



THE GLOUCESTER PUBLIC SCHOOLS

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PERSONNEL SUB-COMMITTEE MEETING

Monday, November 3, 2014

5:00 pm

Superintendent's Conference Room – District Office
2 Blackburn Drive, Gloucester, MA 01930

A G E N D A

I. CALL TO ORDER

II. REPORTS/DELIBERATIONS/DISCUSSIONS

- *A. Review current and proposed Family and Medical Leave Act (FMLA) Policy File GCC
- B. Review of Employee Handbook: Resources
- *C. Minimum Wage Increase
- *D. Review current and proposed Alcohol and Drug Policies:
 - 1. Policy File EEAEA Bus Driver Examination and Training
 - 2. Policy File EEAEA-1 Drug and Alcohol Testing for School Bus and Commercial Vehicle Drivers
 - 3. Policy File GBEC Drug-Free Workplace

III. ACTION

IV. ADJOURNMENT

*Enclosures

CURRENT POLICY

File: GCC

FAMILY AND MEDICAL LEAVE ACT

As a workplace, the Gloucester Public Schools is committed to public policies responsive to family needs. It is the School Department's policy to comply with the Family and Medical Leave Act of 1993, which became effective on August 5, 1993, for employees not covered by a collective bargaining agreement. The Act became effective for employees subject to a collective bargaining agreement at the expiration of the applicable collective bargaining agreement or February 5, 1994, whichever arrived sooner.

This policy shall apply to all permanent employees of the Gloucester Public Schools.

I. PROCEDURE

A. Eligibility

An employee employed by the Gloucester Public Schools for at least twelve (12) months, who has worked at least 1,250 hours during the twelve (12) month period immediately preceding a leave under this section, may take up to twelve (12) work-weeks of unpaid leave per twelve (12) month period measured backward from the date an employee uses any leave for any one or more of the following reasons:

1. The birth of the employee's child, and in order to care for the newborn child (see Maternity Leave Policy);
2. The placement of a child with the employee for adoption or foster care;
3. The need to care for the employee's spouse, child, or parent who has a serious health condition;
4. The employee's own serious health condition that renders the employee unable to perform the functions of his or her own job.

B. Certification

An employee shall provide certification from a health care provider to substantiate any leave due to the serious health condition of the employee or the employee's immediate family member. Failure to provide such certification will result in a denial of the leave request until the employee provides the requested certification. Certification forms are available in the Human Resource Office. See attachment.

C. Notice

1. In order to plan for the provision of quality uninterrupted service to the public, the employee seeking leave must notify their supervisor at least thirty (30) days prior to any anticipated leave. If the need for leave is not foreseeable, the employee must give the supervisor notice as soon as practicable. Failure to provide such advance notice will result in a denial of the leave until thirty (30) days after the notice is provided.

2. The Supervisor shall first consult the Superintendent of Schools or his/her designee regarding the leave request and then process the appropriate Personnel Action Form and medical certification for placement in the employee's personnel file.

D. **Distribution of Policy**

This policy shall be placed in the Human Resource Office. In addition, a copy of this policy shall be distributed to the employee by the supervisor at the time a request for Family and Medical Leave is made.

II. **GUIDELINES**

A. **Group Health and Life Insurance Plan Coverage**

1. The Gloucester Public Schools will continue its contribution to the group health and life Insurance plans for an employee who is out on an approved family or medical leave. The employee must continue to pay his or her share of such premium during any unpaid leave period.
2. To continue insurance during any unpaid leave, the employee must make arrangements for the payment of premiums with the Human Resource Office.

If an employee's premium payment is more than thirty (30) days late, the Gloucester Public School's obligation to maintain health insurance will cease. The Gloucester Public Schools reserves the right to recover the employee's share of any premium payments missed by the employee during the leave period. If the employee fails to return to work after taking the leave, the Gloucester Public Schools reserves the right to recover the employer's contribution for health insurance premiums paid during the employee's leave.

B. **Benefits and Accrual**

1. An employee on family or medical leave must use any accrued vacation, personal time, and compensatory time while on such leave prior to becoming eligible for unpaid leave. An employee who is on medical leave for the reasons stated in Procedure A.4 must use any accrued sick time while on such leave.
2. Vacations, Holidays, and Sick Leave accrue only during the paid portion of the family or medical leave. Unpaid leave shall not be included in the computation of such benefits. Longevity or other accrued benefits shall be pro-rated by the length of any unpaid leave of absence.
3. Approved family or medical leave shall not affect an employee's right to any benefits and seniority to which he or she was entitled at the start of the leave. An employee's anniversary date for step movement on the salary scale or benefit accrual shall be adjusted by the length of any unpaid leave as determined by the Superintendent of Schools or his/her designee.

C. **Job Restoration**

At the end of a family or medical leave, an employee shall be restored to his or her former position, if available, or to a similar position, with the same pay, benefits and working conditions as of the date of the employee's leave, as economic conditions warrant. The employee's right to be restored is limited to what the employee's job would have been if he or she had not taken leave. Prior to restoration, an employee who takes a medical leave for the reasons set forth in Procedure A.4 must obtain and present certification from a health care provider that the employee is able to resume work. Failure to provide such certification will result in a denial of restoration until the employee provides the requested certification.

D. **Addendum**

The parties agree that under certain circumstances, an employee applying for benefits under the Family and Medical Leave Act (FMLA) may qualify for salary continuation, either through the use of paid sick leave. If the employee has exhausted all accrued, vacation, personal, and compensatory time, sick leave shall be granted, at the discretion of the Superintendent or his/her designee, to an employee needing to care for a seriously ill relative if the following conditions are operational:

1. The employee has maintained a satisfactory attendance record in the preceding twelve-month period.
2. The seriously ill relative shall be an immediate family member; i.e., a parent, spouse, child, or relative residing in the immediate household.
3. In the event that the employee's request for sick leave use exceeds three (3) days, the length of the sick leave granted, up to the twelve week FMLA limit, shall be contingent upon medical documentation provided by the employee, as well as the physician's certification that such care is medically necessary. The length of sick leave granted may further be determined by the Superintendent or his/her designee if more than one caregiver is available within the immediate family.

LEGAL REF.: P.L. 103-3, "Family and Medical Leave Act of 1993

PROPOSED POLICY

FAMILY AND MEDICAL LEAVE ACT

As a workplace, the Gloucester Public Schools is committed to public policies responsive to family needs. It is the School Department's policy to comply with the Family and Medical Leave Act of 1993, which became effective on August 5, 1993, for employees not covered by a collective bargaining agreement. The Act became effective for employees subject to a collective bargaining agreement at the expiration of the applicable collective bargaining agreement or February 5, 1994, whichever arrived sooner.

This policy shall apply to all permanent employees of the Gloucester Public Schools.

I. PROCEDURE

A. Eligibility

An employee employed by the Gloucester Public Schools for at least twelve (12) months and who has worked at least 1,250 hours during the twelve (12) month period immediately preceding a leave under this section, may take up to twelve (12) work-weeks of unpaid leave per twelve (12) month period measured backward from the date an employee uses any leave for any one or more of the following reasons:

1. The birth and care of the newborn of the employee(see Massachusetts Maternity Leave Act);
2. The placement with the employee of a son or daughter for adoption or foster care;
3. To care for an immediate family member (spouse, child or parent) with a serious health condition;
4. To take medical leave when t employee is unable to work because of a serious health condition.

B. Key Employee

The FMLA defines a key employee as salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employer within 75 miles of the employee's worksite. The law gives an employer the option of declining reinstatement to an employee because of his or her status as a key employee if such reinstatement would cause the employer substantial and grievous economic injury to its operations.)

C. Certification

An employee shall provide certification from a health care provider to substantiate any leave due to the serious health condition of the employee or the employee's immediate family member. Failure to provide such certification will result in a denial of the leave request until the employee provides the requested certification. Certification of Healthcare Provider forms are available in the

Human Resource department.

D. Notice

1. In order to plan for the provision of quality uninterrupted service to the public, the employee seeking leave must notify their supervisor at least thirty (30) days prior to any anticipated leave. If the need for leave is not foreseeable, the employee must give the supervisor notice “as soon as practicable” (“as soon as practicable” generally means at least verbal notice within one or two business days of learning of the need to take FMLA leave).
2. The employee shall first consult in writing to the Superintendent of Schools or his/her designee regarding the leave request. The Human Resources department will send written notification of request, the need for proper documentation, and authorization (or denial) from the Superintendent. Once the documentation has been received, the Personnel Action Form (PAF) will be processed through Payroll. Documentation will be filed in the employee’s personnel file after the FMLA has been closed..

E. Distribution of Policy

This policy shall be placed in the Human Resource department. In addition, a copy of this policy shall be distributed to the employee by the Human Resources department at the time a request for Family and Medical Leave is made.

II. GUIDELINES

A. Group Health and Life Insurance Plan Coverage

1. The Gloucester Public Schools will continue its contribution to the group health and life Insurance plans for an employee who is out on an approved family or medical leave. The employee must continue to pay his or her share of such premium during any unpaid leave period.
2. To continue insurance during any unpaid leave, the employee must make arrangements for the payment of premiums with the Human Resource department.

If an employee’s premium payment is more than thirty (30) days late, Gloucester Public Schools will give the employee written notice at least fifteen (15) days in advance advising that coverage will cease if payment is not received. If payment still has not been received, the Gloucester Public School’s obligation to maintain health insurance will cease. The Gloucester Public Schools reserves the right to recover the employee’s share of any premium payments missed by the employee during the leave period. If the employee fails to return to work after taking the leave, the Gloucester Public Schools reserves the right to recover the employer’s contribution for health insurance premiums paid during the employee’s leave.

B. Benefits and Accrual

1. An employee on family or medical leave must use any accrued vacation, personal time, and compensatory time while on such leave prior to becoming eligible for unpaid leave. An employee who is on medical leave for the reasons stated in Procedure A.4 must use any accrued sick time while on such leave.

2. Vacations, Holidays, and Sick Leave accrue only during the paid portion of the family or medical leave. Unpaid leave shall not be included in the computation of such benefits. Longevity or other accrued benefits shall be pro-rated by the length of any unpaid leave of absence.
3. Approved family or medical leave shall not affect an employee's right to any benefits and seniority to which he or she was entitled at the start of the leave. An employee's anniversary date for step movement on the salary scale or benefit accrual shall be adjusted by the length of any unpaid leave as determined by the Superintendent of Schools or his/her designee.

C. **Job Restoration**

At the end of a family or medical leave, an employee shall be restored to his or her original job, if available, or to an equivalent job, with the same pay, benefits and working conditions as of the date of the employee's leave, as economic conditions warrant. The employee's right to be restored is limited to what the employee's job would have been if he or she had not taken leave. Prior to restoration, an employee who takes a medical leave for the reasons set forth in Procedure A.4 must obtain and present Fitness-for-Duty certification from a health care provider before being restored to his or her job. Failure to provide such certification will result in a denial of restoration until the employee provides the requested certification.

D. **Addendum**

The parties agree that under certain circumstances, an employee applying for benefits under the Family and Medical Leave Act (FMLA) may qualify for salary continuation, either through the use of paid sick leave. If the employee has exhausted all accrued, vacation, personal, and compensatory time, sick leave shall be granted, at the discretion of the Superintendent or his/her designee, to an employee needing to care for a seriously ill relative if the following conditions are operational:

1. The employee has maintained a satisfactory attendance record in the preceding twelve-month period.
2. The seriously ill relative shall be an immediate family member; i.e., a parent, spouse, child, or relative residing in the immediate household.
3. In the event that the employee's request for sick leave use exceeds five (5) days, the length of the sick leave granted, up to the twelve (12) week FMLA limit, shall be contingent upon medical certification of Healthcare Provider provided by the employee that such care is medically necessary. The length of sick leave granted may further be determined by the Superintendent or his/her designee if more than one caregiver is available within the immediate family.

LEGAL REF.: P.L. 103-3, "Family and Medical Leave Act of 1993

MASSACHUSETTS MINIMUM WAGE INCREASE

Effective January 1, 2015, minimum wage shall be \$9.00 per hour.

The minimum wage law applies to all employees except those being rehabilitated or trained in charitable, educational, or religious institutions; members of religious orders; agricultural, floricultural, and horticultural workers; those in professional service; and outside salesperson not reporting to or visiting their office daily. For further information regarding the Massachusetts state wage, contact the Massachusetts Department of Labor Standards at (617) 626-6952 or visit www.mass.gov/dols.

In no case shall the Massachusetts minimum wage rate be less than \$0.50 higher than the effective federal minimum rate.

Effective January 1, 2016, minimum wage shall be \$10.00 per hour.

Effective January 1, 2017, minimum wage shall be \$11.00 per hour.

RESOURCES: The Commonwealth of Massachusetts Executive Office of Labor and Workforce Department

Chapter 144 of the Acts of 2014

BUS DRIVER EXAMINATION AND TRAINING

All drivers shall be required to conform with the rules and regulations of the Commissioner of the Massachusetts Registry of Motor Vehicles and other governmental authorities having jurisdiction over the transportation of students.

LEGAL REF.: Highway Safety Program Standard No. 17
M.G.L. 90:7B; 90:8A; and 90:8A^{1/2}

SOURCE: Gloucester

File: EEAEA-1

DRUG AND ALCOHOL TESTING FOR SCHOOL BUS AND COMMERCIAL VEHICLE DRIVERS

The District shall adhere to federal law and Department of Transportation regulations requiring a drug and alcohol-testing program for school bus drivers and commercial vehicle drivers. Such testing will be conducted for five different situations: pre-employment, randomly, following an accident, following an authorization to return to duty, and upon reasonable suspicion that a driver is under the influence of alcohol or using drugs.

The District will comply with Department of Transportation protocols regarding the collection and testing necessary to establish whether alcohol or drugs are present in the driver's system, and regulations will be established for the steps to be taken in the event that test results are positive.

This program shall comply with the requirements of the Code of Federal Regulations, Title 49, Section 382 et seq. The Superintendent or designees shall adopt and enact procedures consistent with the federal regulations, defining the circumstances and procedures for testing.

SOURCE: MASC

LEGAL REF.: 49 U.S.C. sec. 2717 et seq. (Omnibus Transportation Employee Testing Act of 1991)
49 C.F.R. Part 40 Procedures for Transportation Workplace and Drug and Alcohol Testing Programs
49 C.F.R. Part 382 Controlled Substance and Alcohol Use and Testing
49 C.F.R. Part 391 Qualification of Drivers

Drug and Alcohol Testing Policy

It is the policy of the Gloucester Public Schools to comply fully with the regulations issued by the U.S. Department of Transportation under the 1991 Omnibus Transportation Employee Testing Act, which concerns drug and alcohol testing to transportation workers in the reporting/record-keeping requirement relative to such testing. The rules found at 49 C.F.R. s382.100 et seq. apply to all interstate and intrastate truck and motor coach operators, including but not limited to school bus drivers and all school district employees with commercial drivers licenses (COL).

The following conduct for safety-sensitive drivers employed by the Gloucester Public Schools is prohibited:

- Reporting for duty or remaining on duty requiring the performance of safety-sensitive functions with a breath/blood alcohol content of 0.04 percent (or higher).
- Use of alcohol within the four (4) hours prior to performing a safety-sensitive function like driving.
- Use of alcohol on the job.
- Use of alcohol during the eight (8) hours following an accident.
- Possession of any medication or food containing alcohol while driving a vehicle.
- Refusal to take a required test.
- Use of a controlled substance on or off duty unless a doctor has prescribed the controlled substance and the doctor has informed the employee that the substance does not adversely affect the employee's ability to operate a vehicle safely.

SCOPE:

This policy shall be in effect for all safety-sensitive drivers employed by the Gloucester Public Schools, including all employees required to hold commercial drivers licenses (COL) and school bus drivers.

PROCEDURES: ALCOHOL AND DRUG TESTING
PURSUANT TO 49 C.F.R. s982.100 et seq.

TYPES OF TESTS

The following tests are required:

1. **Pre-Placement testing for Controlled Substances and Alcohol**

All applicants for employment in covered positions, or candidates for transfer or promotion to such position, as well as those covered employees returning from layoff, are subject to screening for use of alcohol or controlled substances. All applicants who test positive for either drugs or alcohol will not be offered employment with the Gloucester Public Schools.

2. **Post Accident**

An employee shall be tested after an accident involving a school district vehicle if his or her performance could have contributed to the accident as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation. An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle is required to be towed from the scene. Tests for alcohol use shall be conducted within 2 hours, but in no case more than 8 hours of the accident, while tests for controlled substances shall be conducted within 32 hours the accident. Employees must refrain from all alcohol and controlled substance use until the test is complete. Employees are obligated to cooperate in such testing or will be deemed to have refused. It is the employee's responsibility to make himself or herself available for testing. Generally, the employee will be accompanied to and from the testing site by a Gloucester Public Schools Supervisor.

3. **Reasonable Suspicion**

Existing Language: An employee shall be tested when a trained supervisor or manager observes behavior, speech, appearance or **body** odor that leads to a reasonable suspicion that the employee has violated these guidelines through the use of alcohol or illicit drugs, or has been or is using controlled substances without a doctor's prescription. In the case of alcohol use, the observation shall be made during, **just** preceding, or **just** after the workday. No such limitations are placed on observations for impermissible use of controlled substances. Tests for alcohol use shall be conducted within two (2) hours, but in no case more than eight (8) hours, after the observance is made. If a test cannot be administered, the driver must be removed from performing safety sensitive duties for at least 24 hours. Reasonable suspicion testing may only be conducted after consultation with the Superintendent or his or her designee.

Proposed Language: An employee shall be tested when a trained supervisor or manager observes behavior, speech, appearance or **body** odor that leads to a reasonable suspicion that the employee has violated these guidelines through the use of alcohol or illicit drugs, or has been or is using controlled substances without a doctor's prescription. In the case of alcohol use, the observation shall be made during, **just** preceding, or **just** after the workday. No such limitations are placed on observations for impermissible use of controlled substances. Tests for alcohol use shall be conducted within two (2) hours. **If an alcohol test is not administered within two hours after the observation is made, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test is not administered within eight hours after the observation is made, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol as shown by the behavioral, speech, and performance indicators or alcohol misuse, nor shall an employer permit the driver to perform safety-sensitive functions until: an alcohol test is administered and the driver's alcohol concentration measures less than 0.02; or 24 hours have elapsed following the determination that there was reasonable suspicion to believe the driver violated the prohibitions concerning the use of alcohol. A written record shall be made of the observations leading to an alcohol or controlled substances reasonable suspicion test, and signed by the supervisor or company official who made the observations, within 24 hours of the observed behavior or before the results of the alcohol or controlled substances tests are released, whichever is earlier. Reasonable suspicion testing may only be conducted after consultation with the Superintendent or his or her designee.**

4. **Random**

Employees shall be tested for the use of alcohol and controlled substances on a random, unannounced basis just before, during or after performance of safety sensitive functions for alcohol or at any time for controlled substances. Each year, the number of random alcohol tests conducted by the school district must equal at least 25% of all covered employees. Random drug tests conducted by the school district must equal at least 50% of all covered employees.

NOTE: The regulations §382.305 (b)(1) state the following:

“Except as provided in paragraphs (c) through (e) of this section, the minimum annual percentage rate for random alcohol testing shall be 10 percent or the average number of driver positions.”

5. Return to Duty and Follow-up

An employee who has violated the prohibited alcohol or drug standards shall be tested for alcohol and/or drug use prior to his/her return to performing safety sensitive duties. Follow-up tests are unannounced and at least six (6) tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following the return to duty.

CONDUCTING TESTS

1. Alcohol

DOT rules require breath testing using evidential breath testing (EBT) devices. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. Refusal of an employee to complete and sign the breath alcohol testing form shall be deemed to be a refusal to test. In addition, blood alcohol testing can be used in reasonable suspicion and post-accident testing where an evidentiary breath-testing device is not capable of producing adequate breath.

2. Drugs

Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility. Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification, and integrity are not compromised.

DOT rules require a split specimen procedure. Each urine specimen is subdivided into two bottles labeled as primary and split. Both bottles are sent to the laboratory. Initially, only the primary specimen is opened and used for the urinalysis. The split specimen remains sealed at the laboratory. If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

All urine specimens are analyzed for the following drugs: Marijuana (THC Metabolite), Cocaine, Amphetamines, Opiates (including Heroin), and Phencyclidine (PCP).

Testing is conducted using a two-stage process. First, a screening test is performed. If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug. Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.

All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the employer. If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen. For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. If the MRO determines that the drug use is legitimate, the test will be reported to the school district as a negative result.

3. Refusal to Participate/Tampering

Any refusal to participate in any of the types of alcohol and or drug tests authorized in this policy, including physical absence, will be treated as indicative of a positive test result.

If there is any evidence that an employee engaged in sample tampering, or provided false information in connection with the test, such conduct shall be treated as a refusal to participate in testing for purposes of imposing discipline.

CONSEQUENCES OF ALCOHOL/DRUG MISUSE

1. **Drivers:** Who have any alcohol concentration (defined as 0.02 or greater) when tested just before, during, or just after performing safety and sensitive functions must be removed from performing such duties for 24 hours. Depending on the circumstances, disciplinary action will be imposed upon an employee whose alcohol test reveals any alcohol concentration (between 0.02 and 0.04).
2. Drivers who engage in prohibited alcohol or drug conduct (that is, who test positive for alcohol use greater than 0.04 or drug use) must be immediately removed from safety sensitive functions. Drivers who are serving a probationary period will be terminated immediately. Depending on circumstances, non-probationary violators will be subject to disciplinary action of either suspension from duty or termination of employment. After evaluating each individual situation, the school district reserves the right to hold such action in abeyance upon the employee's voluntary agreement to participate in a rehabilitation program, as described in Part 3 below.

3. Drivers who wish to continue employment with the Gloucester Public Schools must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with an alcohol or drug problem. Employees will be placed on non-occupational sick leave or leave without pay status during the treatment period, whichever is appropriate. The payment for any recommended treatment will be strictly at the expense of the employee (or his or her health insurance program, if applicable).
4. Drivers who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02 and or a during drug test which is negative and who are then subject to unannounced follow-up tests, at the employee's expense, may return to work.
5. Drivers who have returned to work under these conditions and who subsequently test positive for alcohol or drugs in accordance with this policy will be terminated immediately. Any action may be subject to the grievance and arbitration procedure.
6. Once an employee successfully completes rehabilitation, he or she shall be returned to his or her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

INFORMATION/TRAINING

1. All current and new employees will receive written information about the testing requirement and how and where they may receive assistance for alcohol or drug misuse. All employees must receive a copy of this policy and sign the Confirmation of Receipt (attachment 1).
2. The Director of Transportation must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing. Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, ongoing training will also occur after implementation of the policy.
3. This policy will be posted on an employee bulletin board and will be available to all employees.

4. Educational information will be made available periodically, focusing on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and potential safety hazards presented to the individual employee, other employees and the public.
5. All recruitment advertising for safety-sensitive positions will include the statement "Drugs/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.
6. All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

RECORD KEEPING

1. The school district is required to keep detailed records of its alcohol and drug misuse prevention program.
2. **Driver** alcohol and drug testing records are confidential. Test results and other confidential information may only be released to the employer, the substance abuse professional, the MRO, and any arbitrator of a grievance filed in accordance with this policy. Any other release of this information may only be made with the driver's consent, or in response to a court order.

PRE-EMPLOYMENT REFERENCES

1. The school district must obtain and review the following information from each employer that the prospective **driver** worked for in a safety-sensitive position during the previous two years: information about a test in which the employee's blood alcohol was 0.04 or greater; information about a positive drug test; and information about any refusal to participate in the alcohol and drug testing program.
2. The prospective employee must provide the former employer with a written release allowing the release of this information or he/she may not be hired.
3. If the previous employer indicates that a positive result was received, or that the employee refused to participate when selected for an alcohol or drug test, the applicant may not be appointed unless he/she has already consulted with a substance abuse professional, already received recommended treatment, and subsequently tested negative in a return to duty test for the former employer.

The Gloucester Public Schools must provide the same information to subsequent employers of current school district employees when provided with a written release.

QUESTIONS

Questions about this policy should be referred to the employee's Supervisor, or the Director of Human Resources.

Proposed Policy

EMPLOYEE CONFIRMATION OF RECEIPT

I hereby certify that I was given a copy of the Gloucester Public Schools Drug and Alcohol Testing Policy and have been given an opportunity to ask questions of my supervisor about the content of the policy.

Employee Name

Department

Employee's Signature

Date

Proposed Policy

Drug and Alcohol Screening Employee Consent

I, _____ understand that the medical examination that I am about to receive includes:

- A blood test for the presence of drugs and/or alcohol.
- A urine test for the presence of drugs and/or alcohol

I hereby give my consent to _____ to perform these tests. I understand that if I decline to sign this consent, and thereby decline to submit a sample for the test, I may be subject to disciplinary action, up to and including termination the Gloucester Public Schools.

I further consent to the release of the results to the **Gloucester Public Schools**.

I have taken the following medications/substances within the last 96 hours:

Identify	<u>Name & Amount Taken</u>	<u>Prescribing Physician</u>
<input type="checkbox"/> Sleeping Pills	_____	_____
<input type="checkbox"/> Diet Pills	_____	_____
<input type="checkbox"/> Pain Relief Pills	_____	_____
<input type="checkbox"/> Cold Medicine	_____	_____
<input type="checkbox"/> Anti-Malarial Medication	_____	_____
<input type="checkbox"/> Other	_____	_____
<input type="checkbox"/> Consent Given		
<input type="checkbox"/> Consent Refused		

Specimen #: _____

Signed: _____

Date: _____

DRUG-FREE WORKPLACE POLICY

The School District will provide a drug-free workplace and certifies that it will:

1. Notify all employees in writing that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, is prohibited in the District's workplace, and specify the actions that will be taken against employees for violation of such prohibitions.
2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the District's policy of maintaining a drug-free work-place; and available drug counseling, rehabilitation, and employee assistance programs; and the penalty that may be imposed on employees for drug abuse violations occurring in the workplace.
3. Make it a requirement that each employee whose employment is funded by a federal grant be given a copy of the statement as required.
4. Notify the employee in the required statement that as a condition of employment under the grant, the employee will abide by the terms of the statement, and will notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. Notify the federal agency within ten days after receiving notice from an employee or otherwise receiving notice of such conviction.
6. Take one of the following actions within 30 days of receiving notice with respect to any employee who is so convicted; take appropriate personnel action against such an employee, up to and including termination; or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy.

SOURCE: MASC

LEGAL REFS.: The Drug-Free Workplace Act of 1988

CROSS REFS.: JICH, Drug and Alcohol Use by Students

DRUG-FREE WORKPLACE POLICY

The Gloucester Public Schools has a strong commitment to its employees to provide a safe work place and to establish programs promoting high standards of employee health. Consistent with the spirit and intent of this commitment, the Gloucester Public Schools has established this policy regarding drug and alcohol use or abuse. Our goal is to maintain a work environment that is free from the effects of alcohol and drug use.

Employees of the Gloucester Public Schools are visible and active members of the communities where they live and work. They are inescapably identified with the school district and they are expected to represent it in a reasonable and creditable fashion.

While the Gloucester Public Schools has no intention of intruding into the private lives of its employees, the school district does expect employees to report for work in condition to perform their duties. The school district recognizes that employee off-the-job as well as on-the-job involvement with drugs and alcohol can have an impact on the workplace and on our ability to accomplish our goal of an alcohol and drug-free work environment.

GOAL:

Our goal is to send a clear message that use of alcohol and drugs in the workplace is prohibited, and we encourage employees to voluntarily seek help with alcohol and drug problems.

SCOPE:

This policy shall be in effect for all employees of the Gloucester Public Schools.

PROCEDURES:

1. Pursuant to the Drug-Free Workplace Act of 1988, it is the policy of the Gloucester Public School District to prohibit the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcohol in the workplace. The illegal use, sale, or possession of narcotics, drugs, or controlled substances while on the job or on school property is an offense warranting discharge. Any illegal substances will be turned over to the appropriate law enforcement agency.
2. Employees who are under the influence of alcohol, either on the job or when reporting to work, or who possess or consume alcohol during work hours have the potential for interfering with their own as well as their coworkers' safe and efficient job performance. Consistent with existing District practices, such condition will be proper cause for administrative action up to and including the termination of employees.

3. Visible signs which may indicate alcohol or drug impairment include odor on breath, slurred speech, lack of balance, inappropriate and/or disruptive behavior, glassy eyes, weaving, etc. Administrative action will be taken when two (2) or more witnesses report or document more than one (1) of the above or other symptoms.
4. Off-the-job illegal drug activity which would adversely affect an employee's job performance or which could jeopardize the safety of other employees, the public, or school district property or equipment is proper cause for administrative or disciplinary action up to and including termination of employment.
5. Employees who are involved with off-the-job drug activity may be considered in violation of this policy. In deciding what action to take, management will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the school district, and other factors relative to the impact of the employees' arrest upon the conduct of school district business.
6. In certain cases, rehabilitation through the Employee Assistance Program may be offered as an alternative to the imposition of such disciplinary action.
7. Some of the drugs which are illegal under federal, state, or local laws include, among others: marijuana, heroin, hashish, cocaine, hallucinogens, depressants, and stimulants not prescribed for current personal treatment by an accredited physician.
8. In compliance with Federal Law, the school district requires that as a condition of his or her employment under a federal grant or contract, an employee must notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after the conviction. The school district will notify the granting agency within 10 days after receiving notice that a covered employee has been convicted of a criminal drug violation in the workplace or otherwise receiving actual notice of a conviction.

Optional Language: If a supervisor has a reasonable suspicion that an employee is under the influence of alcohol, after consultation with the Superintendent or his or her designee, the employee will be asked to submit to a breathalyzer test.
9. Employees are expected to follow any directions of their health care provider concerning prescription medications, and must immediately notify the Director of Human Resources if any prescription drug is likely to have an impact on job performance. The Director of Human Resources will maintain confidentiality at all times regarding this prescription drug while advising the Supervisor of the appropriate job modification and duration indicated.
10. In accordance with the Drug-Free Workplace Act of 1988, the school district will establish a drug-free awareness program to make employees aware of any available drug counseling, rehabilitation, and employee assistance programs.

Any employee, while on school property or during that employee's work shift, including without limitation all breaks and meal periods, consumes or uses, or is found to have in his or her personal possession, in his or her locker or desk or other such repository, alcohol or drugs, which are not medically authorized, or is found to have used or to be using such alcohol or drugs, will be suspended immediately pending further investigation. If use or possession is sustained, disciplinary action, up to and including discharge, will be imposed.

The intent of this statement is to clarify the Gloucester Public School's operational stance and to provide for a prompt and effective response to any alcohol or drug-related situation which has or could have an impact on the operations of the school department. It does not alter in any way the policy of assisting employees in securing proper treatment or extending the coverage of the health benefits plan as indicated for problem drinking, alcoholism, or other drug dependencies.

Proposed Policy