

## ARTICLE XIX -- QUALITY OF WORK LIFE

### Section 1. Employee Assistance Program

Recognizing that a variety of problems not directly connected to an employee's job function can impact on job performance and/or attendance, the School Board has established an Employees Assistance Program (EAP). The EAP is intended to help unit members and their families who are experiencing problems that jeopardize an employee's health and continued employment.

Under the program:

- A. Appropriate action will be taken to insure the confidentiality of records for any unit member admitted to the program, according to established guidelines and federal regulations.
- B. Guidelines for the EAP, by reference, are included in School Board Rule 6Gx13-4D-1.11.
- C. An employee has the right to elect not to participate in the program and may discontinue participation at any time.

### Section 2. Physical and Psychological Examinations and Tests

An employee shall not be required to submit to any physical and psychological examination or test without a written statement of the need for such examination. In such cases, the employee has the choice to select a medical specialist from a list of state licensed physicians, psychologists, or psychiatrists provided by the employer.

The cost of such examinations taken at the request or direction of the Superintendent or his/her designee -- except those examinations or tests which are prerequisites on initial employment -- shall be borne by the School Board.

A unit 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 will be absorbed by the unit employee. When the option is exercised, the additional opinion shall be attached to any other medical opinions under consideration.

### Section 3. Chemicals

In the event unit employees are exposed to toxic chemicals as part of their ordinary duties, they will be given prescribed examinations and tests at the time of such exposure, and thereafter, as determined by the examining physician. Examinations and tests will be on the School Board's time and at the School Board's expense. Refusal by an employee to submit to such examination and tests shall be grounds for appropriate disciplinary action including dismissal.

### Section 4. Personal Life

The private and personal life of an employee, except for such incidents and occurrences which could lead to suspension and dismissal as provided by statute, or School Board Rule shall not be within the appropriate concern of the School Board.

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### **Section 5. Drug-Free Work Place General Policy Statement**

M-DCPS and DCSAA 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 DCSAA 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.

#### A. Policy Objectives

1. To promote a healthy, safe-working, and learning environment;
2. To seek the rehabilitation of employees with a self-admitted or detected substance abuse problem;
3. To eliminate substance abuse problems in the work place;
4. To provide a consistent model of substance-free behavior for students;
5. To provide a clear standard of conduct for M-DCPS employees; and
6. To hire drug-free employees.

#### B. 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:

1. 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.
2. Employees on or off duty will not influence students to use or abuse illegal drugs.
3. An employee convicted of any criminal drug statute violation shall notify M-DCPS no later than five days after such conviction.

#### C. 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:

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1. Employees on duty or on School Board property will be free of intoxication from alcohol. Further, employees will not manufacture or use alcoholic beverages while on School Board property or on duty.
2. 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 Board Health Services Program.

D. Policy Statement -- Employee Physical Examination/Screening/Health Services

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

1. Drug screening will be included in all physical examinations required under existing labor contracts, statutes, and School Board Rules.
2. Circumstances under which testing may be considered include, but are not limited to, the following:
  - a. Observed use of illegal drugs and/or abuse of alcohol during work hours;
  - b. Apparent physical state of impairment of motor functions;
  - c. Marked changes in personal behavior on the job not attributed to other factors; and
  - d. Employee involvement in serious or repetitive accidents on the job, causing personal injury to self or others and/or significant property damage.
3. Drug and/or alcohol screening shall be conducted by School Board-approved, independent, certified laboratories utilizing recognized techniques and procedures, as described in the Miami-Dade County Public Schools "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 immunization 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.
4. 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.
5. M-DCPS recognizes that chemical dependency is an illness that can be successfully treated. It is the policy of M-DCPS, where possible, to seek rehabilitation of employees with a self-admitted or detected drug problem.

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Disciplinary action may be instituted against employees who the School 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 School Board policy, applicable Florida Statutes, State Board Rules, and applicable provisions of this Agreement.

### **Section 6. Tobacco-Free Work Place**

The parties seek to foster the health and safety of all M-DCPS employees, students, and visitors.

Smoking poses a significant risk to the health of the smoker. It can damage sensitive technical equipment and can be a safety hazard. In sufficient concentrations, side-stream smoke can be hazardous to non-smokers in the work environment. It may be harmful to individuals with heart and respiratory diseases or allergies related to tobacco smoke. Use of other tobacco products also poses a significant risk to the health of the user.

Smoking is a complex behavioral action which has some properties of both a psychological and physiological addiction. Many individuals need assistance to eliminate smoking from their lives.

Use of tobacco products is prohibited in areas where students are located or where there is sensitive or hazardous material.

Use of tobacco products is prohibited on School Board owned/leased properties and vehicles.

All current and potential employees will be informed of the M-DCPS tobacco-free work place policy, as described in the M-DCPS Tobacco-Free Work Place Technical Guide, which is incorporated by reference into the contract and made a part thereof.

### **Section 7. Safety**

- A. Employees shall not be required to work under unsafe or hazardous conditions. Employees are to be provided a safe work place and are to be furnished with safety devices, protective clothing, and such safeguards as are necessary to reduce or eliminate accidents and injuries. Manager/ supervisors are to do everything reasonably necessary to protect the life, health, and safety of each employee and the public.
- B. Employees will follow safe practices and operating methods on all jobs assigned. Employees shall be required to wear the safety devices, protective clothing, or equipment designated by management for employee protection. Safety devices and equipment, when required, will be provided by the School Board. Refusal or failure of an employee to use or wear such devices or equipment, or failure to follow safe practice and operating methods, shall be grounds for appropriate disciplinary action.
- C. In the event an employee is involved in an accident or injury, an accident report will be completed and distributed, as prescribed by School Board Rules and State Statutes.

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**Section 8. Professional Growth and Development**

- A. The parties, in recognition of the individual and organizational benefits derived from a proactive professional development program, endorse and commit to providing the M-DCPS professional and technical workforce, opportunities to develop or enhance professional competency and leadership skills.

Specifically, the parties agree:

1. To expand or develop M-DCPS inservice training courses and programs in response to occupational, organizational and technological changes;
2. To encourage employees to avail themselves of pertinent training and career development opportunities offered by M-DCPS and other sources; and
3. To monitor through the M-DCPS/DCSAA Labor Management Committee the training needs of professional and technical employees and develop in conjunction with the Office of Labor Relations plans and programs for meeting identified needs.

- B. Tuition Reimbursement

As a professional development incentive, tuition reimbursement shall be provided to unit members taking courses which strengthen individual competencies and/or enhance the achievement of district goals.

1. All members of the bargaining unit shall be eligible to receive tuition reimbursement payments for up to the nine graduate semester hours (or equivalent in quarter hours) per year from an accredited institution of higher learning. Effective the Fall semester of the 2007-2008 school year, the maximum graduate credits per year shall increase to twelve (12). The course of study shall be directly related to the employee's primary job responsibilities.
2. A bargaining unit member may request reimbursement for the cost of a professional development course or seminar offered by an accredited technical or professional institution. The course or seminar shall be directly related to the employee's primary job responsibilities. Such reimbursement shall not exceed \$500 in a fiscal year. The course or seminar must be approved by the supervising administrator, prior to registration.
3. The period in which the nine hours may be taken extends from the fall term to the succeeding fall term for the particular institution the employee is attending.
4. Tuition reimbursement shall be available for Bachelor and graduate level courses that are required by a formal course of study leading to a degree.
5. Effective the Fall semester of the 2006-2007 school year the per credit hour reimbursement shall not exceed \$150 with an annual cap for the bargaining unit of \$50,000 to be awarded to employees on a first come, first-served basis.

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6. Courses must be completed during the individual's employment period.
  7. To obtain tuition reimbursement, the employee shall submit the following documentation to Compensation Administration:
    - a. the official transcript (with raised seal) indicating successful completion of the course(s) and the credits earned;
    - b. verification from the college/university of the tuition paid (Form FT1); and
    - c. the employee's supervising administrator's advance written approval.
  8. Required documentation must be submitted no later than six months after the end of the term/semester during which the course was completed or within six months after official establishment of degree candidacy.
  9. Employees who have applied for and are participating in the Deferred Retirement Option Program (DROP) are not eligible for reimbursement.
- C. This Section shall not be grievable or arbitrable.

**Section 9. Credentials, Certification and License Payments**

Those unit members who are required as part of their job responsibilities to maintain a license or certification shall be compensated for the renewal cost of said licenses or certification. A list of jobs eligible for this payment will be provided to the Union.