

SPRINGFIELD CITY SCHOOLS BOARD OF EDUCATION

DRUG-FREE WORKPLACE POLICY

(Effective October 13, 2005 Resolution C-5)

I. STATEMENT OF POLICY

Springfield City Schools Board of Education, (hereafter referred to as “Employer” or “the Board”) believes that it is very important to provide a safe workplace and educational environment for all of its employees and students. Accordingly, Employer is taking steps to address the problem of substance use that negatively affects every workplace, including Employer’s. Employer is concerned with the health and well being of its employees. Behaviors related to substance use can endanger all employees and our students, not just substance users. Employer will neither condone nor tolerate behaviors of employees that are involved in substance use defined as follows:

- a. Use of illegal drugs;
- b. Misuse of prescription and over-the-counter drugs;
- c. Misuse of alcohol (under the influence or possession on Employer premises);
- d. Sale, purchase, transfer, trafficking, manufacture or possession of any illegal drugs;
- e. Working while impaired from alcohol and/or drugs (illegal, prescribed or over-the-counter);

Management is fully committed to this Drug-Free Workplace Policy (“Policy”), which establishes clear guidelines for acceptable and unacceptable employee behavior for everyone in the workplace. Employer will not tolerate substance use in violation of this Policy and intends to hold everyone responsible for complying with and enforcing the terms and conditions of this Policy.

This Policy describes Employer’s Drug-Free Workplace Program. **Every employee is expected to read and understand it and abide by its terms and conditions.** The Policy applies to every employee including all management and staff. The consequences stated in this Policy will apply to anyone who violates the Policy. This agreement will not supersede any existing provisions of the collective bargaining agreements between the Board and Teamsters Local 284, SEA or SEUSS.

Although Employer holds all employees accountable for substance use in violation of this Policy, it also provides support and assistance for its employees with substance use problems. Employees who come forward voluntarily to identify that they have a substance use problem, prior to being required to submit to a reasonable suspicion or post-accident substance test, either of which result in a positive test result, or any other positive drug or alcohol test, will receive Employer support and assistance. However, if an employee has a substance problem and does not come forward and would happen to test positive for drug or alcohol use in violation of this Policy, Employer reserves the right to discipline the employee, up to and including termination of employment, for violation of this Policy.

Employees whose jobs are subject to any special laws or regulations (DOT, ODOT, etc.) or are deemed safety-sensitive by the Employer may face additional requirements regarding substance use beyond this Policy. This Policy covers five key parts. These five parts, which are more fully discussed below, are:

- Drug-Free Workplace Coordinator
- Annual substance awareness education for all employees.
- Training for supervisors regarding their responsibilities.
- Drug and alcohol testing.
- Employee assistance.

Drug-Free Workplace Coordinator

The Board's Safety and Health Coordinator will also serve as the Drug-Free Workplace Coordinator ("Coordinator"). The Coordinator will be responsible for the administration of the policy, for arranging drug and alcohol testing as needed, and for providing information to assist an employee that has a substance use problem. The Coordinator will also select and schedule knowledgeable presenters to educate employees about substance use.

Employee Awareness Education

Employees will attend an education session in which this written Policy will be distributed and discussed. Employees will be required to sign an acknowledgment form confirming that they received a copy of this written Policy. At the education session, employees will have a chance to ask questions about the Policy. At the initial education session, a qualified person will explain why and how substance use in the workplace is a problem, the signs, symptoms and effects of use, effects of commonly used drugs in the workplace, and how to get help.

New employees will be informed about this Policy during their orientation and will be scheduled to attend a substance education training class either in-house or with an outside instructor as soon as possible after starting their employment with Employer.

There will be a minimum of two hours of substance education annually for all employees.

Supervisor Training

All supervisors will undergo an initial four (4) hour training session in the enforcement of this Policy and how to recognize substance problems that may endanger a substance using employee and/or other employees in the workplace. This initial training will be in addition to the employee education session discussed above. In addition, supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem, and how to make referrals for help.

In subsequent program years, supervisors who received the initial training will undergo a two-hour refresher course, in addition to the two (2) hours of annual employee education discussed above.

Drug and Alcohol Testing

Testing will be used to detect substance use problems, to deter employees from substance use that violates this Policy, and to allow the Employer to take appropriate action to correct substance use problems. In addition to alcohol, the drugs tested for under this Policy are as follows:

- Amphetamines (speed, uppers)
- Cocaine (including crack cocaine)
- Marijuana
- Opiates (codeine, heroin, morphine)
- Phencyclidine (PCP, “angel dust”)
- oxycodone and oxycotin
- barbiturates (sedative hypnotics)
- benzodiazepines (sedative hypnotics, valium, librium)
- methadone (narcotic analgesics)
- propoxyphene (narcotic analgesics, darvon, darvoset).

Employee Assistance

Employer believes in offering assistance to employees with substance problems and encourages employees to come forward for assistance. Although Employer does not have a rehabilitation program and cannot pay for an employee to attend such a program, there may be substance programs that are covered under the employee group health plan. The Drug-Free Workplace Coordinator can help employees obtain information on assistance programs that are available and covered by the Employer’s health insurance plan.

Employees will be solely responsible for enrolling in a chosen program, successfully completing the program, and providing a negative test result prior to returning to work. Employees will be responsible for paying all costs associated with completing a rehabilitation program, which are not otherwise covered under the Employer's benefits plan.

Nothing in this provision alters Employer's right to discipline an employee based on a positive drug or alcohol test as provided in paragraph IX below.

II. SITUATIONS WHEN TESTING WILL OCCUR

Employees will be tested for the presence of drugs in their urine and/or alcohol on their breath under any and/or all of the conditions outlined below:

A. Post-Offer, Pre-Employment Medical Examination and Drug Testing

As part of the Employer's employment procedures, all applicants will be required to undergo a post-offer, pre-employment medical examination and drug test conducted by a contractor the Employer designates. Any offer of employment depends upon the satisfactory completion of this examination and/or screening. A positive result in a pre-employment drug test will nullify any offer of employment with Springfield City Schools Board of Education.

B. Reasonable Suspicion Testing

Reasonable suspicion testing will occur when management has reason to suspect that an employee is in violation of this Policy. A reasonable suspicion test may occur based on any of the following:

1. Observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;
2. A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol or a controlled substance, and does not appear to be attributable to other factors;
3. The identification of an employee as the focus of a criminal investigation into unauthorized possession, use, or trafficking of a controlled substance. The employee is responsible for notification of the Employer, within (5) working days, of any drug-related conviction;
4. A report of use of alcohol or a controlled substance provided by a reliable and credible source; or

5. Repeated or flagrant violations of the safety or work rules of the employee's employer, that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors;
6. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty, but mere “hunches” are not sufficient to justify testing. To prevent this, all managers/supervisors will be trained to recognize drug and alcohol-related signs and symptoms. Testing may be for alcohol or drugs (illegal, prescription or over-the-counter) or both.

Where reasonable suspicion arises, the employee suspected of substance use will be taken by the building administrator or department supervisor to a local clinic for drug/alcohol testing. Following the drug/alcohol test, the employee will be sent, or taken, home and placed on suspension until the results from the test are obtained by the Employer.

If the employee's test results are negative, then the employee will be returned to his/her original job position and will receive pay for any periods for which he/she was suspended pending the drug test results. If the employee's test results are positive, then the employee will be subject to discipline, up to and including termination, and will not receive pay for any periods of suspension pending the test results.

Employees legally taking prescription drugs or over-the-counter medications, which might impair their ability to perform their job duties, must report such drug use to their immediate supervisor. Depending on the circumstances, Employer may place the employee in a non-safety sensitive position while taking the drugs (prescription or OTC) or place the employee on an unpaid leave of absence [or paid sick leave if available] while taking the drugs.

C. Post-Accident Testing

Post-accident testing can be conducted whenever an accident occurs, regardless of whether or not an injury results from the accident. Employer considers an accident to be an unplanned, unexpected, or unintended event that occurs on Employer property, during the conduct of Employer business, or during working hours, or which involves one of the Employer's motor vehicles, or a motor vehicle used in conducting Employer business, or is within the scope of employment, and results in any of the following:

- A fatality of anyone involved in the accident;
- Bodily injury to the employee and/or another person that requires off-site medical attention away from the Employer's place of employment;
- Vehicular damage in apparent excess of \$500.00; or
- Non-vehicular damage in apparent excess of \$1000.00.

When such an accident results in one of the situations above, any employee who may have contributed or was involved in the accident will be tested for drugs or alcohol or both. The above definition of “accident” may not encompass all accidents covered under Ohio Worker’s Compensation law.

1. Drug and/or Alcohol Testing Procedure after an Accident

Urine specimen collection (for drugs) or breath/saliva (for alcohol) is to occur as quickly as possible after a need to test has been determined. All efforts will be made to collect urine specimens within 32 hours after an employment-related accident occurs. All efforts will be made to collect breath or saliva alcohol samples within 8 hours after an employment-related accident occurs.

However, in the event that an employee initially refuses medical treatment immediately following an accident and thus does not undergo a contemporaneous post-accident drug/alcohol test, the Employer reserves the right to require a drug/alcohol test if the employee later requests medical treatment relative to that same accident, regardless of the time lapse between the work-related accident and the employee’s later request for medical treatment.

If the employee responsible for and/or involved in an employment-related accident is injured, it is a condition of his/her employment that the employee consents to the Employer obtaining appropriate specimens (breath, urine, and/or blood if a urine test is not possible) for the purpose of conducting alcohol and/or drug testing. Further, all employees will provide the Employer a signed Release of Medical Information that complies with HIPPA regulations. A signed consent to testing form is an express condition of employment.

Management reserves the right to determine who may have caused or contributed to a work-related accident and may choose not to test after minor accidents if there is no violation of a safety or work rule, only minor damage and/or minor injuries, and/or no reasonable suspicion.

Where practicable, employees involved in an accident will be immediately sent, or taken, to a qualified local clinic for post-accident drug/alcohol testing. Following the post-accident drug/alcohol test, an employee may be placed on suspension until the results from the test are obtained. Or, Employer, at its sole discretion, may place the employee in a non-safety sensitive position until the results of the post-accident test are obtained.

If the employee’s test results are negative, then the employee will be returned to his/her original job position and will receive pay for any periods for which he/she was suspended pending the drug test results. If the employee’s test results are positive, then the employee will be subject to discipline, up to and including termination, and will not receive pay for any periods of suspension pending the test results.

2. Post-Accident Drug Testing and its Impact on Workers’ Compensation Benefit Eligibility

An employee who is injured in an accident and who tests positive, at or above the cutoff levels described below, or who refuses to submit to chemical testing may be disqualified from

compensation and benefits under the Workers' Compensation Act. Effective October 13, 2004, Section 4123.54(B) of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means that an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work related injury.

The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the proximate cause of a work-related injury.

D. Follow-up Testing After Return-to-Duty from Assessment or Treatment

A return-to-duty test will occur when an employee, who previously tested positive for substance use but was not terminated, is reinstated to his/her position.

A negative return-to-duty test is required before the employee will be allowed to return to work. If the employee fails the return-to-duty test, he/she will be immediately terminated from employment.

After an employee passes the return-to-work drug and/or alcohol test and resumes working, management, at its discretion, can require additional unannounced tests for as long as 24 months. Any employee with a positive second substance test result will be immediately terminated.

E. Random Testing for Safety-Sensitive Positions.

Any employees in safety sensitive positions shall be subject to random testing per DOT guidelines. The Board has several positions which are considered safety sensitive. Anyone who regularly drives a Board owned vehicle or designated equipment, (large tractors, lift trucks, telescopic lifts, etc..) as part of their position is considered to be in a safety sensitive position because of potential harm to students, themselves, staff, the general public, or property. School bus drivers are currently governed by Department of Transportation rules regarding drug or alcohol testing and are considered safety sensitive. Other positions, at the discretion of the Board, may be added, but will include Even Start Van Drivers, Maintenance personnel, (plumbers, carpenters, electricians, painters, utility, stadium field workers), PC Technicians, Stockroom Clerk, educational Materials Clerk, Equipment Operator, and Equipment Operator Helper, and Boiler Operators or custodial personnel (operating designated equipment).

III. SUBSTANCES TO BE TESTED FOR AND METHODS OF TESTING

The testing procedure used by Employer is called "Systems Presence Testing" and it is how qualified testing professionals identify the presence of one or more prohibited controlled substances (or alcohol) in an employee's system.

To ensure the highest level of accuracy in the drug/alcohol testing, samples (urine, breath, saliva) are run through two separate tests. First, there is a preliminary screening test performed. Next, a second test called a "confirmatory" test is performed. This second confirmatory test is a different test than the first and considered extremely accurate and reliable by testing experts.

Cut-off levels are standards that have been established for each of the tested drugs after years of research. These levels are used to interpret all drug screens/tests, whether for pre-employment, a reasonable suspicion test, a post-accident test, or a follow-up test. The cut-off levels for the substances tested for by Employer are as follows:

<u>Drug Class/Description</u>	<u>Preliminary Test</u>	<u>Confirmatory Test</u>
Amphetamines (stimulants, speed)	1000 ng/ml	500ng/ml
Cannabinoids (euphoriant, marijuana)	50ng/ml	15ng/ml
Cocaine (stimulants, crack)	300ng/ml	150ng/ml
Opiates (narcotic analgesics)	2000ng/ml	2000ng/ml
Phencyclidine (hallucinogens)	25ng/ml	25ng/ml

The employer reserves the right to administer qualifying chemical test for the presence of barbiturates, benzodiazepines, methadone, or propoxyphene in the employee's system that tests above levels established by laboratories certified by the United States department of health and human services. Employer further reserves the right to add or delete substances from the list of those tested, if mandated or recommended by changes in existing Federal, State, or local regulations or laws.

Breath alcohol testing will be conducted by a Community Mercy Health Partners facility that uses only certified equipment and personnel. Breath alcohol concentrations exceeding .04 will be considered as a verified positive result. In the event of an accident where the employee has "whole blood alcohol" drawn at a medical treatment facility, a result equal to or greater than .04 shall be considered a verified positive test result. An Evidentiary Breath Test ("EBT") will typically be used to confirm any initial positive test result.

Any employee who alters, attempts to alter, or substitutes a specimen or otherwise manipulates the testing process will be immediately terminated. A refusal to produce or provide a specimen is considered a positive test unless there is a verifiable medical reason that the specimen could not be produced. Such refusal to produce or provide a specimen may result in disciplinary action up to and including termination for employees or disqualification for applicants.

IV. SPECIMEN COLLECTION PROCEDURE

Qualified local laboratories who meet standards for urine collection and breath alcohol testing will collect urine specimens and conduct breath testing. Such laboratories will conform to the split-sample collection procedures, chain of custody procedures and storage procedures

adopted by the federal Department of Health and Human Services, or the federal Department of Transportation. Confidentiality is required from our collection sites and labs. Photo I.D. will be required by the testing facility prior to testing. Employees are permitted to provide specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any alteration or substitution of the specimen. Breath alcohol testing likewise will be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. However, an observed voiding (i.e., specimen collection) will occur only if there is grounds for suspecting manipulation of the testing process.

An employee's failure to appear for testing when scheduled shall be considered a refusal to participate in testing, and will subject the employee to a range of disciplinary actions, up to and including termination. An applicant's failure to appear for testing, or refusal to participate in testing, will result in the revocation of the conditional offer of employment extended to him/her.

V. REVIEW OF TEST RESULTS

To ensure that every employee tested is treated fairly, all substance testing results will be reviewed by a Medical Review Officer ("MRO"). The MRO is a doctor with a specialized knowledge of substance abuse disorders, who, after consulting with the employee, will determine whether there are any valid reasons for the substance, which resulted in the positive test, to be present in the employee's system.

VI. EMPLOYEE'S RIGHTS WHEN THERE'S A POSITIVE TEST RESULT

An employee who tests positive under this Policy will be given an opportunity to explain the finding to the MRO prior to the issuance of a positive test result to the Employer. Upon receipt of a confirmed finding, the MRO will attempt to contact the employee by telephone or in person. If contact is made by the MRO, the employee will be informed of the positive finding and given an opportunity to rebut or explain the findings. The MRO can request information on recent medical history and on medications taken within the last 30 days by the employee. If the MRO finds support in the explanation offered by the employee, the employee may be asked to provide documentary evidence to support the employee's position (for example, the names of treating physicians, pharmacies where prescriptions were filled, etc.). A failure on the part of the employee to provide such documentary evidence will result in the issuance of a positive report by the MRO with no attendant medical explanation. If the employee fails to contact the MRO as instructed, the MRO will issue a positive report to the Employer.

VII. REPORTING OF RESULTS

All test results will be reported to the MRO prior to the results being issued to the Employer. The MRO will receive a detailed report of the findings of the analysis from the testing laboratory. Each substance tested for will be listed along with the results of the testing. The Employer will receive a summary report, and this report will indicate whether the employee passed or failed the test. All of these procedures are intended to be consistent with the most current guidelines for Medical Review Officers, published by the Federal Department of Health and Human Services.

VIII. STORAGE OF TEST RESULTS AND RIGHT TO REVIEW TEST RESULTS

All records of drug/alcohol testing will be stored separately and apart from the employee's general personnel documents and kept in accordance with Department of Transportation guidelines. These records shall be maintained under lock and key at all times. The Drug-Free Workplace Coordinator will have control of all files. Access is limited to designated Employer officials. The information contained in these files shall be utilized only to properly administer this Policy and to provide to certifying agencies for review as required by law. Designated Employer officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records. Any breach of confidentiality with regard to these records may result in employee discipline, up to and including termination, for those involved with the privacy breach.

Any employees tested under this Policy have the right to review and/or receive a copy of their own test results. An employee may request a copy of his/her test results available through the Drug-Free Workplace Coordinator. Employee requests must be in writing and signed by the employee. The Employer will use its best efforts to promptly comply with the request and either hand-deliver a copy of the test results to the employee whereupon the employee will be required to sign an acknowledgment form confirming receipt of the same, or mail a copy of the results to the employee's last known address via U.S. Certified Mail, Return Receipt Requested.

IX. POSITIVE TEST RESULTS

An employee is deemed to be in violation of this Policy and under the influence of drugs and/or alcohol if he/she tests positive for drugs or has a ~~blood~~ alcohol level of .02 or greater for safety sensitive positions and .04 for all other positions. Upon a first valid, positive drug or alcohol test, an employee shall be placed on a 30 day suspension without pay, and will be required to enter into a last chance agreement which shall provide that a second violation of the policy shall result in termination, subject to any applicable grievance procedures in existing collective bargaining agreements. In addition, the last chance agreement may also provide for evaluation and treatment requirements and reasonable follow up testing requirements for up to two (2) years after the first valid positive drug or alcohol test. A copy of the Last Chance Agreement is on page 13, below. An employee granted the opportunity to enter into a Last Chance Agreement will be required to strictly comply with its terms and conditions or else be terminated.

Notwithstanding the above, the Board maintains a no-tolerance policy for drug and alcohol abuse by those employees who transport children. Any such employee testing positive for drugs or alcohol shall be subject to immediate discipline, including possible termination from employment. Furthermore, any safety sensitive employee testing positive for drugs or alcohol following a post accident test consistent with DOT guidelines will be subject to immediate discipline, including possible termination from employment.

SPRINGFIELD CITY SCHOOLS BOARD OF EDUCATION

LAST CHANCE AGREEMENT

The Employer has agreed to your request to seek counseling and referral to a rehabilitation program for alcohol and/or drug use in lieu of termination from employment. The following conditions apply to your rehabilitation program.

1. You must authorize the employee assistance program and/or your treatment program/counselor to certify to the DFWP Coordinator your enrollment in an alcohol/drug abuse assessment and any recommended rehabilitation program. Furthermore, you must authorize your treatment provider/counselor to certify now and periodically hereafter that you have attended all required sessions on a regular basis and have otherwise cooperated with all treatment protocols and recommendations. Once you have completed a thirty (30) day unpaid suspension, you shall be returned to work once the following conditions have been met:
 - A.
 1. You have successfully completed the recommended treatment program, and;
 2. We have received the release to return to work by the treating professional, and;
 3. we have received the medical clearance by a qualified physician.

OR

B. If no treatment is recommended, you shall be returned to work upon obtaining medical clearance by a qualified physician.

The Employer will closely monitor your attendance and reserves the right to terminate your employment (cancel this agreement) if you do not regularly attend all required sessions or otherwise comply with treatment.

2. You will be responsible for paying all costs of rehabilitation, which are not otherwise covered under the Employer's benefits plan.
3. During the next 24 months following the completion of your assessment and any recommended rehabilitation program, the Employer will test you for alcohol and/or drug use on an unannounced basis to determine if you are in compliance with the Employer's Drug-Free Workplace Policy. The Employer will promptly terminate your employment for a second violation of the Policy, subject to any applicable grievance procedures in existing collective bargaining agreements. A blood alcohol level of 0.02 percent or more will be deemed to be a positive test. Any positive test for drugs will be regarded as a violation of this agreement regardless of concentration.

4. You must meet all established standards of conduct and job performance. The Employer will terminate you if your on-the-job conduct or job performance is unsatisfactory.

I voluntarily agree to all the above conditions and authorize (my treatment program/counselor and/or the employee assistance provider) to provide the Employer proof of my enrollment, attendance and progress at the recommended rehabilitation program.

Employee's signature

For Springfield City Schools Board of
Education

Date

Date

Signature of witness

Signature of witness

SPRINGFIELD CITY SCHOOLS BOARD OF EDUCATION

REPORT OF SUSPECTED JOB-RELATED DRUG OR ALCOHOL USE

The following individual identified below is suspected of failing to comply with the Employer's Drug-Free Work Policy.

Employee Name: _____ Location: _____

List below all of the behaviors observed by the supervisor that created a concern that the employee named might be in violation of the Employer's Drug-Free Workplace Policy.

If there were observable changes in the employee's job performance, list these behaviors below.

List below any physical signs or symptoms of possible substance use that the employee exhibited.

Eyes: _____

Coordination: _____

Speech: _____

Other: _____

Other pertinent observations: _____

Name and Title of Supervisor reporting _____

Name of Concurring Supervisor and/or witness _____

Name of Employer Official _____

Date: _____ Time: _____ Shift: _____

Test Ordered: ____ Yes Employee Consent: ____ Yes Date tested: Alcohol ____ Yes ____ No
 ____ No ____ No Drugs ____ Yes ____ No

MRO findings _____

Employer Official's Signature: _____