

BOARD OF EDUCATION
TUSCARAWAS VALLEY LOCAL SCHOOLS

ADMINISTRATION 1122
PROFESSIONAL STAFF 3122.03
CLASSIFIED STAFF 4122.03

DRUG-FREE WORKPLACE AND DRUG TESTING OF EMPLOYEES

Acknowledging that substance abuse is an addictive illness and recognizing that observed and suspected use of illicit drugs by any employee of Tuscarawas Valley Local Schools is a serious concern, a program of deterrence will be instituted as a proactive approach to protect the interests of the Board in maintaining a safe and drug-free school environment, as well as to assist affected employees in overcoming their illness.

The purpose of the drug testing program is to:

- A. Provide for the safety and well-being of all students, staff, and guests;
- B. Mitigate the effects of peer pressure by providing legitimate reasons for employees to refuse to use banned or illicit substances;
- C. Encourage employees who abuse drugs to participate in drug treatment programs by a licensed chemical dependency counselor; and
- D. Prevent the impact drug use has on the learning centers of the brain, allowing employees to achieve their full potential while employed with Tuscarawas Valley Local Schools.

Coordination:

- A. Employees of Tuscarawas Valley Local Schools may be randomly selected for proactive drug screening at the expense of the Board of Education.
- B. The names of employees included in the random drug screening program will be provided by the Superintendent to the Board-approved Vendor for inclusion in the program according to their contracted work schedule.
- C. A computer-based system designed specifically for the purpose of randomly selecting individuals for drug testing will be utilized. Up to bi-weekly, the Vendor will arrange with the Superintendent a date and time to do the collection of specimens. The schedule will not follow any recognizable pattern.

Frequency:

- a. Selection of employees for random drug screening may be done on a monthly basis.
- b. Employees may be tested in consecutive months of the school year.

Notification of Testing:

- a. To the greatest extent possible, testing will not interfere with the teaching/learning environment or with the employee's work responsibilities.
- b. A representative of the Board-approved Vendor will contact the selected employee and escort him/her to the designated drug screen area for testing.

- c. If a selected employee is not in attendance on the day/time of testing, the employee will be tested at the next random drug testing date.

Testing:

- a. Testing of employees will be completed by medical professionals of the Board-approved Vendor who have been trained and certified by the Drug and Alcohol Testing Industry Association (DATIA).
- b. Samples will be collected through saliva swab as outlined in the Vendor Requirements.

Collection Process:

Selected employees will be notified to report to the collection site. A specimen will be collected from each employee as described below and all employees must follow the process as outlined:

- Employees must have a picture ID or driver's license.
- The drug testing area will be secured during the testing time frame.
- Only lab technicians, medical assistants, and employee will be present during the test collection.
- Privacy will be maintained for all employees.
- The Board-approved Vendor will be responsible for verifying that the Chain of Custody and all necessary forms are completed and signed by the employee.
- Other than those directly involved in the testing, employees are not to have contact with anyone until after the sample is given.
- Employees who cannot produce a sample will be kept in a secured area to wait until they are able to produce the sample. If he/she leaves this area, it will be treated as a positive result.
- Employees will be given a reasonable amount of time to produce a sample.
- Any and all adulterations of the specimen will be detected and considered the same as a test refusal or first time infraction. Adulterations are treated as first-time offenses. They are not called positive, but have the same consequences. A retest will be required within 24 hours at the expense of the employee.
- Anyone who suspects tampering with the sample shall notify the Superintendent. The sample will be screened or sent to the lab for immediate confirmation of tampering.
- This collection procedure is subject to change because of procedural requirements by the Vendor.
- The Board reserves the right to change the collection procedure to coincide with the testing guidelines set forth by the Vendor.

Refusal of Testing:

- a. Any employee who refuses to submit to the random drug test will be prohibited from performing or continuing to perform his/her duties until proper consent is given.
- b. A refusal to submit to testing will be considered a positive test result.

Drugs for which Employees May be Tested:

- a. LSD, Marijuana, Amphetamines, Methadone, Anabolic Steroids, Methaqualone, Barbiturates, Benzodiazepines, Opiates, Cocaine, Propoxyphene (Darvon), MD/MA (Ecstasy), Phencyclidine, or any substance included in 21 U.S.c. 802 (6), which an individual may not sell, possess, give, exchange, use, distribute, or purchase under state or federal law.

- b. This definition also includes all prescribed and over-the-counter drugs being used in any way other than for medical purposes in accordance with the directions for use provided for in the prescription by a licensed physician or by the manufacturer.

Confidentiality of Results:

- a. The Medical Review Officer (MRO) will review all results of drug testing.
- b. All drug test results are considered confidential information to the extent required by law.

Procedure for Non-Negative or Positive Test Results:

The MRO/MRA will confirm all drug screens as negative or positive and report, by telephone or electronic transmission, findings in a confidential manner to the Superintendent (or Board of Education President, upon the testing of the Superintendent or Treasurer).

Any specimen testing non-negative or positive for illicit or banned substances will be handled in the following manner:

- A. The MRO/MRA determines if any discrepancies have occurred in the Chain of Custody.
- B. Depending on the substances found, if necessary, the MRO/MRA will contact the employee to determine if the employee is on any prescribed medication from a licensed physician.
- C. If the employee is on medication, the employee will be asked to provide a copy of the prescription label within seventy-two (72) hours. Failure to provide such requested information will be considered a positive result.
- D. The MRO/MRA will then determine if any of the prescribed medications resulted in the positive drug screen. Employees who provide copies of the appropriate prescriptions for all prescription medication identified on the drug test may be asked by the Medical Review Officers to obtain written documentation from his/her prescribing physician indicating he/she is capable of working safely under the influence of the prescribed medication.
- E. Finally, the MRO/MRA, based on the information given, will confirm the drug test results as positive or negative and report this to the Designated Official, initially reporting results by phone or electronic transmission.

Drug screens showing the presence of illicit drugs will initially be considered positive by the MRO/MRA. The MRO/MRA may use quantitative results to determine if positive results indicate recent use of illicit or banned substances or the natural decline of levels of the illicit or banned substance from the body. After the initial drug screen, if the MRO feels the quantitative levels determined to be above the established cutoffs do not reflect current use but natural decay, then a negative result may be reported.

The Superintendent (or Board of Education President, upon the testing of the Superintendent or Treasurer) will contact the employee with the results within twenty-four (24) hours of the verification by the Medical Review Officer/MRA. The employee shall be advised that the result may be contested, and a retest may be performed at the employee's expense.

A request for a retest of the original sample must be made to the Superintendent (or Board of Education President, upon the testing of the Superintendent or Treasurer) in writing within seventy-two (72) hours from the employee's first notification of the positive test result. All results for a retest are at the employee's expense unless the second test result is negative.

If an employee contests the results of the first test, the penalty will be held in abeyance provided the District receives confirmation from the testing company that the employee committed to the financial

payment for the second test. If the second test result is negative, the District will then treat the employee as if the first positive result did not occur. The District will be responsible for the payment of a second test with a negative result.

Until a contested positive result is officially confirmed by the Medical Review Officer, the Superintendent (or Board of Education President, upon the testing of the Superintendent or Treasurer) will determine whether or not the employee in question will continue to perform his/her work duties.

An altered test or refusal to test will be treated the same as a positive result.

Employees Who Test Positive:

For the first confirmed positive result:

- a. The employee will make an appointment with a licensed chemical dependency counselor to undergo a chemical dependency assessment and then follow the recommendation(s) of the certified dependent counselor.
- b. This assessment must be completed within seven (7) calendar days of notification of the positive test result.
- c. The employee will be suspended from duty until he/she shows proper, written documentation that he/she has successfully completed the assessment. The employee may use accumulated sick leave or vacation leave during this suspension from duty.
- d. The employee will be permitted to return to work following completion of the program as outlined by the chemical dependency counselor and obtaining a negative return-to-duty test at the expense of the employee.
- e. The employee will also submit to three (3) additional drug tests at the employee's expense. Mandatory testing dates will be selected by the Vendor/Third Party Administrator.
- f. Failure to comply with the above procedures would be considered insubordination and cause for termination of employment.

For the second confirmed positive result:

- a. Any second offense will result in the immediate termination of the employee from the Tuscarawas Valley Local School District.