

Section G: Human Resources	Knox County Board of Education Policy		
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	Drug-Free Workplace	G-210	7/95
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PURPOSE

1. The Knox County Board of Education is committed to a safe working environment, to making adequate provisions for the safety and health of its employees at their place of employment, and to the safety and health of the students we serve as well as the general public. The Knox County Board of Education regards its personnel as individuals as well as employees. Therefore, the Board believes that alcoholism and drug addiction are illnesses and should be treated as such. The Board further believes that employees who develop alcoholism or other drug addictions can be helped to recover and should be offered appropriate assistance. It is in the best interest of the employee and the Board that when alcoholism or drug addiction is present, it should be diagnosed and treated at the earliest possible date. Confidential treatment of the diagnosis and recovery process for alcoholism or drug addiction is essential.
2. The Knox County Board of Education recognizes that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. The Knox County Board of Education and its employees share a commitment to create and maintain a drug-free workplace.
3. The Knox County Board of Education is responsible for the instruction and well-being of the students entrusted to its care. The Board declares that the use of illegal drugs, the abuse of alcohol, and the misuse of prescription drugs are unacceptable.
4. Provisions of the Federal Anti-Drug Act, 41 U.S.C.A. § 702, require federal grant recipients to establish a drug-free workplace. Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with the drug-free policy as a condition of employment. Employers must inform employees of drug-free requirements through an awareness program.

POLICY GOALS AND OBJECTIVES

1. To establish, promote, and maintain a safe, healthy working and learning environment for employees and students.
2. To aid the affected employee in locating a rehabilitation program for employees with a self-admitted or detected substance abuse problem.
3. To promote the reputation of the Knox County School System and its employees as responsible citizens of public trust and employment.

- 1 4. To eliminate substance abuse problems in the workplace.
- 2
- 3 5. To aid in the reduction of absenteeism, tardiness and apathetic job performance.
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- 5 6. To provide a clear standard of job performance for Knox County Schools employees.
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- 7 7. To provide a consistent model of substance-free behavior for students.
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PRE-EMPLOYMENT TESTING

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11 In the furtherance of achieving the Knox County Board of Education's goals and objectives as enumerated
12 above, all applicants being considered for employment positions identified by the Knox County Board of
13 Education as being safety-sensitive shall be required to submit to a urinalysis test for the detection of the
14 illegal use of drugs, as part of the currently required post-offer, pre-employment physical. Applicants for
15 positions which require testing shall be given a copy of this Policy in advance of the post-offer, pre-
16 employment physical.

17
18 Applicants must acknowledge having read or had this Policy explained to them and should understand
19 that as a condition of employment they are subject to its contents. Applicants shall sign an
20 acknowledgment prior to substance screening, permitting the summary result to be transmitted to the
21 Medical Review Officer (MRO) and the Executive Director of Human Resources. An applicant refusing
22 to complete any part of the drug testing procedure shall not be considered a valid candidate for
23 employment with the Knox County Board of Education, and such will be considered as a withdrawal of
24 the individual's application for employment. The applicant shall not be permitted to reapply for
25 employment with the Knox County Board of Education for at least twelve (12) months and not until the
26 applicant shows proof of successful completion of a drug rehabilitation program or proof that the
27 applicant has otherwise rehabilitated successfully and is no longer engaging in illegal drug use.

28
29 If substance screening shows a confirmed positive result for which there is no current physician's
30 prescription, a second confirming test may be requested by the MRO. If the first or any requested second
31 confirming test is positive, any job offer shall be revoked.

32
33 The Knox County Board of Education has several positions which are considered safety sensitive. In
34 general, these are positions where a single mistake by an employee can create an immediate threat of
35 serious harm to students and fellow employees.

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37 Safety-sensitive positions requiring post-offer, pre-employment drug testing are: principal, assistant
38 principal, teacher, traveling teacher, teacher aide, substitute teacher, school secretary, school security
39 officer and school bus driver. The procedure for testing these positions is contained on page 7 of this
40 Policy. Individuals applying for other positions shall not be required to submit to a post-offer, pre-
41 employment substance screen.

EMPLOYEE CONDUCT

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45 Substance abuse is the misuse or illicit use of alcohol, drugs, or controlled substances, including but not
46 limited to marijuana, heroin, or cocaine.

- 47
- 48 1. Illegal drugs
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50 (1) Employees shall not engage in the illegal use of drugs at any time, and such use will not be

1 tolerated. Further, employees on duty, or on Knox County Board of Education property, or in
2 attendance at system-approved or school-related functions will not manufacture, distribute,
3 dispense, possess, or use illegal drugs or drug paraphernalia, nor will they be under the influence
4 of such drugs.
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- 6 (2) An employee convicted of any criminal drug law shall notify the Knox County Schools Executive
7 Director of Human Resources no later than five (5) days after such conviction. Within thirty (30)
8 days after receiving notice of a conviction, Knox County Schools will take appropriate disciplinary
9 action and/or refer the employee to an appropriate substance abuse rehabilitation program.
10
- 11 (3) Failure of the employee to report the conviction within the time prescribed will lead to disciplinary
12 action up to and including discharge. Convictions of a criminal drug law can result in disciplinary
13 action up to and including discharge. In determining whether and to what extent an employee will
14 be disciplined or discharged for the conviction of a criminal drug law, the Board will consider the
15 following factors: the degree to which the nature of the criminal offense reduces the Knox County
16 Board of Education's ability to maintain a safe working environment; the degree to which the
17 nature of the criminal offense unreasonably endangers the safety of other employees and/or
18 students; the degree to which the conviction unreasonably undermines the public confidence in the
19 Knox County Board of Education's operations; the nature of the criminal offense; the nature of the
20 employee's job with the Knox County Board of Education; the existence of any explanatory or
21 mitigating facts or circumstances; whether the employee promptly reports the conviction; and any
22 other facts relevant to the employee, including but not limited to years of service and record of
23 performance with the Knox County Board of Education.
24

25 2. Alcohol and Drugs 26

27 Alcohol, prescription drugs, and over-the-counter drugs are legal and readily available. These drugs, when
28 abused over time or used in combination with one another, can result in chemical dependency or poly-
29 drug addiction. Employees shall conduct themselves in a manner consistent with the following provisions:
30

- 31 (1) Employees on duty, or on Knox County Board of Education property, or in attendance at system-
32 approved or school-related functions must not be under any degree of intoxication or odor from
33 alcohol. Employees shall not manufacture, sell, or use alcoholic beverages or possess open
34 alcoholic beverage containers while on duty, or on Knox County Board of Education property, or
35 in attendance at system-approved or school-related functions.
36
- 37 (2) Employees on duty shall not use or take prescription drugs above the level recommended by the
38 prescribing physician and shall not use prescribed drugs for purposes other than those for which
39 they are intended. Employees shall not dispense such drugs except as provided in Board Policy
40 JGCB.
41
- 42 (3) An employee convicted of any criminal drug law involving the use of alcohol, prescription drugs,
43 or over-the-counter drugs shall notify the Knox County Schools Executive Director of Human
44 Resources no later than five (5) days after such conviction. Within thirty (30) days after receiving
45 notice of a conviction, Knox County Schools will take appropriate disciplinary action and/or refer
46 the employee to an appropriate substance abuse rehabilitation program.
47
- 48 (4) Failure of the employee to report the conviction within the time prescribed will lead to disciplinary
49 action up to and including discharge. Convictions of a criminal drug law involving the use of
50 alcohol, prescription drugs, or over-the-counter drugs can result in disciplinary action up to and

1 including discharge. In determining whether and to what extent an employee will be disciplined or
 2 discharged for the conviction of a criminal drug law involving the use of alcohol, prescription
 3 drugs, or over-the-counter drugs, the Board will consider the following factors: the degree to
 4 which the nature of the criminal offense reduces the Knox County Board of Education's ability to
 5 maintain a safe working environment; the degree to which the nature of the criminal offense
 6 unreasonably endangers the safety of other employees and/or students; the degree to which the
 7 conviction unreasonably undermines the public confidence in the Knox County Board of
 8 Education's operations; the nature of the criminal offense; the nature of the employee's job with
 9 the Knox County Board of Education; the existence of any explanatory or mitigating facts or
 10 circumstances; whether the employee promptly reports the conviction; and any other facts relevant
 11 to the employee, including but not limited to years of service and record of performance with the
 12 Knox County Board of Education.

13 **PHYSICAL EXAMINATION/SCREENING BASED UPON REASONABLE SUSPICION**

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 16 Whenever the Knox County Board of Education, through its Executive Director of Human Resources or
 17 his/her authorized designee, and/or the MRO, reasonably suspects that an employee's work performance
 18 or on-the-job behavior may have been affected in any way by illegal drugs or alcohol or that an employee
 19 has otherwise violated the Knox County Board of Education Drug-Free Workplace Substance Abuse
 20 Policy, the employee may be required to submit a breath and/or urine sample for drug and alcohol testing.
 21 When a supervisor observes or is notified of behaviors or events that lead the supervisor to believe that the
 22 employee is in violation of the Drug-Free Workplace Substance Abuse Policy, the supervisor shall notify
 23 the Executive Director of Human Resources.

24
 25 An employee who is required to submit to drug/alcohol testing based upon reasonable suspicion and
 26 refuses shall be charged with insubordination, and necessary procedures will be taken to terminate the
 27 employee in accordance with Board Policy, state law, and the Charters of Knox County, Tennessee, and
 28 the City of Knoxville, where applicable.

29
 30 An employee who tests positive on a reasonable suspicion test will be in violation of this Policy. Violation
 31 of this Policy shall constitute grounds for termination in accordance with Board Policy, state law, and the
 32 Charters of Knox County, Tennessee, and the City of Knoxville, where applicable.

33
 34 The Knox County Schools Executive Director of Human Resources or his/her authorized designee, or the
 35 MRO are the only individuals in the Knox County School System authorized to make the determination
 36 that reasonable suspicion or cause exists to order a drug screen and are the only individuals who may
 37 order an employee to submit to a drug screen.

38
 39 Two types of cases for which reasonable suspicion procedures may be invoked are:

40 41 1. Chronic Case

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 43 Deteriorating job performance or changes in personal traits characteristics where the use of alcohol or
 44 drugs may be reasonably suspected as the cause.

45 46 2. Acute Case

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 48 Appearing in a specific incident or observation to then be under the present influence of alcohol and/or
 49 drugs or investigation of an accident where the use of alcohol or drugs is reasonably suspected to be a
 50 contributing cause.

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2 Circumstances under which substance screening may be considered, in either the chronic or acute cases,
3 include but are not limited to the following:
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- 5 (1) Observed use, possession, or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol
6 and/or the illegal use or sale of prescription drugs.
7
- 8 (2) Apparent physical state of impairment of motor functions.
9
- 10 (3) Marked changes in personal behavior not attributable to other factors.
11
- 12 (4) Employee involvement in or contribution to an accident where the use of alcohol or drugs is
13 reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not
14 they involve actual or potential injury.
15
- 16 (5) Violations of criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription
17 drugs and/or violations of drug statutes.
18

19 The circumstances, under which substance screening may be considered, as outlined above, are strictly
20 limited in time and place to employee conduct on duty or during work hours, or on or in Knox County
21 Board of Education property, or at school system-approved or school-related functions.
22

23 Prior to substance screening, employees must sign an acknowledgment that the summary result will be
24 transmitted to the MRO and the Knox County Schools Executive Director of Human Resources.
25

26 Drug and/or alcohol screening shall be conducted by Board approved, independent, certified laboratories
27 utilizing recognized techniques and procedures, more specifically described in the Drug and Alcohol
28 Abuse Testing Procedures contained in this Policy at page 7. A breath analysis test will be performed by a
29 certified Breath Alcohol Technician who is an employee of the Knox County Schools.
30

31 **PROMOTION AND TRANSFER TESTING** 32

33 When an employee applies for a position through the Knox County Board of Education's selection process
34 for a job that has been identified by the Knox County Board of Education as being a safety-sensitive
35 position, the employee shall be subject to drug testing in accordance with the procedures contained in this
36 Policy before the employee will be considered a valid candidate for that job opening. An employee who
37 tests positive for illegal drugs on a promotion/transfer test will no longer be considered an applicant for
38 that position. Such employee will also be in violation of this Policy. Violation of this Policy will
39 constitute grounds for immediate termination in accordance with Board Policy, state law, and the Charters
40 for Knox County, Tennessee, and the City of Knoxville, where applicable.
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42 An employee may withdraw the application for the position at any time up until the employee is
43 scheduled for promotion/transfer testing. Once an employee is scheduled for promotion/transfer testing, if
44 that employee refuses to submit to the test, he/she will be disqualified for consideration for the position
45 and will be considered as being insubordinate and subject to discipline. Under no circumstances shall this
46 employee be considered as a viable candidate for any future openings in this classification until the
47 employee has signed a release for drug testing.
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RETURN TO DUTY TESTING

An employee who has been given the opportunity to undergo rehabilitation for drugs will, as a condition of returning to duty, be required to agree to a reasonable follow-up testing established by the Executive Director of Human Resources. The extent and duration of the follow-up testing will depend upon the safety or security nature of the employee's position and the nature and extent of the employee's substance abuse problem. The Executive Director of Human Resources is to review the conditions of continued employment with the employee prior to the employee's returning to work. Any such condition for continued employment shall be given to the employee in writing. The Executive Director of Human Resources may consult with the employee's rehabilitation program in determining an appropriate follow-up testing program, including the frequency of any substance screening contained in a follow-up testing program. In no instance shall such screening be ordered by the Executive Director of Human Resources more than one (1) time within a seventy-two (72) hour period.

Any employee subject to return to duty testing that has a confirmed positive drug test shall be in violation of this Policy. Violation of this Policy shall constitute grounds for immediate termination in accordance with Board Policy, state law, and the Charters for Knox County, Tennessee, and the City of Knoxville, where applicable.

REHABILITATION

The Knox County Board of Education recognizes that chemical dependency is an illness that may be successfully treated.

1. It is the policy of the Knox County Schools, where possible, in addition to appropriate personnel action, to refer for rehabilitation an employee with a self-admitted or detected drug or alcohol problem.
2. Employees seeking medical attention for chemical dependency shall be entitled to benefits to the extent covered under the Knox County Schools group medical insurance plans, if they have chosen to be covered by said plans.
3. For employees enrolled in a formal treatment/rehabilitation program, Knox County Schools may grant sick leave and then annual leave until the same are exhausted and then may grant leave without pay not to exceed one (1) year.
4. The cost of the drug rehabilitation or treatment provider shall be borne by the employee and/or the employee's insurance provider.

The Knox County Board of Education strongly encourages employees using illegal drugs or alcohol to voluntarily refer themselves to a treatment program. A voluntary referral is defined as one that occurs prior to any positive test for illegal drugs under this Policy or prior to any other violation of this Policy, including a criminal conviction of that individual on a drug related offense. Employees are not subject to disciplinary action for voluntary referral to rehabilitation, even where rehabilitation is for the use of illegal drugs or alcohol.

DISCIPLINARY ACTION

1. Employees in violation of the provisions of this Policy shall be subject to disciplinary action up to and including termination.

1
2 2. The fact that an employee has been referred for assistance and his/her willingness or ability to
3 rehabilitate are appropriate considerations as to what, if any, disciplinary action may be taken.
4

5 **CONFIDENTIALITY**

6
7 Records that pertain to the Knox County Board of Education employee required substance screens are
8 recognized to be private and sensitive records. They shall be maintained by the MRO in a secure fashion
9 to insure confidentiality and privacy and be disclosed to the Executive Director of Human Resources only
10 to the extent necessary to address any work-related safety risks occasioned by either the drug or alcohol
11 use. The Executive Director of Human Resources shall maintain any such records in a secure fashion to
12 insure confidentiality and privacy. Medical records, and information relating directly thereto, shall be
13 maintained in accordance with provisions of Tennessee law and used with the highest regard for employee
14 privacy consistent with law and the purpose of achieving and maintaining a drug-free workplace. All
15 personnel records and information regarding referral, evaluation, substance screen results, and treatment
16 shall be maintained in a confidential manner and no entries concerning such shall be placed in an
17 employee's personnel file.
18

19 **DRUG AND ALCOHOL ABUSE TESTING PROCEDURES**

20 21 1. Purpose

22
23 The purpose of this procedure is to establish guidelines to be followed in the drug/alcohol testing of
24 external applicants for safety-sensitive positions with the Knox County Board of Education as well as
25 Knox County Board of Education employees.
26

27 2. Program Responsibility

28
29 The Knox County Board of Education Executive Director of Human Resources has the overall
30 responsibility for this program.
31

32 3. Designation of Medical Review Officer

33
34 The Knox County Board of Education will designate a Medical Review Officer (MRO). The Medical
35 Review Officer will be responsible for reviewing the results of drug tests before they are reported to the
36 Knox County Board of Education's Executive Director of Human Resources; reviewing and interpreting
37 each confirmed positive test to determine if there is an alternative medical explanation for the positive;
38 conducting an interview with the individual testing positive; reviewing the individual's medical history
39 and medical records made available to the individual to determine if the positive result was caused by
40 legally prescribed medication; requiring a retest of the original specimen if the MRO deems it necessary;
41 and verifying that the laboratory report and the specimen are correct. The MRO is expected to follow the
42 Medical Review Officer Manual published by the U.S. Department of Health and Human Services for
43 tests conducted under this Policy.
44

45 If the MRO determines that there is a legitimate medical explanation for the positive test other than the
46 use of a prohibited drug, the MRO will conclude that the test is negative and will not take any further
47 action. If the MRO concludes that a particular test is scientifically insufficient, the MRO will conclude
48 that the test is negative for that individual. If the MRO determines that there is no legitimate explanation
49 for the positive test other than use of a prohibited drug, the MRO will communicate the test results as a
50

1 positive to the Executive Director of Human Resources. The results of negative tests will be
2 communicated by the MRO to the Executive Director of Human Resources.

3 4 4. Designation of Laboratory

5
6 The Knox County Board of Education will designate a laboratory to perform the testing on specimens
7 submitted. the laboratory will be responsible for performing the required drug test in accordance with
8 applicable Federal Department of Transportation (DOT) Procedures for Transportation Workplace Testing
9 Programs, 49 C.F.R. Part 40 and, more specifically, as contained in this Policy. The laboratory will also
10 be responsible for properly handling specimens for alcohol testing. The laboratory is a Substance Abuse
11 and Mental Health Services Administration (SAMHSA) certified lab approved for DOT drug testing.

12 13 5. Authorization for Testing

14
15 When the person reports to the collection site, the drug and/or alcohol screening procedure will be
16 explained and the person will be asked to assist completing any necessary forms. All persons subject to
17 testing for any reason shall be asked to sign the necessary authorization forms which will allow the test to
18 be performed and for the information to be provided to the MRO and the Executive Director of Human
19 Resources about the required drug and/or alcohol test.

20 21 6. Specimen Retention

22
23 The retention of specimens for possible future analysis is the responsibility of designated laboratory. The
24 laboratory will retain all specimens for a minimum period of one (1) week. At such time, negative
25 specimens will be discarded. Positive specimens will be resealed and retained in a separate and secure
26 area for a minimum of one (1) year. Within this one (1) year period, the person tested, the MRO, or the
27 Executive Director of Human Resources can request in writing that the laboratory retain the sample for an
28 additional reasonable period specified in the request. If no proper written request is received within the
29 one (1) year period, the sample may be discarded.

30
31 Any transfer of the original specimen to another laboratory for reconfirmation of positive results will
32 follow the chain of custody procedures described in the regulations contained in 49 C.F.R. Part 40.

33 34 7. Notification and Administrative Processing of Positive Results

35
36 All analytical results, negative and positive, will be reported by the laboratory to the MRO within an
37 average of five (5) days after receiving the specimens. The MRO will review the individual's medical
38 history, questionnaire, relevant bio-medical information, and interview the person to determine if there is
39 any satisfactory explanation for the positive result. The MRO may conduct an additional medical
40 interview with the individual and may require the original specimen to be reanalyzed if necessary.

41
42 The MRO will advise the Executive Director of Human Resources of any positive test results on external
43 applicants where alcohol and drug testing has been required and where, in the view of the MRO, there is
44 not legitimate medical explanation for the confirmed positive test result other than the unauthorized use of
45 an illegal drug.

46
47 The MRO will advise the Executive Director of Human Resources of any positive drug or alcohol test
48 results on employees that were done for any reason in order that proper disciplinary actions can be
49 coordinated and will advise the Executive Director of Human Resources of negative test results.

8. Record Retention – Confidentiality

Records of drug tests results are recognized to be private and sensitive records, which will be maintained in a secure fashion to ensure confidentiality. Records showing an employee passed a drug test will be kept for at least one (1) year. Records showing that an employee failed a drug test, the type of test (e.g., reasonable suspicion), the functions of the employee, the illegal drug(s) used by the employee, and the disposition of each employee will be kept for at least five (5) years. These records, or any of them, may be maintained by the MRO or at the Executive Director of Human Resources' discretion for an indefinite period of time beyond the above specified minimums.

Information regarding an individual's drug testing results are confidential and will be released by the MRO and the Executive Director of Human Resources only upon the written consent of the individual, except that results may be released and relied upon by the Knox County Board of Education in any administrative or court action by the employee involving the drug test or any discipline resulting from a violation of this Policy, including employment and court proceedings.

9. General Drug Testing Procedures

(1) Test Methods and Cutoff Levels

The initial test performed on the urine at the laboratory will be the Enzyme-Multiplied Immunoassay Technique (EMIT) screen which will be used to eliminate negative urine samples from further consideration. All specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff values listed below. Tests will screen for the drugs listed below. The cutoff levels (positive tests) are as follows:

	<u>EMIT</u>	<u>GC/MS</u>
1. Marijuana	100 ng/ml	15 ng/ml
2. Cocaine	300 ng/ml	150 ng/ml
3. Phencyclidine	25 ng/ml	25 ng/ml
4. Amphetamines	1,000 ng/ml	500 ng/ml
5. Methamphetamine	1,000 ng/ml	500 ng/ml
6. Phenobarbital	300 ng/ml	200 ng/ml
7. Secobarbital	300 ng/ml	200 ng/ml
8. Amobarbital	300 ng/ml	200 ng/ml
9. Butalbital	300 ng/ml	200 ng/ml
10. Pentobarbital	300 ng/ml	200 ng/ml
11. Propoxyphene	300 ng/ml	300 ng/ml
12. Methadone	300 ng/ml	250 ng/ml
13. Morphine	300 ng/ml	300 ng/ml
14. Codeine	300 ng/ml	300 ng/ml
15. Monacetilmorphine	300 ng/ml	300 ng/ml
16. Benzodiazepines as:		
(1) Diazepam	300 ng/ml	250 ng/ml
(2) Oxazepam	300 ng/ml	250 ng/ml
(3) Desmethyl diazepam	300 ng/ml	250 ng/ml

(2) Collections of Specimens

1 Specimens will be collected in accordance with Department of Transportation (DOT) Procedures for
 2 Transportation Workplace Drug Testing Programs 49 CFR Part 40 which are incorporated herein by
 3 reference, with the exceptions as noted in this Policy. At least 30 ml of urine will be required to complete
 4 the test, or the test will be rejected and must be reperfomed.

5
 6 The designated collection site shall have an enclosure within which private urination can occur, a toilet for
 7 completion of urination, and a source of water for washing hands.

8
 9 Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe
 10 that a particular individual may alter or substitute the specimen as specified in 49 C.F.R. §40.25.
 11 Examples of reasonable cause to believe a specimen will be altered or substituted include: the presentation
 12 of a urine specimen that falls outside the normal temperature range (90.0 deg. F - 100.0 deg. F);
 13 presentation of a specimen with a specific gravity of less than 1.0003 and a creatinine concentration below
 14 .2g/l; presentation of a specimen which contains the presence of adulterants; observation of conduct
 15 clearly indicating an attempt to substitute or adulterate the sample.

16
 17 The designated laboratory will follow the DOT Procedures for preparation for testing, chain of custody,
 18 security, privacy, integrity, and identify of specimen, and any necessary transportation to a laboratory. See
 19 49 C.F.R. Part 40 §40.23 and 40.25. The person submitting specimens will complete the urine custody and
 20 control forms as required by the designated laboratory. A copy of "Drug Testing Custody and Control
 21 Form" is contained in Appendix A to this Policy.

22 23 10. General Alcohol Testing Procedure

24
 25 A Certified Breath Alcohol Technician who is an employee of the Knox County School System will be
 26 requested to perform and be responsible for administering a breath analysis test. If the breath analysis test
 27 is positive, a second breath analysis test may be taken. If a test is to be made for drugs, this specimen will
 28 be taken at the same time that the alcohol specimen is taken but will be processed as a separate specimen.

29 30 (1) Collection of Specimen

31
 32 Procedures for taking the urine specimen, in the event of a positive breath analysis for alcohol
 33 assay, will follow the same procedures as outlined in Part 10 above for the drug specimen and the
 34 specimen will be tightly sealed immediately to avoid loss of volatile constituents.

35 36 (2) Test Methods and Levels

37
 38 The breath analysis test level to be considered positive will be a .08 which would lead to a
 39 confirming test.

40
 41 The alcohol urine assay will be an EMIT screening followed by a confirmatory gas
 42 chromatography test on positive screens. Either test will be considered positive if the results are
 43 .08 or more.

44 45 11. Specific Testing Procedures

46 47 (1) Pre-Employment/Post Job Offer

48
 49 Interested individuals are made aware of the requirements of drug testing for a specific position
 50 prior to submitting an application for the position. Pre-employment drug and alcohol testing will

1 be required for the designated safety-sensitive positions. Applicants will be given an offer of
2 employment prior to the test. Employment is contingent upon passing the test.

3
4 Applicants for positions which require drug and alcohol testing shall report to the designated
5 collection site within forty-eight (48) hours after receiving written notification by the Knox County
6 Board of Education's Executive Director of Human Resources of the time and date to report. The
7 designated laboratory is responsible for gathering the medical history of the applicant and will take
8 the urine sample(s).

9
10 All applicants will be furnished a copy of the Drug Free Workplace Substance Abuse Policy in
11 advance of the drug testing and alcohol testing and will have the screening procedure explained to
12 them.

13
14 Applicants will be asked to sign an authorization for the tests which will release the MRO to
15 disclose the results of the drug and alcohol test to the Executive Director of Human Resources. In
16 the event an applicant refuses to execute the appropriate authorization or to submit to the drug and
17 alcohol tests, the designated laboratory will suspend the procedures at that point and refer the
18 applicant to the Executive Director of Human Resources.

19
20 The MRO will review the analytical results of the drug and alcohol tests, the individual's medical
21 history questionnaire, and relevant biomedical information and interview the applicant, either by
22 phone or in person, to determine whether there is any satisfactory explanation for a positive result.
23 The MRO may conduct an additional medical interview with the individual and may require the
24 original specimen to be reanalyzed if necessary. The MRO will advise the Executive Director of
25 Human Resources of any positive test results where there is not a legitimate explanation for the
26 positive test.

27
28 The MRO will advise the applicant that he or she has tested positive and, if requested, will allow
29 the applicant a reasonable period, not to exceed three (3) days, to provide additional medical
30 evidence of a proper prescription for the drug(s) which caused the positive test.

31
32 Nothing herein shall be construed as requiring the MRO or the Executive Director of Human
33 Resources to disclose to the applicant the drug(s) for which the applicant tested positive. Rather, it
34 is the duty of the applicant to disclose to the MRO and, upon request, to provide the MRO with
35 evidence of all drugs taken by prescription.

36
37 In the event of a positive test where there is not a legitimate medical explanation, the Executive
38 Director of Human Resources will advise the applicant in accordance with the Drug-Free
39 Workplace Substance Abuse Policy of the conditions that must be met before the individual could
40 again be considered for employment with the Knox County Board of Education.

41
42 The designated safety-sensitive positions subject to testing are: principal, assistant principal,
43 teacher, traveling teacher, teacher aide, substitute teacher, school secretary, and school bus driver.

44
45 (2) Reasonable Suspicion Testing

46
47 This testing will be conducted for any employee whenever the Knox County Board of Education,
48 through the Executive Director of Human Resources, or someone authorized in his/her absence,
49 and/or the MRO suspects that there is a violation of the Knox County Board of Education Drug-
50

1 Free Workplace Substance Abuse Policy. The guidelines for determining reasonable suspicion, as
2 noted above, will be followed.

3
4 Once the determination has been made that an employee is to be tested based upon reasonable
5 suspicion, the Executive Director of Human Resources should then transport the employee to the
6 collection site or make other appropriate arrangements for transportation. The collection site
7 personnel should be notified that the reason for testing is reasonable suspicion.

8
9 Upon arriving at the collection site, the employee will be asked to sign a release for testing and to
10 assist in completing the necessary forms for testing. After the employee has signed the necessary
11 releases for testing, then the standard procedures for drug and alcohol testing should be followed
12 by the collection site personnel.

13
14 Once the procedure has been completed, the employee should be transported back to the Executive
15 Director of Human Resources' office where the employee will be placed on administrative leave
16 with pay until the results of the tests are available and given instructions to call the Executive
17 Director of Human Resources each workday, before the normal reporting time for that employee,
18 for further instructions.

19
20 If the employee refuses to sign the release or refuses to be tested by the designated laboratory, the
21 employee should be advised that refusal under Board Policy is insubordination. If the employee
22 continues to refuse, the employee should be transported back to the Executive Director of Human
23 Resources' office. The Executive Director of Human Resources will place the employee on
24 administrative leave with pay with instructions to call his/her office before the normal reporting
25 time for that employee on the following workday.

26
27 If the Executive Director of Human Resources feels that the employee is in no condition to operate
28 a vehicle, then the employee should be transported home. Under no circumstances should the
29 employee be allowed to drive, and if the employee insists, the Executive Director of Human
30 Resources should tell the employee that if he/she gets in a vehicle to drive that he/she will call the
31 police or the Sheriff's Department and give them the location, license plate number, etc.

32
33 In the event of positive test results, the MRO will contact the Executive Director of Human
34 Resources who will then review other records of the employee and contact the Knox County Law
35 Director to work out proper disciplinary procedures, if any, in accordance with Board Policy, state
36 law, and the Charters of Knox County, Tennessee, and City of Knoxville, where applicable.

37 38 (3) Promotion and Transfer Testing

39
40 Once an employee has applied for a safety-sensitive position within the Knox County Board of
41 Education that requires drug and alcohol testing and has successfully completed the written and
42 skills testing being administered for that job, then the employee is considered as one of the
43 qualified applicants for the position and will be subject to the drug and alcohol testing procedures.
44 Up to this point an applicant can withdraw from consideration for the position without sanctions.

45
46 The Executive Director of Human Resources will notify the employee on the day the testing is to
47 be accomplished as to the time for the employee to be at the designated collection site. Since this
48 testing will be done before or after the employee's normal working hours, the employee must be
49 contacted before the end of that employee's shift. Employees should be tested as soon after their
50 shift as possible.

1
2 Once the employee has been scheduled for testing, if the employee refuses to be tested, the
3 employee will be considered insubordinate and subject to disciplinary procedures. If an employee
4 has been notified to go for testing and fails to show up for the test, this will be considered the same
5 as refusal to test unless a medical emergency or accident prevents the employee from testing, in
6 which case credible documentation will be required that substantiates the reason for being absent
7 from the testing. If in the sole discretion of the Executive Director of Human Resources the
8 employee is allowed to be tested at a later date, the above procedure will be repeated. In no case
9 will an employee be allowed more than one (1) opportunity to be rescheduled for testing.

10
11 Employees who refuse to be tested or who do not appear for testing and do not have a documented
12 credible reason for being absent from the testing time will be subject to disciplinary procedures
13 and will cease to be considered a viable candidate for the current position and for any future
14 position openings in this classification until the employee has signed a release for drug testing at
15 the time of submitting any future applications for this classification.

16
17 The collection site personnel should notify the Executive Director of Human Resources in the
18 event an employee refuses to test or does not show for testing.

19
20 In the event of positive test results, the MRO will contact the Executive Director of Human
21 Resources who will then review other records of the employee and contact the Knox County Law
22 Director to work out proper disciplinary procedures, if any, in accordance with Board Policy, state
23 law, and the Charters of Knox County, Tennessee, and the City of Knoxville, where applicable.

24 25 (4) Return to Duty Testing

26
27 This testing will apply when an employee who has been given an opportunity for rehabilitation for
28 drugs and/or alcohol is returned to duty. Prior to the employee coming back on the job, the
29 employee must be examined by the MRO and a drug and/or alcohol test done which shows
30 negative results. The Executive Director of Human Resources may consult with the MRO and the
31 rehabilitation program officials to determine an appropriate follow-up testing program following
32 Board policy and prepare a follow-up program which will include, among other things, the
33 appropriate period for testing as determined. This Agreement must be signed by the employee
34 before the employee is allowed to return to the job.

35
36 All testing done as a result of the above conditions will be conducted in accordance with the
37 procedures contained herein for drug testing.

38
39 In the event of positive test results, the MRO will contact the Executive Director of Human
40 Resources who will contact the Knox County Law Director to work out disciplinary procedures, if
41 any, in accordance with Board Policy, state law, and the Charters of Knox County, Tennessee, and
42 the City of Knoxville, where applicable.

43 44 (5) Changes to Procedures

45
46 This procedure may be amended from time to time to facilitate changes in the Knox County Board
47 of Education's Drug Free Workplace Substance Abuse Policy as necessary.

DEFINITIONS AS USED IN THIS POLICY

1. "Illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C.A. §812). Such term does not include the use of a drug taken under the supervision by a licensed health care professional or other uses authorized by the Controlled Substances Act.
2. "Drug" or "illegal drug" means a controlled substance as defined in Schedules I through V of Section 202 of the Controlled Substances Act.
3. "Conviction" means a finding of guilt, including a plea of no-contest, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
4. "Criminal Drug Law" means a federal or non-federal criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.

NOTE: ALL REFERENCED DOCUMENTS IN THIS POLICY ARE AVAILABLE FOR INSPECTION IN THE OFFICE OF THE EXECUTIVE DIRECTOR OF HUMAN RESOURCES, KNOX COUNTY BOARD OF EDUCATION.