

# **DRUG-FREE WORKPLACE**

## **TECHNICAL GUIDE**



**MIAMI-DADE COUNTY PUBLIC SCHOOLS**

**PERSONNEL MANAGEMENT AND SERVICES**

**SCHOOL BOARD RULE**

**6Gx13-4-1.05**



**Personnel  
Management  
& Services**

**MIAMI-DADE COUNTY PUBLIC SCHOOLS**

**August 1999**

## **School Board of Miami-Dade County, Florida**

Dr. Solomon C. Stinson, *Chair*

Dr. Michael M. Krop, *Vice Chair*

Mr. G. Holmes Braddock

Ms. Perla Tabares Hantman

Dr. Robert B. Ingram

Ms. Betsy H. Kaplan

Mrs. Manty Sabatés Morse

Mr. Demetrio Pérez, Jr., M.S.

Dr. Marta Pérez

Ms. Judy Peacock, Student Advisor

Mr. Roger C. Cuevas  
*Superintendent of Schools*

Mr. Nelson E. Diaz, Deputy Superintendent  
*Personnel Management and Services*



## TABLE OF CONTENTS

INTRODUCTION	i
SECTION I: TESTING PROCEDURES FOR APPLICANTS AND EMPLOYEES	
Notice .....	2
Types of Testing .....	3
Cost of Drug Testing .....	4
SECTION II: HANDLING DRUG OR ALCOHOL VIOLATIONS IN THE WORKPLACE	
Reasonable Suspicion .....	5
Procedures .....	6
Referrals to the Employee Assistance Program .....	8
SECTION III: CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM FOR OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT (OTETA)	
Authorization .....	9
Prohibited Conduct .....	9
Notifications Regarding Positive Drug Test Results .....	10
Pre-Employment Testing .....	10
Post-Accident Testing .....	11
Random Testing .....	11
Reasonable Suspicion Testing .....	12
Return-To-Duty Testing .....	13
Follow-Up Testing .....	14
Annual Testing .....	14

## SECTION IV: COLLECTION SITE PROCEDURES

Security .....	15
Chain of Custody .....	15
Privacy .....	16
Integrity and Identity of Specimen .....	16
Transportation to Laboratory .....	18

## SECTION V: LABORATORY SERVICES

Certification of Laboratory, Quality Assurance, and Quality Control .....	19
Security and Chain of Custody .....	20
Receipt of Specimens .....	20
Short-Term Refrigerated Storage .....	20
Specimen Processing .....	21
Initial Test .....	21
Confirmatory Test .....	22
Confirmatory Test for Miami-Dade County Public Schools Police Officers .....	22
Blood Alcohol Screening .....	22
Reporting and Reviewing of Results .....	23
Retesting of Specimens .....	23
Long-Term Storage of Confirmed Positive Specimens .....	24
Statistical Reporting Requirements .....	24
Confidentiality of Records .....	25

## APPENDICES

Appendix A: Letter to Employees Regarding Positive Drug Screening .....	29
Appendix B: Drug-Free Workplace Policy Employee Acknowledgment Form .....	31
Appendix C: Confidential Miami-Dade County Public Schools Supervisory Referral .....	33

Appendix D: Letter to Holders of Commercial Driver's Licenses Regarding Positive Controlled Substance Screening . . . . .	35
Appendix E: Reasonable Suspicion Form . . . . .	37
Appendix F: Omnibus Transportation Employee Testing Act Employee Acknowledgment Form . . . . .	41
Appendix G: Safety-Sensitive Positions . . . . .	43

**THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.**

## INTRODUCTION

The prevention of illicit drug use is a major national concern. Drug-related health problems, crime, and erosion of worker productivity costs billions of dollars annually. The seriousness of the drug problem led to the enactment of the Anti-Drug Act of 1988, which authorized federal funding to prevent the manufacturing, distribution, and use of illegal drugs; to increase drug treatment and education programs; to strengthen local law enforcement efforts; to impose the death penalty for drug-related murders; and to increase penalties for drug users.

Provisions of the Anti-Drug Act require federal grant recipients to establish a drug-free workplace. Employees must be provided with a statement notifying them of the prohibitions pertaining to controlled substances, consequences of violations, and compliance with the drug-free policies as a condition of employment. Employers must inform employees of drug-free requirements through an awareness program. Non-compliance will result in the suspension of federal payments or termination of federal contracts or both.

Florida Statutes, Chapter 440, Workers' Compensation, outlines the provisions of workers' compensation, and sets forth requirements of a drug-free workplace program implemented by employers pursuant to rules adopted by the Division of Workers' Compensation. The Drug-Free Workplace Policy of The School Board of Miami-Dade County, Florida has been designed to meet and incorporate the requirements of the Division of Workers' Compensation. It is the Board's intent as well as the legislature's intent that drug abuse be discouraged, and that employees who choose to engage in drug abuse face the risk of unemployment and the forfeiture of workers' compensation benefits.

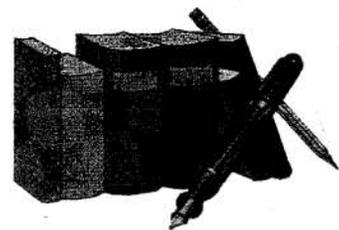
Employers of persons performing safety-sensitive functions and holding commercial driver's licenses are required to implement a controlled substance and alcohol testing program pursuant to the Omnibus Transportation Employee Testing Act of 1991, regulations of the Federal Highway Administration contained in 49 CFR Parts 40 and 382 et al.

Miami-Dade County Public Schools has complied with the provisions of the Anti-Drug Act of 1988, the Workers' Compensation Law, and the Omnibus Transportation Employee Testing Act of 1991 by establishing and updating a Drug-Free Workplace Policy.

THE EMPHASIS OF THE POLICY IS ON ACHIEVING A DRUG-FREE WORKPLACE THROUGH EMPLOYEE EDUCATION, SUPERVISOR TRAINING, THE EMPLOYEE ASSISTANCE PROGRAM, AND REHABILITATION, WHERE APPLICABLE.

The Miami-Dade County Public Schools Drug-Free Workplace Policy is a part of the broader community effort to educate employees regarding the hazards of substance abuse, and to provide help to those who want to help themselves. Miami-Dade County Public Schools Employee Assistance Program, established through collective bargaining in 1980, was the initial step in identifying and assisting employees. Miami-Dade County Public Schools has continued to take a firm stand in order to eliminate drug abuse in the workplace, and to protect the health, safety, and security of the school system's students and employees.

TESTING PROCEDURES FOR  
APPLICANTS AND EMPLOYEES



## SECTION I

### TESTING PROCEDURES FOR APPLICANTS AND EMPLOYEES

General drug screening is conducted on all full-time applicants for instructional and non-instructional positions in Miami-Dade County Public Schools (M-DCPS). In addition, all emergency substitutes and those existing employees whose contractual conditions require an annual physical, e.g., bus drivers and police officers, are also drug screened. Retirees from M-DCPS, who return to work, are exempt from drug screening for a period of one year from their retirement date. Specimens collected for drug screening shall not be used to conduct any other analysis or test unless otherwise authorized by law. Applicants are notified by their respective Office of Human Resources staffing officer through the receipt and explanation of the General Drug Testing Authorization form. This authorization form has a drug test number, provided by the computer, and a time limitation of two work days. The applicant has two work days to provide an acceptable specimen at an authorized collection site. **If the applicant does not comply or the applicant tests positive for controlled substances, then a three year's penalty of non-consideration for employment is enforced.**

The validity period for pre-employment drug screening is one year, if the drug screen is negative. Subsequent to the testing of the specimen by the laboratory, the results are reviewed by the Medical Review Officer (MRO) and transmitted to the Director, Personnel Operations and Records, Miami-Dade County Public Schools, by electronic transmission within a 24 hour time period. Upon receipt of a negative drug screen, the results are electronically transmitted to the individual work location and the new employee is simultaneously set up as an employee on the Personnel Reporting System (PERS). The new employee is not permitted to begin his/her new assignment until the receipt of the negative drug screen.

Existing employees are notified of drug testing by their immediate supervisor through the receipt and explanation of the General Drug Testing Authorization form. Existing employees have a time period of two work days to comply. Violation of this limitation will be considered as a positive drug test result and, if a second continued non-compliance is exhibited, disciplinary action shall result in dismissal from all employment with The School Board of Miami-Dade County, Florida. If the existing employee tests positive for controlled substance(s), he/she shall be referred to the Office of Professional Standards for review and a determination of follow-up actions to be taken. Subsequent to the testing of the specimen by the laboratory, the results are reviewed by the MRO and transmitted to the Director, Personnel Operations and Records, by electronic transmission within a 24 hour time period. These results are then electronically transmitted to the individual work locations for the site supervisor's review.

## NOTICE

One time only, prior to testing, the Miami-Dade County Public Schools shall give all job applicants and part-time employees going to full-time employment a written statement of its policy on a drug-free workplace. This statement shall contain:

- A. The type of drug testing a job applicant or employee may be required to submit to, including reasonable suspicion drug testing or drug testing conducted on any other basis.
- B. The actions that the employer may take against a job applicant or employee on the basis of a positive confirmed drug test result.
- C. A general statement concerning confidentiality.
- D. Procedures for employees and job applicants to confidentially report to the Medical Review Officer their use of prescription or non-prescription medications both before and after being tested.
- E. A list of the most common medications, by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test.
- F. The consequences of refusing to submit to a drug test.
- G. A representative sampling of names, addresses, and telephone numbers of employee assistance programs and local drug rehabilitation programs.
- H. A statement that an employee or job applicant who receives a positive confirmed test result may contest or explain the result to the Medical Review Officer within five working days after receiving written notification of the test result; that if an employee's or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the Medical Review Officer shall report a positive test result back to the employer; and that the employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.
- I. A statement informing the employee or job applicant of his/her responsibility to notify the laboratory of any administrative or civil action brought pursuant to this section.
- J. A list of all drugs for which the employer will test, described by brand name or common name, as applicable, as well as by chemical name.

- K. A statement regarding any applicable collective bargaining agreement or contract, and the right to appeal to the Public Employees Relations Commission or applicable court.
- L. A statement notifying employees and job applicants of their right to consult with the Medical Review Officer for technical information regarding prescription or non-prescription medication.

Miami-Dade County Public Schools shall include notice of drug testing on all vacancy announcements for positions. A notice of the school system's drug policy shall also be posted in appropriate and conspicuous locations at the various work sites, and copies of the policy shall be made available for inspection by existing employees or job applicants during regular business hours in the Office of Human Resources and other administrative offices.

### TYPES OF TESTING

The following types of drug tests shall be conducted:

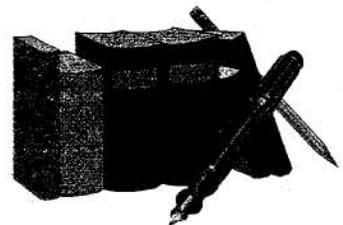
- A. Applicants for Full-Time Positions — Individuals who have never worked for Miami-Dade County Public Schools or those part-time employees who are recommended for a full-time assignment are required to submit to a drug test. A refusal to submit to a drug test or a positive confirmed drug test shall be a basis for the school system's refusal to hire a job applicant, or to continue the employment of a part-time employee who is recommended for a full-time assignment.
- B. Reasonable Suspicion Drug Testing — Miami-Dade County Public Schools shall require an employee to submit to an alcohol or drug test when there is reasonable suspicion to believe that an employee has violated the district's alcohol and drug prohibitions.
- C. Routine Fitness For Duty Drug Testing — Miami-Dade County Public Schools shall require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness for duty medical examination that is part of the school system's established policy for all members of the employment classification or group, e.g., police officers.
- D. Follow-up Drug Testing — If a permanent employee, in the course of employment, enters the Employee Assistance Program for drug-related problems, or a drug rehabilitation program, Miami-Dade County Public Schools shall require the employee to submit to a drug test as a follow-up to such program, unless the employee voluntarily entered the program. In those cases, M-DCPS has the option to not require follow-up testing. If

follow-up testing is required, it shall be conducted at least once a year for a two-year period after completion of the program. Advance notice of a follow-up testing date shall not be given to the employee to be tested.

#### **COST OF DRUG TESTING**

Miami-Dade County Public Schools shall pay the cost for the initial drug test for an applicant, and for any drug test required by contract for any employee. If an applicant or employee receives a positive test result and contests the result, then a written request to have the split sample tested at a different but equally certified laboratory must be submitted to the vendor. The applicant or the employee shall be responsible for this drug test fee.

**HANDLING DRUG OR ALCOHOL  
VIOLATIONS IN THE WORKPLACE**



## SECTION II

### HANDLING DRUG OR ALCOHOL VIOLATIONS IN THE WORKPLACE

No employee shall use, possess, manufacture, distribute, or be under the influence of controlled substances or alcohol while on duty or on School Board property, except when he/she is using a controlled substance pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to perform the duties and responsibilities of the job. Employees on duty shall not use or take prescription drugs above the level recommended by the prescribing physician, and shall not use prescribed drugs for purposes other than that for which the prescribed drugs were intended. Employees shall not distribute or dispense any drugs, except as provided in School Board Rule 6Gx13-5D-1.021, School Health Services Program. Sometimes an administrator may have a concern about an employee's fitness for duty as demonstrated by his/her appearance and/or behavior. In this section, procedures are provided to assist the work site administrator in handling employees who may be under the influence of drugs or alcohol in the workplace. The procedures provide a clear standard of conduct for Miami-Dade County Public Schools employees, and describe the consequences if these standards are not maintained. These procedures pertain to all employees with the exception of those covered by the Omnibus Transportation Employee Testing Act (OTETA). Comparable procedures for employees covered under OTETA are delineated in Section III of this document.

#### REASONABLE SUSPICION

Reasonable suspicion must be based upon specific, contemporaneous documented objective facts and circumstances which are consistent with the long- and short-term effects of alcohol or substance abuse, including, but not limited to, physical signs and symptoms, appearance, behavior, speech and/or body odor. Reasonable suspicion drug testing is based upon a belief that an employee is using or has used drugs in violation of the School Board's policy. This belief is drawn from specific objective and articulable facts and reasonable inferences in light of experience. Among other things, such facts and inferences may be based upon:

- A. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- B. Abnormal conduct or erratic behavior while at work, or a significant deterioration in work performance.
- C. A report of drug use provided by a reliable and credible source.

- D. Evidence that an individual has tampered with a drug test during his/her employment with the school system.
- E. Information that an employee has caused, contributed to, or been involved in an accident while at work.
- F. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working, while on the school system's premises, or while operating the school system's vehicles, machinery, or equipment.
- G. Information that an employee has caused, contributed to, or been involved in an injury to self, property, or equipment.

### **PROCEDURES**

The procedures outlined below shall be followed when there is reasonable suspicion that an employee is under the influence of drugs or alcohol.

- A. The site supervisor shall notify the Office of Professional Standards (OPS) that an employee is suspected of being under the influence of drugs or alcohol. If the behavior is observed during non-office hours (after 5:00 p.m.), the supervisor shall notify OPS the following morning.
- B. The site supervisor shall confront the employee regarding the suspicion of impairment in the presence of a second administrator, if available.
- C. The site supervisor shall delineate behavioral indicators of impairment to the employee by stating what was observed, e.g., blurry eyes, slurred speech, an odor of alcoholic beverage. The supervisor should not diagnose, interpret, or imply what he/she believes is the source of the impairment.
- D. The site supervisor shall apprise the employee of his/her burden to disprove the suspicion of chemical impairment by submitting to an immediate chemical analysis test to be performed by a designated laboratory (open 24 hours). The employee must be advised that a refusal will be interpreted as a positive test result.
- E. If the employee consents to undergo an immediate test, the site supervisor shall complete the General Drug Test Authorization form. If a test authorization number cannot be obtained, any five digit number, followed by the letter "M," can be utilized. Test results shall be provided to OPS by the designated test site.

If the consenting employee has personal or sick leave available, he/she may elect to use it to cover the time necessary while waiting for the test results. If personal or sick leave is not available, the absences will be considered as "leave without pay, unauthorized."

- F. If the employee refuses immediate testing, the site supervisor shall advise the employee to refrain from returning to work because this refusal is considered as a positive test result. Further, the supervisor shall advise the employee that any resulting absences will be recorded as unauthorized leave without pay, which eventually will be detrimental to his/her employment status. The supervisor shall notify OPS of the situation immediately, and OPS will control the employee's return to work.
- G. The supervisor shall direct the employee to refrain from driving; however, no attempt should be made to physically restrain the employee who refuses to comply with the directive. The employee's emergency contact person should be notified of the need to transport the employee. As a last resort, if the emergency contact person or any person identified by the employee is unavailable, an alternate form of transportation (taxi, etc.) to the testing facility and/or home should be identified. If the employee insists upon driving, report the possible "driving under the influence" (DUI) to the local police agency as a means to ensure the employee's safety and the safety of others.
- H. If the employee is belligerent or disruptive, the site supervisor shall call the Division of School Police or the local police agency.
- I. The site supervisor shall notify the region/district office of the facts, including the behavioral indicators of impairment. The source of the impairment should not be diagnosed, interpreted, or implied.
- J. The site supervisor shall contact OPS for guidance regarding follow-up actions, i.e., a site or district conference for the record, supervisory referral to the Employee Assistance Program (EAP), implementation of leave of absence status to allow time for recovery, and the issuance of stipulations as conditions of employment. (See Appendices A and B.)
- K. If the test result is positive in the case of a teacher or other employee who holds an educator's certificate, OPS shall notify the Education Practices Commission (EPC) in Tallahassee to determine the sanctions that may be taken in reference to the employee's certificate. The EPC may require employees to participate in the Recovery Network Program for Educators to assist them to obtain treatment and, thereby, permit their continued contribution to the education profession.

- L. A second positive test result or a refusal to be tested on the second reasonable suspicion of impairment shall warrant dismissal and/or loss of his/her teaching certificate.

### **REFERRALS TO THE EMPLOYEE ASSISTANCE PROGRAM**

The Employee Assistance Program (EAP) is designed to provide confidential help to Miami-Dade County Public Schools employees whose personal problems are affecting their work performance or private life. Employees come to the EAP voluntarily or are referred by their supervisors. Regardless of the person who initiates the referral to the EAP, participation is voluntary. EAP is frequently utilized by administrators as a monitoring tool for employees with problems, especially if fitness for duty is in question. The procedures for a supervisory referral are as follows:

- A. A supervisory referral is made by the site administrator or the OPS. (See Appendix C.)
- B. The employee is contacted by the EAP for an assessment.
- C. If the employee consents to participate, support services and counseling are provided. In the EAP assessment, the problem as well as the employee's insurance plan, geographical area, and special needs are considered. The EAP will monitor the employee's participation and the delivery of services.
- D. If the employee declines EAP services, monitoring will be assumed by the OPS.

CONTROLLED SUBSTANCE AND ALCOHOL  
TESTING PROGRAM FOR OMNIBUS  
TRANSPORTATION EMPLOYEE  
TESTING ACT (OTETA)



**SECTION III**  
**CONTROLLED SUBSTANCE AND ALCOHOL TESTING PROGRAM FOR**  
**OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT (OTETA)**

Employers of persons performing safety-sensitive functions and holding commercial driver's licenses are required to implement a controlled substance and alcohol testing program pursuant to the Omnibus Transportation Employee Testing Act (OTETA) of 1991, regulations of the Federal Highway Administration contained in 49 CFR Parts 40 and 382, et. al. Testing procedures and facilities used for the tests shall conform to the requirements of the Code of Federal Regulations.

It is the intent of The School Board of Miami-Dade County, Florida, to deter the use of controlled substances and alcohol in the workplace through its policy and standard procedures for controlled substance and alcohol testing of all employees required to hold a commercial driver's license and perform a safety-sensitive function. The policy applies to all School Board employees who are required to hold a commercial driver's license as a condition of employment and who perform safety-sensitive functions. Positions which require the performance of safety-sensitive functions are listed in Appendix G. The policy also applies to persons employed by contractors, for which the contractors are required to provide verification of their controlled substance testing program.

**AUTHORIZATION**

All administrators should have access to EDTP - Electronic Drug Testing Appointment for the purpose of generating a drug authorization number. If the computers are down and an authorization number is needed, administrators should use any five digit number with the letter M at the end, such as 0 0 0 0 0 M.

**PROHIBITED CONDUCT**

No employee shall report for duty or remain on duty that requires the performance of safety-sensitive functions when the employee is using any **controlled substance**, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a vehicle.

No employee shall report for duty or remain on duty that requires the performance of safety-sensitive functions while the employee has a measurable **alcohol** concentration. No employee shall use alcohol while performing safety-sensitive functions or perform safety-sensitive functions within four hours after using alcohol.

An employee's refusal to complete and sign the drug/breath alcohol testing form, to provide urine and/or breath, to provide an adequate amount of urine and/or breath, or to cooperate with the testing process in a way that prevents the completion of the test will cause the test to be treated as a positive test result. If an employee fails to report to the laboratory in a timely manner or reports after the drug authorization date has expired, his/her test result will be reported as a refusal to test, which will be considered as a positive drug test result.

### **NOTIFICATIONS REGARDING POSITIVE DRUG TEST RESULTS**

The OTETA drug testing program administrator for Miami-Dade County Public Schools shall notify a driver of the results of a pre-employment controlled substance test conducted under this section, if the driver requests such results within 60 calendar days of being notified of the disposition of the employment application. The OTETA drug testing program administrator shall notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substances conducted under this section if the test results are verified as positive. The OTETA drug testing program administrator shall also inform the driver which controlled substance or substances were verified as positive. (See Appendix D.)

If the Medical Review Officer (MRO) is unable to contact a driver, the OTETA drug testing program administrator shall make reasonable efforts to contact and request each driver who submitted a specimen under the OTETA drug testing program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with the MRO.

The OTETA drug testing program administrator shall immediately notify the MRO that the driver has been directed to contact the MRO within 24 hours.

### **PRE-EMPLOYMENT TESTING**

All applicants for employment in positions requiring a commercial driver's license and the performance of safety-sensitive functions shall undergo testing prior to employment except as otherwise specified pursuant to 49 CFR Part 382.301(b) and (c). Written documentation to substantiate the exception shall be obtained and retained by the employer. Tests shall be conducted before the first time an employee performs any safety-sensitive function for the district. The tests shall be required of an applicant only after he/she has been offered the position.

## **POST-ACCIDENT TESTING**

Alcohol and controlled substance tests shall be conducted on an employee as soon as practicable after an accident:

- ◆ if the accident involved loss of human life; and
- ◆ the employee was performing safety-sensitive functions with respect to the vehicle; or
- ◆ the employee received a citation under state or local law for a moving traffic violation arising from the accident and either someone sustains bodily injury and is removed from the scene for medical attention, or at least one vehicle is towed due to disabling damage.

Employees shall make themselves readily available for testing, absent the need for immediate medical attention. A supervisor from the employee's location will meet the employee at the accident scene to ensure that a controlled substance and alcohol collection is obtained.

If an alcohol test is not administered within two hours following the accident, the OTETA drug testing program administrator shall prepare and maintain on file a record stating the reason(s) the test was not promptly administered. If a test required by this section is not administered within eight hours following the accident, the OTETA drug testing program administrator shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the Federal Highway Administration (FHWA) upon request of the Associate Administrator.

If a controlled substance test is not administered within 32 hours following the accident, the OTETA drug testing program administrator shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA upon request of the Associate Administrator.

Tests conducted by authorized federal, state, or local officials having independent authority will fulfill post-accident testing requirements provided they conform to applicable legal requirements and the test results are obtained by the district. Breath tests will validate only the alcohol test and cannot be used to fulfill controlled substance testing obligations.

## **RANDOM TESTING**

All covered employees shall be subject to random, unannounced controlled substance and alcohol testing conducted at unannounced times throughout the year. Employees shall be selected by a scientifically valid random process, and each employee shall have an equal chance of being tested each time selections are made. Such tests shall be conducted promptly following notification to the employee.

Tests for alcohol shall be conducted just before, during, or just after the performance of safety-sensitive functions. The number of random alcohol tests must equal 10 percent of the covered employees.

### **REASONABLE SUSPICION TESTING**

A supervisor trained in accordance with the requirements of 49 CFR 382.603 shall require an employee to submit to an alcohol or controlled substance test when the supervisor has reasonable suspicion to believe that an employee has violated the district's alcohol or drug prohibitions.

Reasonable suspicion must be based on specific, contemporaneous documented objective and articulable observations and circumstances which are consistent with the long- and short-term effects of alcohol or substance abuse; including, but not limited to, physical signs and symptoms, appearance, behavior, speech, and/or body odor.

The required observations for alcohol and/or controlled substance reasonable suspicion testing shall be made by a supervisor trained on alcohol misuse and controlled substance use. The observations may include indications of the chronic and withdrawal effects of the controlled substances.

Alcohol tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the work day when the employee must comply with alcohol prohibitions. An alcohol test may not be conducted by the person who determines that reasonable suspicion exists to conduct such a test.

If an alcohol test is not administered within two hours of a determination of reasonable suspicion, the OTETA drug testing program administrator shall prepare and maintain on file a record stating the reason(s) that the test was not promptly administered. If an alcohol test required by this section is not administered within eight hours of a determination of reasonable suspicion, the OTETA drug testing program administrator shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the Federal Highway Administration (FHWA) upon request of the Associate Administrator.

A supervisor or district official, who makes observations leading to a controlled substance reasonable suspicion test, shall make a written record of his/her observations within 24 hours of the observed behavior or before the results of the drug test are released, whichever is earlier. (See Appendix E.)

## RETURN-TO-DUTY TESTING

Employees who were removed from performing safety-sensitive functions after testing positive for alcohol and/or controlled substances must meet the following prerequisites and conditions of continued employment before and after returning to duty in a position requiring the performance of safety-sensitive functions:

- A. Before returning to duty, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substances test with verified negative results. In addition, if the initial evaluation by the Substance Abuse Professional (SAP) indicated a need for continued assistance in resolving problems associated with the use of controlled substances or alcohol misuse, the employee shall be re-evaluated by the SAP to ensure that the employee has properly followed the rehabilitation program prescribed by the SAP.
- B. If the SAP determines that, in accordance with 49 CFR Part 382.605(c)(2)(ii), return-to-duty testing and follow-up testing for **both** alcohol and controlled substances are necessary for that particular employee, the employee will be compelled to comply.
- C. An employee who has not followed the rehabilitation program prescribed by the SAP and completed all rehabilitation requirements determined by the SAP shall not be eligible to return to duty in a position requiring the performance of safety-sensitive functions.
- D. Employees shall be required to meet with the SAP, as necessary, and follow all recommendations from the SAP, which may include education and/or treatment, as conditions of continued employment.
- E. Employees shall remain subject to all other types of testing required to be performed in accordance with OTETA regulations (49 CFR Parts 40 and 382); Florida Statutes, Chapter 440.102, Workers' Compensation; School Board Rule 6Gx13- ~~4-1.05~~, Drug-Free Workplace; and program requirements, i.e., random, reasonable suspicion, pre-duty, post-accident, follow-up, return to duty, and annual.
- F. Subsequent to the employee's return to duty, a second violation of the Drug-Free Workplace Policy, or a refusal to submit to a drug test, and/or non-compliance with rehabilitation and other requirements shall result in dismissal from all employment with The School Board of Miami-Dade County, Florida.
- G. The employee shall sign the Employee Acknowledgment Form which states the rules and conditions that must be followed before and after the employee's return to work in a safety-sensitive function. (See Appendix F.)

- H. Employees, who are on an approved leave of absence or otherwise not performing safety-sensitive duties for 30 calendar days or more, **must** take a return-to-duty drug/alcohol test prior to returning to safety-sensitive duties. If the return-to-duty test occurs two weeks prior to the employee's date for annual drug testing, the return-to-duty test will satisfy the annual drug test agreement. Supervisors are to make a note on the bottom of the OTETA Drug Authorization Form, as follows: "Return-to-duty test satisfies annual drug test agreement."

### **FOLLOW-UP TESTING**

Follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

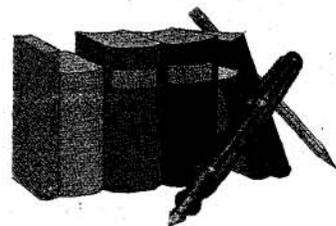
Following a determination that a driver is in need of assistance in resolving problems associated with alcohol misuse and/or the use of controlled substances, the school system shall ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substances testing, as directed by a Substance Abuse Professional in accordance with the provisions of §382.605(c)(2)(ii).

Once the employee has returned to active duty status as a driver in readiness to perform safety-sensitive functions, the employee shall be subject to a minimum of six unannounced controlled substances and/or alcohol follow-up tests during the 12 months following the employee's return to duty in a safety-sensitive function. If the SAP determines that continued testing is necessary, the unannounced follow-up testing may continue for up to 60 months from the date of the employee's return to duty.

### **ANNUAL TESTING**

Before their commercial driver's license expires, annual controlled substance testing is required of all employees who perform a safety-sensitive function.

# COLLECTION SITE PROCEDURES



## SECTION IV

### COLLECTION SITE PROCEDURES

Collection sites shall have all of the necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified drug testing laboratory. Mobile collection sites shall have the same as above.

#### SECURITY

The collection sites 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.

#### CHAIN OF CUSTODY

Chain of custody refers to the methodology of documenting the tracking of specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition of all such materials or substances. Accountability is provided at each stage in the handling, testing, storing, and reporting of the test results.

Chain of custody standardized forms shall be properly executed by authorized collection site personnel upon receipt of specimens. Handling and transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

Collection site personnel shall always have the specimen containers within custody both 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 shall have the purpose for transferring possession notated.

## **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.

## **INTEGRITY AND IDENTITY OF SPECIMEN**

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

- A. Upon arrival at the collection site, the individual will be requested to present some type of current photo identification, i.e., driver's license, or the Miami-Dade County Public Schools identification badge. If the individual does not have proper identification, the collection site employee shall contact the Director, Personnel Operations and Records, or the Omnibus Transportation Employee Testing Act (OTETA) drug testing program administrator, who can positively identify the individual. If the individual's identity cannot be established, the testing shall not proceed.
- B. The individual shall be asked by the collection site employee to remove any coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. All personal belongings, such as a purse or briefcase, shall remain with the removed garments.
- C. The individual shall be instructed to wash and dry his/her hands prior to urination; shall remain in the presence of the collection site employee; and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent, or any other materials which could be used to adulterate the specimen. The individual shall be given a wrapped, clear plastic container for the collection of all urine to be tested. The individual may provide his/her specimen in the privacy of a restroom, stall, or otherwise partitioned area that allows for individual privacy.
- D. At the collection site, toilet bluing agents shall be placed in toilet tanks, wherever possible, so that the reservoir of water always remains blue. There shall be no other source of water in the enclosure where urination occurs.
- E. The collection site employee shall note in the permanent record book any unusual behavior, delays, or lack of cooperation by the individual.

- F. Upon receiving the specimen from the individual, the collection site employee will verify collection of approximately 45 milliliters of urine for drug screening. If the individual is unable to produce a sufficient specimen, the donor will be provided up to 24 ounces of fluids. If the donor is still unable to provide 45 milliliters for a split specimen after two hours, the collection is discontinued. The Director, Personnel Operations and Records, shall be notified of the discontinued collection and the Medical Review Officer shall arrange for the donor to be medically evaluated for the "shy bladder" condition.
- G. Immediately after collection, the collection site employee shall conduct, in the presence of the individual, a close inspection of the specimen in its container to determine the specimen's warmth, color, and signs of contaminants. In no case shall the time from urination to temperature measurement exceed four minutes. If the temperature of a specimen is outside the range of 32.5°–37.7° Centigrade or 90.5°–98.5° Fahrenheit, there is reason to believe that the individual may have altered or substituted the specimen. In this instance, another specimen shall be collected under the direct observation of a collection site employee of the same gender as the donor and both specimens shall be forwarded to the laboratory for testing.
- H. A higher level supervisor shall review and concur, in advance, with any decision made by a collection site employee to obtain a specimen under the direct observation of a same gender collection site employee due to a reasonable suspicion that the individual may have altered or substituted the specimen to be provided.
- I. Any unusual findings related to the color of the specimen or signs of contaminants shall be noted in the permanent record book.
- J. The specimen shall then be split by pouring into two containers designed for urine specimens. The collection site employee shall request the individual to observe the transfer of the specimen to the two containers and the capping of both containers.
- K. The collection site employee shall securely place identification labels on the two specimen containers. The labels shall indicate the date, the individual's specimen number, and any other identifying information required by Miami-Dade County Public Schools. 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. The collection site employee will, in the individual's presence, seal both the containers with approved tamper-proof security tape placed over the bottle caps and down the sides of the bottles, or sealed in tamper-proof sealed

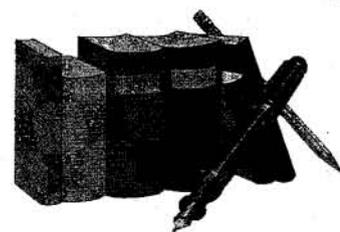
bags. The individual must then initial both tapes or the sealed bags. The purpose of two specimens is to retain one for further testing as a control for contested results of a positive and confirmed test. Under controlled conditions, agreed to in advance by representatives of Miami-Dade County Public Schools and the tested individual, the split specimen will be used for further testing.

- L. The collection site employee shall enter in the permanent record book all information identifying the specimen, and sign next to the identifying information. The individual shall read and sign the permanent record book certifying that the specimen identified was provided by him/her.
- M. The collection site employee shall complete the chain of custody form.
- N. While performing any part of the chain of custody procedures, it is essential that the specimens and custody documents be under the control of the collection site employee. The collection site employee must not leave the site collection area until the specimens are properly secured.

#### **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.

# LABORATORY SERVICES



## SECTION V

### LABORATORY SERVICES

A laboratory performing drug testing for Miami-Dade County Public Schools must provide documentation of certification by the United States Department of Health and Human Services (DHHS). DHHS has established comprehensive standards for laboratory policies, procedures, and personnel, which 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 eight classes of drugs:

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

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

#### **CERTIFICATION OF LABORATORY, QUALITY ASSURANCE, AND QUALITY CONTROL**

The scientific director of the drug testing laboratory shall be qualified to assume professional, organizational, educational, and administrative responsibility for the laboratory. This director is 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 upon positive urinalysis and/or positive breath or blood alcohol results reported by the laboratory.

General drug testing laboratories shall have a quality assurance program which encompasses all aspects of the testing process; including, but not limited to, specimen acquisition, chain of custody security and reporting of results, initial and confirmatory

testing, and validation of analytical procedures. Quality assurance procedures shall be designed, implemented, and reviewed to monitor the conduct of each step of the process of testing for drugs. The laboratory will participate in the DHHS recognized proficiency testing program for drugs of abuse.

Documentation of all aspects of the testing process must be available. This documentation will be maintained for at least two 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.

### **SECURITY AND CHAIN OF CUSTODY**

Drug testing laboratories shall be secure at all times and 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 receipts through completion of testing, reporting of results--during storage, and continuing until final disposition of specimens.

### **RECEIPT OF SPECIMENS**

Upon receipt of specimens, receiving personnel shall inspect packages for evidence of possible tampering and compare information on specimen containers with that 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. Chain of custody forms shall be used by laboratory personnel for conducting the initial and confirmatory tests.

### **SHORT-TERM REFRIGERATED STORAGE**

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

## 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 10 percent controls. Both quality control and blind performance test samples shall appear as ordinary samples to laboratory analysts.

## INITIAL TEST

The initial drug testing shall use a chemical immunoassay procedure. The following initial cutoff levels shall be used to determine whether specimens are negative for the following five drugs or classes of drugs:

<u>DRUGS/DRUG CLASSES</u>	<u>INITIAL TEST CUTOFF LEVELS (ng/ml) *</u>
Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	300
Phencyclidine	25
Amphetamines	1000

\* nanograms per milliliter

For applicants or employees who are sworn officers of the Division of School Police, the laboratory must also be capable of testing for:

<u>DRUGS/DRUG CLASSES</u>	<u>INITIAL TEST CUTOFF LEVELS (ng/ml)</u>
Barbiturates	300
Benzodiazepines	150
Methaqualone	750

These cutoff levels are subject to change as advances in technology or other considerations warrant identification of these substances at other concentrations.

### 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:

<u>DRUGS/DRUG CLASSES</u>	<u>CONFIRMATORY TEST CUTOFF LEVELS (ng/ml)</u>
Marijuana metabolite	15
Cocaine metabolite	150
Opiates (Morphine and Codeine)	300
Phencyclidine	25
Amphetamines (Amphetamine and Methamphetamine)	500
Barbiturates	150
Benzodiazepines	Not tested for
Methaqualone	under OTETA 150

These test levels are subject to change as advances in technology or other considerations warrant identification of these substances at other concentrations.

### CONFIRMATORY TEST FOR DIVISION OF SCHOOL POLICE OFFICERS

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

### BLOOD ALCOHOL SCREENING

Applicants and employees under the OTETA guidelines shall not be subject to blood alcohol screening. Blood alcohol screening shall be required only in fitness for duty circumstances for all other employees. Two blood specimens shall be collected. Testing of blood specimens shall be performed by gas chromatography 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, entries and signature requirements on

toxicology submission forms, i.e., chain of custody procedures, will be observed as for urine specimens.

Pursuant to the requirements set forth by Florida Statutes, Chapter 440, Workers Compensation, and applicable standards, blood will be used as the initial and confirmation specimen for alcohol, while urine will be used for the initial test for all drugs except alcohol, and for the confirmation for all drugs except alcohol.

### **REPORTING AND REVIEWING 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 or applicant as a drug abuser or an illegal drug user. An individual with detailed knowledge of possible alternative medical explanations is essential to the review of the results. This review shall be performed by a Medical Review Officer (MRO) prior to the transmission of the results to administrative officials of the school system. The MRO review shall include a review of the chain of custody to ensure that it is complete and sufficient. In all disputed cases where there is a positive confirmed drug test result, the confidential results will be provided to the MRO. The MRO shall not be an employee of the laboratory conducting the drug test unless the laboratory establishes a clear separation of functions to prevent any appearance of a conflict of interest, including assuring that the MRO has no responsibility for, and is not supervised by or the supervisor of, any persons. The MRO shall be a licensed physician with knowledge of substance abuse disorders. The MRO is responsible for contacting the tested individual in order to determine if the positive and confirmed results are due to the taking of prescription drugs or other circumstances. The MRO may request to examine prescription containers, contact the prescribing physician, or take any action deemed professionally necessary to validate the appropriate use of drugs. The MRO's determination shall be provided to the Director, Operations and Records, and the OTETA drug testing program administrator.

### **RETESTING OF SPECIMENS**

If a donor receives a positive confirmed drug test result, he/she has the right to legally or administratively contest the result to the district administrator in charge of the specific drug testing program (OTETA or applicants/employees). The donor shall also address his/her decision to contest the results to the MRO. This must be done within five working days after the donor is given written notice of positive confirmed drug test results. The MRO will request that the testing laboratory, in writing, complete the form to have the split urine specimen shipped to another Department of Health and Human Services certified laboratory. There is a fee for the retest and a certified check must accompany the request. The second laboratory test must be of equal or greater sensitivity for the drug in question as the first laboratory test. The first laboratory that

performed the initial test shall be responsible for the transfer of the specimen to be retested and for the integrity of the chain of custody during such transfer. As some analytes deteriorate or are lost during freezing, refrigeration, or storage, quantification for a retest is not subject to a specific cutoff requirement but must provide sufficient data to detect the presence of the drug or metabolite.

### **LONG-TERM STORAGE OF CONFIRMED POSITIVE SPECIMENS**

Upon completion of confirmation testing, specimens and related split bottles will be transferred, under chain of custody, to the long-term storage freezer for storage at or below -20° Centigrade. The laboratory shall maintain all confirmed positive specimens (including the split specimen, unless a split specimen analysis is requested) for a period of 365 days. For possible litigation purposes, longer periods of time are available, upon written request.

### **STATISTICAL REPORTING REQUIREMENTS**

The laboratory shall provide to the designated Miami-Dade County Public Schools (M-DCPS) administrators, the monthly statistical summary of blood and urinalyses testing of employees and applicants. No personally identifying information shall be included. The summary shall contain the following information:

#### **A. Initial Testing--Urine**

1. Number of specimens received
2. Number of specimens screened positive for:
  - ◆ Marijuana metabolites
  - ◆ Cocaine metabolites
  - ◆ Opiates metabolites
  - ◆ Phencyclidine
  - ◆ Amphetamines
  - ◆ Barbiturates
  - ◆ Benzodiazepines
  - ◆ Methaqualone

B. Confirmatory Testing--Urine

1. Number of specimens received for confirmation
2. Number of specimens confirmed positive for each drug tested

C. Blood Testing

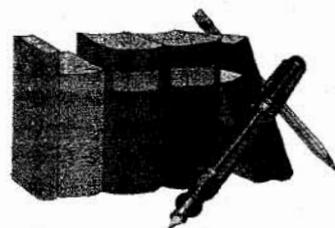
1. Number of specimens received
2. Number of specimens with detectable blood alcohol reported by range:
  - ◆ Less than .05
  - ◆ More than .05 but less than .10
  - ◆ More than .10

**CONFIDENTIALITY OF RECORDS**

Any laboratory contract shall provide that the contractor's records are to be kept confidential under provisions of Florida Laws. M-DCPS shall adhere to a system of maintaining records that includes both the district's and the contractor's records of applicant and employee urinalysis and blood alcohol results. The contractor and the M-DCPS record maintenance system must have specific provisions which require employee records to be maintained and used with the highest regard for employee privacy consistent with Florida's Public Records Act and for the purpose of achieving and maintaining a drug-free workplace.

**THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.**

# APPENDICES



Appendix A

# MIAMI-DADE COUNTY PUBLIC SCHOOLS

OFFICE OF PROFESSIONAL STANDARDS ■ 1500 BISCAYNE BOULEVARD, SUITE 222 ■ MIAMI, FLORIDA 33132  
(305) 995-7120 ■ FAX (305) 995-7329

Roger C. Cuevas  
Superintendent of Schools

Nelson E. Diaz  
Deputy Superintendent

Dr. Joyce Annunziata  
Senior Executive Director

Miami-Dade County School Board  
Dr. Solomon C. Stinson, Chair  
Mr. Demetrio Pérez, Jr., Vice-Chair  
Mr. G. Holmes Braddock  
Mr. Renier Díaz de la Portilla  
Ms. Perla Tabares Hantman  
Ms. Betsy H. Kaplan  
Dr. Michael M. Krop  
Mrs. Manty Sabatés Morse  
Dr. Frederica S. Wilson

\_\_\_\_\_  
(Date)

Dear \_\_\_\_\_:

The analysis of your drug screening has been transmitted to the Office of Professional Standards with positive confirmation for \_\_\_\_\_.

- Employees on duty or on School Board property will not manufacture, distribute, dispense, possess or use illegal drugs, nor will they be under the influence of such drugs except pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to perform the duties and responsibilities of the job.
- Employees on duty or on School Board property shall not be under the influence of alcohol. Employees in safety-sensitive positions, as defined herein, will be free of measurable alcohol concentrations. Further, employees will not manufacture or use alcoholic beverages while on School Board property or on duty.
- Employees on duty will not use or take prescription drugs above the level recommended by the prescribing physician, and will not use prescribed drugs for purposes other than that for which the prescribed drugs were intended. In addition, the employee will not distribute or dispense such drugs, except as provided in School Board Rule 6Gx13- 5D-1.021, School Health Services Program.

As a result, a supervisory referral to the district's support agency will be made for you so that you may learn of the resources available for evaluating and resolving problems associated with the use of controlled substances. Your participation with that agency will be monitored by this office. Questions regarding this notification should be directed to this administrator at \_\_\_\_\_.

Sincerely,

I acknowledge receipt of this notification.

cc:

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**SENT CERTIFIED**  
**RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL**

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

**THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.**

## Appendix B

### MIAMI-DADE COUNTY PUBLIC SCHOOLS DRUG-FREE WORKPLACE POLICY EMPLOYEE ACKNOWLEDGMENT FORM

I, \_\_\_\_\_, do hereby read and understand that, in accordance with School Board Rule 6Gx13- 4-1.05, Drug-Free Workplace General Policy Statement, and in order to be eligible for continued employment, I must meet the following prerequisites and conditions of employment:

1. I am apprised of a supervisory referral being made for me to the district's support agency for a determination of what assistance, if any, I need in resolving problems associated with the use of controlled substances or alcohol. If the initial evaluation by the district's support agency indicates a need for continued assistance in resolving problems associated with the use of controlled substances or alcohol, I must be re-evaluated by the district's support agency to ensure that I have properly followed any rehabilitation program prescribed by the district's support agency.
2. If the district's support agency determines that return-to-duty testing and follow-up testing for both alcohol and controlled substances are necessary, the agency will advise the Office of Professional Standards.
3. Before returning to duty, I must undergo a return-to-duty alcohol test and/or controlled substances test with verified negative results.
4. I will not be eligible to return to duty unless I have followed the rehabilitation program prescribed by the district's support agency and completed all rehabilitation requirements determined by the district's support agency.
5. Both prior to and after my return-to-duty, I shall continue to meet with the district's support agency, as necessary, and follow all recommendations from the district's support agency, which may include education and/or treatment. It is understood that I will be responsible for all treatment expenses incurred and that every effort will be made to match treatments with my Fringe Benefits Package.
6. Once I have returned to active duty status, I will be subject to a minimum of six unannounced controlled substances and/or alcohol follow-up tests during the first 12 months following my return-to-duty. If the district's support agency determines that continued testing is necessary, the unannounced follow-up testing may continue for up to 60 months from the date of my return-to-duty.
7. I further understand and acknowledge that, any additional violation of the Drug-Free Workplace General Policy Statement, including a refusal to submit to a drug test and/or non-compliance with rehabilitation and other requirements, shall result in my dismissal from all employment with The School Board of Miami-Dade County, Florida.

I have read and I fully understand all guidelines and stipulations. I acknowledge receipt of this document.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SOCIAL SECURITY NUMBER

\_\_\_\_\_  
EMPLOYEE NUMBER

\_\_\_\_\_  
WITNESS SIGNATURE

\_\_\_\_\_  
DATE

**THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.**

Appendix C

CONFIDENTIAL  
MIAMI-DADE COUNTY PUBLIC SCHOOLS  
SUPERVISORY REFERRAL

MEMORANDUM

DATE

TO: \_\_\_\_\_  
Supervisor/Clinical Coordinator  
Employee Assistance Program

FROM: \_\_\_\_\_  
Supervisor's Name/Title  
\_\_\_\_\_  
Work Location Name/#

SUBJECT: SUPERVISORY REFERRAL TO THE EMPLOYEE ASSISTANCE PROGRAM

Employee Name	Job Title	Employee #
Employee's Address		Zip Code

In accordance with School Board Rule 6Gx13-4D-1.11 and Employee Assistance Program guidelines, I am referring the above named person to the Employee Assistance Program for the following behavioral/medical concerns observed on the job:

**Pattern of Attendance:**

- \_\_\_\_ Excessive absences
- \_\_\_\_ Excessive tardiness
- \_\_\_\_ Unauthorized absences
- \_\_\_\_ Prolonged lunch hours
- \_\_\_\_ Absences Mon. and/or Fri.

**Interpersonal Behavior:**

- \_\_\_\_ Altercations - students
- \_\_\_\_ Altercations - staff
- \_\_\_\_ Altercations - public
- \_\_\_\_ Borrowing money - students
- \_\_\_\_ Borrowing money - staff

**Personal Behavior:**

- \_\_\_\_ Changes in personal appearance
- \_\_\_\_ Marked changes in mood
- \_\_\_\_ Marked changes in activity level
- \_\_\_\_ Frequent trips to restroom

**Performance of Professional Duties:**

- \_\_\_\_ Poor judgment
- \_\_\_\_ Assignment failures

**Health Impairment:**

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I have been advised of the referral to the Employee Assistance Program.

Employee Signature

Date

**THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.**

**Appendix D**

**MIAMI-DADE COUNTY PUBLIC SCHOOLS**

OFFICE OF PROFESSIONAL STANDARDS ■ 1500 BISCAYNE BOULEVARD, SUITE 222 ■ MIAMI, FLORIDA 33132  
(305) 995-7120 ■ FAX (305) 995-7329

Roger C. Cuevas  
Superintendent of Schools

Nelson E. Diaz  
Deputy Superintendent

Dr. Joyce Annunziata  
Senior Executive Director

Miami-Dade County School Board  
Dr. Solomon C. Stinson, Chair  
Dr. Michael M. Krop, Vice-Chair  
Mr. G. Holmes Braddock  
Ms. Perla Tabares Hantman  
Dr. Robert B. Ingram  
Ms. Betsy H. Kaplan  
Mrs. Manty Sabatés Morse  
Mr. Demetrio Pérez, Jr., M.S.  
Dr. Marta Pérez

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Dear \_\_\_\_\_:

The purpose of this notification is to advise you that until further notice, you are not authorized to perform safety-sensitive functions as an employee of Miami-Dade County Public Schools (M-DCPS).

This notification is provided pursuant to 49 CFR Part 382 of the Omnibus Transportation Employee Testing Act (OTETA) of 1991, which is incorporated in School Board Rule 6Gx13- 4-1.05, Drug-Free Workplace General Policy Statement.

You have 72 hours from the time you are notified by the medical review officer (MRO) of your positive test result, to request a test of the split specimen. This request must be in writing to the MRO.

Pursuant to Section 382.605, you are hereby being referred to a designated M-DCPS Substance Abuse Professional so that you may learn of the resources available for evaluating and resolving problems associated with the use of controlled substances. \_\_\_\_\_ is the M-DCPS Substance Abuse Professional and may be reached at \_\_\_\_\_.

Questions regarding this notification should be directed to this administrator at 995-7217.

Sincerely,

I acknowledge receipt of this notification.

CC:

\_\_\_\_\_  
Employee Signature                      Date

SENT CERTIFIED  
RETURN RECEIPT REQUESTED AND FIRST CLASS MAIL

\_\_\_\_\_  
Address                                      Phone

**THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.**



Appendix E

MIAMI-DADE COUNTY PUBLIC SCHOOLS

REASONABLE SUSPICION FORM

Directions: This form is to be completed by the Supervisor as a guideline for the determination to order a drug and/or alcohol screen for an employee who is unfit for duty and/or probable cause exists to test, or an employee who has been involved in an accident/incident subject to drug/alcohol testing.

Name of Employee: \_\_\_\_\_ Employee No: \_\_\_\_\_

Job Classification: \_\_\_\_\_ Time of Evaluation: \_\_\_\_\_

Location: \_\_\_\_\_

Supervisory Personnel at Scene: \_\_\_\_\_

Other: \_\_\_\_\_

I. Circumstances Occurring at Time of Evaluation

PLEASE CHECK (✓) WHERE APPLICABLE:

- Employee is reporting for duty. Location/time: \_\_\_\_\_
Employee is on duty. Location/time: \_\_\_\_\_

EMPLOYEE HAS BEEN INVOLVED IN THE FOLLOWING:

- Fatal accident.
Vehicle accident causing personal injury to the employee, passengers, or third person requiring medical attention.
Accident causing significant or unusual property damage.
Incident involving violation of company rules which is a safety threat to employees, passengers, or third persons.

Please give a brief description of the incident: \_\_\_\_\_

**II. Observations of Employee's Physical Condition**

*PLEASE CHECK (✓) BELOW ALL THAT APPLY.*

- Slurred Speech
- Confusion/disorientation
- Odor of alcohol on breath or person
- Odor of marijuana on breath or person
- Unsteady gait or lack of balance
- Glassy eyes
- Rapid/continuous eye movement or inability to focus
- Drowsiness
- Inattentiveness
- Apparent intoxicated behavior (without the odor of alcohol or marijuana)
- Physical injury. Location on body \_\_\_\_\_
- Tremors or bodily shaking
- Poor coordination
- Runny nose or sores around nostrils
- Very large or small pupils
- Slow or inappropriate reactions
- Additional comments or observations: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. Observations of Employee's Behavior**

*PLEASE CHECK (✓) BELOW ALL APPLICABLE BEHAVIORS AND DESCRIBE BRIEFLY IN THE SPACE ON THE RIGHT SIDE OF THE PAGE.*

- Inability to respond to questions or to respond correctly \_\_\_\_\_
- Complaints of racing or irregular heart beat \_\_\_\_\_
- Marked irritability \_\_\_\_\_
- Aggressiveness (attempts at physical contact) \_\_\_\_\_
- Inappropriate laughter, crying, etc. \_\_\_\_\_
- Fainting or repeated loss of consciousness \_\_\_\_\_
- Improper job performance and/or violation of authority or rules \_\_\_\_\_
- Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### IV. Activity at the Scene

PLEASE CHECK (✓) BELOW ALL THAT APPLY.

- Employee was relieved from duty
- Employee was asked/ordered to remain at the scene
- Employee requested union representation
- Union official arrived at scene and talked with employee
- Employee was taken for medical treatment to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### V. Determination of Reasonable Suspicion

Based on the above, I have determined that:

- A. There is probable cause for sending \_\_\_\_\_  
for a drug/alcohol screen (Name of Employee)
- B. The accident/incident requires sending \_\_\_\_\_  
for a drug/alcohol screen. (Name of Employee)

Such screen was ordered by \_\_\_\_\_  
(Name of Supervisor)

Supervisor's Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Employee's Signature: \_\_\_\_\_

**THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.**

## Appendix F

**MIAMI-DADE COUNTY PUBLIC SCHOOLS**  
**DRUG-FREE WORKPLACE POLICY**  
**OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT**  
**EMPLOYEE ACKNOWLEDGMENT FORM**

I, \_\_\_\_\_, do hereby read and understand that, in accordance with Federal Regulations (49 CFR Parts 40 and 382) and School Board Rule 6Gx13- 4-1.05, Drug-Free Workplace General Policy Statement, and in order to be eligible for continued employment, I must meet the following prerequisites and conditions **before** and **after** returning to duty in a position requiring the performance of safety-sensitive functions:

1. I must be evaluated by the Substance Abuse Professional (hereinafter SAP) who shall determine what assistance, if any, I need in resolving problems associated with controlled substances use or alcohol misuse. If the initial evaluation by the SAP indicates a need for continued assistance in resolving problems associated with controlled substances use or alcohol misuse, I must be re-evaluated by the SAP to ensure that I have properly followed any rehabilitation program prescribed by the SAP.
2. If the SAP determines that return-to-duty testing and follow-up testing for both alcohol and controlled substances are necessary, I will comply with the SAP's determination and undergo the appropriate test(s).
3. Before returning to duty, I must undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or controlled substance test with verified negative results.
4. I will not be eligible to return to duty in a position requiring the performance of safety-sensitive functions unless I have followed the rehabilitation program prescribed by the SAP and completed all rehabilitation requirements determined by the SAP.
5. Both prior to and after my return to duty in a safety-sensitive function, I shall continue to meet with the SAP, as necessary, and follow all recommendations from the SAP, which may include education and/or treatment. It is understood that I will be responsible for all treatment expenses incurred and that every effort will be made to match treatments with my Fringe Benefits Package.
6. Once I have returned to active duty status as a driver, in readiness to perform safety-sensitive functions, I will be subject to a minimum of six (6) unannounced controlled substances and/or alcohol follow-up tests during the first twelve (12) months following my return to duty in a safety-sensitive function. If the SAP determines that continued testing is necessary, the unannounced follow-up testing may continue for up to 60 months from the date of my return to duty as a driver.
7. I will remain subject to all other types of testing as required and authorized by OTETA regulations (49 CFR Parts 40 and 382) and School Board Rule 6Gx13- 4-1.05, Drug-Free Workplace General Policy Statement (i.e., random, reasonable suspicion, pre-duty, post-accident, and annual for bus drivers).
3. I further understand and acknowledge that, subsequent to my return to duty, a second violation of the Drug-Free Workplace Policy, or a refusal to submit to a drug test, and/or non-compliance with rehabilitation and other requirements shall result in dismissal from all employment with The School Board of Miami-Dade County, Florida.

have read and I fully understand all guidelines and stipulations. I acknowledge receipt of this document.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SOCIAL SECURITY NUMBER

\_\_\_\_\_  
EMPLOYEE NUMBER

\_\_\_\_\_  
WITNESS SIGNATURE

\_\_\_\_\_  
DATE

**THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.**

## Appendix G

### SAFETY-SENSITIVE POSITIONS

JOB CODE	JOB TITLE	JOB CODE	JOB TITLE
0884	Manager I, Transportation Maintenance	6270	Assistant Driver Trainer
5501	School Bus Driver (10 Month)	6272	Transportation Center Worker
5502	School Bus Driver (12 Month)	6273	Driver Trainer
6079	Radiator Repair Mechanic	6274	Transportation Training Specialist
6080	Foreperson - Vehicle Service	6277	Commercial Drivers License Trainer
6081	Lead Man - Vehicle Repair	6330	Foreperson - Roofers
6082	Vehicle Mechanic	6331	Roofer II (Journeyman)
6083	Vehicle Service Mechanic	6419	Tractor Trailer Operator
6084	Vehicle Service Attendant	6422	Heavy Equipment Operator I
6085	Automotive Paint/Body Worker	6423	Heavy Equipment Operator II
6087	Foreperson - Automotive Paint Body Shop	6424	Heavy Equipment Operator III
6088	Foreperson - Automotive/Maintenance Repair	6431	Material Acquisition and Transport Specialist II
6089	Foreperson - Emergency Generator and Vehicle Repair	6432	Material Acquisition and Transport Specialist I
6090	Tire Repair Mechanic	7016	Foreperson - Grounds
6151	Maintenance Worker I	7020	Fence Installer
6152	Maintenance Worker II	7022	Playground Equipment Installer/Mechanic
6153	Maintenance Tree Worker	7024	Fertilizer Equipment Operator/Spreader
6154	Sprinkler Mechanic	7025	Tractor Mower Operator
6155	Grounds Lead Person	8022	Substitute Bus Driver
6267	Mobile Science Laboratory Driver	9400	Vocational Adult Teacher Trade and Industry, Full-time Certified (Commercial Vehicle Driving)

**THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.**

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in educational programs/activities and employment and strives affirmatively to provide equal opportunity for all as required by:

**Title VI of the Civil Rights Act of 1964** - prohibits discrimination on the basis of race, color, religion, or national origin.

**Title VII of the Civil Rights Act of 1964**, as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

**Title IX of the Education Amendments of 1972** - prohibits discrimination on the basis of gender.

**Age Discrimination in Employment Act of 1967 (ADEA)**, as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

**The Equal Pay Act of 1963**, as amended, prohibits sex discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

**Section 504 of the Rehabilitation Act of 1973** - prohibits discrimination against the disabled.

**Americans with Disabilities Act of 1990 (ADA)** - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

**The Family and Medical Leave Act of 1993 (FMLA)** - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

**The Pregnancy Discrimination Act of 1978**, prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

**Florida Educational Equity Act (FEEA)** - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

**Florida Civil Rights Act of 1992** - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

**School Board Rules 6Gx13- 4A-1.01, 6Gx13- 4A-1.32, and 6Gx13- 5D-1.10** prohibit harassment and/or discrimination against an employee or student on the basis of gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference or disability.

*Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.*

*Revised 10/31/97*