

OPERATIONAL GUIDELINES

for

COLUMBUS PUBLIC SCHOOLS' SUBSTANCE-FREE (DRUG-FREE) WORKPLACE PROGRAM (FUNDAMENTAL PROGRAM)

Specifications as of December, 2006

Program Implementation as of _____

WORKING PARTNERS SYSTEMS, INC.

1653 Brice Road
Reynoldsburg, Ohio 43068

Phone: 614-337-8200 Fax: 614-337-0800

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Version 12/06

INTRODUCTION

Dee Mason and Working Partners Systems, Inc. have prepared these materials - including the sample policy and appendices - to assist businesses and public entities in their efforts to maintain a drug and alcohol-free workplace. We feel you will find these materials useful and state-of-the-art for addressing workplace substance abuse issues. Thank you for the opportunity to help your organization!

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COLUMBUS PUBLIC SCHOOLS'
PROGRAM FOR A SUBSTANCE-FREE (DRUG-FREE) WORKPLACE

A. PURPOSE

Columbus Public Schools (also referred to as "District") recognizes the adverse effects that the use of illicit drugs and abuse of alcohol can have on employees, our products and services, and the organization as a whole. It is Columbus Public Schools' obligation and right to maintain a safe, healthy, and efficient work environment. Our Drug-Free Workplace Program is established to be a benefit for our employees and the public as well as to protect Columbus Public Schools' property, operations, productivity and public image.

Under this program, Columbus Public Schools expects its employees to work free from the influence of illicit drugs and alcohol. Columbus Public Schools also expects its employees to refrain from other involvement with drugs or alcohol in a manner which compromises the employee's or District's safety, security, productivity, public image or otherwise violates this program.

In addition, this program reaffirms Columbus Public Schools' commitment to the treatment of drug- and/or alcohol-related problems. Columbus Public Schools strongly encourages employees who have a drug- and/or alcohol-related problem to voluntarily seek confidential assistance through community resources, Columbus Public Schools' designated Employee Assistance Program (EAP) or another appropriate program.

Finally, the implementation of this program is subject to the requirements and prohibitions contained in applicable federal, state* and local laws, as well as in any applicable collective bargaining agreement(s).

In addition to meeting the legal requirements of the state(s)* of Ohio, through implementation of this Program, Columbus Public Schools also seeks to comply with the requirements of the Drug-Free Workplace Act of 1988, the U.S. Department of Transportation's (DOT) controlled substance and alcohol testing regulations and the Ohio Bureau of Workers' Compensation's (OBWC) Drug-Free Workplace Program.

**When working or traveling in a state other than Ohio, there may be adjustments to applicable rules and practices of this program. (Refer to Program Administrator).*

B. PROGRAM NUTS AND BOLTS

1. UNDERSTANDING THIS PROGRAM

Comprehension of many words and phrases throughout these Columbus Public Schools Drug-Free Workplace Program documents is essential to understanding the benefits and responsibilities afforded under this program. To aid in understanding the key words and phrases, refer to Section C. *Explanation of Terms*.

2. EXISTING GUIDELINES

This Drug-Free Workplace Program replaces and supersedes all of Columbus Public Schools' prior written and oral rules, representations and guidelines concerning drug-free workplace requirements and/or employee involvement with drugs and alcohol (excluding the District's DoT drug testing documents).

For CEA and CSEA/OAPSE work forces, the District has given the CEA and CSEA/OAPSE notice of the District's intent to implement this program as well as the opportunity to bargain over its terms, including application of grievance procedures. Such Program may become a part of the collective bargaining agreement or become a separate policy between the CEA and CSEA/OAPSE work force and the District.

3. COVERAGE

This Drug-Free Workplace Program is applicable to all full-time, part-time, leased, seasonal, casual, temporary, limited and substitute employees of Columbus Public Schools.

NOTE: Specific terms and responsibilities for leased, seasonal, casual, temporary, limited and substitute employees are detailed in the agreement with each individual and/or organization through which the District contracts for these employees.

Visitors, sub-contractors and employees of independent contractors and/or vendors are expected to be free from the effects of drug and/or alcohol use/abuse while conducting business for or on behalf of Columbus Public Schools. As a consequence, contractor or vendor employees or visitors found to be violating any aspect of this program may be asked, depending upon the nature of the violation and at Columbus Public Schools' discretion, to remove themselves from the worksite and/or to discontinue doing business with or on behalf of Columbus Public Schools.

Columbus Public Schools may require drug and/or alcohol testing of contractors, subcontractors and others conducting business for or on behalf of Columbus Public Schools. Such requirements will be detailed in the contract language with those individuals and/or organizations.

Minors (under the age of 18) are subject to all requirements of this program and parental signature may be required on related forms. In addition, the business-related "Alcohol Exceptions" in this program (refer to Section E. *Drug and Alcohol Rules*) will not apply to anyone under the age of 21.

4. **PROGRAM ADMINISTRATOR**

The administrator for this program and the person to whom, in addition to Administrators/Supervisors, questions and concerns about this program should be addressed is: the Director, Human Resources Administration, at 614-365-5780 or designee.

The Program Administrator or designee will also be the District representative responsible to investigate situations of co-worker reporting. (refer to Section D.2.iii. *Co-Worker Reporting*) The Program Administrator may have other responsibilities as directed under other parts of this Program.

5. **EMPLOYEE EDUCATION AND ADMINISTRATOR/SUPERVISOR TRAINING**

To assist employees in understanding this program and their responsibilities, and in an on-going effort to prevent and eliminate substance abuse in the workplace, Columbus Public Schools will provide employees with comprehensive information regarding substance abuse and the Drug-Free Workplace Program.

In addition, Administrator/Supervisors will be trained on their roles and responsibilities in administering the program.

6. **EMPLOYMENT CONTRACT DISCLAIMER**

NOTE: This disclaimer will not apply to CEA and CSEA/OAPSE employees who are subject to a collective bargaining agreement(s).

Nothing in this Drug-Free Workplace Program alters, amends or modifies the employment-at-will status of Columbus Public Schools' employees (full-time, part-time, temporary, etc.), nor should it or any oral representations related to it be construed as a contract of any kind (e.g. oral, written, expressed or implied), concerning any Columbus Public Schools employee's terms, conditions, duration or discharge from employment.

Furthermore, the Board of Education reserves the right to interpret, change, or rescind this program in whole or in part, with or without notice, at any time it determines necessary in its discretion. In addition, changes to applicable federal, state or local laws or regulations may require the District to modify or supplement this program. Changes to this program will be posted as soon as practical.

C. EXPLANATION OF TERMS

For the purposes of this program, the following definitions shall apply:

Accident – an incident or unsafe practice which occurs on District property, on District business, or during working hours, or which involves District-supplied motor vehicles or motor vehicles being used for District purposes and which results in either:

1. a fatality;
2. bodily injury requiring medical attention away from the scene of the incident;
3. vehicular and/or equipment damage in apparent excess of \$1500.00; or
4. non-vehicular property damage in apparent excess of \$1500.00.

NOTE: A post-accident drug/alcohol test should be administered as soon as possible following an accident (necessary medical attention takes priority followed by required testing); preferably within 8 hours for alcohol and 32 hours for drug.

Alcohol - colorless, volatile and/or flammable liquid that is the intoxicating agent in fermented and distilled liquors. It includes, but is not limited to, beer, wine and liquor. It does not include alcohol used in chemical processing, cleaning or testing.

Alcohol Test - a test used to detect the content level of alcohol in the breath (BAC). This may be performed by using non-evidential testing devices such as a saliva test with an evidentiary breath testing device (EBT) applied for confirmation, or this level can be determined through a blood test.

Assessment - evaluation of an employee by a trained professional to determine: (1) the extent of relationship he/she has with drugs and/or alcohol, (2) whether treatment is necessary, and, if it is, (3) what degree of treatment is needed.

Confidentiality - disclosed only to persons who have a "need to know" -- generally only those management representatives in the employee's direct line of supervision and/or other management representatives whose job responsibilities require that they know such information.

Controlled Substance - any drug included in Schedules I through V, as defined by Section 802(6) of Title 21 of the United States Code [21 USC 802(6)] (e.g. cocaine, marijuana, valium, morphine), the possession of which is unlawful under Chapter 13 of that title.

Corrective Action - the District's right to apply whatever disciplinary action best fits the circumstances of each violation of this program and is consistent with the District's established disciplinary practices and/or procedures. This may include referral to assessment (and/or treatment if needed), relief from job duties, and/or progressive or non-progressive discipline such as written or oral warning, suspension, or immediate termination.

District Property or Premises - includes buildings, offices, warehouses, plants, facilities, land, equipment, vehicles (including personal vehicles when employee is reimbursed mileage) which are owned/leased/used for District business, and parking lots owned/utilized/leased by the District or any customer or supplier of the District. It also includes any other site at which District business is transacted whether on or away from the District-owned or leased property.

Drug Paraphernalia - any item which is primarily intended or designed for use in the administering, ingesting, transferring, manufacturing or storing of a controlled substance and/or an illicitly used drug.

Drug Test - a urinalysis (urine) test (or when necessary, a blood test) that includes specimen collection and testing by the federal Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory. Both a screening test and a confirmation test must be used to establish a positive test result. The test will analyze (search) for a pre-determined set of drugs in the body in quantities which are at or greater than certain levels (cut-off levels).

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The DoT requires testing for five drugs referred to as the "NIDA Five": Amphetamines, Cannabinoids (THC), Cocaine (including crack), Opiates and Phencyclidine (PCP). To create a selection of ten drugs, we have added: Barbiturates, Methaqualone**, Benzodiazepines (Valium, Librium, etc.), Methadone and Propoxyphene (Darvon).

Cut-Off Levels Accepted* by the Substance Abuse and Mental Health Services Administration (SAMHSA)

Drug	Screening Test (ng/ml)	GC/MS Confirmatory (ng/ml)
Amphetamines	1000	500
Cannabinoids (THC)	50	15
Cocaine (including crack)	300	150
Opiates	2000	2000
Phencyclidine (PCP)	25	25
Barbiturates	200	200
Benzodiazepines (valium, Librium, etc.)	300	300
Methadone	300	300
Propoxyphene (Darvon)	300	300
Methaqualone**	300	100

* Cut-off levels may vary slightly depending upon the SAMHSA-approved GC/MS which is applied.

** Methaqualone may be removed from panel if not required by a regulatory or overseeing body for compliance.

NOTE: Columbus Public Schools reserves the right to require testing for another drug that is not on this list if there is reason to believe that the employee may be under its influence and therefore safety and productivity may be compromised or if the District needs to comply with a contract or regulatory authority.

EBT (Evidentiary Breath Test) - a device approved by the National Highway Traffic Safety Administration (NHTSA) and will be listed in NHTSA's "Conforming Products List of Evidential Breath Measurement Devices." When testing for alcohol, an EBT is used for the evidential testing of breath and/or serves as a confirmatory test following a preliminary screening test of breath or saliva with a result of .02 BAC or greater. It provides quantitative data of alcohol concentration.

GC/MS (Gas Chromatography/Mass Spectrometry) - this science is used as a confirmatory drug test. It uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy; it represents a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the initial screening test. The government reports the accuracy of a GC/MS test as virtually 100%.

Illicit or Prohibited Drugs - chemical substances which:

- 1) are not legally obtainable;
- 2) are legally obtainable but have been obtained or are used illegally; or
- 3) are not used for the purpose for which they are prescribed or manufactured; and
- 4) may include (in addition to others and depending upon the circumstances): marijuana, cocaine, opiates (morphine, heroin, codeine), alcohol (when used by a minor), amphetamines, benzodiazepines, barbiturates and phencyclidine (PCP), methaqualone and new designer drugs and other drugs not yet classified by the Federal government as illegal under the Controlled Substances Act.

Legal Drugs - prescription drugs and over-the-counter drugs legally obtained and used for the purpose for which they are prescribed or manufactured.

Medical Review Officer (MRO) - an independent, licensed physician responsible for receiving laboratory drug testing results. The MRO has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate a positive test as it relates to the employee's medical history and other biomedical information.

On the Job - exclusively for the purposes and practices of this substance-free (drug-free) workplace program: during working hours, while performing work duties, while acting within the scope of employment, and/or while on, in or using Columbus Public Schools' premises or District property (e.g. equipment, vehicle, machines, etc.) for business activities including within the scope of employment. Subject to the alcohol-exception guidelines (Section E), it also includes breaks, meal periods, and time between split shifts regardless of whether the employee is actually on District premises.

Positive or Failed Drug or Alcohol Test - a test which indicates the presence of illicit drugs or alcohol in urine, blood, breath or saliva at or above a level as designated in the definition for "Under the Influence" for this program.

Reasonable Suspicion of a violation of the substance abuse program - a belief that illicit drug and/or alcohol involvement and/or use is influencing an employee's behavior, appearance, job performance, attendance, or fitness for duty, and/or that the employee is under the influence of or is using, possessing, selling, purchasing, receiving, manufacturing or distributing illicit drugs or alcohol while on the job or while on District's premises.

Among other possible criteria, the following criteria *may* warrant: a referral to EAP for reasonable suspicion (on the first occasion) or a drug and/or alcohol test for reasonable suspicion (on a second occasion):

NOTE: Personnel regulated under DOT/FMCSA are subject to other requirements as it relates to reasonable suspicion. Please refer to the Program Administrator.

- 1) observable phenomena, such as direct observation of drug and/or alcohol use, possession or distribution and/or the physical symptoms of being under the influence of drugs and/or alcohol;
- 2) a pattern of abnormal conduct, erratic or aberrant behavior or deteriorating work performance (e.g. frequent absenteeism, excessive tardiness, recurrent accidents, poor work quality, etc.) which appears to be related to substance abuse;
- 3) a report or a conviction of a drug and/or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation into unauthorized drug possession, use or trafficking;
- 4) a report of alcohol or other drug use provided by a reliable and credible identifiable source;
- 5) repeated or flagrant violations of the District's safety or work rules, which are determined by a Administrator/Supervisor or a CEA, CSEA/OAPSE representative to pose a substantial risk of physical injury or property damage and which appear to be related to substance abuse; and/or
- 6) unsafe practice as defined in this program, involvement in an accident or near accident as defined above in cases where the individual involved appears to have caused/contributed to the accident.

The above examples of Reasonable Suspicion of Drug and/or Alcohol Use are not all inclusive, but are intended to be illustrative. The symptoms of being affected by drugs or alcohol are not confined to acts of misbehavior, nor to obvious impairment of physical or mental ability, such as slurred speech or

difficulty in maintaining balance. Although reasonable suspicion does not require certainty, *suspicion based upon mere rumor, speculation, or unsubstantiated information of third parties may not meet the standard of reasonable suspicion.*

Documentation supporting reasonable suspicion will be made by persons trained in the recognition of signs and symptoms within "Supervisor Training." Reasonable Suspicion Observation Checklist Form D-3 from this program, will be used to document such concerns. Documentation is to happen preferably prior to any action being taken however if that is not possible, within 24 hours of any action.

Refusal – includes (1) refusing to take a test when required by the District, (2) not reporting an accident timely or (3) not reporting for a drug and/or alcohol test in a timely manner as required by the District, or (4) refusing to cooperate with the testing process.

Safety-Sensitive Function - as deemed by the District, any job function which, by the nature of the work activity involved, could be detrimental, dangerous and/or unsafe to the employee, coworkers, customers or the general public due to a momentary lapse in attention or judgment. Columbus Public Schools' specific functions which are designated as safety-sensitive are listed in Appendix A.

Screening Test - a preliminary test. For a urine test it is an immunoassay or a thin-layer chromatography test which identifies the presence of a drug/metabolite in an individual's system and which generally is 92-98% reliable. For measuring the amount of alcohol in a person's system it is generally a certified breath or saliva test (although blood testing may be used when breath or saliva screenings cannot meet the necessary quality standards).

Time Off for Treatment - employees who are participating in an in- or out-patient treatment program are only entitled to time off from work according to what they would otherwise be entitled and eligible under the vacation, sick day, personal day and leave of absence policies, and/or the Family and Medical Leave Act, and federal, state or local disability discrimination laws.

Treatment - rehabilitative services provided by treatment professionals in a variety of intensities and settings (outpatient, intensive outpatient, inpatient, etc.) which are therapeutically prescribed to improve the condition of an employee who has a problem with drugs and/or alcohol. Treatment professionals are required to meet all licensing/credentialing standards of their state.

Under the Influence of a Controlled Substance, Illicitly Used Drug and/or Alcohol -

1. the presence of illicit drugs in an employee's body at or above the cut-off levels currently in effect with the certified lab's GC/MS validated by the Department of Health and Human Services,
2. a blood alcohol content level (BAC) which is at or above the District's prohibited level of .04% BAC,
3. in the case of "Alcohol Exceptions" noted in the Rules Section, and, only if an employee does *not drive a vehicle*, being under the influence is defined at or above the motor vehicle drinking law of the state in which the employee is located, and in no case at or above .08% BAC. Driving is a safety-sensitive activity and therefore if the employee will be driving in conjunction with the consumption of alcohol, he/she must remain under .04% BAC.

Unsafe Practice - poor behavior or judgment on the part of an employee which, in the opinion of a Administrator/Supervisor and/or a CEA, CSEA/OAPSE representative, could have caused or contributed to an accident as defined above.

D. ASSISTANCE FOR EMPLOYEES

Columbus Public Schools recognizes that substance abuse is a treatable condition and a person who needs and receives help can be restored to a fully productive life. The District supports early diagnosis and effective treatment for substance abuse problems. Employees are encouraged to seek help voluntarily for themselves or a family member. There are many resource options through which an employee can access assistance.

In cases where an employee does not seek help voluntarily for a problem related to substance abuse, Columbus Public Schools reserves the right to intervene and has established procedures for intervention. Many abusers do not seek treatment on their own because substance abuse is a disease of denial. Therefore, intervention which involves taking action rather than ignoring the signs of a possible problem, can be the step that begins the process of recovery.

1. RESOURCE OPTIONS FOR ASSISTANCE WITH ALCOHOL AND/OR DRUG PROBLEMS

a. COMMUNITY SERVICES

An Ohio employee can call their local county Alcohol, Drug Addiction and Mental Health Services Board (ADAMH) or the county Alcohol, Drug Addiction Services Board (ADAS) for support and/or a local list of publicly subsidized services. Many of these services base their fees on the individual's ability to pay. Employees can also contact the Program Administrator for a resource identification list of these community services.

NOTE: Programming for drug-free youth and education for parents to learn how to keep their children drug-free is available. If you would like more information about what is available in your community, please ask the Program Administrator and/or call Working Partners® at (614) 337-8200.

b. DISTRICT-REFERRED / AUTHORIZED SERVICES

To further assist employees in obtaining assistance, Columbus Public Schools offers the services of a district-authorized EAP which provides professional assessment, referrals, and/or counseling opportunities for employees with substance abuse and other personal problems.

These services can be reached 24 hours a day and 365 days a year. Please contact Human Resources for the EAP phone number. Anonymity and confidentiality are assured to the fullest extent possible.

For further information concerning the employee's eligibility, requirements and available benefits, the employee should refer to any available Medical Benefits Plan (e.g. District's, spouse's, student). Information about assessment, treatment opportunities and District requirements are further set forth below in this program.

c. **CEA AND CSEA/OAPSE-PROVIDED SERVICES**

For further information concerning the member's eligibility, requirements and available CEA and CSEA/OAPSE health and welfare benefits, the member should refer to the CEA and CSEA/OAPSE's representative. Information about assessment, treatment opportunities and District requirements are further set forth below in this program and contained in the applicable collective bargaining agreement.

2. **ASSISTANCE SERVICES**

a. **ASSESSMENT AND REFERRAL**

(i) **Voluntarily Seeking Help**

Any employee who is experiencing problems with alcohol and/or drugs may voluntarily seek assessment and/or referral from a community service, district-authorized EAP or another appropriate service. This can usually be arranged to be convenient to work schedules and accomplished without District involvement or knowledge. Inquiries are maintained in confidence by the service except, for example, when the employee agrees to involve the District in negotiating work accommodations.

(ii) **Mandatory Assessment and Referral**

When Columbus Public Schools has reasonable suspicion (as defined in this program and applying Form D-3) to believe an employee has violated this Drug-Free Workplace Program, the employee will immediately be put on administrative leave with pay. Within 48 hours, a hearing will be held. If the employee is mandatorily referred to the EAP for assessment and any necessary treatment, he/she **may** be off-duty with or without pay subject to limitations in the appropriate collective bargaining agreements and ORC. The employee may be asked to enter into a Participation/Work Accommodation Agreement

If there is a second occasion wherein the employee manifests behavior that may be "under the influence," the employee will be immediately removed from duty and tested for drugs and alcohol and after the collection process is completed, he/she will be off-duty with or without pay subject to limitations in the appropriate collective bargaining agreements and ORC, until the test results are known. The employee will again be referred to the EAP and may also be subject to a Last Chance Agreement.

The employee returns to work once the District has verified from the employee's physician *and* the board physician that the employee can return to work without restrictions. The employee must also pass a return-to-duty test and have a negative result before assuming active duty.

If there is a third occasion wherein the employee manifests behavior that may be "under the influence," the employee will be tested. If positive he/she will be subject to discipline up to and including termination in accordance with applicable collective bargaining agreements and the ORC.

Any Employees referred for assessment but found *not* to need treatment following a positive alcohol or drug test will be required to pass a return-to-duty test and comply with, among other things, follow-up testing for a period of time after returning to work. In addition, the employee may be required to attend District-authorized education about alcohol misuse and drug abuse.

(iii) Co-Worker Reporting

Whenever an employee has reasonable suspicion that a fellow employee, Administrator/Supervisor may be in violation of this program or otherwise may have a problem with drugs or alcohol, the employee should contact the Program Administrator and/or a CEA, CSEA/OAPSE representative directly to report his/her reasonable suspicion. The Program Administrator will then investigate the situation. The identity of the reporting employee will be maintained confidentially and without job repercussions, unless it is discovered that the report was made falsely, in bad faith, or without basis in fact.

It is the intention of the Columbus Public School District to enforce the Drug-Free Workplace Program. However, as substantial costs may be incurred in any investigation into a report that an employee has violated this program, false reporting is expressly prohibited and is subject to disciplinary action. A false report is any report, which is not based upon reasonable suspicion that an individual against whom the report is made was under the influence of drugs or alcohol at the time of the report. For evidence of reasonable suspicion, the individual making the report must review the Reasonable Suspicion Observation Checklist, Form D-3 of this Program.

b. TREATMENT

Employees requiring a modified schedule, adjusted job duties and/or a leave of absence to accommodate treatment are entitled, during the time of treatment, to use any unused paid vacation, sick days, personal days, and an unpaid leave of absence to which they are eligible under Columbus Public Schools' established policies. This program does not alter, amend or modify Columbus Public Schools' vacation, sick days, personal days or leave of absence policies.

Such employees should also contact the Program Administrator to discuss whether they are eligible for and desire to take an unpaid leave of absence under the Family and Medical Leave Act ("FMLA" - covering employers with 50 or more employees).

(i) Treatment Costs

Employees entering treatment are responsible for all treatment program costs and expenses. Some costs and expenses may be covered by insurance.

(ii) Mandatory Treatment/"Participation Agreement"

Employees referred by the District to a community service and/or another appropriate service and who are subsequently referred to treatment will be

required, as a condition of continued employment, to enter into a Participation/Work Accommodation Agreement. Any employee who declines such a referral, declines to enter into a Participation Agreement with the District, leaves treatment prematurely, or fails to abide by all aspects of his or her treatment program and/or Participation Agreement will be in violation of this program.

(iii) **Voluntary Treatment/Leave Requirements and “Work Accommodation Agreement”**

Employees who, prior to committing a violation of this program, can self-refer to the District-authorized EAP.

(iv) **Performance Responsibilities**

Employees who undergo treatment and continue to work for Columbus Public Schools are subject to the same job performance and behavior standards as Columbus Public Schools' other employees. Employees who voluntarily seek counseling or treatment and who fail to meet performance or behavior standards will be subject to corrective action.

E. DRUG AND ALCOHOL RULES

This Program has a variety of rules which prohibit the possession of drug paraphernalia and the use, possession, purchase, receipt, sale, distribution, manufacture or being “under the influence”* of illicit drugs and/or alcohol on “District property”* or “on the job.”* The rules also outline the employee’s responsibilities regarding the use of prescription and over-the-counter drugs.

**These terms are defined with detail in Section C, Explanation of Terms.*

1. EMPLOYEE USE OF DRUGS

Employees who are under the influence of, or who use, possess, purchase, receive, sell, distribute or manufacture illicit drugs while on the job, or, on or in District property are in violation of this program. Employees are prohibited from having unauthorized drug paraphernalia on the job or on District property.

2. EMPLOYEE USE OF ALCOHOL

Employees who are under the influence of (as defined for this program), or consume, possess, purchase, receive, sell, distribute or manufacture alcohol while on the job or District property are in violation of this program.

3. EXCEPTIONS TO ALCOHOL RULES

While permitting consumption and possession of alcohol in certain circumstances, these exceptions do not permit an employee to become under the influence of alcohol while on the job. As it applies to these Alcohol Exceptions, and providing that the employee does *not* perform safety-sensitive functions (including driving a vehicle), “under the influence” is defined as at or above .08% BAC. As it relates to Alcohol Exceptions, if an individual will be performing safety-sensitive functions, consumption is not to reach or exceed .04% BAC.

Under no circumstances can alcohol be consumed by, and/or made available to, a minor (any individual under the age of 21) on the job, on District premises or at District-related activities.

As examples, the alcohol-related exceptions include:

a. CONSUMPTION

(i) Consumption of alcohol is permitted while attending a mandatory or non-mandatory District-sponsored function, professional association meeting or other event within the scope of an employee’s employment.

(ii) Consumption of alcohol by an employee not on District property while conducting business-related entertainment with non-District personnel such as clients/customers or prospective clients/customers, or while traveling on business, attending sales functions, conferences, professional association meetings or other events within the scope of their employment or in the course of other necessary professional activities is permitted.

- (iii) Consumption of alcohol while "out of town" on District business, if the consumption is not while performing work activities or during work hours, is permitted.

NOTE: As it relates to the above exceptions, if an employee appears to be under the influence of alcohol, the employee is not permitted to drive a vehicle and may be required to defer to a non-drinking driver for transportation. Should that not be possible, the employee shall take a cab or stay at a local hotel. Should an employee drive a vehicle while under the influence of alcohol under the above exceptions, it will be considered a violation of this program.

b. PURCHASE OR POSSESSION

(i) Purchase of alcohol off District premises during a break or meal period is permitted as long as the employee is not in a vehicle marked with District identification. Furthermore, such alcohol may not be used or stored unsealed on District premises or property. (This includes personal vehicles on District property.) As required by DoT/FMCSA, unless manifested, there will be no alcohol aboard a commercial motor vehicle (CMV).

(ii) Possession or storage of sealed and/or unused containers of alcohol which are on District premises, in an employee's vehicle, District-supplied vehicle or vehicle used for District business (unless vehicle is marked with District identification) is permitted except on a CMV as directed by DoT/FMCSA. Storing unsealed and/or used containers of alcohol in any of these situations is prohibited.

(iii) Possession, transportation and/or on-site storage of unsealed alcohol containers used for District-sponsored functions is permitted if storage is authorized in writing and/or in advance by the Superintendent of the District.

4. PRESCRIPTION AND OVER-THE-COUNTER DRUGS

Columbus Public Schools does not prohibit employees from using prescription or over-the-counter drugs when used as prescribed, provided: (a) the prescription drugs are prescribed to the employee for medical reasons by a licensed medical practitioner, with dosage and frequency of use prescribed on the label or accompanying documentation, and (b) the employee's use of the prescription or over-the-counter drugs does not affect the employee's job performance or conduct; threaten the safety, productivity, public image or property of Columbus Public Schools or its employees; or result in criminal behavior (e.g. DUI, another drug and/or alcohol-related arrest or conviction, etc.).

It is an employee's responsibility to learn if a prescription or over-the-counter drug he/she is taking may affect his/her job performance or conduct; threaten the safety, productivity, public image or property of Columbus Public Schools or its employees; or result in criminal behavior.

No employee is to perform any function or duty on behalf of the District if the drugs being taken under this provision adversely affect his or her ability to perform any such function or duty safely and satisfactorily (such behaviors are itemized in Form D-3, *Reasonable Suspicion Observation Checklist*).

5. USE THAT IMPACTS THE WORKPLACE

Employees who use illicit drugs or alcohol *off-the-job* in a manner which affects job performance and/or threatens the safety, productivity or property of the District or its employees are in violation of this program. Additionally, employees whose behavior results in a criminal incident, (e.g. DUI, another drug and/or alcohol-related arrest or conviction, etc.) *may* be in violation of Columbus Public Schools' program*.

IMPORTANT NOTE: Employees using District property for personal use are expected to act responsibly and exercise good judgment as it relates to alcohol and other drugs. Furthermore, it will be seen as a violation of Columbus Public Schools' program if any employee using a District car or other District property for personal use violates state motor vehicle or other laws regarding alcohol or controlled substances.

**With Certified staff, only criminal convictions, which impair that certification, will be cause for termination.*

6. EMPLOYEES WHO ARE ON-CALL

Should a situation occur in which an employee is contacted to report for duty and the employee believes that he/she may be under the influence as defined in this program, the employee is required to notify his/her designated Administrator/Supervisor. It will be determined if the employee in question should report to work. Employees who are scheduled on-call are prohibited from using alcohol as defined in this program.

7. COMPLIANCE WITH REQUIRED TESTING

Employees required to submit to any drug and/or alcohol test outlined in this program must, as a condition of continued employment with the District, submit timely to any required drug and/or alcohol test; consent to testing; sign the appropriate forms; make no attempt to switch, adulterate, or alter any sample or specimen; and must comply with all specimen collection and chain-of-custody procedures. Failure or refusal to cooperate will constitute a violation of this program.

8. CONFIDENTIALITY

Anyone having information relating to an employee's suspected problem with drugs and/or alcohol; the results of a drug or alcohol test; the referral for or determination of a substance abuse assessment and/or the treatment needs of an employee; must not disclose this information to anyone without a "need to know" (refer to Section C *Explanation of Terms*, "Confidentiality"). Any such breach of confidentiality or improper disclosure will constitute a violation of this program.

The District will secure in a file other than a personnel file, drug and/or alcohol collection/laboratory testing paperwork; testing results; assessment/treatment referrals; and/or recommendations and results for an employee. The information contained therein will be kept confidential to the extent practicable, among individuals who have a "need to know." Please see the Program's definition for "Confidentiality."

9. REPORTING CONVICTIONS

In compliance with Federal law (Drug-Free Workplace Act of 1988), if the District receives a Federal grant or does contract work with the Federal government of \$100,000/year the employees will be responsible for the following: Any employee who is convicted under any federal or state criminal drug statute for a violation occurring in the workplace or occurring while conducting District business must report the conviction to the District within five (5) days of the conviction. The District is obligated to report the conviction to the contract-holder within ten (10) days from being told of the conviction.

NOTE: Violations of this Program will not be reported to law enforcement officials unless required by a regulatory body or provisions of law.

F. DRUG AND ALCOHOL TESTING APPLICATIONS

Columbus Public Schools made its decision to conduct drug and alcohol testing after careful consideration of many concerns including employee privacy, and the health, safety and/or productivity of the District and its employees, customers, contractors and public at large. Testing is one way to know with certainty whether someone has ingested drugs or alcohol. Drug addiction and alcoholism are diseases in which the abuser usually denies the existence of the problem - to the point of irrationality. Testing is a way to break through the denial and get the employee help before the disease progresses further. In this way, we are ensuring our goal of operating as a drug-free workplace, while at the same time protecting employees and the public against substance abuse.

1. REASONABLE SUSPICION TESTING

On the second occasion of reasonable suspicion behavior and if the employee has already been subject to a mandatory referral to the Employee Assistance Program, Columbus Public Schools may require an employee to submit to a drug and/or alcohol test if it has any objective, factual and documentable reason to suspect the employee: (a) is under the influence of illicit drugs or alcohol while on the job, (b) is using, possessing, selling, purchasing, receiving, manufacturing or distributing illicit drugs or alcohol while on the job, or (c) is using illicit drugs or alcohol off-the-job in a manner which affects the employee's job performance or conduct and/or threatens the safety, public image or property of Columbus Public Schools or its employees, customers or outside contractors.

Documentation supporting reasonable suspicion will be made by persons trained in the recognition of signs and symptoms within "Supervisor Training." Reasonable Suspicion Observation Checklist Form D-3 from this program, will be used to document such concerns.

2. POST-ACCIDENT TESTING

Columbus Public Schools will require a safety sensitive employee or an employee driving a district vehicle (as defined under District Property or Premises in this program) as part of his/her job requirements who may have caused, contributed to or been injured in, an on-the-job "accident" (as defined in this program) to submit to a *drug* test. Additionally, if the situation involved a direct threat of serious injury or damage (even if the accident did not result in such), then an *alcohol* test will also be required. A post-accident drug/alcohol test will be administered as soon as possible after necessary medical attention is administered; preferably within 8 hours for alcohol and 32 hours for drugs. Drivers' additional responsibilities regarding post-accident testing under DoT/FMCSA are further explained in Addendum A / DoT Policy.

3. RETURN-TO-DUTY FOLLOWING A PROGRAM VIOLATION DRUG AND/OR ALCOHOL TESTING

Any employee who is relieved of his/her job duties due to a violation of this program may be required to pass a drug and/or alcohol test before being reinstated to duty. Any employee who is relieved of his/her job duties as a result of a positive drug and/or alcohol test *will* be required to pass a drug and/or alcohol test before being reinstated to duty.

4. **FOLLOW-UP TO ASSESSMENT AND/OR TREATMENT DRUG AND/OR ALCOHOL TESTING**

Any employee who is assessed under this program for possible drug and/or alcohol abuse, or who is referred for treatment under this program, may be subject to unannounced testing during his/her continued employment with the District. Depending on the circumstances, such testing may be applied for extended periods of time including months or even years. Employees returning from treatment *will* be subject to unannounced tests during the first year the employee returns to work. Depending upon the circumstances, such testing may be applied for a period of time beyond one year. The frequency and duration of follow-up testing will be determined with input from a qualified chemical dependency professional.

5. **GOVERNMENT-REQUIRED TESTING**

The District will require and implement drug and/or alcohol testing whenever federal, state or local regulations and/or laws require it to do so. Such employees (i.e. employees with a commercial driver's license) may be subject to, in addition to this program, a separate substance abuse program which incorporates these federal, state or local law requirements. (Refer to Program Administrator.)

G. TESTING GUIDELINES

1. TESTING PROCEDURES

The testing procedures normally employed will apply urine (screening test and the confirmatory GC/MS) for drugs. Breath or saliva with a confirmatory evidentiary breath test (EBT) will be applied for alcohol. However, if an EBT is not available or reasonably accessible, a blood test may be utilized to determine the presence of alcohol.

To ensure the integrity of testing and for the safety of employees, Columbus Public Schools has contracted with a lab certified by the Federal Substance Abuse and Mental Health Services Administration ("SAMHSA-certified") which operates under the procedures and chain-of-custody guidelines recommended by the Federal Department of Health and Human Services (DHHS) and required by the Federal Department of Transportation (timing for MRO/employee exchange may vary).

2. EMPLOYEE CALL FOR RE-TEST

Within seventy-two (72) hours after an employee or terminated employee is informed of a positive, adulterated, substituted test, he/she has the opportunity to request a re-test. This test will be performed on the original specimen at another SAMHSA-certified laboratory using the same procedures. If the results of the second test are negative, the employee or former employee will be treated as having had a negative test under this program. Employees and former employees must submit full payment for the cost of any re-test before any such re-test will occur. In the event that the re-test is negative, the employee will be reimbursed for the cost of the test.

3. EMPLOYEE COMPENSATION DURING "SUSPICION-LESS" TESTS

Employees on the job who are required to submit to "suspicion-less" tests ("," "follow-up" testing) under this program will remain "on the clock" and will be paid their normal wage during the period of time it takes the employee to submit to and complete the collection process and to return to work to resume performance of his or her employment responsibilities. Overtime will be paid if appropriate.

The employee will be directed to whether to drive himself/herself to a suspicion-less test and then will be directed by the District where to proceed after the collection.

4. COMPENSATION AND RETURN TO DUTY AFTER CERTAIN "FOR CAUSE" TESTS

a. REASONABLE SUSPICION:

An employee required to submit to "reasonable suspicion" testing, in most cases, will be on administrative leave from the time the employee completes specimen collection through the time when the District receives the test results. *(In no circumstance will an employee perform safety-sensitive work activities until the results of a test are known.)*

b. POST-ACCIDENT:

An employee required to submit to a "post-accident" test will be on administrative leave pending Columbus Public Schools' receipt of the test results.

H. INSPECTIONS

The District respects the privacy of individuals. However, in cases where the District has documentable, reasonable suspicion (as defined in this program) to believe that an employee may be using, possessing, selling, purchasing, receiving, distributing, or manufacturing drugs, drug paraphernalia or alcohol while on the job, District representatives may request an employee to participate in and/or cooperate with an inspection for evidence of such a violation of the District's Drug-Free Workplace Program. Whenever possible, the employee should witness the inspection. Employees who fail to cooperate with such an inspection are in violation of this program and will be subject to corrective action.

The search for evidence of a possible violation of this Program or other District policy in areas and things may include any part or area of Columbus Public Schools' facilities and property.

Situations may arise where evidence exists in Columbus Public Schools' workplace of a possible violation of local, state or federal drug and/or alcohol laws. If local law enforcement authorities become involved, Columbus Public Schools' premises and its employees may be subject to an inspection and/or search by law enforcement officials. Columbus Public Schools expects its employees to cooperate with all proper and lawful requests by such law enforcement officials as a condition of continued employment with the District.

I. CORRECTIVE ACTION FOR VIOLATIONS OF PROGRAM

1. FAILURE TO COMPLY WITH ANY PART OF THE PROGRAM

Failure or refusal to comply with any of the rules, requirements or prohibitions of this program constitutes a violation which will result in "corrective action" ranging from mandatory referral for substance abuse assessment to discipline, up to and including immediate termination (refer to Section C. *Explanation of Terms* "Corrective Action"). Corrective action will be initiated for any violation of this program, including a first offense. As noted above, the degree of the action chosen will depend upon the circumstances of each case.

If an employee is terminated as a result of this program, his/her termination notice will indicate "misconduct-rule violation" as the reason. The termination will be deemed "for cause," and may affect his/her ability to receive unemployment benefits.

Employees need to be aware that certain offenses, including but not limited to use, possession, sale of illicit drugs; or a serious accident resulting from an employee being under the influence of illicit drugs or alcohol while on the job; and/or becoming insubordinate, violent, threatening or out-of-control while in violation of this program and/or during the District's efforts to enforce this program; will normally result in immediate termination.

2. DILUTE SPECIMEN

A "dilute" or a "negative dilute" result may require the employee to go through an unannounced re-collection and test. This may be administered under direct observation as directed by the MRO. A "positive dilute" will be treated as a positive test.

3. REFUSAL OR ATTEMPTS TO ALTER A DRUG AND/OR ALCOHOL TEST

Refusal which includes (1) refusing to take a test when required by the District, (2) not reporting an accident timely, (3) not reporting for a drug and/or alcohol test in a timely manner as required by the District, or (4) refusing to cooperate with the testing process, will be a violation of this program. (Even the first occasion of such a violation will result in either termination or will result in the same "Corrective Action" as those for a positive test unless there is a verified medical reason the specimen could not be produced.)

Any attempt to adulterate, substitute or otherwise manipulate a specimen and/or interfere in the testing process will be seen as an even greater violation of this program and will normally result in termination. However, as noted above, the degree of the action chosen will depend upon the circumstances of each case.

4. CORRECTIVE ACTION FOR A POSITIVE TEST

Employees should also be aware of the following possible corrective action for a positive drug and/or alcohol test:

a. FIRST POSITIVE ALCOHOL OR DRUG TEST

On the first occasion that an employee has a positive drug or alcohol test result, he/she will be referred to substance abuse assessment and, if needed, treatment as set forth in this program. In addition, the employee may be subject to corrective action.

An employee who is referred for assessment and any necessary treatment (as defined in this Program) following a positive drug and/or alcohol test, and who qualifies to return to work (if applicable), will be required to comply with the return-to-duty process:

- the District has verification from the employee's physician that the employee may return-to-duty, without restrictions,
- the District has verification from the board physician that the employee may return to duty, without restrictions,
- the employee must undergo another test with a negative result before they can return to work (i.e. the "return-to-duty" test).

This employee may also be subject to entering into a work accommodation agreement with the District, which may include unannounced follow-up testing.

NOTE: An employee who tests positive will not be permitted back on the job until the return-to-duty process (stated above) is satisfied.

The cost for an EAP assessment of a qualifying employee after the first positive alcohol or drug test will be covered under the District authorized Employee Assistance Program.

b. ANOTHER POSITIVE ALCOHOL OR DRUG TEST

For those employees who test positive for drugs and/or alcohol after a first positive test and resulting assessment, Columbus Public Schools reserves the option to determine corrective action but will normally terminate the employee. The degree of action chosen will depend upon the circumstances of each case.

c. EMPLOYEES ASSESSED AND NOT IN NEED OF TREATMENT

Employees who are referred for assessment following a positive drug and/or alcohol test and who are found *not* to need treatment will be subject to the reinstatement guidelines. In addition, they may be required to attend District-authorized education about alcohol misuse and drug abuse.

NOTE: Keep in mind that for any violation of this program by non-CEA and CSEA/OAPSE employees, the District reserves the right to apply whatever corrective action it decides best fits the circumstances of each situation.

K. CLOSING

Columbus Public Schools has attempted to design and implement this drug-free workplace program to establish a balance between its legal rights and obligations and its employees' privacy interests. Columbus Public Schools is striving to operate a workplace which is as substance-free as is humanly possible. We want employees who do have a problem with drugs and/or alcohol to seek help and we want to protect those employees who do not have a problem. Unfortunately, denial is a key characteristic of substance abuse.

Therefore, to increase the effectiveness of our program, we are instituting reasonable measures to identify and intervene as early as possible in the destructive behavior of a substance abuser. Besides offering greater protection to the workplace, earlier intervention and immediate treatment correlates with the positive prognosis for a lasting recovery.

Our goal is to have an effective substance-free workplace program that is valued by all as a win-win endeavor.