

FOR ALL EMPLOYEES  
**DRUG FREE WORKPLACE DISTRICT POLICY**  
TO BE READ AND SIGNED PRIOR TO EMPLOYMENT

AS INDICATED BY MY PRINTED NAME AND SIGNATURE, THIS IS TO CERTIFY THAT I HAVE RECEIVED THE NOTICE TO EMPLOYEES REGARDING THE DRUG FREE WORKPLACE DISTRICT POLICY. I UNDERSTAND THAT A CONDITION OF MY CONTINUED EMPLOYMENT IS COMPLIANCE WITH SAID POLICY AND THAT VIOLATION COULD RESULT IN SUSPENSION, TERMINATION, OR REFERRAL FOR PROSECUTION.

EMPLOYEE:

\_\_\_\_\_

PRINTED NAME

\_\_\_\_\_

SIGNATURE

\_\_\_\_\_

WORK LOCATION (SCHOOL OR DEPARTMENT)

.....

PERSON WHO WITNESSED EMPLOYEE'S SIGNATURE

\_\_\_\_\_

PRINTED NAME

\_\_\_\_\_

SIGNATURE

\_\_\_\_\_

DATE

**Attach to the Provider Tutor Checklist and submit to the SES Office**

## **Rule 6Gx17-2.33 DRUG-FREE WORKPLACE**

(1) Personnel of the School Board shall not manufacture, distribute, dispense, possess or use on or in the workplace any alcoholic substance, any intoxicating or auditory, visual, or mental altering chemical or substance or narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance, as defined by Federal or State law or rule, or any counterfeit of such drugs or substances all being collectively referred to as drugs.

(2) "Workplace" is defined to mean the site for the performance of work done in connection with employment. That includes any school building or any school premises; any vehicle used to transport students to and from school and 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 Board.

(3) As a condition of employment, each employee shall notify his or her supervisor of his or her conviction of any criminal drug statute no later than five days after such conviction. An employee who violates the terms of this policy may be non-renewed or his or her employment may be suspended or terminated. However, at the discretion of the School Board such employee may be allowed to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program approved by the School Board in lieu of a non-renewal, suspension or termination. Sanctions and discipline against personnel, including non-renewal, suspension and termination shall be in accordance with prescribed School Board procedures and shall be commenced within 30 days of receiving notice of an employee's conviction. Within ten days of receiving notice of an employee's conviction in violation of this rule, the Superintendent shall notify the State and Federal Departments of Education.

(4) A drug-free awareness program is hereby established, and is to be implemented by the Superintendent, to inform personnel of the dangers of drug abuse in the workplace, of the School Board's policy of maintaining a drug-free workplace, of available drug counseling, rehabilitation, and assistance programs, and of the penalties to be imposed for drug abuse violations. As a part of this program, all personnel and applicants for employment shall be given notice of the School Board's policy regarding the maintenance of a drug-free workplace in the following form:

### **NOTICE TO EMPLOYEES REGARDING DRUG-FREE WORKPLACE PROGRAM**

**YOU ARE HEREBY NOTIFIED** that it is a condition of employment that you refrain from using drugs on or off the job. As part of the Drug-Free Workplace Program the Board has instituted a drug-testing program. It is a violation of the policy of the School Board for any employee to manufacture, distribute, dispense, possess or use drugs whether in the workplace or away from the workplace including non-working hours. Lawful consumption of alcohol during nonworking hours and away from the workplace that does not adversely impact the employee's work performance or fitness for duty is not a violation of the Drug-Free Workplace Program of School Board Policy.

All employees are subject to drug testing. Refusal to submit to a drug test may subject the employee to termination and, where on-the-job injury is at issue, loss of workers' compensation medical and indemnity benefits. The Drug-Free Workplace Program adopted by the Escambia County School Board authorizes the following types of drug tests:

(a) Job applicant. An employer must require job applicants to submit to a drug test and may use a refusal to submit to a drug test or positive confirmed drug test as a basis for refusal to hire the job applicant.

(b) Reasonable suspicion. An employer must require an employee to submit to reasonable suspicion drug testing.

(c) Routine fitness for duty. An employer must require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.

(d) Follow-up. If the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol and drug rehabilitation program, the employer must require the employee to submit to a drug test as a follow-up to such programs, and on a quarterly, semiannual, or annual basis for up to two years thereafter.

(e) On-the-job injury. If the employee is injured in the course of employment the employee shall be required to submit to a drug test. Necessary medical care will not be denied pending completion of, or submission to, a drug test.

All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by the employer through a drug testing program are confidential communications, but may be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, as authorized by law.

Employees may confidentially report the use of prescription or non-prescription medications, both before and after being tested. The reports of the use of prescription drugs should include a copy of the medical prescription. Reports may be made to the employee's supervisor, principal, or director. Reports must be in writing identifying the use of prescription or nonprescription medications. Attached to this notice is a list of the most common drugs or medications by brand name or common name, as applicable as well as by chemical name, which may alter or affect a drug test. (see Attachment "A")

The Escambia County School Board has instituted an employee assistance program providing alcohol and drug rehabilitation. Employees seeking information or assistance through the program should contact the Director/Human Resources Services, Escambia County School District, at 215 W. Garden Street, Pensacola, FL 32501, 469-6166, for further information.

An employee or job applicant who receives a positive confirmed drug test may contest or explain the result to the employer within five (5) working days after written notification of the positive test. If an employee or job applicant's explanation or challenge is unsatisfactory to the employer, the person may contest the drug test result as provided by Rule 38F-9.09. (See Attachment "B")

The employee has the right to consult the testing laboratory for technical information regarding prescription or nonprescription medication. A list of drugs for which the employer will test, described by brand names or common names, as applicable, as well as by chemical names, is attached to this notice. (See Attachment "C")

In addition to the right of the employee to challenge or contest the results of any drug test the employee may have additional rights under a collective bargaining agreement, if any. Questions regarding the collective bargaining agreement may be directed to the appropriate bargaining unit representative.

The School Board is required to report an employee conviction of drug violations occurring in the workplace to the State and Federal Departments of Education within ten (10) days of receiving such notice and is also required to commence disciplinary action against such employee within thirty (30) days of receipt of the notice of violation.

#### **ATTACHMENT "A"**

#### **OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD AFFECT THE OUTCOME OF A DRUG TEST:**

**ALCOHOL** - All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vicks Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof), and Listerine is 26.9% (54 proof).

**AMPHETAMINES** - Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex

**CANNABINOIDS** - Marinol (Dronabinol, THC)

**COCAINE** - Cocaine HCl topical solution (Roxanne)

**PHENCYCLIDINE** - Not legal by prescription.

**METHAQUALONE** - Not legal by prescription.

**OPIATES** - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, etc.

**BARBITURATES** - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phreniilin, Triad, etc.

**BENZODIAZEPINES** - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxiipam, Restoril, Centrex.

**METHADONE** - Dolphine, Methadose

**PROPOXYPHENE** - Darvocet, Darvon N, Dolene, Etc.

#### **ATTACHMENT "B"**

#### **CHALLENGES TO TEST RESULTS**

(1) A requirement of a drug-free workplace program is that within five (5) working days after receiving notice of a positive confirmed test result, the employee must be allowed to submit information to an employer explaining or contesting the test results. If an employee's explanation or challenge of the positive test results is unsatisfactory to the employer, within fifteen (15) days of receipt of the explanation or challenge, a written explanation as to why the employee's explanation is unsatisfactory, along with the report of positive results, shall be provided by the employer to the employee. All such documentation shall be kept confidential by the employer and shall be retained by the employer for at least one year.

(2) An employer or job applicant may undertake an administrative challenge by filing a claim for benefits with a Judge of Compensation Claims pursuant to Chapter 440 F.S., or if no workplace injury has occurred, the person must challenge the test result in a court of competent jurisdiction. When an employee undertakes a challenge to the results of a test, it shall be the employee's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.

#### **ATTACHMENT "C"**

#### **DRUGS FOR WHICH THE EMPLOYER WILL TEST**

Alcohol 0.05g/dl% or above

Amphetamines

Cannabinoids

Cocaine  
Phencyclidine  
Methaqualone  
Opiates  
Barbiturates  
Benziazepines  
Synthetic Narcotics: Methadone, Propoxyphene  
Statutory Authority: Sections 1001.32; 1001.41; 1012.23; 440.102, Florida Statutes.  
Law Implemented: Sections 1012.22; 440.102, Florida Statutes.  
History: New 11/27/90. Amended 10/27/92; 8/27/96; 11/20/01.