

FILE: GBCBC

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED: June 16, 1994	FILE SECTOR: PERSONNEL
DATE REVISED: September 16, 1999	POLICY TITLE: PRE-EMPLOYMENT DRUG
DATE REVISED: January 17, 2000	TESTING
DATE REVISED: November 20, 2003	
DATE REVISED: September 15, 2005	
DATE REVISED: October 29, 2012	
DATE REVISED: September 24, 2018	

It is policy of Medford Area Public School District to be consistent with its obligations under state and federal law to establish and maintain drug-free schools and workplaces, to require applicants for covered positions to consent to a pre-employment, post-offer drug test.

Securing a drug-free environment is vital to the district's duty to comply with legal mandates and its obligation to promote the health, welfare, safety and education of students and employees. Because district employees render services to students, serve as role models for students, act as enforcers of student drug policies and constitute potential sources of illegal drugs for students, the district has a compelling interest in eliminating illegal drug use from its workplaces and in ensuring that its employees are drug-free.

No offer of employment for a covered position shall be made to any applicant who has not agreed to submit to a drug test as part of the employment screening process. Any applicant who receives a conditional offer of employment and refuses to take a drug test shall be disqualified from further consideration for the position.

All applicants for covered positions shall receive written notice of this drug testing policy prior to receiving conditional offers of employment. All drug test results from an applicant shall be maintained as a confidential record and shall be released only with the express, written consent of the applicant.

CROSS REFERENCE: GBCBB
LEGAL REFERENCE:

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I. COVERAGE

Applicants: The term "applicant" includes persons making initial application for employment by the district as well as employees making voluntary application for posted vacancies but does not include employees who are recalled from layoff or transferred laterally or involuntarily by the district.

Covered Positions: Unless expressly excluded, all professional and nonprofessional regular full-time and part-time positions, including summer school teacher and paid non-teacher coach/advisor positions are covered positions.

Excluded Positions: Board of Education (BOE), student, substitute, temporary, outside consultant/contractor, competitive event referee/official/judge and volunteer positions are excluded positions, except as provided in policy JFCIA - Athlete Drug Testing.

Timing: A drug test shall be administered only after an offer of employment, conditioned on the results of the test, has been made to an applicant for a covered position.

II. NOTICE

Policy Notification: All applicants for covered positions shall be notified that such positions are subject to the district's drug testing policy, that agreement to submit to a drug test is a condition of consideration for such position, and that receipt of satisfactory drug test results is a condition of employment for such positions.

Advertising and Job Descriptions: Advertisements, job descriptions, and postings for all covered positions shall include notice as outlined in §II.

Application Form: The district's employment application form for all covered positions shall include notice as outlined in §II. and shall require the applicant to agree to submit to a drug test.

Consent Form: Applicants for all covered positions not filled pursuant to the district's employment application form shall be required to execute a consent form acknowledging the positions are subject to the district's drug testing policy and agreeing to submit to a drug test.

Alternate Notice: Failure of the district to provide notice of its drug testing policy by the methods outlined above shall not preclude drug testing of applicants if applicants for covered positions are provided prior written notice by alternate means.

Posted Vacancies/Emergency Hires: Applicants filling posted vacancies or covered positions pursuant to the district's emergency hiring procedures shall be required, before being permitted to begin work, to execute a consent form acknowledging the positions are subject to the district's drug testing policy and agreeing to submit to a drug test. Applicants for posted vacancies and emergency hires may be asked to begin work before drug test results are available, but offers of employment for such positions shall remain conditioned on receipt of satisfactory test results.

Conditional Offers: All offers of employment to applicants for covered positions shall be conditioned on agreement to submit to a drug test and receipt of satisfactory test results. Any applicant for a covered position who does not agree to submit to a drug test shall be disqualified from further consideration for the position.

III. DRUG TESTING PROCEDURES

Schedule for Test: The district will schedule the drug test. Applicants shall provide the specimen within 48 hours after such direction.

Cooperation Required: Applicants who receive a conditional offer of employment for a covered position and refuse to cooperate in drug testing shall be disqualified from further consideration for the position. Failure to appear when scheduled for oral fluid specimen or substituting or tampering with a oral fluid specimen shall be deemed a refusal to cooperate in drug testing.

Medication: Applicants directed to provide a oral fluid specimen shall be granted 48 hours to supply information concerning their use of medication or other substances that might affect the drug test results. Such applicant information and/or documentation by a physician of an applicant's lawful possession or use of any drug must be submitted to and will be reviewed exclusively by the district's medical advisor.

Oral Fluid Collection: Oral fluid specimens will be analyzed by the Omega Laboratory in Mogadore, OH. The 10 Panel test may include: amphetamines, barbiturates, benzodiazepines, cocaine, methadone, methamphetamine, opiates, oxycodone, phencyclidine, THC and such other controlled substances as determined by the BOE.

Test Facilities: The district's collection and laboratory facilities shall adhere to the mandatory guidelines for Federal Workplace Drug Testing Programs with respect to professionally trained collection personnel, quality assurance for oral fluid collection, chain of custody standards, and confidentiality requirements.

IV. TEST RESULTS AND REPORTING

Reporting Test Results: The laboratory shall report test results to Human Resources. Only specimens that test positive on an initial and confirmatory test shall be reported the district's medical advisor and reported as positive for a specific drug.

Medical Advisor Verification: The district's medical advisor shall review all positive test results and shall consider any medical information/documentation provided by an applicant to justify positive test results. Applicants are not entitled to a hearing before the medical advisor. Evidence to justify positive test results may include, but is not limited to, a valid prescription or a physician's certification of the existence of a valid prescription. Hemp product consumption is not an acceptable medical explanation for a positive test for marijuana. If the medical advisor determines there is no justification for positive test results, such results shall be reported to the district as verified positive results.

Satisfactory Test Results: All negative test results and those positive test results determined to be justified by the district's medical advisor shall be reported to the district as satisfactory test results.

Consequences: An applicant for a covered position who fails to receive satisfactory test results shall be disqualified from further consideration for the position and shall not be permitted to apply for another covered position for a period of one year. If the applicant has begun work pursuant to a conditional offer of employment under the district's emergency hiring procedures, such failure shall constitute good and sufficient reason for rescission of the conditional offer of employment, and the applicant's work shall be terminated immediately.

V. CONFIDENTIALITY

Confidentiality: All drug test results and medical information/documentation provided by applicants for covered positions pursuant to the district's drug testing policy shall be maintained as confidential medical records consistent with applicable state and federal law.