

# **Maricopa Unified School District Board Policy**

## **Personnel**

### **Employee Drug Testing**

**BP 4112.41**

The Governing Board maintains a drug- and alcohol-free workplace. In accordance with law, all employees shall render service without using, possessing, being impaired by, or being under the influence of alcohol or drugs.

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 4020 - Drug and Alcohol-Free Workplace)  
(cf. 4030 - Nondiscrimination in Employment)  
(cf. 4032 - Reasonable Accommodation)  
(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)  
(cf. 5131.61 - Drug Testing)

### **Pre-Employment Drug/Alcohol Testing for Safety-Sensitive Positions**

Because students and staff have the right to a safe and secure campus where they are free from physical and psychological harm, the Board authorizes the testing of prospective employees in safety-sensitive positions for drug and alcohol use. The following positions are safety-sensitive and are subject to the district's program:

#### **Position Safety-Sensitive Duties:**

##### **Transportation/School Bus Driver**

Once a conditional offer of employment has been made, prospective employees in these identified positions shall undergo a pre-employment drug and alcohol screening for any substance which could impair their ability to safely and effectively perform their job functions. This screening shall be part of the employee's pre-employment physical examination.

Final selection of a job applicant for a position shall not be made until the applicant has successfully completed the screening.

All testing and medical examinations shall be conducted in accordance with state and federal law, Board policy, and administrative regulation.

(cf. 4112. /4212.4/4312.4 - Health Examinations)  
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

Legal Reference:

EDUCATION CODE

44011 Controlled substance offense

44455 Conviction for controlled substance offenses as grounds for revocation of credential

44836 Employment of certificated persons convicted of controlled substance offenses

44940 Compulsory leave of absence for certificated persons

44940.5 Procedures when employees are placed on compulsory leave of absence

45123 Employment after conviction for controlled substance offense

45304 Compulsory leave of absence for classified persons

44839 Medical certificate; periodic medical examination

45122 Physical examinations

GOVERNMENT CODE

8350-8357 Drug-free workplace

12940 Unlawful employment practices

CODE OF REGULATIONS, TITLE 5

5504 Medical certification procedures

CALIFORNIA CONSTITUTION

Article 1, Section 28(c) Right to Safe Schools

UNITED STATES CODE, TITLE 20

7101-7184 Safe and Drug-Free Schools and Communities Act

UNITED STATES CODE, TITLE 41

701-707 Drug-Free Workplace Act

COURT DECISIONS

Lanier v. City of Woodburn, (2008, 9th Circuit) 518 F.3d 1147

Knox County Education Association v. Knox County Board of Education, (1998, 6th Circuit) 158 F.3d 361

Loder v. City of Glendale, (1997) 14 Cal. 4th 846

Vernonia School District 47J v. Acton, (1995) 115 S.Ct. 2386

International Brotherhood of Teamsters v. Department of Transportation, (1991) 932 F.2d 1292

Skinner v. Railway Labor Executives' Assn, (1989) 489 U.S. 602

National Treasury Employees Union v. Von Raab, (1989) 489 U.S. 456

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Reviewed/Revised: 6/18/15

# **Maricopa Unified School District Administrative Regulation**

## **Personnel**

### **Employee Drug Testing**

**AR 4112.41**

#### **Pre-Employment Drug/Alcohol Screening for Safety-Sensitive Positions**

Applicants shall sign a form consenting to the drug and alcohol testing. The consent form shall authorize release of the test results to the district. To ensure an individual's privacy, the district shall not use test results for any purpose other than those stated in Board policy and administrative regulation, shall maintain the confidentiality of screening records, and shall not disclose such records unless the applicant consents or the Superintendent or designee is presented with a court order requiring the disclosure.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 4112.4/4212.4/4312.4 - Health Examinations)

All initial screening tests shall be conducted at the district's expense. If an applicant's initial test is positive, a second test, at the district's expense, shall be administered as soon as possible to confirm the results. Upon obtaining a second positive result, the applicant may seek an independent drug and alcohol screening from a recognized medical laboratory at his/her own expense. Any applicant who fails to provide the district with a negative drug and alcohol screening report within five working days of a confirmed positive result shall be determined to have failed the screening and shall not be employed.

Failure to submit to the process or to complete the process shall preclude the applicant from being hired into the position. Disqualified applicants shall not be prohibited from applying for another job within the district.

(10/93 6/97) 7/08

MUSD Board Policy Reviewed: 6/18/15