

PP-12 DRUG-FREE WORKPLACE TECHNICAL GUIDE-Revised 4/19/2021

Drug, alcohol, and/or controlled substance screening shall be conducted by Board-approved, independent, certified laboratories that utilize recognized techniques and procedures as described in the *Drug-Free Workplace Technical Guide*. This guide is incorporated by reference into the Drug-Free Workplace Policy and may be revised.

Job applicants and/or employees will not be required to submit to testing procedures other than as defined in the *Drug-Free Workplace Technical Guide*. Applicants and/or employees may have certain rights disclosed in this guide. Copies are available through the Board for review.

Medical records and information relating directly to medical records will be maintained in strict confidentiality. Any laboratory contract shall provide that the contractor's records are to be kept confidential under provisions of Florida law. The Board shall establish a system of maintaining records to include both the District's and the contractor's record of applicant and employee urinalysis and breathalyzer/blood alcohol results.

To facilitate and give effect to the Drug-Free Workplace Policy, the Board requires that mandatory drug screening may be included in all physical examinations required under statutes, Board policies, and the Omnibus Transportation Employee Testing Act of 1991.

Circumstances under which drug testing may be required include, but are not limited to:

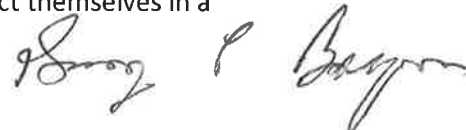
- A. pre-employment physical exams;
- B. observed use of illegal drugs and/or abuse of alcohol during work hours;
- C. apparent physical state of impairment of motor functions;
- D. marked changes in personal behavior on the job not attributable to other factors;
- E. an injury on the job which requires medical attention;

An employee who is injured on the job and requires medical attention will be required to submit to a drug screening when s/he reports to the medical facility for treatment. Refusal to submit to the drug screening is considered a positive test. It may result in forfeiting Workers' Compensation Benefits and will be grounds for immediate dismissal.

- F. employees and/or job applicants who lawfully operate a commercial motor vehicle in the course of employment.

These employees and/or applicants will be subject to scheduled and/or unannounced alcohol and/or drug testing as mandated by the Omnibus Transportation Employee Testing Act of 1991, the *Drug-Free Workplace Technical Guide*, and/or any governing State or Federal statute.

Because drug abuse by employees interferes with the educational and work process and compromises the safety and well-being of staff and students, employees are expected to conduct themselves in a manner consistent with the following provisions:



- A. Employees on duty or on Board property will not manufacture, distribute, dispense, possess, or use illegal drugs. Employees are prohibited from working on Board property while under the influence of illegal drugs or under influence from improper use of legal drugs.
- B. Employees on or off duty will not promote student use of illegal drugs or the improper use of legal drugs.
- C. Any employee convicted of any criminal drug statute violation that occurred in the work place shall notify the Board no later than five (5) days after such a conviction.

Alcohol, prescription, and over-the-counter drugs are generally safe and acceptable when used according to proper instruction. Abuse of legal drugs over time or used in combination with another substance can result in chemical dependency or poly-drug addiction.

- A. Employees will be free of alcoholic or drug intoxication when on duty or on Board property. Employees are prohibited from the manufacture or use of alcoholic beverages while on Board property or while on duty with the Board.
- B. Employees on duty will not use or take prescription drugs above the level recommended by the prescribing physician and are prohibited from using prescribed drugs for purposes other than the intended purpose. Employees will not distribute or dispense drugs, except as provided in Board Policy 5330 - Use of Medications.

1. Objectives

By enacting the Drug-Free Workplace Policy, the Board endeavors to:

- a. promote a healthy, safe working environment;
- b. facilitate the rehabilitation of employees with a substance abuse problem;
- c. eliminate substance abuse problems in the workplace;
- d. provide a consistent model of behavior without substance abuse;
- e. provide a clear standard of conduct for the employees; and
- f. hire and retain drug-free employees.

2. Definitions

- a. Accident - An unexpected happening without intention or design resulting in injury, delay, property loss, or damage.
- b. Alcohol - Any liquor intended for use as a beverage or capable of consumption which contains alcohol, either through fermentation or distillation, so as to have the effect of producing intoxication.

- c. Alcohol Testing - Testing for blood alcohol content by a breathalyzer instrument device or drawing or collecting a blood or whole blood sample and laboratory analysis of the sample.
- d. Appeal - The ability of an employee to request a review of any decision regarding the employee's continued employment.
- e. Breathalyzer Test - A test to determine the content of alcohol or other drug via a breath sample analyzed by an intoxilyzer, intoximeter, or similar device.
- f. Breath Specimen - A sample of one's breath used in testing for alcohol content.
- g. Chain of Custody - The methodology of tracking specified materials or substances as defined in the *Drug-Free Workplace Technical Guide*, for the purpose of maintaining control and accountability from initial collection to final disposition for all materials or substances and providing for accountability at each stage of handling, testing, and storing specimens and for reporting test results.
- h. Commercial Motor Vehicle - A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: 1) has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; 2) has a gross vehicle weight rating of 26,001 or more pounds; 3) is designated to transport sixteen (16) or more passengers, including the driver; or 4) is of any size and is used in transportation of hazardous materials requiring placards.
- i. Confirmation Test - A subsequent analytical procedure used to identify presence of a specific drug or metabolite in a specimen. The confirmation test must use gas chromatography/mass spectrometry (GC/MS) methods and procedures or the most current and appropriate technology which is different in scientific principle from that of the initial test procedure.
- j. Controlled Substance - Any substance for which its availability is restricted by Federal or State law. Medical marijuana is a controlled substance.
- k. Driver - Any person who operates a motor vehicle, including a person applying to drive a commercial motor vehicle.
- l. Drug(s) - Any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease means alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors, amphetamines, cannabinoids (including medical marijuana), cocaine, phencyclidine (PCP), hallucinogen, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed herein or any other substances defined in Schedules I through V of the Controlled Substances Act.

- m. Drug Abuse - State of chronic or periodic intoxication detrimental to the individual, the employer, and to society produced by repeated consumption of or exposure to a drug.
- n. Employee - A person in the service of the Board under any contract of hire, whether express or implied, oral or written, who works under the direction and control of the employer and receives compensation for said employment.
- o. Employee Assistance Program - An established program for employee assessment, counseling, and possible referral to an alcohol and/or drug rehabilitation program.
- p. Employer - The Board, including those persons acting with supervisory authority from the Board.
- q. Evidential Breath Testing Device (EBT) - A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on the NHTSA's conforming products list of evidential breath measurement devices (CPL).
- r. Follow-Up Testing - Following a determination of the need for proper problem resolving assistance, the employer may require that the employee be subject to unannounced follow-up alcohol and/or controlled substance testing as directed by the substance abuse professional (SAP), medical review officer (MRO), or other agent of the Board.
- s. Follow-up Testing for Commercial Motor Vehicles Drivers - Commercial motor vehicle drivers shall be subject to a minimum of six (6) follow-up of controlled substance and/or alcohol tests in the first twelve (12) months. Alcohol follow-up testing shall be performed only before, during, or after the performance of a safety-sensitive function.
- t. Illegal Drug - An article consumed or integrated into the human body that affects the normal function of the body, where the article is prohibited by State/Federal statute, State/Federal regulation, or employer policy. Medical marijuana is considered an illegal drug per federal law.
- u. Initial Drug Test - The collection of a urine specimen, blood specimen, or breath specimen by medical or supervisory personnel and a laboratory analysis of that specimen by a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens.
- v. Intoxication - Condition caused by consumption of intoxicants, including legal and illegal drugs and/or alcohol where an individual does not have the normal use of his/her physical or mental faculties and is thereby impaired and incapable of acting in the manner in which an ordinarily prudent and cautious person, using reasonable care, would act under similar conditions.

- w. Job Applicant - For the purpose of pre-employment drug screening, a person who has applied for a position with the Board and has been offered employment conditioned upon successful completion of a drug test.
- x. Medical Review Officer (MRO) - A licensed physician responsible for receiving laboratory results generated by the Board's drug-testing program. The MRO will be knowledgeable in the treatment of substance abuse and the treatment and diagnosis of substance abuse disorders and have appropriate medical training to interpret and evaluate an individual's confirmed positive test result, including relevant medical history and other available information.
- y. Post-Accident Testing - Testing of an employee for a controlled substance, following an incident causing a death, an incident resulting in either physical injury or property damage/loss, or an incident for which the driver of the Board vehicle is cited.
- z. Pre-Employment Testing - Testing procedures to identify the existence of any drug or controlled substance in the job applicant before hiring by the Board.
- aa. Random Testing - Implementation of testing methods, in a random, undetermined fashion, to monitor the existence of drug abuse and/or controlled substance abuse, if any, pursuant to applicable State or Federal law(s) or regulation(s).
- bb. Reasonable Suspicion - The reasonable belief that an employee is using or has used drugs in violation of this policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience concerning the appearance, behavior, speech, or body odors of the employee. Reasonable-suspicion drug testing shall not be required except upon the recommendation of a supervisor who is at least one (1) level of supervision higher than the immediate supervisor of the employee in question. Among other things, such facts and inferences may be based upon:
 - 1. observable phenomena while at work, including, but not limited to; direct observation of drug use; physical symptoms; or manifestations of being under the influence of a drug;
 - 2. abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - 3. evidence that an individual has tampered with a drug test during his/her employment with the Board;
 - 4. information that an employee has caused, or contributed to, an accident while at work; or
 - 5. evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working for the Board or while on the Board's

premise or while operating the Board's vehicles, machinery, or equipment.

- cc. Rehabilitation - A program, regimen, or system, duly authorized and licensed by a governing authority in the field of practice, designed to assist a person(s) with life-style practices that have a debilitating and/or detrimental effect on one's person.
- dd. Return-to-Duty Testing - After engaging in prohibited conduct regarding the misuse of alcohol, drugs, or other controlled substances, a Board employee or agent shall undergo a return-to-duty alcohol test which indicates a breath alcohol concentration of less than 0.02 or substance abuse test indicating a negative result.

After a commercial motor vehicle driver engages in prohibited conduct regarding controlled substance use or abuse, the commercial motor vehicle driver shall undergo a return-to-duty controlled substance test with a result indicating a verified negative result for controlled substances use. Commercial motor vehicle drivers required to submit to a return-to-duty test must be evaluated by a substance abuse professional (SAP) and participate in the prescribed assistance program.

- ee. Safety-Sensitive Function - Any of those on-duty functions set forth in Section 395.2, Federal Motor Carrier Safety Regulations On-Duty Time, listed in paragraphs 1 through 7:
 - 1. all time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
 - 2. all time inspecting equipment as required by the Federal Motor Carrier Safety Regulations (FMCSR) or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
 - 3. all time spent at the driving controls of a commercial motor vehicle;
 - 4. all time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth);
 - 5. all time loading or unloading a commercial motor 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 for shipment loaded or unloaded;
 - 6. all time spent performing the driver requirements associated with an accident; and

7. all time preparing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

ff. Substance Abuse Professional (SAP) - A licensed physician, medical doctor, doctor of osteopathy, certified psychologist, social worker, employee assistance professional, addiction counselor (as certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) or other Board-approved care provider with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

gg. Termination - The cessation, close, and/or conclusion of employment without affecting a person's right to appeal the termination.

3. Pre-Employment Drug Screening

The Board will require pre-employment drug screening of applicants in the manner set forth in this guide. Applicants will be referred to Board-approved, independent, certified laboratories that utilize recognized techniques and procedures as described herein. Specimens collected will not be used to conduct any other analysis or test unless otherwise authorized by law. Applicants will be informed in advance of the requirement of a negative drug screen as a condition of employment. The drug screen must be conducted within thirty (30) days prior to employment.

Applicants testing positive will not be eligible for employment by the Board for one (1) year from the date of the test. A negative drug screen result is a condition of employment. Refusal to participate in drug screen testing will prohibit a job applicant from employment with the Board.

4. Pre-Employment Controlled Substance Testing for Commercial Motor Vehicle Drivers

Before any driver performs a safety-sensitive function as defined in the Federal Motor Carrier Safety Regulations, 395.2, while on-duty time, the driver must submit to testing for controlled substances.

EXCEPTION: The Board is not required to administer a pre-employment controlled substance test if:

- a. the driver has participated in a drug-testing program meeting the requirements of the Federal Motor Carrier Safety Regulations within the previous thirty (30) days; and, during participation in the drug-testing program, the commercial motor vehicle driver must have been tested for controlled substances in the previous six (6) months, or participated in a random drug-testing program for the previous twelve (12) months; and
- b. the Board must ensure that no prior employer of the commercial motor vehicle driver has a record of violations of any DOT controlled substance use rules in the previous six (6) months.

5. Disciplinary Sanctions

Disciplinary action may be instituted against employees who have violated standards of conduct cited in this guide, and who the Board believes will not be assisted by rehabilitation or who the Board believes will have or have had a negative impact on students and/or staff, pursuant to Board policy, applicable Florida statutes, or State Board of Education rules. Disciplinary sanctions, if appropriate, will be implemented as articulated in Board policy, applicable Florida statutes, State Board of Education Rules, and 34 C.F.R. 86.201(b). The Board may not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of a job applicant or employee on the sole basis of a positive drug test, excluding breathalyzer testing, that is not verified by a confirmation test. Nothing will preclude the Board from seeking prosecution of the Drug-Free Workplace policy where the Board deems appropriate.

a. Failure to Pass Drug Screening

1. Job Applicants: Any job applicant found to test positive for illegal drug(s) or abuse of legal drug(s) will not be considered for employment by the Board. Job applicants may appeal a positive test for drugs pursuant to the applicable statute or regulation as indicated within the Board Drug-Free Workplace Policy.
2. Board Employees: Any Board employee found to test positive for illegal drug(s) or abuse of legal drug(s) will be immediately subject to disciplinary procedures. Employees who test positive for illegal drugs and/or abuse of legal drugs may be:
 - a. suspended from employment, with or without pay;
 - b. terminated from employment;
 - c. required to submit to further testing; or
 - d. other administrative procedures necessary for the enforcement of the Drug-Free Workplace policy. Any and all actions will be in accord with the controlling, applicable statute.

The Board recognizes that chemical dependency is an illness that may be successfully treated. The Board may choose to direct an employee to a rehabilitation program.

b. Disability

Pursuant to the Americans with Disability Act (ADA), persons found to be currently using illegal drugs are not defined as an "individual with a disability" and are not covered entities under the ADA. Persons who are participating in a supervised rehabilitation program and who no longer use illegal drugs, and/or

those erroneously accused of illegal drug use are protected by the ADA. (ADA 104,510)

6. Cost

The cost of drug screening will be the sole responsibility of the job applicant, unless otherwise provided by statute.

7. Positive Test Results

- a. Job applicants who test positive will be notified by the Medical Review Officer (MRO) and the Office of Human Resource Services.
- b. Job applicants who test positive will not be eligible for employment by the Board for one (1) year from the date of the positive test.
- c. A positive test result may be appealed to the Board within five (5) working days after written notification of a positive test.

8. Refusal and Adulterated Specimen

- a. A refusal to submit to a drug screen shall be considered a positive test result and will preclude any further employment. Employees will be subject to disciplinary action.
- b. An employee or applicant who refuses to submit to an alcohol or controlled substance test does so by:
 1. failing to provide adequate breath for testing without a valid medical explanation after being notified of the requirement for breath testing;
 2. failing to provide adequate urine for controlled substance testing without a valid medical explanation after being notified of the requirement for breath testing; or
 3. engaging in conduct that clearly obstructs the testing process.
- c. An adulterated specimen is considered a refusal to participate in a drug screen, i.e., a positive test.

9. Employees Subject to Department of Transportation Regulations

All eligible drivers defined in 49 C.F.R., Parts 40 and 382, will be required to submit to controlled substance and alcohol testing when an employee is required to operate a commercial motor vehicle in the course of employment. Employees of the SBBC are strictly prohibited from operating any vehicle while under the influence of a controlled substance, drug, and/or alcohol.

a. Commercial motor vehicle drivers in the employ of the Board are prohibited from operating a commercial motor vehicle while under the influence of alcohol and/or controlled substances (including medical marijuana) under the following conditions:

1. reporting for duty or remaining on duty to perform safety sensitive functions with an alcohol concentration of 0.02 or greater;
2. operating a commercial motor vehicle while the driver possesses alcohol, other than alcohol transported for shipment, including possession of over-the-counter medicines containing alcohol, unless the packaging seal on the medicine is unbroken;
3. using alcohol while performing safety-sensitive functions;
4. using alcohol within eight (8) hours following an accident or prior to undergoing a post-accident alcohol test whenever required to take a post- accident alcohol test;
5. refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;
6. reporting for duty and/or remaining on duty when the driver uses any controlled substance, except as prescribed by a licensed physician and in accord with the proper instruction; and
7. reporting for duty, having consumed alcohol within four (4) hours prior to performing a safety-sensitive function.

b. Disciplinary Procedures

Drivers in the employ of the Board or its agents, who are known to have participated in prohibited/illegal behavior concerning the use of alcohol or the use/misuse of controlled substances are subject to the following:

1. drivers will not be permitted to perform safety- sensitive functions;
2. drivers shall be advised by the employer of available resources to the employee for evaluating and assisting with problems related to the use and misuse of alcohol or the use and misuse of controlled substances;
3. drivers will be evaluated by a substance abuse professional (SAP) to determine the level of assistance, if any, needed by the employee in resolving any problem associated with alcohol misuse and controlled substance use;

4. drivers returning to duty to perform a safety-sensitive function will be required to undergo a return-to-duty alcohol test resulting in a finding of a breath alcohol level less than 0.02, if previous conduct involved alcohol, or a controlled substance test with a verified negative result, if the conduct involved controlled substance use;
5. drivers identified as requiring assistance in resolving problems associated with alcohol or controlled substance abuse shall be evaluated by a SAP to evaluate the driver's participation in the prescribed rehabilitation program; and,
6. drivers are required to be subject to unannounced follow-up alcohol and controlled substance testing, as directed by the SAP, consisting of at least six (6) tests in the first twelve (12) months.
7. Any and all other methods of testing and/or discipline as authorized by the Omnibus Transportation Employee Testing Act of 1991, the Florida Drug-Free Work Place Act, applicable State and Federal statutes.

c. Methods of Testing

The Omnibus Transportation Employee Testing Act of 1991 requires commercial motor vehicle drivers to be tested for use of controlled substances and the misuse of alcohol in the following methods:

1. pre-employment testing;
2. random testing;
3. reasonable suspicion testing;
4. post-accident testing;
5. return-to-duty testing; and
6. follow-up testing.

d. Controlled Substance Testing

A commercial motor vehicle driver whose urine sample has tested positive for a controlled substance, may, within seventy-two (72) hours of notice from the medical review officer (MRO), have the other portion of the split sample tested at another laboratory. A second positive sample test finding mandates that a commercial motor vehicle driver should be disciplined according to the appropriate regulation. If the test of the second portion produces a negative result, or if the second portion of the split sample test is not available, the test will be considered negative and sanctions will not apply.

10. Post Accident Alcohol and Controlled Substance Testing

- a. As soon as practicable following an injury, the Board shall require the injured employee to undergo testing for drug and/or alcohol. Refusal to submit to drug and/or alcohol testing shall result in the loss of worker's compensation benefits as provided by Florida statute.
- b. As soon as practicable following an accident involving a commercial motor vehicle, the Board shall test for alcohol and/or controlled substances for each surviving driver when:
 1. the accident involved a fatality;
 2. the driver receives a citation under State or local law for a moving traffic violation arriving from the accident;
 3. there was an injury that required the injured person to leave the scene of the accident for immediate medical treatment; or
 4. there was a vehicle that received damage causing the vehicle to be towed away from the accident by a tow truck or another type of vehicle.

The employee operating the commercial motor vehicle must remain available to the Board, or its agents, following the accident for a reasonable time or the Board may consider the commercial motor vehicle driver to have refused to submit to testing.

11. Procedures for Employee Physical Examination, Screening, or Health Services

The Board has established a policy requiring pre-employment drug screening of applicants, drug screening of commercial driver's license holders, and drug/alcohol screening of existing employees under specific conditions. The possible impact of a positive test result on an individual's livelihood or rights sets this type of test apart from most clinical laboratory testing. The Board recognizes the need to assure the protection of individual rights within the context of a drug-screening program. These guidelines are consistent with standards developed for use by Federal, civilian, and Department of Defense drug-testing programs, and standards established by the National Institute on Drug Abuse.

a. Laboratory Certification

A laboratory that conducts drug testing for the Board must provide documentation of certification by the National Institute on Drug Abuse (NIDA). NIDA has established comprehensive standards for laboratory policies, procedures, and personnel that provide quality assurance and performance testing specific to urine drug testing. To be certified, a laboratory must be

capable of testing for at least the following classes of drugs:

Marijuana	-	Phencyclidine
Cocaine	-	Barbiturates
Opiates	-	Benzodiazepines
Amphetamines	-	Methaqualone

Certified laboratories shall have the capability, at the same laboratory site, of performing both initial immunoassays and quantitative confirmatory GC/MS tests.

b. Collection Site Procedures

The collection site is a place where individuals present themselves for the purpose of providing urine or blood specimens to be analyzed for the presence of drugs or alcohol or to participate in a breathalyzer test.

c. Designation of Collection Site

The collection site shall have all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine, breath, and/or blood specimens to a certified drug-testing laboratory.

d. Security

The collection site shall be secure at all times. In cases where the facility cannot be dedicated solely to drug testing, the portion used for testing shall be secured during drug testing.

e. Chain of Custody

Upon receipt of specimens, authorized collection site personnel shall properly execute standardized chain of custody forms. Handling and transportation of urine and blood specimens from one (1) authorized individual or place to another shall always be accomplished through chain of custody procedures. The number of persons handling specimens shall be minimized.

f. Access to Authorized Personnel Only

No unauthorized personnel shall be permitted in any part of the collection site when urine, breath, or blood specimens are collected or stored.

g. Privacy

Procedures for collecting urine specimens shall allow individual privacy unless there is reason to believe that a particular individual may alter or substitute the specimen to be provided.

h. Integrity and Identity of Specimens

The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified:

1. Upon arrival at the collection site, the individual will be requested to present photo identification, e.g., driver's license or employee identification badge. If the individual does not have proper identification, the collection site person shall contact a designated source who can positively identify the individual. If the identity of the individual cannot be established, the testing shall not proceed.
2. The individual shall be asked by the collection site person to remove any coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's specimen. All personal belongings such as a purse or briefcase shall remain with the removed garments.
3. The individual shall be instructed to wash and dry his/her hands prior to testing and shall remain in the presence of the collection site person. The individual shall not have access to any water fountain, faucet, soap dispenser, cleaning agent, or any other materials that could be used to adulterate the specimen.
4. The individual shall be given a wrapped clear plastic container for the collection of all urine to be tested. The individual may provide her/his specimen in the privacy of a restroom, stall, or otherwise partitioned area that allows for individual privacy.
5. At the collection site, a toilet-bluing agent shall be placed in toilet tanks when possible, so the reservoir of water always remains blue. There shall not be any other source of water, e.g., no shower or sink, in the enclosure where urination occurs.
6. The collection site person shall note in the permanent logbook any unusual behavior, delays, or lack of cooperation by the individual.
7. Upon receiving the specimen from the individual, the collection site person will verify collection of a minimum sample for drug screening. If there is not a sufficient sample in the container, additional samples should be collected. If an individual fails, for any reason, to provide the necessary specimen, the collection site person shall contact the

designee at the District for guidance on action to be taken.

8. Immediately after collection, the collection site person shall conduct, in the presence of the individual, a close inspection of the specimen in its container to determine the specimen's validity and/or signs of contaminants. In no case shall the time from urination to temperature measurement exceed four (4) minutes. If the temperature of a specimen is outside the range of 32.5° -37.7° C/90.5° -98.5° F, that is a reason to believe that the individual may have altered or substituted the specimen, and another specimen shall be collected under direct observation of a same gender collection site person and both specimens shall be forwarded to the laboratory for testing.
9. A higher-level supervisor shall review and concur in advance with any decision by a collection site person to obtain a specimen under the direct observation of a same gender collection site person based on a reason to believe that the individual may alter or substitute the specimen to be provided.
10. Any unusual findings related to the color of the specimen or signs of contaminants shall be noted in the permanent logbook.
11. The specimen shall then be split by pouring into two (2) containers designed for urine specimens. The collection site person shall request the individual to observe the transfer of the specimen to the two (2) containers and the capping of both containers.
12. The collection site person shall securely place identification labels on the two (2) specimen containers. The labels shall indicate the date, the individual's specimen number, and any other identifying information required by the Board. The individual shall verify that the information contained on both labels is correct, and shall initial the identification labels for the purpose of certifying that it is the specimen collected from him/her. Then the collection site person will, in the individual's presence, seal both containers with approved tamper-proof security tape placed over the bottle caps and down the sides of the bottles or seal in tamper-proof sealed bags. The individual must then initial both tapes or the sealed bags.
13. The purpose of two (2) specimens is to retain one (1) for further testing as a control for contested results of a positive and confirmed test. Under controlled conditions, agreed to in advance by representatives of the Board and the tested individual, the second specimen will be used for further testing.
14. The collection site person shall enter in the permanent logbook all information identifying the specimen, and sign next to the identifying information. The individual shall read and sign the permanent logbook

certifying that the specimen identified is in fact that specimen provided by the individual.

15. The collection site person shall complete the chain of custody form.

16. Specimens and custody documents shall be under the control of the collection site person when performing the chain of custody procedures. The collection site person must not leave the site collection area until the specimens are properly secured.

17. Breath and blood samples will be taken by qualified personnel only.

i. Collection Control

Collection site personnel shall always have the specimen containers in custody before and after the individual has turned over the sample to the agent. All containers shall be tightly capped, properly sealed, and labeled. Chain of custody forms shall be utilized for maintaining control and accountability from point of collection to final disposition of specimens. With each transfer of possession, the chain of custody form shall be dated, signed by the individual releasing the specimen, signed by the individual accepting the specimen, and the purpose for transferring possession noted. Every effort should be made to minimize the number of persons handling specimens.

j. Transportation to Laboratory

After collection of the appropriate specimens, the collection site personnel shall arrange to ship the specimens and accompanying medical histories to the drug-testing laboratory in an expeditious manner. The specimens shall be placed in appropriate containers (specimen boxes or padded mailers) that are securely sealed to eliminate the possibility of tampering. Collection site personnel shall sign and date the tape sealing the container and ensure that the chain of custody documentation is attached to each sealed container.

12. Laboratory Analysis Procedures

a. Security and Chain of Custody

Drug-testing laboratories shall be secure at all times and shall ensure that only specifically authorized individuals handle specimens or gain access to the laboratory processes or areas where records are stored. Chain of custody procedures shall be used to maintain control and accountability of specimens from receipt through completion of testing, reporting of results, storing of specimens, and continuing until final disposition of specimens.

b. Receiving/Accession

Upon receipt of specimens, receiving personnel shall inspect packages for evidence of possible tampering and compare information on specimen containers and on chain of custody forms. Any direct evidence of tampering or discrepancies in the information on specimen containers and the chain of custody forms attached to the shipment shall be immediately reported and noted on the chain of custody form.

Specimen containers and original chain of custody forms will normally be retained within the receiving area until all analyses have been completed. Laboratory personnel shall use chain of custody forms when conducting the initial and confirmatory tests.

c. Short-Term Refrigerated Storage

Specimens that do not receive an initial testing the day of arrival at the laboratory shall be placed in secure refrigeration units. Temperatures shall not exceed 6° C. Emergency power equipment should be available in case of prolonged power failure.

d. Specimen Processing

Drug-testing laboratories will normally process specimens by grouping them into batches. The number of specimens in each batch may vary significantly depending on the size of the laboratory and its workload. When conducting either initial or confirmatory testing, every batch shall contain an appropriate number of standards for calibrating the instrumentation and a minimum of ten percent (10%) controls. Both quality control and blind performance test samples shall appear as ordinary samples to the laboratory analyst.

e. Initial Test

Initial drug testing shall use a chemical immunoassay procedure. Testing shall determine whether specimens are negative for the following five (5) classes of drugs:

<u>Initial Test Level</u>	<u>(ng/ml)</u>
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2000
Phencyclidine	25
Amphetamines	1000

f. For applicants/employees who are sworn officers of the Special Investigative Unit, the laboratory must also be capable of testing for:

Barbiturates	300
Benzodiazepines	150
Methaqualone	750

- g. Test levels are subject to change as technological advances or other considerations warrant identification of these substances at other concentrations.

h. Confirmatory Test

All specimens identified as positive by the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the cutoff values listed below:

Confirmatory Test Level

Marijuana metabolite
Cocaine metabolite
Opiates (Morphine-Codeine)
Phencyclidine
Amphetamines
Barbiturates
Benzodiazepines
Methaqualone

- i. Test levels are subject to change as technological advances or other considerations warrant identification of these substances at other concentrations.

j. Sworn Officers of the Special Investigative Unit

All specimens identified as positive by the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques. This confirmative test only needs to confirm the initial test regardless of the test level required by the Department of Law Enforcement, Criminal Justice Standards and Training Commission.

k. Retesting Specimens

Because some analyses deteriorate or are lost during freezing and/or storage, the quantitation for a retest is not subject to a specific cutoff requirement but must provide data sufficient to confirm the presence of the drug or metabolite.

l. Breathalyzer/Blood-Alcohol Screening

Breathalyzer, blood-alcohol screening shall be required only in "fitness-for-duty" circumstances. Two (2) blood specimens shall be collected. Testing of blood specimens shall be performed by gas chromatography/mass spectrometry (GC/MS) or enzymatic methods of quantitative alcohol measurement.

All blood alcohol results shall be reported as grams/percent. For fitness for duty screening, any amount of alcohol shall be reported as positive.

Identification, labeling, toxicology submission form entries, and signature requirements (i.e., chain of custody procedures) will be observed as for urine specimens.

m. Reporting Requirements

The laboratory shall provide to the designated District official the monthly statistical summary of blood and urinalysis testing of employees and applicants. No personal identifying information shall be included. The summary shall contain the following information:

1. Initial Testing – Urine/Blood

- a. number of specimens received
- b. number of specimens screened positive for:

Marijuana Metabolites	Amphetamines
Cocaine Metabolites	Barbiturates
Opiates (Morphine- Codeine)	Benzodiazepines
	Methaqualone
Phencyclidine	

c.

2. Confirmatory Testing – Urine/Blood

- a. number of specimens received for confirmation
- b. number of specimens confirmed positive for each drug tested

n. Reporting Results

The laboratory shall report employee test results to the designated Board authority or medical review officer within three (3) working days of receipt of the specimens (or other amount of time to be negotiated) unless there is notification of problems mandating an extension to this time allotment.

The report shall identify the drugs/metabolites tested for, whether positive or negative, the cutoff for each, the specimen number assigned by the collection site, and the testing laboratory reference number.

The laboratory shall report as negative all specimens that are negative on the initial test or negative on the confirmatory test. Only specimens confirmed positive shall be reported for a specific drug. Quantitation of test results may be requested of the laboratory by the designated Board authority or medical review officer. However, this information may not be disclosed by that individual. Disclosure is confined to whether the test was positive or negative.

The laboratory may transmit results by various electronic means in a manner designed to ensure confidentiality of the information. Results may not be provided verbally by telephone. The laboratory shall send a certified copy of the original chain of custody form signed by the laboratory director or certifying official to the designated Board authority or medical review officer. All records pertaining to a given specimen shall be retained by the drug-testing laboratory for a minimum of two (2) years.

o. Long-Term Storage

Specimens confirmed positive shall be retained and placed in properly secured long-term frozen storage for at least 365 days.

Within this 365 day period, the submitting authority may request the laboratory to retain the specimen for an additional period of time or arrange to have the specimen transferred to another site for longer term or permanent storage. This ensures that the urine specimen will be available for a possible re-test during any administrative or disciplinary proceeding. If the laboratory does not receive a request to retain the specimen by the end of the initial 365 day period, the specimen may be discarded.

Long-term storage facilities shall be equipped with secure locks. Emergency power equipment should be available in case of prolonged power failure. Access to the long-term storage facility shall be limited to authorized personnel only.

p. Breathalyzer

1. number of specimens received shall be at least one (1) of sufficient level; and
2. number of specimens obtained via a breathalyzer with detectable blood alcohol reported by range:

Less than .02

Negative test

At least .02 but less than .039

Off-duty for twenty-four (24) hours with repeat test upon return to work

At least .04 and greater

Positive test precluding employment

An employee must be referred to a Substance Abuse Professional (SAP).

3.

q. Subcontracting

The drug-testing laboratory shall perform all work with its own personnel and equipment. The laboratory shall not subcontract.

r. Laboratory Personnel

The scientific director of the drug-testing laboratory shall be qualified to assume professional, organizational, educational, and administrative responsibility for the laboratory. The director shall be an individual with documented scientific qualifications comparable to those of a person certified by the American Board of Forensic Toxicology or the American Board of Clinical Chemistry in Toxicological Chemistry. The director is responsible for ensuring that qualified personnel with appropriate training, experience, and licenses supervise and conduct the work of the drug-testing laboratory.

The laboratory shall have qualified personnel available to testify in an administrative or disciplinary proceeding when that proceeding is based on positive test results reported by the laboratory.

s. Quality Assurance and Control

Laboratories performing urine or blood alcohol testing shall have a quality assurance program that encompasses all aspects of the testing process. The laboratory will participate in the NIDA-recognized proficiency testing program for drugs of abuse.

t. Documentation

Documentation of all aspects of the testing process must be available. This documentation will be maintained for at least two (2) years and will include: personnel files on analysts, supervisors, directors, and all individuals authorized to have access to specimens; chain of custody documents; quality assurance/quality control records; all test data; reports; performance records on proficiency testing; performance on accreditation inspections once available; and hard copies of computer-generated data.

13. Reporting and Review of Results

An essential part of the alcohol and drug-testing program is the final review of results. A positive test result does not automatically identify an employee/applicant as a drug abuser or an illegal drug user. An individual with a detailed knowledge of possible alternative medical explanations is essential to the review of the results.

In all disputed cases where there is a positive, confirmed drug test, the confidential results will be provided to a medical review officer. The medical review officer shall be a licensed physician with knowledge of substance abuse disorders.

The medical review officer is responsible for contacting the tested individual in order to determine if the positive and confirmed results are potentially the result of the taking of prescription drugs or other circumstances that may have led to the positive and confirmed results. The medical review officer may request to examine prescription containers, contact the prescribing physician, or any action deemed professionally necessary to validate the appropriate use of drugs. The medical review officer's determination shall be provided to the appropriate Board authority.

14. Right to Report Use of Drugs to MRO

A job applicant or Board employee has the right to confidentially report the use of prescription medication, non-prescription medication, and/or illegal drugs to the medical review officer both before and after being tested.

15. Protection of Employee and Job Applicant Records

Any laboratory contract shall provide that the contractor's records are to be kept confidential under provisions of Florida laws. The Board shall establish a system of maintaining records to include both the District's and the contractor's records of applicant and employee urinalysis and blood alcohol results. The contract and the record maintenance system must have specific provisions that require that employee records are maintained and used with the highest regard for employee privacy consistent with Florida's Public Records Act and the purpose of achieving and maintaining a drug-free work place.

16. Savings Clause

The *Drug-Free Workplace Technical Guide* is intended to be a lawful statement concerning the rights, duties, and liabilities of the Board, its agents, and employees regarding the use of drugs and/or alcohol in the work place. Any part of this guide which is determined to be unlawful is not intended, and the remainder of this guide is to be interpreted so as to comply with all State, Federal laws, and administrative regulations.

Brevard Innovative Charter Schools adheres to a policy of nondiscrimination in educational programs/activities and employment and strives to provide equal opportunity for all as required by:

- A. Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the base of race, color, religion, or national origin
- B. Title VII of the Civil Rights Act of 1964, as amended, which prohibits discrimination in employment on the basis of race, color, sex, or national origin
- C. Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex
- D. Age Discrimination in Employment Act of 1967 (ADEA), as amended, which prohibits discrimination on the basis of age with respect to individuals who are at least forty (40)
- E. Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination against the handicapped
- F. Florida Educational Equity Act - 1000.05, F.S, which prohibits discrimination on the basis of race, national origin, marital status, or handicap against students or employees
- G. American with Disabilities Act of 1990 (ADA) which prohibits discrimination against individuals with disabilities in employment, public service, public accommodations, and telecommunications
- H. Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal) and F.S. 295.07, which also defines categorical preferences for employment

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Legal

41 U.S.C. 701-706

49 C.F.R.

F.S. 440.101

F.S. 440.102

20 U.S.C. Omnibus Transportation Testing Act of 1991

20 U.S.C. 701-706 Rehabilitative Act 1973

U.S.C. 86-201

34 C.F.R. 34-86.201

