

DRUGS AND ALCOHOL

The Jackson Public School District enforces a drug and alcohol policy for all employees in order to provide a safe, drug-free environment for all students and employees. Testing will be conducted in compliance with the Omnibus Transportation Employee Testing Act of 1991, 49 CFR, Part 40, Drug and Alcohol Testing of Employees, Miss. Code Ann. §71-7-3, and in compliance with the Drug-Free Workplace Act of 1988, 34 CFR, Part 85, Subpart F and 34 CFR, Part 85, Section 85.615 and 85.620.

Section I: DRUG-FREE WORKPLACE

It is a violation for any employee to manufacture, distribute, dispense, possess, or use unlawfully on or in the workplace, alcohol or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedule I through V of Section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation at 21 CFR 1300.11-1300.5. Those employees tested under the authority of the Omnibus Transportation Employee Testing Act of 1991, 49 CFR, Part 40, will be tested for the following drugs: marijuana, cocaine, amphetamines, opiates, and phencyclidine. Those employees involved in safety-sensitive positions will be tested consistent with procedures of the Omnibus Transportation Employee Testing Act of 1991 and the Drug-Free Workplace Act of 1988.

“Workplace” is defined as the site for the performance of work done; including a school building or other school premises; any school owned vehicle or any other school approved vehicle used to transport students to and from school or school activities; off-school property during any school sponsored or school approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district.

The Jackson Public School District mandates that all employees report to work without any alcohol, illegal, or mind-altering substances in their systems. Any violation of the standards of conduct set forth in this policy may result in a referral for criminal prosecution and termination of employment. Employees who receive a positive confirmed drug and/or alcohol test result may contest the accuracy of that result or explain it in the manner set forth in the procedures to this policy.

Section II: OFF-DUTY CONDUCT

Off-the-job use of drugs, alcohol or any other prohibited substance which results in impaired work performance, including but not limited to absenteeism, tardiness, poor work product, or harm to the school system's image or relationship with the government is prohibited. Employees should realize that these regulations prohibit all illicit drug use on and off duty.

Section III: PRESCRIPTION DRUGS

The proper use of medication prescribed by a physician is not prohibited; however, the Jackson Public School District prohibits the misuse of prescribed or over-the-counter medications and requires all employees using drugs at the direction of a physician to notify the district's medical review officer or their supervisor where these drugs may affect their job performance, such as by causing drowsiness. Employees may confidentially report the use of presecrption or over-the-counter medications to the medical review officer or their supervisor prior to being tested.

Section IV: SUBSTANCE SCREENING

- A. *Applicants:* Substance screening is required for all final applicants applying for a position for which drug testing is required by the provisions of the Omnibus Transportation Employee Testing Act of 1991 and also those employees in safety-sensitive positions including the following job categories and those employees who drive district vehicles as part of their primary duties in carrying out their job responsibilities: bus drivers, bus aides, mechanics, gas attendants, offset equipment operator I, offset equipment operator II, graphic arts specialist III, darkroom specialist II, crew foreman, coordinators in facilities and operations, bonds and facilities, carpentry, climate control, courier, custodians, drivers education, electronics department, electrical department, fixed assets, food service employees at school sites, food service warehouse, plant and operations, plumbing department, preventative maintenance, JROTC, safety and security, site care, and warehouse central. Such testing may be required either alone or as part of a pre-employment physical examination. Before submitting to testing, applicants are required to sign a consent/release form which indicates that they have read and understand the drug and alcohol policy and agree to submit to testing. Refusal to execute the required consent/release form shall not invalidate the results of the drug or alcohol test, or bar the employer from administering the drug or alcohol test, or from taking action that is consistent with this policy, or from refusing to hire the applicant. Applicants will be disqualified for hire if they test positive, refuse to submit to a test, or refuse to execute the required consent/release form.
- B. *Reasonable suspicion:* All employees of the district, and not just those listed under this policy, are subject to a request for screening if reasonable suspicion exists to support such a request.
- C. *Random testing:* The district reserves the right to conduct random, unannounced substance screening of its employees.

- D. *Searches*: The district reserves the right to search desks; cabinets; tool boxes; vehicles, including personal vehicles brought on the school district's property; bags or any other property at the school or in vehicles brought onto the district's property. An employee may be asked to be present and remove a personal lock. Where the employee is not present or refuses to remove a personal lock, the coordinator of safety and security services will do so for him/her. The district may release any illegal or controlled drug or paraphernalia to appropriate law enforcement authorities. All searches should be conducted with the coordinator of safety and security services.

Section V: CONDITION OF EMPLOYMENT

As a condition of employment, all employees shall abide by the terms of this policy (Drugs and Alcohol, GBEM) respecting a drug-free workplace and drug screening.

An employee is subject to termination for any violation of the policy, that is, for testing positive, for refusing to submit to the drug screening, for refusing to execute a release, or for refusing to cooperate with an investigation or search by the administration.

Sanctions against employees shall be in accordance with prescribed school district administrative regulations and procedures.

It is a condition of continued employment that employees shall notify their supervisor of any conviction involving a controlled substance no later than five (5) days after such conviction. The district will notify any federal agency from which it receives a grant of any conviction within ten (10) days after receiving notice of such conviction.

Section VI: EMPLOYEE ASSISTANCE PROGRAM

The district's employee assistance program includes:

A. Professional development programs:

1. Regarding the dangers of drug and alcohol abuse;
2. Training on the effects and consequences of substance use on personal health, safety, and work;
3. Manifestation and behavioral causes that may indicate substance use; and
4. Documentation of training provided.

- B. Awareness of available drug counseling programs for employees including those who have a positive confirmed test result.
- C. Awareness of the drugs and alcohol policy and procedures and the penalties for violation of the policy.
- D. Distribution of this policy and drug counseling information upon employment and annually thereafter.

For further information and guidance, the Office of Human Resources should be contacted.

Section VII: ON-THE-JOB DRUG USE

An employee who is aware of a fellow employee's on-the-job drug or alcohol use or attendance at work while under the influence of either drugs or alcohol is required to notify the administrative officer in charge of the drug user. Failure to do so may result in disciplinary action.

Section VIII: CONFIDENTIALITY

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the employer through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings except in accordance with the Policy Consent/Release Form.

However, all employees will be required to execute a consent/release form permitting the school district to release test results and related information to the unemployment compensation commission or other relevant government agency.

Section IX: POSTING OF NOTICE

Notice of drug and alcohol testing shall be posted in an appropriate and conspicuous location at each work site and copies of the policy shall be made available for inspection during regular business hours by employees in the offices of the district counsel, human resources executive director, or other suitable locations.

SOURCE: Jackson Public School District, Jackson, Mississippi
LEGAL REF.: Drug-Free Workplace Act of 1988, 34 CFR, Part 85, Subpart F, and 34 CFR, Part 85, Section 85.615 and 85.620, Omnibus Transportation Employee Testing Act, 1991, P.L. 102-143, 49 CFR, Part 40, Miss. Code Ann. §71-7-3
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