

PERSONNEL**Drug-Free Work Place**

The use of alcohol, illegal drugs and/or intoxicants in the work place present a danger to all concerned. These drugs impair safety and health, promote crime, lower productivity and work quality, and undermine public confidence. The Okemos Public Schools will not tolerate the illegal use of drugs. All Okemos Public Schools premises, including work sites and all Okemos Public Schools vehicles are declared to be drug-free work places. This means:

- (i) All Okemos Public Schools' employees are absolutely prohibited from unlawfully manufacturing, distributing, selling, dispensing, possessing, or using controlled substances in the work place.
- (ii) Employees found to be in violation of this policy will be subject to appropriate personnel disciplinary action up to and including termination for the first offense and/or other remedial measures as the individual circumstances warrant.
- (iii) The Okemos Public Schools will provide for a drug-free awareness program for all employees. To assist employees in overcoming drug abuse problems, the Okemos Public Schools may offer an Employee Assistance Program.
- (iv) The Okemos Public Schools supports the purpose and goals of the Federal Transportation Act.

All employees are expected to cooperate and give this policy their full support.

REFERENCE: Drug Prevention Program Certification; Section 5145 of the Drug-Free Schools and Communities Act of 1986 as Amended 1989(P.L.101-226); Michigan Department of Education.
Federal Transportation Act of 1991

Policy:

Adopted: 09-17-90

Amended: 12-04-95

Reviewed: (*Under Review*)

Drug-Free Work Place - Regulations**I: ALL SCHOOL EMPLOYEES**

All Okemos Public Schools employees are expected to be in suitable mental and physical condition at work, able to perform their assigned duties satisfactorily and to behave properly. The use of alcohol, illegal drugs, or other intoxicants that interfere with such performance, will lead to disciplinary action up to and including discharge.

A. Use, Sale, Transfer or Possession

The use, sale, transfer or possession of alcohol, illegal drugs, drug paraphernalia, controlled substances without a physician's prescription, or any combination thereof, on any Okemos Public Schools property, including, but not limited to buildings, parking lots, driveways and Okemos Public Schools' vehicles or any work site or facility will be considered grounds for discharge. Drugs and controlled substances include, but are not limited to, marijuana (THC), cocaine, opiates, phencyclidine (PCP) and amphetamines (including methamphetamines).

Entry upon Okemos Public Schools property or being at work (which shall include any period during which an employee is on call) while under the influence of alcohol, illegal drugs or controlled substances without a physician's prescription, or any combination thereof, will be considered grounds for discharge. "Under the influence" is defined as being unable to perform work in a safe and productive manner, being in a physical or mental condition which creates a risk to the safety and well being of the public, the individual, other employees, or Okemos Public Schools property, or having a blood alcohol content of 0.02 or more, or having any detectable level of illegal drugs or controlled substances, or any combination thereof.

B. Pre-Employment Testing

All applicants for employment will be required to give consent to a physical examination including but not limited to, the collections of urine to be submitted for illegal drug and controlled substance screening and confirmation tests. Applicants must agree that test results are to be released to those officials of the Okemos Public Schools who make employment decisions. Failure of the applicant to so consent in writing will result in elimination of the applicant's consideration for employment.

A qualification for employment by the Okemos Public Schools is to pass the pre-employment screening and confirmation tests for illegal drugs and controlled substances. The Okemos Public Schools will not hire any applicant with a positive result.

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C. Testing During Employment

An employee's refusal to submit to a lawful security exam, to a lawful search or inspection of his or her personal property located on Okemos Public Schools property (as defined in Section A above) or to a physical examination (as defined in Section B above) where the Okemos Public Schools has reasonable suspicion based on specific, contemporaneous, articulable objective evidence that the employee is in violation of this policy shall be grounds for disciplinary action up to and including discharge.

1. The Okemos Public Schools' representative who makes the determination that reasonable suspicion exists to conduct a test shall be trained with at least sixty (60) minutes of training in alcohol misuse and receive at least an additional sixty (60) minutes of training in controlled substances use, which training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

1.1 The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the employee.

1.2 A written record shall be made of the observations leading to a reasonable suspicion test and signed by the representative who made the observations within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is earlier.

2. Any positive result from a test which confirms the presence of alcohol, illegal drugs or controlled substances and which indicates any inability to satisfactorily perform may result in discipline up to and including discharge. Likewise, a refusal to submit to such examination may result in discipline up to and including discharge.

2.1 "Refusal to submit" to an alcohol or controlled substance test means that an employee:

a) fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement for breath testing; or

b) fails to provide adequate urine for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement for urine testing, or

c) engages in conduct that clearly obstructs the testing process.

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D. Confidential Nature of Information

The medical records of individual employees with alcohol or drug dependency within the custody of the Okemos Public Schools will be treated with strict confidentiality and will be accessed only on a need-to-know basis or as required by law.

E. Over-the-Counter and Prescribed Drugs

An employee who is taking over-the-counter or prescribed medication and, as a result, is not able to perform his/her job safely and efficiently should request a leave of absence. In the event the Okemos Public Schools questions the employee's job performance, and the employee believes the difficulties may be attributable to medication side effects, etc, the employee shall explain the use of the medication to the proper Okemos Public Schools authority. The explanation will then be taken into consideration in deciding upon the appropriate action, i.e. sending the individual home, placing the individual on a medical leave of absence, requiring a drug test, or other action.

F. Rehabilitation or Assistance Programs

The Okemos Public Schools reserves the right to offer an employee who has been determined to have violated any of these Rules and Regulations participation in an approved rehabilitation or drug abuse assistance program as an alternative to discipline. If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in and complete the program as a condition of continued employment. Failure to participate in or successfully complete the program, including recommended after care as recommended by the approved agency, testing positive within one (1) year after completion of the program, will result in the employee's immediate discharge.

The rehabilitation or drug abuse assistance program shall be approved by Federal, State, or local health, law enforcement, or other appropriate agency.

G. Drug Testing Protocol

A drug testing protocol has been developed by the Okemos Public Schools.

ALL EMPLOYEES ARE REQUIRED TO ACKNOWLEDGE THAT THEY HAVE READ THE ABOVE RULES AND REGULATIONS AND AGREE TO ABIDE BY THEM IN ALL RESPECTS. BY LAW, THIS ACKNOWLEDGMENT AND AGREEMENT ARE REQUIRED AS A CONDITION OF CONTINUED EMPLOYMENT.

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II: EMPLOYEES REQUIRED TO OBTAIN A COMMERCIAL DRIVERS LICENSE (CDL)A. Definitions

1. Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used to transport passengers or property, if the motor vehicle: a) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or b) has a gross vehicle weight rating of 26,001 or more pounds; or c) is of any size and is used in the transportation of hazardous materials.
2. On-duty Time means all time from the time an employee begins to work or is required to be in readiness for work until the time he/she is relieved from work and all responsibility for performing work.
3. Performing a Safety-Sensitive Function means any period in which an employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.
4. Safety-Sensitive Function means any of those on-duty functions including:
 - a. All time at an Okemos Public Schools facility or other property, or on any public property waiting to be dispatched, unless the employee has been relieved from duty by the district.
 - b. All time inspecting, servicing, or conditioning any commercial vehicle at any time.
 - c. All driving time which means all time spent at the driving controls of a commercial motor vehicle in operation.
 - d. All time, other than driving time, in or upon any commercial motor vehicle.
 - e. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts loaded or unloaded.
 - f. All time spent performing employee requirements relating to accidents.
 - g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

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B. Alcohol or Controlled Substance Use or Possession

No Okemos Public Schools employee who is required to obtain a Commercial Drivers License (CDL) shall report for duty or remain on duty requiring the performance of a safety-sensitive function:

- (i) while having an alcohol concentration of 0.02% or more; or
- (ii) if the employee tests positive for a controlled substance; or
- (iii) when the employee uses any alcohol or any controlled substance; or
- (iv) if the employee is in possession of any alcohol or any controlled substance, except when the use or possession is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the driver to safely operate a vehicle. The employee shall inform the Okemos Public Schools of any therapeutic drug use that has been indicated to have an effect on one's ability to operate a vehicle.

1. Pre-Duty Alcohol Use

No employee shall perform a safety-sensitive function within four hours after using alcohol. Any employee who is called to duty during non-working hours shall advise his/her supervisor of any alcohol use.

2. Alcohol Use Following An Accident

No employee required to take a post-accident alcohol test as set forth therein shall use alcohol eight (8) hours after an accident or until he/she undergoes the post-accident alcohol test, whichever occurs first.

C. Alcohol or Controlled Substance Testing**1. Refusal to Submit to a Required Alcohol or Controlled Substance Test**

No employee shall refuse to submit to: a) a post-accident alcohol or controlled substance test; b) a random alcohol or controlled substance test; c) a reasonable suspicion alcohol or controlled substance tests; or d) a follow-up alcohol or controlled substance test.

2. Employer Notifications

Before performing an alcohol or controlled substances test required by the Omnibus Transportation Employee Testing Act of 1991, the Okemos Public Schools will notify employees as required by law that the alcohol or controlled substances test is so required.

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3. **Post-Accident Testing**

As soon as practicable following an accident involving a commercial motor vehicle in which:

- a) an employee was performing a safety-sensitive function with respect to the vehicle and the accident involved a fatality; or
- b) an injured party is treated away from the scene and the CDL employee receives a citation for a traffic violation; or
- c) a vehicle is required to be towed from the scene and the CDL employee receives a citation, the employee shall be tested for alcohol within two (2) hours following the accident, but no later than eight (8) hours following the accident, and tested for controlled substances within thirty-two (32) hours following the accident.

An employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed by the district to have refused to submit to testing.

- 3.1. Nothing in this section shall be construed to require the delay of necessary medical attention for injured persons following an accident or to prohibit the driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or obtaining necessary emergency medical care.
- 3.2. The results of a breath test for the use of alcohol or urine test for the use of controlled substances, conducted by federal, state or local officials having independent authority for the test, shall be considered to meet the requirements of this section, provided that such test conforms to applicable federal, state or local requirements and that the results of the test are obtained by the Okemos Public Schools.

4. **Random Testing**

Employees shall be subject to random testing pursuant to the rules and regulations of the Federal Highway Administration as set for at 49 CFR 382.305.

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5. Reasonable Suspicion Testing

Employees shall be subject to reasonable suspicion testing when the Okemos Public Schools has reasonable suspicion based on specific, contemporaneous, articulable, objective evidence that the employee is in violation of Sections B and C of these regulations. Such objective evidence may include observations concerning the employee's appearance or behavior indicating the chronic and withdrawal effects of controlled substances.

6. Return-to-Duty Testing

6.1 If an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by these regulations concerning alcohol, the employee shall undergo a return-to-duty alcohol test with an expected alcohol concentration below 0.02.

6.2 If an employee returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by these regulations concerning controlled substances, the employee shall undergo a return-to-duty controlled substance test, with the result indicating a verified negative result for controlled substances use.

7. Follow-up Testing

If it has been determined that an employee is in need of assistance in resolving problems associated with alcohol misuse and/or use of controlled substances, such employee shall be subject to unannounced follow-up and/or controlled substances testing as directed by a substance abuse professional, in accordance with the Omnibus Transportation Act of 1991, to determine that the employee has properly followed any rehabilitation program prescribed by the substance abuse professional.

7.1 Follow-up alcohol testing shall be conducted only when the employee is performing a safety-sensitive function, just before the employee is to perform a safety-sensitive function, or just after the employee has ceased performing a safety-sensitive function.

D. Violations

Violation of these rules and regulations shall result in discipline up to and including termination. In no event shall an employee who has been determined to have violated any provision of Sections B and C of these regulations perform any safety-sensitive function until he/she complies with "Return-to-Duty Testing" procedures.

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E. Drug Testing Protocol

A drug testing protocol developed by the Okemos Public Schools follows this section and is made a part hereof.

ALL EMPLOYEES REQUIRED TO OBTAIN A COMMERCIAL DRIVER LICENSE (CDL) ARE REQUIRED TO ACKNOWLEDGE THAT THEY HAVE RECEIVED A COPY OF THE ABOVE RULES AND REGULATIONS AND AGREE TO ABIDE BY THEM IN ALL RESPECTS. BY LAW, THIS ACKNOWLEDGMENT AND AGREEMENT ARE REQUIRED AS A CONDITION OF CONTINUED EMPLOYMENT.

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Updated: December 4, 1995

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DRUG TESTING PROTOCOL

This protocol applies to the Okemos Public Schools request for submission of urine and breath specimens as required by the Omnibus Transportation Employee Testing Act of 1991 involving drug and alcohol testing for commercial driver license (CDL) employees.

Alcohol and Drug Testing and Reporting

1. The Okemos Public Schools shall be solely responsible for all costs incurred in conjunction with alcohol breath testing and reporting. The Okemos Public Schools shall be solely responsible for costs in conjunction with screening and confirmation testing of urine for drug analysis.
 - 1.1 The employee will have the option of testing the “split sample” at the same/or a different laboratory.
 - 1.2 In the event the split sample testing results in a positive result, the employee will be responsible for all costs associated with the testing of the split sample. By signing the *Omnibus Transportation Employee Testing Act of 1991 Rules and Regulations Applicable to Employees Required to Obtain CDL* acknowledgment form, the employee authorizes the deduction, if necessary, from his/her bi-weekly wages, the amount of such cost.
 - 1.3 In the event the split sample testing results in a negative result, the Okemos Public Schools will be responsible for all costs associated with the testing of the split sample.
2. The Okemos Public Schools shall ensure that all alcohol and drug tests that are conducted are in compliance with all the requirements of the Department of Transportation (DOT).
3. The Okemos Public Schools shall have the responsibility for selecting an agency that will properly conduct the alcohol breath test and/or the drug test and furnish reliable results.
 - 3.1 The selected agency for drug testing must also provide the ancillary services needed, including specimen retention of “positive” samples for five years. The laboratory shall have the capability of timely providing hard copy reports of specimen analysis results.

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- 3.2 The selected agency for alcohol breath testing must utilize Breath Alcohol Technicians (BAT) and must use Evidential Breath Devices (EBT) for both screening and confirmation tests. The confirmation test will produce three hard copies of the testing results. The selected agency must also provide the ancillary services needed, including retention of “positive” hard copy print out of positive confirmation tests for five years. The agency shall have the capability of timely providing hard copy reports of the testing results.
4. The Okemos Public Schools shall make the necessary advance arrangements for DOT-approved collection of the urine specimen to be tested for drugs, and a proper area for collection of the breath specimen. The Okemos Public Schools shall ensure that random alcohol and drug testing are unannounced and spread reasonably throughout the calendar year.
 - 4.1. The Okemos Public Schools shall have the right to approve or reject the selection of a laboratory to conduct the testing on urine specimens collected.
5. Those employees falling under the Department of Transportation (DOT) “safety sensitive” positions will be tested at the following rates:
 - 5.1 Random controlled substances testing shall be administered at a minimum annual rate of 50 percent of the average number of safety-sensitive positions for the first two (2) years.
 - 5.2 Random alcohol testing shall be administered at a minimum annual rate of 25 percent of the average number of safety-sensitive positions for the first two (2) years.
 - 5.3 Each year after the first two (2) years of testing, the Federal Highway Administration will publish in the Federal Register the minimum annual percent rate for the random alcohol and drug testing of drivers. The new rate will become applicable on January 1 of the following year.
6. Employees shall cooperate with DOT procedures necessary to assure thorough documentation to positively link the employees’ specimen to the ultimate test result. Documentation shall be required to include dates, times and signatures of the collector and/or Breath Alcohol Technicians (BAT) and the employee(s) being tested.

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Consequences to Drivers Engaging in Conduct Prohibited by the Federal Highway Administration's Drug Use and Alcohol Misuse Rules

Drivers who are known to have engaged in prohibited behavior, with regard to alcohol misuse or use of controlled substances, shall be subject to consequences, including but not limited to, the following:

1. Drivers shall not be permitted to perform safety-sensitive functions.
2. Drivers shall be advised by the employer of the resources available to them in evaluating and resolving problems associated with misuse of alcohol or use of controlled substances.
3. Before a driver returns to duty requiring the performance of a safety sensitive function, he/she shall undergo a return-to-duty alcohol test with a result indicating a breath alcohol level of less than 0.02 if the conduct involved alcohol, or a controlled substance test with a verified negative result if the conduct involved controlled substance use.
4. Each driver identified as needing assistance in resolving problems associated with alcohol or controlled substances shall be interviewed by a Substance Abuse Professional (SAP) to determine that the driver has followed the rehabilitation program prescribed.
5. The driver shall also be subject to unannounced follow-up alcohol and controlled substance testing. The number and frequency of such follow-up testing shall be as directed by the SAP, and could consist of up to six (6) tests in the first twelve (12) months. This follow-up testing can continue for up to sixty (60) months, at the direction of the SAP.

Testing Location for Drugs

1. Any restroom can be utilized for the collection site for the individual employee to present themselves for the purpose of providing a specimen of his/her urine to be analyzed for the presence of drugs.
 - 1.1 When the employee enters the drug testing location, the collector will require him or her to provide positive identification (photo ID). The collector should also provide the employee with his/her identification.
 - 1.2 The collector will explain the testing procedure to the employee.

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- 1.3 The collector shall complete the Federal Drug Testing Custody and Control Form. The employee shall complete the information required in the donor section of the form. This section shall be signed by the donor and sent to the Medical Review Officer (MRO).
- 1.4 Both the collector and the donor will initial the security seals that are placed over the primary and split sample specimens containers.
2. The collection site person shall instruct the employee to provide at least 45ml of urine under the split sample method of collection.
 - 2.1 The donor shall urinate into a collection container or a specimen bottle capable of holding at least 60ml.
 - 2.2 The collection site person, in the presence of the donor, shall pour 30 ml of the urine into another bottle to be used as the primary specimen. At least 15 ml should remain in the original bottle or be placed into a third bottle to be used as the split specimen.
 - 2.3 Both bottles shall have the security seals placed over the closed caps by the collector in the presence of the employee.
 - 2.4 The collector will place both the primary and split specimens into mailing containers, initial and date the Kit Box Seal, and attached the same over the mailer. Both bottles shall be delivered in a single shipping container, together with copies 1, 2 and the split specimen copy of the chain of custody form, to the laboratory.
 - 2.4.1 If the test result of the primary specimen is positive, the employee may request that the Medical Review Officer (MRO) direct that the split specimen be tested in a different DHHS certified laboratory for the presence of the drug(s). The MRO shall honor such a request if it is made within 72 hours of the employee having been notified of a verified positive test result.
3. The original screening test will be with an immunology test. All positive test results shall be confirmed by a second test using a method based on a different scientific principle than the initial test. Gas Chromatography-mass spectrometry (GC-MS) will be the test used for confirmation testing.

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4. After a positive test has been confirmed, the testing laboratory will forward the information to the Medical Review Officer (MRO). The MRO is responsible for receiving laboratory results generated by the Okemos Public Schools drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluation an individual's confirmed positive test results together with the information. The MRO or staff member will contact the employee that has tested positive.
 - 4.1 Prior to verifying a positive result, the MRO shall make every reasonable effort to contact the driver (confidentially), and afford him/her the opportunity to discuss the test result. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the driver directly, the MRO shall contact a designated management official, who shall direct the driver to contact the MRO as soon as possible (within 24 hours).
 - 4.2 After discussion with the employee, the MRO will determine if the test is to be reported as positive. If positive, the MRO will contact the designated management official and report the positive test. The MRO will also advise the employee who tested positive that he/she has a 72-hour period for making a choice on testing the split specimen.
5. The Okemos Public Schools shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding drug misuse, the driver must be evaluated by a substance abuse professional (SAP) and participate in any assistance program prescribed.
 - 5.1 Prior to the employee returning to duty requiring the performance of a safety-sensitive function, after engaging in prohibited conduct regarding drug misuse, the driver shall undergo a return-to-duty drug test with a result indicating a verified negative result for controlled substance abuse.
 - 5.2 Following a determination that a driver is in need of assistance in resolving problems associated with drug misuse, the Okemos Public Schools will ensure that the driver is subject to unannounced follow-up drug testing as directed by the SAP. The driver could be subject to a minimum of six (6) follow-up drug tests in the first twelve (12) months, and this testing could continue for up to sixty (60) months.

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Testing Location for Alcohol

Breath Alcohol Technicians (BAT) must be trained in proficiency in using Evidential Breath Test (EBT) and in DOT alcohol testing procedures. The NPRM allows any EBT device that has been approved by the NHTSA Compliance Produce List (CPL) for use in screening testing for alcohol. DOT rules require EBT's used for confirmation testing to be on the NHTSA CPL, have the capacity to print out triplicate (or three consecutive identical) results, assign a sequential number to each test, distinguish alcohol from acetone at the 0.02 alcohol concentration level, and have the capability for performing both air blanks and external calibration checks.

1. The DOT rules call for a testing site that affords visual and aura privacy to the employee. The rules do not address the issue of a witness being present.
 - 1.1 When the employee enters the alcohol testing location, the BAT will require him/her to provide positive identification (photo ID). The BAT should also provide the employee with his/her identification.
 - 1.2 The BAT shall explain the testing procedure to the employee.
 - 1.3 The BAT shall complete Step 1 on the Breath Alcohol Testing Form. The employee shall then complete Step 2 on the form, signing the certification. Refusal by the employee to sign this certification shall be regarded as a refusal to take the test.
 - 1.4 An individually sealed mouthpiece shall be opened in view of the employee and attached to the EBT.
 - 1.5 The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.
 - 1.6 The BAT will show the employee the result displayed on the EBT. The BAT will record the displayed result, test number, testing device, serial number of the device, time and quantified result in Step 3 of the form.
 - 1.6.1 The BAT will record the EBT test number, date of the test, name of the BAT, location and quantified result in the log book.

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2. When the result of the screening test is a breath alcohol concentration of less than 0.02%, the BAT shall date the form and sign the certification in Step 3 of the form. The employee shall sign the certification and fill in the date in Step 4.
 - 2.1 If the employee does not sign the certification in Step 4 of the form or does not initial the logbook entry, it shall be considered a refusal to be tested. In this event, the BAT shall note in the “remarks” section of the form the employee’s failure to sign or initial.
 - 2.2 No further testing is authorized. The BAT shall transmit the result of less than 0.02% of the employer in a confidential manner, and the employee shall receive and store the information as to ensure that confidentiality is maintained as required.

3. When the EBT test indicates a reading of 0.02% or higher, the employee will be advised that a second Confirmation Breath Test will be conducted. The BAT will advise the employee not to eat or drink anything for 15-20 minutes interval between the screening and confirmation test.
 - 3.1 After the 15-minute interval, the confirmation test will be conducted as follows:
 - 3.1.1 The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until the EBT indicates that an adequate amount of breath has been obtained.
 - 3.1.2 The BAT will show the employee the result displayed on the EBT. The BAT will record the displayed result, test number, testing device, serial number of the device, time and quantified result in Step 3 of the form.
 - 3.1.3 The BAT will record the EBT test number, date of the test, name of the BAT, location and quantified test result in the log book.
 - 3.2 When the result of the confirmation screening test is a breath alcohol concentration of 0.02 percent up to 0.039, the employee will be subject to discipline up to and including termination.
 - 3.3 When the result of the confirmation screening test is a breath alcohol concentration of 0.4 percent or higher, the employee will not be eligible to participate in safety-sensitive tasks. The employee will be subject to discipline up to and including termination.

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4. An employee with a breath alcohol concentration of 0.04 percent or higher must be evaluated by a substance abuse professional (SAP) and participate in any assistance program prescribed by the SAP.
5. Prior to an employee returning to duty requiring the performance of safety-sensitive functions, after engaging in prohibited conduct regarding alcohol misuse, the driver shall undergo a return-to-duty alcohol test indicating a breath alcohol concentration of less than 0.02 percent.
6. Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse, Okemos Public Schools will ensure that the driver is subject to unannounced follow-up alcohol testing as directed by the SAP. The driver could be subject to a minimum of six (6) follow-up alcohol tests in the first twelve (12) months and this testing could continue for up to sixty (60) months.

Confidentiality

1. The Okemos Public Schools shall treat alcohol and drug test results as highly confidential information. It shall file drug test results in the same manner in which it files other confidential medical data about employees and/or applicants.
2. The Okemos Public Schools shall not divulge test results to third parties such as other employees or prospective employers with the express written consent of the employee/applicant, or as required by law.

END

PERSONNEL**Drug-Free Work Place****SIGNATURE PAGE****SIGNATURE PAGE**

The use of alcohol, illegal drugs and/or intoxicants in the work place present a danger to all concerned. These drugs impair safety and health, promote crime, lower productivity and work quality, and undermine public confidence. The Okemos Public Schools will not tolerate the illegal use of drugs. All Okemos Public Schools premises, including work sites and all Okemos Public Schools vehicles are declared to be drug-free work places. This means:

- (i) All Okemos Public Schools' employees are absolutely prohibited from unlawfully manufacturing, distributing, selling, dispensing, possessing, or using controlled substances in the work place.
- (ii) Employees found to be in violation of this policy will be subject to appropriate personnel disciplinary action up to and including termination for the first offense and/or other remedial measures as the individual circumstances warrant.
- (iii) The Okemos Public Schools will provide for a drug-free awareness program for all employees. To assist employees in overcoming drug abuse problems, the Okemos Public Schools may offer an Employee Assistance Program.
- (iv) The Okemos Public Schools supports the purpose and goals of the Federal Transportation Act.

All employees are expected to cooperate and give this policy their full support.

REFERENCE: Drug Prevention Program Certification; Section 5145 of the Drug-Free Schools and Communities Act of 1986 as Amended 1989(PL. 101-226); Michigan Department of Education. Federal Transportation Act of 1991.

I: ALL STAFF MEMBERS:

THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS READ AND RECEIVED A COPY OF THE ABOVE POLICY AND ACCOMPANYING RULES AND REGULATIONS AND AGREES TO ABIDE BY THEM IN ALL RESPECTS. BY LAW, THIS ACKNOWLEDGMENT AND AGREEMENT IS REQUIRED AS A CONDITION OF CONTINUED EMPLOYMENT.

DATE: _____ SIGNATURE: _____

II: TRANSPORTATION EMPLOYEES & OTHERS REQUIRED TO OBTAIN A COMMERCIAL DRIVERS LICENSE

THE UNDERSIGNED CERTIFIES THAT HE/SHE HAS READ AND RECEIVED A COPY OF THE ABOVE POLICY AND ACCOMPANYING RULES AND REGULATIONS APPLICABLE TO EMPLOYEES REQUIRED TO OBTAIN A COMMERCIAL DRIVERS LICENSE AND AGREES TO ABIDE BY THEM IN ALL RESPECTS. BY LAW, THIS ACKNOWLEDGMENT AND AGREEMENT IS REQUIRED AS A CONDITION OF CONTINUED EMPLOYMENT.

DATE: _____ SIGNATURE: _____

OKEMOS PUBLIC SCHOOLS

4406 N. Okemos Road 48864

Phone: 517-706-5010 FAX: 517-394-6235

Cheryl Kreger, Ed.D.

Superintendent of Schools

DATE: December 11, 1995
TO: Okemos Public Schools Personnel
FROM: *Cheryl Kreger*
SUBJECT: Drug-Free Work Place

According to federal regulations, every employee must have a copy of the enclosed policy and regulations and have access to review of same.

Please carefully review the enclosed document, then sign the attached "SIGNATURE PAGE" and return it to your building administrator.

Thank you for your cooperation and support.

CK:ih

Enclosure: Board of Education Policy 4131.6: Drug-Free Work Place