

**I. Purpose**

The intent of this policy is to promote a drug-free workplace which will improve the productivity of employees and will lesson the costs, delays, and tragedies associated with work-related accidents resulting from drug use by employees. It is the further intent of this policy to ensure that prospective and current employees are in a condition to perform their duties safely and efficiently, in the best interest of their students and co-workers, and to meet or exceed the minimal requirements set for in §440.102, Florida Statutes.

**II. Definitions**

- A. School Board property- any building or property owned, leased, or operated by the School Board; any vehicle used to transport students to and from school or school activities, or used by an employee in connection with their employment with the School Board; or any property at which any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, is occurring.
- B. Applicant-a person who has applied for employment with the School Board.
- C. Covered positions- refers to those safety-sensitive transportation positions for which drug and alcohol screening is required under the federal Omnibus Transportation Employee Testing Act of 1991 (OTETA), 49 CFR Part 40, under existing labor contracts, Florida Statute, or State Board rule.
- D. Drug- means any alcoholic beverage, any intoxicating or auditory, visual or mental altering chemical or substance or narcotic drug, hallucinogen, amphetamine, barbiturate, opiate, marijuana or cannabinoid, or any other controlled substance, as defined by Federal or State law or rule, or any counterfeit of such drugs, beverages or substances.
- E. Drug test- means any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence of absence of drug or its metabolites.
- F. Workplace-means the site for the performance of work done in connection with School Board employment.

III. Employee Responsibilities- Alcohol and drug use by employees interferes with the educational and work process, and compromises the safety and well-being of staff and students. Employees are expected to conduct themselves in a manner consistent with the following provisions:

- A. No employee of the School Board shall manufacture, distribute, dispense, possess, use, or be under the influence and drugs or alcohol while on duty, in the process of arriving at or departing from the employee's workplace assignment, in the operation, control of, or a passenger in any school board vehicle, or otherwise on School Board property.
- B. No employee shall influence, encourage or otherwise expose students or other employees to any drug or alcohol as defined in this policy.
- C. No employee shall use or take prescription drugs above the level established by the prescribing physician, or in a manner other than what the prescription drug was intended.

IV. Job Applicant Drug Testing

- A. Applicants for administrative, instructional, and non-instructional positions are required to undergo drug testing prior to, and as a condition of, final employment with the School Board. Testing will be conducted in accordance with this policy and Chapter 59A-24, Florida Administrative Code.
- B. Any applicant who tests positive for a drug as defined in this Policy will not be considered for employment with the District unless the applicant can produce verification of a valid current prescription for the drug identified in the drug screen. In the absence of a valid current prescription, or the ability to provide evidence to satisfactorily explain the test results, applicants testing positive will not be hired and will not be eligible for employment with the School Board for one year from the date of the drug test results that are received by the School Board.
- C. Refusal to submit to drug testing will be grounds to refuse to hire an applicant.
- D. Testing Procedures
  - 1. Applicants will be referred to the School Board approved, independent, certified collection site licensed in accordance with s. 112.0455, Florida Statutes. The School Board will not accept results from any laboratory or collection and testing procedures not approved by the Calhoun County School Board.

2. It will be the responsibility of the applicant to pay for any and all costs related to these tests.
  3. Within five (5) working days after receiving notice of a positive confirmed test result, the applicant shall be allowed to submit written information explaining or contesting the test results. If the applicant's explanation is unsatisfactory, the Human Resources Department shall provide a written explanation as to why, along with a copy of the report of positive results, within fifteen (15) working days of receipt of explanation or challenge.
- E. Confidentiality--All information, reports, and statements related to the drug testing process, written, or otherwise, are confidential and exempt from Public Records Act, except to the extent provided by law and this policy. Laboratory results or test results shall not appear in an employee's general personnel records. Information of this nature will be contained in a separate medical file that will be appropriately maintained by the Director of Human Resources. The reports or test results will be disclosed to the tested employee upon request.

V. Covered Employees

Bus drivers and other existing employees and contracted persons in covered positions shall be required to have a physical examination, which shall include drug testing.

VI. Employee Requirements in Criminal Matters

- A. Upon Arrest or Charge- As required by the provisions of State Board of Education Rule 6B-1.006(5), the Principles of Professional Conduct for the Education Professional in Florida, and Florida Statutes, professional employees and non-instructional, and contractual employees who have direct contact with students or who have access to or control of funds are required to notify, within forty-eight (48) hours, the Superintendent or Director of Human Resources of any arrest or charge involving the sale and/or possession of a drug or alcohol. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.
- B. Upon Conviction or Other Adjudication- As required by the provisions of State Board of Education Rule 6B-1.006(5), the Principles of Professional Conduct for the Education Profession in Florida, and Florida Statutes, professional employees and non-instructional and contractual employees who have direct contact with students or who have access to or control of

funds are required to notify the Superintendent or Director of Human Resources of any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendre (no contest) for any criminal drug offense within forty-eight (48) hours after the final judgment.

- C. All other employees are required to notify the Superintendent or the Director of Human Resources of any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program or entering of a plea of guilty or Nolo Contendre (no contest) for any criminal drug offense no later than five (5) days after the final judgment.
- D. Employees found to have committed a criminal drug offense may be subject to discipline, including non-renewal, suspension, or termination. Such discipline shall be in accordance with prescribed School District procedures and shall be commenced within 30 days of receiving notice of an employee's conviction or finding of guilt. Within 10 days of receiving notice of an employee's conviction, the Superintendent shall notify the State Department of Education.
- E. In the event the employee complies with the requirements of this section, the School Board may, in its discretion, permit such employee to complete a drug abuse assistance or rehabilitation program approved by the School Board at the employee's expense or through the employee's health insurance as a condition of abating an employee's non-renewal, suspension or termination.

- VII. Notice- As part of this program, all employees and applicants for employment shall be given a policy statement and notice regarding the maintenance of a drug-free workplace, which notice is incorporated by reference in compliance with § 440.102, Florida Statutes.
- VIII. Effect of Violation- An employee who violates the terms of this policy may be non-renewed or his or her employment may be suspended or terminated.

**STATUTORY AUTHORITY:** 893.01, 1001.41, 1012.22, 1012.23, 1012.27, F.S.

**LAW(S) IMPLEMENTED:** 440.102, 1001.41, 1001.43, 1012.795, F.S.  
**DRUG FREE WORKPLACE ACT OF 1988,**  
**34 CFR PART 85, SUBPART F**

**HISTORY:** **ADOPTED: 6/12/2007**  
**REVISION DATE(S): 7/13/2010**  
**FORMERLY:**

## **CHAPTER 6.00 – PERSONNEL**

### **CALHOUN COUNTY SCHOOL BOARD POLICY STATEMENT AND NOTICE TO EMPLOYEES, APPLICANTS, AND VOLUNTEERS IMPLEMENTATION OF ALCOHOL AND DRUG-FREE WORKPLACE POLICY**

Date of Notice: July 13, 2010

Date of Implementation: October 1, 2010

Authority: Florida Statute § 440.102(3) and School Board Policy 6.33

1. Notice. This policy statement is being provided to employees, volunteers, and job applicants (who have been offered employment contingent upon successfully passing a drug/alcohol test) as a notice prior to implementation of the District's Alcohol and Drug-Free Workplace Program under School Board Policy 6.33 and Florida Statutes § 440.102 ("Drug-free Workplace Program Requirements," in the Workers Compensation chapter of state law). In the Policy and in this notice, the term "drug" means any alcoholic beverage, any intoxication or auditory, visual, or mental altering chemical or substance or narcotic drug, hallucinogen, amphetamine, barbiturate, opiate, marijuana or cannabinoid, or any other controlled substance, as defined by Federal or State law or rule, or any counterfeit of such drugs, beverages or substances.
2. General Policy. The manufacture, distribution, dispensation, possession, or use of drugs, is prohibited: a) on Calhoun County School Board property; b) while engaged in employment or conducting School Board business; c) while operating School Board vehicles, machinery, or equipment; or d) as a part of any of a school's activities or in the School Board's activities or programs. No employee or volunteer shall report for duty or remain on duty while under the influence of, or impaired by, any controlled substance.

Additionally, off-the-job use or involvement with illegal drugs, alcohol, or other controlled substances may subject an employee to disciplinary action under School Board Policy 6.33; applicable State Board of Education Rules such as F.A.C. r. 6B-4.009(2), (5).

3. Testing Program. To promote a drug-free workplace, the District will require that following kinds of tests under Policy 6.33: Job applicant testing. Features of this kind of testing is summarized below:
  - a. Job Applicant Testing. Drug testing will be required of all applicants before employment with the District. Any applicant who tests positive for a drug as defined in this Policy will not be hired, and will not be eligible to re-

apply for employment with the District for one year following the confirmed positive test.

- b. DOT mandated testing for school bus drivers. It is further the intent of Calhoun County School Board to comply with the regulations of the Federal Highway Administration (FHWA) contained in 49 CFR Parts 40 and 382, et al, Section 234.091 Florida Statutes, the provisions of the Drug-Free Workplace Act, and other applicable state and federal safety programs. This policy shall also affirm the Board's position that an employee in a safety sensitive position may be considered impaired at any measurable level by the use of alcohol and/or controlled substances. While this section details the requirements for Drug Free Workplace drug testing applicable to all transportation employees, additional provisions relative to drug and alcohol testing of safety-sensitive position employees will be governed by the requirements of Calhoun County School Board Policy.
4. Confidentiality. All aspects of the substance testing process will be kept confidential to the extent allowed by law. In general, all information, reports, statements, memoranda, and drug test results, written or otherwise, received by the District through a drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Florida Statute § 440.102, FL Admin. Code r. 59A-24.008, and Policy 6.33.
5. Consequences of Refusing to Submit to a Drug Test. No applicant shall refuse to submit to any test required by Policy 6.33 Refusal to submit to a test will be treated as a positive test result.

Failure to complete and sign testing form(s), to provide an adequate specimen, or otherwise to cooperate with the testing process in a way that prevents the completion of the test will be considered a refusal to test and will be deemed a positive test result. Any attempt to adulterate a specimen or provide a specimen that is adulterated will also be considered a refusal to test and deemed a positive test result. Any obstruction to, and lack of cooperation with the testing process will be considered a refusal to test and deemed a positive test result. Failure or refusal to be available for testing may be deemed a refusal to submit to testing. As stated in Florida Statute § 440.101(2), "it is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and, if an injured employee refused to submit to a test for drugs or alcohol, the employee forfeits eligibility for medical and indemnity [workers compensation] benefits."

6. Drugs Tested. The District may test for any of the following drugs: alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; amphetamines; cannabinoids, cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates or narcotics; barbiturates; benzodiazepine; synthetic narcotics; or a metabolite of any of these substances. Currently, drug testing is conducted at the following locations:

Paramedical Services, Inc.  
850-526-7774  
3520-A N. Monroe Street      4288 Lafayette Street  
Tallahassee, FL 32303      Marianna, FL 32446

7. Local drug rehabilitation programs are available to provide confidential, timely, and expert identification, assessment, and resolution of employee drug abuse at the employee's expense or through the employee's health insurance.