

Policy GBRM-2: Drug and Alcohol Testing Policy

Status: DRAFT

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The following is the Jackson County School District's Drug and Alcohol Testing Policy. This policy is effective July 16, 2024. After this date, the district will begin testing personnel if it reasonably suspects that an employee is under the influence of illegal drugs or alcohol. In addition, the district will begin conducting random testing of all bus drivers, and pre-employment testing of all prospective employees. This policy will be enforced uniformly with respect to all personnel. All the district's personnel, including administrators, will be subject to testing.

The purposes of this policy are as follows.

1. To maintain a safe, healthy working environment for all employees;
2. To maintain the highest quality educational program for our students by insuring that no personnel of the district are users of illegal drugs or under the influence of drugs or alcohol;
3. To reduce the number of accidental injuries to a person or property; and
4. To reduce absenteeism and tardiness and improve the quality of educational services.

SUBSTANCE ABUSE

The following are rules representing the district's policy concerning substance abuse.

1. All employees are prohibited from being under the influence of drugs or alcohol while on duty or on district premises. All employees are prohibited from using illegal drugs, or prescription medication for which they do not have a proper prescription.
2. The use, sale, possession, transfer, or purchase of illegal drugs, non-prescription drugs, medical marijuana, or controlled substances while on district property or while performing district business is strictly prohibited and is cause for immediate termination. Such action will be reported to appropriate law enforcement officials.
3. No alcoholic beverages will be brought or consumed on district premises.
4. No prescription drug will be brought on district premises by any person other than the person for whom the drug is prescribed. Prescription drugs will be used only in the manner, combination, and quantity prescribed.
5. The district is not prohibited from establishing or enforcing a drug-testing policy under the Mississippi Medical Cannabis Act. The district is not required to permit, accommodate, or allow the use of medical cannabis, or to modify any job/working conditions of any employee who engages in the medical use of medical cannabis or who, for any reason, seeks to engage in the medical use of medical cannabis.
6. The district is not prohibited from taking an adverse employment action against an employee, up to and including termination, as a result, in whole or in part, of that individual's use of medical cannabis, regardless of the individual's impairment or lack of impairment resulting from the medical use of cannabis.
7. Any employee whose off-duty use of alcohol, medical marijuana, illegal, or non-prescription drugs results in excessive absenteeism, tardiness, poor work, or an accident will be subject to discipline, up to and including termination.

DRUG AND ALCOHOL TESTING

1. Observable phenomena, such as direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug;
2. Abnormal conduct or erratic behavior while at work, absenteeism, tardiness, or deterioration in work performance;
3. A report of drug use provided by reliable and credible sources and which has been independently corroborated;
4. Evidence that an individual has tampered with a drug and alcohol test during his employment with the current employer;
5. Information that an employee has caused or contributed to an accident while at work; and
6. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs while working or while on school premises or while operating one of the school's vehicles, its machinery, or its equipment.

If there is reasonable suspicion that an employee is using or has used drugs or consumed alcohol in violation of the district's policy, that employee will be required to submit to a drug and/or alcohol test. The superintendent (or in his or her absence an appointed replacement) must approve in advance all reasonable suspicion testing. If the test result is confirmed positive for drugs or alcohol in violation of the district's drug and alcohol policy, the employee will be subject to immediate termination of his or her employment with the district.

1. The Jackson County School District will conduct pre-employment testing, reasonable suspicion testing of all personnel and random testing of bus drivers.
2. An employee will be allowed to provide notice to the district of currently or recently used prescription or non-prescription drugs prior to the time of the test.
3. Random testing of bus drivers will be implemented using a neutral selection basis. The district will not waive the selection of any employee chosen pursuant to the random selection procedures.
4. Reasonable suspicion is defined under this policy as the belief by the district that an employee is using or has used drugs or alcohol in violation of the district's policy. Reasonable suspicion may be based upon, among other things:
5. Any employee who refuses to take a drug and alcohol test will be subject to discipline, up to and including immediate termination of employment.
6. The following are drugs for which the district may test: alcohol, opiates, amphetamines, phencyclidine (PCP), marijuana, and cocaine.
7. An employee who receives a positive confirmation drug and alcohol test result may contest the accuracy of the result or explain the results within ten days of the date of such result by filing a written statement with the superintendent. An employee, at his or her own cost, may also request that the specimen be retested at a certified laboratory of his or her own choosing.
8. An employee who receives a positive confirmation test result and who fails to present a satisfactory contest or explanation to such result, or a contrary result from a certified laboratory of the employee's own choosing, will be subject to discipline, up to and including termination.
9. Post-Incident Testing – All employees that have an on-the-job injury and seek treatment from an off-site medical facility will be required to submit to a drug and alcohol test. The post-incident test will be administered immediately upon seeking treatment. An employee will be subject to the same consequences as a positive test result if he/she refuses the test, adulterates or substitutes the specimen, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

A copy of this policy and state law regarding drug testing can be obtained from the district office.

FEDERAL CLEARINGHOUSE QUERIES

The Jackson County School District will conduct queries through the Federal Motor Carrier Safety Administration (FMCSA) Drug and Alcohol Clearinghouse on all current and new bus drivers in the school district. A consent form must be signed by the person on which the query will be run for both pre-employment queries and annual queries of current employees before a query can be initiated. The district may NOT query the Clearinghouse to determine whether a record exists for any driver without first obtaining that driver's written or electronic consent.

The district will not permit a driver to perform a safety-sensitive function if the driver refuses to grant consent. The district will not employ a bus driver to perform a safety-sensitive function without first conducting a pre-employment query of the Clearinghouse to obtain information about whether the driver has:

1. A verified positive, adulterated, or substituted controlled substances test result;
2. Has an alcohol confirmation test with a concentration of 0.04 or higher;
3. Has refused to submit to a test; OR
4. That an employer has reported actual knowledge, as defined at 49 CFR § 382.107, that the driver used alcohol on duty in violation of 49 CFR § 382.205, used alcohol before duty in violation of 49 CFR § 382.207, used alcohol following an accident in violation of 49 CFR § 382.209, or used a controlled substance, in violation of 49 CFR § 382.213.

The district will also query the Clearinghouse annually for all currently employed CDL drivers. There are two types of queries:

1. Limited Query - This query will tell the district whether there is information about the individual driver in the Clearinghouse, but will not release that information to the district. The individual driver may give consent to conduct limited queries that is effective for more than one year.
2. Full Query - If the limited query shows that information exists in the Clearinghouse about the individual driver, the district must conduct a full query within 24 hours of conducting the limited query. The driver will need to sign another consent giving the district permission to do a full query. If the district fails to conduct a full query within 24 hours, the district must not allow the driver to continue to perform any safety-sensitive function until the district conducts the full query and the results confirm that the driver's Clearinghouse record contains no prohibitions.

The district will report a driver's drug and alcohol program violation(s) (listed in 1-4 above) to the Clearinghouse within three (3) business days after the district learns of the information. The district will prohibit drivers who have violated the FMCSA's drug and alcohol program regulations from performing safety-sensitive duties unless the driver complies with the return-to-duty process set forth in 49 CFR Part 40, Subpart O.
