

# Wilson County Board of Education

Policy Description:

Drug and Alcohol Testing for Employees

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Policy Number:

5.403

Amended Date:

04/07/08

Rescinds:

600.14

Issued:

11/06/97

1 All employees of Wilson County Board of Education will be subject to testing for the use of alcohol and illegal  
2 drugs.

3

#### 4 **PRE-EMPLOYMENT TESTING**

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6 All job applicants at Wilson County Board of Education will undergo testing for substance abuse as a condition of  
7 employment prior to beginning official work duties. A confirmed positive result will result in the revocation of the  
8 conditional employment.

9

10 Applicants will be required to submit voluntarily to a urinalysis test at a collection site and conducted by a  
11 laboratory chosen by the Wilson County Board of Education and by signing a consent agreement will release  
12 Wilson County Board of Education from liability. If the physician, collection site personnel, or lab personnel has  
13 reasonable suspicion to believe that the job applicant has tampered with the specimen, the applicant will not be  
14 considered for employment. The Wilson County Board of Education will not discriminate against applicants for  
15 employment because of a past history of drug or alcohol abuse. It is the current illegal use of drugs and/or  
16 abuse of alcohol which is of concern.

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#### 18 **POST-ACCIDENT TESTING**

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20 Any employee involved in a work related accident which causes an injury to himself/herself or another person  
21 sufficient to require treatment for the injury or which disables a vehicle or equipment while carrying out official  
22 duties will be required to submit to an alcohol and controlled substance test. Testing will be administered  
23 immediately following the accident or as soon as medically and legally possible.

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25 The employee must refrain from consuming alcohol for eight hours following the accident or until he/she submits  
26 to an alcohol test, whichever comes first.

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1 The drug test must be administered immediately following the accident. The employee must remain available for  
2 testing or Wilson County Board of Education will consider the employee to have refused to submit to testing. If  
3 an injured employee refuses to submit to a test for alcohol and/or illegal drugs, the employee forfeits eligibility for  
4 worker's compensation benefits.

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6 In case of non-emergency injuries reported after the fact, the injured employee must submit to testing at the time  
7 the injury is entered into the OSHA 300 log or any authorized replacement for the OSHA 300 log.

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9 **REASONABLE SUSPICION DRUG TESTING**

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11 When there is a reasonable suspicion to believe that an employee is illegally using drugs or abusing alcohol  
12 reasonable suspicion testing may be required. Reasonable suspicion is based on a belief that an employee is  
13 using or has used drugs or alcohol in violation of the Wilson County Board of Education's policy drawn from  
14 specific objective and explainable facts and reasonable inferences drawn from those facts in light of experience  
15 and/or training.

16  
17 It shall be a condition of employment for all employees to submit to reasonable suspicion substance abuse  
18 testing including but not limited to the following circumstances:

- 19  
20 1. Observable phenomena while at work such as direct observation of substance abuse or of the physical  
21 symptoms or manifestations of being impaired due to substance abuse.  
22 2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.  
23 3. A report of substance abuse provided by a reliable and credible source.  
24 4. Evidence that an individual has tampered with any substance test during his or her employment with  
25 Wilson County Board of Education.  
26 5. Information that an employee has caused or contributed to an accident while at work.  
27 6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while on Wilson  
28 County School's property or while operation of a Wilson County School's vehicle, machinery or  
29 equipment.

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31 **RANDOM ALCOHOL/DRUG TESTING**

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33 Wilson County Schools' employees required to hold a Commercial Driver's License are subject to controlled  
34 substance testing in accordance with sections 382.103-605 of the Federal Motor Carrier Safety Regulations  
35 prescribed by the Department of Transportation. All employees requiring a CDL are also subject to alcohol  
36 testing in accordance with the provisions in Section 382. These regulations shall supersede any conflicting  
37 policy contained herein. CDL drivers will be tested under DOT requirements for pre-employment, random,  
38 return to duty, reasonable suspicion, and post accident testing.

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1 Random alcohol/drug test are determined by a third party using a non-biased selection system. This may result  
2 in some employees being tested more frequently than once per year. Once notified of his/her selection for  
3 random testing, the driver must proceed immediately upon completion of their route to the testing facility.

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5 **RETURN TO DUTY TESTING**

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7 Any employee who is allowed to return to duty, based on Wilson County School's approval, following referral,  
8 evaluation, and treatment as a result of a positive alcohol or drug test will be required to submit to a return to  
9 duty alcohol and/or controlled substance test. An alcohol concentration in accordance with state law and a  
10 negative drug test will be required before a return to duty decision is made.

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12 **FOLLOW-UP TESTING**

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14 In the event an employee is allowed to return to duty following referral, evaluation and treatment, a minimum of  
15 two (2) unannounced alcohol and/or drug tests will be required during the next twenty-four (24) months of  
16 employment. Alcohol and controlled substance testing may be performed at any time the employee is at work  
17 for the Wilson County Board of Education.

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19 **IMPLEMENTATION**

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21 The Director of Schools is authorized to implement this policy and procedures for the drug testing program,  
22 including a periodic review of the program to address any problems, changes and/or revisions of it, maintenance  
23 of all records required by the federal regulations, and determination upon Board approval of how the program will  
24 be accomplished, whether in house, contracted or by consortium.

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26 **DISSEMINATION**

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28 The Director of Schools shall be responsible for communicating this policy and the procedures to all employees  
29 affected by this policy and shall be accountable for its consistent enforcement.<sup>1</sup>

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<sup>1</sup> 49 CFR § 382.601