

DRUG-FREE WORKPLACE POLICY

KDLA provides this example policy to assist a library in developing and adopting their own policy. The example policy should be modified to meet the needs of your library and community and should be reviewed by the library's attorney prior to adoption.

The _____ County Public Library maintains a drug-free workplace. The library prohibits the abuse of prescription and non-prescription drugs, or the use of alcohol, during work hours. If an employee appears to be impaired by drugs or alcohol or uses drugs or alcohol during work time, the employee may be referred for testing at the library's expense. Upon confirmation of drug or alcohol abuse, the employee shall be disciplined in accordance with library policy, up to and including termination. An employee assistance program is available for employees and their families.

This policy is intended to comply with all state and federal laws governing drug testing and is designed to safeguard employee privacy rights to the fullest extent of the law.

As a condition of employment all current and prospective employees must agree to abide by the library's drug testing policy. Prospective employees will only be asked to submit to a test once a conditional offer of employment has been extended and accepted. An offer of employment by the library is conditioned on the prospective employee testing negative for substance abuse.

Current employees shall only be required to submit to drug testing in case of an accident while working or when other reasonable cause exists to believe that the employee may be abusing drugs or alcohol. When required to submit to a drug test, the employee shall receive written notice of the request, and the reason for the action. The employee must also sign a testing authorization and acknowledgement form confirming that they are aware of the policy and employee's rights. Requiring an employee to submit to drug testing is not considered a disciplinary action and is not negatively indicated in the employee's personnel record.

Any drug testing required or requested by the library shall be conducted by a laboratory chosen by the library and which is licensed by the state. All expenses related to the test shall be incurred by the library. The employee shall be furnished the name and location of the laboratory which shall analyze the employee's test sample by the library administration. The library administration shall set the time and date for the drug testing to take place. This testing appointment shall be coordinated with the employee insofar as possible, and shall be during normal work hours. Failure of the employee to appear for testing will be considered the same as a positive test. If the library receives notice that the employee's test results were confirmed positive, the employee shall be given the opportunity to explain the positive result. In addition, the employee may have the same sample retested at a licensed laboratory of the employee's choosing at the employee's expense.

If there is reason to suspect that the employee is impaired by the abuse of drugs or alcohol during work hours the employee may be suspended, with pay, until the results of a drug and alcohol test are made available to the library by the testing laboratory. This action is at the discretion of the library director or their representative and is not considered a disciplinary action and is not negatively indicated in the employee's personnel record.

All testing results shall remain confidential. Test results may be used in arbitration, administrative hearings and court cases arising as a result of the employee's drug testing. Results shall be sent to law enforcement agencies if required by law.

The library director shall have authority to take appropriate disciplinary action based upon the results of the drug test and the level of cooperation of the employee. Such action may range from administrative suspension to employee termination. If the employee is suspended it may be with or without pay and the length of the suspension shall be at the discretion of the library director, who shall also make final determination of the suitability of the employee's eventual return to work. Any suspension without pay exceeding 10 days is subject to automatic review by the library board. In no case will a suspension with pay exceed 90 days without board approval.

Any employee has the right to file a written appeal to the library board for any action, including a request for testing, initiated under this policy. The library board may consider the appeal at their next regular meeting or may convene a special meeting, as the discretion of the board president. A pending appeal to the library board shall not constitute justification for failure to appear for drug testing, and such failure may result in disciplinary action.

Any employee may also request a public hearing before the board, but only for disciplinary action taken against them based upon this policy. The library board may hear the oral appeal at their next regular meeting or may convene a special meeting, at the discretion of the board president. The hearing may be conducted as a public meeting if requested by the employee, or may be conducted as a closed session if satisfactory to the employee and allowed by KRS 61.810(c) or 61.810(f).

In all instances of appeal, the decision of the library board shall be final.

[reviewed 2/10/2021]