

Book	Policy Manual
Section	Board
Title	Drug-Free Workplace Policy Level I
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Drug-Free Workplace Policy Level I

I. Statement of Policy

Norton City Schools believes that it is very important to provide a safe workplace for all of its employees. Norton City Schools is taking steps to address the problem of substance use that negatively affects every workplace, including ours. Norton City Schools is concerned with the health and well-being of all employees. Behaviors related to substance use can endanger all employees, not just substance users. We can't condone and won't tolerate behavior on the part of employees that relate to substance use, such as:

- a. Use of Illegal drugs;
- b. Misuse of alcohol;
- c. Sale, purchase, transfer, trafficking, use or possession of any illegal drugs;
- d. Arrival or return to work under the influence of any drug (legal or illegal) or alcohol to the extent that the job performance is affected.

Management is fully committed to our Drug-Free Workplace Policy, which establishes clear guidelines for acceptable and unacceptable employee behavior for everyone in the workplace. We will not tolerate substance use in violation of this Policy and intend to hold everyone reasonably responsible for supporting the Policy.

This policy describes Norton City Schools Drug-Free Workplace program, and every employee is expected to read and understand it. The policy applies to every employee including management, and also applies to contractors and subcontractors we may use. The consequences stated in this Drug-Free Workplace Policy will apply to anyone who violates the Policy.

Norton City Schools holds all employees accountable in terms of substance use but also supports getting help for employees. Employees who come forward voluntarily to identify that they have a substance problem will receive Norton City Schools support and assistance. However, if an employee has a substance problem and does not come forward, and the employee tests positive for drug or alcohol use in violation of this Policy. Norton City Schools reserves the right to terminate employment for violation of this work rule. Employees whose jobs are subject to any special law or regulation may face additional requirements in terms of substance use. Other consequences that apply to all employees who violate this Policy are spelled out within this document.

This program went into effect on July 1, 2004. By this date, the written policy will be distributed and receipt acknowledged by all employees. Training requirements for supervisors and employees will be completed prior to the start of the 2004-2005 school year. The Norton City Schools Policy covers five key parts of the Drug-free Workplace Program. The five parts:

- ☐ A written policy that clearly spells out the program rules and how everyone benefits.
- ☐ Annual substance awareness education for all employees.

- ☐ Training for supervisors regarding their responsibilities.
- ☐ Drug and alcohol testing, the most effective way to change harmful behaviors related to substance use.
- ☐ Employee assistance.

Employees will Superintendent or their designee will be our Drug-Free coordinator so everyone knows who to go for information or help. They will be responsible for arranging drug and alcohol testing, as needed, and will have a list of places that employees can turn to for themselves and/or their families. They will also arrange to get knowledgeable presenters to educate our employees about substance use.

Protection for Employees

This program is designed to protect employees from the behaviors of substance users. Some of the protections built into the program are:

- ☐ Employee's records like testing results and referrals for help will be kept confidential. Information will be on a need-to-know basis. Any violation of confidentiality rights is subject to disciplinary action up to and including termination of employment.
- ☐ We're committed to employees who have a substance problem getting help. Each situation will be reviewed individually. Employee assistance is available for employees and their families. A list of resources is available through our Superintendent or designee. We want you to come forward if you have a substance problem and not wait. If you test positive, you're risking losing your job. We don't want that to happen.
- ☐ All supervisors will be trained in their duties related to testing before this program begins.
- ☐ All employees shall receive a copy of the Drug Free Workplace Policy, Level I at the time of initial employment and as part of their yearly trainings.
- ☐ Collection of urine specimens and breath testing will be done at a local clinic, and urine drug test specimens will be analyzed by a laboratory certified by the federal government. These labs use the highest level of care in ensuring that results are accurate, and the process that's used is 100% accurate in detecting that the substances that Norton City Schools is concerned about are present in the employee in sufficient quantity to lead behaviors that may hurt the person or other employees. The lab will work closely with our local clinic to ensure fairness and accuracy of every test, and we also have a Medical Review Officer (called an MRO), Summa Corporate Health. MRO's, are trained physicians responsible for checking whether there's valid reason for the presence of the substance in the person's system. The MRO is an expert in drugs and alcohol. When the MRO receives positive test results, the MRO will contact the employee first and any appropriate health care provider to determine whether there is a valid reason for the presence of the drug in the person's system.

☐ The testing program consists of an initial screening test. If the initial results are positive, then a second test is used. Cut-off levels for each drug and for alcohol are established for what will be considered a positive test. Those levels show that an employee didn't just have a little of the substance in his or her system but enough to affect workplace safety and the ability to do the job. These cut-off levels come from federal guidelines and are fair for all employees.

Employee Awareness Education:

Every employee will attend a session in which this policy is discussed. You will have a chance to ask questions. We'll give everyone a copy of our written Policy, and everyone will be expected to sign that they received it. Later, we'll have a qualified person explain why and how substance use is a workplace problem, the effects signs/symptoms of use, effects commonly used drugs in the workplace, and how to get help. There will be a minimum of two hours of substance education annually for all employees. New employees will hear about the program during orientation and will receive substance education as soon as possible thereafter.

Supervisor Training

Supervisors will be trained to recognize substance problems that may endanger the employee and others as well as violate this Policy. This training is in addition to the education session. Supervisors will be trained about testing responsibilities, how to recognize behaviors that demonstrate an alcohol/drug problem and how to make referrals for help.

Drug and Alcohol Testing:

Testing will be used to detect problems, get employees not to use substances in a way that they will violate our Policy and then allow us to take appropriate action to correct the situation. In addition to alcohol, the drugs that we're testing for are:

- ☐ Amphetamines (speed, uppers)
- ☐ Cocaine (including crack cocaine)
- ☐ Marijuana
- ☐ Opiates (codeine, heroin, morphine)
- ☐ Phencyclidine (PCP)

Employee Assistance

Norton City Schools believes in offering assistance to employees with substance problems. We don't have a rehabilitation program and can't afford to pay for someone to attend a program, but we are supportive of employees taking action on their own behalf to address a substance problem. Employees who voluntarily disclose that they have an addiction to alcohol or controlled substance will qualify for the receipt of medical insurance benefits for treatment of alcohol or substance abuse, including follow-up care, to the extent that such benefits are provided for or offered in the Board's health insurance package. We have a list of local community resources to give to employees who come forward voluntarily to seek help. The list includes places to go for an assessment and for treatment. When an employee has a substance problem we'll meet the employee to discuss the problem and any violation of this Policy. The employee's job security or promotion opportunities will not be jeopardized by his/her request for counseling or referral assistance. An employee who request assistance must do so prior to any notification of a required test (reasonable suspicion, post-accident, or random test). Norton City Schools reserves the right to terminate employment based on a positive test.

II. WHEN WILL TESTING OCCUR?

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

A. Pre-Employment Drug and Alcohol Testing

As part of the Norton City School's employment procedures, all applicants will be required to undergo a pre-employment drug and alcohol test conducted by a contractor Norton City Schools designates. Any offer of employment is dependent upon a negative urine drug screen and breathe alcohol test.

B. Reasonable Suspicion Testing

Reasonable suspicion testing will occur when management has suspicion that an employee may be in violation of this Policy. The suspicion will be documented in writing prior to the release of the test findings. A reasonable suspicion test may occur based on:

1. Observed behavior, such as direct observation of drug/alcohol use or possession and/or physical symptoms of a drug and/or alcohol use.
2. A pattern of abnormal conduct or erratic behavior.
3. Arrest or conviction for a drug-related offense, or identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking. The employee is responsible for notification of Norton City Schools, within five (5) working days, of any drug-related conviction.
4. Information provided either by reliable and credible sources or independently corroborated regarding an employee's substance use; or
5. Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty, but merely "hunches" are not sufficient to justify testing. To prevent this, all supervisors will be trained to recognize drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both. Any employee that is required to submit to a reasonable suspicion drug and/or alcohol test will be provided union representation prior to submitting to the test. The union representation will not; however, be required to accompany the employee to the testing location. A refusal by the employee to submit to a reasonable suspicion drug and/or alcohol test will have his/her test considered a positive test result.

C. Post-Accident Testing

Post-accident testing will be conducted whenever an accident occurs, regardless of whether there's an injury. We consider an accident an unplanned, unexpected, or unintended event that occurs on our property, during the conduct of our business or during working hours, or which involves one of our motor vehicles that are used in conducting company business, or is within the scope of employment and which results in any of the following:

- (i) A fatality of anyone involved in the accident;
- (ii) Bodily injury to the employee and/or another person that requires off-site medical attention away from Norton City Schools.
- (iii) Vehicular damage in apparent excess of \$500.00.
- (iv) Non-vehicular damage in apparent excess of \$500.00.

When such an accident results in one of the situations above, any employee who may have contributed to the accident will be tested for drugs or alcohol or both.

Drug and/or Alcohol Testing 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. At no time will a urine specimen be collected after 32 hours from the time of an employment-related incident. Breath or saliva alcohol testing will be performed as quickly as possible, as but no later than eight hours after the incident, or it will be documented but not performed. If the employee responsible

for the employment-related accident is injured, it is a condition of employment that the employee grants Norton City Schools the right to request that attending medical personnel obtain appropriate specimens (breath, urine and/or blood) for the purpose of conducting alcohol and/or drug testing. Further, all employees grant Norton City Schools access to any and all other medical information that may be relevant in conducting a complete and thorough investigation of the work-related accident, including a full medical report from the examining physician(s) or other health care providers. A signed Consent to Testing form is considered a 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 no violation of a safety or work rule, minor damage and/or injuries and no reasonable suspicion.

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

This test occurs when an employee has previously tested positive and the decision is made to not terminate the employee under "last-chance" agreement. A negative return-to duty test is required before the employee will be allowed to return to work. If the employee fails this test, this will lead to termination of employment. Once an employee passes the drug and/or alcohol test and returns to work, management may choose to do additional unannounced tests for as long as we deem necessary. Any employee with a second positive test result will be terminated.

III. SUBSTANCES TO BE TESTED FOR AND METHODS TESTING

The procedure that we're relying on is called systems presence testing. This is how qualified testing professionals identify the presence of one or more of prohibited controlled substances or alcohol that may be present in the employee. There is an initial screening test. If it is negative, then a negative test is declared. If the initial test is positive (comes in at or higher than the cut-off level), a second test called a "confirmatory" test is done. This test will be performed only at the employee's request and the employee will be required to pay the cost of the "confirmatory" test. If the "confirmatory" test is negative, the Board will pay for the "confirmatory" test, this is a different test and is considered 100% accurate by experts and in court. Cut-off levels are standards that have been established for each of the tested drugs after years of research. These levels will be used to interpret all drug screens/tests, whether for a pre-employment examination, reasonable suspicion test, post-accident test, or follow-up test.

Breath alcohol testing will be conducted by a medical clinic that uses only certified equipment and personnel. Breath alcohol concentrations equal to or greater than .04 will be considered a verified positive result. In the event of an accident where an employee has "whole Blood" alcohol drawn at a medical treatment facility, a result equal to or greater than .04 shall be considered to be a verified positive result. An Evidentiary Breath Test (EBT) will typically be used to confirm any initial positive test result. Norton City Schools also reserves the right to add or delete substances on the list above, especially if mandated by changes in existing Federal, State or Local regulations or laws.

An employee who adulterates, attempts, to adulterate or substitute a specimen or otherwise manipulates the testing process will be terminated. A refusal to produce/provide a specimen is considered a positive test unless there's a verifiable medical reason that the specimen could not be produced.

IV. SPECIMEN COLLECTION PROCEDURES

Urine specimens and breath testing will be conducted by trained collection personnel who meet standards for urine collection and breath alcohol testing. Confidentiality is required from our collection sites and labs. Employees are permitted to provide urine 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 will likewise be done in an area that affords the individual privacy. In all cases, there will only be one individual tested at a time. Failure to appear for testing when scheduled shall be considered refusal to participate in testing, and will subject

an employee to the range of disciplinary actions, including dismissal, and an applicant to the cancellation of an offer of employment. An "observed voiding" will only occur if there are grounds for suspecting manipulations of the testing process.

V. REVIEW OF TEST RESULTS

To ensure that every employee who is tested is treated fairly, we have hired a Medical Review Officer ("MRO"). The MRO is a doctor with a specialized knowledge of substance abuse disorders and will be able to determine whether there are any valid reasons for the presence in the employee's system of the substance that was test positive.

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

An employee who tests positive under this Policy will be given an opportunity to explain the findings to the MRO prior to the issuance of a positive test result to Norton City Schools. Upon receipt of a confirmed positive 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 findings and given an opportunity to rebut or explain the findings. The MRO can request information on recent medical history and on medications taken with the last thirty (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 the treating physicians, pharmacies where prescriptions have been 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. A medical disqualification of the employee will result. If the employee fails to contact the MRO as instructed, the MRO will issue a positive report to Norton City Schools.

VII. REPORTING OF RESULTS

All test results will be reported to the MRO prior to the results being issued to Norton City Schools. 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. Norton City Schools will receive a summary report, and this report will indicate that the employee passed or failed the test. All of these procedures are intended to be consistent with the most current guidelines for Medical Review Offices, 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 documentation. These records shall be maintained under lock and key at all times. Access is limited to designated Norton City Schools officials. The information contained in these files shall be utilized only to properly administer this Policy and provide to certifying agencies for review as required by law. Designated Norton City Schools 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 be an offense resulting in termination of employment. 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 from the Drug-Free Coordinator, in writing presenting a duly notarized Employee Request for Release of Drug Test Results form, requesting that a copy of the test be provided. Norton City Schools will use its best efforts to promptly comply with this request and will issue to the employee a copy of the results personally or by U.S. Certified Mail. Return Receipt Requested.

IX. POSITIVE TEST RESULTS

Employees who are found to have a confirmed positive drug or alcohol test will be immediately taken off safety-sensitive duties and are subject to discipline up to and including termination.

X. TERMINATION NOTICES

In those cases where substance testing results in the termination of employment, all termination notices will list "misconduct" as the reason. Termination shall be deemed "for cause."

Acknowledgment of Receipt of Drug-Free Workplace Policy - Level 1

I hereby acknowledge that I have received and reviewed the Drug-Free Workplace Policy (Level 1) provided by Norton City Schools. I understand that maintaining a drug-free workplace is essential to the safety, health, and productivity of all employees and students. I acknowledge

my responsibility to abide by the terms of this policy, which prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances or alcohol in the workplace or during work-related activities.

I am aware that failure to comply with this policy may result in disciplinary action, up to and including termination of employment, as well as possible legal consequences. I understand that I may seek assistance or clarification regarding this policy from my supervisor or the Human Resources Department.

By signing below, I certify that I have read, understand, and agree to comply with the Drug-Free Workplace Policy (Level 1) as a condition of my employment with Norton City Schools.

Norton City Schools Representative (Printed)

Date

Norton City Schools Representative (Signature)

Date

Norton City Schools Employee (Printed)

Date

Norton City Schools Employee (Signature)

Date

Legal

[ORC 3796.28 Rights of Employer](#)