



Title: **Alcohol/Drug-Free Workplace Procedure**

Code: GBEC R

Section: Section G: Personnel Policies

Introduction

All Academy District 20 staff members shall be subject to illicit drug and alcohol testing pursuant to this regulation. Transportation staff members are subject to Administrative Procedure GBECA-R. Facilities, Security, Warehouse, and other staff members who operate a District vehicle, equipment, and/or carry a firearm as part of their essential functions of their position are also subject to pre-employment and random alcohol/drug testing detailed in this procedure. This procedure also applies to the operation of any District-owned vehicle or equipment. This also applies to staff members operating a private or leased vehicle or equipment for school or District purposes.

Reasonable Suspicion Tests

All staff members subject to this procedure must submit to an alcohol or illicit drug test when a District administrator has reasonable suspicion to believe that the staff member has engaged in prohibited conduct as defined in this procedure. The District will provide transportation to and from the testing site for all staff members required to take a reasonable suspicion-illicit drug or alcohol test.

A reasonable suspicion may be found where a supervisor or District official has made observations regarding a staff member that are specific, contemporaneous, and articulable, and relate to the staff member's appearance, behavior, speech, and/or body odors.

Substances Subject to Testing

The following substances are subject to testing:

- Alcohol
- Cocaine
- Marijuana
- Opiates
- Amphetamines/Methamphetamines
- Phencyclidine (PCP)

Reasonable Suspicion Determinations Training

All supervisors and other District staff members who may be required to make a reasonable suspicion determination shall receive training regarding alcohol and illicit drug misuse. The training shall include

information pertaining to the physical, behavioral, speech, and performance indicators of probable alcohol misuse, use of illicit drugs, and reporting requirements.

Prohibited Conduct

Staff members shall not report for duty, remain on duty, be on District premises, be at other work sites where staff members may be assigned, or be on duty at a District-sponsored activity while under the influence of or in possession of alcohol or a illicit drug.

A staff member who uses a illicit drug pursuant to the instructions of a physician who has advised the staff member that the substance will not adversely affect the staff member's ability to perform their duties will not be considered to have violated this prohibition if the staff member has used the illicit drug in no greater amount than that prescribed by the physician, if the staff member has informed the district of such prescribed use prior to the staff member's performance of his/her duties and there is no reasonable suspicion regarding the staff member's inability to perform his/her duties.

On Duty

A staff member who is on District property or at a school District sanctioned activity for an event for which he/she is assigned and has accepted a responsibility is considered on duty. A staff member is considered "on duty" for the purposes of illicit drug and alcohol testing at all times from the point when the staff member begins working or is required to be ready for work through the time the staff member is relieved from all responsibility for work. A staff member is not relieved from all responsibility for work until the staff member has left District property or the District activity.

Pre-Employment and Random Alcohol/Drug Testing for Facilities, Security, Transportation, Warehouse, and Other Staff Members

All newly hired staff members with Academy District 20 who will be assigned to the Facilities, Security, Transportation, Warehouse, or other departments to operate District vehicles, equipment, and/or carry a firearm as a part of their essential functions of their position, or any District staff members operating a District-owned vehicle, equipment, or private or leased vehicle for school or District purposes must successfully complete an illicit drug and alcohol test after a conditional offer of employment has been made and prior to their appointment by the Board of Education. Unannounced illicit drug and alcohol tests will be performed throughout each calendar year. Facilities, Security, Transportation, Warehouse, and staff members from other departments who operate District vehicles, equipment, and/or carry a firearm as a part of their essential functions of their position will be selected using a computer-based random number generator matched with his/her staff member identification number. Each staff member shall have an equal chance of being tested each time selection occurs for a test, regardless of whether the staff member has been previously tested through a random test or other required illicit drug or alcohol test. Once a staff member is notified that he or she has been selected for a random alcohol and/or illicit drug test, the staff member shall proceed directly to the testing site.

Alcohol/Drug Testing for Staff Members who Occasionally Operate Small District Vehicles

Any staff member who occasionally operates a small District vehicle and transports students shall adhere to administrative policy EEBA and EEBA-R – District Vehicles requirements. In addition, the staff member shall successfully complete an alcohol/drug test annually.

Refusals to Submit to Testing

It is prohibited conduct to refuse to submit to a illicit drug or alcohol test as required by this procedure. A refusal to submit is defined as follows:

- a. Failure to provide adequate breath for alcohol testing without a valid medical explanation after the staff member has received notice of the requirement of a breath test in accordance with this procedure.
- b. Failure to provide adequate urine for an illicit drug test without a valid medical explanation after the staff member has received notification of the requirement for urine testing in accordance with this procedure.
- c. Engaging in conduct that obstructs the testing process.

Post-Incident Tests

Alcohol and illicit drug tests will be conducted as soon after an incident as practicable on any staff member identified within this procedure who:

1. Was performing safety-sensitive functions with respect to the vehicle or firearm if the incident involved loss of human life; or
2. Where any person involved in the incident required immediate medical attention; or
3. Where the vehicle required towing from the scene and the staff member received a citation.

No driver involved in an incident may use alcohol for eight hours after the incident or until after undergoing a post-incident alcohol test, whichever occurs first.

If an alcohol test is not administered within two hours or if an illicit drug test is not administered within 32 hours after the incident, the District will prepare and maintain records explaining why the test was not conducted.

Tests conducted by authorized federal, state, or local officials will fulfill post-incident testing requirements provided they conform to applicable legal requirements and are obtained by the District. Breath tests will validate only the alcohol test and cannot be used to fulfill illicit drug testing obligations.

Before any driver operates a District owned vehicle, equipment, or private or leased vehicle for school or District purposes, the District will provide post-incident procedures that will make it possible to comply with post-incident testing requirements.

Return to Duty Tests

Staff members who have engaged in prohibited conduct, as defined above, and have not been dismissed from employment, must undergo a return-to-duty test with a verified negative result prior to returning to duty.

Disciplinary Procedures

Staff members who have a confirmed positive alcohol test result of a concentration of 0.02 or greater or a verified positive test result for illicit drug use shall be removed from their position immediately. All staff members who test positive for illicit drugs or alcohol must be evaluated by the Substance Abuse Professional selected by the District to determine whether the staff member is in need of rehabilitation services.

Staff members who refuse to be tested for alcohol or illicit drugs will have dismissal proceedings brought against them.

The following are additional grounds for immediate dismissal from employment with the District:

- a. staff members convicted of selling alcohol or illicit drugs on District owned or leased property;
- b. staff members convicted of a felony involving off-site sale or distribution of illicit drugs, while employed by the District.

Confidentiality

All records maintained by the District pursuant to this procedure are strictly confidential. Staff member information contained in these records may not be released except as required by law or as expressly authorized by the individual staff member.

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