

**Mesa Unified School District
Governing Board Policy:
District Code GBKB**

**TOPIC:
Drugs and Alcohol**

MESA

PUBLIC SCHOOLS

MESA PUBLIC SCHOOLS

Dear MPS Employees:

This brochure presents the Governing Board's policy on drugs and alcohol. The policy covers vital information for all current and prospective employees.

It's estimated that 10.3 million adults nationwide are drug abusers. Seven out of 10 drug abusers have jobs. About one-half of workplace injuries and nearly 40 percent of workplace deaths are attributed to drug or alcohol use.*

In MPS, we want to guard against these dangers. Policy GBKB prohibits the possession, use, distribution, sale or manufacture of alcohol or drugs. It's designed to facilitate:

- a safe environment for students, employees and the public.
- the health and well-being of employees.
- compliance with the drug-free workplace policy mandated by state and federal laws.

Three administrative regulations accompany policy GBKB. These cover:

- general guidelines,
- drug and alcohol testing requirements and procedures,
- disciplinary action,
- use of prescription and over-the-counter drugs,
- criminal charges or convictions related to drugs or alcohol,
- employee assistance,
- confidentiality, and
- training requirements.

Those who violate the policy risk losing their jobs. If you have a substance-abuse problem, seek help now. Free chemical dependency assessment, counseling and referral for treatment are available through the MPS Employee Assistance Program.

The Employee Benefits Department is available to assist employees and supervisors in addressing specific problems.

Sincerely,



Debra Duvall
Superintendent

*Sources: National Institute on Drug Abuse
"Occupational Health & Safety: Drug Testing in the Workplace"

GOVERNING BOARD POLICY

District Code GBKB

TOPIC: Drugs and Alcohol

Drugs and Alcohol

(All provisions of this policy that are based on authority independent of the Omnibus Act are indicated by italics.)

All Employees

The purpose of this policy is to facilitate a safe environment for students, employees and members of the community, to facilitate the health and well-being of employees and to facilitate compliance with the drug free workplace policy mandated by state and federal laws including the federal Drug-Free Workplace Act of 1988 and the federal *Omnibus Transportation Employee Testing Act of 1991* (Omnibus Act).

Definitions

“Alcohol” means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols.

“Drug(s)” means all substances covered by the federal Omnibus and Controlled Substances Acts and their implementing regulations, as well as all substances prohibited by Arizona Revised Statutes, Title 13, Chapter 34, including:

- dangerous drugs (including hallucinogenic substances, stimulants, depressants, anabolic steroids),
- narcotic drugs (including cocaine),
- opiates (including heroin and morphine),
- marijuana,
- peyote,
- vapor-releasing substances containing a toxic substance, and
- prescription-only drugs except if used as prescribed by a licensed physician.

“Workplace” includes any school building, any district premises, and any district-owned vehicle or any other district-approved vehicle used to transport staff members or students to and from school or school activities or on district business. The workplace also includes any school-sponsored or school-approved activity, event, or function where students or staff members are under the jurisdiction of the district. In addition, the workplace shall include all property owned, leased, or used by the district for any educational or district business purpose.

I. Drug-Free Workplace

No employee shall possess, use, distribute, sell, or manufacture alcohol or drug(s):

- (1) While on the job or on district property*, including district vehicles, or while responsible for the supervision of students,

- (2) At any school-sponsored activity where the employee is under the jurisdiction of the district,
- (3) Within a distance of 300 feet from the grounds of any district school, or
- (4) On any public property within a distance of 1000 feet from the grounds of any district school.

No employee shall use alcohol within four (4) hours of reporting to the job.

No employee shall use drug(s) (without medical authorization) or alcohol within such time prior to reporting to the job that any effect or evidence of such use remains and/or can be detected.

As a condition of employment, each employee shall abide by the terms of the District policy respecting a drug-free workplace.

Violation of this policy or its implementing regulations shall be cause for disciplinary action, including termination.

The Superintendent shall establish drug-free awareness and training programs to inform employees regarding the following:

- the dangers of drug abuse in the workplace,
- the policy of the district for maintaining a drug-free workplace,
- any available drug counseling, rehabilitation, employee assistance program, and
- the disciplinary action that may be imposed upon employees for drug and alcohol violations occurring in the workplace.

II. Drug and Alcohol Testing

All Employees

The Superintendent shall develop a drug and alcohol testing program for current district employees and for applicants for employment in positions covered by the Omnibus Act and those positions with heightened safety concerns. The Superintendent or designee shall require that an employee submit samples/specimens for testing whenever reasonable suspicion exists that the employee has violated this policy. The program applicable to employees covered by the Omnibus Act shall comply with the Act and its implementing regulations.

Employees Covered By Omnibus Act

The District is committed to the establishment of a drug and alcohol misuse prevention program that meets or exceeds all applicable requirements of the Omnibus Act. All statements in this document will be interpreted so as to conform to the United States Department of Transportation (DOT) rules.

The Omnibus Act applies to each employee of the District who is required to have a Commercial Driver's License (CDL) for performance of job functions and applicants for such positions (covered employees). Covered employees shall be prohibited from:

- Reporting for duty or remaining on duty to perform safety-sensitive function** while having a prohibited concentration of alcohol*** in his/her system.
- Being on duty or operating a commercial motor vehicle (school bus) while the covered employee possesses drug(s) without medical authorization and/or alcohol. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- Using drug(s) and/or alcohol while performing safety-sensitive functions.
- Performing safety-sensitive functions within four (4) hours after using alcohol.
- Using drug(s) and/or alcohol within eight (8) hours following an accident or prior to undergoing a post-accident alcohol test, whichever comes first.
- Refusing to submit to a drug and/or alcohol test as required under post-accident, random, reasonable suspicion testing requirements in DOT rules.
- Reporting for duty or remaining on duty, requiring the performance of safety-sensitive functions, when the covered employee uses any drugs, except when the use is pursuant to the instructions of a physician who has advised the covered employee that the substance does not adversely affect the covered employee's ability to safely operate a commercial motor vehicle.
- Reporting for duty, remaining on duty, or performing a safety-sensitive function if the covered employee tests positive for drug(s).****

A covered employee will inform the immediate supervisor of any therapeutic drug use.

All covered employees shall be subject to pre-employment/pre-duty drug and/or alcohol testing. Reasonable suspicion testing, random testing, and post-accident testing in accordance with the regulations of the Omnibus Act. *Covered employees are also subject to testing as required by state law governing bus driver certification.*

All offers of employment with the District for covered employees will be made contingent upon pre-employment test results. An applicant testing positive for drug(s) or having a prohibited concentration of alcohol will not be employed.

Before a covered employee may perform a safety sensitive function, the District shall, pursuant to the employee's consent, obtain from previous employers information of any alcohol test with a concentration result of 0.04 or greater, any positive controlled substances test result, and any refusal to be tested within the preceding two years. In any situation where the required information is not available from the previous employer(s), the District shall document its good-faith effort to obtain such information.

Therefore, as a condition of employment, an individual seeking employment in a covered position shall provide the District written consent that previous employers disclose to the District any such result or refusal. Before hiring the individual, the District shall seek the required information from any previous employer for whom the individual has worked during the preceding two years. In seeking the required information, the District shall provide the previous employer with a copy of the individual's written consent to disclosure. The District shall maintain a confidential written record of each previous employer contacted.

If the District receives information of such result or refusal, it shall not hire the applicant. The District may not consider an applicant for employment if any previous employer declines to provide the required information.

If a prospective employer calls MUSD seeking information about drug/alcohol testing results for an individual previously employed by MUSD in a covered position, the District shall ask for a copy of the applicant's consent to disclosure of drug/alcohol testing results or refusal to be tested. If the prospective employer does not have such consent, the District shall inform the prospective employer that, absent the consent, the District cannot release any information pertaining to drug/alcohol testing.

A covered employee who refuses to submit to drug and/or alcohol testing or whose test results are positive for drug(s) or show a prohibited concentration of alcohol shall be subject to disciplinary action, or terminated from employment. Any covered employee whose CDL is suspended, cancelled or revoked or whose state bus driver certification is cancelled, shall be terminated from employment.

Each covered employee who engages in the conduct prohibited herein shall:

- Be advised of resources available to the covered employee in evaluating and resolving problems associated with drug and/or alcohol use, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.
- Be evaluated by a substance abuse professional, who shall determine what assistance, if any, the individual needs to resolve drug and/or alcohol problems. The district shall assume the cost for the initial evaluation by a substance abuse professional. If results of pre-employment testing are positive for drugs or show a prohibited concentration of alcohol, the District shall not refer the individual for evaluation. *The referral for evaluation shall not affect the timing of the disciplinary action.*

The District shall not pay for any assistance needed in resolving problems associated with alcohol misuse and/or controlled substance use by the covered employee who tests positive and is evaluated by a substance abuse professional.

The school district shall initially assume the costs of the drug and/or alcohol testing of a covered employee. If the results of the test are positive for drug(s) or show a prohibited concentration of alcohol, the school district may charge the costs of the test to the tested employee. The costs charged to the employee are limited to the actual costs incurred as a result of testing and may be offset from any monies owed the employee by the district. If the results of a test are negative, the school district shall not charge the costs of testing to the tested employee.

All information obtained in the course of testing is confidential and shall be kept in a secure location with controlled access.

For additional information, see regulations GBKB-R (1) and R (2) in Governing Board Policies and Regulations.

LEGAL REF: A.R.S. §15-513

15-341(A)(1), (31)

28-414.01

28-900

A.R.S. Title 13, Chapter 34, Drug Offenses

A.A.C.R. 17-4-606(G)(6),

A.A.C.R. 17-4-607

21 U.S.C. § 812

41 U.S.C. § 702

41 U.S.C. § 703

49 U.S.C. § 2717

21 C.F.R. §§ 1300.11 through 1300.15

34 CFR Part 85

49 C.F.R. Parts 40, 382, 395

Adopted

July 14, 1988

Revised

January 8, 1991

December 13, 1994

April 11, 1995

February 13, 1996

September 24, 1996

* *It shall not be a violation of this policy for persons living in district-owned security trailers or their guests to consume alcohol within such trailer so long as no one consuming alcohol is an on-duty district employee.*

** *A person is performing a safety-sensitive function during any period the person is actually performing, ready to perform, or immediately available to perform the following functions: (1) waiting to be dispatched, (2) inspecting equipment or inspecting, servicing or conditioning any school bus at any time, (3) driving a school bus, (4) being on or in a school bus, (5) loading or unloading a school bus, including assisting loading/unloading or attending a school bus being loaded/unloaded, (6) remaining in readiness to operate a school bus, (7) performing the requirements relating to an accident, and (8) repairing, obtaining assistance, or remaining in attendance upon a disabled school bus.*

*** *A "prohibited concentration of alcohol" means a breath alcohol concentration of 0.04 or greater or a confirmed positive concentration in urine or blood.*

**** *A covered employee tests positive for drugs if a Medical Review Officer verifies as positive a test result confirmed positive by the laboratory.*

CONTACT ...

...is the MPS Employee Assistance Program.

CONTACT offers professional counseling, referral and educational services at offices throughout Arizona. Free benefits include:

- chemical dependency assessment,
- short-term counseling with psychologists and therapists,
- round-the-clock crisis intervention via telephone,
- referrals to professionals and treatment sources for on-going specialized therapy,
- referrals to self-help groups, and
- the strictest confidentiality possible, as set forth in state and federal statutes.

CONTACT also offers a full range of counseling and referral services for:

- individual, family and marital concerns;
- stress and job-related issues; and
- domestic abuse.

Brochures are available at all MPS work sites.

CONTACT
1+800/888-1477

Dr. Janice Ramirez, Assistant Superintendent
Mesa Public Schools Human Resources
63 East Main Street #101
Mesa, Arizona 85201-7422
(480) 472-7200

MESA

PUBLIC SCHOOLS
There's no better place to learn