

EMPLOYEE DRUG AND ALCOHOL TESTING POLICY

I. STATEMENT OF PURPOSE

- A. The children of Louisiana are the greatest resource this state provides, and their continued safety and health are of serious importance to state and local education agencies. Therefore, the Lafayette Parish School System has a compelling interest and commitment to eliminate illegal and unauthorized drug use (including the unauthorized use of alcohol), drug users, drug activities, and drug effects from all of its workplaces.
- B. The Lafayette Parish School System will comply with the requirements of the Drug-Free Workplace Act of 1988 and Act 1036 of the 1990 session of the Louisiana legislature, as well as the Code of Federal Regulations, Title 49 (CFR).
- C. Of equal interest and commitment are the intent and promise to afford all employees the respect and dignity they deserve and the full protection of the United States Constitution and all enacted laws.
- D. In pursuit of a drug-free workplace, this policy establishes procedures and guidelines for
 - 1. Drug abuse awareness
 - 2. Employee assistance via an Employee Assistance Program (EAP)
 - 3. Supervisory training
 - 4. Identification of illegal drug use through testing on a carefully controlled and monitored basis and job-related accident testing for drugs and alcohol when there is an individualized suspicion of wrongful drug use.
- E. In keeping with the above-noted obligations and commitments, the following procedures memorandum is adopted.

II. POLICY

- A. The Lafayette Parish School System's Regulation for Maintaining a Drug-Free Workplace, dated June 6, 1990, prohibits the manufacturing, distribution, dispensing, possession, or use of a controlled substance, including alcohol and drugs, in any workplace operated by the Lafayette Parish School System. Throughout this policy, the use of the masculine pronouns "he" and "his" shall also refer to female employees.
- B. The use or possession of alcohol or other intoxicants while on the job on any school system property or in Lafayette Parish School System's vehicles, including

a bus owned by a bus driver owner/operator, is prohibited. Reporting for duty while under the influence of alcohol or other intoxicants is also prohibited. Any violation of this policy by any employee shall result in disciplinary action against the employee and could result in a recommendation for job termination.

III. POLICY OBJECTIVES

- A. To detect and/or deter illegal drugs and unauthorized substances in the workplace
- B. To provide employees with access to confidential counseling and/or rehabilitation programs
- C. To create a safe and healthful working environment for our employees, students, visitors, and members of the general public
- D. To reduce the opportunities for accidental injuries to persons and to protect the property of the Lafayette Parish School System, its employees, students, visitors, and the general public
- E. To protect the reputation and credibility of the Lafayette Parish School System and its employees within the community and the state of Louisiana
- F. To comply with the contractual obligations of applicable parish, state, or federal grants, regulations, or agreements and to comply with the requirements of applicable city, state, and/or federal laws.

IV. APPLICABILITY

- A. This policy applies to all full-time, part-time, probationary, temporary, substitute, or contract employees of the Lafayette Parish School System and to employment applicants who have been offered positions with the Lafayette Parish School System. Compliance with this policy will be required as a condition of employment for qualified applicants and for continued employment for persons employed. The cost of alcohol and/or drug testing shall be borne by the Lafayette Parish School System, with the exception of contracted employees. The cost of drug and/or alcohol testing is to be borne by contracted employees.
- B. A refusal to submit to a post-accident, random or reasonable-suspicion drug and/or alcohol test shall be treated as if the requested test were positive for drugs or alcohol, and the disciplinary consequences will follow. Consequences may include termination of employment.

V. DRUGS FOR WHICH TESTING WILL BE CONDUCTED

Forensic urine testing shall be performed for all of the following classes of drugs: marijuana, opiates, cocaine, amphetamines, phencyclidine, and/or any of the controlled

dangerous substances as listed in Schedules I, II, III, IV, or V of Louisiana Revised Statutes 40:964, as may be amended.

VI. ALCOHOL USE OR IMPAIRMENT IN THE WORKPLACE AND ALCOHOL TESTING

- A. Use of alcohol in the workplace and/or possession, concealment, promotion or sale of alcoholic beverages in the workplace is strictly prohibited. Use of alcohol while driving school buses or school board vehicles whether on or off duty is strictly prohibited. Any employee whose off-duty use or abuse of alcohol results in excessive absenteeism or tardiness or is the cause of or a contributing factor in an accident or poor work performance will be subject to disciplinary action up to and including discharge from employment.
- B. In accordance with CFR 49, Part 655, Paragraph 655.34, if an employee is in an accident while driving a vehicle owned by LPSS or a bus driver is involved in an accident while driving a school bus, he may not consume alcohol for eight hours following the accident or until he undergoes a post-accident drug and/or alcohol test, whichever occurs first.
- C. If a school bus driver is charged and/or arrested for driving under the influence of drugs or alcohol during his off-duty hours, regardless of the vehicle he is driving, he must, prior to reporting for duty with the Lafayette Parish School System, contact the Department of Human Resources and his immediate supervisor to report the incident. The driver is prohibited from operating any school bus until he has been cleared as fit for duty by the Director of Transportation and the Director of Risk Management. The supervisor and other district administrators designated by the Superintendent shall hold a conference with the employee. The driver shall then be required to submit to an evaluation by a Substance Abuse Professional (SAP) of the school district's choice and at the school district's expense. A plan of action will be developed based on the SAP's recommendation and may include a treatment plan and/or monitoring program. Treatment outside of the negotiated sessions with the EAP will be at the expense of the employee; monitoring will be at the expense of the school district. Under no circumstances is the driver to operate any school bus until he has been cleared as fit for duty by the Director of Transportation and the Director of Risk Management.
- D. If an employee who operates a vehicle owned by LPSS is charged and/or arrested for driving under the influence of drugs or alcohol during his off-duty hours, regardless of the vehicle he is driving, he must, as soon as practicable, contact the Department of Human Resources and his immediate supervisor to report the incident. The supervisor and other district administrators designated by the Superintendent shall hold a conference with the employee. The employee shall then be required to submit to an evaluation by a Substance Abuse Professional (SAP) of the school district's choice and at the school district's expense. A plan of action will be developed based on the SAP's recommendation and may include

a treatment plan and/or monitoring program. Treatment outside of the negotiated sessions with the EAP will be at the expense of the employee; monitoring will be at the expense of the school district. The employee is prohibited from operating any vehicle owned by the school district until he has been cleared as fit for duty by the Director of Human Resources and the Director of Risk Management.

VII. TYPES OF DRUG TESTING

- A. **POST-ACCIDENT:** As a condition of continued employment with the Lafayette Parish School System, any employee involved in an accident during the course and scope of his or her employment shall be tested for the presence of drugs and alcohol where there is an individualized suspicion of wrongful drug or alcohol use. Both urine and blood samples will be used to test for drugs and alcohol. In accordance with CFR 49, Part 655, Paragraph 655.44, all bus drivers and drivers of other LPSS vehicles must undergo post-accident drug and alcohol testing in accidents that result in a fatality. If the driver is involved in a non-fatal accident, the driver shall undergo drug and alcohol testing unless the Director of Risk Management determines, using the best information available at the time of the decision, that the driver's performance can be completely discounted as a contributing factor to the accident.
- B. **REASONABLE-SUSPICION TEST:** A supervisor may reasonably suspect that an employee illegally uses drugs or abuses legal drugs or alcohol or violates this policy based upon any or all of the following: observation of drug use; apparent drug intoxication; abnormal or erratic behavior; investigation, arrest, or conviction for drug-related offenses; reports from reliable, credible sources; or evidence that an employee tampered with a previous drug test. Any employee may be required to provide a urine, saliva, and/or blood sample when such reasonable suspicion arises and a higher level of authority concurs with the supervisor's suspicions.
- C. **RANDOM DRUG TESTING:** Random drug testing shall be limited to safety-sensitive positions. Each workday should present such employee in a random testing program with a new opportunity of having to produce a sample, with odds equal for all employees on each new day, regardless of samples previously produced by any of them. Urine samples will be used for random drug testing, and saliva samples for screening for alcohol. Confirmation of blood alcohol levels shall be performed using blood samples.
- D. **REHABILITATIVE:** Employees found to be using drugs or alcohol in violation of this policy are referred to an Employee Assistance Program (EAP), which may assess treatment progress with further drug or alcohol monitoring. Continued employment shall be contingent upon drug and alcohol abstinence to deter relapse. Monitoring for the presence of drug or alcohol use shall be frequent and unannounced with urine specimens collected under direct observation. Blood, saliva, and/or urine may be used as samples for monitoring drug or alcohol use.

- E. VOLUNTARY TESTING: Some employees may wish to volunteer to participate in random drug tests. Such employees will participate in random, unannounced urine collection. In all instances of drug testing, the Lafayette Parish School System shall respect employee privacy in administering this policy.

VIII. DRUG TESTING PROCEDURES

All procedures used in drug testing programs, including collection, sealing and labeling of samples, chain of custody, storage and transport of specimens, handling of biohazardous waste, drug testing, reporting of results, review of results, and confidentiality of drug testing must be performed in accordance with Act 1036 of the 1990 Louisiana legislature.

IX. REHABILITATION POLICY

The Lafayette Parish School System shall afford the opportunity to undergo rehabilitation without termination of employment to any employee whose random drug test is certified positive by the medical review officer. An employee who refuses to—or does not—undergo rehabilitation or does not comply satisfactorily with the referred treatment program shall be discharged from employment. Any employee who returns to service following rehabilitation will be monitored by follow-up drug testing upon his/her return to work up to a period not exceeding 60 months following the return to work. A second positive drug test shall result in termination of employment, whether the test is conducted within the monitoring period or subsequent to the monitoring period.

X. EMPLOYER RESERVATION OF RIGHTS

The Lafayette Parish School System reserves the right to amend, interpret, change, rescind, or depart from this policy in whole or in part. The employee shall be notified in writing of any such changes. Employees who have questions about this policy should direct them to the Director of Risk Management.

Legal References: LSA—R.S. 49:1001 through 1113; 1115 through 1118; 1121; 1122; and 1125 and CFR Title 49.

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