Washington County School District
121 West Tabernacle Street
Saint George, Utah 84770
435-673-3553

District Policy 1400

Drug-Free Workplace and Reasonable Suspicion

Drug & Alcohol Screening and Drug-Free Workplace Policy for WCSD Employees (Approved 6-8-04); Revised 8-9-22

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1. Purpose

With this policy the District affirms a commitment to maintain a Drug-Free Workplace and establishes conditions under which the District will conduct testing of employees based on reasonable suspicion that the employee has violated this Policy and is under the influence of alcohol, intoxicants, illegal or misused prescription or over-the-counter medications.

2. Policy

2.1. Drug-Free Workplace

2.1.1. Because of the special role the school system plays in discouraging students from using controlled substances, it is the policy of the Washington County School District that employees are required to refrain from illegally using, possessing, manufacturing, dispensing, or selling controlled substances (drugs) in their private lives. Further more, employees of the District must be free of the influence, use, possession, selling and dispensing of drugs and alcohol while on duty or on School District property. No employee shall report for work, including assignments to supervise students on or off-campus, school-sponsored activities, or events after/before school hours, impaired or otherwise adversely affected by any drug that is legal or illegal. "Impaired" means under the influence of a substance such that the employee's motor senses (sight, hearing, balance, reaction, reflex) or judgment either are or may be reasonable presumed to be adversely affected. No employee at any District facilities, schools, or grounds may possess any quantity of any substance, legal or illegal, which in sufficient quantity could cause impaired performance, except for authorized substances. "Possess" means to have a drug or drugs either in or on an employee's person, personal effects, motor vehicle, tools, and areas entrusted to the employee such as desks, files and company vehicles.

2.1.2. Any employee who has a substance abuse or alcohol abuse problem is encouraged to obtain assistance for the employee's problem by admission to a drug or alcohol abuse

treatment program. Employees are strongly urged to seek such assistance before their problem becomes a matter of public knowledge or has affected his or her ability to effectively perform his or her job responsibilities. The Human Resource Director can provide an employee with information on substance abuse treatment options upon request. The District will not excuse a violation of this policy based on the employee's intent to seek the assistance of a treatment program.

2.2. Penalties for Violation

It is the policy of the Washington County School District that the following misconduct violations will not be tolerated and are considered sufficiently serious to warrant immediate disciplinary action up to and including termination:

2.2.1. Reporting to work, including assignments to supervise students in on or off-campus school-sponsored activities or events after/before school hours, under the influence of alcoholic beverages or other intoxicants, illegal narcotics, or misused prescription or over-the-counter medications.

2.2.2. The manufacture, possession or distribution of alcoholic beverages intoxicants, illegal narcotics, or other controlled substances on school premises or at school-related activities.

2.2.3. The use of or being under the influence of alcohol or other intoxicants or illegal narcotics, or misused prescription or over-the-counter medications.

2.2.4. Any conduct that is administratively determined to be a violation of Utah Law relating to drug or alcohol use.

2.2.5. Consistent with the UCA § 26-61a-111, the Washington County School District will regard the legal use of cannabis by an authorized medical cannabis cardholder or an employee with a legitimate medical cannabis recommendation from a qualified medical provider as a prescribed controlled substance.

2.3. Effect of Failure To Comply With Reasonable Suspicion Drug And Alcohol Testing or Suspicion Inquiry

An employee who refuses to submit to an alcohol and/or drug test or who violates any aspect of this policy may be subject to disciplinary action up to and including termination. An employee's person, work area, desk, files, District vehicle, and similar areas are subject to inspection for drugs at any time based on reasonable suspicion under this policy.

3. Procedure

3.1. Reasonable Suspicion Drug And Alcohol Testing

If the Superintendent or his designee has reason to suspect that an employee is violating the above Drug-Free Workplace policy, he/she may require the employee to submit immediately to medical tests, including but not limited to breathalyzer, urine, and/or blood testing.

3.1.1. "Reasonable Suspicion" is defined as a belief based on objective facts and the rational inferences which may be drawn from such facts or based on direct or reported observations

from a verifiable source that the particular employee has violated the Drug-Free Workplace policy.

3.1.2. Common signs which indicate a drug or alcohol abuse problem or circumstances which together may constitute a reasonable suspicion of a violation of the Drug-Free Workplace policy include, but are not limited to, the following:

1) Observed alcohol or drug use.

2) Unexplained work-related accidents or injury.

3) Presence of physical symptoms commonly associated with substance abuse such as: impairment of motor functions, slurred speech, incoherent or irrational mental state, drowsiness, smell of alcohol or marijuana, extreme weight loss, red eyes, runny nose, or sniffling, frequent or extreme mood changes, lack of physical coordination, deteriorating work performance, and/or attendance problems, frequent absences or lateness, unexplained absence from assigned work, frequent or extended visits to the restroom, deterioration in dress and/or grooming, or other marked, unexplained changes in personal behavior.

3.2. Over-The-Counter Or Prescription Drugs

An employee shall not come to work, including assignments to supervise students in on or off-campus school-sponsored activities or events after/before school hours, if, when taking or under the influence of over-the-counter or prescription drugs, such medication negatively affects the employee's work performance. If the employee is unable to perform the job without impairment caused by the medication, the employee shall request sick leave, vacation leave, or leave without pay until the condition for which such medication is being taken is no longer present or use of the medication causing impairment has been discontinued.

3.3. Drug Testing Methodology For Reasonable Suspicion Testing

A certified collection agent and laboratory will conduct testing.

3.4. Alcohol Testing

Alcohol testing shall consist of a standard blood or breath alcohol testing procedure.

3.5. Confidentiality

3.5.1. The results of drug screening or and alcohol tests shall not be included in an applicant's or an employee's file, but shall be retained by the Human Resource Department in a separate file, exempt from public inspection.

3.5.2. Any conditions of employment which may be established as a result of the drug test may become part of the employee's personnel file.

3.5.3. Test results and ancillary information may be disclosed to other management personnel only on a need-to-know basis or to any person with the written consent of the employee.

3.6. Management Requirements For Reasonable Suspicion Drug/Alcohol Screening

3.6.1. Administrative personnel (principals, assistant principals, District administrators, and District supervisors) shall be responsible for the implementation and consistent enforcement of this policy, together with the Human Resources Director.

3.6.2. The decision to require that an employee submit to alcohol and drug screening shall be approved by the Superintendent or administrator and the Human Resources Director.

3.6.3. The Superintendent or designee shall review the facts to ensure the appropriateness of requiring the employee to submit to the alcohol and drug screening.

3.6.4. Administrative personnel must document, in writing, the facts constituting reasonable suspicion or violation of these guidelines.

3.6.5. Administrative personnel must inform (with appropriate witness) any employee being required to submit to the drug testing of the consequences of non-compliance with a directive to submit to drug/alcohol screening

3.6.6. Administrative personnel or designee shall accompany the employee to the testing facility and shall remain at the testing facility with the employee until testing is completed.

3.6.7. Management shall arrange for the tested employee to be escorted to and from the testing location and take reasonable steps to prevent the employee from driving.

3.6.8. Under no circumstances shall an employee be required to transport another employee exhibiting violent or threatening behavior. In such cases, the responsible employee shall immediately contact the appropriate law enforcement agency.

3.6.9. Once the alcohol and drug screening collection process has been properly completed, the Administrator of the school or department initiating the drug screening and Human Resources Director shall decide if the subject employee may return to a limited duty capacity or placed on administrative leave pending the results of the alcohol and drug screening.

3.6.10. If relieved of duty, the employee may be placed on administrative leave with pay or granted sick leave at the sole discretion of the District.

3.6.11. The School and District shall take the appropriate administrative and/or disciplinary actions in accordance with School Board policy.

Form #125 - Reasonable Suspicion Record

Utah Administrative Code R277-217