

Article IX.A.1.b. Drugs, Alcohol, and Tobacco Testing and Prohibitions

A. Purpose

This policy is intended to provide a safe and productive educational and work environment for students and employees free from the effects of unlawful use of controlled substances, alcohol, and tobacco. This policy is written to comply with all requirements found in state and federal law, including: 41 USC 702 *et seq.*, Drug-Free Workplace Requirements; Utah Code §34-41-101 *et seq.*, Local Governmental Entity Drug-Free Workplace Policies; Utah Code §26-38-101 *et seq.*, Utah Indoor Clean Air Act; Utah Administrative Code R277-515, Standards for Educators; Utah Administrative Code R477-14, Substance Abuse and Drug-Free Workplace; and Utah State Office of Education, Pupil Transportation Drug and Alcohol Testing Policy.

B. Policy

1. District employees, volunteers, students, and patrons are prohibited from manufacturing, dispensing, possessing, distributing, consuming, or using any unlawful controlled substance, drug paraphernalia, alcohol, or tobacco in any form while on school property, while operating a District vehicle, or while attending any school-sponsored activity or event.
2. District employees, volunteers, students, and patrons are prohibited from being under the influence of any unlawful controlled substance or alcohol while on school property, while operating a District vehicle, or attending any school-sponsored activity or event.
3. Violation of this policy is considered improper conduct and such conduct is incompatible with employment, volunteering, or school attendance. If a violation occurs, the District will take appropriate corrective action and apply appropriate discipline according to this and other District policies.¹

C. Testing

1. District employees may be required to submit immediately to medically accepted drug or alcohol testing as defined in Utah Code §34-41-104 and/or to a field breath exam administered by a qualified law enforcement officer (using a portable alcohol testing device) under one or more of the following circumstances:
 - a. as part of pre-employment screenings for employees in safety-sensitive positions (as that term is defined in state law and by the Utah Department of Human Resources Management (DHRM));

¹ This policy shall not limit or inhibit law enforcement officers from carrying out their law enforcement duties.

- b. randomly for employees in safety-sensitive positions as part of a District-wide random drug testing program;
 - c. where a reasonable suspicion exists that a District employee is using or is under the influence of alcohol or a controlled substance;
 - d. as a part of a post-accident or critical-incident investigation;
 - e. prior to return to duty or as a condition of continued employment if alcohol or controlled substances played any part of a District employee's absence from duty; or
 - f. as follow up in combination with a mutually agreed upon rehabilitation program.
2. Drug and alcohol testing shall be conducted in accordance with Utah Code §34-41-104 by a laboratory certified for employment drug and alcohol testing.
- a. Drug and alcohol testing results shall be confirmed using reliable testing methods and communicated to both the Human Resources Department and the current or prospective employee.
 - b. Current or prospective employees shall be informed of their option for a split-sample test at the employee's expense.
3. Employees in positions requiring commercial driver licenses (CDL) shall also be subject to testing requirements and prohibitions under Federal and State law and as outlined in the State of Utah, DHRM Drug and Alcohol Testing Manual.

D. Reporting

Pursuant to Utah Administrative Code 277-516, an employee who is arrested (charged or convicted) on any alcohol or drug-related offense shall notify his/her supervisor or file notice of the arrest directly to the Human Resources Department within forty-eight (48) hours of the arrest. Supervisors shall notify the Human Resources Director of the arrest as soon as possible.

E. Discipline

In the event an employee tests positive for unlawful controlled substances; tests positive for alcohol; refuses to submit to a drug or alcohol test; attempts to taint, avoid, delay, or circumvent the testing process; is arrested (charged or convicted) on a alcohol or drug-related offense; or violates this policy in some other way, the District will initiate appropriate administrative and criminal investigations, and a confirmed violation of this policy may result in discipline up to and including termination.

F. Drug and Alcohol Treatment

1. Any employee who has a substance abuse or alcohol abuse problem is encouraged to voluntarily obtain assistance through a drug or alcohol abuse treatment program. All such treatment will be at the employee's expense. Employees are strongly urged to seek assistance before usage affects performance of job duties. The District Benefits Office provides information to employees regarding coverage for substance abuse treatment programs.
2. Seeking drug or alcohol treatment will be taken into consideration by the District when making decisions with respect to discipline. The District may, at its sole discretion, based on the particular facts of a given matter, agree to allow an employee to seek assistance through a drug or alcohol treatment program as a condition of continued employment. The District will not excuse policy violations by an employee, however, based on the pretext that the employee intended to seek the assistance of a drug or alcohol treatment program.