

**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. While the School Board of Calhoun County, Florida (the "School Board"), has no intention of intruding into the private lives of its employees, including prospective employees, involvement with drugs produces impaired job performance and poses a threat to employee and student safety. 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" means 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" means a person who has applied for employment with the School Board.
- C. "Covered positions" refers to those safety-sensitive transportation, *i.e.*, "driver" 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 or absence of drug or its metabolites.

- F. “Reasonable-suspicion drug testing” means drug testing based on a belief that an employee is using or has used drugs in violation of the employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.
- G. “Safety-sensitive function” or “Safety-sensitive position” means all job responsibilities of a covered employee from the time he or she begins to work or is required to be in readiness for work until the time he or she is relieved from work.
- H. “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 Board Policy 6.17 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 § 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. Non-Accommodation of Medical Marijuana Use

Notwithstanding subsection (IV) herein, pursuant to Section 381.986(15), Florida Statutes, the School Board will not accommodate the medical use of marijuana in any workplace, or any employee working while under the influence of marijuana,

as part of the School Board's continuing effort to establish, continue, or enforce its drug-free workplace program or policy.

The terms of this section shall apply to all current District employees, and/or prospective employees, specifically including instructional and/or non-instructional employees and/or job applicants, in addition to existing "covered" employees subject to random drug testing under the terms of this Policy.

VI. Drug and/or Alcohol Testing for Current Employees

Drug and/or alcohol testing will be conducted for all employees under the following circumstances:

- A. An employee may be subject to drug testing based on a reasonable belief, *i.e.* "suspicion," that he/she is using or has used drugs in violation of the Drug-free Workplace policy.

Reasonable suspicion must be based on documented objective facts and circumstances which are consistent with the long- and short-term effects of alcohol or substance abuse, including, but not limited to, physical signs and symptoms, appearance, behavior, speech and/or body odor.

i) Pursuant to Section 440.102(n), Florida Statutes, the following employee conduct, among other observable factors not contained herein, shall be sufficient for the School Board to require an employee to submit to drug and/or alcohol testing based on "reasonable suspicion":

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
3. A report of drug use, provided by a reliable and credible source.
4. Evidence that an individual has tampered with a drug test during his or her employment with the current employer.
5. Information that an employee has caused, contributed to, or been involved in an accident while at work.
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the

employer's premises or while operating the employer's vehicle, machinery, or equipment.

- B. An employee may be subject to follow up testing at the recommendation of a substance abuse professional or medical review officer.
- C. An employee shall be subject to a drug screen immediately following a work related accident or injury.
- D. A "covered" employee who is subject to the requirements of the Omnibus Transportation Employees Testing Act (OTETA) shall additionally be subject to random drug testing, post-accident drug testing and return to duty testing as required by Federal law.
- E. An employee's refusal of drug or alcohol testing under subsections (A) through (D) above will be treated as a positive result and the employee will be removed from duty. An employee who refuses to participate in a drug or alcohol testing under the terms contained in this Section shall be given the option of taking personal leave charged to sick leave, annual leave if in a leave accruing position or leave without pay until the next regularly scheduled Board meeting at which time he/she will be subject to disciplinary action up to and including termination as allowed by law. Each case will be reviewed by the School Board and a recommendation will be made on the merits of each. Employees will be subject to Florida Statutes and/or governing documents that may supersede this policy.

VII. Covered Employees

Existing employees and contracted persons in "covered" positions, including, but not limited to bus drivers, shall be required to have a physical examination, which shall include drug testing.

VIII. 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.

IX. 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.

X. 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.

XI. Collective Bargaining and Appeal Rights.

Noting in this policy should be construed to eliminate employees' bargainable rights as provided in the collective bargaining process, if applicable, and/or right(s) of appeal with the Florida Public Employee Relations Commission and/or applicable court of law.

**STATUTORY AUTHORITY:** 381.986, 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): 7/13/10, 10/12/21**

## 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:

Tru Care Labs

3520-A N. Monroe Street  
Tallahassee, FL 32303  
(850) 201-2500

4261 Lafayette Street  
Marianna, FL 32446  
(850) 526-7774

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.

## APPENDIX A

### PRESCRIPTION OR NONPRESCRIPTION MEDICATIONS/DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST

The following list contains the most common drugs (prescription or nonprescription medications) by brand name, common name, or chemical name which may alter or affect the outcome of a drug test. (The term "prescription or nonprescription medication" means a drug or medication obtained pursuant to a prescription or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.) All or some of these drugs may be tested for under the District's drug testing policy. The Agency for Health Care Administration's list of common drugs/medications<sup>1[3]</sup> are:

#### Alcohol Analysis

Drugs that may affect: All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contac Severe Cold Formula Night Strength is 25% (50 proof); and Listerine is 26.9% (54 proof).

#### Amphetamines Analysis

Drugs that may affect: Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex.

#### Cannabinoids Analysis

Drugs that may affect: Marinol (Dronabinol, THC)

#### Cocaine Analysis

Drugs that may affect: Cocaine HCl topical solution (Roxanne)

#### Phencyclidine Analysis

Drugs that may affect: Not legal by prescription.

#### Methaqualone Analysis

Drugs that may affect: Not legal by prescription.

#### Opiates Analysis

Drugs that may affect: Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

#### Barbiturates Analysis

Drugs that may affect: Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Florinal, Floricet, Esgic, Butisol, Mebaral, Butabital, Butabarbital, Phrenilin, Triam, etc.

#### Benzodiazepines Analysis

Drugs that may affect: Ativan, Axene, Clonopin, Dalmane, Diazepam, Librium, Serax, Tranzene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax, etc.

#### Methadone Analysis

Drugs that may affect: Dolophine, Methadose Propoxphene Analysis Drugs that may affect: Darvocet, Darvon N, Doline, etc.

### **APPENDIX B**

#### **DRUGS FOR WHICH THE DISTRICT MAY TEST**

As noted in the above policy statement, 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.

More specific detail on some of these tests is found in Florida Administrative Rule 59A-24.006(4) of the Agency for Health Care Administration (subject to change if the Rule is revised), the contents of which incorporated herein via reference.