

Definitions

"Drug" is defined as: alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph. Employees tested under reasonable suspicion testing shall be tested for the following drugs: cannabinoids, cocaine, opiates (morphine), amphetamines, phencyclidine (PCP), and alcohol.

Notification

Prior to implementation, the Board will provide all employees with an orientation that includes educational materials that explain the requirements of this program and the Board's policies with respect to these requirements. Each employee who has received these materials shall be required to sign a form certifying that he/she has received a copy of the materials.

An employee may be subject to a drug screening test under any of the following circumstances:

- (1) Where there is a finding of reasonable suspicion based on specific facts and inferences reasonably drawn from these facts in light of experience which would lead a prudent person to reasonably suspect that the employee was under the influence of illegal drugs or alcohol.
- (2) When an employee's conduct or appearance is directly observed or perceived as indicative of being under the influence of a drug or alcohol during work time. It is the Board's intention that such an observation be made by two or more supervisors trained in alcohol and controlled substance misuse before requiring a reasonable suspicion drug test. However, this is not a requirement.
- (3) When an employee is found in possession of suspected illicit drugs or drug paraphernalia, or when suspected illicit drugs or paraphernalia are found in an area controlled or used exclusively by the employee.
- (4) As part of a rehabilitation program or as specified in the agreement.
- (5) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on school board property.

Testing

Testing of employees shall be done in accordance with the applicable Federal and State law.

Refusal to submit to a drug screening test is defined as:

- (1) failing to provide adequate breath for alcohol testing without a valid medical explanation;
- (2) failing to provide adequate urine for drug testing without a valid medical explanation;
- (3) engaging in conduct that clearly obstructs the testing process; or
- (4) tampering with a drug test

Failure to comply or provide an adequate urine or breath sample, absent a documented and verified medical excuse, shall be determined to be a positive test result.

Follow-up Testing

Should the employee successfully complete the drug-abuse or rehabilitation program, the employee, upon returning to work, shall be subject to follow-up drug or alcohol testing as determined by the SAP or as specified in this agreement.

This program will take effect on September 1, 2008.

Employees in safety sensitive positions covered by provisions of the Omnibus Transportation Testing Act (OTETA) as outlined in Addendum D of this agreement are not subject to this program.