and credible source;
  - d. evidence that an individual has tampered with a drug or alcohol test during his or her employment;
  - e. evidence that an employee has caused an accident at work, which resulted in a workers' compensation injury or damage to property that is estimated to exceed \$1,000;
  - f. evidence that an employee has manufactured, possessed, or distributed drugs while working, while on the employer's premises, or while operating an employer's vehicle, machinery, or equipment.

Testing of current employees is to be conducted before, during, or immediately after work. Transportation (or reasonable reimbursement) is to be provided by the BCSD. The time required for testing shall be deemed work time for purposes of compensation and benefits for employees.

- D. Employees Operating a School Vehicle. Employees who operate school vehicles defined by the Department of Transportation in a safety sensitive position are subject to pre-employment drug testing prior to being allowed to perform a safety sensitive function using the school vehicle. In addition, employees will be subject to random, reasonable suspicion and post-accident drug and alcohol testing. Employees governed by this policy are subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate school vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations. Employees with questions about this drug and alcohol testing program may contact the school district contact persons, the Director of Operations or Manager of Operations at 2727 Tanglefoot Lane, Bettendorf, Iowa.

Employees in safety sensitive positions who violate the terms of this policy will be terminated.

## **VI. Discipline for Violation of the BCSD's Substance-Free Workplace Abuse Program**

- A. Employee Discipline in Connection With a Drug or Alcohol Test

Employees may be required to undergo a drug or alcohol test under certain circumstances. The following is a list of what action the BCSD may take against the employee upon receipt of a confirmed positive drug or alcohol test result, or upon the employee's refusal to submit to such a test.

1. Refusal to Submit to a Drug or Alcohol Test. An employee who refuses to submit to a drug or alcohol test when requested to do so shall be subject to disciplinary action up to and including discharge.
2. First Positive Drug or Alcohol Test Result. An employee's first confirmed positive drug or alcohol test or first confirmed abuse of a legal drug may result in one or more of the following:
  - a. Entry into the Employee Assistance Program for evaluation and appropriate treatment and after care, if necessary;
  - b. If treatment is recommended, the employee may be required to comply with the requirements and provisions of treatment and must successfully complete the treatment program, including after care, if required as part of treatment;
  - c. Discipline up to and including termination.
3. Second Positive Drug or Alcohol Test Result. An employee's second confirmed positive drug or alcohol test or confirmed abuse of a legal drug will result in termination.
4. Drug, Alcohol and Prescription Drug Possession. Employees found in possession of, using, consuming, selling, transferring, or attempting to sell or transfer any illegal drug, alcoholic beverage, or abuse a prescription drug while on BCSD property will be subject to discipline up to and including termination.

## VII. Testing Procedures

- A. Each person being tested must present a picture identification. They will be given a list of drugs for which testing will be conducted.
- B. Managers and supervisors are responsible for the reasonable enforcement of the drug and alcohol tests. Blind samples will be analyzed at the designated lab for quality control.
- C. The minimum detectable limits for a urine analysis are as follows:
  - a. Amphetamine 0.3 ug/ml.
  - b. Barbiturates 0.3 ug/ml.
  - c. Benzodiazepines 0.3 ug/ml.
  - d. Cocaine metabolite 0.3 ug/ml.
  - e. Cannabinoids 50 ng/ml.
  - f. Methaqualone 0.3 ug/ml.
  - g. Methadone 0.3 ug/ml.
  - h. Opiates 0.3 ug/ml.
  - i. Phencyclidine 75 ng/ml.
- D. The analysis for alcohol detection will be based on grams of alcohol per two hundred ten liters of breath, or its equivalent.
- E. Employees found in possession of illegal drugs or alcohol at work will be escorted to the main office of the building where the supervisor will contact the Superintendent or Director of Human Resources. The substance will be confiscated, sealed in a container and marked for evidence. A chain of evidence will be completed. If the substance is believed to be a controlled substance, local authorities will be informed that the BCSD has confiscated a suspected

controlled substance and that it will be delivered to the police department for analysis. The employee will be placed on administrative leave with pay pending confirmation that the suspected substance is an illegal drug. Upon positive identification of such a substance, an employee will be subject to discipline up to and including discharge.

- F. The collection of samples shall be performed under sanitary conditions. Sample collection of current employees shall be split into two components in the presence of the employee for the purpose of conducting a second confirmatory test if the need arises.
- G. An employee or a prospective employee shall be provided an opportunity to provide any information which may be considered relevant to the test, including identification of prescription or non-prescription drugs currently or recently used, or other relevant medical information.
- H. Work Fitness Center will serve as the initial testing site. All confirmatory drug testing shall be conducted at the Regional Reference Laboratory, 1814 E. Locust Street, Davenport, Iowa, or an otherwise approved location.
- I. A medical review officer (MRO) shall, prior to the results being reported to the BCSD, review and interpret any confirmed positive test results.
- J. If the MRO confirms a positive drug or alcohol test for a current employee, BCSD will notify the employee in writing by certified mail of the results. If the employee is a minor, the employee's parent(s) or legal guardian will be notified of the test results. The employee has seven (7) days to respond in person or by certified mail to the BCSD and request a confirmation of the results.
- K. If an employee requests a confirmatory test, the costs for the second test will be born by the employee. The second test shall use a portion of the same test sample withdrawn from the employee for use in the first test. If the results of the second test do not confirm the results of the first test, the BCSD will reimburse the employee for the costs associated with the second test.
- L. BCSD shall protect the confidentiality of the results of any drug test conducted on an employee. The results of the test will be kept in a medical file separate from the employee's personnel file. The employee, Superintendent, Director of Human Resources, or designees are the only individuals having access to information in the medical file without the consent of the employee.

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