

Louisiana Special School District Alcohol and Drug Free Workplace Policy

Applicability

This policy applies to applicants and employees of the Louisiana Special School District (SSD).

Philosophy

The employees of the State of Louisiana are among the State's most valuable resources, and the physical and mental well-being of these employees is necessary for them to carry out their responsibilities properly. Substance and alcohol abuse causes serious adverse consequences to users, impacting their productivity, health and safety, dependents, and co-workers, as well as the general public.

The State of Louisiana has a long-standing commitment to working toward a drug and alcohol-free workplace. In order to curb the use of alcohol and illegal drugs by employees of the State of Louisiana, the Louisiana Legislature has enacted laws that provide for the creation and implementation of drug and alcohol screening programs for State employees. Further, state agencies are required by executive order to have written policies mandating drug screening of employees, appointees, prospective employees, and prospective appointees, pursuant to Louisiana Revised Statutes 49:1001, *et seq.*

The legislature has further chosen to make the unauthorized possession or consumption of alcoholic beverages on public school property a criminal offense, punishable by both fine and imprisonment. SSD, a state agency that operates schools and educational programs, fully supports these efforts and is committed to a drug- and alcohol-free workplace.

Policy

It shall be the policy of SSD to maintain a drug and alcohol-free workplace and a workforce free of substance abuse.

Employees are prohibited from reporting for work or performing work for SSD with the presence in their bodies of alcohol above the prohibited alcohol concentration level, illegal drugs, or designer (synthetic) drugs at or above the initial screening levels and confirmatory screening levels as established in the contract between the State of Louisiana and the official provider of drug screening services.

Employees are prohibited from the illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances, designer drugs, and illegal drugs or alcohol at the work site, while responsible for students whether at school or not, while on official State business, or while on-call for duty.

Employees are prohibited from consuming alcohol while they are responsible for students, whether at school or not, and while they are on-call for duty. When employees chaperone school trips, including overnight trips, they are considered responsible for students for the entire trip for purposes of this policy.

To assure maintenance of a drug and alcohol-free workforce, SSD shall enforce a policy to implement a program of drug and alcohol screening, in accordance with Louisiana Revised Statutes (La. R.S.) 49:1001, *et seq.*, and any and all other applicable federal and/or state laws.

Prohibitions

The SSD prohibits:

1. The unlawful or unauthorized manufacture, distribution, dispensation, possession, or use of illegal or unauthorized drugs and other prohibited substances in State vehicles or on SSD or State premises or while the employee is on official state business, on duty, or on call for duty.
2. The use, abuse, or presence of illegal or unauthorized drugs or other prohibited substances in the bodies of its employees while on duty, on call or engaged in official state business, on or off the SSD/State premises.

Employee Requirements

In order to maintain a safe and productive work environment, each SSD employee is required to:

1. Report for duty unimpaired by the use of alcohol or drugs;
2. Promptly and cooperatively submit to drug and alcohol testing when requested by the appointing authority, his or her designee, or as specified by this policy;
3. Notify a supervisor, prior to or immediately upon reporting for duty, when the employee has reason to believe that prescribed or over-the-counter medication may impair his or her ability to perform customary job duties or otherwise create a safety hazard. While the duration of the medication taken should be disclosed, it is not necessary for the employee to disclose to the supervisor the medication being taken nor the condition for which it was prescribed. Such information may be required to be disclosed to the Medical Review Officer should circumstances or the nature of the employee's job duties warrant, as determined by the appointing authority;
4. Notify the Director of Human Resources of any criminal convictions or nolo contendere pleas occurring related to activities which took place in the workplace, while on official business, during work hours, or when on call for duty, in writing, within five (5) days after such conviction or nolo contendere plea.

Conditions Requiring Drug or Alcohol Screening

Screening shall be required, with or without prior notification, under the following circumstances:

1. Pre-Employment

Each prospective employee, except employees transferring from another executive agency without a lapse in service, shall be required to submit to pre-employment drug screening at the time and place designated by the person administering the program. A prospective employee whose principal responsibilities of employment would include

operating a public vehicle, performing maintenance on a public vehicle, or supervising any public employee who operates or maintains a public vehicle and who tests positive for the presence of drugs in the initial screening shall be eliminated from consideration for employment.

2. Reasonable Suspicion

An employee shall be required to submit to screening for drugs and alcohol if there is reasonable suspicion that the employee is using drugs or alcohol. Reasonable suspicion is a belief, based upon reliable, objective, and articulable facts derived from direct observation of specific physical characteristics (behavior, speech, appearance, odor), which causes a prudent person to suspect that an employee has engaged in alcohol and/or drug use.

Only the appointing authority, or his or her designee, shall require an employee to submit to reasonable suspicion testing. Generally, this decision will be based upon the recommendation of supervisory personnel who have objectively and thoroughly reviewed the circumstances. The supervisor will fully document the facts upon which the recommendation for testing is made.

NOTE: When reasonable suspicion testing is ordered, an SSD representative shall transport the individual being tested to and from the testing site. Under no circumstance should any employee who is reasonably believed to be impaired or under the influence of any drug or alcohol be permitted to operate a motor vehicle.

3. Safety- and/or Security-Sensitive Positions (Applicants and Incumbents)

Each employee who is offered a safety-sensitive or security-sensitive position shall be required to pass a drug screen before being placed in such a position, whether through appointment or promotion.

Random drug screening is required for all employees holding safety and/or security-sensitive positions. Such screening shall be periodic and unannounced and employee selection shall be by a computer-generated random selection process. All such screening shall, unless impracticable, occur during the employee's normal work hours.

A list of safety- and security-sensitive positions shall be maintained by the Superintendent and available through the Office of Human Resources.

4. Post-Accident /Incident

Any employee directly involved in an on-duty accident or incident, and whose action or inaction may have been a causative factor of same, shall be required to immediately submit to drug and alcohol testing if:

- a. Reasonable Suspicion (Post-Accident/Incident): Circumstances give rise to a reasonable suspicion of the employee's drug and/or alcohol use or impairment; or
- b. Fatality: The accident or incident resulted in a fatality; or
- c. Hazardous Materials Release: The accident or incident resulted in or caused the release of hazardous waste as defined in La. R.S. 30:2173(2) or hazardous materials defined in La. R.S. 32:1502(5).

NOTE: Employees should be aware of the legal presumption of impairment under La. R.S. 23:1081 if an employee refuses, after being so directed, to submit to drug or alcohol testing as a result of an on-duty accident or incident. As a consequence of such refusal, benefits under the workers' compensation laws of the State of Louisiana may be denied.

5. Return-to-Duty/Rehabilitation Monitoring

Any employee who is participating in an alcohol or substance abuse after-treatment program or who has a rehabilitation agreement following an incident involving alcohol or substance abuse shall be required to submit to random screening.

Confidentiality/Employee Rights

All drug and alcohol testing results and records (including all information, interviews, reports and statements) are considered confidential communications, pursuant to La. R.S. 49:1012, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceeding, except in an administrative or disciplinary proceeding or civil litigation where drug use by the tested individual is relevant. Exceptions to these confidentiality provisions are limited to written employee consent; federal agencies when licensure or certification actions are required; to a decision-maker in arbitration, litigation or administrative proceedings arising from a positive drug test; and as otherwise required by law.

Any employee, upon learning of a confirmed positive test result, shall, within seven working days and upon written request, have the right of access to records and other documentation relating to the drug or alcohol testing process and any records relating to the results of any relevant certification, review, suspension/revocation proceeding of the testing facility.

Employees should know that statistical records and reports of drug and alcohol testing are maintained by the SSD, contract physicians and drug testing laboratories. This information is aggregate data and is used to monitor compliance and to assess the effectiveness of the drug and alcohol testing program.

The SSD has no interest in informing law enforcement authorities of a positive drug or alcohol test. However, nothing contained in this policy will be construed to preclude the delivery of any illegal drug, controlled dangerous substance, or other substance prohibited by this policy, discovered in or on SSD or State property, or upon the person of an SSD employee, to law enforcement officials. Likewise, any employee found engaged in the sale, attempted sale, distribution or transfer of illegal drugs or controlled substances while on duty or on SSD or State property may be referred to appropriate law enforcement authorities.

Drug Testing Procedures

Drug testing pursuant to this policy shall be for the presence of drugs in accordance with La. R.S. 49:1001, *et seq.*

Testing shall be performed by a contractor chosen by the SSD. The SSD contracts with neutral, well-trained, professional medical personnel and certified laboratories for the collection, custody, storage, and analysis of specimens. All drug testing and all drug testing of samples for current and prospective employees and appointees collected shall be performed in SAMHSA-certified or CAP-FUDD-certified laboratories.

Drug testing shall be performed in compliance with the SAMHSA and the Louisiana Department of Health and Hospitals guidelines. The cut-off limits for drug testing shall be in accordance with SAMHSA guidelines with the exception of initial testing for marijuana. The initial cut off level of marijuana shall be no less than fifty nanograms/milliliter and no more than one hundred nanograms/milliliter as specified by the employer or the testing entity.

The DOA reserves the right to require employees to submit to additional testing, to the extent allowable under the law.

Alcohol Testing Procedures

Evidential Breath Testing (EBT) Devices approved by the National Highway Traffic Safety Administration will be used by a certified Breath Alcohol Technician to determine the presence of alcohol in the employee's system.

The employee will be advised of the results of the breath screening test. No further testing will be required if the test results are negative. If the screening test is positive for the presence of alcohol, a confirmation test will be performed within twenty minutes, but not less than fifteen minutes of completion of the screening test. If the confirmatory test indicates a blood alcohol concentration of 0.02 percent or more by weight based upon grams of alcohol per one hundred cubic centimeters of blood, the results will be reported as positive to SSD's designated representative.

Positive test results will also be reported to the appointing authority whenever an employee refuses to complete or sign the breath alcohol confirmation testing form, provide breath or an adequate amount of breath (excluding medical inability), or fails to cooperate with the testing procedure in any way that prevents completion of the test.

The DOA reserves the right to require employees to submit to additional testing, to the extent allowable under the law.

Violations

Violation of this policy, including refusal to submit to drug and alcohol screening, may result in disciplinary action.

The use of illegal drugs and other controlled or unauthorized substances will not be tolerated. Substance abuse endangers the health and well-being of our employees, prevents quality service to the public and is inconsistent with the SSD's mission. SSD will attempt to resolve any reasonable doubt regarding the testing procedure or results.

Disciplinary action, up to and including termination of employment, may be taken in accordance with Chapter 12 of the Civil Service Rules and the SSD's employee policies. Each violation and alleged violation of this policy will be handled on an individual basis, taking into account all data, including the risk to self, fellow employees, students, and the general public.

Employee Rehabilitation

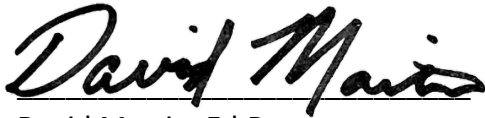
Early recognition and treatment of drug or alcohol abuse or dependency are essential to successful rehabilitation. Employees experiencing a substance abuse problem are encouraged to seek assistance. Any such involvement will be held in strict confidence, but employees

should know that supervisors and appointing authorities may be informed of the employee's treatment and leave needs as necessary and to the extent allowed by law.

Employees who participate in a substance abuse rehabilitation program, as a condition of continued employment, may be subject to the Return-to-Duty/Rehabilitation Monitoring testing as set forth in this policy.

REFERENCES: La. R.S. 17:91.7, 30:2173(2), 32:1502(5), 49:1001, *et seq.*
Controlled Substances Act (21 U.S.C. 812)

AUTHORIZED BY:



David Martin, Ed.D.
Superintendent for the
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July 28, 2023

Date