



NEPN Code: GBECB-R/STI

Policies and Regulations

Personnel

Alcohol-Free Work Place

Definitions

“Under the influence” means for the purpose of this policy that the employee is affected by an alcoholic substance, or the combination of a drug and alcohol, in any detectable manner. The symptoms of influence are not confined to those consistent with misbehavior or to obvious impairment of physical or mental ability such as slurred speech or difficulty in maintaining balance. A determination of influence can be established by professional opinion, a scientifically valid test and, in some cases such as alcohol, by a lay person’s opinion.

“Possession” means the physical presence or presence after testing by a Medical Review Officer, of any detectable amount of alcohol.

“Reasonable suspicion” means a determination based on objective facts and inferences drawn from those facts as well as personal observations that suggest an employee is under the influence of alcohol.

“Work place” includes STI property including motor vehicles, parking areas and sidewalks surrounding the building. Work place also includes any site for the performance of work as an STI employee, including but not limited to, student activities.

Assistance

If an employee has an alcohol problem and voluntarily seeks help to overcome the problem, assistance is available to the employee either through the Sioux Falls School District insurance plan, if the employee is an enrolled participant, or the District’s Employee Assistance Plan, if available. An employee’s decision to seek assistance will not be used as a basis for disciplinary action, nor will it be a defense to or a mitigating factor in the imposition of appropriate disciplinary action, including termination, where facts indicating a violation of this policy are obtained independent of the employee’s pursuit of assistance.

STI has information available to all employees regarding resources available to assist with alcohol problems, including counseling or rehabilitation assistance.

Reasonable Suspicion

1. STI may request an STI employee to undergo alcohol testing if there is reasonable suspicion that the employee is under the influence of alcohol

during normal business hours or during a work assignment. There shall be no random testing. Circumstances which constitute a basis for determining reasonable suspicion may include, but are not limited to:

- A pattern of abnormal or erratic behavior which is so unusual that it warrants summoning a supervisor, department head or someone else for assistance.
 - Information provided by a reliable and credible source with personal knowledge.
 - Direct observation of alcohol use.
 - Presence of the physical symptoms of alcohol use, i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes, abrupt swings in mood or energy level, or excessive irritability and emotional outbursts.
 - Possession of alcohol in the work place.
 - Involvement in a work-related accident or incident, excessive absenteeism, severe and prolonged reduction in productivity or performance.
2. A positive result from the alcohol analysis may result in disciplinary action as identified in the negotiated agreement. Any employee refusing to submit to an alcohol test will be subject to the consequences of a positive test. A refusal is defined as a verbal refusal, failure to execute the consent form, abusive language to the supervisor or personnel performing the test, or tampering of any sample, container, equipment or documentation of the sampling process.
 3. Supervisors are required to detail in writing the basis for their determination that reasonable suspicion existed to warrant the testing of an employee, including, but not limited to, the specific facts, symptoms or observations and a description of any evidence obtained after searching STI property or the employee's personal property brought onto STI property.

Test Procedures

The employee may be asked to submit to alcohol testing by a qualified medical physician or hospital at STI expense and on STI time. An association representative may be present during the discussion of the request for testing, if the employee so requests. However, if an association representative is not available, to avoid time delays, the employee can elect to have another staff member serve as a witness to the testing discussion. Prior to testing, all persons to be tested are required to complete and sign the employee consent form and a statement allowing the hospital/physician to release medical information to STI.

A single occupational medicine provider has been selected (with a contract executed) to provide alcohol testing. All positive tests will be reviewed by a qualified Medical Review Officer (MRO).

Any employee refusing to submit to an alcohol test will be subject to the consequences of a positive test. A refusal is defined as a verbal refusal, failure to execute the consent form, abusive language to the supervisor or personnel performing the test, or tampering with any sample, container, equipment or documentation of the sampling process.

An employee suspected of being under the influence will be driven to and from the testing site by an STI representative. If the testing results are not immediately available, the employee will not be permitted to return to work, but placed on paid leave until the results are available. The employee may arrange for transportation from the testing site or transportation home shall be provided by the STI representative.

A positive result from the alcohol test may result in disciplinary action or requirement of satisfactory participation in a rehabilitation program, in accordance with the respective working agreement, as well as a referral for prosecution, if appropriate.

Confidentiality

Information obtained on individuals pursuant to this policy will be disclosed only to those persons having legitimate need for it. Medical records pertaining to alcohol use are confidential, and access to such records shall be in accordance with STI policy. Medical records are not kept in the personnel file.

Special Provision for “Commercial Drivers”

The provisions of this regulation shall not apply to “commercial drivers” as defined in Policy GBECA/STI. Testing and discipline of “commercial drivers” will be governed by Policy/Regulation GBECA/STI – GBECA-R/STI.

RELATED POLICIES:

GBECA/STI – GBECA-R/STI – Drug and Alcohol Testing for Commercial Drivers
GBEB/STI – Code of Conduct

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