

<u>Section G:</u>  <b>Human Resources</b>	<b>Knox County Board of Education Policy</b>		
	<b>Drug-Free Workplace</b>	Descriptor Term:	Descriptor Code:
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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.

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

### **PRE-EMPLOYMENT TESTING**

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

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

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

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

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

### **EMPLOYEE CONDUCT**

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

1. Illegal drugs

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

29  
 30 Alcohol, prescription drugs, and over-the-counter drugs are legal and readily available. These drugs, when  
 31 abused over time or used in combination with one another, can result in chemical dependency or poly-  
 32 drug addiction. Employees shall conduct themselves in a manner consistent with the following provisions:  
 33

- 34 (1) Employees on duty, or on Knox County Board of Education property, or in attendance at system-  
 35 approved or school-related functions must not be under any degree of intoxication or odor from  
 36 alcohol. Employees shall not manufacture, sell, or use alcoholic beverages or possess open  
 37 alcoholic beverage containers while on duty, or on Knox County Board of Education property, or  
 38 in attendance at system-approved or school-related functions.  
 39
- 40 (2) Employees on duty shall not use or take prescription drugs above the level recommended by the  
 41 prescribing physician and shall not use prescribed drugs for purposes other than those for which  
 42 they are intended. Employees shall not dispense such drugs except as provided in Board Policy J-  
 43 352.  
 44
- 45 (3) An employee convicted of any criminal drug law involving the use of alcohol, prescription drugs,  
 46 or over-the-counter drugs shall notify the Knox County Schools Executive Director of Human  
 47 Resources no later than five (5) days after such conviction. Within thirty (30) days after receiving  
 48 notice of a conviction, Knox County Schools will take appropriate disciplinary action and/or refer  
 49 the employee to an appropriate substance abuse rehabilitation program.  
 50

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

16  
 17 **PHYSICAL EXAMINATION/SCREENING BASED UPON REASONABLE SUSPICION**

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

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

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

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

41  
 42 Two types of cases for which reasonable suspicion procedures may be invoked are:

43  
 44 1. Chronic Case

45  
 46 Deteriorating job performance or changes in personal traits characteristics where the use of alcohol or  
 47 drugs may be reasonably suspected as the cause.  
 48  
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 50

1 2. Acute Case

2  
3 Appearing in a specific incident or observation to then be under the present influence of alcohol and/or  
4 drugs or investigation of an accident where the use of alcohol or drugs is reasonably suspected to be a  
5 contributing cause.

6  
7 Circumstances under which substance screening may be considered, in either the chronic or acute cases,  
8 include but are not limited to the following:

- 9  
10 (1) Observed use, possession, or sale of illegal drugs and/or use, possession, sale, or abuse of alcohol  
11 and/or the illegal use or sale of prescription drugs.  
12  
13 (2) Apparent physical state of impairment of motor functions.  
14  
15 (3) Marked changes in personal behavior not attributable to other factors.  
16  
17 (4) Employee involvement in or contribution to an accident where the use of alcohol or drugs is  
18 reasonably suspected or employee involvement in a pattern of repetitive accidents, whether or not  
19 they involve actual or potential injury.  
20  
21 (5) Violations of criminal drug law statutes involving the use of illegal drugs, alcohol, or prescription  
22 drugs and/or violations of drug statutes.  
23

24 The circumstances, under which substance screening may be considered, as outlined above, are strictly  
25 limited in time and place to employee conduct on duty or during work hours, or on or in Knox County  
26 Board of Education property, or at school system-approved or school-related functions.  
27

28 Prior to substance screening, employees must sign an acknowledgment that the summary result will be  
29 transmitted to the MRO and the Knox County Schools Executive Director of Human Resources.  
30

31 Drug and/or alcohol screening shall be conducted by Board approved, independent, certified laboratories  
32 utilizing recognized techniques and procedures, more specifically described in the Drug and Alcohol  
33 Abuse Testing Procedures contained in this Policy at page 7. A breath analysis test will be performed by  
34 a certified Breath Alcohol Technician.  
35

36 **PROMOTION AND TRANSFER TESTING**

37  
38 When an employee applies for a position through the Knox County Board of Education's selection process  
39 for a job that has been identified by the Knox County Board of Education as being a safety-sensitive  
40 position, the employee shall be subject to drug testing in accordance with the procedures contained in this  
41 Policy before the employee will be considered a valid candidate for that job opening. An employee who  
42 tests positive for illegal drugs on a promotion/transfer test will no longer be considered an applicant for  
43 that position. Such employee will also be in violation of this Policy. Violation of this Policy will constitute  
44 grounds for immediate termination in accordance with Board Policy, state law, and the Charters for Knox  
45 County, Tennessee, and the City of Knoxville, where applicable.  
46

47 An employee may withdraw the application for the position at any time up until the employee is scheduled  
48 for promotion/transfer testing. Once an employee is scheduled for promotion/transfer testing, if that  
49 employee refuses to submit to the test, he/she will be disqualified for consideration for the position and  
50 will be considered as being insubordinate and subject to discipline. Under no circumstances shall this

1 employee be considered as a viable candidate for any future openings in this classification until the  
2 employee has signed a release for drug testing.  
3

#### 4 **RETURN TO DUTY TESTING**

5  
6 An employee who has been given the opportunity to undergo rehabilitation for drugs will, as a condition  
7 of returning to duty, be required to agree to a reasonable follow-up testing established by the Executive  
8 Director of Human Resources. The extent and duration of the follow-up testing will depend upon the  
9 safety or security nature of the employee's position and the nature and extent of the employee's substance  
10 abuse problem. The Executive Director of Human Resources is to review the conditions of continued  
11 employment with the employee prior to the employee's returning to work. Any such condition for  
12 continued employment shall be given to the employee in writing. The Executive Director of Human  
13 Resources may consult with the employee's rehabilitation program in determining an appropriate follow-  
14 up testing program, including the frequency of any substance screening contained in a follow-up testing  
15 program. In no instance shall such screening be ordered by the Executive Director of Human Resources  
16 more than one (1) time within a seventy-two (72) hour period.  
17

18 Any employee subject to return to duty testing that has a confirmed positive drug test shall be in violation  
19 of this Policy. Violation of this Policy shall constitute grounds for immediate termination in accordance  
20 with Board Policy, state law, and the Charters for Knox County, Tennessee, and the City of Knoxville,  
21 where applicable.  
22

#### 23 **REHABILITATION**

24  
25 The Knox County Board of Education recognizes that chemical dependency is an illness that may be  
26 successfully treated.  
27

- 28 1. It is the policy of the Knox County Schools, where possible, in addition to appropriate personnel  
29 action, to refer for rehabilitation an employee with a self-admitted or detected drug or alcohol  
30 problem.  
31
- 32 2. Employees seeking medical attention for chemical dependency shall be entitled to benefits to the  
33 extent covered under the Knox County Schools group medical insurance plans, if they have chosen to  
34 be covered by said plans.  
35
- 36 3. For employees enrolled in a formal treatment/rehabilitation program, Knox County Schools may grant  
37 sick leave and then annual leave until the same are exhausted and then may grant leave without pay  
38 not to exceed one (1) year.  
39
- 40 4. The cost of the drug rehabilitation or treatment provider shall be borne by the employee and/or the  
41 employee's insurance provider.  
42

43 The Knox County Board of Education strongly encourages employees using illegal drugs or alcohol to  
44 voluntarily refer themselves to a treatment program. A voluntary referral is defined as one that occurs  
45 prior to any positive test for illegal drugs under this Policy or prior to any other violation of this Policy,  
46 including a criminal conviction of that individual on a drug related offense. Employees are not subject to  
47 disciplinary action for voluntary referral to rehabilitation, even where rehabilitation is for the use of illegal  
48 drugs or alcohol.  
49  
50

**DISCIPLINARY ACTION**

1. Employees in violation of the provisions of this Policy shall be subject to disciplinary action up to and including termination.
2. The fact that an employee has been referred for assistance and his/her willingness or ability to rehabilitate are appropriate considerations as to what, if any, disciplinary action may be taken.

**CONFIDENTIALITY**

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

**DRUG AND ALCOHOL ABUSE TESTING PROCEDURES**

## 1. Purpose

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

## 2. Program Responsibility

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

## 3. Designation of Medical Review Officer

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

If the MRO determines that there is a legitimate medical explanation for the positive test other than the use of a prohibited drug, the MRO will conclude that the test is negative and will not take any further

1 action. If the MRO concludes that a particular test is scientifically insufficient, the MRO will conclude  
2 that the test is negative for that individual. If the MRO determines that there is no legitimate explanation  
3 for the positive test other than use of a prohibited drug, the MRO will communicate the test results as a  
4  
5 positive to the Executive Director of Human Resources. The results of negative tests will be  
6 communicated by the MRO to the Executive Director of Human Resources.  
7

#### 8 4. Designation of Laboratory 9

10 The Knox County Board of Education will designate a laboratory to perform the testing on specimens  
11 submitted. the laboratory will be responsible for performing the required drug test in accordance with  
12 applicable Federal Department of Transportation (DOT) Procedures for Transportation Workplace  
13 Testing Programs, 49 C.F.R. Part 40 and, more specifically, as contained in this Policy. The laboratory  
14 will also be responsible for properly handling specimens for alcohol testing. The laboratory is a Substance  
15 Abuse and Mental Health Services Administration (SAMHSA) certified lab approved for DOT drug  
16 testing.  
17

#### 18 5. Authorization for Testing 19

20 When the person reports to the collection site, the drug and/or alcohol screening procedure will be  
21 explained and the person will be asked to assist completing any necessary forms. All persons subject to  
22 testing for any reason shall be asked to sign the necessary authorization forms which will allow the test  
23 to be performed and for the information to be provided to the MRO and the Executive Director of Human  
24 Resources about the required drug and/or alcohol test.  
25

#### 26 6. Specimen Retention 27

28 The retention of specimens for possible future analysis is the responsibility of designated laboratory. The  
29 laboratory will retain all specimens for a minimum period of one (1) week. At such time, negative  
30 specimens will be discarded. Positive specimens will be resealed and retained in a separate and secure  
31 area for a minimum of one (1) year. Within this one (1) year period, the person tested, the MRO, or the  
32 Executive Director of Human Resources can request in writing that the laboratory retain the sample for  
33 an additional reasonable period specified in the request. If no proper written request is received within  
34 the one (1) year period, the sample may be discarded.  
35

36 Any transfer of the original specimen to another laboratory for reconfirmation of positive results will  
37 follow the chain of custody procedures described in the regulations contained in 49 C.F.R. Part 40.  
38

#### 39 7. Notification and Administrative Processing of Positive Results 40

41 All analytical results, negative and positive, will be reported by the laboratory to the MRO within an  
42 average of five (5) days after receiving the specimens. The MRO will review the individual's medical  
43 history, questionnaire, relevant bio-medical information, and interview the person to determine if there is  
44 any satisfactory explanation for the positive result. The MRO may conduct an additional medical  
45 interview with the individual and may require the original specimen to be reanalyzed if necessary.  
46

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



1 The MRO will advise the Executive Director of Human Resources of any positive drug or alcohol test  
2 results on employees that were done for any reason in order that proper disciplinary actions can be  
3 coordinated and will advise the Executive Director of Human Resources of negative test results.  
4

#### 5 8. Record Retention – Confidentiality 6

7 Records of drug tests results are recognized to be private and sensitive records, which will be maintained  
8 in a secure fashion to ensure confidentiality. Records showing an employee passed a drug test will be  
9 kept for at least one (1) year. Records showing that an employee failed a drug test, the type of test (e.g.,  
10 reasonable suspicion), the functions of the employee, the illegal drug(s) used by the employee, and the  
11 disposition of each employee will be kept for at least five (5) years. These records, or any of them, may  
12 be maintained by the MRO or at the Executive Director of Human Resources' discretion for an indefinite  
13 period of time beyond the above specified minimums.  
14

15 Information regarding an individual's drug testing results are confidential and will be released by the  
16 MRO and the Executive Director of Human Resources only upon the written consent of the individual,  
17 except that results may be released and relied upon by the Knox County Board of Education in any  
18 administrative or court action by the employee involving the drug test or any discipline resulting from a  
19 violation of this Policy, including employment and court proceedings.  
20

#### 21 9. General Drug Testing Procedures 22

##### 23 (1) Test Methods and Cutoff Levels 24

25 The initial test performed on the urine at the laboratory will be the Enzyme-Multiplied  
26 Immunoassay Technique (EMIT) screen which will be used to eliminate negative urine samples  
27 from further consideration. All specimens identified as positive on the initial test shall be  
28 confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff values  
29 listed below. Tests will screen for the drugs listed below. The cutoff levels (positive tests) will be  
30 in accordance with Department of Transportation (DOT) Procedures for Transportation  
31 Workplace Drug Testing Programs 49 CFR Part 40 or Tennessee Department of Labor and  
32 Workforce Development Drug Free Workplace Program, which are incorporated herein by  
33 reference.  
34

##### 35 (2) Collections of Specimens 36

37 Specimens will be collected in accordance with Department of Transportation (DOT) Procedures for  
38 Transportation Workplace Drug Testing Programs 49 CFR Part 40 which are incorporated herein by  
39 reference, with the exceptions as noted in this Policy. At least 30 ml of urine will be required to complete  
40 the test, or the test will be rejected and must be reperformed.  
41

42 The designated collection site shall have an enclosure within which private urination can occur, a toilet  
43 for completion of urination, and a source of water for washing hands.  
44

45 Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe  
46 that a particular individual may alter or substitute the specimen as specified in 49 C.F.R. §40.25.  
47 Examples of reasonable cause to believe a specimen will be altered or substituted include: the presentation  
48 of a urine specimen that falls outside the normal temperature range (90.0 deg. F - 100.0 deg. F);  
49 presentation of a specimen with a specific gravity of less than 1.0003 and a creatinine concentration below  
50

1 .2g/l; presentation of a specimen which contains the presence of adulterants; observation of conduct  
2 clearly indicating an attempt to substitute or adulterate the sample.  
3

4 The designated laboratory will follow the DOT Procedures for preparation for testing, chain of custody,  
5 security, privacy, integrity, and identify of specimen, and any necessary transportation to a laboratory.  
6 See 49 C.F.R. Part 40 §40.23 and 40.25. The person submitting specimens will complete the urine custody  
7 and control forms as required by the designated laboratory. A copy of "Drug Testing Custody and Control  
8 Form" is contained in Appendix A to this Policy.  
9

#### 10 10. General Alcohol Testing Procedure 11

12 A Certified Breath Alcohol Technician who is an employee of the Knox County School System will be  
13 requested to perform and be responsible for administering a breath analysis test. If the breath analysis test  
14 is positive, a second breath analysis test may be taken. If a test is to be made for drugs, this specimen will  
15 be taken at the same time that the alcohol specimen is taken but will be processed as a separate specimen.  
16

##### 17 (1) Collection of Specimen 18

19 Procedures for taking the urine specimen, in the event of a positive breath analysis for alcohol  
20 assay, will follow the same procedures as outlined in Part 10 above for the drug specimen and the  
21 specimen will be tightly sealed immediately to avoid loss of volatile constituents.  
22

##### 23 (2) Test Methods and Levels 24

25 The breath analysis test level to be considered positive will be a .08 which would lead to a  
26 confirming test.  
27

28 The alcohol urine assay will be an EMIT screening followed by a confirmatory gas  
29 chromatography test on positive screens. Either test will be considered positive if the results are  
30 .08 or more.  
31

#### 32 11. Specific Testing Procedures 33

##### 34 (1) Pre-Employment/Post Job Offer 35

36 Interested individuals are made aware of the requirements of drug testing for a specific position  
37 prior to submitting an application for the position. Pre-employment drug and alcohol testing will  
38 be required for the designated safety-sensitive positions. Applicants will be given an offer of  
39 employment prior to the test. Employment is contingent upon passing the test.  
40

41 Applicants for positions which require drug and alcohol testing shall report to the designated  
42 collection site within forty-eight (48) hours after receiving written notification by the Knox  
43 County Board of Education's Executive Director of Human Resources of the time and date to  
44 report. The designated laboratory is responsible for gathering the medical history of the applicant  
45 and will take the urine sample(s).  
46

47 All applicants will be furnished a copy of the Drug Free Workplace Substance Abuse Policy in  
48 advance of the drug testing and alcohol testing and will have the screening procedure explained  
49 to them.  
50

1 Applicants will be asked to sign an authorization for the tests which will release the MRO to  
2 disclose the results of the drug and alcohol test to the Executive Director of Human Resources. In  
3 the event an applicant refuses to execute the appropriate authorization or to submit to the drug and  
4 alcohol tests, the designated laboratory will suspend the procedures at that point and refer the  
5 applicant to the Executive Director of Human Resources.  
6

7 The MRO will review the analytical results of the drug and alcohol tests, the individual's medical  
8 history questionnaire, and relevant biomedical information and interview the applicant, either by  
9 phone or in person, to determine whether there is any satisfactory explanation for a positive result.  
10 The MRO may conduct an additional medical interview with the individual and may require the  
11 original specimen to be reanalyzed if necessary. The MRO will advise the Executive Director of  
12 Human Resources of any positive test results where there is not a legitimate explanation for the  
13 positive test.  
14

15 The MRO will advise the applicant that he or she has tested positive and, if requested, will allow  
16 the applicant a reasonable period, not to exceed three (3) days, to provide additional medical  
17 evidence of a proper prescription for the drug(s) which caused the positive test.  
18

19 Nothing herein shall be construed as requiring the MRO or the Executive Director of Human  
20 Resources to disclose to the applicant the drug(s) for which the applicant tested positive. Rather,  
21 it is the duty of the applicant to disclose to the MRO and, upon request, to provide the MRO with  
22 evidence of all drugs taken by prescription.  
23

24 In the event of a positive test where there is not a legitimate medical explanation, the Executive  
25 Director of Human Resources will advise the applicant in accordance with the Drug-Free  
26 Workplace Substance Abuse Policy of the conditions that must be met before the individual could  
27 again be considered for employment with the Knox County Board of Education.  
28

29 The designated safety-sensitive positions subject to testing are: principal, assistant principal,  
30 teacher, traveling teacher, teacher aide, substitute teacher, school secretary, and school bus driver.  
31

## 32 (2) Reasonable Suspicion Testing

33

34 This testing will be conducted for any employee whenever the Knox County Board of Education,  
35 through the Executive Director of Human Resources, or someone authorized in his/her absence,  
36 and/or the MRO suspects that there is a violation of the Knox County Board of Education Drug-  
37

38 Free Workplace Substance Abuse Policy. The guidelines for determining reasonable suspicion, as  
39 noted above, will be followed.  
40

41 Once the determination has been made that an employee is to be tested based upon reasonable  
42 suspicion, the Executive Director of Human Resources should then transport the employee to the  
43 collection site or make other appropriate arrangements for transportation. The collection site  
44 personnel should be notified that the reason for testing is reasonable suspicion.  
45

46 Upon arriving at the collection site, the employee will be asked to sign a release for testing and to  
47 assist in completing the necessary forms for testing. After the employee has signed the necessary  
48 releases for testing, then the standard procedures for drug and alcohol testing should be followed  
49 by the collection site personnel.  
50

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

6  
7 If the employee refuses to sign the release or refuses to be tested by the designated laboratory, the  
8 employee should be advised that refusal under Board Policy is insubordination. If the employee  
9 continues to refuse, the employee should be transported back to the Executive Director of Human  
10 Resources' office. The Executive Director of Human Resources will place the employee on  
11 administrative leave with pay with instructions to call his/her office before the normal reporting  
12 time for that employee on the following workday.

13  
14 If the Executive Director of Human Resources feels that the employee is in no condition to operate  
15 a vehicle, then the employee should be transported home. Under no circumstances should the  
16 employee be allowed to drive, and if the employee insists, the Executive Director of Human  
17 Resources should tell the employee that if he/she gets in a vehicle to drive that he/she will call the  
18 police or the Sheriff's Department and give them the location, license plate number, etc.

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 City of Knoxville, where applicable.

### 24 25 (3) Promotion and Transfer Testing

26  
27 Once an employee has applied for a safety-sensitive position within the Knox County Board of  
28 Education that requires drug and alcohol testing and has successfully completed the written and  
29 skills testing being administered for that job, then the employee is considered as one of the  
30 qualified applicants for the position and will be subject to the drug and alcohol testing procedures.  
31 Up to this point an applicant can withdraw from consideration for the position without sanctions.

32  
33 The Executive Director of Human Resources will notify the employee on the day the testing is to  
34 be accomplished as to the time for the employee to be at the designated collection site. Since this  
35 testing will be done before or after the employee's normal working hours, the employee must be  
36 contacted before the end of that employee's shift. Employees should be tested as soon after their  
37 shift as possible.

38  
39 Once the employee has been scheduled for testing, if the employee refuses to be tested, the  
40 employee will be considered insubordinate and subject to disciplinary procedures. If an employee  
41 has been notified to go for testing and fails to show up for the test, this will be considered the same  
42 as refusal to test unless a medical emergency or accident prevents the employee from testing, in  
43 which case credible documentation will be required that substantiates the reason for being absent  
44 from the testing. If in the sole discretion of the Executive Director of Human Resources the  
45 employee is allowed to be tested at a later date, the above procedure will be repeated. In no case  
46 will an employee be allowed more than one (1) opportunity to be rescheduled for testing.

47  
48 Employees who refuse to be tested or who do not appear for testing and do not have a documented  
49 credible reason for being absent from the testing time will be subject to disciplinary procedures  
50 and will cease to be considered a viable candidate for the current position and for any future

1 position openings in this classification until the employee has signed a release for drug testing at  
2 the time of submitting any future applications for this classification.

3  
4 The collection site personnel should notify the Executive Director of Human Resources in the  
5 event an employee refuses to test or does not show for testing.

6  
7 In the event of positive test results, the MRO will contact the Executive Director of Human  
8 Resources who will then review other records of the employee and contact the Knox County Law  
9 Director to work out proper disciplinary procedures, if any, in accordance with Board Policy, state  
10 law, and the Charters of Knox County, Tennessee, and the City of Knoxville, where applicable.

#### 11 12 (4) Return to Duty Testing

13  
14 This testing will apply when an employee who has been given an opportunity for rehabilitation  
15 for drugs and/or alcohol is returned to duty. Prior to the employee coming back on the job, the  
16 employee must be examined by the MRO and a drug and/or alcohol test done which shows  
17 negative results. The Executive Director of Human Resources may consult with the MRO and the  
18 rehabilitation program officials to determine an appropriate follow-up testing program following  
19 Board policy and prepare a follow-up program which will include, among other things, the  
20 appropriate period for testing as determined. This Agreement must be signed by the employee  
21 before the employee is allowed to return to the job.

22  
23 All testing done as a result of the above conditions will be conducted in accordance with the  
24 procedures contained herein for drug testing.

25  
26 In the event of positive test results, the MRO will contact the Executive Director of Human  
27 Resources who will contact the Knox County Law Director to work out disciplinary procedures,  
28 if any, in accordance with Board Policy, state law, and the Charters of Knox County, Tennessee,  
29 and the City of Knoxville, where applicable.

#### 30 31 (5) Changes to Procedures

32  
33 This procedure may be amended from time to time to facilitate changes in the Knox County Board  
34 of Education's Drug Free Workplace Substance Abuse Policy as necessary.

### 35 36 **DEFINITIONS AS USED IN THIS POLICY**

- 37
- 38 1. "Illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under  
39 the Controlled Substances Act (21 U.S.C.A. §812). Such term does not include the use of a drug taken  
40 under the supervision by a licensed health care professional or other uses authorized by the Controlled  
41 Substances Act.
  - 42  
43 2. "Drug" or "illegal drug" means a controlled substance as defined in Schedules I through V of Section  
44 202 of the Controlled Substances Act.
  - 45  
46 3. "Conviction" means a finding of guilt, including a plea of no-contest, or imposition of sentence, or  
47 both, by any judicial body charged with the responsibility to determine violations of the federal or  
48 state criminal drug statutes.
- 49  
50

1 4. "Criminal Drug Law" means a federal or non-federal criminal statute involving the manufacture,  
2 distribution, dispensing, possession, or use of any controlled substance.  
3

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