

ARKANSAS SCHOOL FOR THE DEAF

Policy Type	Subject of Policy	Policy Number
Administrative	Employee Drug and Alcohol Prevention Policy	1028

**ARKANSAS SCHOOL FOR THE DEAF
EMPLOYEE DRUG AND ALCOHOL PREVENTION POLICY**

Arkansas School for the Deaf is a drug free workplace. All Arkansas School for the Deaf (ASD) employees are prohibited from using or possessing controlled substances or alcohol while on duty or working with the presence of alcohol or illegal drugs in the employee's body, unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, as well as inappropriate or illegal use of prescription drugs. Such actions prohibited both while at work or in the performance of official duties while off agency property; violations of this policy will subject the employee to discipline, up to and including termination. Employees who engage in drug or alcohol abuse face the risk of termination and the forfeiture of worker's compensation medical and indemnity benefits.

Reported use, distribution, or possession of drug or alcohol during working hours may subject the employee to discipline, up to and including termination, pending investigation.

1. LEVELS OF DRUG TESTING

PRE-EMPLOYMENT: All persons selected for new employment within ASD must submit to a drug test as a precondition of employment. All hiring decisions are contingent on the selectee passing the drug test.

REASONABLE CAUSE: All employees (includes temporary, emergency, and extra help positions) are subject to reasonable cause drug and alcohol screening.

RANDOM: Employees holding Commercial Driver's License (CDL) are subject to random drug testing as required by federal law.

2. PRE-EMPLOYMENT DRUG TESTING PROCESS

Vacancy announcements will include notice of required drug and alcohol testing.

All applicants selected for interview in a regular position, will sign a pre-employment drug test notification form that an offer of employment is conditional upon passing a pre-employment drug test. The written notification will inform applicants of the consequences of: (a) failing to appear for testing or (b) a test indicating positive for drugs or alcohol.

Upon conditional selection of an individual for employment, the Supervisor will notify the Personnel Director and the perspective employee that the employment is conditional for employment contingent on he/she successfully passing a pre-employment drug test and must contact the Personnel Director for instructions.

ASD will select the drug testing site and pay for the initial drug test. The selectee must pick up a Chain of Custody form from the Personnel Director, take the form to the testing location, and provide a sample for testing immediately.

Keeping in mind that some testing locations are closed on weekends and holidays, the hiring official will not make the initial notification on the last workday before a weekend, holiday, or scheduled time off.

If extenuating circumstances beyond the selectee's control prevent the selectee from providing a sample immediately, the selectee must request an extension. The decision of whether to grant the extension will be made by the Superintendent. The Personnel Director must notify the selectee of the decision.

3. DRUG TEST RESULTS

ARKANSAS SCHOOL FOR THE DEAF

Policy Type	Subject of Policy	Policy Number
Administrative	Employee Drug and Alcohol Prevention Policy	1028

Drug test results are forwarded directly to the Personnel Director. The Personnel Department then notifies the hiring supervisor whether the applicant is eligible or not eligible for hiring.

If the results of the drug test are negative for controlled substances, the hiring supervisor will notify the selectee of his or her final selection.

If the results of the drug test are positive for controlled substances, the selectee will be notified in writing of the results and will not be considered further for the position. External applicants will not be eligible for employment with ASD until all of the following conditions have been met:

- A. The selectee provides proof of successfully completing a supervised drug rehabilitation program.
- B. A two-year waiting period has expired.
- C. The selectee passes a new employee drug screening.
- D. The selectee signs an agreement to allow random drug testing during his/her first year of employment. ASD will pay for the drug tests.

4. IF SELECTEE DISAGREES WITH FINDINGS

If the selectee disagrees with the findings of the drug testing, the selectee may arrange to have a portion of the original sample retested at a laboratory certified by the National Institute of Drug Abuse. The selectee must arrange and pay for the second test. The second test must be performed within five working days after learning the results of the first test. The results of the second test will be considered conclusive.

Placement of any applicant on the payroll will be conditional and contingent on the applicant successfully completing the pre-employment drug screening.

5. TWO-YEAR EMPLOYMENT BAN

The following will result in the selectee being banned from applying for employment with ASD for two years:

- If the drug test is not performed within 48 hours (unless an extension is granted).
- If the drug test is positive. A test is considered to be positive if the test results indicate that the sample has been tampered with in any way or that the selectee has attempted to falsify the test results, including the use of masking agents or chemicals.
- If the selectee fails to appear for drug testing without notifying the hiring official that he/she is declining the position.

6. REASONABLE CAUSE DRUG TESTING

ASD may require a blood test, urinalysis or other drug/alcohol screening for employees any time there is reasonable cause. Reasonable cause to suspect a violation of the rules may be established by any of the following:

- A. Observed impairment of job performance.

ARKANSAS SCHOOL FOR THE DEAF

Policy Type	Subject of Policy	Policy Number
Administrative	Employee Drug and Alcohol Prevention Policy	1028

- B. Uncharacteristic or erratic behavior.
- C. The employee's attendance changes, e.g., habitual absenteeism.
- D. A workplace accident or an accident involving an ASD vehicle when the accident results in personal injury.
- E. Physical symptoms indicative of drug or alcohol use. For example, slurred speech, tremors, drowsiness, pupils dilated or constricted, irritability, hyperactivity, general motor impairment, disorientation, or the smell of alcohol on the breath.
- F. Evidence the employee has tampered with a previous drug or alcohol test.
- G. Evidence drugs have been tampered with or are missing from a unit or designated area to which the employee has access.
- H. Any other facts or circumstances which would cause a reasonable person to believe that the employee is in possession of, or under the influence of drugs or alcohol.
- I. Direct observation (by a manager, supervisor, or other employee) of drug or alcohol use or possession during working hours.
- J. Arrest or conviction for a drug offense or the identification of an employee as the subject of a criminal investigation into illegal drug possession, use, or trafficking.

Upon establishing reasonable cause, the Superintendent will be notified immediately and will determine if an investigation is necessary. The employee may be ordered to report for drug and alcohol testing. A written report will be made of the investigation leading to a controlled substances reasonable suspicion test within twenty-four (24) hours of the observed behavior. The report will be maintained by the personnel office.

7. RANDOM DRUG TESTING

All drivers for ASD with a CDL are required to submit to random drug testing. Employees in these positions will be randomly selected at intervals determined by the transportation director. The contractor will generate a list of names for the random drug testing. Once an employee is selected for testing, the employee must report for drug testing procedures.

8. RANDOM/REASONABLE CAUSE TESTING PROCEDURES

An employee selected under random or reasonable cause for drug or alcohol testing **must report to the designated testing site within four (4) hours of notification.** The employee is subject to random or reasonable cause testing only on scheduled workdays.

Under reasonable cause, an employee failing to submit to testing within four hours of notification will be terminated. If the employee tampers with the sample or in any way falsifies test results, including the use of masking agents or chemicals, the employee will be terminated and will not be eligible for rehire.

As a CDL driver for ASD, failure to submit to testing within four hours of notification the employee will be prohibited from driving commercial motor vehicles except in cases when the CDL is a requirement of the job and will result in termination.

9. FAILURE TO PROVIDE SAMPLE

ARKANSAS SCHOOL FOR THE DEAF

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy Number</u>
Administrative	Employee Drug and Alcohol Prevention Policy	1028

Failure to appear for drug testing and/or failure to provide urine, blood, or hair sample will have the same consequences as testing positive for drugs or alcohol. Drug screening will be conducted by a urinalysis test. If the employee or applicant is unable to provide a urine sample when he or she reports to the drug testing site, the person to be tested may opt to provide a blood sample or a hair sample. If blood or hair is provided, the cost of testing will be at the employee or applicant's own expense.

10. IF EMPLOYEE DISAGREES WITH TEST RESULTS

If an employee disagrees with the findings of the drug or alcohol test, the employee may arrange to have a portion of the original sample retested at a laboratory certified by the National Institute of Drug Abuse. The employee will arrange and pay for the second test. The second test must be performed within five working days of learning the results of the first test. The results of the second test will be considered conclusive.

11. EMPLOYEE ASSISTANCE PROGRAM (EAP)

EAP is an established program capable of providing problem assessment, short-term counseling, referrals to other providers, follow-up services, and education and training.

If an employee in the course of employment voluntarily enters EAP or an approved treatment program requesting services related to substance abuse, ASD has the option to require follow-up testing. If follow-up testing is required, it must be conducted at least once a year for a two-year period after successful completion of the program. Advance notice of a follow-up test will not be given to the employee to be tested.

ASD will not discharge, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment for a drug-related or alcohol-related problem, entering an employee assistance program for drug-related or alcohol-related problems or entering a drug or alcohol rehabilitation program, if the employee has not previously tested positive for drug or alcohol use.

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Approved by:

Superintendent, Arkansas School for the Deaf

Date

Administrator, Office of Personnel Management

Date