

N. Alcohol and Drug Abuse Policy (PP3040)

Definitions

For the purpose of this policy:

- Drugs and controlled substances are interchangeable and have the same meaning.
- Controlled substance refers to substances covered by the Omnibus Transportation Act, including marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).
- Covered employee/position means an employee/position subject to the Omnibus Transportation Employee Testing Act.
- Safety-sensitive position means a job in which a momentary lapse in the discharge of duties poses a safety threat with potentially severe consequences. In addition to covered positions, the board recognizes the following as safety sensitive positions: school vehicle drivers as described in NDCC 15.1-07-20.

Covered Employees

Montpelier Public School District #14 is committed to the establishment of a drug and alcohol misuse prevention program that meets all applicable requirements of the Omnibus Transportation Employee Testing Act. All covered employees are prohibited from using controlled substances and are subject to pre-duty, on-duty, and post-accident alcohol use restrictions contained in federal law.

An employee covered by the federal regulations may not refuse to take a required test. Refusal includes submitting an altered or substituted specimen for testing. Employees who refuse required testing will, at a minimum, be prohibited from performing safety-sensitive duties.

Pre-employment controlled substance testing shall be administered to an applicant offered a covered position in the District prior to the first time the employee performs any safety-sensitive function for the District. Employment with the District is conditional upon the applicant receiving negative test results.

All covered employees shall be subject to reasonable suspicion, random, post-accident, return-to-duty and follow-up alcohol and drug testing pursuant to procedures set out in the federal regulations. Testing will be performed in accordance with federal drug and alcohol testing regulations.

Transportation contracts approved by this district shall contain assurance that the contractor will establish or join a drug and alcohol testing program that meets the requirements of federal regulations and this policy and will actively enforce the regulations of this policy as well as federal requirements. An independent contractor who drives his/her own bus/vehicle is subject to the same requirements as the district's own employees.

Other Safety-Sensitive Positions

An individual applying for, transferring to, or being promoted to any safety sensitive position shall initially be subject to controlled substance [and alcohol] testing. Verified positive test results shall prevent an applicant/employee from moving into a safety-sensitive position. School vehicle drivers shall also be subject to post-accident, reasonable suspicion, and random testing. Non-transportation safety sensitive positions shall be subject to post-accident and reasonable suspicion tests. All testing shall be conducted in accordance with the procedure used to test covered employees.

Confidentiality of Records

The District shall maintain records in compliance with law. Drug and alcohol testing records are confidential and shall be maintained in a secured location. With the employee's consent, the District may obtain any information concerning drug and alcohol testing from the employee's previous employer. An employee shall be entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances including information pertaining to alcohol or drug tests. Records shall be made available to a subsequent employer upon receipt of a

written request from an employee only as expressly authorized by the terms of the employee's request.

Necessary records and reports shall be maintained and made available to federal and state transportation agencies upon request in accordance with federal regulations.

Training

The District shall take steps to ensure that supervisors receive proper training to administer the drug and alcohol-testing program.

Violations

If the testing confirms prohibited alcohol concentration levels or the presence of a controlled substance, the employee shall be removed immediately from safety-related functions. Before an employee is reinstated, if at all, the employee shall comply with all applicable return-to-duty requirements. The District will follow treatment referral procedures contained in federal regulations for covered employees.

Employees with verified alcohol concentrations below prohibited amounts shall be removed from safety sensitive positions and may be subject to the disciplinary consequences contained in the Drug and Alcohol Free Workplace policy.

The District is not required to provide rehabilitation, pay for substance abuse treatment, or to reinstate the employee. The Board retains the authority consistent with law to discipline or discharge any employee who is an alcoholic or chemically dependent and whose current use of alcohol or drugs affect the qualifications for and performance of his/her job.

Policy Dissemination

The superintendent and principal shall disseminate this policy and other educational material in accordance with federal law. Each employee subject to this policy shall certify in writing that s/he has received this material upon receipt. The board designates the superintendent as the individual responsible for answering questions related to this material.

Complementary Documents

- DBBA-E, Drug & Alcohol Testing for Employees
- DEAA, Drug & Alcohol Free Workplace
- DEAA-AR, Procedure if Chemical Use is Suspected
- DEAA-E, Record of Observable Behavior
- DFC, Transfer & Reassignment
- DI, Personnel Records

Montpelier Public School District #14 enforces the Drug-Free Workplace Act. The district prohibits employees from unlawfully manufacturing, distributing, dispensing, possessing or using a controlled substance or alcohol on district property and grounds, in any vehicle belonging to the district, and at any school-related activity.

Awareness Program

The Superintendent shall create an employee drug-free awareness program in accordance with federal law.

Policy Dissemination

The superintendent shall give a copy of this policy to each employee and maintain documentation of receipt of this information.

Violation Reporting

As a condition of employment, each employee shall agree to abide by this policy and notify the superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. The Superintendent, in accordance with law, will notify the appropriate federal agency after receiving any notice of a conviction for a violation occurring in the workplace. An employee is also required to inform his/her immediate supervisor when the employee's ability to perform job duties is impaired due to on or off-duty controlled substance use.

Violations

Violations of this policy may result in the following:

1. Unpaid Leave or Suspension.
2. Termination of Employment. Due process procedures shall be followed prior to termination, if applicable.
3. Notification of Proper Law Enforcement Authorities.

Assistance

The Board recognizes that alcohol and drug addiction is a treatable disease and that early intervention and support improve the success of rehabilitation. Treatment for alcohol and/or drug addiction may be covered by the employee benefit plan; however, the ultimate financial responsibility for this treatment belongs to the employee.

Confidentiality

All information received by the District as a result of this policy is confidential. Access to this information is limited to those who have a legitimate need to know.

Complementary Documents

- DEAA-AR, Procedure if Harmful Chemical Use is Suspected
- DEAA-E, Record of Observable Behavior