

ALCOHOL AND DRUG TESTING

GENERAL PROVISIONS:

The East Baton Rouge Parish School Board fully supports the concept of drug-free and alcohol-free workplaces and employees. Though the School Board is cognizant of the privacy rights of individuals, it also believes that the safety and well-being of its students and employees requires that it take legally permissible steps to prevent or eliminate the use of drugs and/or abuse of use of alcohol by its employees. Board policy now prohibits the unlawful manufacturing, distribution, dispensing, possession, or intoxication due to or as a result of use of a controlled substance by its employees in any workplace operated by the system or in any other location. For any such violation, disciplinary action is required. Also, Board policy prohibits the possession, use or distribution of alcohol or being under the influence of alcohol by its employees on any school system property, whether owned, leased or used by the school system, at any school sponsored or supervised activity, in any Board owned, leased or used vehicle including any school bus, or at any employee workplace.

As a condition of employment within the school system, all individuals seeking employment must submit to drug screening prior to final appointment. Persons who refuse to undergo drug screening and persons whose test sample results in a positive drug screen result may not be given further consideration for employment within the East Baton Rouge school system and shall not be reconsidered for employment within the school system for at least six (6) months from receipt of the test results.

As a condition of continued employment, the East Baton Rouge Parish School Board may require samples from a school system employee for alcohol/drug testing in the following circumstances:

1. When an employee is involved in any accident during the course and scope of his or her employment, and alcohol or drugs are suspected to have contributed to the cause of the accident;
2. Under circumstances which result in a reasonable suspicion that drugs are being used by the employee;
3. As part of a monitoring program, to assure employee compliance with a rehabilitation or treatment agreement;
4. In connection with any required periodic medical exams; or
5. As part of a program of random drug testing of designated employees who occupy safety-sensitive or security-sensitive positions.

In addition, when an employee is injured as a result of a job-related accident and who after alcohol/drug testing is determined to be intoxicated under the standards set forth in La. Rev. Stat. Ann. '23:1081 or the employee refuses to immediately submit to such testing, then in accordance with state law such employee shall be presumed to be intoxicated at the time of the accident and may be denied workers' compensation benefits in addition to any other authorized action.

Also, a positive confirmatory drug test result may be used as a basis to terminate an employee for wrongful conduct and to deny unemployment compensation as set forth in La. Rev. Stat. Ann. '23:1601, or as the basis of other disciplinary action.

An employee involved in any of the above situations may be directed by his/her supervisor to submit to alcohol/drug testing. An employee, who provides a sample on the basis of any of the above authority and whose sample is determined to be positive as to the presence of drugs or alcohol after a confirmatory test will be required to undergo a rehabilitation or treatment program at the employee's expense and/or be subject to disciplinary action.

SAFETY AND/OR SECURITY-SENSITIVE POSITIONS:

For the purposes of the random testing of employees, the following definitions apply:

Safety-sensitive refers to a position which requires as part of the employee's assigned duties, primarily or specifically, the operation, maintenance or repair of a motor vehicle; or responsibility for supervising or attending to children on a motor vehicle used to transport children to and from school; or inspecting, servicing, maintaining or using gas fired equipment or gas utility systems. An employee who has the responsibility of supervising, either directly or indirectly, employees who perform any of the above described duties shall also be considered as occupying a *safety-sensitive* position.

Security-sensitive refers to a position which may require an employee, primarily or specifically, to employ deadly force in the exercise of his/her duties and whose duties are directly related to the security of employees and students, a school or facility of the East Baton Rouge Parish School Board, and which, if not performed properly, could result in serious injury or death to the employee, student, other employees or the general public as a result of the use of a firearm, or any other deadly force. An employee who has the responsibility of supervising, either directly or indirectly, employees who perform any of the above described duties shall be considered as occupying a *security-sensitive* position.

THE FOLLOWING POSITIONS ARE DESIGNATED AS SAFETY-SENSITIVE OR SECURITY SENSITIVE POSITIONS: school bus operators; any person who operates a school system vehicle; mechanics who perform maintenance or repairs of school buses or other school system vehicles; all persons supervising or attending children on a school bus

or any other vehicle used to transport school children; security guards or personnel; maintenance department employees who inspect, repair, or in any other manner service any equipment, pipeline or apparatus which uses natural or propane gas or is connected to natural or propane gas; and all who exercise any supervision over such persons. Persons in any of the above positions shall be subject to unannounced random alcohol/drug testing.

A positive confirmatory test as a result of random testing may require the employee to undergo treatment at the employee's expense or be subjected to disciplinary action.

All testing/screening shall be conducted in accordance with applicable state and federal laws and regulations. The Superintendent shall promulgate administrative regulations and procedures to implement the provisions of this policy.

In addition to this policy, for those employees who are required by the nature of their job to hold a commercial driver's license (CDL), the provisions of policy GAMEB are also applicable.

Ref: Omnibus Transportation Employee Testing Act of 1991, Federal Motor Safety Regulations, PL 102-143 (Title V); 49 CFR 40 et seq.; 49 CFR 10, 382, 391, 394; United Teachers of New Orleans et al. v. Orleans Parish School Board and Jefferson Parish School Board, et al., 142 F.3d 853; La. Rev. Stat. Ann. '17:81, 23:1081, 23:1601, 49:1001 et seq.; Board minutes, 12-98.