

## **Personnel**

### **EMPLOYEE DRUG TESTING**

It is the intent of the Orcutt Union School District to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees in the workplace. Employees, who are under the influence of a drug or alcohol on the job compromise the District's interests, endanger their own health and safety and the health and safety of others. Substance abuse in the workplace can also cause a number of other work related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other employees and inferior quality in service and is detrimental to the District's basic mission of teaching students, among other things, about the dangers related to drug and alcohol use.

To further its interests in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, to protect the District's operations and to fulfill the District's basic education related mission, the District has established this policy concerning the use of alcohol and drugs.

#### **Definitions**

For the purpose of this policy:

1. "Illegal drugs or other controlled substances" means any drug or substance that:
  - a. is not legally obtainable;
  - b. is legally obtainable but has not been legally obtained; or
  - c. has been legally obtained but is being sold or distributed unlawfully
2. "Legal drug" means any drug, including any prescription drug or over the counter drug that has been legally obtained and that is not unlawfully sold or distributed.
3. "Abuse of any legal drug" means the use of any legal drug:
  - a. for any purpose other than the purpose for which it was prescribed or manufactured; or
  - b. in a quantity, frequency or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
4. "Reasonable suspicion" includes the suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

BP 4112.41 (b)  
BP 4212.41 (b)  
BP 4312.41 (b)

## **Personnel**

5. “Possession” means that an employee has a substance on his or her person or otherwise under his or her control.
6. “Under the influence” means to have an ascertainable presence of the substance within the person’s system.

Employees are prohibited and will be subject to discipline up to and including discharge for the possession, use or being under the influence of alcohol, any illegal drug or the abuse of any legal drug, while on District premises, conducting or performing District business, operating or responsible for the operation, custody or care of District equipment or other property or responsible for the safety of others, with or while performing, District related business.

In the event that the District has reasonable suspicion that an employee has used or possessed alcohol or drugs in violation of this policy or is otherwise working in an impaired condition, the District will ask the employee about any observed behavior and offer an opportunity to the employee to give an explanation. If the employee is unable to explain the behavior, he or she may be required to take a drug or alcohol test in accordance with the procedures outlined below. Refusal to cooperate with the administration of a drug or alcohol test will be handled in the same manner as a positive test result.

If the drug or alcohol test is required by this policy, the employee will be transported by the District to a certified medical clinic or laboratory for test administration. The costs of the test will be born by the District. The employee will have the opportunity to inform the clinic or laboratory personnel of any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. Testing shall be for alcohol and/or illegal drugs or other controlled substances only. Collection shall take place in a secure location to prevent unauthorized access during the collection process; the specimen shall be kept in sight of the employee and the collection sight person until it is sealed and ready for shipment; the employee shall have individual privacy when providing the specimen and specimen testing will be on a split sample basis. Alcohol testing will be done by breathalyzer.

The clinic or laboratory will inform the District as to whether the employee passed or failed the drug test. The District will inform the employee of the drug test results.

Policy Adopted: 4/23/08

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California