

District: Greenville Public School District
Section: G - Personnel
Policy Code: GBRM-2 - Drug and Alcohol Testing Policy

DRUG AND ALCOHOL TESTING POLICY

The following is Greenville Public School District's Drug and Alcohol Testing Policy enacted pursuant to the Mississippi drug and alcohol testing law, codified at Mississippi Code Annotated Sections 71-7-1 *et seq.* This policy is effective July 1, 2011. After this date, the district will begin testing personnel if it reasonably suspects that an employee is under the influence of illegal drugs or alcohol. In addition, the district will begin conducting random testing of all drivers, and pre-employment testing of all prospective employees. This policy will be enforced uniformly with respect to all personnel. All of the district's personnel, including administrators, will be subject to testing.

The purposes of this policy are as follows.

- A. to maintain a safe, healthy working environment for all employees;
- B. to maintain the highest quality educational program for our students by insuring that no personnel of the district are users of illegal drugs or under the influence of drugs or alcohol;
- C. to reduce the number of accidental injuries to person or property; and
- D. to reduce absenteeism and tardiness and improve the quality of educational services.

SUBSTANCE ABUSE

The following are rules representing the district's policy concerning substance abuse.

1. All employees are prohibited from being under the influence of drugs or alcohol while on duty or on district premises. All employees are prohibited from using illegal drugs, or prescription medication for which they do not have a proper prescription.
2. The sale, possession, transfer, or purchase of illegal drugs on district property or while performing district business is strictly prohibited. Such action will be reported to appropriate law enforcement officials.
3. The use, sale, or possession of an illegal or non-prescription drug or controlled substance while on duty is cause for immediate termination.
4. No alcoholic beverage will be brought or consumed on district premises.
5. No prescription drug will be brought on district premises by any person other than the person for whom the drug is prescribed. Prescription drugs will be used only in the manner, combination, and quantity prescribed.
6. Any employee whose off-duty use of alcohol, illegal, or non-prescription drugs results in excessive absenteeism, tardiness, poor work, or an accident will be subject to discipline, up to and including termination.

DRUG AND ALCOHOL TESTING

1. Effective July 1, 2011, the Greenville Public School School District will begin conducting pre-employment testing, reasonable suspicion testing of all personnel and random testing of drivers.
2. An employee will be allowed to provide notice to the Greenville Public School District of currently or recently used prescription or non-prescription drugs prior to the time of the test.
3. Random testing of drivers will be implemented using a neutral selection basis. Greenville Public School District will not waive the selection of any employee chosen pursuant to the random selection procedures.
4.
 - a. Reasonable suspicion is defined under this policy as the belief by Greenville Public School District that an employee is using or has used drugs or alcohol in violation of Greenville Public School District's policy. Reasonable suspicion may be based upon, among other things:
 - i. Observable phenomena, such as direct observation of drug or alcohol use and/or the physical symptoms or manifestations of being under the influence of a drug or alcohol;
 - ii. Abnormal conduct or erratic behavior while at work, absenteeism, tardiness, or deterioration in work performance;
 - iii. A report of drug or alcohol use provided by reliable and credible sources and which has been independently corroborated;
 - iv. Evidence that an individual has tampered with a drug and alcohol test during his employment with the current employer;
 - v. Information that an employee has caused or contributed to an accident while at work; and
 - vi. Evidence that an employee is involved in the use, possession, sale, solicitation, or transfer of drugs while working or while on school premises or while operating one of the school's vehicles, its machinery, or its equipment.
 - b. If there is reasonable suspicion that an employee is using or has used drugs or consumed alcohol in violation of Greenville Public School District's policy, that employee will be required to submit to a drug and/or alcohol test. The superintendent (or in his or her absence an appointed replacement) must approve in advance all reasonable suspicion testing. If the test result is confirmed positive for drugs or alcohol in violation of Greenville Public School District's drug and alcohol policy, the employee will be subject to immediate termination of his or her employment with the district.
5. Any employee who refuses to take a drug and alcohol test will be subject to discipline, up to and including immediate termination of employment. The following are drugs for which the district may test: alcohol, opiates, amphetamines, phencyclidine (PCP), marijuana, and cocaine.
6. Within five (5) working days after receipt of a positive confirmed test result report from the laboratory that conducted the test, the district shall inform the employee, in writing, of the positive test result, and of the consequences of the positive test result and of the options available to the employee.
7. Within ten (10) working days after receiving notice of a positive confirmed test result, an employee may submit a written statement to the superintendent explaining the test result, and why the result does not constitute a violation of the district's drug and

alcohol policy. An employee, at his or her own cost, also may request that the specimen be retested at a certified laboratory of his or her own choosing.

8. An employee who receives a positive confirmation test result and who fails to present a satisfactory contest or explanation of such result, or a contrary result from a certified laboratory of the employee's own choosing, will be subject to discipline, up to and including termination.
9. If the district determines that discipline and/or discharge are not necessary or appropriate in a case where an employee is in violation of Greenville Public School District's Drug and Alcohol Testing Policy, the employee as a condition of continued employment must complete a certified substance abuse rehabilitation program at the employee's own cost and expense. The employee may be allowed to work for the district while undergoing the treatment, but the employee must provide evidence of continued treatment and/or rehabilitation upon request. The employee must also agree to submit to random testing for three years after the date of the positive confirmation drug and alcohol test result.

A copy of this policy, and state law regarding drug testing can be obtained from the district office.

NOTICE TO EMPLOYEES REGARDING CONFIDENTIALITY

You are hereby advised that the Greenville Public School District has implemented a drug and alcohol policy and conducts a testing program pursuant to Section 71-7-1 et seq., of the Mississippi Code of 1972, Annot. (hereinafter referred to as the "the Act") and you are hereby advised of the existence of said Act.

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by Greenville Public School District through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Act and these regulations. Any information obtained by Greenville Public School District pursuant to the Act and these regulations shall be the property of Greenville Public School District. Greenville Public School District shall not release to any person other than the employee or job applicant, or Greenville Public School District medical, supervisory or other personnel, as designated by Greenville Public School District on a need to know basis, information related to drug and alcohol test results unless: (a) the employee or job applicant has expressly, in writing, granted permission for Greenville Public School District to release such information; or (b) it is necessary to introduce a positive confirmed test result into an arbitration proceeding pursuant to a collective bargaining agreement, an administrative proceeding under applicable state or local law, or a judicial proceeding, provided that information is relevant to the hearing or proceeding, or (c) the information must be disclosed to a federal or state agency or other unit of the state or United States government as required under law, regulation or order, or in accordance with compliance requirements of a state or federal contract, or (d) disclosed to a drug abuse rehabilitation program for the purpose of evaluation or treatment of an employee, or (e) there is a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order

permitting the release shall be obtained prior to the release of such information. The confidentiality provisions provided for by the Act shall not apply to other parts of an employee's or job applicant's personnel or medical files.

If an employee refuses to sign a written consent form for release of information to persons as permitted in the Act, Greenville Public School District shall not be barred from discharging or disciplining the employee.

An employee or job applicant to be tested shall be given (1) a medication disclosure form to permit the employee or job applicant to disclose any non-prescription or prescription medications that have been taken within forty-five (45) days prior to being tested, and (2) a statement that the form shall be submitted directly to the employer's designated Medical Review Officer, ensuring that no person or entity has access to the information disclosed on the form other than the Medical Review Officer.

[GBRM - 2 Pre-Employment Drug Test Consent and Information Release Form 1-2019.pdf](#)

[GBRM - 2 Reasonable Suspicion Drug Test Consent and Information Release Form.pdf](#)

[GBRM-2 - Drug and Alcohol Testing Policy - Consent and Receipt of Information Form.pdf](#)

[GBRM -2 Drug and Alcohol Testing Indemnity Agreement 1-2019.pdf](#)

[GBRM - Medication Disclosure Form 1-2019.pdf](#)

[MSDH Drug and Alcohol Testing Regulations.pdf](#)

Adopted Date: 6/28/2011

Approved/Revised Date: 1/22/2019