

## **ARTICLE XXII -- HEALTH SERVICES/PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS AND TESTS**

- A. At the time of employment, every employee covered by this Agreement shall receive, at Board expense, a physical examination, including an electrocardiogram. Annual physical examinations shall be required by the Board.
- B. The cost of all physical, psychological, or psychiatric tests or examinations taken by employees at the request or order of the Superintendent or his/her designee shall be borne by the Board.
- C. At all times, the choice from among state-licensed physicians, psychologists, or psychiatrists shall be made by the employee from a list provided by the employer. No employee shall be compelled to submit to any test or examination not required of all employees of that classification without a written statement of the need for such examination from the Chief of School Police, (or designee). Such statement shall only relate to the fitness of the employee for performing his/her job.
- D. An employee shall have the right to seek an additional opinion or judgment from among state-licensed physicians, psychologists, or psychiatrists of the employee's choosing. The cost shall be borne by the employee. When this option is exercised, the additional opinion shall be attached to any other medical opinions under consideration with respect to personnel action against the employee.
- E. Employees will be examined or tested on the Board's time when directed to do so, at the Board's expense, in combination with the employee's insurance, if applicable.
- F. Refusal of an employee to submit to such examinations and tests, when directed, shall be grounds for appropriate disciplinary action.
- G. Drug-Free Work Place General Policy Statement -- M-DCPS and the FOP recognize that substance abuse in our nation and our community exacts staggering costs in both human and economic terms. Substance abuse can be reasonably expected to produce impaired job performance, lost productivity, absenteeism, accidents, wasted materials, lowered morale, rising health care costs, and diminished interpersonal relationship skills. M-DCPS and the FOP share a commitment to solve this problem and to create and maintain a drug-free work place.

M-DCPS is responsible for the instruction and well-being of the students entrusted to its care. A consistent message needs to be communicated to M-DCPS students: the use of illegal drugs, the abuse of alcohol, and the misuse of prescription drugs is unacceptable.

### 1. Policy Objectives

- a. to promote a healthy, safe-working, and learning environment;
- b. to seek the rehabilitation of employees with a self-admitted or detected substance abuse problem;
- c. to eliminate substance abuse problems in the work place;
- d. to provide a consistent model of substance-free behavior for students;
- e. to provide a clear standard of conduct for M-DCPS employees; and,
- f. to hire drug-free employees.

## 2. Policy Statement - Illegal Drugs

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

- a. Employees on duty or on Board property will not manufacture, distribute, dispense, possess, or use illegal drugs, nor will they be under the influence of such drugs.
- b. Employees on or off duty will not influence students to use or abuse illegal drugs.
- c. An employee convicted of any criminal drug statute violation occurring in the work place shall notify M-DCPS no later than five days after such a conviction.

## 3. Policy Statement - Alcohol and Prescription Drugs

Alcohol, prescription, and over-the-counter drugs are legal and readily available. Generally safe and acceptable, these drugs, when abused over time or used in combination with one another, can result in chemical dependency or poly-drug addiction. Employees are expected to conduct themselves in a manner consistent with the following provisions:

- a. Employees on duty or on Board property will be free of intoxication from alcohol. Further, employees will not manufacture or use alcoholic beverages while on Board property or on duty.
- b. 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 what 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.

4. Policy Statement - Employee Physical Examinations/Screening/Health Services

In order to establish and support a clear standard of conduct for employees, M-DCPS adheres to the following provisions:

- a. Drug screening will be included in all physical examinations required under existing labor contracts, statutes, and Board Rules.
- b. Circumstances under which testing may be considered include, but are not limited to, the following:
  - (1) observed use of illegal drugs and/or abuse of alcohol during work hours;
  - (2) apparent physical state of impairment of motor functions;
  - (3) marked changes in personal behavior on the job not attributable to other factors; and,
  - (4) employee involvement in serious or repetitive accidents on the job causing personal injury to self or others and/or significant property damage.
- c. Drug and/or alcohol screening shall be conducted by Board-approved, independent, certified laboratories utilizing recognized techniques and procedures, as described in the M-DCPS "Drug-Free Work Place Technical Guide", which is incorporated by reference into this Contract, and made a part thereof. The protocol for drug screening shall include a split sample and chemical immunoassay screening procedure. In the event initial test results are screened positive, such results will be confirmed and verified by the Gas Chromatography/Mass Spectrometry (GC/MS) test.
- d. Medical records and information relating directly thereto will be maintained in strict confidentiality. Any laboratory contract shall provide that the contractor's records are to be kept confidential under provisions of Florida law. M-DCPS shall establish a system of maintaining records to include both the district's and the contractor's record of applicant and employee urinalysis and blood alcohol results.

The contract and the record maintenance system must have specific provisions that require that employee records are maintained and used with the highest regard for employee privacy, consistent with

Florida's Public Records Act, and the purpose of achieving and maintaining a drug-free work place.

- e. M-DCPS recognizes that chemical dependency is an illness that can be successfully treated. It is the policy of Miami-Dade County Public Schools, where possible, to seek rehabilitation of employees with a self-admitted or detected drug problem. Disciplinary action may be instituted against employees who the Board believes will not be assisted by rehabilitation or who have negatively impacted students and/or staff. Employees who have previously been referred for assistance or employees unwilling or unable to rehabilitate may be subject to appropriate action, pursuant to Board Policy, applicable Florida Statutes, State Board of Education Rules, and applicable provisions of collective bargaining agreements.