



"To Build Knowledge and Skills for Success Today and Tomorrow"

File: GBED

USE OF ALCOHOL AND OTHER DRUGS BY EMPLOYEES (DRUG-FREE WORKPLACE POLICY)

The District prohibits the unlawful manufacturing, distributing, selling, dispensing, possessing, using, or being under the influence of alcohol and/or other drugs in the workplace. Additionally, it shall be a violation of this policy for any employee to manufacture, use, possess, sell, distribute or be under the influence of medical cannabis in any manner inconsistent with South Dakota state law.

Any employee who violates this policy will be subject to disciplinary action which may include dismissal and referral for prosecution. It shall be a condition of employment in the District that each employee must abide by the terms of this policy and shall notify the Superintendent of any criminal alcohol and/or drug statute conviction for any alcohol and/or drug violation no later than five (5) days after conviction. Within thirty (30) days after receipt of such notification, one of the following actions shall be taken:

- a) Appropriate personnel actions, including possible suspension or termination.
- b) Requiring the employee to participate satisfactorily in an alcohol and/or other drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. An employee who requests assistance shall be provided a listing of the regional treatment facilities or agencies to assist him/her in their choice of a service provider.
- c) Possible referral for prosecution.

A copy of this policy will be provided to each new employee and will be incorporated into all employee handbooks. All convictions of employees for violating any criminal drug statutes shall be reported to the federal agencies that provide grants to the District, as required by law.

When an on-duty staff member has consumed alcohol off school property and/or before a school activity, the staff member will not be allowed on school property or to participate in school activities. Staff members who violate this regulation will be subject to the same disciplinary sanctions as for possession or consumption on school property.

Reasonable Suspicion

A. The District may request an employee to undergo drug and alcohol testing if there is a reasonable suspicion that the employee is under the influence of, or

has drugs or alcohol in his or her system during work hours. There shall be no random testing. Circumstances which constitute a basis for determining a reasonable suspicion may include, but are not limited to:

1. A pattern of abnormal or erratic behavior which is so unusual that it warrants summoning a supervisor, department head, or someone else for assistance.
2. Information provided by a reliable and credible source with personal knowledge.
3. Direct observation of drug or alcohol use.
4. Presence of the physical symptoms of drug or alcohol use, i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes.
5. The possession of substances in violation of the District's drug and alcohol policy.

B. The employee may be asked to submit to blood and urine testing by a qualified medical physician or hospital at District's expense and on District's time. A group representative may be present during the discussion if the employee so requests. Prior to testing, the administrator or supervisor shall secure a signed release statement from the employee to have the hospital/physician release medical information to the District. The employee who refuses to consent to a drug and alcohol test when reasonable suspicion of drug or alcohol use has been identified may be subject to disciplinary action based upon the facts and circumstances that led to the reasonable suspicion.

C. A positive result from the drug and/or alcohol analysis may result in disciplinary action. The District retains the right to discipline and terminate from employment any employee testing positive for drug/alcohol use, without first having to offer that employee an opportunity for treatment or rehabilitation.

D. Supervisors are required to detail in writing the specific facts, symptoms or observations which form the basis for their determination that a reasonable suspicion existed to warrant the testing of an employee

Testing Procedures

Drug/alcohol testing will be done within two hours or as soon as possible following request for testing.

Sturgis Regional Health has been selected to provide drug/alcohol testing. The selection of a single laboratory will insure one standard chain of custody procedure and consistency of processing throughout the District. The District may use its discretion to select an alternate laboratory if it feels Sturgis Regional Health cannot meet the requirements of the testing.

The administrator, supervisor, or school liaison officer will escort the employee to the Sturgis Regional Health or alternate facility for testing. If after testing the

employee is deemed unfit to continue working, he/she will be suspended pending further investigation and the results of the drug/alcohol testing.

The results of such testing shall be given to the Office of the Superintendent. The Superintendent and the administrator or supervisor will meet with the employee to discuss the situation, test results, and future actions. Nothing contained herein shall prohibit the District from requiring an employee to submit to a portable breath test and/or a blood test in the case of suspected alcohol use.

The employee may request that re-testing be done at a facility of his/her own choosing. Such re-testing must be done on the same sample as was originally tested and at the employee's own expense.

Any attempt to falsify test samples or results shall be grounds for immediate dismissal.

Confidentiality

Information obtained on individuals as part of the drug screening test or pursuant to this policy will be disclosed only to those persons having legitimate need for it. Medical records pertaining to drug or alcohol use are confidential, and access to such records shall be in accordance with the District policy. Medical records are not kept in the personnel file.

LEGAL REF.: Public Law 100-690 (Drug-Free Workplace Act of 1988)

Revised October 14, 2021

Revised June 12, 2012; May 13, 2008; May 11, 2004

Revised November 15, 1994, Approved July 10, 1989