

Sparta Area School District

Article 326 - Substance Abuse Testing Policy

The Board of Education for the Sparta Area School District has a primary obligation to provide a safe and healthy environment for working and learning. In concert with that obligation, the Sparta Area School District has established a policy that provides for the testing employees who are suspected of using, consuming, or of being under the influence of drugs or alcohol while at work.

The superintendent or his/her designee is the designated Sparta Area School District representative to answer questions about the Sparta Area School District's Substance Abuse Testing Policy.

Staff members will be inserviced at least once concerning the policy.

District bus drivers and other District personnel covered by the Omnibus Transportation Employee Testing Act of 1991 (as amended) will be subject to the Drug and Alcohol Policy of Laidlaw/First Student. All other District employees are subject to this policy.

Conduct while at work prohibited by this policy which may trigger testing includes:

- a. The use of marijuana, cocaine, opiates, phencyclidine (PCP), amphetamines, methamphetamine, or other controlled substances as described by law;
- b. The illegal use of prescription drugs, including the use of a prescription drug prescribed to another person;
- c. Consumption of alcohol.
- d. Behavior which gives rise to a "reasonable suspicion" on the part of a supervisor.
 1. Body odor and/or the smell of alcohol on the breath.
 2. Inability to perform job functions.
 3. Belligerence, argumentativeness, or other behavior that is extreme or out of character.
 4. Speech irregularities, including slurred speech.
 5. Inability to stand without swaying or to walk without weaving.
 6. Drowsiness.
 7. "Glassy" eyes.

While any one of these indicators alone would not necessarily give rise to a reasonable suspicion of prohibited drug or alcohol use, the supervisor must base a decision to report an employee under this policy on all the facts and circumstances, and must have an objectively articulable basis for reasonable suspicion before ordering the testing. No employee will be tested without first being presented with a written document that sets forth the basis for the reasonable suspicion on the part of the reporting supervisor, or without union representation. Employees directed to submit to reasonable suspicion testing shall not be permitted to return to duty until receipt of a satisfactory test result is confirmed.

If there is a medical reason underlying the behavior that led to the supervisor's testing order, the employee must provide the medical reason. Refusal to be tested without an acceptable medical justification will result in discipline, which may include discharge.

If the test(s) shows no evidence of prohibited levels of drugs or alcohol, the employee will be reimbursed all expenses involved and will be paid for all work missed due to the testing order.

Consequences of Positive Test Results:

- A. An employee whose Evidential Breath Test (EBT) confirmation result is a BAC of 0.02-0.039 shall be removed from duty for at least twenty-four (24) hours and shall be subject to discipline which may include discharge. Such employee will also be provided references to the District Employee Assistance Program. Sparta Area School District policy dictates that any employee whose confirming test results are 0.02 or greater on more than one occasion will be automatically discharged.
- B. An employee who's Evidential Breath Test (EBT) indicates a BAC of 0.04 or greater will be automatically discharged.
- C. An employee whose urinalysis test shows a positive result for prohibited controlled substances or non-prescribed prescription drugs will be automatically discharged. Positive test results will be reviewed with the employee for a possible medical explanation, including contacting a physician or pharmacy for confirmation. If there is no medical explanation, the employee who tested positive will be allowed 72 hours following notification of his/her drug test results to request a re-test of the original test sample. Any re-test of the original test sample will be at the employee's expense. The employee will be suspended without pay until the re-test results are received. If re-test results are negative, initial test results will be cancelled and the employee will be fully reinstated with back pay. If the re-test is positive, or if the re-test is not requested within the designated time period, the employee shall be automatically terminated.

Employees who have taken a leave of absence related to drug or alcohol use (including rehabilitation) as a condition of continued employment must provide a medical certification of fitness prior to return to work.

Legal Reference:

Cross Reference: Article 323 - Drug Free Workplace

Approved:

Revised: April 28, 2009