

 Tucson, Arizona GOVERNING BOARD POLICY	POLICY TITLE: Substance-Free Workplace
	POLICY CODE: GBEC

It is the policy of Tucson Unified School District (TUSD) that each employee has a right to come to work and perform his or her job in an environment that is free from drugs and alcohol. It is in the interest of the District and the public that employees be able to perform their duties safely and efficiently.

No employee shall unlawfully manufacture, distribute, dispense, possess or use a controlled substance, or be under the influence of a controlled substance, while on the job or in the workplace. Controlled substances of any kind are strictly prohibited except as lawfully prescribed by a physician. An employee can be considered under the influence when any substance controlled or prescribed interferes with the performance of their normal job functions. Any employee violating this policy will be subject to discipline, up to and including termination.

DEFINITIONS:

Drug-Free Workplace – a site for the performance of work in which employees are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the Federal Drug-Free Workplace Act of 1988.

TUSD Site/Workplace – any building, land, or vehicle owned, leased, or used by Tucson Unified School District. Includes any vehicle used to transport students to and from school or activities, and off school property during a school sponsored, school approved, or school related activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district. Includes all locations where the employee is engaged in school or personal business on district premises whether the employee is on or off duty. Includes any other locations while on duty where TUSD business is conducted, including traveling on TUSD time to or from such work locations.

Controlled Substance – any drug, substance, or immediate precursor in Schedules I through V of La. R.S. 40:964 or Section 202 of the Controlled Substances Act (21 U.S.C. 812). "Controlled substances" are specifically defined in federal law. They consist of two classes of drugs: 1) those commonly thought of as "illegal" drugs; and 2) certain medications if not being taken under a physician's prescription or according to a physician's orders, which the federal government has

determined have a potential for abuse, or are potentially physically or psychologically addictive.

Criminal Drug Statute – a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

Conviction – a finding of guilt (including a plea of *nolo contendere*) or imposition of sentences, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

NOTIFICATION

Employees shall notify their supervisor of the employee's conviction under any criminal drug statute violation, criminal traffic violation or a violation that could suspend or revoke the driver's license, no later than five (5) days after such conviction. The supervisor is required to notify human resources.

PROHIBITIONS

TUSD explicitly prohibits:

- The use, possession, solicitation for, manufacture, or sale of narcotics or other illegal drugs, alcohol, or prescription medication without a prescription on TUSD property or any other location while on duty where TUSD business is conducted, including traveling on TUSD time to or from such locations.
- Being impaired or under the influence of legal or illegal drugs or alcohol away from TUSD or any other location, if such impairment or influence adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk TUSD's reputation.
- Possession, use, solicitation for, manufacture, or sale of legal or illegal drugs or alcohol away from TUSD or any other location, if such activity or involvement adversely affects the employee's work performance, the safety of the employee or of others, or puts at risk TUSD's reputation.

TESTING

TUSD will conduct drug and/or alcohol testing under any of the following circumstances:

- **FOR CAUSE TESTING:** TUSD may ask an employee to submit to a drug test at any time it has reasonable suspicion that the employee may be under the influence of drugs or alcohol, including, but not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity, appearance, unusual conduct or behavior on the employee's part that suggests impairment or influence of drugs or alcohol, or excessive and unexplained absenteeism or tardiness.

A determination that reasonable suspicion exists will be based on specific observations as suggested above. Reasonable suspicions must be documented.

Supervisors that have reasonable suspicion to believe that an employee is impaired by reason of drugs or alcohol will immediately relieve the employee from his/her duties and direct the employee to submit to a drug test. Refusal to submit to testing constitutes insubordination and will result in discipline up to and including immediate termination.

- **POST-ACCIDENT TESTING:** Any employee involved in an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury event may be asked to submit to a drug and/or alcohol test. "Involved in an on-the-job accident or injury" means not only the one who was injured, but also any employee who potentially contributed to the accident or injury event in any way.

FAILURE TO SUBMIT TO TESTING

Employees refusing to submit to the required tests will have the refusal documented by the supervisor. Refusal to submit to testing constitutes insubordination and will result in discipline up to and including immediate termination.

EMPLOYEE ASSISTANCE PROGRAM

Human Resources will provide an Employee Assistance Program (EAP) and make employees aware of available counseling programs.

Adopted: January 18, 2005
Revised: July 24, 2007
Revised: December 12, 2012 (cross reference correction only)
Reviewed: May 6, 2013

Legal Ref: A.R.S. 13-2911, 13-3401 *et seq.*, 15-341
P.L. 100-690 Title V, Subtitle D
41 U.S.C. 702 Drug-free workplace requirements for Federal Grant recipients
21 C.F.R. 1308.11 *et seq.*, 34 C.F.R. Part 85

Cross Ref: EEAEAA – Drug and Alcohol Testing of Commercially Licensed Drivers
EEB – Business and Personnel Transportation Services
GBGC – Staff Health and Safety