

Santa Rosa County School District Drug Free Workplace Policy



1. Purpose

In an effort to meet its commitment to provide children with a quality education and a safe learning environment, employee safety, and to eliminate future substance abuse related costs from its operations, the School Board of Santa Rosa County has established a policy to test employees for drugs (including alcohol). The School Board of Santa Rosa County is committed to a drug-free work place and a drug-free work force. The School Board's Policy is not directed at employee conduct off the job, unless that conduct affects on-duty performance. As a condition of employment, all employees are required to fully comply with the provisions of the School Board's Drug Free Workplace Policy. All employees shall receive and be asked to read the School Board's Policy with regard to alcohol and drug usage and sign a statement indicating their understanding of the Policy.

2. Compliance with State and Federal Law

The School Board of Santa Rosa County's Drug Free Workplace Policy fully comports with Chapter 440, Florida Statutes as well as the Drug-Free Workplace Standards enacted by the Agency for Health Care Administration and codified in Florida Administrative Code Chapter (59A-24). [Federal law supersedes state law. The Federal Controlled Substances Act \(CSA\)\(21 U.S.C. §811\) is adhered to in this policy.](#) It is the intent of the board that this policy complies with all of the foresaid laws. Questions concerning the application or interpretation of the Policy should be directed to the Human Resource Services Manager.

3. Definitions

- (a) "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl isopropyl alcohol.
- (b) "Alcohol Use" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.
- (c) "Collection Site" means a place where individuals present themselves for the purpose of providing a specimen to be analyzed for the presence of drugs or alcohol.
- (d) "Confirmation Test" for alcohol testing means a second test, following a screening test, that provides quantitative data of alcohol concentration. For controlled substances testing, confirmation test means a second analytical

procedure to identify the presence of a specific drug or metabolite in a specimen which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

(e) "Controlled Substance" is synonymous with the term "drug" as defined herein.

(f) "Drug" means alcohol, including distilled spirit, wine, a malt beverage or an intoxicating liquor, an amphetamine, cannabinoid, cocaine, opiates, phencyclidine (PCP), hallucinogens, methaqualone, barbiturates, benzodiazepines, a synthetic narcotic, a designer drug or a metabolite of any of the substances listed in this paragraph.

(g) "Drug Test," "Drug Screen," or "Substance Abuse Screen" means any chemical, biological or physical instrumental analysis in conformity with this Policy, administered for the purpose of determining the presence or absence of a drug or its metabolites.

(h) "Employee" means a person employed by the School Board of Santa Rosa County who is covered by the requirements of this Policy.

(i) "Employer" refers to the School Board of Santa Rosa County.

(j) "Initial Drug Test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.

(k) "Job Applicant" means a person who has applied for a position that is safety sensitive in nature— and means only a person who has applied for a position or a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment in which a momentary lapse in attention could result in injury or death to another person or for a "Special-risk position" meaning a position that is required to be filled by a person who is certified under chapter 633 or chapter 943. Where applicable to drug screening requirements, "Job Applicant" may also be an employee seeking a transfer to such a position.

(l) "Laboratory" means a place where examinations are performed on specimens taken from the human body to provide information regarding the presence or absence of drugs or their metabolites for the purpose of promoting a drug-free work place.

(m) "Marijuana Use" means the consumption of any item, food, beverage, mixture, or preparation, including any medication, containing cannabis/tetrahydrocannabinol, or THC.

(mn) "Medical Review Officer" or "MRO" means a licensed physician, employed with or under contract with the NRPLC, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history and any other relevant bio-medical information.

(no) "Nonprescription Medication" means a medication that is authorized pursuant to state or federal law for general distribution and use without a prescription in the treatment of human disease, ailments, or injuries.

(op) "Prescription Medication" means a drug or medication obtained pursuant to a prescription.

(pg) "Refuse to Submit" to a drug test means that an employee: (1) fails to provide an adequate specimen for testing without a valid medical explanation after he or she has received notice of this Policy; or (2) engages in conduct that clearly obstructs the testing process.

(qr) "Screening Test," "Initial Test," in alcohol testing means an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay screen or an equivalent to identifying negative and presumptive positive specimens.

(rs) "Specimen" means a product of the human body capable of revealing the presence of alcohol or drugs or their metabolites.

4. Notice of Implementation of the School Board of Santa Rosa County's Drug Free Workplace Policy

The implementation of the Drug Free Workplace Policy, contained within the confines of this document, constitutes general notice to all employees of the School Board of Santa Rosa County that each individual is required, as a condition of their continued employment with the School Board, to fully comply with the provisions of the Drug Free Workplace Policy, and to fully cooperate with the implementation and enforcement of the Policy, including execution of the necessary authorization form.

The implementation of this Policy further constitutes general notice to all employees of the School Board of Santa Rosa County that it is a condition of employment for an

employee to refrain from reporting to work or working with levels in excess of Florida Administrative Code Chapter (59A-24).

A notice of this Policy is to be posted on the bulletin board at each work site and copies are available upon request at the Risk Management office.

5. Types of Testing

The School Board of Santa Rosa County reserves the right to conduct employee drug testing. The scope and description of each particular category of testing is elicited in further detail below:

(A) **Job Applicant Testing** - The School Board of Santa Rosa County requires all individuals hired by the School Board to be free of alcohol and controlled substances. All job applicants who are extended a conditional offer of employment will be required to submit to a drug screen. A job applicant's refusal to submit to a pre-employment drug test shall constitute a basis for the School Board of Santa Rosa County's refusal to hire that individual.

All job applicants' prospects of employment with the School Board of Santa Rosa County will be conditioned upon their being qualified for work and any individual who tests positive for any drug described herein will not be considered qualified for employment with the School Board of Santa Rosa County. A job applicant who receives a positive drug screen result is not eligible to re-apply for employment with the School Board or submit to a subsequent drug screening for twelve (12) months after receiving the positive test result.

All prospective employment candidates job applicants will be provided notice of the test and assurance that highly reliable testing procedures will be used. Prior to and after testing, job applicants are given an opportunity to confidentially report to a Medical Review Officer the use of any prescription or nonprescription medicines which may alter their test results by filling out a form. Additionally, job applicants may consult with a Medical Review Officer for any further technical information regarding such medications.

The results of the laboratory test will be restricted to whether or not the job applicant's specimen tested positive for drugs, the particular drug involved and the amount found within the specimen tested.

(B) **Current Employee Testing** - In addition to requiring prospective employment candidates job applicants to submit to substance abuse screening, the School Board of Santa Rosa County will utilize the following categories of employment related testing for its employees.

(1) **Reasonable Suspicion Testing**. The School Board of Santa Rosa County shall require all of its employees to submit to a 10 panel drug screening when there is reasonable suspicion to believe that an employee is under the influence of, or

otherwise using, a controlled substance. Reasonable suspicion requires an articulable belief by trained personnel that an employee possesses or uses controlled substances at the workplace and is either intoxicated or impaired by such substances. Where Superintendent or his designee can reasonably conclude that there are objective facts indicative of the use of a prohibited substance, there is sufficient justification for testing. Among other things, such facts and inferences may be based upon:

(a) 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.

(b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.

(c) A report of drug use, provided by a reliable and credible source.

(d) Evidence that an individual has tampered with a drug test during his employment with the current employer.

(e) Information that an employee has caused or, contributed to, ~~or been involved~~ in an accident while at work.

(f) 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.

(2) Post-Injury Testing. The School Board of Santa Rosa County shall automatically require substance abuse testing for any employee injured while on-duty. The School Board of Santa Rosa County's concern for its workforce is paramount; therefore, it may be necessary to administer the appropriate medical treatment prior to obtaining specimens for testing. If the required specimens can be obtained at a medical treatment facility which is not a designated collection site, a physician, physician's assistant, registered nurse, nurse practitioner, licensed practical nurse, certified paramedic or licensed collection site person qualified by training and skills, may collect the specimens. If such an individual is not present, the injured employee, as soon as is medically permissible, shall be transported to a designated collection site to produce the required specimens.

(3) Follow-Up Testing. If an employee, during the course of his or her employment, enters an employee assistance program, or an alcohol and drug rehabilitation program, upon successful completion of the program, the employee shall be subject to follow-up substance abuse screens on an unannounced random basis at least once a year for a period of two (2) years after completion of the program (not to exceed a total of eight (8) tests).

(4) Confirmation Testing. Both job applicant and current employee testing

procedures shall provide for a confirmation test of the remaining portion of an applicant/employee's initially tested specimen in the event that the results of that individual's initial substance abuse test registers a positive result. The confirmation test shall be based upon a different scientific principle than that of the initial test. The School Board of Santa Rosa County shall require that a confirmation test be conducted upon all specimens registering a positive result prior to initiating any course of disciplinary action against the specimen provider relating to the results of said same initial screening test.

(5) DOT Testing. If an employee, during the course of his/her employment with the School Board of Santa Rosa County, chooses to obtain his/her commercial driver's license, to be used in connection with his/her employment with the School Board of Santa Rosa County, the employee will be required to complete a training program and comply with the Department of Transportation's drug and alcohol testing requirements as set forth in 49 C.F.R. Part 382. The training program and DOT testing will be administered by a separate entity.

Employees who decide to obtain their CDL and enter the training program referred to in this section, will be notified of the specific DOT testing requirements prior to submitting to a drug or alcohol test under this section. DOT testing requirements are separate from, and in addition to the other provisions set forth in this policy. However, if an employee refuses to submit to a DOT test or tests positive for alcohol or a controlled substance, the employee may either be discharged or otherwise disciplined by the School Board of Santa Rosa County as provided in Sections 7 and 8 of this policy.

6. Drugs to be Tested

The following is a list of drugs for which the employer may test, depending upon the type of testing conducted.



ALCOHOL: (Including a distilled spirit, wine, a malt beverage, an intoxicating liquor, or liquid medications containing ethyl alcohol.)

AMPHETAMINES: (Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine)

CANNABINOIDS: (Marijuana, Dronabinol, THC, Pot)

COCAINE

PHENCYCLIDINE (PCP)

METHAQUALONE

OPIATES: (Paregoric, Morphine, Tylenol with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Dilaudid (Hydromorphone), M-S Contin

and Roxanol (morphine sulfate), Percodan, Vicodin, Tuss-Organidin, Heroin, Lortab, Hydrocodone, etc.)

BARBITURATES: (Phenobarbital, Amytal, Seconal, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phreninlin, Triad, etc.)

BENZODIAZEPINES: (Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril)

METHADONE: (Dolphine, Metadose)

PROPOXYPHENE: (Darvocet, Darvon N, Dolene, etc.)

MDMA (Ecstasy)

METABOLITE of any of the substances listed above.

7. Rules of Conduct

The School Board of Santa Rosa County strictly prohibits its employees from being on duty and possessing, using, distributing or being under the influence of alcohol, or marijuana. The School Board of Santa Rosa County strictly prohibits its employees from being on duty and possessing, using, distributing or being under the influence of or any illegal drug. Legal drugs not prescribed for the employee but found in his/her possession, use, under the influence of or distribution of are prohibited. Further, the School Board of Santa Rosa County prohibits its employees from misusing alcohol or possessing, using or distributing drugs (including marijuana) off the job to the extent that any off-duty possession, use or distribution impacts upon their effectiveness and ability to perform their employment duties, or adversely affects the interests of the Board.

The penalty for violation of the School Board of Santa Rosa County's Substance Abuse Policy may include termination of employment or some other form of discipline which the School Board, in its discretion, deems appropriate, and loss of workers' compensation benefits.

8. Penalties and Consequences of an Employee's Refusal to Submit to a test or for a return of a Positive Drug Test

(A) Refusal to Submit to Testing.

Any injured employee who refuses to submit to testing under this Policy automatically forfeits any medical and indemnity benefits they would otherwise be eligible for under Florida's Workers' Compensation Statute. Additionally, any employee, whether injured or uninjured, who refuses to submit to testing or tests

positive under the School Board of Santa Rosa County's Drug Free Workplace Policy may be either discharged or otherwise disciplined by the School Board of Santa Rosa County and forfeits any medical and indemnity benefits they would otherwise be eligible for under the Florida's Workers' Compensation Statute. A job applicant who refuses to submit to testing under this policy will not be employed by the School Board of Santa Rosa County. Individuals who refuse to submit to testing procedures shall be asked to sign a Refusal To Submit Blood/Urine Form.

(B) Confirmed Positive Test Result.

An employee who has submitted a confirmed test result which registers positive for content of one or more controlled substances, may be terminated at the sole discretion of the School Board of Santa Rosa County. If the School Board of Santa Rosa County, in its sole discretion, does not terminate the employee, the employee will be required to enroll in and complete an approved drug and/or alcohol rehabilitation program at the employee's own expense as a condition of returning to work.

An employee who is required to enroll in and complete a drug and/or alcohol rehabilitation program will be granted a one (1) time leave of absence without pay in order to complete the program, except that an employee may use any paid leave available prior to being placed on leave without pay. In order to return to work the employee must provide a statement from a medical doctor that the employee has successfully completed an approved rehabilitation program. In addition, upon returning to work (if a position is available), the employee will be subject to follow-up testing as set forth in Section 5(B)(3).

9. Specimen Collection and Laboratory Procedures

The School Board of Santa Rosa County is committed to following strict specimen collection and laboratory testing procedures to ensure the quality, integrity and authenticity of the specimen. Employees and job applicants have a right to consult a Medical Review Officer for technical information regarding prescription and non-prescription medication. Further, employees and job applicants will be allowed to confidentially report the use of prescription or non-prescription medications to a Medical Review Officer before and after being tested on forms to be provided.

Collection site security and specimen collection are unequivocally the responsibility of the collection site and its personnel. The School Board of Santa Rosa County assumes no responsibility for specimen collection or transmittal errors incurred by either the collection site, the laboratory or their respective staffs. The School Board of Santa Rosa County will pay the cost of all initial substance abuse screening it requires from either its applicants or employees, as well as all confirmation testing of initial screenings which register a positive result. However, all costs of additional, non-required testing, including retesting at the request of employees, and testing incurred during a rehabilitation period or program shall be borne by the employee or applicant.

10. Common Medications Which May Alter or Affect a Drug Test

The following list includes the most common medications, by brand name or common name, as well as by chemical name, which may alter or affect a drug test.



ALCOHOL: 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), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

AMPHETAMINES: Obetrol, Biphetamine, Desoxyn, Dexedrine, Diddrex, Ionamine, Fastin.

CANNABINOID: (Marijuana, Dronabinol, THC, Pot)

COCAINE: Cocaine HCl topical solution (Roxanne).

PHENCYCLIDINE: Not legal by prescription.

METHAQUALONE: Not legal by prescription.

OPIATES: Paregoric, Morphine, Tylenol with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, Heroin, Lortab, Hydrocodone, etc.

BARBITURATES: Phenobarbital, Amytal, Seconal, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.

BENZODIAZEPHINES: Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril.

METHADONE: Dolophine, Metadose.

PROPOXYPHENE: Darvocet, Darvon N, Dolene, etc.

11. Challenges to Test Results

Within five (5) working days after receiving written notice of a positive confirmed test result, the employee or applicant may contest or explain the result to a Medical Review Officer. If the explanation or challenge of the positive test result is unsatisfactory to the Medical Review Officer, the Medical Review Officer shall report a positive test result back to the School Board of Santa Rosa County.

Within five (5) working days after receipt of a positive confirmed test from the Medical Review Officer, the School Board of Santa Rosa County will inform the

employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant. Within five (5) working days after receiving notice of a positive confirmed test result, the employee or applicant may submit information to the School Board of Santa Rosa County explaining or contesting the test result, and explaining why the result does not constitute a violation of the School Board of Santa Rosa County's Policy. If an employee's or job applicant's explanation or challenge of the test result is unsatisfactory to the School Board of Santa Rosa County, then within fifteen (15) days of receipt of the explanation or challenge, a written explanation as to why the employee's explanation is unsatisfactory, along with the report of positive results, will be provided to the employee or applicant. All such documentation will be kept confidential by the School Board of Santa Rosa County.

If an employee was tested as a result of in conjunction with an on-the-job injury, that employee may undertake an administrative challenge to a positive test result by filing a claim for benefits with a Judge of Compensation Claims. If no workplace injury has occurred, the individual must challenge the test result in a court of competent jurisdiction. The doctrine of election of remedies shall apply to challenges filed pursuant to this Policy. Should an employee elect to pursue an alternative remedy available to him, including the filing of a proceeding allowed by law, the filing of any such proceeding shall operate as a waiver of the employee's rights to avail himself of the proceedings available under this Policy. Should a proceeding be filed pursuant to an alternative remedy, before or after proceedings under this Policy have been completed, the filing of any such proceeding shall be considered a nullity and be terminated. When an employee or applicant undertakes a challenge to the results of a test it shall be the employee's or applicant's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is resolved. Applicants and employees are responsible for notifying the laboratory of any administrative or civil actions brought pursuant to the Workers' Compensation Act.

12. Confidentiality/Employee Safeguards

All information, interviews, reports, statements memoranda, and drug test results, written or otherwise, received by the School Board or Santa Rosa County through the Substance Abuse Policy shall be treated in a confidential manner, unless otherwise required by Florida law.

The School Board of Santa Rosa County, any collection sites, laboratories, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results shall keep all information confidential, unless otherwise required by Florida law.

13. Workforce Regarding Substance Abuse

The School Board of Santa Rosa County believes that education and understanding can be powerful weapons in the fight against drugs. Employees armed with

knowledge are better prepared to resist substance abuse and intervene when necessary. As such, the School Board of Santa Rosa County maintains a current resource file of providers of employee assistance including alcohol and drug abuse programs, mental health providers, and various other persons, entities or organization designed to assist employees with personal and behavioral problems including, but not limited to those referenced in the "Florida Comprehensive Directory, Substance Abuse and Mental Services," published by the Department of Health and Rehabilitative Services. Further, the School Board of Santa Rosa County will provide an annual education course to help employees identify the signs of personal and emotional problems brought on by substance abuse. This course will include a presentation of the legal, social, physical and emotional consequences of the misuse of alcohol and drugs.