

COLUMBUS PUBLIC SCHOOLS'
POLICY COMMITMENT
to a
SUBSTANCE-FREE (DRUG-FREE)
WORKPLACE
(FUNDAMENTAL PROGRAM)

Specifications as of December, 2006

Program Implementation as of _____

WORKING PARTNERS SYSTEMS, INC.

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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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Obtain Further Input

Dee Mason and Working Partners Systems, Inc. emphasize the importance of having your organization consult experienced and qualified attorneys, accountants, medical advisors, third-party consultants and other business professionals to assure the best results for organizing and building your business and for attempting to achieve a drug and alcohol free workplace, Dee Mason and Working Partners Systems, Inc. are not engaged in rendering any legal, accounting or medical advice or service upon which you can or should rely.

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

STATEMENT OF PURPOSE

Columbus Public Schools' (also referred to as "District") Drug-Free Workplace Program is being adopted to ensure, to the greatest extent possible, that we have a work environment free of the negative effects of drug- and alcohol abuse. Statistics show that the abuse of drugs and alcohol leads to an increased number of accidents and medical claims and a decrease in work performance and productivity. In addition, such abuse can lead to the deterioration of an employee's job performance, behavior, health, and personal life.

Our Program's focus is the health, safety and well-being of our employees. Our approach is to help our employees address substance abuse issues while at the same time ensuring that our workplace is operating safely and efficiently.

We believe that early recognition and treatment are critical to successful rehabilitation and to the minimization of business, personal, family and social disruption. Therefore, we strongly encourage employees who are experiencing problems related to drug or alcohol abuse to seek help from the District-authorized resource or available private and/or community services. However, for those employees who refuse to seek assistance or refuse to comply with the Drug-Free Workplace Program, Columbus Public Schools may find it necessary to take the appropriate measures outlined in this program. The guidelines of this program strive to balance our employees' personal privacy and dignity with the District's rights and responsibilities to maintain a safe and productive workplace.

Finally, the implementation of this Program is subject to the requirements and prohibitions contained in applicable federal, state* and local laws.

**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)*

UNDERSTANDING THE PROGRAM

Comprehending many words and phrases throughout the Columbus Public Schools Drug-Free Workplace Program documents are essential to understanding the benefits and responsibilities afforded under this program. To aid in understanding please refer to the Attachment A.

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COVERAGE

The Drug-Free Workplace Program covers all full-time, part-time, leased, seasonal, casual temporary, limited, substitute and/or employees of Columbus Public Schools. 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 Rules Section) will not apply to anyone under the age of 21.

Employees who are subject to any applicable law or regulation may face additional obligations. These may include, but are not limited to, the U.S. Department of Transportation, workers' compensation premium discount laws, state Executive Orders for state-administered construction work or contracts, et cetera.

Nothing in this program document or in any oral representation by the District related to the same constitutes or creates an express or implied contract of employment, or any promise of job security upon which an employee can rely. All employment relationships with the District remain "at will" unless covered by a collective bargaining agreement(s).

EMPLOYEE EDUCATION AND ADMINISTRATOR/SUPERVISOR TRAINING

To assist employees in understanding this program and the District's responsibilities to prevent and eliminate substance abuse in the workplace, Columbus Public Schools will provide employees with information regarding substance abuse and the Drug-Free Workplace Program. Administrators/Supervisors also will be subject to training on their roles and responsibilities in administering the program.

Questions and concerns about this program should be addressed to Administrators/Supervisors and/or the Program Administrator, Mira Wright. In addition, any employee having reasonable suspicion that another employee or management person may be in violation of this program should make a report to the Program Administrator so that an investigation can be made.

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 our community, please ask the Program Administrator and/or call *Working Partners*® at (614) 337-8200.

EMPLOYEE ASSISTANCE

Columbus Public Schools encourages employees to seek help voluntarily to address any problem regarding alcohol or another drug. Employees can contact the Program Administrator for assistance in identifying resources. In Ohio, the Alcohol and Drug Addiction Services Board (ADAMH) serving the County can direct callers to community services including those that allow the employee to pay according to his/her ability.

In addition, Columbus Public Schools offers the services of a district-authorized EAP which provides professional assessment and referral to qualified treatment services for problems related to drug and alcohol abuse. Please contact Human Resources for the EAP phone number. Anonymity and confidentiality are assured to the extent possible under law.

For further support and treatment resources employees should refer to any Medical Benefits Plan to which they have access and/or contact CEA and CSEA/OAPSE. Employees should become familiar with their options regarding eligibility, requirements and additional benefits, which are available.

Employees entering assessment/treatment are responsible for all associated costs and expenses. Some costs and expenses may be covered by insurance and/or another program such as an Employee Assistance Program (EAP) to which the employee has access.

IMPORTANT NOTE: Employees who first violate this Drug-Free Workplace Program and then seek voluntary assistance will not avoid corrective action, up to and including termination.

Employees who undergo voluntary counseling or treatment and who continue to work are subject to the same job performance and behavior standards as other employees. As is the case of all employees, those seeking voluntary counseling or treatment who fail to meet performance standards will be subject to corrective action.

When the District is involved with an employee's substance abuse assessment, treatment and/or recovery process, the terms and responsibilities may be agreed upon in a formal agreement between the employee, District and the health providers.

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 Attachment A, 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, in or on 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 in 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

If there are exceptions to when employees are permitted by the District to consume alcohol in relation to work, they will be notified by management.

Employees who use, possess or purchase alcohol while on the job (as defined in this Program), at District functions, or on District business (e.g. a holiday party, an association's special event, while traveling, etc.) are required to have permission in advance from the Program Administrator. Without such permission, the employee will be in violation of this Program.

These exceptions do not permit an employee to become under the influence of alcohol while on the job.

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

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.

It is an employee's responsibility to learn if the 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 effect his or her ability to perform any such function or duty safely and satisfactorily.

5. USE THAT IMPACTS THE WORKPLACE

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

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

IMPORTANT NOTE: Employees using District property for personal use are expected to act responsibly and exercise good judgement 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.

6. EMPLOYEES WHO ARE ON-CALL

If an employee is called to 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 then be determined if the employee in question can/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 Attachment A. *Explanation of Terms*, "Confidentiality"). Any such breach of confidentiality or improper disclosure will constitute a violation of this program.

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 at least \$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.

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

TESTING APPLICATIONS

Testing is an objective way to know with certainty whether an individual has drugs or alcohol in his/her system. Under this program, Columbus Public Schools may test for drugs and/or alcohol in the following circumstances:

- where there is a second or subsequent reasonable suspicion of prohibited drug or alcohol use, as defined in this program;
- after an accident, as defined in this program;
- before returning to duty following a program violation;
- as follow-up to treatment and/or assessment;
- when required by government.

To ensure the accuracy, reliability and integrity of testing as well as the safety of employees, Columbus Public Schools has contracted with a lab certified by the federal Substance Abuse Mental Health Services Administration ("SAMHSA-certified") which operates under the highest standards and precision testing methods; 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 (DoT) (timing of the MRO/employee exchange may vary).

Normally, when a substance test is required, urine will be used to test for drugs. Breath, saliva, or when necessary, blood will be used to test for alcohol. To assure accuracy, a preliminary *drug* screen (screening test as defined in this program) will be confirmed through another test, gas chromatography/mass spectrometry (GC/MS). As well as, a breath or saliva screen will be confirmed with evidential breath technology (EBT) when testing for *alcohol*.

Columbus Public Schools has adopted not only testing but operational procedures that endeavor to respect employees' privacy and confidentiality concerns to the greatest extent possible while at the same time provide for accurate testing. When an employee goes to the collection site for a drug or alcohol test, he/she will be asked to verify their identity with photo identification.

This program has also established protocols for the different roles within the process of a substance test. For example, a reasonable suspicion test (required on the second and subsequent occasions of suspicion) will occur based upon a Administrator's/Supervisor's documentation of any suspected behavior after he/she confers with the Program Administrator and/or another trained Administrator/Supervisor, and the CEA and CSEA/OAPSE representative. Whenever possible, the Administrator/Supervisor will discuss the reasonable suspicion testing situation with the employee in a private location.

In addition, before a positive test result is reported to Columbus Public Schools, the test will be reviewed by an outside medical review officer (MRO) who is a licensed physician. The MRO will contact the employee for further information. If an employee has a legitimate medical explanation for the positive test and the MRO has verified the explanation, the test will be reported as a negative to the District.

The employee has an additional option to request and pay for a re-test of the original specimen if he/she believes there has been a mistake by the lab. This request must be made to the MRO within

72 hours from when the employee is notified by the MRO or employer (whichever comes first) that the test is positive.

INSPECTIONS

An inspection based upon reasonable suspicion as defined in this program that an employee may be in violation of this program is another tool which Columbus Public Schools reserves the right to use to help administer this program and maintain a drug-free workplace. Law enforcement authorities may be contacted and requested to come onto Columbus Public Schools' property when appropriate in conjunction with a possible referral for criminal prosecution.

CORRECTIVE ACTION FOR PROGRAM VIOLATIONS

Any violation of the Drug-Free Workplace Program, including the first offense, may be a basis for corrective action, up to and including termination. Particularly serious violations, such as selling illegal drugs, a serious accident resulting from an employee being under the influence of illegal drugs or alcohol while on the job, attempts to adulterate a specimen, refusal to cooperate with the testing process, 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 be subject to discipline up to and including termination in accordance with applicable collective bargaining agreements and the ORC.

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 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 assistance professional 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 up to and including termination subject to the appropriate collective bargaining agreement and the ORC. 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 will 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.

CONFIDENTIALITY

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."

CLOSING

This Drug-Free Workplace Program has been designed to allow Columbus Public Schools to operate as a drug-free workplace. 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 and balanced 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 correlates with the positive prognosis for a lasting recovery.

Our goal is to have an effective drug-free workplace program that is valued by all.

RESERVATION OF RIGHTS

Columbus Public Schools reserves the right to interpret, change or rescind this program in whole or in part, with or without notice except with populations governed by a collective bargaining agreement(s). In addition, changes to applicable federal, state or local laws or regulations may require the District to modify or supplement this program. As noted above, this policy and any oral representations related to it do not create a binding employment contract of any kind or any promise of job security upon which an employee should rely.

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 drugs.

Alcohol Test - a test used to detect the content level of alcohol in the breath (BAC). This may be performed by using federally-authorized, non-evidential testing devices such as a breath or 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 to persons who have a "need to know" -- normally 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).

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 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.

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 in this program, 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.

Post-Accident Testing - Columbus Public Schools will require a safety sensitive employee or an driving a district vehicle (defined as 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.

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 the 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.*

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 dangerous and/or unsafe and/or detrimental to the health of the employee, coworkers, customers or the general public including 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).

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.

COLUMBUS PUBLIC SCHOOLS' LIST OF SAFETY-SENSITIVE FUNCTIONS

Safety-Sensitive Functions (By their nature, it is deemed by the District that these work *activities* or "functions" carry higher risk to the employee, co-workers, customers or the general public. These functions meet the safety-sensitive criteria, "activities wherein a momentary lapse in attention could cause physical injury and/or death.")

- While at or in a safety-sensitive environment
- While working with or handling potentially hazardous/combustible materials
- While driving a vehicle in behalf of the District
- While operating motorized equipment
- While operating power tools
- While working with electrical wiring or current
- While lifting weight greater than 50 pounds
- While working at a height of greater than 6 feet
- Other:

Safety-Sensitive Positions - A position wherein seventy-five to one hundred percent of the work activities of the position satisfy the definition above. (There may be no such designation.)

- Bus Drivers
- Maintenance Department employees
- Food Service
- Mechanics
- Custodians
- Truck Drivers
- Warehouse employees
- Special needs assistants

Version 12/06

**COLUMBUS PUBLIC SCHOOLS'
SUBSTANCE-FREE (DRUG-FREE) WORKPLACE
PROGRAM ACKNOWLEDGMENT FORM
and
POST-ACCIDENT RESPONSIBILITIES FOR
PERSONNEL WHEN OFF-SITE**

I have received, reviewed and understand *Columbus Public Schools' Policy Commitment To A Substance-Free (Drug-Free) Workplace*. I understand the benefits it offers and the requirements it imposes. I understand and agree that even more detail of the District's program can be found in the *Columbus Public Schools' Operational Guidelines To A Substance-Free (Drug-Free) Workplace Program*. I acknowledge that I have been given access and the opportunity to review the *Columbus Public Schools' Operational Guidelines To A Substance-Free (Drug-Free) Workplace Program*, and that the Program Administrator, identified in the *Policy Commitment*, can further assist me with any questions or concerns I have about this program.

I also understand and agree that I must comply with the program as a condition of my employment with the District, and that any violation of the program and/or my failure to comply with any aspect of the program may be a basis for corrective action, including termination of my employment. The termination will be deemed "for cause" and may affect my ability to receive unemployment benefits.

I further understand and agree that nothing in the commitment or the program's operational guidelines -- or in any oral representations by the District about or related to its implementation or enforcement of the program -- constitutes an express or implied contract of employment, or any promise upon which I can rely. All employment relationships with the District remain "at will" unless covered by a collective bargaining agreement(s).

In addition, if my position is safety sensitive or when I am driving a district vehicle (defined as District Property or Premises in this program) as part of my job requirements, I understand that I am responsible for being drug and/or alcohol tested following a work-related accident as defined in this program even if I am off-site at the time of the accident. In such circumstances, I am responsible to contact my Administrator/Supervisor or another management person from the District to arrange for the testing. I agree to sign any authorization required by the District and/or the testing laboratory to permit such testing to be conducted and to permit disclosure of the test results to the District.

If I seek medical attention on my own for an injury that occurred during work hours, I am responsible to notify the District no greater than two hours of arrival at the medical facility or before departure from the facility, whichever comes first. (That is not two hours after treatment -- but two hours after arrival to the facility for treatment.)

Any delay in promptly informing the District of my involvement in an accident may be deemed a refusal to test if the delay is not supported by a credible and justified explanation.

I also understand that failure to comply with such post-accident testing may be deemed either a refusal to be tested or a positive drug and alcohol test under Columbus Public Schools' Drug-Free Workplace Program, and that I may thereafter be subject to corrective action under the District's program.

I understand that my refusal to have a post-accident test or if my post-accident test is positive as defined by this Program, my right to receive workers' compensation benefits for any injuries sustained in that accident may be negatively affected.

Date

Employee's Signature

Representative for Columbus Public Schools

Employee's Name (printed)

Parent's or Guardian's Signature
(for employees under 18 years of age)

(A copy of this signed form is to be provided to the employee.)

On the other hand, my refusal to sign this Authorization will not affect my ability to obtain health care treatment from the testing laboratory (if applicable), payment for this treatment, or my ability to enroll in a health care plan or be eligible for health care plan benefits.

I understand that I have the right to revoke this authorization at any time, in writing, by notifying Privacy Officer of the testing laboratory referenced above, except to the extent that the testing laboratory has taken action in reliance upon the authorization.

This authorization expires when my employment with Columbus Public Schools or the Columbus Public Schools job for which this Consent is being applied ends.

Employee Signature Date

Witness Signature Date

Employee Name (print)

Parent's or Guardian's Signature
(for employees under 18 years of age)

(A copy of this signed form is to be provided to the employee.)

POST-ACCIDENT TESTING RESPONSIBILITIES for PERSONNEL WHEN OFF-SITE

IMPORTANT: IT IS THE RESPONSIBILITY OF DRIVERS AND OTHER SAFETY SENSITIVE PERSONNEL (OR PERSONNEL DRIVING A DISTRICT VEHICLE (defined as District Property or Premises in this program) AS PART OF THEIR JOB REQUIREMENTS) WHEN OFF-SITE (hereafter called "drivers") TO IMMEDIATELY REPORT ANY ACCIDENT AND ENSURE THAT A POST-ACCIDENT TEST IS PERFORMED FOLLOWING AN ACCIDENT AS DEFINED IN THE DISTRICT'S SUBSTANCE-FREE WORKPLACE PROGRAM.

"Immediately report" means no greater than within two hours of arrival at the medical facility or before departure from the medical facility (whichever comes first), whether during or following work for an injury incurred on the job. (That is not two hours after treatment - but two hours after arrival to the facility for treatment.)

1. WHEN IS A DRUG AND/OR ALCOHOL POST-ACCIDENT TEST REQUIRED?

A drug and/or alcohol test is required after an accident, whenever:

- A) there is a fatality ;
- B) anyone involved requires medical attention away from the scene of the incident;
- C) there is vehicular and/or equipment damage in apparent excess of \$1500.00; or
- D) there is non-vehicular property damage in apparent excess of \$1500.00.

You should assume that a drug and alcohol test is required. Only the District contact can excuse you from being tested.

IMPORTANT: YOUR REFUSAL TO SUBMIT TO A POST-ACCIDENT DRUG OR ALCOHOL TEST AND/OR IF YOUR TEST IS POSITIVE AS DEFINED BY THIS PROGRAM MAY JEOPARDIZE YOUR OPPORTUNITY FOR WORKERS' COMPENSATION BENEFITS (if applicable).

FURTHERMORE, A REFUSAL OR POSITIVE TEST MAY DISQUALIFY YOU FROM DRIVING A DISTRICT VEHICLE OR DRIVING FOR DISTRICT BUSINESS AS WELL AS OTHER CORRECTIVE ACTION AS OUTLINED IN THE DISTRICT'S PROGRAM.

2. WHAT MUST YOU DO AFTER AN ACCIDENT WHEN YOU NEED TO BE TESTED?

- A) You must remain readily available for testing following the accident. A failure to remain readily available will be treated as a refusal to test.

Any necessary medical treatment will not be delayed and you can leave the scene to get necessary emergency care. However, you must remain readily available for testing.

ALCOHOL TEST: You must provide a breath sample using an authorized EBT as soon as possible, but preferably not more than 8 hours after the accident.

You should not consume any alcohol within 8 hours following an accident.

NOTE: A blood test may be administered if a qualifying EBT is not available.

DRUG TEST: You must provide a urine sample for testing as soon as possible, but preferably not later than 32 hours after the accident.

- B) If you cannot provide a specimen at the time of the accident, you must provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs or alcohol in your system. (Use the attached hospital authorization form.)
- C) A law enforcement official may perform a drug and/or alcohol test on you for their own law enforcement purposes. **The law enforcement tests do not relieve you of your responsibility to be tested under the District's Substance-Free (Drug-Free) Workplace Program regulations.** However, you should inform the District if the law enforcement officials have tested you.

3. HOW DO YOU SUBMIT A URINE OR BREATH SAMPLE?

- A) Contact the District's designated representative or the Program Administrator at the number listed below to learn where you must go to submit a sample.

Normally, you will submit a urine sample for drug testing and a breath sample for alcohol.

- B) Have a valid form of identification available.

NOTE: Upon notice of a positive test, you may request a re-test. You must make this request within 72 hours after receiving notice of the positive test.

4. WHAT DRUGS WILL I BE TESTED FOR?

You will be tested for marijuana, cocaine, opiates (heroin), amphetamines, and phencyclidine (PCP), barbiturates, methaqualone*, benzodiazepines (Valium, Librium, etc.), methadone, and Propoxyphene (Darvon).

*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.

5. IF YOU NEED MORE INFORMATION CALL:

DISTRICT CONTACT:
Mira Wright, at 614-365-5003
Director, Human Resources Administration

EMPLOYEE ASSISTANCE:
Contact Human Resources for EAP information

COLUMBUS PUBLIC SCHOOLS'
SUBSTANCE ABUSE (DRUG-FREE) TESTING CONSENT/AUTHORIZATION FORM

I understand that the Substance-Free (Drug-Free) Workplace Program establishes conditions under which I may be required to provide a urine, breath, saliva and/or blood sample for drug and/or alcohol testing. Should this occur, I hereby consent to such testing. I further authorize the testing laboratory to release my test results to designated managers and/or the outside reviewing agent(s) chosen by the District.

Although contractual guidelines or collective bargaining agreements may provide other limitations, I am here informed of the limitations associated with Federal health care privacy rules. That is, if the person or entity who receives my protected health information is not covered by the Federal health care privacy regulations, my personal health information that was disclosed will no longer be protected and may be re-disclosed to another person or entity according to the Federal health care privacy rules.

Should there be a positive test result, I understand that I may be given the opportunity to explain and give information about the drugs found to be in my system to a Medical Review Officer ("MRO"). This MRO may ask me to provide, and I agree to provide, information about any legal non-prescription drugs and other drugs for which I have a prescription that I take routinely or have taken within the last thirty (30) days.

I understand that:

- any communication I may have with the collection site personnel, testing laboratories or MRO does not create or imply any form of doctor/patient relationship.
- the testing laboratory and the MRO referenced herein may receive compensation for providing the test results to my employer.
- I have the right to request a re-test of the original specimen, at my own cost.
- I may inspect or copy the information disclosed under this authorization and that such information may be automatically provided to me but at a minimum, will also be provided to me by SFC upon my written request.
- if I am terminated as a result of a violation of this Program, my termination will be deemed "misconduct - rule violation" and may affect my ability to receive unemployment benefits.
- my refusal to have a post-accident test or if my post-accident test is positive as defined by this Program, my right to receive workers' compensation benefits for any injuries sustained in that accident may be negatively affected.

I also understand and agree that I must sign this Consent and Authorization as a condition of my employment or participation on a Columbus Public Schools job. My refusal to sign it may be a basis for being denied access to, being barred, being asked to leave immediately from the workplace or the job, and may include termination of my employment.

**COLUMBUS PUBLIC SCHOOLS'
POST-ACCIDENT
HOSPITAL AUTHORIZATION FORM**

**Consent and Release of Information
For Safety Sensitive Positions and Employees
Driving a District Vehicle (defined as District Property or Premises in this program) as Part
of Their Job Requirements**

I understand, pursuant to Title 49 CFR 382.303, that I must be tested for drugs and alcohol following an FMCSA reportable accident and/or pursuant to Columbus Public Schools' Substance-Free (Drug-Free) Workplace Program which seeks to mirror the requirements of the Ohio Bureau of Workers' Compensation Drug-Free Workplace Program (or other comparable authority), that I must be tested for drugs and alcohol following a qualifying accident (as specified per governing policy.) *I also understand that any necessary medical attention will not be delayed and that I may leave the scene of the accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.* However, I will remain readily available to be tested as required.

In the event that I cannot produce a breath, saliva, blood, or urine sample at the scene and I am transported to a hospital, I hereby authorize the hospital to release any information, related to the program's testing requirements and necessary to meet the requirements of these regulations and this program such as a toxicity test report, to the designated District representative. I understand that if the person who receives my protected health information is not covered by the Federal health care privacy regulations, the personal health information disclosed may be re-disclosed to another person or entity and it will no longer be protected by the Federal health care privacy rules.

Further, I understand that I may withdraw this authorization but that to not authorize the hospital to release information pertaining to the program's testing requirements, I will be considered refusing to submit to or make myself readily available for a drug and alcohol test as required by DOT-FMCSA and the District's Drug-Free Workplace Program.

On the other hand, my refusal to sign this authorization will not affect my ability to obtain health care treatment from the testing laboratory, payment for this treatment, or my ability to enroll in a health care plan or be eligible for health care plan benefits.

I understand that my failure to submit to a drug and/or alcohol test as required by the program or my failure to remain readily available for a test, will be treated as a positive drug and alcohol test and/or failure to comply with the District's program. I understand that my refusal to have a post-accident test or if my post-accident test is positive as defined in the District's Program, my right to receive workers' compensation benefits for any injuries sustained in that accident may be negatively affected.

I understand that my signature for the release-of-information cannot be applied beyond 60 days from the date it is signed and that in the event the District representative needs such records or information from the hospital, I may be asked to sign a new Post-Accident Hospital Authorization Form for Columbus Public Schools and that failure to do so will be seen as a violation of the Program.

I understand that I may inspect or copy the information disclosed under this authorization and that my request for such should be made in writing.

I understand that the hospital or testing laboratory identified by the District may receive compensation for the use or disclosure of my protected health information to the District.

I understand that I have the right to revoke this authorization at any time, in writing, by notifying the Privacy Officer of the hospital, except to the extent that the testing laboratory has taken action in reliance upon the authorization.

Employee's/Patient's Name (Print)

Employee's/Patient's Signature

Date

Parent's or Guardian's Signature
(for employees under 18 years of age)

OR

Witness

Person authorized to sign in lieu of
the patient/employee

(A copy of this signed form is to be provided to the patient.)